



PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE

Thursday, November 15, 2018
SCRD Boardroom, 1975 Field Road, Sechelt, B.C.

AGENDA

CALL TO ORDER 9:30 a.m.

AGENDA

1. Adoption of Agenda

PRESENTATIONS AND DELEGATIONS

2. Planning and Community Development Services Overview Verbal
Ian Hall, General Manager, Planning and Community Development
3. Geotechnical Considerations in SCRD Planning Verbal
Andrew Allen, Manager, Planning and Development

REPORTS

4. Manager, Planning and Development – Policy for Geo-Hazard Acceptability in Development Approval Annex A
(Rural Planning) (Voting – A, B, D, E, F) pp 1 - 13
5. Senior Planner – Introduction of Proposed Roberts Creek Official Community Plan Amendment for Remainder District Lot 1312 – Electoral Area D Annex B
Electoral Area D (Rural Planning) (Voting – A, B, D, E, F) pp 14 - 25
6. Senior Planner - Provincial Referral CRN00070 for annual removal of gravel from Rainy River (Howe Sound Pulp and Paper Corp.) – Electoral Area F Annex C
Electoral Area F (Rural Planning) (Voting – A, B, D, E, F) pp 26 - 61
7. Planner - Provincial Referral 104755529-001 for a Private Moorage (Pindar) – Electoral Area A Annex D
Electoral Area A (Rural Planning) (Voting – A, B, D, E, F) pp 62 - 93
8. Planner – Provincial Referral CRN00067 for a Private Moorage (Cordy-Simpson & Schweitzer) – Electoral Area A Annex E
Electoral Area A (Rural Planning) (Voting – A, B, D, E, F) pp 94 - 119
9. Planning Technician – Frontage Waiver for Subdivision SD000045 (Watson) – Electoral Area D Annex F
Electoral Area D (Rural Planning) (Voting – A, B, D, E, F) pp 120 - 123
10. Electoral Area D (Roberts Creek) APC Minutes of October 15, 2018 Annex G
Electoral Area D (Rural Planning) (Voting – A, B, D, E, F) pp 124 - 125

COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – November 15, 2018

AUTHOR: Andrew Allen, Manager, Planning and Development

SUBJECT: Policy for Geo-Hazard Acceptability in Development Approval

RECOMMENDATIONS

THAT the report titled Policy for Geo-Hazard Acceptability in Development Approval be received;

AND THAT the existing SCRD Board Policy No. 13-6410-8 – Risk Assessment and Liability be replaced by the Policy for Geo-Hazard Acceptability in Development Approval as contained in this report;

AND FURTHER THAT Board Policy 13-6410-4 – Development Permits be repealed.

BACKGROUND

SCRD Board Policy No. 13-6410-8 – Risk Assessment and Liability adopted in 2012 (Attachment B) sets standards for what risk thresholds are acceptable to the SCRD for development approvals involving various geo-hazards, such as seismic event, flood, landslide, debris flow and rock fall. These standards apply to all types of development regardless of their scale, size and intensity and make no distinction between new development and redevelopment of a property.

According to the Engineers and Geoscientists of British Columbia (EGBC), defining the acceptability of risk is not the role of a professional engineer or geo-scientist, but rather must be established by local governments. The engineer defines the risk and the local government defines the level of acceptability of the hazard. Not all types of development need to meet the same standards, and government acceptance of risk can vary depending on the probability of risk and the intensity of the development.

The purpose of this report is to introduce a new and more detailed policy respecting geo-hazard risk assessment. The new policy contains more detail and analysis and is recommended to replace the 2012 policy.

DISCUSSION

Staff have identified a need and an opportunity to improve the practicality of Board Policy No. 13-6410-8 by introducing a scale of acceptability in development approval suitable for different types of development, different kinds of hazard and different probability of risk while ensuring the development is safe and ensuring SCRD is not at risk.

A more scalable approach can enable repair rather than rebuild of structures, and thus reduces waste to landfill, and enhances affordability and construction options available to property owners.

This report provides an analysis of various factors related to this issue, and recommends policy changes. The proposed policy has been reviewed by Western Geo-technical Consultants, the Municipal Insurance Association of BC and SCRDC's legal counsel and respective comments have been incorporated into the policy. The proposed approach aligns with those adopted by other local governments in the south coastal area of BC with similar geological conditions, such as the Fraser Valley Regional District.

The key factors for consideration in development approval involving geo-hazards include the types of development, the types of hazard, avoidance and protective measures, liability transfer, and the probability of risk. Generally, developments that are of greater intensity or size, or exposed to greater risks are less likely to be approved or require stronger avoidance and protective measures and higher design standards, and vice versa.

Types of Development

Types of development can be generally ranked by a scale of intensity and size of developments that commonly occur on the Sunshine Coast.

1. Restoration and Small Addition

Restoration of a damaged structure includes repair works or rebuilding of a structure on its existing location and within its existing spatial limits. Small addition includes an attached expansion to an existing building or a detached additional building. The total gross floor area of the addition should not exceed 25% of that of the existing building or 60 m², whichever is lesser.

2. Small Development

Small development mainly includes construction of new buildings or larger expansion of existing buildings. It can also include lot line adjustments, but does not include subdivisions. This type of development ranges from construction of one or two dwellings and auxiliary buildings on a single lot, to a small multi-unit residential building or small buildings for other purposes. The total gross floor area of all buildings of this type of development should normally be between 60 m² and 500 m².

3. Large Development or Subdivision

A large development includes new buildings with a total gross floor area exceeding 500 m², or a subdivision creating one or more additional parcels. Large developments can range from multiple dwellings on a single lot or multiple lots, to larger apartment buildings, commercial, institutional or industrial buildings, etc.

Types of Hazard

On the Sunshine Coast, typical geo-hazards include flooding, sea level rise, landslide, debris flow, rock fall and seismic event. These hazards can be organized in four main types: seismic event, creek flooding, ocean flooding and localized hazards. These hazard types have been identified within development permit areas of SCRDC official community plans. From 2013 to 2015 SCRDC commissioned Kerr Wood Leidel Consulting Engineers to conduct a review of geotechnical hazards within SCRDC official community plan areas. The aforementioned hazard types were analysed based on terrain, slope, climate and localised conditions. Development permit areas were created, and mapped within the official community plans to reflect the potential hazards.

Probability of Risk

Based on the identified hazards a review has been conducted to identify hazard assessment thresholds for each hazard type are proposed. There is a range within each hazard type depending on the scale of proposed development. The following is a summary of the hazard types and consideration of the probability of risk and is expanded upon within the proposed policy:

- Seismic event: 8%, 4% and 2% in 50 years
- Creek flooding: 1 in 50 years, 100 years and 200 years
- Ocean flooding (mainly resulted from global sea level rise and its associated impacts such as storm surge, tide and wave): anticipated sea level in 20 years, 60 years and 100 years
- Localized hazards: including landslide, debris flow, rock fall, etc. The probability of risk varies due to local conditions and will be determined by the qualified professional's study of the site.

Avoidance and Protective Measures

Avoidance measures include elevating a building above flood line and setting back a building from water or slope edge. These measures are generally established as development permit requirements in official community plans. Protective measures may include raised and re-enforced foundations, berms and dykes, rock fall barriers, and flood proofing design and earthquake-resistant seismic design devised by geo-technical engineers. Protective measures can be included as conditions in a development permit or a covenant registered on title of the property.

Liability Transfer

After all design standards have been met and all reasonable avoidance and protective measures have been undertaken, the residual liability of the regulatory authority in approving a development application can largely be transferred to the development proponent through a "save harmless" covenant registered on title of the property to include some form of waiver of right to sue the regulatory authority, in the event damage or death occurs due to hazards. Such a covenant also serves as an instrument on title, informing prospective purchasers of known hazards.

The current Board Policy 13-6410-4 – Development Permits (Attachment C) requires a restrictive covenant to be registered in conjunction with the issuance of development permits to indemnify the Regional District. However, this policy applies to all development permits and it is unnecessary where a development permit area does not involve geo-hazards, such as a riparian zone or an area designated for form and character design control. In order to distinguish approval requirements between developments with and without geo-hazards, it is recommended that this policy be repealed and replaced by the proposed policy which requires such a covenant only where geo-hazards are present.

Recommended New Policies

Based on the analysis, a scale of variance can be introduced into approval requirements involving major hazards for different development types, while some common requirements applicable to all developments in the current policy can be retained and enhanced. The following new policy (also in Attachment A) is recommended:

Policy for Geo-Hazard Acceptability in Development Approval

1. This Policy applies to all development applications involving geo-hazards.
2. For all development approvals involving geo-hazards, the SCRD requires the property owner to register a “save harmless” covenant on title of the property indemnifying the SCRD and its elected and appointed officials from all geo-hazard liabilities or losses that may result from approval of the development application and accepting all geo-hazard risks, despite all required standards having been met and all reasonable avoidance and protective measures having been undertaken.
3. The SCRD requires the qualified professional’s report to state that the site is safe for the use intended and specify what conditions are required to ensure the site will be safe.
4. For seismic and flood hazards, the SCRD requires a development to meet the standards corresponding to the type and size of the development as shown within the following table:

Development Type & Size	Hazard Design Standard		
	Seismic Event	Creek Flooding	Ocean Flooding
Restoration and Small Addition: Restoration includes repair of a damaged structure or rebuilding of a structure within its existing location and spatial limits. Small addition includes an attached expansion to an existing building or a detached additional building with total gross floor area not exceeding 25% of the existing building or 60 m ² , whichever is lesser.	8% in 50 years	1 in 50 years	Anticipated sea level in 20 years
Small Development: Construction of new buildings with total gross floor area between 60 m ² and 500 m ² , lot line adjustments, but excluding subdivisions.	4% in 50 years	1 in 100 years	Anticipated sea level in 60 years
Large Development or Subdivision: New buildings with a total gross floor area exceeding 500 m ² , or subdivision creating one or more additional lots.	2% in 50 years	1 in 200 years	Anticipated sea level in 100 years

5. For landslides, the SCRD requires that the qualified professional's report include a completed *Appendix D: Landslide Assessment Assurance Statement* (Attachment A - Schedule 1).
6. For all hazards including localized hazards such as debris flow and rock fall, the qualified professional must:
 - a. describe the method of hazard or risk analysis used;
 - b. refer to appropriate provincial, national or international guidelines or benchmarks for the level of safety;
 - c. compare the guidelines with findings of his/her own investigation;
 - d. make a finding on the level of safety on the property based on the comparison;
 - e. make recommendations on design standards based on the comparison, the scale of the development and SCRD requirements in Policy statement No. 4 above;
 - f. make recommendations to reduce hazards and risks such as siting requirements to avoid the hazards, requirements for protective work; and
 - g. report on the requirements for future inspections of the property and recommend who should conduct those inspections.

Communication Strategy

Following Board direction, the new policy will be communicated to developers, geo-technical professionals and realtors and added to the SCRD Planning Services web page.

STRATEGIC PLAN AND RELATED POLICIES

The following SCRD Strategic Plan objectives and success indicators relate to the subject of this report:

- Incorporate land use planning and policies to support local economic development.
- Create and use an “environmental lens” for planning, policy development, service delivery and monitoring.
- Land use policies and regulations are supporting affordable housing.

CONCLUSION

Following the creation of new development permit areas for the rural area official community plans, a need was identified to improve upon the practicality and level of analysis provided for in the present Board policy respecting geo-hazard risk assessment, which was established in 2012.

A new policy has been drafted which introduces a scale of acceptability in development approval suitable for different types of development, different kinds of hazard and different probability of risk. This policy will enable consideration to be given to a wide range of developments from small restorations and additions through to new subdivisions.

The policy will provide a level of detail for property owners and consulting engineers to consider when proposing land development and also provides SCRD an established level of risk assessment to consider when approving a wide range of development activity.

Attachments

Attachment A – Proposed Replacement Policy for SCRD Board Policy No. 13-6410-8

Attachment B – SCRD Board Policy No. 13-6410-8 – Risk Assessment and Liability

Attachment C – SCRD Board Policy No. 13-6410-4 – Development Permits

Reviewed by:			
Manager	X - A. Allen	Finance	X-T. Perreault
GM	X - I. Hall	Legislative	X- A. Legault
CAO	X- J. Loveys	Risk Management	X- V. Cropp
		Legal	X- Counsel

Attachment A Proposed Replacement Policy for SCRD Board Policy No. 13-6410-8

Sunshine Coast Regional District

BOARD POLICY MANUAL

Section:	Planning and Community Development	13
Subsection:	Planning and Development	6410
Title:	Geo-Hazard Acceptability in Development Approval	8

1.0 POLICY

1.1 This Policy applies to all development applications involving geo-hazards.

1.2 For all development approvals involving geo-hazards, the SCRD requires the property owner to register a “save harmless” covenant on title of the property indemnifying the SCRD and its elected and appointed officials from all geo-hazard liabilities or losses that may result from approval of the development application and accepting all geo-hazard risks, despite all required standards having been met and all reasonable avoidance and protective measures having been undertaken.

1.3 The SCRD requires the qualified professional’s report to state that the site is safe for the use intended and specify what conditions are required to ensure the site will be safe.

1.4 For seismic and flood hazards, the SCRD requires a development to meet the following standards corresponding to the type and size of the development:

Development Type & Size	Hazard Design Standard		
	Seismic Event	Creek Flooding	Ocean Flooding
Restoration and Small Addition: Restoration includes repair of a damaged structure or rebuilding of a structure within its existing location and spatial limits. Small addition includes an attached expansion to an existing building or a detached additional building with total gross floor area not exceeding 25% of the existing building or 60 m ² , whichever is lesser.	8% in 50 years	1 in 50 years	Anticipated sea level in 20 years
Small Development: Construction of new buildings with total gross floor area between 60 m ² and 500 m ² , lot line adjustments, but excluding subdivisions.	4% in 50 years	1 in 100 years	Anticipated sea level in 60 years
Large Development or Subdivision: New buildings with a total gross floor area exceeding 500 m ² , or subdivision creating one or more additional lots.	2% in 50 years	1 in 200 years	Anticipated sea level in 100 years

1.5 For landslides, the SCRD requires that the qualified professional's report include a completed *Appendix D: Landslide Assessment Assurance Statement* (Schedule 1).

1.6 For all hazards including localized hazards such as debris flow and rock fall, the qualified professional must:

- a. describe the method of hazard or risk analysis used;
- b. refer to appropriate provincial, national or international guidelines or benchmarks for the level of safety;
- c. compare the guidelines with findings of his/her own investigation;
- d. make a finding on the level of safety on the property based on the comparison;
- e. make recommendations on design standards based on the comparison, the scale of the development and SCRD requirements in Policy 1.4;
- f. make recommendations to reduce hazards and risks such as siting requirements to avoid the hazards, requirements for protective work; and
- g. report on the requirements for future inspections of the property and recommend who should conduct those inspections.

2.0 REASON FOR POLICY

To establish a range of geo-hazard design benchmarks corresponding to the scale and size of development as a basis for approval or non-approval of permits for development on hazardous lands.

3.0 AUTHORITY TO ACT

Delegated to staff through development application approval.

4.0 PROCEDURE

4.1 Scope of Policy

This Policy applies to all development applications involving geo-hazards.

4.2 Responsibility

Board of Directors

To be familiar with this policy and to make decisions regarding the issuance of permits based on this policy.

Manager of Planning and Development

To provide advice to the Board of Directors on this policy.

Approval Date:		Resolution No.	
Amendment Date:		Resolution No.	
Amendment Date:		Resolution No.	
Amendment Date:		Resolution No.	

Schedule 1

APPENDIX D: LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Note: This Statement is to be read and completed in conjunction with the "EGBC Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia", March 2006/Revised September 2008 ("EGBC Guidelines") and the "2006 BC Building Code (BCBC 2006)" and is to be provided for *landslide assessments* (not floods or flood controls) for the purposes of the Land Title Act, Community Charter or the Local Government Act. Italicized words are defined in the EGBC Guidelines.

To: The Approving Authority

Date: _____

Jurisdiction and address

With reference to (check one):

- ☐ Land Title Act (Section 86) – Subdivision Approval
- ☐ Local Government Act (Sections 919.1 and 920) – Development Permit
- ☐ Community Charter (Section 56) – Building Permit
- ☐ Local Government Act (Section 910) – Flood Plain Bylaw Variance
- ☐ Local Government Act (Section 910) – Flood Plain Bylaw Exemption
- ☐ British Columbia Building Code 2006 sentences 4.1.8.16 (8) and 9.4 4.4.(2) (Refer to BC Building and Safety Policy Branch Information Bulletin B10-01 issued January 18, 2010)

For the Property:

Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a *Qualified Professional* and is a *Professional Engineer* or *Professional Geoscientist*.

I have signed, sealed and dated, and thereby certified, the attached *landslide assessment* report on the Property in accordance with the *EGBC Guidelines*. That report must be read in conjunction with this Statement. In preparing that report I have:

Check to the left of applicable items

- ___ 1. Collected and reviewed appropriate background information
- ___ 2. Reviewed the proposed *residential development* on the Property
- ___ 3. Conducted field work on and, if required, beyond the Property
- ___ 4. Reported on the results of the field work on and, if required, beyond the Property
- ___ 5. Considered any changed conditions on and, if required, beyond the Property
- ___ 6. For a *landslide hazard analysis* or *landslide risk analysis* I have:
 - ___ 6.1 reviewed and characterized, if appropriate, any *landslide* that may affect the Property
 - ___ 6.2 estimated the *landslide hazard*
 - ___ 6.3 identified existing and anticipated future *elements at risk* on and, if required, beyond the Property
 - ___ 6.4 estimated the potential *consequences* to those *elements at risk*
- ___ 7. Where the *Approving Authority* has adopted a *level of landslide safety* I have:
 - ___ 7.1 compared the *level of landslide safety* adopted by the *Approving Authority* with the findings of my investigation
 - ___ 7.2 made a finding on the *level of landslide safety* on the Property based on the comparison
 - ___ 7.3 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- ___ 8. Where the *Approving Authority* has **not** adopted a *level of landslide safety* I have:
 - ___ 8.1 described the method of *landslide hazard analysis* or *landslide risk analysis* used
 - ___ 8.2 referred to an appropriate and identified provincial, national or international guideline for *level of landslide safety*

____ 8.3 compared this guideline with the findings of my investigation
____ 8.4 made a finding on the *level of landslide safety* on the Property based on the comparison
____ 8.5 made recommendations to reduce *landslide hazards* and/or *landslide risks*
____ 9. Reported on the requirements for future inspections of the Property and recommended who should conduct those inspections.

Based on my comparison between

Check one

- ☐ the findings from the investigation and the adopted *level of landslide safety* (item 7.2 above)
☐ the appropriate and identified provincial, national or international guideline for *level of landslide safety* (item 8.4 above)

I hereby give my assurance that, based on the conditions^[1] contained in the attached *landslide assessment* report,

Check one

- ☐ for subdivision approval, as required by the Land Title Act (Section 86), "that the land may be used safely for the use intended"

Check one

- ☐ with one or more recommended registered covenants.
☐ without any registered covenant.
☐ for a development permit, as required by the Local Government Act (Sections 919.1 and 920), my report will "assist the local government in determining what conditions or requirements under [Section 920 subsection (7.1) it will impose in the permit".
☐ for a building permit, as required by the Community Charter (Section 56), "the land may be used safely for the use intended"

Check one

- ☐ with one or more recommended registered covenants.
☐ without any registered covenant.
☐ for flood plain bylaw variance, as required by the "Flood Hazard Area Land Use Management Guidelines" associated with the Local Government Act (Section 910), "the development may occur safely".
☐ for flood plain bylaw exemption, as required by the Local Government Act (Section 910), "the land may be used safely for the use intended".

Name (print)

Date

Signature

^[1]When seismic slope stability assessments are involved, *level of landslide safety* is considered to be a "life safety" criteria as described in the National Building Code of Canada (NBCC 2005), Commentary on Design for Seismic Effects in the User's Guide, Structural Commentaries, Part 4 of Division B. This states:

"The primary objective of seismic design is to provide an acceptable level of safety for building occupants and the general public as the building responds to strong ground motion; in other words, to minimize loss of life. This implies that, although there will likely be extensive structural and non-structural damage, during the DGM (design ground motion), there is a reasonable degree of confidence that the building will not collapse nor will its attachments break off and fall on people near the building. This performance level is termed 'extensive damage' because, although the structure may be heavily damaged and may have lost a substantial amount of its initial strength and stiffness, it retains some margin of resistance against collapse".

Address

(Affix Professional seal here)

Telephone

If the *Qualified Professional* is a member of a firm, complete the following.

I am a member of the firm _____
and I sign this letter on behalf of the firm. (Print name of firm)

Sunshine Coast Regional District

BOARD POLICY MANUAL

Section:	Planning and Development	13
Subsection:	Planning & Development	6410
Title:	Risk Assessment and Liability	8

1.0 POLICY

- 1.1. The SCRD requires that the qualified professional's report state that the site is safe for the use intended and that the report specifies what conditions are required to ensure the site will be safe.
- 1.2. The SCRD requires that the development meets the 2% in 50 year seismic design.
- 1.3. The SCRD requires that the development meets the 1:200 year flood design.
- 1.4. For landslides, the SCRD requires that the qualified professional's report include a completed Appendix D Landslide Assurance Statement.
- 1.5. For other hazards, the qualified professional shall:
 - a. describe the method of hazard or risk analysis used;
 - b. referred to an appropriate and identified provincial, national or international guideline for level of safety;
 - c. compare the guidelines with findings of his/her investigation;
 - d. make a finding on the level of safety on the property based on the comparison;
 - e. make recommendations to reduce hazards and risks; and
 - f. report on the requirements for future inspections of the property and recommend who should make those inspections.

2.0 REASON FOR POLICY

To establish a minimum risk threshold as a basis for approval or non- approval of permits for development on hazardous lands.

3.0 AUTHORITY TO ACT

Retained by the Board.

4.0 PROCEDURE

4.1. Scope of Policy

- Applies to permits for developments, land alteration and subdivisions on sites that are subject to hazardous conditions or flooding

4.2. Responsibility

Board of Directors

- To be familiar with this policy and to make decisions regarding the issuance of permits based on this policy

General Manager of Planning and Development

- To provide advice to the Board of Directors on this policy.

Approval Date:	January 26, 2006	Resolution No.	051/06 Rec. No. 11
Amendment Date:	July 27, 2006	Resolution No.	547/06 Rec. No 18
Amendment Date:	February 23, 2012	Resolution No.	087/12 Rec. No. 4
Amendment Date:	September 20, 2012	Resolution No.	351/12 Rec. No. 12

Sunshine Coast Regional District

BOARD POLICY MANUAL

Section:	Planning and Development	13
Subsection:	Planning & Development	6410
Title:	Development Permits	4

POLICY

That the Board adopt a policy which requires that a restrictive covenant be registered in conjunction with the issuance of development permits to indemnify the Regional District.

REASON FOR POLICY**AUTHORITY TO ACT**

Retained with the Board

PROCEDURE

Approval Date:	March 24, 1988	Resolution No.	285/88
Amendment Date:		Resolution No.	
Amendment Date:		Resolution No.	
Amendment Date:		Resolution No.	

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – November 15, 2018

AUTHOR: Jonathan Jackson, Senior Planner

SUBJECT: INTRODUCTION OF PROPOSED ROBERTS CREEK OFFICIAL COMMUNITY PLAN
AMENDMENT FOR REMAINDER DISTRICT LOT 1312 – ELECTORAL AREA D

RECOMMENDATIONS

1. **THAT** the report titled Introduction of Proposed Roberts Creek Official Community Plan Amendment for Remainder District Lot 1312 – Electoral Area D be received;
 2. **AND THAT** staff continue to work with the applicant to refine the application and provide a report to the Committee in 2019 with regard to First Readings of:
 - a. *Roberts Creek Official Community Plan Amendment Bylaw No. 641.11*; and
 - b. *Sunshine Coast Regional District Zoning Amendment Bylaw No. 310.182*;
 3. **AND FURTHER THAT** this report be referred to the Roberts Creek Advisory Planning Commission for initial comments.
-

BACKGROUND

An application was received to amend the Roberts Creek Official Community Plan (OCP) and rezone a 40.45 hectare parcel known as Remainder District Lot 1312 to facilitate a future subdivision.

The sloping site is traversed by two known watercourses and located north of Ranch Road and east of Sullivan Road in the Roberts Creek Electoral Area, as shown in Figure 1. Presently the southern third is partially cleared, while the northern approximate two-thirds contains a variety of mature regrowth trees, a SCRDP trail statutory right-of-way that is part of the draft route concept for Phase 2 of the Suncoaster Trail, a BC Hydro right-of-way containing transmission lines, and a lease area for a cell tower with access driveway (Figure 2).

The property is designated Resource in the OCP and zoned RU4, with subdivision district 'Z' (Table 1). The property has a history of tree farming, and continued public use of formal and informal trails, including for equestrian purposes.

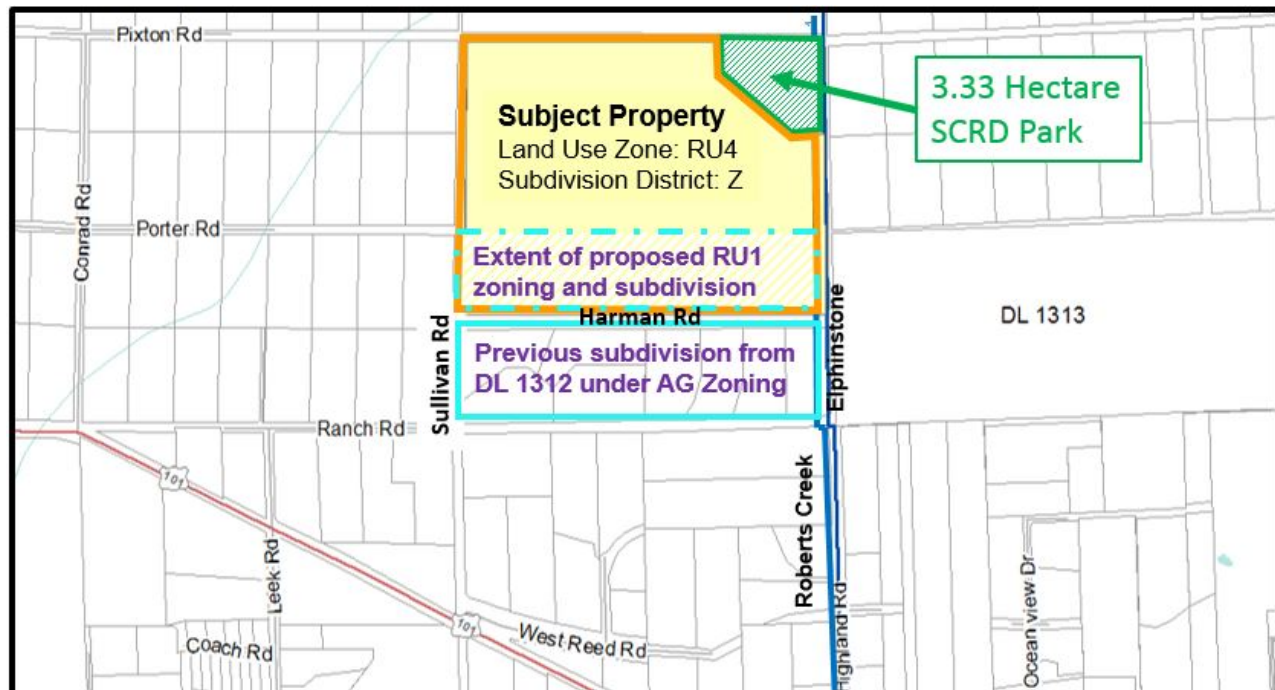


Figure 1 – Subject Property Location

As shown in Figure 1, a former southern portion of original District Lot 1312 within the Agricultural Land Reserve (ALR) was rezoned from RU4 to the AG zone (*Zoning Bylaw Amendment No. 310.171, 2017* adopted June 22, 2017). This rezoning aligned AG zoning for this portion of the property with the ALR boundary, facilitated the creation of 8 lots with a minimum size of 1.75 hectares within ALR, dedicated 3.33 hectares of Park to the SCRD in the northeast corner and created the subject RU4 zoned remainder parcel.

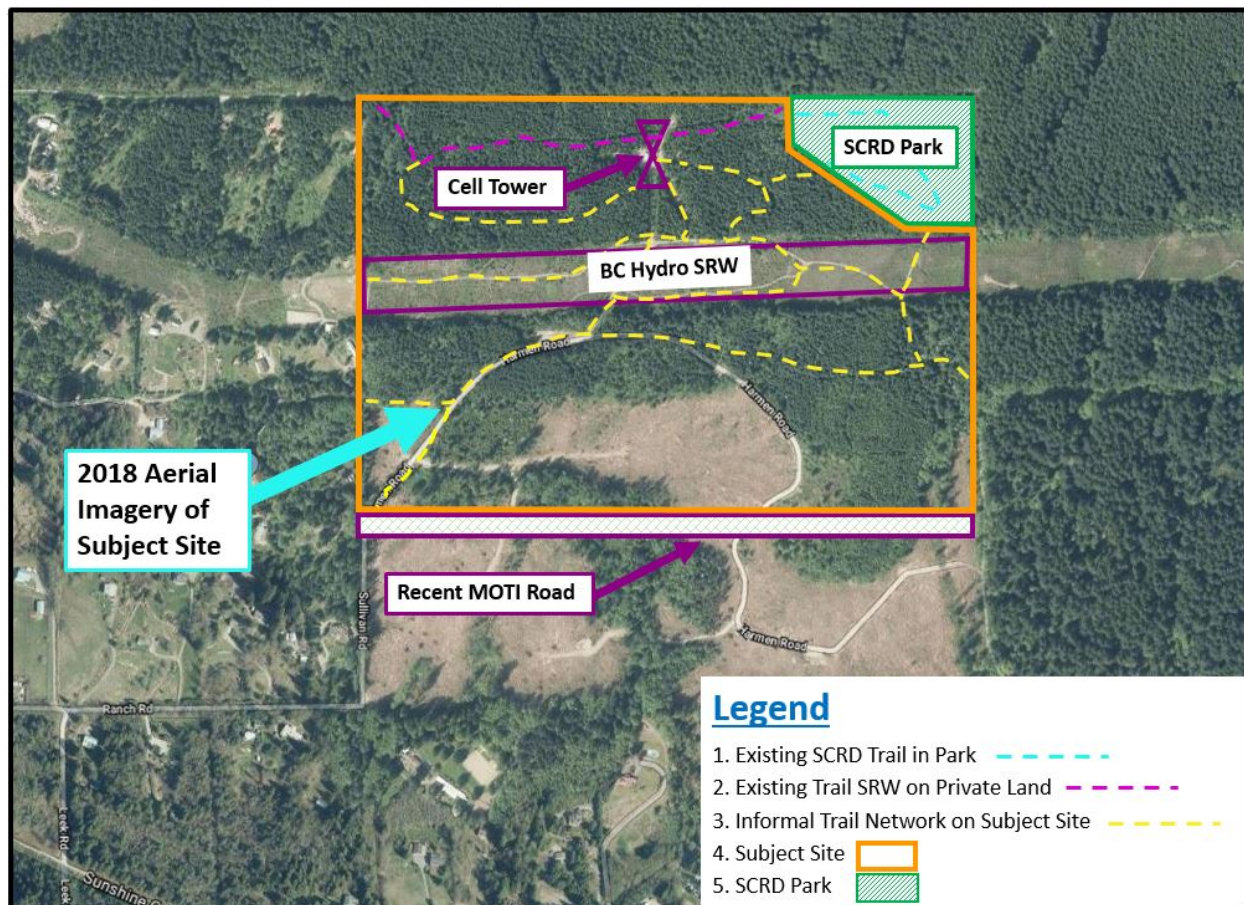


Figure 2 – 2018 Aerial of Subject Property, featuring infrastructure and Park context

Owner / Applicant:	1312 Lands Inc. / Jim Green	
Legal Description:	District Lot 1312 Group 1 New Westminster District except Plan EPP72892 and EPP77565	
Electoral Area:	Roberts Creek	
Parcel Area:	Total: 40.45 hectares / Proposed OCP and Zoning changes :12.75± hectares	
OCP Land Use:	Existing – Resource	Proposed - Rural
Land Use Zone:	Existing - RU4 (Rural Forest)	Proposed – RU1 (Rural Residential)
Subdivision District	Existing - Z (100 hectares)	Proposed – F (One hectare)
Application Intent:	Rezone southern 12.75± hectares of subject site to facilitate a subdivision.	

Table 1 - Application Summary

Staff Report to Planning and Community Development Committee - November 15, 2018
Introduction of Proposed Roberts Creek Official Community Plan Amendment for
Remainder District Lot 1312 – Electoral Area D

Page 4 of 12

In 2001, Provincial legislative changes were initiated that removed the Forest Land Reserve (FLR) designation that previously encumbered the subject site. In response to this change, the SCRD adopted *Zoning Amendment Bylaw No. 310.83, 2003* to set zoning for several former FLR parcels to RU4 and the subdivision district to Z (100 hectare minimum parcel area) in order to introduce forest management uses and to mitigate development pressures. The land use designation was also set to Resource. District Lot (DL) 1312 was one of the parcels included in within the OCP land use change.

The 2017 property-specific rezoning and subdivision of a portion of DL1312 was supported to ensure appropriate zoning for the ALR portion of the site and to facilitate the creation of lot sizes consistent with surrounding parcels to the south and west and recommendations of the Agricultural Land Commission.

The same owner and applicant have now applied for OCP and zoning changes that would facilitate the creation of 12 rural residential lots with a minimum size of one hectare (Figure 3). This proposal involves a change to a 'Rural' land use designation, the RU1 zone and Subdivision District F (Table 1). This proposed land use change and subdivision would involve the southern 12.75± hectare portion of the subject site. The balance of the subject site (northern 27.7± hectares) would remain as one parcel, under the existing Resource land use designation, RU4 zoning and Subdivision District Z.

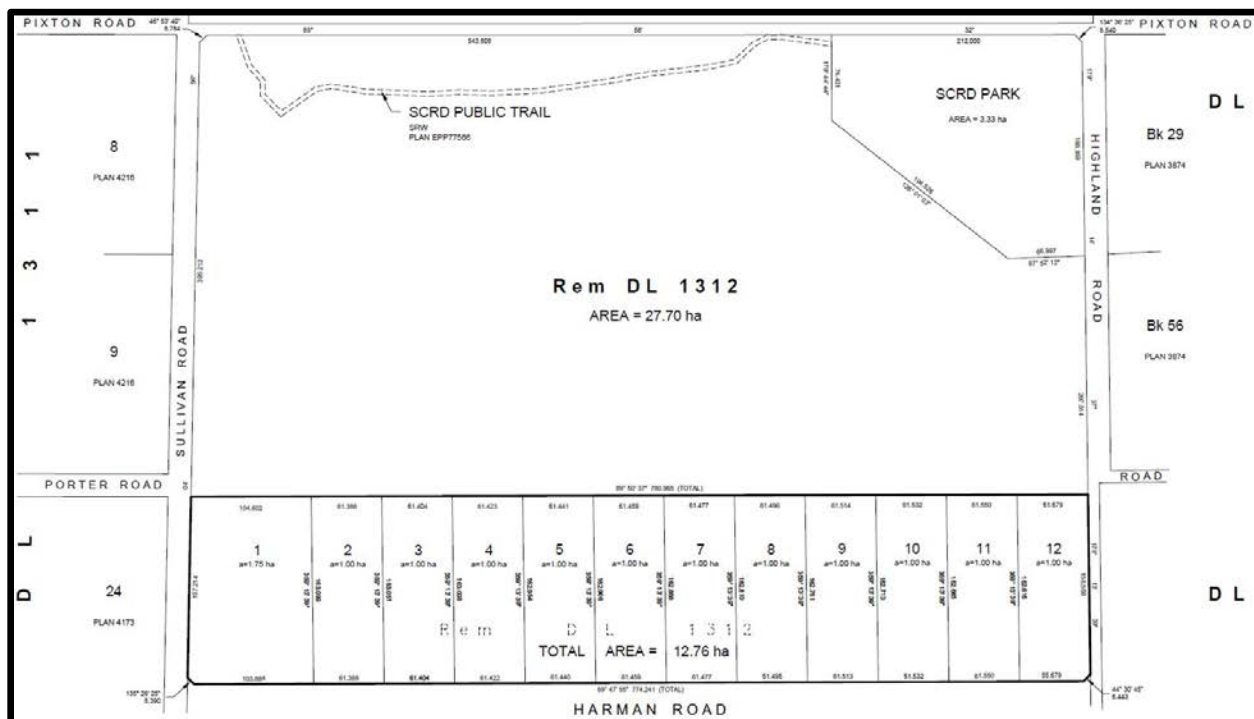


Figure 3 – Draft Subdivision Plan for Subject Property

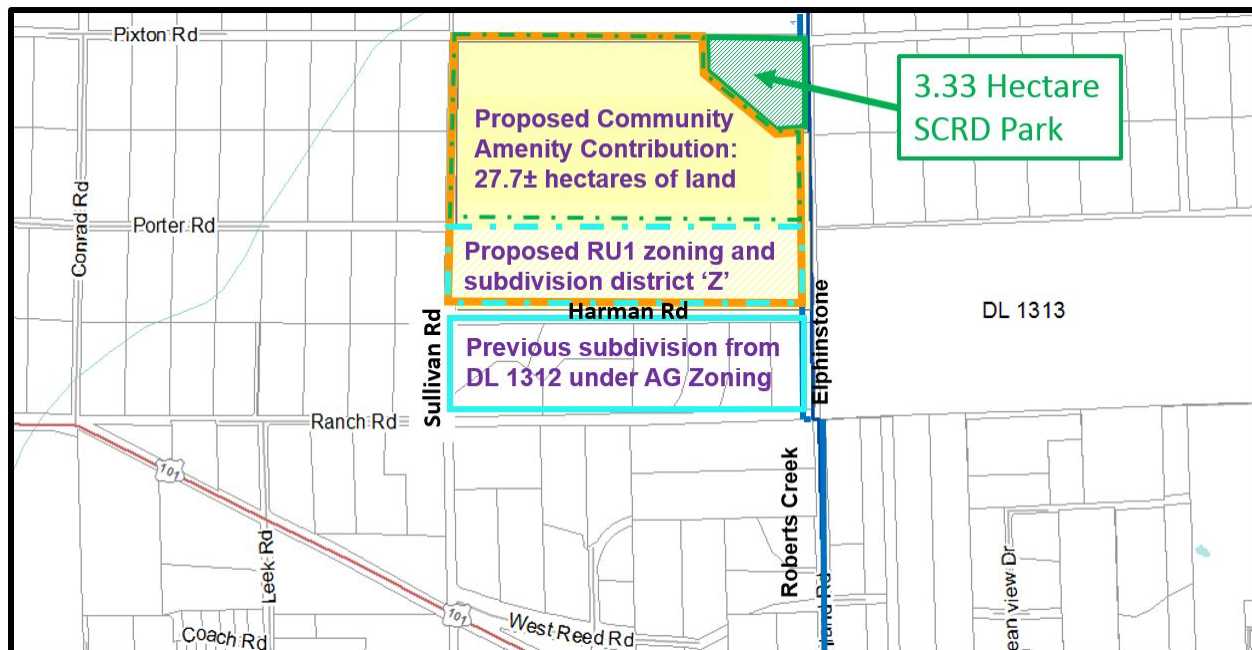


Figure 4 – Explanatory Map of Proposal for Subject Property

In consideration of the proposed change to the Roberts Creek OCP the applicant has offered the remainder 27.7± hectare lot as a Community Amenity Contribution (CAC) to be given to the SCR D as a titled parcel (Figure 4). The applicant has made this land-based CAC offering noting the continued community use of the informal trail network on the subject lot. A portion of the lot is currently fenced and leased to a wireless provider to accommodate a cell tower. The lease is proposed to be transferred with the CAC lands. A preliminary analysis of this CAC opportunity is provided separately from the planning analysis below.

The purpose of this report is to provide information and a preliminary analysis on the planning and CAC matters related to this application, as well as to obtain direction from the Planning and Community Development Committee on moving forward.

DISCUSSION

Process

This application proposes a rural residential subdivision that would be the first of its kind in the former FLR lands since the SCR D adopted wide-spread land use amendments in 2005 that set the land use designation for these lands to Resource. The intent of implementing the Resource land use designation was to discourage residential uses in these areas. Considerations regarding this land use change and the offered CAC are complex and require further analysis. Staff have therefore prepared a report prior to First Reading to gain early direction from the Board and gauge if there is a desire to have the application proceed to this next stage of analysis. As part of regular process bylaw numbers have been assigned; however the bylaws will not be drafted until First Reading can be recommended.

Preliminary Planning Analysis

Roberts Creek Official Community Plan Context

The parcel is within the Resource land use designation, and is the southernmost parcel designated as such (Figure 5) within SCRD. Parcels to the west are designated Rural. South of the subject property is designated Agricultural and is within the Agricultural Land Reserve (ALR). Parcels to the east are within the Elphinstone OCP area. DL 1313 to the east is located within Electoral Area E – Elphinstone and is designated as Park within the Elphinstone OCP. There are overlapping interests in this parcel, ranging from public use, conservation and timber extraction (Figure 5). Parcels to the east and northeast are designated Rural Forest.

Prior to SCRD adopting wide-spread land use amendments in 2005 for the former FLR lands to the Resource land use designation such parcels had potential for residential development and subdivision. Blanket changes to the former FLR lands established a situation whereby an OCP amendment and rezoning application is required if a subdivision is proposed. This allows for community input regarding the potential impacts of proposals such as the subject case.



Figure 5 –OCP Land Use Map (Includes Roberts Creek and Elphinstone)

Part 3 of the Roberts Creek OCP outlines several goals, of which the following excerpts are relevant to consider the application:

Goal 4: To ensure that land is put to an aesthetically pleasing and environmentally responsible use and ensure ongoing biodiversity through the protection, restoration and enhancement of plant and animal habitats.

Goal 5: To maintain the existing rural atmosphere of the overall community.

Goal 7: To avoid land use that results in suburban sprawl.

Goal 8: To protect and preserve riparian areas and watersheds including the water and banks of all creeks, lakes and marine foreshore.

Goal 17: To ensure there is sufficient and universally accessible parkland and recreational opportunities...”

The following preliminary planning review suggests that opportunities exist for the proposal to uphold the above goals that help form the OCP vision. If the application proceeds, staff will work with the applicant to seek refinements and further information to further address these OCP goals.

OCP objective 19b seeks the protection and maintenance of the biological diversity and sustainability of the forest, while 19i discourages the alienation of Crown Provincial Forest Lands and Private Managed Forest Lands for uses other than Forestry and compatible resource orientated activities. The proposal does not intend to maintain any of the lands specifically for forestry or resource uses; however, it would maintain the existing forested portions of the northern approximate two-thirds of the parcel. Furthermore, all Streamside Protection and Enhancement Areas (SPEAs) would be surveyed and protected by covenant for the entire site. This would provide opportunity for environmental benefit by protecting and maintaining the biological diversity of a portion of the subject site. Should the application proceed, further analysis by the applicant’s professional consultants could confirm and quantify the environmental benefit offered by this proposal.

The OCP establishes a 100 hectare minimum parcel area for the Resource designation, and objective 19.2 states that the Resource land use designation is for land “...where the potential exists for resource activities such as the establishment, management, and harvesting of the forest cover for timber and other forest products and values, as well as educational opportunities in holistic forestry and ecology.” Objective 19.3 further states that residential uses are not compatible and will not be a permitted use. While the application does not meet these OCP policies, staff note that this site is an anomaly compared to many Resource designated lands and is therefore not precedent-setting towards development on other such designated sites. Resource designated lands are typically located in areas that are not adjacent to existing residential development. In this case adjacent rural residential development exists and consists of approximately 1.75 to 2.0 hectare parcels, directly to the west and south. This includes such sized parcels within the ALR. The application further offers the potential to establish an appropriate forested buffer between resources and existing residential uses.

The subject property is also less than 400 metres from the Sunshine Coast Highway, at its closest point. The area is located between the village commercial area in Roberts Creek and the Town of Gibsons. There is transit service along Sunshine Coast Highway. A bus stop exists at the intersection of Leek Road, which is about a 10 minute walk from the proposed development. A transit stop at West Reed Road is closer (5 minute walk) but there is no established (trail) access.

The area is not served by regional water system infrastructure and there are no plans to extend service into the area. The subdivided ALR lands are served by on-site wells. The issue of adequate water provision has not been described or discussed at this point, and requires resolution in order for the application move forward.

Adjacent District Lot 1313 is to the east and designated as a park in the Elphinstone OCP, and when combined with the provincially owned parcels to the north provides a buffer to further expansion of residential development. The provincially owned parcels to the north and northwest are undeveloped and can continue to support resource/forestry activity. The remaining 27.7± hectare portion could also support the OCP objective for protection and maintenance of the biological diversity and sustainability of the forest, while providing a clearly delineated buffer between the provincially owned resource lands. Staff note that the presence of Hydro transmission lines and the telecommunications tower fragment the area.

The following development permit areas (DPAs) would apply:

- DPA#2A Creek/River Corridor
- DPA#3 Slope Hazards
- DPA#4 Stream Riparian Assessment Areas

Not all streams on the property are mapped and future survey work and investigation by the applicant's Qualified Environmental Professional (QEP) would establish these watercourses and appropriate SPEAs. A Development Permit would be required at the time of subdivision.

Zoning Bylaw No. 310 Context

The subject parcel is zoned RU4 (Figure 6) which sets permitted uses to forest management, one single family dwelling, and further allows for ancillary uses to forest management being log booming, log sorting, storage and wood processing. Parcels to the north and west are zoned RU1 (Rural One). The parcels to the south are zoned AG (Agriculture) and to the east are AG and RU5A (Rural Forest A).

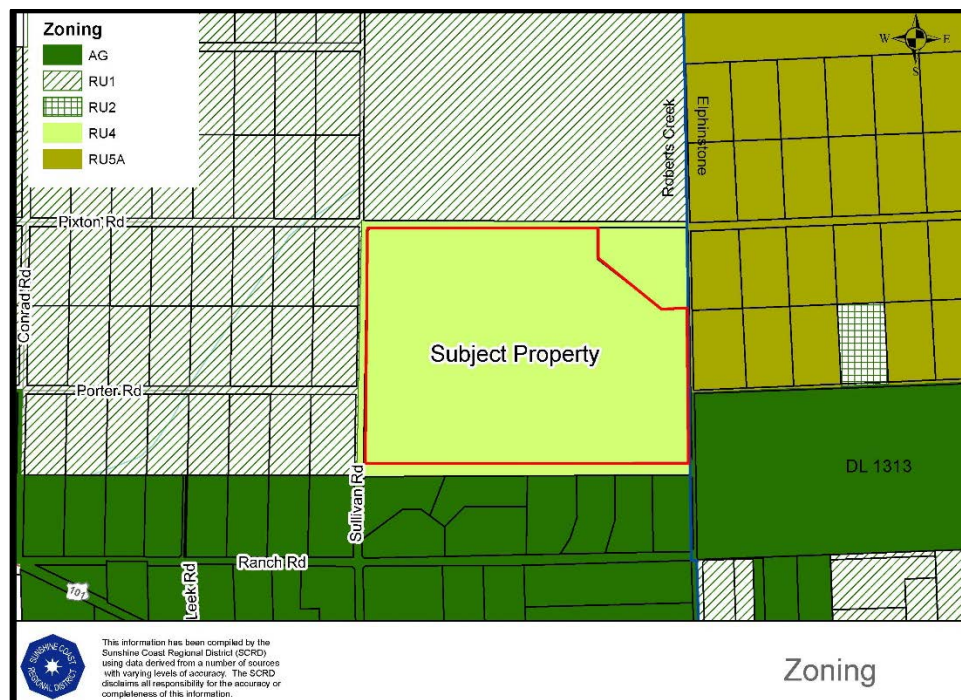


Figure 6 – Land Use Zoning Map

As shown in Figure 7, the subject property's subdivision district is Z (100 hectare minimum) as are parcels generally to the west and east with the exception of DL1313 which is I (four hectare minimum). Of note is that the adjacent parcels to the east and west, with the exception of DL 1313, are already of parcel sizes ranging from 1.75 to 2.0 hectares, well below the 100 hectare minimum.

DL 1313 is approximately 24 hectares, and designated Park. Parcels directly to the south and those below Porter Road to the west, as well as the north and to northwest, north of Pixton Road are in the G subdivision district, permitting minimum lot sizes of 1.75 hectares.

The proposal to reduce the parcel size to one hectare to facilitate the subdivision and amend the zoning to RU1 proposes to introduce a rural-residential use into an area that was previously actively used for forestry. The proposed RU1 zone and Rural land use designation is consistent with the land use zoning to the west, where most of the parcels have been developed for private residential use, which is similar to the development seen on smaller parcels to the south within the ALR and AG zone. However, the application differs by proposing the F subdivision district, with minimum parcel sizes of 1.0 hectares, in contrast with the minimum parcel size of 1.75 hectares permitted under the adjacent G subdivision district.

The remainder of the parcel, which the applicant proposes to transfer title to the SCRD, would maintain the Resource land use designations and RU4 zoning. The subdivision district could continue to be Z as Zoning Bylaw No. 310 allows for an exception to minimum parcel size where the parcel is intended for public utility use or parks as set out in Section 405 (1) (b). Alternatively it could be designated J (25 hectare minimum parcel).

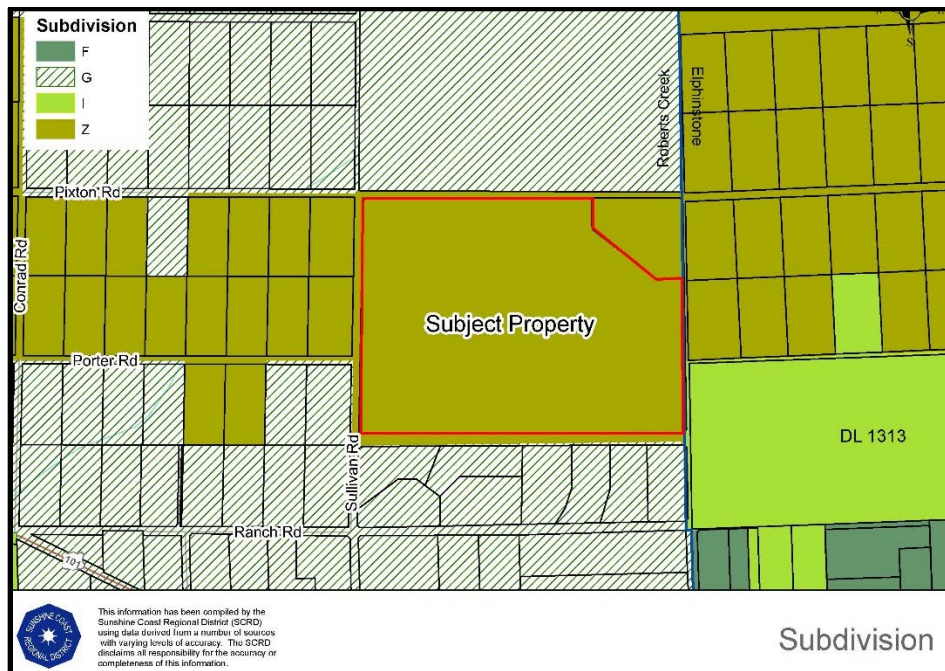


Figure 7 – Subdivision District Zoning Map

Preliminary CAC Analysis

The 27.7± hectare northerly remainder portion of the lands has been offered to be gifted as a CAC to the SCRD. This area consists of a trail statutory right-of-way, informal trails and is adjacent to an existing 3.33 hectare SCRD park with trail loop, as shown in Figure 2.

The trail statutory right-of-way on the subject site form a part of the draft route concept for Phase 2 of the Suncoaster Trail on which public participation and planning work is presently occurring.

Staff note that accepting the proposed land as a CAC has multiple implications that require further information and analysis. A cost benefit analysis regarding the potential uses, management and financial implications would form the basis of this review, and would need to consider:

- In lieu of a detailed SCRD park acquisition strategy:
 - An environmental benefit analysis (noting that the applicant's QEP has not analyzed the area)
 - Parkland quantum/equity
 - Park system impacts, noting limited capacity to service assets – will require a detailed analysis of operating model/costs
 - SCRD strategic priorities
- Legal and financial implications associated with the cell tower and associated lease
- Alternatives to a land-based CAC

If there is support to consider the proposal to amend the OCP, staff will continue review and report back with more detailed information and options on CAC aspect of the proposal.

Options

Possible options to consider:

- Option 1:** **Staff be directed to continue work with the applicant to refine the application and provide a report to the Committee in Q1 2019 with regard to the proposed First Readings of *Roberts Creek Official Community Plan Amendment Bylaw No. 641.11*, and *Sunshine Coast Regional District Zoning Amendment Bylaw No. 310.182*.**

The current OCP designation and zoning was established to prevent former FLR to be redeveloped for residential use without consideration of sprawl or other issues. There is potential to consider proposals through a rezoning and OCP amendment process which allows for community input and consideration of potential impacts.

The subject property lends itself to consideration for OCP amendment and rezoning in part due to the development pattern to the west and the road right-of-way established at the time of the previous subdivision. Further consideration can be given based on proximity to the Sunshine Coast Highway, transit and commercial services, coupled with the 27.7± hectares of land that may offer community and environmental benefit.

Staff recommend further analysis. At this early stage staff would continue review and also refer to the APC

Staff recommend Option 1.

- Option 2:** **Refuse the OCP amendment and rezoning as proposed.**

The proposal is not consistent with the Roberts Creek OCP. This proposal may be premature relative to the development of other lands already appropriately designated.

Organization and Intergovernmental Implications

The implications of the SCRD accepting the land offered as a CAC by the applicant require further analysis, as noted above.

The site is outside the SCRD waste collection service area, although the boundary is immediately to the east and west and south of the ALR parcels previously subdivided. There may be service implications if the property owner(s) ask to be include in the service area.

If the OCP amendment moves forward consideration with respect to the SCRD's Financial Plan and Solid Waste Management Plan pursuant to the *Local Government Act* will be required.

Financial Implications

Any financial implications that may arise with respect to the SCRD accepting the land offered as a CAC by the applicant will be considered in more detail and set out in a future report.

Communications Strategy

At this stage, the proposal is recommended to be referred to the Area D APC.

Should this application move forward and be given First Reading in 2019, it will be recommended that pursuant to Section 475 of the *Local Government Act*, Bylaw Nos. 641.11 and 310.182 be referred to the following agencies as part of the early and on-going consultation:

- a) Skwxwú7mesh Nation;
- b) Roberts Creek Advisory Planning Commission;
- c) Roberts Creek Volunteer Fire Department
- d) Ministry of Transportation and Infrastructure;
- e) Vancouver Coastal Health;
- f) School District 46; and
- g) BC Hydro.

A public information meeting would also be scheduled.

STRATEGIC PLAN AND RELATED POLICIES

Consideration of this application supports the SCRD Values of Collaboration and Transparency.

CONCLUSION

SCRD received an application to amend the Roberts Creek OCP and rezone a parcel to facilitate a 13 parcel subdivision that includes 12 minimum one hectare parcels to be zoned RU1 and one 27± hectare parcel. The 27± hectare has been suggested as a CAC.

Preliminary analysis shows that while the proposal does not conform to all of the objectives and policies set out in the Roberts Creek OCP, there is sufficient merit to continue analysis and seek APC input.

Further information from the applicant and additional planning analysis with regard to site geography (SPEAs) and servicing is required. Additional analysis is required to consider implications of the proposal to gift the larger parcel to the SCRD as a CAC.

Staff recommend that review and analysis continue and that this report be referred to the Roberts Creek APC. Staff will report back with further information in 2019.

Reviewed by:			
Manager	X - A. Allen	Finance	
GM	X - I. Hall	Legislative	
CAO	X – J. Loveys	Other	

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – November 15, 2018
AUTHOR: Yuli Siao, Senior Planner
SUBJECT: Provincial Referral CRN00070 for annual removal of gravel from Rainy River (Howe Sound Pulp and Paper Corp.) - Electoral Area F

RECOMMENDATIONS

1. **THAT the report titled Provincial Referral CRN00070 for annual removal of gravel from Rainy River (Howe Sound Pulp and Paper Corp.) – Electoral Area F be received;**
2. **AND THAT the following comments be forwarded to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development:**

Subject to the following conditions, SCRD has no objections to the proposed annual removal of gravel from Rainy River (Provincial Reference Number 300378):

- a. **a Qualified Environmental Professional (QEP) be present on site during the works to ensure impact is minimized and that the QEP's report be provided to the Province and the SCRD;**
 - b. **a remediation plan be developed and implemented with the Ministry of Environment and Fisheries and Oceans Canada to compensate for any lost or damaged fish habitat;**
 - c. **Howe Sound Pulp and Paper Corp. contacts the SCRD, the Province, Skwxwú7mesh Nation and Fisheries and Oceans Canada if it becomes apparent that emergency work is required to address water needs.**
-

BACKGROUND

The SCRD received a referral from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) for permission of annual gravel removal from the Rainy River to allow water intake for the Howe Sound Pulp and Paper Corporation (HSPP), located at Port Mellon, West Howe Sound (Figures 1 & 2). The referral package can be found in Attachment A. An application summary, a location map and a site plan are provided below.

The purpose of this report is to provide an analysis of the proposal and recommend a response to FLNRORD.

Table 1 - Application Summary

Owner / Applicant:	Howe Sound Pulp and Paper Corporation
Purpose:	Annual gravel removal
Tenure Type:	Change in and about a stream
Application area:	0.24 ha
Location:	Port Mellon
Legal Description:	DISTRICT LOT 6685 GROUP 1 NEW WESTMINSTER DISTRICT (HSPP)
Electoral Area:	F – West Howe Sound
OCP Land Use:	Industrial - Pulp and Paper Manufacturing
Land Use Zone:	I6 – Industrial Six
Comment deadline:	November 30, 2018

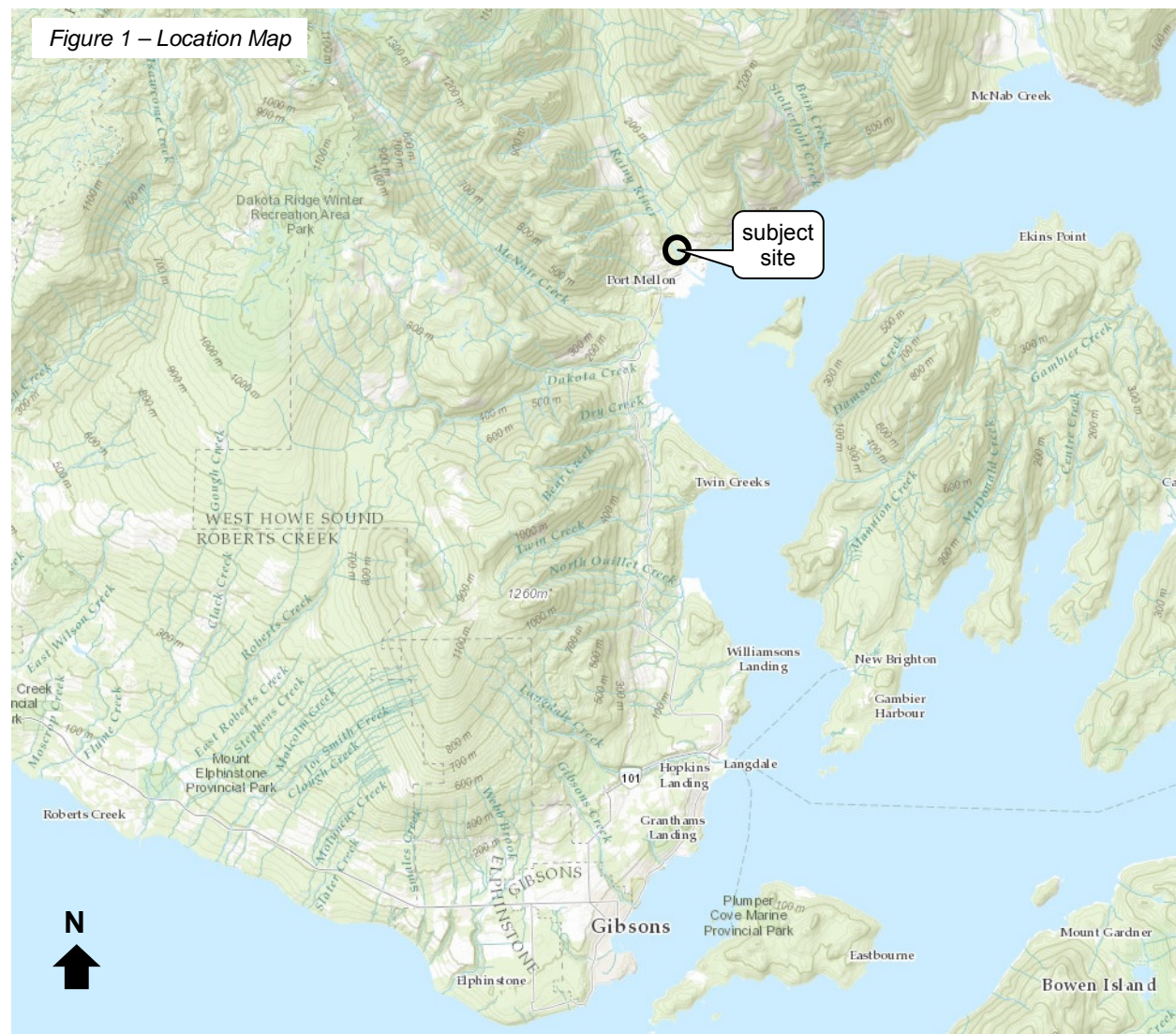
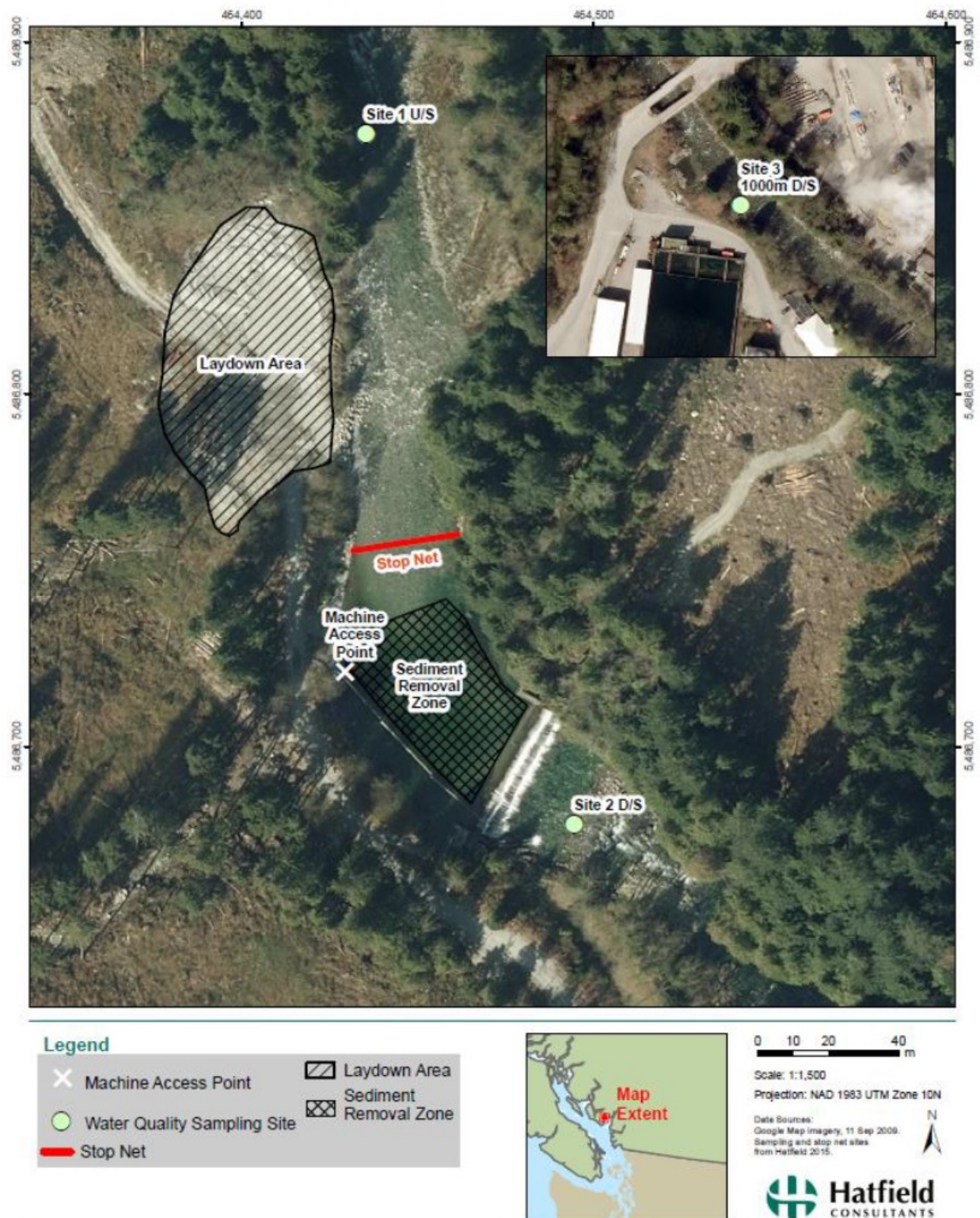


Figure 2 - Site Plan



DISCUSSION

Analysis

The Provincial referral is for annual removal of gravel deposit from the Rainy River to allow water flow to the nearby Howe Sound Pulp and Paper mill. Heavy rain through the winter every year causes significant gravel accumulation in Rainy River. Removing the gravel deposits in the river allows the water intake to function. Similar conditions occurred in previous years and HSPP has obtained provincial approval for similar works. This year's application was delayed due to application backlog of the Province. Therefore this application will be for gravel removal in 2019. Since gravel removal did not occur during the work window of August 2018, a significant amount of gravel has accumulated and much more is expected during winter storms. HSPP indicates that it will seek separate approval from the Province for emergency gravel removal if necessary before the next work window in August 2019.

The Official Community Plan for Hillside-Port Mellon Industrial Area identifies the areas along the Rainy River as environmentally sensitive and potentially hazardous lands. The riparian corridor along the river is a valuable fish habitat that supports pink, coho, chinook and chum salmon, steelhead trout, cutthroat trout and dolly varden. These areas must be protected and carefully managed.

HSPP has provided a professional biologist's summary report of the previous year's gravel removal operation. The report indicates that the operation was carried out successfully in accordance with approved guidelines and management plan with no adverse impact on the river's environment, fish and fish habitat.

The current referral includes a review of the proposal by Fisheries and Oceans Canada and an erosion and sediment control plan prepared by the applicant. These documents describe measures to be implemented to mitigate harm to the environment and fish, for example, fish salvage before the work begins, environmental monitoring during the operation, carrying out the work only in the work window from August 1st to 31st that has the lowest risk to fish, machinery use guidelines and spill containment, post-operation inspection and mitigation of fish stranding, etc.

To compensate for any lost or damaged fish habitat after the work is completed, staff recommend that a remediation plan be developed and implemented as soon as possible with the provincial Ministry of Environment and Fisheries and Oceans Canada.

HSPP should contact the SCRD in addition to the Province, Skwxwú7mesh Nation and Fisheries and Oceans Canada as soon as possible if it becomes apparent that emergency work is needed to address gravel build-up and water needs.

HSPP indicated to SCRD staff that due to the water intake being situated downstream in the Rainy River, gravel deposit from winter storm runoff is inevitable and the annual removal during the August work window is a maintenance practice that poses the least risk to fish and the environment. They have considered other options for possible permanent solutions to this recurring problem, but have not found a viable alternative to the current practice.

Options

The Province requests SCRD to decide on one of the following options in response to the referral:

1. Interests unaffected
2. No objection to approval of project
3. No objection to approval of project subject to conditions
4. Recommend refusal of project due to reasons

Staff recommend Option 3, subject to conditions outlined in the Recommendations.

Consultation

The Province referred this application to First Nations, SCRD and other agencies it identifies as appropriate. The applicant is responsible for advertising the application in a local newspaper to enable comments from the public.

The proposal will be referred to the Natural Resources Advisory Committee (NRAC) and the West Howe Sound Advisory Planning Commission for review. Comments from these committees will be forwarded to the Province.

Timeline for Next Steps

The Province extended the deadline to comment on this application to November 30, 2018 in order to obtain a Board Resolution. The resolution will be forwarded to FLNRORD and final decision will be made by the Province.

STRATEGIC PLAN AND RELATED POLICIES

The following SCRD Strategic Plan objectives and success indicators relate to the subject of this report:

- Create and use an “environmental lens” for planning, policy development, service delivery and monitoring.

CONCLUSION

The SCRD was provided an opportunity to comment on a Provincial referral to permit HSPP's annual gravel removal from Rainy River. Similar to previous referrals this recurring proposal is found to have no perceivable negative impact on SCRD land use and services. Staff recommend responding to the Province with the option that the SCRD has no objection to the project subject to conditions identified in this report.

Attachments

Attachment A – Referral package

Reviewed by:			
Manager	X - A. Allen	Finance	
GM	X - I. Hall	Legislative	
CAO	X – J. Loveys	Other	



Change Approval and Notification (Changes In and About a Stream)

Tracking Number: 100245638

ATS # 300378

Applicant Information

If approved, will the authorization be issued to an Individual or Company/Organization? Company/Organization

What is your relationship to the company/organization? Employee

APPLICANT COMPANY / ORGANIZATION CONTACT INFORMATION

Please enter the contact information of the Individual/Organization who is acting on behalf of the applicant.

Name: 0890635 B.C. LTD.

Doing Business As:

Phone: [REDACTED]

Fax:

Email: [REDACTED]

BC Incorporation Number:

Extra Provincial Inc. No:

Society Number:

GST Registration Number:

Contact Name: [REDACTED]

Mailing Address: 3838 Port Mellon Highway
Port Mellon BC V0N 2S0

CORRESPONDENCE E-MAIL ADDRESS

If you would like to receive correspondence at a different email address than shown above, please provide the correspondence email address here. If left blank, all correspondence will be sent to the above given email address.

Email: [REDACTED]

Contact Name: [REDACTED]

ELIGIBILITY

Please answer the following questions related to your Change Approval/Notification.

Question	Answer	Warning
Is this application to support oil and gas activity that is being authorized by the Oil and Gas Commission?	No	

TECHNICAL INFORMATION

APPLICATION BY GOVERNMENT

Please indicate if you are someone who works in the government OR you are working on behalf of the government.

Are you, or are you applying on behalf of, a government entity? No

TYPE OF WORKS

Please select the type of Notifications/Approvals you want to apply for as part of this application.

Please select the type of works to be undertaken:

Notification

- ☐ Road Crossing Culvert - Construction / Maintenance / Removal
- ☐ Clear Span Bridge - Construction / Maintenance / Removal
- ☐ Pipeline Crossing – Construction / Maintenance
- ☐ Dry Hydrant – Construction / Maintenance
- ☐ Pier, Wharf, (including docks) – Construction / Maintenance / Removal
- ☐ Cutting of annual vegetation in a stream channel
- ☐ Dike or Erosion Protection Works - Repair / Maintenance

- ☐ Storm Sewer Outfalls – Construction / Maintenance
- ☐ Control of Eurasian Watermilfoil or other invasive aquatic vegetation
- ☐ Ice Bridge / Winter Ford or Snowfill - Construction / Maintenance
- ☐ Maintenance of minor and routine nature by a public utility
- ☐ Removal of a beaver dam (as authorized under the Wildlife Act)
- ☐ Construction of a temporary ford
- ☐ Construction of a temporary diversion around a worksite

Approval:

- ☐ Bank Erosion Protection
- ☐ Bridge (other than clear span) - Construction / Maintenance / Removal
- ☐ Stream Diversion
- ☐ Large Debris Removal by machine - Plan required
- ☒ Gravel removal
- ☐ Other

Please note that the ultimate decision whether this constitutes a Notification or a Change Approval lies with the Province of British Columbia

SITES

Click on the Add Sites button to add one or more sites.

SITE

Location ID: Rainy River Intake

STREAM

Name of the Stream: Rainy River
Source Flows Into: Thornborough Channel

PROPOSED WORKS

Detailed Description of Works: Annual gravel removal of to ensure water flow to pulp mill operations. Heavy rainstorms have accumulated significant gravel deposits through the winter requiring removal to ensure continued operation of the mill. We propose to utilize an excavator entering from the western bank of the river to remove gravel/cobble buildup. Terex trucks will be loaded from the excavator and will deposit the material in a nearby laydown area, minimizing the work time with the short trucking turn around. The area of digging would be limited to an area approximately 40 by 60 meters, or 2400 m2. Contractor work will be done by Fiedler Brothers, a general contractor, who has for the past 20 years conducted all instream work on the Rainy River without incident. All machinery used in these works will be cleaned and using petroleum mineral oil based hydraulic. A spill kit will be located on site and all fuelling will be done at an offsite location.

Footprint of Project: 2,400 m2

PROPOSED TIMING FOR WORKS

Start Date: Aug 1, 2018
End Date: Aug 31, 2018
Is the proposed timing within the approved regional timing window? Yes

LOCATION OF WORKS

Provide a legal description of the land(s) District Lot 6685, PID 008-075-077

where works are proposed:

Geographic Coords of Works:

Photo of Works Location:

49.5320000, -123.4910000

Rainy River Intake - Sunshine Coast Regional District PID

LAND OWNERSHIP AT THE WORKS

Land Ownership:

- ☒ Applicant owns land
- ☐ Land is Crown Land but applicant has tenure
- ☐ Land is Crown Land but tenured to Ministry of Transportation
- ☐ A third Party owns the land but the applicant has lease or tenure
- ☐ A third Party owns the land but applicant has written consent
- ☐ Land is Crown Land but the applicant does not have a tenure

CONTACTS

If you are not carrying out the work, indicate contractor/company's name, professional affiliation, mailing address, postal code and telephone numbers. If a different company is designing and supervising the work, please include this information as well

Contact Info

Name: Fiedler Brothers Contracting Ltd

Doing Business As:

Phone:

Fax:

Email:

BC Inc. Number:

GST Registration Number:

Contact Name:

Mailing Address:

PO BOX 1040
Gibsons BC V0N 1V3

Cert:

Type of Contact

Construction

LOCATION INFORMATION

LAND DETAILS

A Drawing to Scale is required that meets the Application Drawing Standards. Choose one of the options below to submit the required map/drawing.

Additionally, it is recommended that you provide a topographical map showing the general location of the property where the water is proposed to be used and the works constructed in relation to nearby communities, highways, railways and other water sources.

(this additional map will not be necessary if your Drawing to Scale is provided using the Geomark Service or a spatial file such as .KML or .KMZ)

☒ I have map(s) saved to my computer and wish to provide these with my application

MAP FILES

Do you have a PDF or image file of a drawn map? You can upload it here.

Description

Arrangement drawing of sediment removal area

Filename

Arrangement drawing for the...

ATTACHED DOCUMENTS

Document Type

Other

Description

2017 Approval 2005360 Gravel Removal report from QRP.

Filename

2017 HSPP Rainy River Intak...

Other	DFO Approval for gravel removal activities.	2018-02-26 Avoid and Mitiga...
Other	Erosion & Sediment Control Plan for Rainy River Intake Sediment Removal	HSPP Rainy River Intake Dam...

PRIVACY DECLARATION

PRIVACY NOTE FOR THE COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION

Personal information is collected by FrontCounter BC under the legal authority of section 26 (c) and 27 (1)(a)(i) of the Freedom of Information and Protection of Privacy Act (the Act).

The collection, use, and disclosure of personal information is subject to the provisions of the Act. The personal information collected by FrontCounter BC will be used to process your inquiry or application(s). It may also be shared when strictly necessary with partner agencies that are also subject to the provisions of the Act. The personal information supplied in the application package may be used for referrals or notifications as required. Personal information may be used by FrontCounter BC for survey purposes. For more information regarding the collection, use, and/or disclosure of your personal information by FrontCounter BC, please contact FrontCounter BC at 1-877-855-3222 or at:

FrontCounter BC Program Director
FrontCounter BC, Provincial Operation
441 Columbia Street
Kamloops, BC V2C 2T3

☒ Check here to indicate that you have read and agree to the privacy declaration stated above.

REFERRAL INFORMATION

Some applications may also be passed on to other agencies, ministries or other affected parties for referral or consultation purposes. A referral or notification is necessary when the approval of your application might affect someone else's rights or resources or those of the citizens of BC. An example of someone who could receive your application for referral purposes is a habitat officer who looks after the fish and wildlife in the area of your application. This does not apply to all applications and is done only when required.

Please enter contact information below for the person who would best answer questions about your application that may arise from anyone who received a referral or notification.

Company / Organization: 0890635 B.C. LTD.
Contact Name: [REDACTED]
Contact Address: 3838 Port Mellon Highway
Port Mellon BC V0N 2S0
Contact Phone: [REDACTED]
Contact Email: [REDACTED]

☒ I hereby consent to the disclosure of the information contained in this application to other agencies, government ministries or other affected parties for referral or First Nation consultation purposes.

IMPORTANT NOTICES

Please review the "Important Notices" below and then check the declaration at the bottom confirming that everything in this application is complete and accurate.

- I understand that the submission of this application does not provide authority under the Water Sustainability Act to construct works in and about a stream. I also understand that my application must first be investigated and a decision made on the application as to whether an approval may be granted and, as part of that review, additional information may be requested of me.
- The application may be subject to further requirements under the federal Fisheries Act. Please refer to Fisheries and Oceans Canada Projects Near Water webpage (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) for information on how to ensure your project complies with the Fisheries Act.

DECLARATION

☒ By submitting this application form, I, declare that the information contained on this form is complete and accurate.

APPLICATION AND ASSOCIATED FEES

Item	Amount	Taxes	Total	Outstanding Balance
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Changes in and about a Stream Application Fee	\$250.00	\$250.00	\$0.00
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OFFICE

Office to submit application to: Surrey

PROJECT INFORMATION

Is this application for an activity or project which
requires more than one natural resource
authorization from the Province of BC? No

OFFICE USE ONLY

Office Surrey	File Number 2006303	Project Number
	Disposition ID	Client Number



Project Summary Report Rainy River Intake Sediment Removal 2017

Our File No.: FSCI-17-0006b
FLNRO Approval No.: 2005360

September 15, 2017

Introduction

Howe Sound Pulp and Paper Corporation (HSPP) operate a pulp and paper mill at the mouth of the Rainy River in Howe Sound. The mill relies on an in-river intake (“intake”) for its supply and treatment systems.

The intake is located approximately 1.2-km upstream from the river mouth (**Figure 1**) and consists of a river wide weir that impounds water in a headpond. A portion of the water from the headpond is then redirected into the mill’s intake pipe. The headpond has annual accumulations of mobile bedload and requires excavation annually to ensure the intake and required flows are not impeded. This excavation typically takes place in the month of August during the low summer flow periods and within the Instream Works Window. All excavation works are monitored for impacts to rearing salmonids.¹

This report summarizes the mitigation works and results of the environmental monitoring of headpond excavation works conducted on August 14 and 15, 2017.

Project Location

The project location has been previously reported ^{1,2}. All works are confined to this area and only involve the headpond and alluvial deposits within the headpond (**Figure 1**).

¹ Hatfield Consultants. 2016. Rainy River Intake Sediment Removal 20156 Environmental Monitoring Report. Howe Sound Pulp and Paper Corp.

² Bates, D. 2017. Project summary report. Emergency Rainy River sediment removal. **FSCI** Biological Consultants. Prepared for Howe Sound Pulp and Paper. May 8, 2017.



Figure 1: Overview of the HSPP headpond and weir. Approximate area excavated is highlighted and the sediment wedge is shown in the inset. The approximate locations for monitoring turbidity are shown as red dots.

Fish Salvage

Fish salvage was conducted on August 14 prior to the mobilization of any machinery into the river. Salvage was conducted using an experienced electrofishing crew and the LR24 Smith Root electroshocker. The work area was first isolated using river spanning seine nets to limit immigration of juvenile salmonids into the work area (**Photo 1**). The nets were placed at the top end of the sediment wedge. The lower portion of the work area was too deep to effectively isolate. The risk to rearing salmonids in the deeper pool at the headpond weir was considered low.

The electrofishing crew then fished the wetted area within the proposed works footprint. The mainstem habitat provided poor rearing features and salvage effort concentrated along the fringes of the channel and areas with larger substrate that provide rearing cover.

Conditions for electrofishing were considered good with a measured stream temperature of 14°C and conductivity of 15 μ S/cm. A total electrofishing effort of 4600 seconds, over 7 passes of the area was completed. Passes showed a diminishing number as the crews progressed and a total of 18 juvenile salmonids were captured and relocated outside the project area. All captured fish were juvenile Steelhead Trout (*Oncorhynchus mykiss*) and represented 2 age classes (Age 0+ and 1+). The juveniles were measured (**Table I**) and released upstream of the project area.



Photo 1: The upstream end of the work area was isolated using a ½" seine net spanning from bank to bank. The electrofishing crew removed juvenile salmonids from the wetted areas of the sediment wedge. All fish were measured and released upstream.

Sediment Removal

The excavation began at 0800 on April 14, 2017. An Independent Environmental Monitor (IEM) and Fisheries Biologist from **FSCI** Biological Consultants were on site from the start of the instream works. The IEM remained on site for the duration of all instream works.

All work was completed using 2 excavators (Deere 245G) and 3 rock trucks. Vehicles and excavators were cleaned prior to arriving at the work site and the excavators serviced with biodegradable hydraulic oil. Spill kits were located at strategic locations on site.

Work began with the construction of an access ramp from the west bank (**Photo 2**). River flow had come up and the volume too high to redirect the access corridor. All traffic accessed the sediment wedge and area to be excavated through a predefined and delineated wet crossing. Vehicle movement from the river to the upland was also confined to this corridor.

The excavators located themselves on the aggraded sediment wedge (**Photo 3**) working from the weir crest upstream. Excavated materials were then loaded into rock trucks and end hauled to the existing spoil location¹. The duration for the excavation of the sediment wedge was restricted to August 14 and 15, 2017. A total of 240 loads or approximately 2400 m³ of material were removed from the headpond.

Environmental Monitoring

The IEM remained on site for the duration of all instream works. During this time he interacted with excavation crew and documented the progress. Throughout the day turbidity was monitored at three locations. These locations were; immediately above or upstream of the works (baseline values) and immediately below the intake weir (10-m) and 100-m downstream

Samples were collected at the control or baseline prior to the start of the excavation. All samples collected for turbidity monitoring were surface grabs and analyzed using a LaMotte 2020e Turbidity field meter. Each sample was measured 5 times and an average recorded for the 5 readings. There was no replication of field samples.

The instream works did result in elevated stream turbidity. The BC Ambient Water Quality Guidelines for Aquatic Life were used to gauge the level of acceptable turbidity. The target was set at 8 NTU over baseline, which is allowed for one continuous 24-hr period.

The mitigation strategy developed for elevated turbidity during the works was to maintain, as close as possible, values below the 8 NTU. Once the target level

was reached, works would cease giving the river clean flows time to dilute the turbid water reducing the measured NTU's. The attached **Table II** shows the measured turbidity, recorded at the sample site downstream of the weir.

All work was stopped at 1945 hours on August 15, 2017. There was no evidence of significant sediment deposition in the Rainy River the following day.

Post Construction Stranding

The Works Approval #2005360 requires two post –construction assessments to be conducted 60 and 90 days following project completion (Section aa). The risk to stranding is extremely low given the nature of the excavation works. Regardless, a follow up site assessment will be completed in mid October (approximately 60-days) at low water. This visit will provide an assessment and opinion on the possible stranding risk created by the excavation. Following that site visit, a letter will be drafted to HSPP.



Photo 2: The HSPP headpond on the Rainy River, Howe Sound. The location of the access ford across the stream is shown with red lines. The approximate area to be excavated is highlighted. The work required river crossings throughout the day. Turbidity was monitored downstream.



Photo 3: Excavators worked from within the wetted stream channel on top of the sediment wedge. The wedge was excavated in an upstream direction with bailed materials being end hauled to the spoil site 100-m away.

Conclusion/Comments

The instream works described above was an annual event required to the threat of water loss to the mill and fish ladder. Headpond excavation resulted in the removal of 240 loads or approximately 2400 m³ of deposited bedload materials.

Throughout the instream works, the IEM monitored instream excavation and the materials that were end hauled to the spoil site. An effort was made to randomly check “dumped” loads for trapped fish. There were no fish found in the spoil pile and no distressed fish found in the wetted work site.

Stream turbidity at the work site and below the weir did increase throughout the day (**Photo 4**). While turbidity was elevated above the baseline, there was no extended period (24-hrs.) where the waters exceeded the allowed 8 NTU’s. At times during the day when turbidity was trending greater than 8 NTU’s, work was stopped for and the river allowed to “clear”. This mitigative measure (managing the works) resulted in immediate response in the turbidity (decreasing rapidly), providing certainty that the turbid waters could be suitably diluted thus reducing the potential impacts of elevated suspended solids.

Upon completion, there were no significant environmental issues to report. Work was completed quickly and efficiently reducing the time machinery were



Photo 4: A sediment plume released during the removal of the headpond sediment wedge. Turbidity was monitored constantly below the work site and work was stopped when turbidity exceeded 8 NTU.

operating within the stream channel and reducing the risk to local fish populations and their habitat.

Prepared for:
 Siew Sim, Environment Specialist
 Howe Sound Pulp and Paper Corporation
 Port Mellon, NBC

Prepared by:
 D. Bates, RPBio
 Sr. Biologist
FSCI Biological Consultants

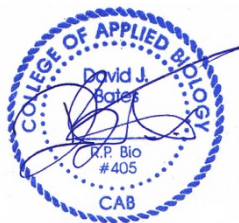


Table I: Summary table of the juvenile Steelhead trout (SH) removed on August 14, 2017 and relocated from the work area to the Rainy River upstream of the headpond. All fish caught were along the wetted fringe.

Species	Length	Weight	Condition Coefficient	Age
SH	100	10.8	0.95	1+
SH	89	6.3	0.79	1+
SH	90	10.6	1.29	1+
SH	82	6.1	0.98	1+
SH	113	16.7	1.01	1+
SH	83	6.4	0.99	1+
SH	100	12.2	1.07	1+
SH	103	12.1	0.97	1+
SH	914	8.9	0.00	1+
SH	92	9.1	1.03	1+
SH	99	11.9	1.08	1+
SH	91	8.4	0.99	1+
SH	82	6.2	1.00	1+
SH	92	10.4	1.18	1+
SH	45	0.9	0.91	0+
SH	48	1.3	1.08	0+
SH	87	6.9	0.93	1+
SH	86	7.0	0.98	1+
SH	65	3.6	1.18	0+

Table II: Summary table of the measured turbidity below the HSPP Rainy River intake collected during the excavation of the headpond on August 14 and 15, 2017. All readings reported are from the sample station below the weir.

Date	Time	Turbidity (NTU)	IEM/Bio	Comments
August 14, 2017	0800	0.20	DB	Baseline
"	0830	0.51	DB	Baseline
"	0850	2.08	DB	-
"	0900	1.20	JW	-
"	0930	5.35	JW	-
"	0945	10.32	JW	Stop work
"	1100	2.58	JW	Stop work
"	1110	6.58	JW	Stop work
"	1125	6.29	JW	Stop work
"	1140	3.01	JW	Stop work
"	1210	2.52	JW	Restart work
"	1215	11.10	JW	Stopped work
"	1225	13.50	JW	Stopped work
"	1300	5.12	JW	Restart work
"	1345	4.48	JW	-
"	1400	4.48	JW	-
"	1430	5.20	JW	-
"	1435	12.5	JW	Stopped work for day
August 15 2017	0730	0.50	JW	
"	0800	4.99	JW	
"	0830	6.66	JW	
"	0845	9.97	JW	Stop work
"	0920	4.91	JW	
"	0930	2.53	JW	Restart work
"	1020	6.93	JW	
"	1030	9.92	JW	
"	1035	12.10	JW	
"	1120	4.14	JW	Stop work
"	1145	2.00	JW	Restart work
"	1230	9.87	JW	Stop work
"	1330	3.09	JW	Restart work
"	1335	2.31	JW	
"	1400	4.74	JW	
"	1420	5.10	JW	
"	1500	9.34	JW	Stopped work
"	1555	2.36	JW	Restart work
"	1630	9.46	JW	Stop work
"	1745	2.01	JW	Restart work
"	1820	6.65	JW	
"	1830	7.61	JW	
"	1845	10.38	JW	Stopped work - finished



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Pacific Region
3190 Hammond Bay Road
Nanaimo, BC V9T 6N7

Région du Pacifique
3190 rue Hammond Bay
Nanaimo, CB V9T 6N7

Your file

Votre référence

February 26, 2018

Our file

Notre référence

17-HPAC-00764

Siew Sim
Howe Sound Pulp & Paper Corporation
3838 Port Mellon Highway
Port Mellon, BC
V0N 2S0

Dear Ms. Sim:

Subject: Implementation of mitigation measures to avoid and mitigate serious harm to fish.

The Fisheries Protection Program (the Program) of Fisheries and Oceans Canada received your proposal on August 1, 2018.

Your proposal has been reviewed to determine whether it is likely to result in serious harm to fish which is prohibited under subsection 35(1) of the *Fisheries Act*.

Our review consisted of:

- Request for Review form received August 1, 2017;
- Rainy River South Intake Sediment Removal 2016 Environmental Monitoring Report received August 1, 2017;
- Application for Approval to make changes in and about Rainy River received August 1, 2017;
- Howe Sound Pulp & Paper Corporation Approval 2005360 Erosion and Sediment Control Plan received August 1, 2017;
- Rainy River Sedimentation Study, Michael Church, received November 21, 2017;
- Response to information requirement requested by the Program received January 24, 2018; and
- Site visit conducted January 24, 2018.

We understand that you propose to:

- Remove $3000\text{m}^3 - 6000\text{m}^3$ of deposited substrate immediately upstream of the weir over an 1800m^2 footprint on an annual basis.

To avoid the potential of serious harm to fish and their habitat, we are recommending that the attached mitigation measures be included into your plans.

*

Canada

.../2

- In water works should be conducted between August 1st – 31st during non pink years and August 1st – 15th during pink years;
- An Environmental Monitor will supervisor and monitor all instream works to ensure works and mitigation measures are carried out as proposed, and is granted the authority to stop works if deemed necessary to address risks to fish and fish habitat;
- If monitoring and observations of work indicate any mitigation measures and/ or standards are not successful at avoiding serious harm to fish, the Proponent will:
 - Immediately suspend the works, undertakings or activities;
 - Immediately report the incident to the Program at ReferralsPacific@dfo-mpo.gc.ca;
 - Implement additional mitigation measures; and
 - Continue to monitor to determine the effectiveness of the additional mitigation measures.
- The Proponent will monitor all in-water works and report any observed fish kill to DFO immediately, in accordance with sub-section 38(4) of the Fisheries Act.

Provided that these mitigation measures, in addition to those proposed in the Request for Review submission, are incorporated into your plans, the Program is of the view that your proposal will not result in serious harm to fish. No formal approval is required from the Program under the *Fisheries Act* in order to proceed with your proposal.


Should river conditions or proposed works (including timing of works) change in the future, such that the works pose the potential for causing Serious Harm to fish, the Program recommends you re-assess the Project and confirm that it will not result in unauthorized serious harm to fish and fish habitat. Please consult our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) or consult with a qualified environmental consultant to assist you in conducting your assessment.

If your plans have changed, are incomplete, or change in the future, you should consult our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) and obtain the services of a qualified environmental professional to determine if further review is required by the Program. The Program acknowledges that these are on-going annual works. As such, **this Letter of Advice is applicable for 2 years from the date of issuance after which time, you are recommended to resubmit for review to ensure that the proposed works are in compliance with the Fisheries Act.**

Please notify this office at least 10 days before starting your project. A copy of this letter should be kept on site while the work is in progress.

If you have any questions, please contact Larissa Chin at our Vancouver office at 604-666-2057, or by email at Larissa.Chin@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A handwritten signature in dark ink, consisting of several loops and a long horizontal stroke extending to the right.

Holly Pulvermacher
Senior Fisheries Protection Biologist
Linear Unit
Fisheries Protection Program
Fisheries and Oceans Canada

Howe Sound Pulp & Paper Corporation ("HSPP")
Approval XXXXX, Approval File XXXXX
Erosion and Sediment Control Plan ("ESCP")
For the Rainy River Dam Intake Sediment Removal Area
ESCP Prepared by Siew Sim, April 9, 2018

I. Terms and Conditions of the Approval

This ESCP forms part of condition () in the Approval XXXXX dated MM YYYY to authorize up to two years of sediment removal at the Rainy River Dam Intake Sediment Removal Area until the amendment is granted in the Conditional Water Licence Numbers C119435 and C119436 on Water File Number 0193328 for the Rainy River Dam Intake Sediment Removal Area. Once the amendment is granted on the water licence, the ESCP will form part of the condition of clause (j) in HSPP's Conditional Waters Licence Numbers C119435 and C119436 on Water File Number 0193328 for the Rainy River Dam Intake Sediment Removal Area.

This ESCP outlines the minimum mandatory terms and conditions that HSPP must follow during sediment removal on the Rainy River Dam Intake Sediment Removal Area.

HSPP must ensure that the Contractor(s), Environmental Monitor(s) and any other site personal have read the terms and conditions of this ESCP and have indicated an understanding of all of the described conditions, will comply with all the described conditions, and if necessary, will stop works that are in non-compliance with any of the conditions.

A copy of this ESCP must be available for inspection, upon request, when instream works are occurring.

All instream sediment removal works must only be completed within the Rainy River Dam Intake Sediment Removal Area designated area as outlined on the water licence within Block 2 of District Lots 1364 and 6986, Group 1, New Westminster District, Plan 11981 (PID 007-023-782) and Block 3 of District Lots 1364, 6986 and 6103, Group 1, New Westminster District, Plan 21182, (PID 007-046-839), located at 3838 Port Mellon Highway, Port Mellon, BC.

Upon issuance of the Section 11 Change Approval, please sign the ESCP as to your agreement to the terms and conditions as set out below and forward the signed copy back to the Authorizations Specialist to be placed in the file.

II. Description of the Project at Rainy River Dam Intake Sediment Removal Area

Purpose of the Works:

Instream sediment removal is conducted to maintain a channel of water to supply sufficient water flow to mill operations. To achieve this objective, an excavator will remove sediment that accumulates during fall and winter storm events, transferring material to Terex trucks to deposit material at an adjacent laydown area to minimize truck turn around time.

Annual variability of sediment in the stream will dictate the frequency of sediment removal. Sediment levels will be monitored regularly and once levels are at or near capacity, sediment removal will occur. It is expected that Rainy River Dam Intake Sediment Removal Area will require to be dredged every 1-2 years within an expected area of 1800m² and quantity of 4500 m³.

Description of the Stream:

River, Rainbow and Cutthroat and steelhead trout; coho, chum and pink salmon; Dolly Varden, Rainbow trout and sculpins; discharges to Thornborough Channel.

Describe the Environmental Considerations (fish and wildlife habitat and endangered species) and Mitigation Strategies at this sediment removal area:

No specific considerations regarding fish and wildlife habitat on Rainy River. Instream works windows will be isolated to times provided by federal and provincial jurisdictions to avoid harm to local fish species.

Describe the Isolation Methods and Temporary Diversion Methods:

An excavator digs an upstream channel from the fish ladder (located on the eastern bank of the river) beyond the access road to allow flow to the fish ladder. A gravel berm is created parallel to the channel to isolate the flow from the work zone.

Describe what Erosion and Sediment Control Measures will be utilized at this sediment removal area:

If necessary, silt curtains are installed parallel to the flows and also at the mill intake to minimize silt. During removal activities water levels are typically low and flow is isolated to the mill intake with minimal flow over the dam and into

Rainy River. Should turbidity increase, work will stop until the QRP deems water quality acceptable.

Describe your Best Management Practices for the Sediment Removal:

All machinery entering the river will be clean, good working order free of grease and oil. Hydraulics will be replaced with bio-degradable oils. A spill kit is located on shore near to the removal area. No refueling of machinery takes place at extraction site.

Access Route for the Sediment Removal Area:

Excavators and trucks enter the Rainy River from the western bank after creating of an access ramp with a diversionary culvert to maintain water flow to mill operations. No disturbance of riparian area occurs with the creation of the access ramp.

Location of the Sediment Removal Equipment during Construction:

The excavator will work from south to north while removing material, utilizing the deposited gravel as an access road.

Location Site for the placement of Sediment Removed:

Sediment removed will be placed at a laydown area adjacent to the Rainy River, north west of the removal site. This site is located well above the high water mark.

Timing of Works:

Instream sediment removal can only be completed during the fisheries work window when fish eggs and alevins are not present in gravel and risks to fish and wildlife are minimized. Within the Lower Mainland of British Columbia the instream work window is from mid-July through mid-September (July 15 – September 15) for Pacific Salmon. The instream work window for Rainbow and Cutthroat Trout is from the beginning of August to the end of October (August 1 – October 31). The instream work window for Dolly Varden and Bull Trout is June 15 to end of August. The instream work window for Pacific Salmon is June 15 to September 15. If other species are present, please consult a Qualified Environmental Professional to determine an appropriate reduced risk instream works window.

Given this information, please provide a brief description of the types of fish and wildlife expected to be found at the sediment removal area: Historical fish trapping data indicates coastal cutthroat trout and steelhead trout; coho, chum and pink salmon and resident populations of rainbow trout, Dolly Varden char and sculpins have been found to be present in the Rainy River.

Instream works will occur between August 1 and completed by August 31.

All works will be completed within the FLNR South Coast Region's 2006 Guidelines for the Reduced Risk Instream Work Window located at the following link:

<http://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/working-around-water/regional-terms-conditions-timing-windows>

III. Best Management Practices

Fish Salvages:

A fish salvage will be completed prior to the start of works where fish presence has been confirmed. Fish isolation fences will be installed at the upstream and downstream end of the work site. All applicable permits must be in place prior to commencement of the fish salvage.

The Environmental Monitor (EM) must be qualified in fish identification and salvage methods for all fish salvages. The EM will determine the most effective fish salvage method required at the site, which may include:

- Backpack electrofishing;
- Seining; and
- Minnow trapping.

Sites with difficult salvage conditions may require additional/supplementary salvage effort during works. Sediment removal may be stopped to accommodate supplementary fish salvages as necessary.

Amphibian Management:

Amphibians are periodically collected during the fish salvage works and during sediment works, as material is periodically side-cast beyond the top-of-bank. The EM must be qualified and have experience in the identification of amphibians and reptiles utilizing the waterways. The following approach is recommended:

- a) Undertake pre-work salvages concurrently with fish salvages. The salvages include a combination of hand

netting, minnow-trapping (using larger crawfish traps), seining, electrofishing (which typically has limited success on amphibians, as they will periodically retreat to the bottom of the channel during electrofishing) and supplementary salvages during the works.

- b) Relocating any captures outside of the active work area in close proximity to the capture site in areas of suitable habitat; and
- c) Notify FLNR staff (Kristina Robbins, Josh Malt or Kym Welstead) of any unique observations or Species-at-Risk.

Other Wildlife including Species at Risk:

Identify the location of any nest trees or other important habitats in the surrounding work area. Mark out a buffer area around the nest tree(s) or habitat(s) identified. Time construction carefully to avoid significant disturbances to the wildlife (i.e. when birds are courting and nesting). Design and locate construction works to avoid disturbing wildlife sensitive areas and to minimize noise levels. Only clear vegetation for worksite access during the vegetation clearing timing window, to protect nesting birds. Talk to your local Municipality about ways to protect sensitive habitats and to see if a bylaw requires the protection of nest tree buffers or other critical habitat in your area.

As species at risk typically have no window of least risk, avoid in-channel work wherever possible when the presence of species at risk is known or expected. Notify FLNR staff (Kristina Robbins, Josh Malt or Kym Welstead) of any unique observations or species at risk.

Riparian Vegetation:

Impacts to native riparian vegetation are to be avoided throughout sediment removal works. When excavated material is bank cast, care should be taken to avoid placing it on native shrubs. Avoidance of riparian vegetation will be considered when selecting what side of the watercourse the excavator should be located for sediment removal.

If Himalayan Blackberry or other invasive vegetation will be damaged during channel maintenance, these portions of channel maintenance should be completed between mid-August and mid-September in order to protect nesting birds.

Sediment Control:

Sediment control measures must be installed prior to the start of works. The Environmental Monitor will select suitable location and turbidity curtains will be installed downstream from works to minimize the flow of sediment downstream. Turbidity readings collected downstream from works must remain below a change from background of 8 NTU (or Total Suspended Solids below a change from background of 25 mg/L) for the duration of works. The distance between the work zone and the location of turbidity sample collection is site specific and dependent on fish presence, abundance and habitat suitability. Methods used for sediment control include:

- a) *Turbidity Curtains:* Must be installed at all sites downstream from work zone. It is important that turbidity curtains are not damaged and are installed with lead line on the bottom at of the watercourse. Turbidity curtains should be periodically maintained during works to remove accumulated vegetation that collects when installed downstream from work. If high turbidity is noted a series of two or more turbidity curtains should be installed downstream from works to limit the flow of turbidity downstream.
- b) *Instream Grass Buffers:* In systems with high flow or turbid water, turbidity curtains may not be sufficient to reduce the flow of turbidity downstream. When working in the upstream direction, skipping 10-15 m sections of instream vegetation (typically dense growth of Reed Canary grass) helps to slow flow and promote sedimentation. These skipped sections can then be removed at the end or start of the work day.
- c) *Direction of work:* Under most conditions, work will proceed in the upstream direction. However, based on salmonid presence, abundance of instream vegetation and connectivity to fish bearing watercourses, the environmental monitor may choose to work in a downstream direction if it is expected to decrease overall environmental impacts.
- d) *Stop-and-Go Method:* Despite the above noted sediment control methods, the flow of downstream turbidity can often not be fully mitigated during instream works within high flow systems or turbid water. In these situations, a stop-and-go method is used. Based on the turbidity reading collected by the Environmental Monitor, channel maintenance work is pulsed so that downstream turbidity levels remain within acceptable limits. Work is permitted until downstream turbidity levels rise to 8-50 NTU above background (or Total Suspended Solids levels rise to 25-100 mg/L above background) and then is stopped until turbidity levels

begin to decline. Sample collection location downstream from the work site is at the discretion of the Environmental Monitor based on site-specific conditions.

Temporary Diversions

Temporary diversion construction around or through a worksite is permitted, providing that the worksite is no larger than the minimum area required and:

- 1) If pumps, pipes or conduits are used to divert water around or through the worksite:
 - i) the pumps, pipes or conduits are sized to divert the 1 in 10 year maximum daily flow for the period of construction; and
 - ii) any pump or intake withdrawing water from fish bearing waters is screened in accordance with the Fish Screening Directive of the Department of Fisheries and Oceans (Canada).
- 2) If cofferdams are used to isolate successive parts of the construction at the worksite:
 - i) the cofferdams are designed by a professional engineer and constructed in accordance with that design; and
 - ii) the natural channel remaining outside of the cofferdams is adequate to pass the 1 in 10 year maximum daily flow during the period of construction; or
- 3) If ditches are used to divert flow around the worksite:
 - i) the flow of water diverted remains within the stream channel;
 - ii) the ditches are designed and constructed to divert the 1 in 10 year maximum daily flow around or through the worksite and are protected from any anticipated erosion during the period of construction and use of the ditch; and
 - iii) the ditches are completely backfilled and the area returned as closely as possible to the natural state on completion of the works.

IV. Emergency Works

In emergency situations, works are permitted under this water licence as long as they are completed during the Reduced Risk Instream Work Window as described below. If an emergency situation occurs that requires works to proceed outside the Reduced Risk Instream Work Window, the emergency works may proceed in order to alleviate the emergency with a formal Notification submitted to FLNR within 72 hours. An Environmental Monitor and fish salvage personnel will be mobilized to the site. Best management practices will remain in place and the work will be limited to only what is necessary to mitigate the emergency situation. Refer to Section 7.8 in the Ministry of Forests, Lands and Natural Resource Operations (FLNR) "Standards and Best Practices for Instream Works" for definitions and conditions of Emergency Works.

CONDITIONS FOR SEDIMENT REMOVAL:

V. Timing of Works

1. Sediment removal in the Rainy River Dam Intake Sediment Removal Area must be conducted between the Reduced Risk Instream Work Window, so that fisheries interests are protected.

VI. Responsibilities

2. This water licence does not authorize entry on privately held land or Crown land.
3. This water licence does not constitute authority of any other agency. The holder of this Approval shall have the necessary permits from other agencies concerned prior to the commencement of the works authorized herein, including but not limited to, a fish salvage permit and wildlife permit.
4. The Licensee must have permits or other written consent from any affected right-of-way holders before commencing work that could affect utilities or other structures within the right-of-ways.
5. This water licence does not authorize the alteration or removal of any works held under a water licence.
6. The Licensee shall take reasonable care to avoid damaging any land, works, trees, or other property and shall make full compensation to the owners for any damage or loss resulting from the exercise of rights granted

hereunder.

7. The Licensee shall be responsible for the repair, operation and maintenance of works to the satisfaction of the Water Manager.
8. The Licensee shall advise any licence holders within 1km of water licences downstream of the site, 5 days prior to commencement of construction.

VII. Environmental Monitoring

9. The Licensee must retain an appropriately Qualified Professional (QP) to conduct Environmental Monitoring on all instream works authorized under this Water Licence and as outlined in this ESCP. The Environmental Monitor (EM) is responsible for observing the methods of construction and preparing information and reports on the compliance of the construction activities. The EM will assist in the isolation of the stream, erosion and sediment control measures and environmental monitoring to ensure there is minimal environmental impact on the land and potentially fish and fish habitat of the stream.
10. The EM will attend the site prior to conducting any instream works to complete salvages, and to ensure environmental protection measures are constructed, installed and maintained appropriately.
11. The EM will supervise and monitor all instream works to completion to ensure works are carried out as per the Best Management Practices described above and the Ministry of Forests, Lands and Natural Resource Operations (FLNR) "Standards and Best Practices for Instream Works". The Ministry's guidance can be found at the following link:
<http://www.env.gov.bc.ca/wld/documents/bmp/iswstdsbpsmarch2004.pdf>
12. The EM will monitor the implementation and effectiveness of erosion and sediment control (ESC) measures deployed by the Contractor and the turbidity or Total Suspended Solids levels of the creek. The EM is hereby granted authority to stop the work if deemed necessary to address risks to the environment including ensuring compliance with the turbidity levels.
13. If the proposed works are not conducted in a manner compliant with this ESCP or any other environmental regulatory approvals, or in the event of an environmental incident, the EM is required to report to the Licensee immediately any concerns. The contractor will immediately address these deficiencies so that works are compliant with the intent of the ESCP and any other environmental regulatory approval.

VIII. Isolation of the Work Area

14. All work must be undertaken and completed in isolation of all flowing water. This must be accomplished using the built in diversion system and/or any other methods necessary to accomplish total isolation as described above under Isolation of the Work Area. Any measurable water flow to downstream portions of the stream must not be cut off at any time during the construction of the works. In addition, the point of discharge back into the creek must be located immediately downstream of the worksite.

IX. Access Route and Riparian Area

15. Work crew are to use the designated access route provided and it is anticipated to have no or very minimal impact to existing riparian areas.
16. Some upgrading and clearing of shrubs may be done by the Contractor to sections of the access road to provide equipment access to the sites. Vegetation removed for the purposes of temporary access must be replanted using native species that are suitable for the site conditions.
17. Vegetation along the banks of the stream shall be disturbed as little as possible. Impacts to native riparian vegetation are to be avoided throughout channel maintenance works. If work cannot be completed without damaging riparian vegetation these sections of channel maintenance must be skipped.
18. All disturbed areas of the banks of the stream shall be restored using native vegetation suitable for the site conditions and will be determined by the EM on site.

X. Fish Salvages and Fish Stranding

19. If dewatering or isolation of flow will be conducted, and the stream is known or suspected to contain fish and/or amphibians, the EM will undertake to salvage any fish and amphibians present, prior to commencement of work in the stream channel. The salvage must be conducted in and adjacent to the

sediment removal or basin area, and in all downstream habitats that are affected. The EM is granted authority to stop work to accommodate supplementary fish salvages as necessary.

20. The works shall be designed and installed so as not to restrict fish passage and/or lead to fish stranding.
21. The EM shall inspect the extraction area for fish stranding at least once during winter and spring and after water levels have declined.

XI. Erosion and Sediment Control (ESC) measures

22. Work must be carried out during favourable weather and low flow.
23. Upon commencement of the project, the work shall be pursued to completion as quickly as possible.
24. Control measures to prevent the release of silt, sediment or sediment-laden water must be in place before starting works that may result in sediment mobilization.
25. Care shall be exercised during all phases of the work to prevent the release of silt, sediment, sediment-laden water, raw concrete, concrete leachate or any deleterious substances.
26. Sediment removal boundaries must be clearly delineated prior to commencement of work. All sediment excavation for removal purposes shall be completed in isolation of the stream flows.
27. The ESC measures are to be inspected by the EM regularly during the course of construction. Necessary repairs/corrections will be made by the Contractor immediately if ESC is compromised or becomes ineffective or as determined by the EM.
28. Site preparation and construction of the works is to be carried out from the banks of the stream, thus minimizing disturbance to the stream.
29. All excavated material and debris shall be removed from the site or placed in a stable area above the high water mark of the stream and mitigative measures to protect the excavated material and debris from erosion and reintroduction into the watercourse shall be used, such as, but not limited to, covering the material with erosion blankets or seeding and planting with native vegetation.
30. Sediments are to be hauled immediately and disposed offsite at an approved location as identified above under the Location Site for the placement of Sediment Removed.
31. Turbidity and suspended sediment levels must be maintained within standards outlined in the Canadian Water Quality Guidelines for the Protection of Aquatic Life (2007) and the BC Approved Water Quality Guidelines for Freshwater Aquatic Life (e.g. maximum induced suspended sediment and turbidity levels of 25 mg/L and 8 NTU in 24 hours, respectively in addition to monthly and instantaneous criteria). Water quality monitoring must be conducted by the EM on every day in which instream works are being conducted. Measurements should be taken upstream of any works taking place and within the extent of the sedimentation downstream of where instream work is actively occurring. Measurements should be taken immediately prior to works beginning, and then at regular intervals until the works are completed. Daily reports must be prepared by the EM summarizing the current weather, the time and location of any measurements taken, the upstream activity being conducted at the time, and the respective turbidity levels. Daily monitoring reports must be made available upon request.
32. Any sediment laden water or seepage that threatens the contamination of downstream habitat must be pumped out of the channel/pond and riparian area, and either held until sediment precipitates or appropriately treated prior to its reintroduction in the watercourse to prevent sedimentation of receiving waters.
33. The Contractor will follow all of the conditions of this ESCP and utilize ESC measures that will meet or exceed the standards outlined in the DFO "Land Development Guidelines for the protection of Aquatic Habitat".

XII. Construction of the Works

34. Accumulated sediments are to be removed when the sediment removal area structure is at or near capacity.
35. Occasionally, high value gravel and cobble are encountered during the works. In these instances, attempts are made to minimize disturbance / removal of these materials, and if removal is necessary, material is generally redistributed back in the channel following removal of accumulated fines / silts and deleterious

vegetation.

36. Large woody debris and the stubs of large diameter trees must be left in place or retained onsite where it is safe to do so.
37. All temporary works (including a ford, stream crossing, flow bypass) shall be removed on completion of the project, and the stream channel restored to its natural condition.

XIII. Operation of Machinery

38. Equipment and machinery used in or near the stream channel must be in good operating condition and free of leaks, excess oil and grease.
39. All hydraulic machinery to be used instream must use environmentally sensitive hydraulic fluids, which are non-toxic to aquatic life, and which are readily or inherently biodegradable.
40. Machinery refueling shall not take place within 30 meters of any watercourse.
41. Sediment removal is to be conducted with a slotted excavator bucket to avoid removal of water and excess sediment.

XIV. Spills

42. A spill containment kit must be readily accessible for the construction equipment on site in the event of release of a deleterious substance to the environment. All spills must be photographed and documented in the monitoring report.
43. Any spill of a deleterious substance, in an amount equal to or greater than the amount listed in the Schedule within the Spill Reporting Regulation of the Environmental Management Act, that enters the watercourse will be immediately reported to the Provincial Emergency Program 24 hour phone line at 1-800-663-3456.
44. The spill kit must be onsite ready for inspection at commencement of construction. Construction will not be allowed to commence if proper spill kit is not available on site. Absorbent pads and spill booms of minimum 5 meters in length shall be on hand for immediate deployment should fuel, oil or hydraulic fluid spill occur.

XV. Reporting

45. An annual report must be maintained by HSPP that indicates the dates of sediment removal and/or sediment trap maintenance; quantity of sediment removal; nature of sediment trap maintenance; total instream and riparian area directly affected; photos indicating the area for sediment removal or sediment trap maintenance; daily reports summarizing the current weather, the time and location of any measurements taken, the upstream activity being conducted at the time, and the respective turbidity levels; whether or not they observed or were otherwise aware of any non-compliance with the terms and conditions of this water licence and ESCP; and a description of any environmental incidents, non-compliance or other difficulties, and how these were addressed and reported. The report shall be labelled with the Approval Number and if requested by the Water Manager, provided for our review.

It must be understood that by agreeing to the terms and conditions of this ESCP that forms part of your Approval Number, and proceeding with any of the subject sediment removal, HSPP and/or agent(s), environmental monitor(s) and contractor(s) shall have read and indicated an understanding of all of the described conditions, will comply with all the described conditions, and if necessary, will stop works that are in non-compliance with any of the conditions. This letter does not give permission to undertake the works without authorization of any other agencies with jurisdiction.

Water Manager, FLNR
(Print Name/Signature)

Date

Howe Sound Pulp and Paper Corporation
(Print Name/Signature)

Date

TITLE SEARCH PRINT

2018-06-07, 09:06:51

File Reference:

Requestor: Sunny Singh

Declared Value \$ 57500

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN******Land Title District**

Land Title Office

VANCOUVER

VANCOUVER

Title Number

From Title Number

CA1755704

BB849122

Application Received

2010-10-02

Application Entered

2010-10-12

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

0890635 B.C. LTD., INC.NO. 0890635
225 - 209 CARRALL STREET
VANCOUVER, BC
V6B 2J2**Taxation Authority**

North Shore - Squamish Valley Assessment Area

Description of Land

Parcel Identifier:

008-075-077

Legal Description:

DISTRICT LOT 6685 GROUP 1 NEW WESTMINSTER DISTRICT

Legal NotationsTHIS TITLE MAY BE AFFECTED BY THE FOREST LAND RESERVE ACT,
SEE BN50188SUBJECT TO PROVISOs AND CONDITIONS AS SET OUT IN CROWN GRANT FILED
408040L**Charges, Liens and Interests**

Nature:

RIGHT OF WAY

Registration Number:

545598M

Registration Date and Time:

1972-12-23 14:32

Registered Owner:

BRITISH COLUMBIA HYDRO AND POWER AUTHORITY

Remarks:

INTER ALIA

REFERENCE PLAN 9649

TITLE SEARCH PRINT

2018-06-07, 09:06:51

File Reference:

Requestor: Sunny Singh

Declared Value \$ 57500

Nature: STATUTORY RIGHT OF WAY
Registration Number: GD73592
Registration Date and Time: 1990-06-19 12:59
Registered Owner: TERASEN GAS (VANCOUVER ISLAND) INC.
INCORPORATION NO. 236352
Transfer Number: BV237877
Remarks: PARTIAL RELEASE BG23561 22.01.1993 AS TO
ALL EXCEPT PART ON PLAN LMP8109

Nature: MORTGAGE
Registration Number: CA2726726
Registration Date and Time: 2012-08-20 18:28
Registered Owner: CHINA DEVELOPMENT BANK CORPORATION
Remarks: INTER ALIA

Nature: ASSIGNMENT OF RENTS
Registration Number: CA2726727
Registration Date and Time: 2012-08-20 18:28
Registered Owner: CHINA DEVELOPMENT BANK CORPORATION
Remarks: INTER ALIA

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

TITLE SEARCH PRINT

2018-06-07, 09:06:11

File Reference:

Requestor: Sunny Singh

Declared Value \$ 11651

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN******Land Title District**

Land Title Office

VANCOUVER

VANCOUVER

Title Number

From Title Number

CA1755705

BB849123

Application Received

2010-10-02

Application Entered

2010-10-12

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

0890635 B.C. LTD., INC.NO. 0890635

225 - 209 CARRALL STREET

VANCOUVER, BC

V6B 2J2

Taxation Authority

North Shore - Squamish Valley Assessment Area

Description of Land

Parcel Identifier:

008-075-140

Legal Description:

DISTRICT LOT 6686 GROUP 1 NEW WESTMINSTER DISTRICT

Legal NotationsTHIS TITLE MAY BE AFFECTED BY THE FOREST LAND RESERVE ACT,
SEE BN50188SUBJECT TO PROVISOS AND CONDITIONS AS SET OUT IN CROWN GRANT FILED
408039L**Charges, Liens and Interests**

Nature:

MORTGAGE

Registration Number:

CA2726726

Registration Date and Time:

2012-08-20 18:28

Registered Owner:

CHINA DEVELOPMENT BANK CORPORATION

Remarks:

INTER ALIA

TITLE SEARCH PRINT

2018-06-07, 09:06:11

File Reference:

Requestor: Sunny Singh

Declared Value \$ 11651

Nature:

ASSIGNMENT OF RENTS

Registration Number:

CA2726727

Registration Date and Time:

2012-08-20 18:28

Registered Owner:

CHINA DEVELOPMENT BANK CORPORATION

Remarks:

INTER ALIA

Duplicate Indefeasible Title

NONE OUTSTANDING

Transfers

NONE

Pending Applications

NONE

Property Information

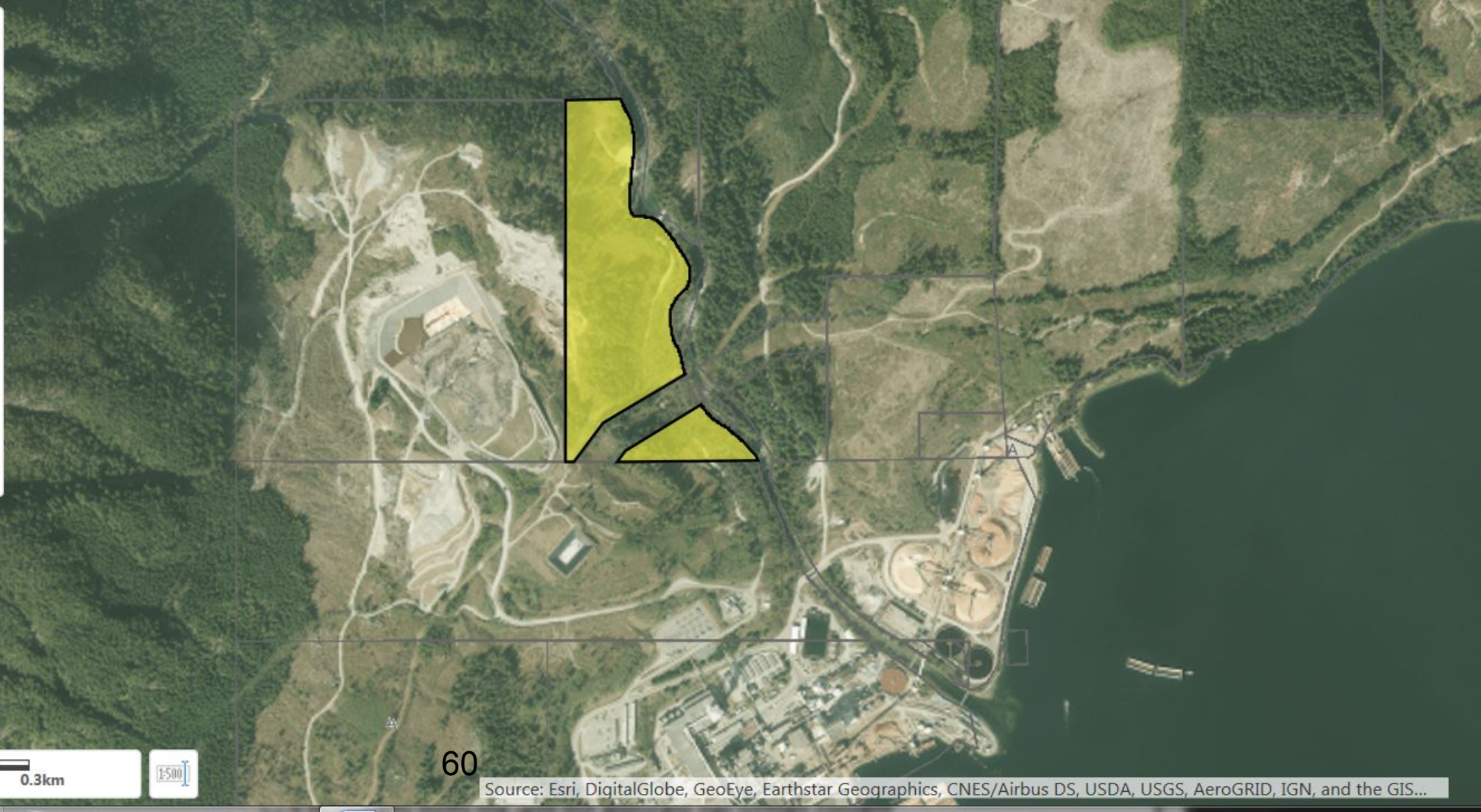


- SCRD
PID: 008-075-077
Folio: 746.29010.115
Lot:
Block:
District Lot: 6685
Plan:
Approximate Lot Size: 40.43 ACRES

Total Assessed Value: 41800
Land Value: 41800
Improvement Value: 0

Property Report

[View Additional Details](#) | [Run a Report](#) | [Edit Feature](#)



ery



UTM Zone 10, NAD83 ▲

X 464449.61115
Y 5486242.15082



60

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS...



Legend

- | | |
|-------------------------------|-------------------------|
| ✕ Machine Access Point | ▨ Laydown Area |
| ● Water Quality Sampling Site | ▩ Sediment Removal Zone |
| — Stop Net | |



0 10 20 40 m

Scale: 1:1,500

Projection: NAD 1983 UTM Zone 10N

Date Sources:
Google Map imagery: 11 Sep 2009.
Sampling and stop net sites
from Hatfield 2015.



K:\Data\Project\HSLP108-NVA_MXD\HSLP108_Fig2_RainyRiver_WQLocation_2018021_v0_3_GT.mxd
Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Arrangement drawing for the 2016 annual sediment removal program

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – November 15, 2018

AUTHOR: Julie Clark, Planner

SUBJECT: Provincial Referral 104755529 - 001 for a Private Moorage (Pindar) – Electoral Area A

RECOMMENDATIONS

1. **THAT** the report titled Provincial Referral 104755529 - 001 for a Private Moorage (Pindar) – Electoral Area A be received;
2. **AND THAT** the following comments be forwarded to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development:

Subject to the following conditions, SCRD has no objections to the proposed residential private moorage fronting Lot 45, District Lot 1488, Plan LMP 32269 New Westminster District, Provincial Referral Number 104755529 - 001:

- a. SCRD will require a building permit and/or a development variance permit if any structures are constructed to access the moorage facility;
 - b. Critical Habitat including eelgrass beds in or near the tenure area should be identified by field study and protected;
 - c. Water quality should not be impacted by maintenance or construction activities, materials, or fuel storage;
 - d. Public access to the tenure area should be maintained for shellfish harvesting, as well as for recreational boating and emergency refuge. Docks and associated tenure area should be designed to maintain public access along the foreshore and emergency refuge;
 - e. The proponent should implement both Provincial and *shíshálh* Nation's Best Management Practices for building and maintaining marine moorage facilities and in particular the most stringent of any overlapping policy to protect the foreshore ecosystems;
 - f. Ensure that the *shíshálh* Nation is consulted and that all activities undertaken comply with the *Heritage Protection Act*;
 - g. Current and future uses of the rocky islet be subject to approvals by the Province of BC and the *shíshálh* Nation.
3. **AND FURTHER THAT** comments from the Egmont / Pender Harbour Advisory Planning Commission be provided to the Ministry.
-

BACKGROUND

SCRD has received a Provincial referral from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) for permission for a private residential moorage fronting Lot 45, District Lot 1489 Group 1 New Westminster District (referred to as the upland parcel), located on the north shore of Hardy Island in Jervis Inlet. The referral package can be found in Attachment A. A location map and a plan of the moorage (Figures 1 & 2) and an application summary (Table 1) are provided below.

The purpose of this report is to provide an analysis of the proposal and recommend a response to FLNRORD.

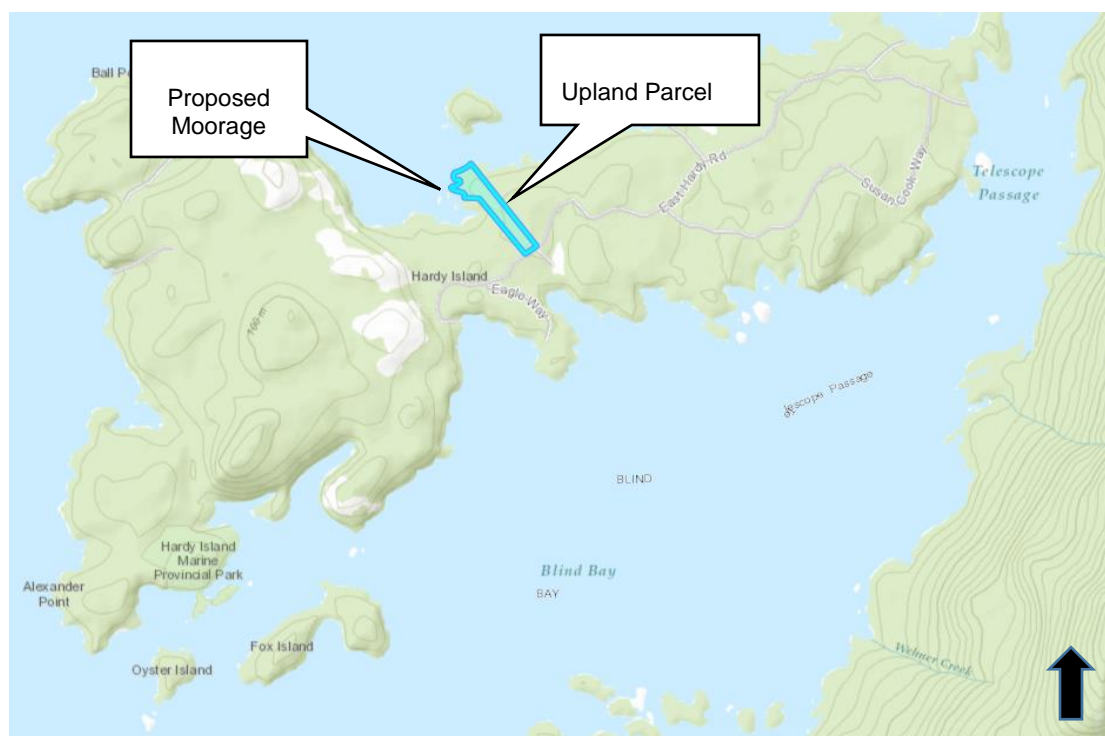


Figure 1 – Location Map Lot 45 on Hardy Island in Jervis Inlet



Owner / Applicant:	Joyce Leslie Pindar
Purpose:	Private residential moorage
Tenure Type:	Specific Permission
Tenure Length:	10-30 years
Size:	0.095 ha (950 m ²)
Location:	Hardy Island, Jervis Inlet
Legal Description:	fronting Lot 45, District Lot 1488 Group 1 New Westminster District, PID 023-734-302 (upland parcel)
Electoral Area:	A – Egmont Pender Harbour
OCP Land Use:	Not designated
Land Use Zone:	RU1 (Rural Residential) for upland parcel
Comment deadline:	November 30, 2018

Table 1 - Application Summary

DISCUSSION

The applicant wishes to secure a private moorage tenure from the Province for an existing dock located on the north side of Hardy Island, approximately 1.8 km southeast of Ball Point. The proposed tenure area is not attached to the upland property, it is attached to a rocky islet, offshore of the natural boundary of the applicant's property, Lot 45. The applicant does not have tenure on the rocky islet. SCRD recommends that current and future uses of the rocky islet be subject to approvals by the Province and *shíshálh* Nation.

The tenure application area is for 950m² to accommodate a 3 m by 7 m dock. The intent is to moor private vessels.

SCRD Official Community Plan and Zoning Analysis

The subject area is outside of the boundaries of any Official Community Plans of the SCRD. The foreshore on which the proposed moorage is located is not zoned. The 12.824 acre upland parcel fronting the moorage is zoned RU1 which is a rural land use designation that permits residential use on the property. A private dock is consistent with the residential use of the upland property. The parcel on Hardy Island can be accessed by water.

If the Province approves the application, the Regional District will require a building permit and/or a Development Variance Permit if any structures are constructed to access the bridge on lot 45.

Ecological and Cultural Impact Analysis

According to the applicant's referral package, wood decking is used for the float and bridge, while a metal frame is used on the gangway. It is unclear whether float decking allows light penetration to the water. The floats are anchored to the sea floor.

It is recommended that a condition of tenure-approval be that the applicant ensures the current dock construction is consistent with the best management practices for marine moorage facilities from the Province and the *shíshálh* Nation (Attachment B), whichever is more stringent.

Eelgrass data is incomplete in this area. Any eelgrass beds in or near the tenure area should be identified by field study and protected as eelgrass provides Critical Habitat for many species. The applicant's management plan notes locations of sea asparagus on either side of the rocky islet as well as fronting the Lot 45. Sea asparagus is a rooted plant that grows in mats in wet salt marshes and on beaches. They can be harvested as a food. Mats of sea asparagus also provide habitat for many sessile and some mobile invertebrates. They benefit the nearshore aquatic food web by providing a carbon source. Care should be taken to protect this species from impacts of development and boating activity.

The subject area is outside the Pender Harbour Dock Management Plan area. The applicant indicates that they have not contacted First Nations. Staff note that Provincial mapping data indicate known archeological sites in the unnamed bay where the rocky islet is located. Staff recommend that comments or concerns received from the *shíshálh* Nation be addressed as a condition of Provincial approval.

The applicant has made use of a rocky islet near the property. The existing dock is installed on the rocky islet, along with solar panels, a shed and a bridge to the applicant's property on Hardy Island. Property owners are seeking specific permission tenure for 950m² area for the dock for 10-30 years. The applicants do not have tenure for the use of the rocky islet. Although the application package suggests a separate application is being made, staff have been notified by the Province that is no longer the case. SCRD recommends that current and future uses of the rocky islet be subject to approvals from the Province of BC and the *shíshálh* Nation.

The waterway around this area is shared by many users including commercial users, recreational boaters and kayakers alike. There are other existing docks and beaches along the Hardy Island coastline in Jervis Inlet. The application does not appear to obstruct public use of the area and this condition should be maintained.

Options

The Province requests SCRD to decide on one of the following options in response to the referral:

1. Interests unaffected
2. No objection to approval of project
3. No objection to approval of project subject to conditions
4. Recommend refusal of project due to reasons

Staff recommend Option 3, subject to comments outlined in the Recommendations.

Consultation

The Province referred this application to First Nations, SCRD and other agencies it identifies as appropriate. The applicant is responsible for advertising the application in a local paper to enable comments from the public.

The proposal will be referred to the Egmont / Pender Harbour Advisory Planning Commission for review in November. Comments will be forwarded to the Province.

Timeline for Next Steps

The Province extended the deadline to comment on this application to November 30, 2018 in order to obtain a Board Resolution. The Resolution will be forwarded to FLNRORD and final decision will be made by the Province.

STRATEGIC PLAN AND RELATED POLICIES

The following SCRD Strategic Plan objectives and success indicators relate to the subject of this report:

- Create and use an “environmental lens” for planning, policy development, service delivery and monitoring.

CONCLUSION

The SCRD was provided an opportunity to comment on a Provincial referral to permit a private residential moorage in the Hardy Island area of Jervis Inlet. The proposal was analyzed against applicable SCRD policies, bylaws and regulations, as well as Best Management Practices for (marine) Moorage Facilities. The proposal is found to have no perceivable negative impact on SCRD land use and services. Staff recommend responding to the Province with the option that the SCRD has no objection to the project subject to conditions identified in this report.

Attachments

Attachment A – Referral Package

Attachment B – *shíshálh* Nation Best Management Practices for Marine Moorage

Reviewed by:			
Manager	X - A. Allen	Finance	
GM	X – I. Hall	Legislative	
CAO	X – J. Loveys	Other	



Crown Land Tenure Application

Tracking Number: 100237616

ATS # 270948
VSUS640

Applicant Information

If approved, will the authorization be issued to an Individual or Company/Organization? Individual

Are you the Individual this application will be issued to? No

What is your relationship to the individual? Agent

APPLICANT CONTACT INFORMATION

Applicant is an Individual or an Organization to whom this authorization Permit/Tenure/Licence will be issued, if approved.

Name: Leslie Joyce Pindar
Phone: [REDACTED]
Daytime Phone:
Fax:
Email: [REDACTED]
Mailing Address: [REDACTED]

AGENT INFORMATION

Please enter the contact information of the Individual/Organization who is acting on behalf of the applicant.

Name: Nigel Hemingway
Phone: [REDACTED]
Daytime Phone: [REDACTED]
Fax: [REDACTED]
Email: [REDACTED]
Mailing Address: [REDACTED]

Letter(s) Attached: Yes (Private Moorage.pdf)

ELIGIBILITY

Question	Answer	Warning
Do all applicants and co-applicants meet the eligibility criteria for the appropriate category as listed below?	Yes	

Applicants and/or co-applicants who are Individuals must:

1. be 19 years of age or older and
2. must be Canadian citizens or permanent residents of Canada. (Except if you are applying for a Private Moorage)

Applicants and/or co-applicants who are Organizations must either:

1. be incorporated or registered in British Columbia (Corporations also include registered partnerships, cooperatives, and non-profit societies which are formed under the relevant Provincial statutes) or
2. First Nations who can apply through Band corporations or Indian Band and Tribal Councils (Band or Tribal Councils require a Band Council Resolution).

TECHNICAL INFORMATION

Please provide us with the following general information about you and your application:

EXISTING TENURE DETAILS

Do you hold another Crown Land Tenure? No

ALL SEASONS RESORTS

The All Seasons Resorts Program serves to support the development of Alpine Ski and non-ski resorts on Crown land. For more detailed information on this program please see the operational policy and if you have further questions please contact FrontCounter BC.

Are you applying within an alpine ski resort? No

WHAT IS YOUR INTENDED USE OF CROWN LAND?

Use the "Add Purpose" button to select a proposed land use from the drop down menu.

If you wish to use Crown land for a short term, low impact activity you may not need to apply for tenure, you may be authorized under the Permissions policy or Private Moorage policy.

To determine if your use is permissible under the Land Act please refer to either the Land Use Policy - Permissions or Land Use Policy - Private Moorage located here.

Purpose	Tenure	Period
Private Moorage A dock, ramp and float for water access to Lot 45, DL 1488, Group 1, New Westminster District, Plan LMP32269. Property is located on Hardy Island	Specific Permission	Ten to thirty years

ACCESS TO CROWN LAND

Please describe how you plan to access your proposed crown land from the closest public road: The dock is accessed from Lot 45 on Hardy Island. Access is not required from any public Road.

PRIVATE MOORAGE

Private Moorage is the allocation of aquatic Crown land (inland and coastal) for private moorage facilities such as a dock or float. Moorage facilities for group or strata title/ condominium developments of over three berths are administered under the provisions of the Residential program where they have no related commercial facilities (e.g. gas bars) and are intended for private use of tenants. Group moorage with commercial activities are administered under the Marina program.

Specific Purpose: A dock, ramp and float for water access to Lot 45, DL 1488, Group 1, New Westminster District, Plan LMP32269. Property is located on Hardy Island
Period: Ten to thirty years
Tenure: Specific Permission

MOORING BUOY

Is this only for a mooring buoy for private moorage? No

TOTAL APPLICATION AREA

Please give us some information on the size of the area you are applying for.

Please specify the area: .095 hectares

PROJECT DETAILS

Please provide us with further details on your dock.

Is the water freshwater or marine? Marine
Are you proposing 4 or more slips? No
Are you applying on behalf of a Strata corporation? No
Are you the waterfront upland owner? Yes
Are you planning to sell gas at the proposed marina? No

SECTION 11 WATER AUTHORIZATION

You may also require a Section 11 Water Sustainability Act authorization.

Is this application for an existing structure? Yes

Are you working in the water (replacing pylons, moving structures, etc.)? No

IMPORTANT CONSIDERATIONS

Selecting yes to any of the following questions may indicate that you will require further or additional authorizations under the Land Act or other legislation.

Is your proposed activity within the Kootenay Region? No

Is your proposed activity within the Okanagan, Kalamalka and Wood Lakes, Skaha Lake, Vaseux Lake, or Christina Lake areas? No

Is your proposed activity within the Shuswap, Mara, Mable, or Little Shuswap Lake areas? No

ADDITIONAL QUESTIONS

In many cases you might require other authorizations or permits in order to complete your project. In order to make that determination and point you in the right direction please answer the questions below. In addition, your application may be referred to other agencies for comments.

Is the Applicant or any Co-Applicant or their Spouse(s) an employee of the Provincial Government of British Columbia? No

Are you planning to cut timber on the Crown Land you are applying for? No

Are you planning to use an open fire to burn timber or other materials? No

Do you want to transport heavy equipment or materials on an existing forest road? No

Are you planning to work in or around water? No

Does your operation fall within a park area? No

LOCATION INFORMATION

LAND DETAILS

Please provide information on the location and shape of your Crown land application area. You can use one or more of the tools provided.

☒ I will upload a PDF, JPG or other digital file(s)

MAP FILES

Your PDF, JPG or other digital file must show your application area in relation to nearby communities, highways, railways or other land marks.

Description	Filename	Purpose
Sketch showing application area fronting Lot 45	1009-02-DOCK PLAN.pdf	Private Moorage

☒ I will upload files created from a Geographic Information System (GIS)

SPATIAL FILES

Do you have a spatial file from your GIS system? You can upload it here.

NOTE: If uploading a .shp, please ensure that it is a polygon that has been projected in BC Albers in NAD83 format.

Description	Filename	Purpose
Shape file of application area	1009-02-DOCK.shp	Private Moorage

ATTACHED DOCUMENTS

Document Type	Description	Filename
General Location Map	Location Map of where application is on Hardy Island. Created from PMBC	Location map on Hardy Islan...
Management Plan	Management Plan	management_plan.pdf
Other	Certificate of Title for Lot 45	TITLE-BX604832-PID-023-734-...
Other	Larger scale location map of dock location. Created from PMBC	Dock Location.pdf
Other	Letter of Authorization for application	Private Moorage.pdf
Other	Sunshine Coast Regional District comments	Sunshine Coast Regional Dis...
Side Profile	Profile drawing	1009-02-DOCK PROFILE.pdf
Site Photographs	Dock, ramp, float and foreshore north of structures	IMG_1005.JPG
Site Photographs	Foreshore and float. Shows how there is no impact to other marine travel.	IMG_1006[1].jpg
Site Photographs	Ramp and foreshore south of ramp	IMG_0996[1].jpg
Site Plan	Site Plan of application area	1009-02-DOCK PLAN.pdf

PRIVACY DECLARATION

☒ Check here to indicate that you have read and agree to the privacy declaration stated above.

REFERRAL INFORMATION

Some applications may also be passed on to other agencies, ministries or other affected parties for referral or consultation purposes. A referral or notification is necessary when the approval of your application might affect someone else's rights or resources or those of the citizens of BC. An example of someone who could receive your application for referral purposes is a habitat officer who looks after the fish and wildlife in the area of your application. This does not apply to all applications and is done only when required.

Please enter contact information below for the person who would best answer questions about your application that may arise from anyone who received a referral or notification.

Company / Organization:
Contact Name:
Contact Address:

Polaris Land Surveying
Nigel Hemingway

Contact Phone:
Contact Email:

☒ I hereby consent to the disclosure of the information contained in this application to other agencies, government ministries or other affected parties for referral or First Nation consultation purposes.

- Once you click 'Next' the application will be locked down and you will NOT be able to edit it any more.

DECLARATION
☒ By submitting this application form, I, declare that the information contained on this form is complete and accurate.

Item	Amount	Taxes	Total	Outstanding Balance
Crown Land Tenure Application Fee	\$250.00	GST @ 5%: \$12.50	\$262.50	\$0.00

Office to submit application to:

Surrey

Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC?

No

OFFICE USE ONLY			
Office Surrey	File Number	2412060	Project Number 270948
	Disposition ID	933229	Client Number 293924


MANAGEMENT PLAN

File No.2412060

Her Majesty the Queen in Right of British Columbia (the "Province") and LESLIE JOYCE PINDER (the "Licensee") hereby agree that this document is the Management Plan for File No 2412060 and that this document supersedes any earlier Management Plans.

The signature of the Province's authorized representative is solely for the purpose of acknowledging the Province's acceptance of this document as the Management Plan for the purposes of the tenure document and does not represent a certification by the Province or its signatory of any factual content or acceptance of professional responsibility by the Province's signatory for any advice or analysis contained in this document.


ACCEPTED BY:



JASON LIAN

Date June 19/2018
Ministry of Forests, Lands and Natural
Resource Operations

SIGNED by LESLIE JOYCE PINDER



LESLIE JOYCE PINDER

June 18/2018 Date

Management Plan

Please describe the details of your project to the extent known. Consult the guidance document for further information on regulatory requirements, rational for why the information is required, and how to find required information.

The scope and the timing for response will be provided. If information is requested and not received, it may result in the disallowance of the application.

Information on these topics may be required as part of the application processing and if further detail is necessary that is not part of the application and management plan received, you will be contacted and requested to provide additional information. In some circumstances, the use of a qualified professional to complete the plan may be required.

1.0 Background

1.1 Project Overview

Describe project for which authorization is requested, including construction and/or phased development details:

This application is for a Private Moorage fronting Lot 45, District Lot 1488, Group 1, New Westminster District, Plan LMP32269 (PID 023-734-302). The dock features are located on a small islet in front of the property and they do exist. A separate application is being submitted for use of the islet.

The dock already exists as does access to the islet. No construction is required and nothing will be phased.

1.2 Investigative Work

If any preliminary investigative work has been carried out, with or without an investigative authorization, provide details on work completed, incomplete or on-going from previous term.



Activity	Brief Description of Activity	Status (e.g. Complete, incomplete, ongoing)	Comments / Milestones
none	none	none	none

Add Row

1.4 First Nations Consultation

Describe any contact you may have had, including the name of the First Nation(s) and representatives contacted.



There has been no First Nations consultation

2.0 Location

2.1 Description

Provide a general description of the location of the project:



The location is fronting Lot 45 which is on the northerly side of Hardy Island. The dock is in a small bay of Jervis Inlet and does not intrude into navigable waters. It does not impact water access to any other properties in this part of the island due to a second larger islet east of the location.

2.2 Location Justification

Provide your reasons/justification of the need for this type of project at this location:



It is the best, least impact, safest location.
The dock already exists

2.3 Seasonal Expectations of Use

When will the Project require use of the land? Include information on key works during construction phases as well as operations phase. Please reference [reduced risk fish windows](#) as required by DFO:



Project Phase (Construction / Operations)	Brief Description of Activity / Works	Season
None	None	Spring, Summer and Fall. Seasonal recreational use only
Add Row		

3.0 Infrastructure and Improvements

3.1 Facilities and Infrastructure

Detail any new and existing facilities, infrastructure or processes proposed and any ancillary uses. Provide details of planned construction methods and materials, and construction scheduling.

Facility/Infrastructure/Process	Construction Methods/Materials	Construction Schedule
Dock, ramp and float	Dock-cement and wood, Ramp-metal and wood, Float-wood	Existing

Add Field

3.2 Access

Identify existing and proposed roads used for access and their use by season. Include any proposed connections to public or Forest Service Roads; traffic information including volume of traffic during construction/operation and phase or season that the traffic is expected:



Roadway/Proposed Connection	Existing/Proposed	Existing Road Classification	Road Permittee Information and Road Use Agreements	Traffic Volume		Mitigation of Traffic Effects
				Construction Phase	Operations Phase	
None access is from Lot 45	existing	Lot 45 is served by a public road	Not applicable	None	owner only	Not applicable

Add Field

3.3 Utility Requirements and Sources

Describe utility requirements and sources, include agreements in place or underway allowing access to utilities.



No utilities are required

3.4 Water Supply

Identify water requirements for construction and operation phases (e.g. surface water and/or groundwater), including sources, location, volume and a general description of infrastructure planned to meet water supply requirements, include any agreements outside of Water Act Authorizations identified above (Section I, Authorizations, Permits or Approvals), such as Municipal water supply.

Project Phase (Construction/ Operation)	Water Requirement (e.g. Surface water or ground water, etc)	Source/location	Volume	Infrastructure Description	Agreements
None	None	None	None	None	None

Add Field

3.5 Waste Collection Treatment and Disposal

Identify water requirements for construction and operation phases (e.g. surface water and/or groundwater), including:



Project Phase (Construction/ Operation)	Water Requirement (e.g. Surface water or ground water, etc)	Source/location	Volume	Infrastructure Description	Agreements
None	None	None	None	None	None

Add Field

4.0 Environmental

Describe any significant impacts and proposed mitigation for the following environmental classes:

4.1 Land Impacts

4.1.1 Vegetation Removal

Is any timber removal required?

☐ Yes ☒ No

Are any areas of vegetation to be cleared, outside of timber removal?

☐ Yes ☒ No

4.1.2 Soil Disturbance

Will there be any areas of soil disturbance, including clearing, grubbing, excavation and levelling?

☐ Yes ☒ No

Is the area to be excavated a Brownfield site or has the potential to be contaminated?

☐ Yes ☒ No

Is there potential for disturbance of archaeological, paleontological fossils or historical artifacts?

☐ Yes ☒ No

4.1.3 Riparian Encroachment

Will any works be completed within or adjacent to the riparian zone of any water body?



☒ Yes ☐ No

Identify all works that may affect the Riparian zone, the impacts, and proposed mitigations:

Work Type	Impacts	Proposed Mitigations
The dock is in a riparian zone	None located on bedrock	None needed
Add Field		

4.1.4 Pesticides and Herbicides

Will there be any use of pesticides or herbicides during construction, operations and/or maintenance?

☐ Yes ☒ No

4.1.5 Visual Impacts

Will there be any adverse effects of the projects, and any potential adverse effects on sight lines to the project area from surrounding areas likely to be used for scenic viewing by residents or other users?

☐ Yes ☒ No

4.1.6 Archaeological Sites

Are there any known or high potential (Arch Procedure) archaeological sites within the project area?

☐ Yes ☒ No

Have you conducted an AIA or engaged an archaeologist to assist with your investigations?

☐ Yes ☒ No

4.1.7 Construction Methods and Materials

Identify the types of construction materials, the methods used, their impacts, and any mitigations:

Construction Material/Method	Impacts	Mitigations
No new construction, existing infrastructure	None	None
Add Field		

4.2 Atmospheric Impacts

4.2.1 Sound, Odor, Gas or Fuel Emissions

Will the project construction or operation cause any of the following to disturb wildlife or nearby residents:

[\(Best management practices for sound\)](#)

Sound? ☐ Yes ☒ No

Odor? ☐ Yes ☒ No

Gas? ☐ Yes ☒ No

Fuel Emissions? ☐ Yes ☒ No

4.3 Water or Land Covered by Water Impacts

4.3.1 Drainage Effects

Will the project result in changes to land drainage?

☐ Yes ☒ No

4.3.2 Public Access

Will the project result in changes to public access?

☐ Yes ☒ No

4.3.3 Flood Potential

Will the project result in a potential for flooding?

☐ Yes ☒ No

4.4 Fish and Wildlife Habitat Impacts

4.4.1 Disturbance to Wildlife and Wildlife Habitat

Will the project result in adverse effects to wildlife or wildlife habitat?

([BC Wildlife Act](#))

☐ Yes ☒ No

Will the project (construction or operations phase) occur in and around streams, lakes, estuarine or marine environments?

☒ Yes ☐ No

Describe the fish habitat on or near the project site, include potential impacts of the Project (e.g. stream crossings, water diversions, etc), including seasonal considerations, and plans to manage/mitigate effects.

Project Phase	Impacts	Proposed Mitigations / Management
The float is located in Jervis inlet	None	Care is taken when using the facility to prevent items falling into water
Add Field		

Is the project (construction or operations phase) likely to increase erosion or sedimentation?

☐ Yes ☒ No

Will the project (construction or operations phase) require water diversion?

☐ Yes ☒ No

Will the project threaten or endanger species at risk in the area?

[Species At Risk Act](#)

☐ Yes ☒ No

5.0 Socio-Community

5.1 Land Use

Describe the current community setting on or near the project area, including the location of non-aboriginal and aboriginal communities or known use areas.

The application is for a property on Hardy Island. The other properties, like this one, are mostly used for recreational purposes and many have similar dock facilities for access to their lands.
There are no known aboriginal communities on Hardy Island.

5.1.1 Land Management Plans and Regional Growth Strategies

Are there any land and resource management plans, coastal plans, provincial, regional growth strategies or local government plans with zoning, or management policies or use restrictions in place that could limit or preclude your proposed use of the land? *(Please refer to the [Union of BC Municipalities \(UBCM\)](#), and check the websites of the municipality, regional district or other organization with jurisdiction including your project area.)*

☐ Yes ☒ No

5.2 Socio-Community Conditions

5.2.1 Adjacent Users or Communities

Is the project likely to restrict public access, or the ability, or the ability of adjacent land owners or tenure holder to access their property or tenures?

☐ Yes ☒ No

5.2.2 Existing Services

Provide a description any increased demand on fire protection and other health facilities and emergency services arising from your Project, including proposed management or mitigation measures.



There will be no increase for existing services with this application.

END O F FORM

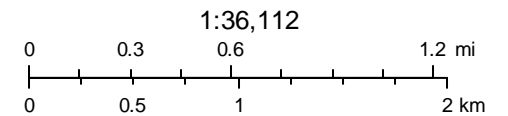
Location Map



January 23, 2018

Interest Parcels **Parcel Boundaries**

 Interest  Ownership

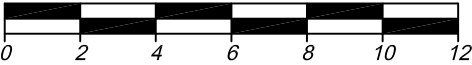


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

SKETCH PLAN TO ACCOMPANY PRIVATE MOORAGE APPLICATION ON ISLET FRONTING LOT 45,
DISTRICT LOT 1489, GROUP 1, NEW WESTMINSTER DISTRICT, PLAN LMP32269.

BCGS MAP SHEET 92F.079

Scale 1:200



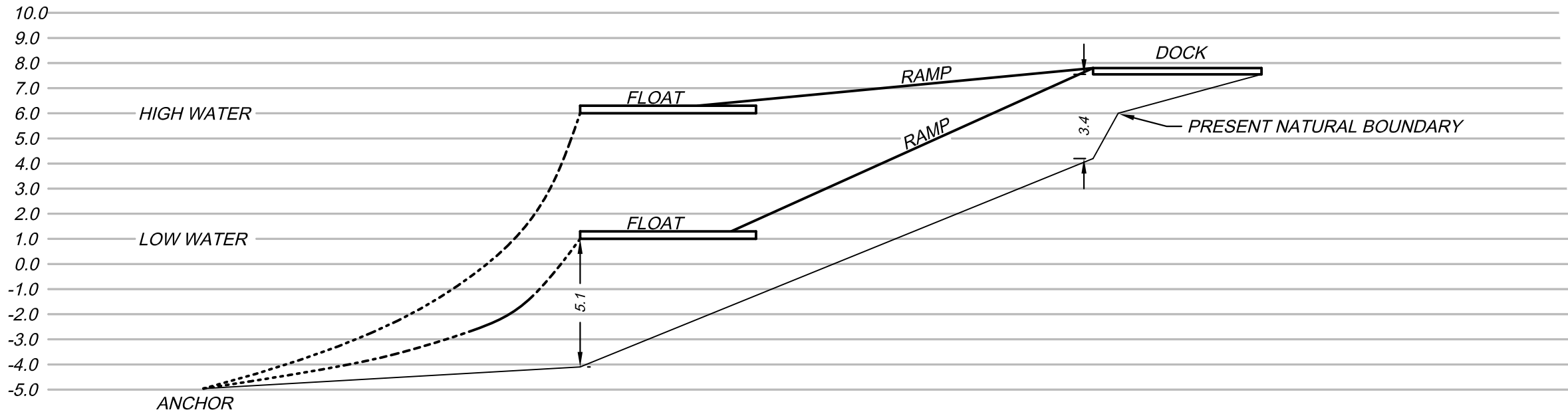
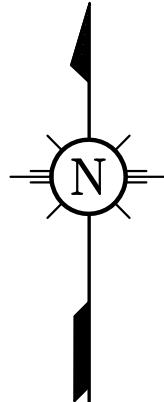
All distances are in metres and decimals thereof, unless otherwise noted.

The intended plot size of this plan is 432mm in width by 280mm in height (B Size) when plotted at a scale of 1:200.

Profile elevations are shown in metres and are to Chart Datum.

Polaris Land Surveying Inc. accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

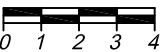
This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described hereon. This document shall not be used to define property lines or property corners.



PROFILE VIEW

HORIZONTAL and VERTICAL

Scale 1:200



Mailing & delivery address:
4507 Manson Avenue,
Powell River, BC V8A 3N3

Toll Free: (877) 603 7398
Powell River: (604) 485-4203
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www.plsi.ca

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Date: December 22, 2017
File: 1009-02
Drawing: 1009-02-DOCK
Layout: PROFILE









shíshálh Nation

**shíshálh Nation Best Management Practices
for Marine Docks**

Our *swiya* (land, waters, world) has been significantly impacted by dock moorages. The *shíshálh* Nation Best Management Practices (BMPs) for marine docks (including wharfs, piers, floats and moorages) within the *shíshálh* Nation *swiya* is a compilation of requirements from Fisheries and Oceans Canada and the Resource Management Department of the *shíshálh* Nation. The BMPs are intended to help minimize and mitigate impacts to marine foreshore and nearshore habitats and resources by promoting responsible and appropriate development. The BMPs are also intended to ensure proponents follow measures and designs that conform to Sections 34 through 37 of the Federal Fisheries Act, and protect cultural and heritage resources within the *shíshálh* Nation *swiya*.

1. Wherever possible, proponents are encouraged to develop dock facilities that can facilitate numerous upland owners. In pursuing multi-owner/use facilities the footprint on the sub/inter tidal habitats is minimized. These types of facilities also help to alleviate potential cumulative impacts from high density, individual dock infrastructures.
2. Access to sub/intertidal resources cannot be impeded or restricted by any dock/float structure. This ensures access for the harvest of marine resources for food, social and ceremonial purposes.
3. No critical habitats can be impacted within the immediate vicinity of the proposed dock. Critical habitats are defined as:

“habitat that is important for: (a) sustaining a subsistence, commercial, or recreational fishery, or (b) any species at risk (e.g., terrestrial or aquatic Provincial red- and blue-listed species, those designated by the Committee on the Status of Endangered Wildlife in Canada, or those SARA-listed species), or (c) because of its relative rareness, productivity, or sensitivity (e.g. eelgrass meadows, kelp forests, foreshore salt marsh vegetation, herring spawning habitat, and potential forage fish spawning beach habitat)”

A Registered Professional Biologist (RPBio) may be required to provide an assessment and opinion on the risks of any dock/float structures on critical habitat(s).

4. Design of a Dock or Boathouse should not include components that block the free movement of water along the shoreline. Crib foundations or solid core structures made of cement or steel sheeting should be avoided as these types of structures result in large areas of vegetation removal and erosion in Riparian areas.

5. When designing dock/float structures, the bottom of all floats must be a minimum of 1.5 meters above the seabed during the lowest water level or tide.
6. Dock/float structure and the vessel to be moored at the structure are not to come to rest on the lake bottom during the lowest water period of the year.

The minimum depth is required to ensure bottom flora and fauna are not adversely impacted by shading and/or propeller wash from moored vessels.

7. Access ramps or walkways should be a minimum of 1.0 meters above the highest high water mark of the tide and a maximum width of 1.2 meters. Docks should not exceed a maximum width of 1.5 metres. In situations where this is not physically possible, design variations supported by the appropriate Qualified Professionals, including a Registered Professional Biologist (RPBio), should be provided.
8. All improvements should be a minimum of 5.0 meters from the side property line (6.0 meters if adjacent to a dedicated public beach access or park) and at least 10 meters from any existing dock or structures, consistent with Federal requirements under Transport Canada's *Navigable Waters Protection Act*.
9. Decking materials must allow for a minimum of 43% open space allowing for light penetration to the water surface. Various materials shaped in the form of grids, grates, and lattices to allow for light passage may be used.
10. Docks should be aligned in a north-south direction to the maximum extent that is practicable.
11. Steel is the preferred material, although concrete, treated or recycled timber piles are acceptable. Detailed information on treated wood options can be obtained online from the Fisheries and Oceans Canada website (*Guidelines to Protect Fish and Fish Habitat from Treated Wood Used in the Aquatic Environment in the Pacific Region*).
12. Construction must never include the use of native beach materials (boulders, cobble, gravel, sand, logs).
13. Access to the beach for construction purposes is to be from the adjacent upland property wherever possible. Where upland access is not possible and the use of heavy equipment is required to access the dock location, the advice of a Qualified Professional or Fisheries and Oceans Canada should be obtained.
14. Access or construction along the beachfront also requires at least 45 days advance notification sent to the *shíshálh* Nation and its Rights and Title Department (604.740.5600; lilxmit@sechlelnation.net) in order to ensure cultural sites are not impacted or disturbed. A Preliminary Field Reconnaissance (PFR) for archaeology may be required. A PFR is a field survey to assess the archaeological resource potential of the area, and to identify the need and appropriate scope of further studies, and is to be performed by a Qualified Professional Archaeologist.

15. Filling, dredging, or blasting at or below the High Water Mark is not supported by the *shíshálh* Nation. Un-authorized filling, dredging and blasting noted by the *shíshálh* Nation will be reported to Fisheries and Oceans Enforcement and the BC Conservation Service.
16. Works along the upland/water interface must be conducted when the site is not wetted by the tide. All work is to be conducted in a manner that does not result in the deposit of toxic or deleterious substances (sediment, un-cured concrete, fuel, lubricants, paints, stains) into waters frequented by fish. This includes refueling of machinery and washing of buckets and hand tools.
17. Applications for Docks that exceed 20 square meters, or such other dimensions as may trigger a review under the *Fisheries Act* from time to time, must contact Fisheries and Oceans Canada and submit a Request for Review or other required documents to ensure proposed activities, and the scheduling of those activities, complies with Fisheries and Oceans Canada requirements including the fisheries works window.
18. The upland design of the dock including anchor points should not disturb the riparian area except at the immediate footprint. An effort should be made to maximize riparian cover adjacent to the dock to reduce erosion and exposure to the foreshore.
19. Pile driving is the preferred method of pile installation. All pile driving must meet current Fisheries and Oceans regulations.
20. The use of Styrofoam to keep docks afloat is prohibited for new construction and repairs. Styrofoam floats on existing docks that are showing evidence of breakdown should be replaced using an alternative material.
21. Docks must be constructed in accordance with requirements under Navigation Protection Act as may be amended or replaced from time to time.
22. Marine foreshore construction activities should take place between June 1 and February 15 of any calendar year.

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – November 15, 2018

AUTHOR: Julie Clark, Planner

SUBJECT: PROVINCIAL REFERRAL CRN00067 FOR A PRIVATE MOORAGE FACILITY (CORDY-SIMPSON) - ELECTORAL AREA A

RECOMMENDATIONS

1. **THAT** the report titled Provincial Referral CRN00067 for a Private Moorage Facility (Cordy-Simpson) - Electoral Area A be received;
2. **AND THAT** the following comments be forwarded to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development:

Subject to the following conditions, SCRD has no objections to the proposed residential private moorage fronting District Lot 5341, Provincial File Number 2412041:

- a) SCRD will require a building permit and/or a development variance permit if any structures are constructed to access the moorage facility;
 - b) Critical Habitat including eelgrass beds in or near the tenure area should be identified by field study and protected;
 - c) Water quality should not be impacted by maintenance or construction activities, materials, or fuel storage;
 - d) Public access to the tenure area should be maintained for shellfish harvesting, as well as for recreational boating and emergency refuge. Docks and associated tenure area should be designed to maintain public access along the foreshore and emergency refuge;
 - e) The proponent should implement both Provincial Best Management Practices for building and maintaining moorage facilities and *shíshálh* Nation Best Management Practices for Marine Docks and in particular the most stringent of any overlapping policy to protect the foreshore ecosystems;
 - f) Ensure that both *shíshálh* Nation is consulted and that all activities undertaken comply with the *Heritage Conservation Act*.
3. **AND FURTHER THAT** comments of the Egmont / Pender Harbour Advisory Planning Commission be provided to the Province.
-

BACKGROUND

SCRD has received a Provincial referral from the Ministry of Forests, Lands Natural Resource Operations and Rural Development (FLNRORD) for permission for a new private residential moorage facility fronting District Lot 5341 (the upland parcel), located approximately 2.5 km northeast of the Earls Cove. The referral package can be found in Attachment A.

The purpose of this report is to provide an analysis of the proposal and recommend a response to FLNRORD.

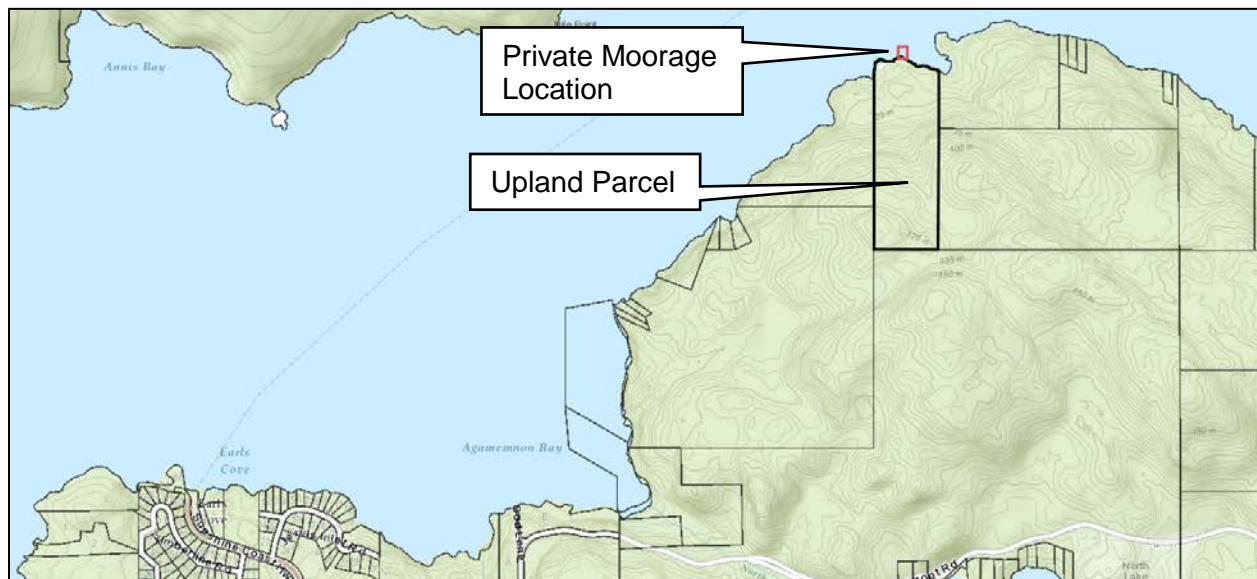


Figure 1 - Location Map

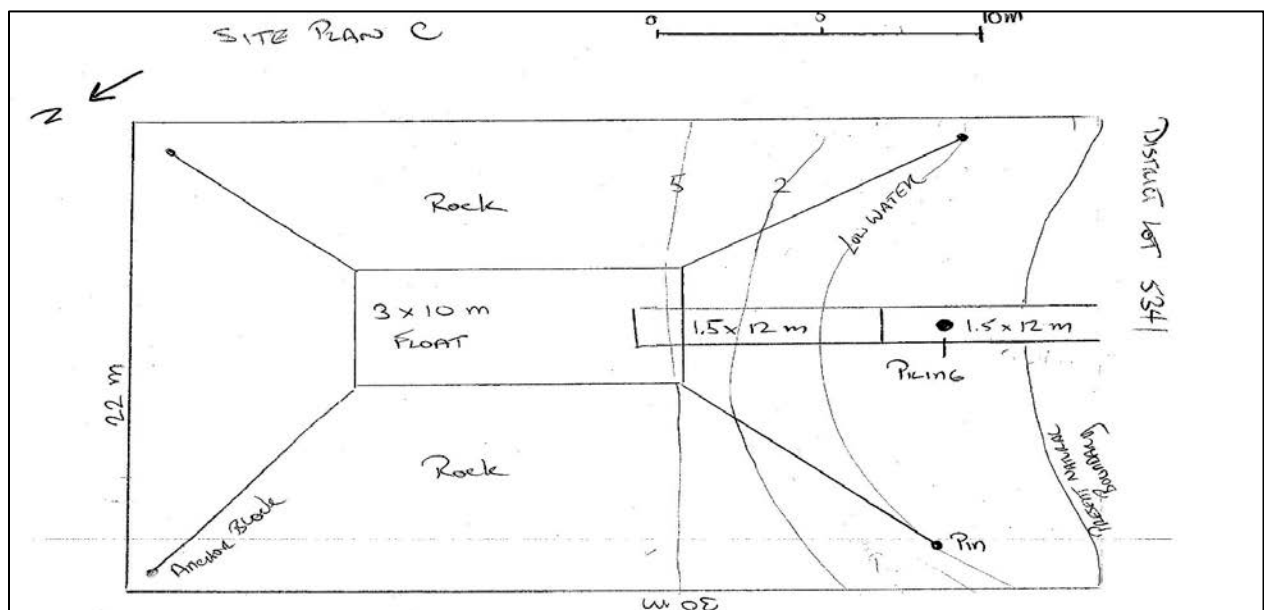


Figure 2 – Moorage facility

Table 1 below includes a summary of the application.

Owner / Applicant:	Roderick Cordy-Simpson and Delaney Schweitzer
Purpose:	Private Residential Moorage Facility
Tenure Type:	Specific Permission
Tenure Length:	More than 30 years
Size:	~ 660 m ²
Location:	Agamemnon Channel
Legal Description:	Fronting District Lot 5341 (upland parcel)
Electoral Area:	A - Egmont/Pender Harbour
OCP Land Use:	Rural Residential A
Land Use Zone:	RU1 Rural Residential (upland parcel), Zoning Bylaw 337

Table 1 - Application Summary

DISCUSSION

The applicant wishes to secure a private moorage tenure from the Province of BC for a new dock located approximately 2.5 km northeast of Earls Cove in Agamemnon Channel. The tenure application area is for approximately 660 m² to accommodate a 3 m by 10 m float. The intent is to moor a single private vessel.

SCRD Official Community Plan and Zoning Analysis

The subject area is within the boundaries of the Egmont / Pender Harbour Official Community Plan (Bylaw No. 708), in an area with a land use designation of Rural Residential A.

The foreshore where the proposed dock is located is not zoned. The 13.4 hectare upland parcel is zoned RU1 (Rural Residential) within Zoning Bylaw No. 337. A dock is consistent with the residential use of the upland property. A single family home is currently located on the upland parcel.

The upland parcel is legally water access only, although the property can be accessed by a forest service road. This access is untenured. A dock will provide an alternate means of access if the forest service road is decommissioned.

The SCRD will require a building permit and/or a development variance permit if any structures are constructed to access the moorage facility.

Ecological and Cultural Impact Analysis

The subject area is outside the Pender Harbour Dock Management Plan area. Ecological and cultural impacts that may result from dock construction and installation can be mitigated at the design stage by following Best Management Practices for building and maintaining moorage facilities.

The referral package (Attachment A), supplied by the applicant indicates the dock will be constructed using steel floats, untreated cedar decking, and an aluminum ramp. Concrete anchors will be used to hold the dock in place rather than piles. It is not clear whether the applicant has implemented both Provincial and *shíshálh* Nation's Best Management Practices for building and maintaining moorage facilities (Attachment B). The more stringent of the two overlapping policies should be implemented to protect the foreshore ecosystems and cultural resources. It is recommended that this be a condition of Provincial approval.

The referral package does not include detail about whether First Nations have been contacted. The applicant is advised to ensure *shíshálh* Nation concerns are addressed and that all activities must comply with *Heritage Conservation Act*.

Eelgrass data in this area is incomplete. Any eelgrass beds in or near the tenure area should be identified through field study and protected as eelgrass provides Critical Habitat for many species. The applicant's management plan does not note any previous analysis of the marine ecosystem in the proposed tenure area. It is recommended that field study is done by a Registered Professional Biologist to determine if there are any Critical Habitat considerations to inform dock design or construction installation methods.

The waterway around this area is shared by many users including commercial users, recreational boaters and kayakers. There are other existing docks and beaches along the coastline of Agamemnon Channel. The proposed dock does not appear to interfere with any public use of the foreshore and this condition should be maintained.

Options

The Province requests SCRD to decide on one of the following options in response to the referral:

1. Interests unaffected
2. No objection to approval of project
3. No objection to approval of project subject to conditions
4. Recommend refusal of project due to reasons

Staff recommend Option 3, subject to comments outlined in the Recommendations.

Consultation

The Province referred this application to First Nations, SCRD and other agencies it identifies as appropriate. The applicant is responsible for advertising the application in a local paper to enable comments from the public.

The proposal will be referred to the Egmont/Pender Harbour Advisory Planning Commission for review in November. Comments will be forwarded to the Province.

Timeline for next steps or estimated completion date

The Province extended the deadline to comment on this application to November 30, 2018 in order to obtain a Board Resolution.

STRATEGIC PLAN AND RELATED POLICIES

The following SCRD Strategic Plan objectives and success indicators relate to the subject of this report:

- Create and use an “environmental lens” for planning, policy development, service delivery and monitoring.

Conclusion

The SCRD was provided an opportunity to comment on a Provincial referral to permit a private residential moorage facility near Earls Cove in Agamemnon Channel. The proposal was analyzed against applicable SCRD policies, bylaws and regulations. The proposal is found to have no perceivable negative impact on land use and SCRD services.

Staff recommend responding to the Province with the option that the SCRD has no objection to the project subject to comments outlined in the Recommendations.

Attachments

Attachment A - Referral Package for Provincial Referral File Number 2412041

Attachment B - *shíshálh* Nation Best Management Practices for Marine Docks

Reviewed by:			
Manager	X - A. Allen	Finance	
GM	X – I. Hall	Legislative	
CAO	X – J. Loveys	Other	



Crown Land Tenure Application

Tracking Number: 100237764

ATS # 272476
VSUS646

Applicant Information

If approved, will the authorization be issued to an Individual or Company/Organization? Individual

Are you the Individual this application will be issued to? Yes

APPLICANT CONTACT INFORMATION

Please enter the contact information of the Individual/Organization who is acting on behalf of the applicant.

Name: RODERICK CORDY-SIMPSON

Phone: [REDACTED]

Daytime Phone: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

Mailing Address: [REDACTED]

CO-APPLICANTS

In addition to the principal applicant, Co-applicant(s) is an Individual(s) or a Company/Organization(s) who wish to be listed as the Tenure holder(s).

Are there co-applicants for this application? Yes

Co-applicants who are Organizations must consent to providing their name, address and phone number and Individuals must consent to providing their name and email address. Do you have permission from the co-applicants to enter their personal information? Yes

You have indicated earlier in the application that there is one or more co-applicant. Please add each co-applicant by clicking on the 'Add Individual' or 'Add Organization' button below depending if the co-applicant is an individual or an organization. Due to Freedom of Information and Protection of Privacy Act regulations you are only able to enter the name and email address for an individual.

Name: [REDACTED]

Phone: [REDACTED]

Daytime Phone: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

Mailing Address: [REDACTED]

ELIGIBILITY

Question	Answer	Warning
Do all applicants and co-applicants meet the eligibility criteria for the appropriate category as listed below?	Yes	

Applicants and/or co-applicants who are Individuals must:

1. be 19 years of age or older and
2. must be Canadian citizens or permanent residents of Canada. (Except if you are applying for a Private Moorage)

Applicants and/or co-applicants who are Organizations must either:

1. be incorporated or registered in British Columbia
(Corporations also include registered partnerships, cooperatives, and non-profit societies which are formed under the relevant Provincial statutes) or
2. First Nations who can apply through Band corporations or Indian Band and Tribal Councils (Band or Tribal Councils require a Band Council Resolution).

TECHNICAL INFORMATION

Please provide us with the following general information about you and your application:

EXISTING TENURE DETAILS

Do you hold another Crown Land Tenure? No

ALL SEASONS RESORTS

The All Seasons Resorts Program serves to support the development of Alpine Ski and non-ski resorts on Crown land. For more detailed information on this program please see the operational policy and if you have further questions please contact FrontCounter BC.

Are you applying within an alpine ski resort? No

WHAT IS YOUR INTENDED USE OF CROWN LAND?

Use the "Add Purpose" button to select a proposed land use from the drop down menu.

If you wish to use Crown land for a short term, low impact activity you may not need to apply for tenure, you may be authorized under the Permissions policy or Private Moorage policy.

To determine if your use is permissible under the Land Act please refer to either the Land Use Policy - Permissions or Land Use Policy - Private Moorage located here.

Purpose	Tenure	Period
Private Moorage moore a private boat	Specific Permission	More than thirty years

ACCESS TO CROWN LAND

Please describe how you plan to access your proposed crown land from the closest public road: by boat

PRIVATE MOORAGE

Private Moorage is the allocation of aquatic Crown land (inland and coastal) for private moorage facilities such as a dock or float. Moorage facilities for group or strata title/ condominium developments of over three berths are administered under the provisions of the Residential program where they have no related commercial facilities (e.g. gas bars) and are intended for private use of tenants. Group moorage with commercial activities are administered under the Marina program.

Specific Purpose: moore a private boat
Period: More than thirty years
Tenure: Specific Permission

MOORING BUOY

Is this only for a mooring buoy for private moorage? No

TOTAL APPLICATION AREA

Please give us some information on the size of the area you are applying for.

Specify Length: 10 meters
Specify Width: 4 meters

PROJECT DETAILS

Please provide us with further details on your dock.

Is the water freshwater or marine? Marine
Are you proposing 4 or more slips? No

Are you applying on behalf of a Strata corporation?	No
Are you the waterfront upland owner?	Yes
Are you planning to sell gas at the proposed marina?	No

SECTION 11 WATER AUTHORIZATION

You may also require a Section 11 Water Sustainability Act authorization.

Is this application for an existing structure? No

IMPORTANT CONSIDERATIONS

Selecting yes to any of the following questions may indicate that you will require further or additional authorizations under the Land Act or other legislation.

Is your proposed activity within the Kootenay Region?	No
Is your proposed activity within the Okanagan, Kalamalka and Wood Lakes, Skaha Lake, Vaseux Lake, or Christina Lake areas?	No
Is your proposed activity within the Shuswap, Mara, Mable, or Little Shuswap Lake areas?	No

ADDITIONAL QUESTIONS

In many cases you might require other authorizations or permits in order to complete your project. In order to make that determination and point you in the right direction please answer the questions below. In addition, your application may be referred to other agencies for comments.

Is the Applicant or any Co-Applicant or their Spouse(s) an employee of the Provincial Government of British Columbia?	No
Are you planning to cut timber on the Crown Land you are applying for?	No
Are you planning to use an open fire to burn timber or other materials?	No
Do you want to transport heavy equipment or materials on an existing forest road?	No
Are you planning to work in or around water?	Yes
1. If you will be working in or around fresh water, you will require a Water Sustainability Act Change Approval or Notification from the Province.2. The federal Department of Fisheries and Oceans might need to review your project.3. Review the Transport Canada website if the Navigation Protection Act applies.	
Does your operation fall within a park area?	No

LOCATION INFORMATION

LAND DETAILS

Please provide information on the location and shape of your Crown land application area. You can use one or more of the tools provided.

☒ I will upload a PDF, JPG or other digital file(s)

MAP FILES

Your PDF, JPG or other digital file must show your application area in relation to nearby communities, highways, railways or other land marks.

Description	Filename	Purpose
district lot 5341	Property Report Public (1).pdf	Private Moorage

ATTACHED DOCUMENTS

Document Type	Description	Filename
General Location Map	General Location Map	Property Report Public (1).pdf
Management Plan	Management Plan	Management Plan.docx
Side Profile	Side Profile	Dock side profile district ...
Site Photographs	photos of dock location	photo looking east.JPG
Site Photographs	photos of dock location	photo looking north.JPG
Site Photographs	photos of dock location	photo looking west.JPG
Site Plan	Site Plans	Dock site plans district lo...

PRIVACY DECLARATION

☒ Check here to indicate that you have read and agree to the privacy declaration stated above.

REFERRAL INFORMATION

Some applications may also be passed on to other agencies, ministries or other affected parties for referral or consultation purposes. A referral or notification is necessary when the approval of your application might affect someone else's rights or resources or those of the citizens of BC. An example of someone who could receive your application for referral purposes is a habitat officer who looks after the fish and wildlife in the area of your application. This does not apply to all applications and is done only when required.

Please enter contact information below for the person who would best answer questions about your application that may arise from anyone who received a referral or notification.

Company / Organization:

Contact Name:

Contact Address:

Contact Phone:

Contact Email:

☒ I hereby consent to the disclosure of the information contained in this application to other agencies, government ministries or other affected parties for referral or First Nation consultation purposes.

SIGNATURES

CO-APPLICANTS

You will have to obtain approval from all co-applicants before you can proceed with your application. Please select one option for each.

Name	Status of Signature Request
Delaney Kim Schweitzer	Declaration Form uploaded

IMPORTANT NOTICES

- Once you click 'Next' the application will be locked down and you will NOT be able to edit it any more.

DECLARATION

☒ By submitting this application form, I, declare that the information contained on this form is complete and accurate.

APPLICATION AND ASSOCIATED FEES

Item	Amount	Taxes	Total	Outstanding Balance
Crown Land Tenure Application Fee	\$250.00	GST @ 5%: \$12.50	\$262.50	\$0.00

OFFICE

Office to submit application to: Surrey

PROJECT INFORMATION

Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC? No

OFFICE USE ONLY

Office Surrey	File Number 2412041	Project Number 272476
	Disposition ID 933033	Client Number 293781

MANAGEMENT PLAN

File No.2412041

Her Majesty the Queen in Right of British Columbia (the "Province") and RODERICK CORDY-SIMPSON and DELANEY KIM SCHWEITZER (the "Licensees") hereby agree that this document is the Management Plan for File No 2412041 and that this document supersedes any earlier Management Plans.

The signature of the Province's authorized representative is solely for the purpose of acknowledging the Province's acceptance of this document as the Management Plan for the purposes of the tenure document and does not represent a certification by the Province or its signatory of any factual content or acceptance of professional responsibility by the Province's signatory for any advice or analysis contained in this document.

ACCEPTED BY:



Ministry of Forests, Lands and Natural
Resource Operations

2018-06-12

Date

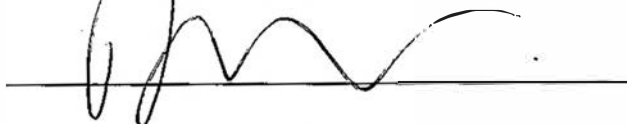
SIGNED by RODERICK CORDY-SIMPSON



JUNE 11 2018

Date

SIGNED by DELANEY KIM SCHWEITZER



JUNE 11 2018

Date

Management Plan

1. Background

Project overview

- To build a private moorage

2. Location

Description of location

- The dock will be located on the north side of district lot 5341

Location Justification

- To moor our boat in front of our property

Seasonal Expectations of Use

- During construction of floating dock, walkway and ramp
- When we moor boat at dock to access our property during the spring, summer and fall months

3. Infrastructure and Improvements

Facilities and infrastructure

- The dock will be made from steel floats and kept in place using concrete anchors and pins set into rock
- The ramp and walk way will be made of aluminum set in concrete
- Construction is planned for spring of 2018

Access

- Access is through the Egmont forestry road
- Traffic will be minimal

Utility requirements

- No utility required

Water Supply

- Any water needed will be supplied from private well

Waste collection treatment and disposal

- All waste will be removed to proper disposal sites

4.1. Environmental

Land Impacts

- No timber or vegetation will be removed
- No soil, no excavating
- No potential for disturbance of archaeological, fossils, historical artifacts
- No riparian encroachment
- No pesticides or herbicides will be used
- There will be no visual impacts due to project
- There is no known archaeological site within project area
- Dock will be made of steel floats and cedar wood surface
- Ramps and walkway will be made from aluminum

4.2 Atmospheric Impacts

- No sound, odor, gas or fuel emissions will disturb wildlife or nearby residents

4.3 Water, land covered by water impacts

- Project will not change land drainage
- No change to public access as a result of project
- No flood potential as a result of project

4.4 Fish and wildlife habitat impacts

- No impact to wildlife or habitat
- The project will occur on a marine environment
- no increase in erosion or sediment as a result of project
- there will be no risk to threatened or endangered species as result of project

5. Socio-community

- There is no community near project area
- There is no land or resource plans for proposed project location
- Project is not likely to restrict public access
- Project does not increase demand on fire protection or health facilities

Purpose

- The tenure will be used for private moorage only and will not be used for commercial use.

Infrastructure

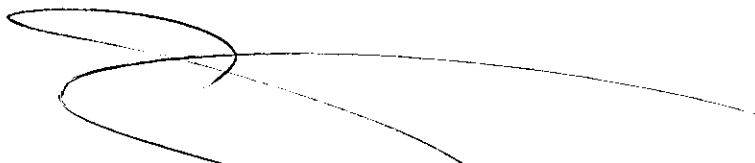
- Floating dock measurements are 10m x 3m
- Ramp measurements are 12m x 1.5m
- Walk way measurements are 12m x 1.5m
- Planned construction completed by July 1 2018

Access

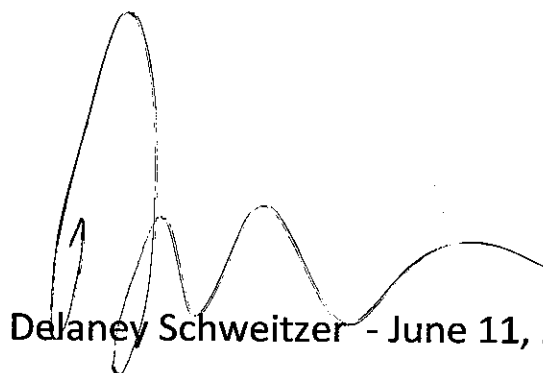
- The tenure area will be accessed by way of the upland area that we are the owner of.

Maintenance

- The floating dock will be constructed of galvanized steel floats that require low maintenance and have a long-life span. The wood used as the decking on dock will be high grade cedar with a life span of 50 years plus. All require maintenance will be done in a timely manner.
- The ramp and walk way will be constructed of Aluminum structure and decking.
- All maintenance will be done in a timely manner. We will notify the Ministry of Forests, Land and Natural Resources before any major works needed to the tenure.



Rod Cordy-Simpson - June 11, 2018



Delaney Schweitzer - June 11, 2018





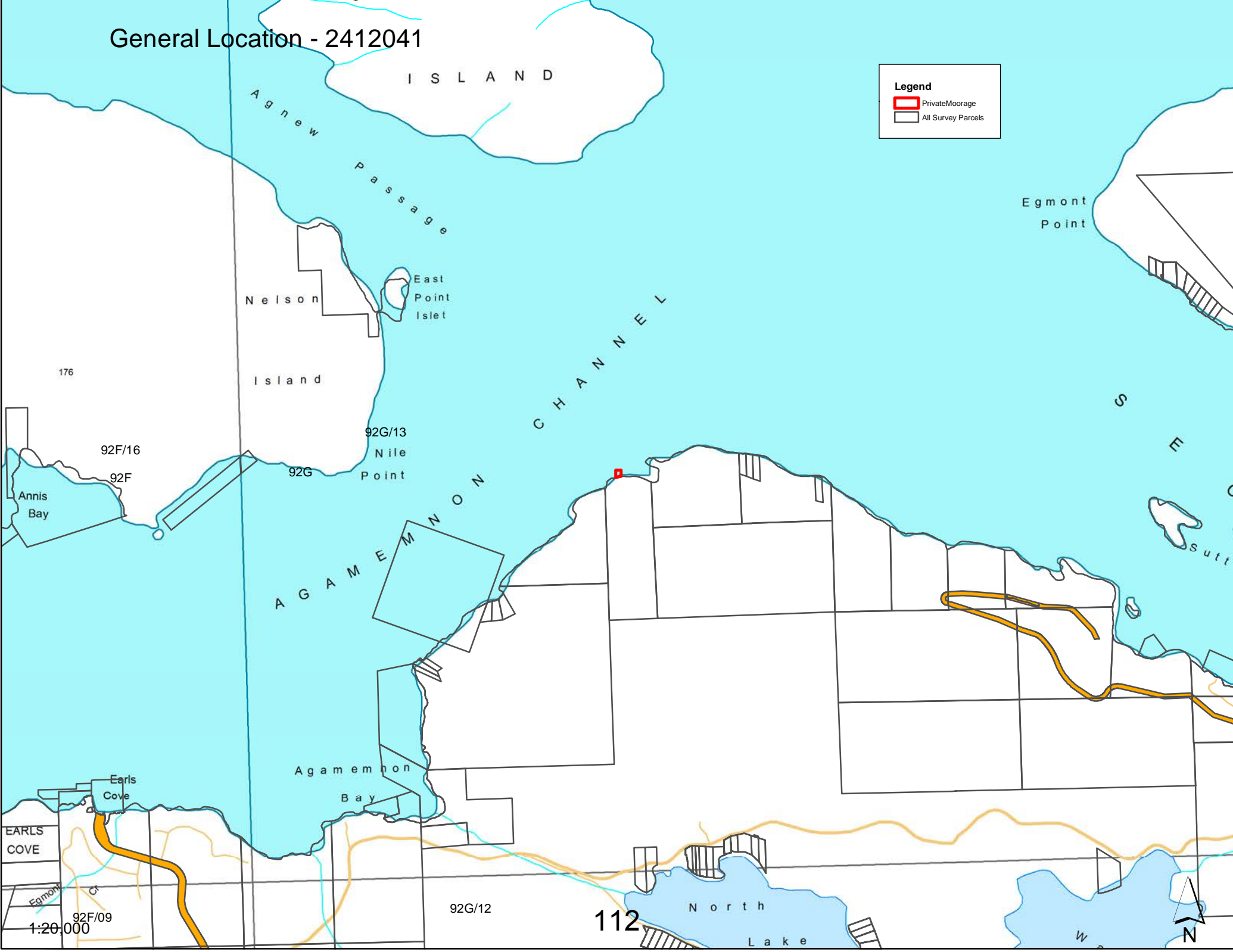


General Location - 2412041

Legend

Private Moorage

All Survey Parcels



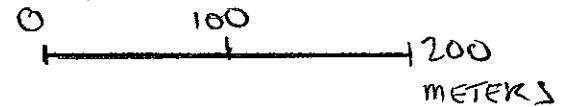
Application Location



Agmemnon
CHANNEL

District Lot
5341

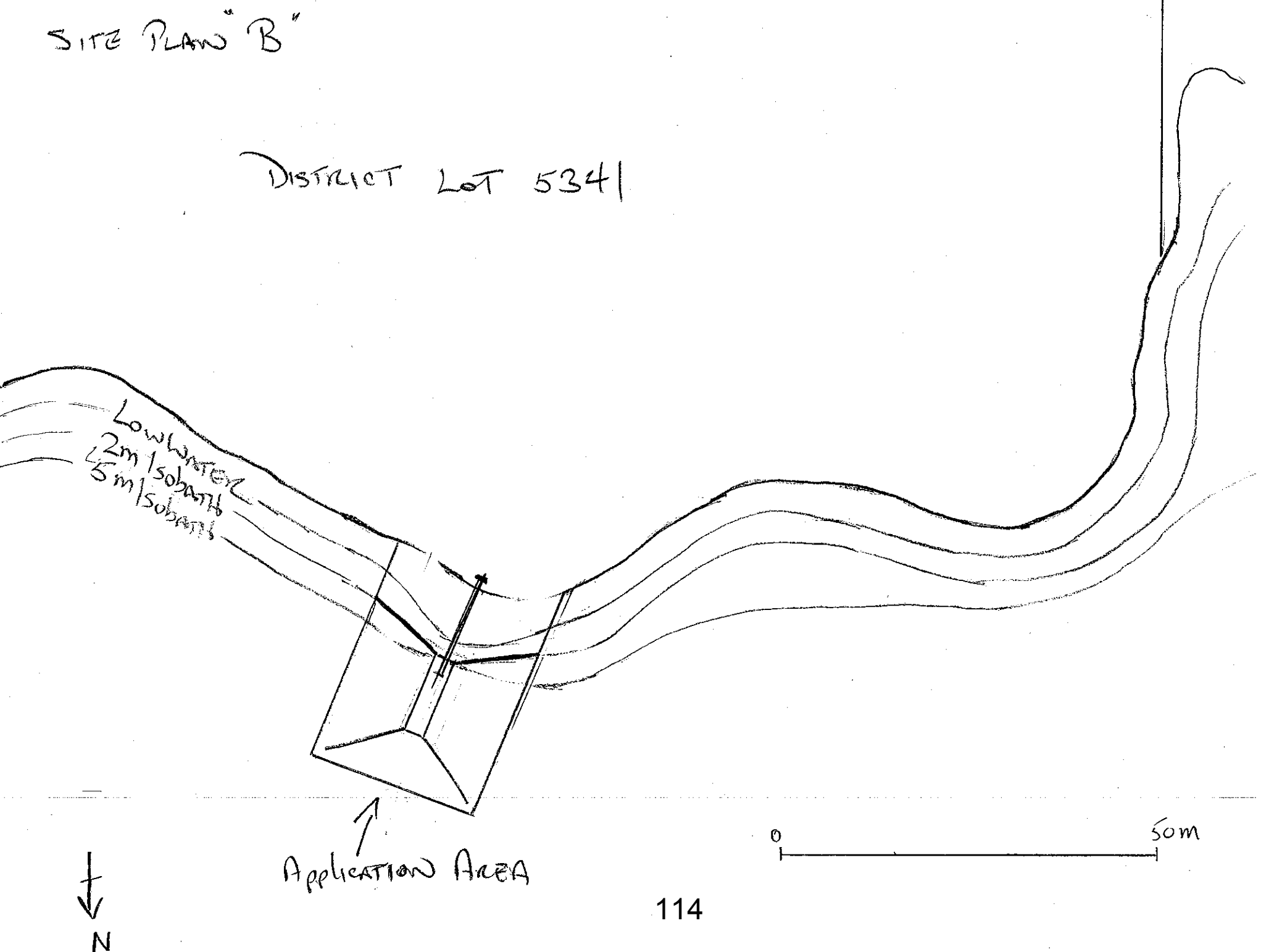
SITE PLAN "A"



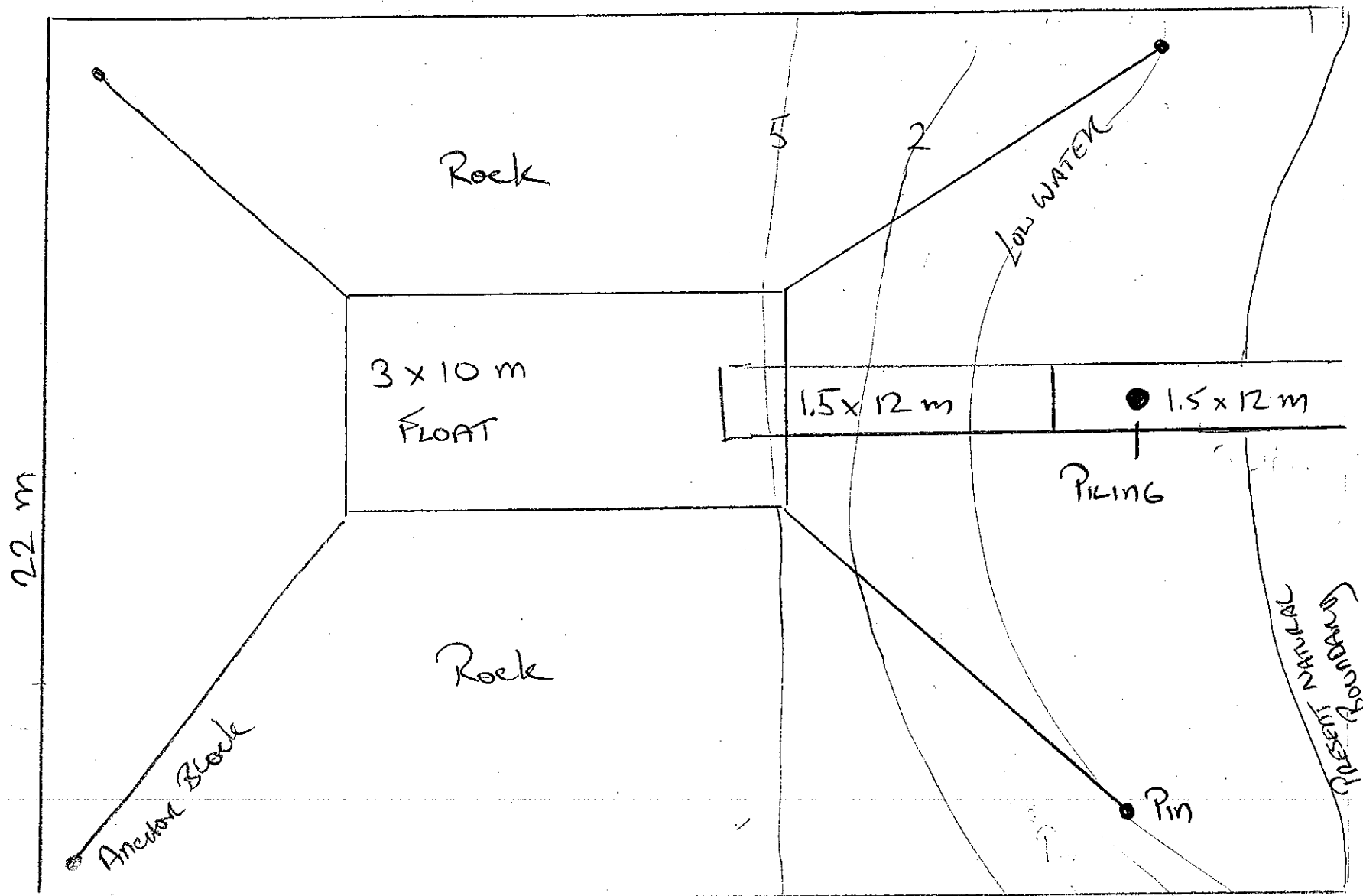
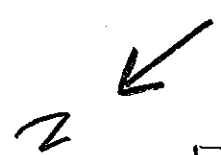
113

SITE PLAN "B"

DISTRICT LOT 5341



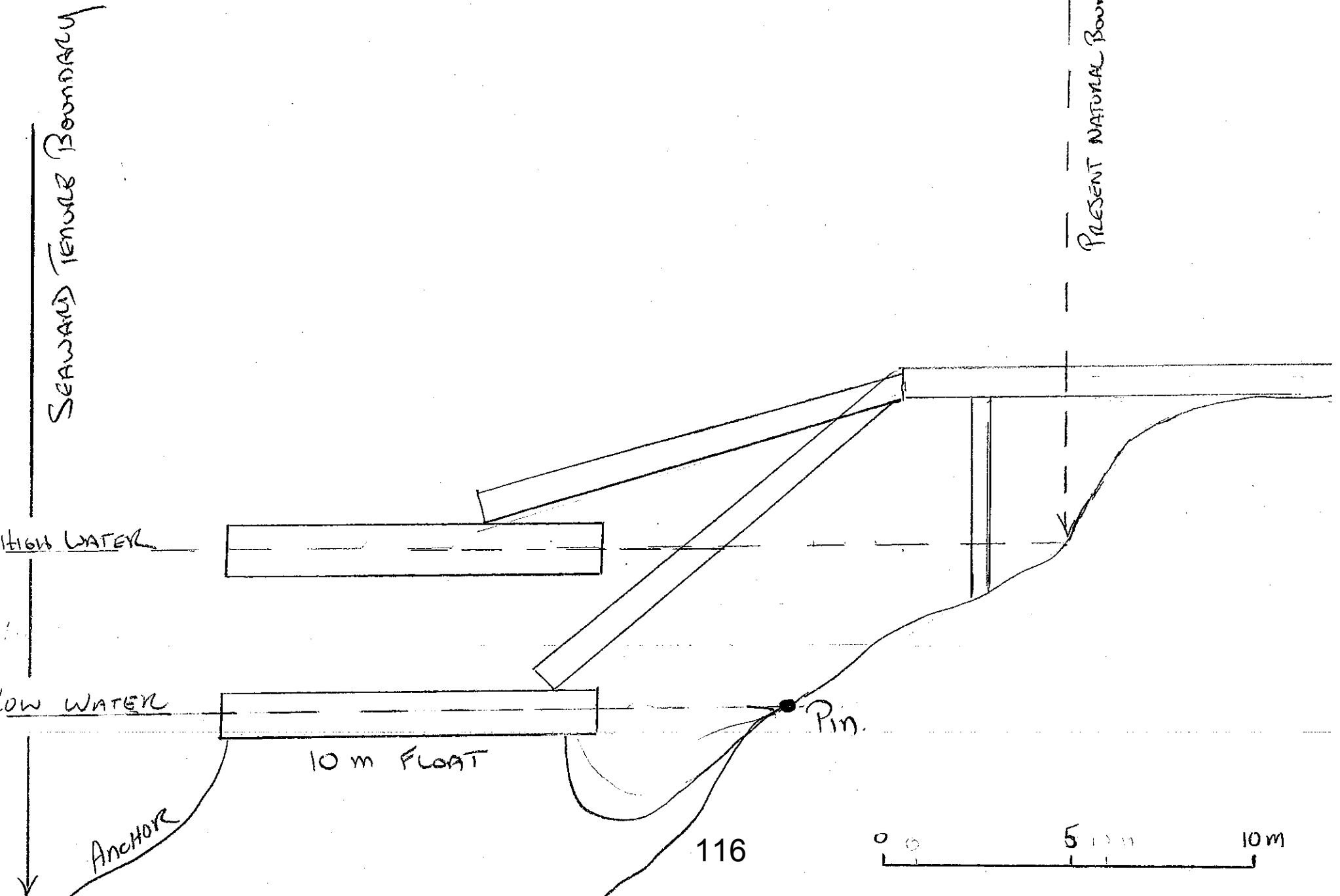
SITE PLAN C



DISTRICT LOT 5341

115 m

SIDE VIEW PLAN "D"





shíshálh Nation

**shíshálh Nation Best Management Practices
for Marine Docks**

Our *swiya* (land, waters, world) has been significantly impacted by dock moorages. The *shíshálh* Nation Best Management Practices (BMPs) for marine docks (including wharfs, piers, floats and moorages) within the *shíshálh* Nation *swiya* is a compilation of requirements from Fisheries and Oceans Canada and the Resource Management Department of the *shíshálh* Nation. The BMPs are intended to help minimize and mitigate impacts to marine foreshore and nearshore habitats and resources by promoting responsible and appropriate development. The BMPs are also intended to ensure proponents follow measures and designs that conform to Sections 34 through 37 of the Federal Fisheries Act, and protect cultural and heritage resources within the *shíshálh* Nation *swiya*.

1. Wherever possible, proponents are encouraged to develop dock facilities that can facilitate numerous upland owners. In pursuing multi-owner/use facilities the footprint on the sub/inter tidal habitats is minimized. These types of facilities also help to alleviate potential cumulative impacts from high density, individual dock infrastructures.
2. Access to sub/intertidal resources cannot be impeded or restricted by any dock/float structure. This ensures access for the harvest of marine resources for food, social and ceremonial purposes.
3. No critical habitats can be impacted within the immediate vicinity of the proposed dock. Critical habitats are defined as:

“habitat that is important for: (a) sustaining a subsistence, commercial, or recreational fishery, or (b) any species at risk (e.g., terrestrial or aquatic Provincial red- and blue-listed species, those designated by the Committee on the Status of Endangered Wildlife in Canada, or those SARA-listed species), or (c) because of its relative rareness, productivity, or sensitivity (e.g. eelgrass meadows, kelp forests, foreshore salt marsh vegetation, herring spawning habitat, and potential forage fish spawning beach habitat)”

A Registered Professional Biologist (RPBio) may be required to provide an assessment and opinion on the risks of any dock/float structures on critical habitat(s).

4. Design of a Dock or Boathouse should not include components that block the free movement of water along the shoreline. Crib foundations or solid core structures made of cement or steel sheeting should be avoided as these types of structures result in large areas of vegetation removal and erosion in Riparian areas.

5. When designing dock/float structures, the bottom of all floats must be a minimum of 1.5 meters above the seabed during the lowest water level or tide.
6. Dock/float structure and the vessel to be moored at the structure are not to come to rest on the lake bottom during the lowest water period of the year.

The minimum depth is required to ensure bottom flora and fauna are not adversely impacted by shading and/or propeller wash from moored vessels.

7. Access ramps or walkways should be a minimum of 1.0 meters above the highest high water mark of the tide and a maximum width of 1.2 meters. Docks should not exceed a maximum width of 1.5 metres. In situations where this is not physically possible, design variations supported by the appropriate Qualified Professionals, including a Registered Professional Biologist (RPBio), should be provided.
8. All improvements should be a minimum of 5.0 meters from the side property line (6.0 meters if adjacent to a dedicated public beach access or park) and at least 10 meters from any existing dock or structures, consistent with Federal requirements under Transport Canada's *Navigable Waters Protection Act*.
9. Decking materials must allow for a minimum of 43% open space allowing for light penetration to the water surface. Various materials shaped in the form of grids, grates, and lattices to allow for light passage may be used.
10. Docks should be aligned in a north-south direction to the maximum extent that is practicable.
11. Steel is the preferred material, although concrete, treated or recycled timber piles are acceptable. Detailed information on treated wood options can be obtained online from the Fisheries and Oceans Canada website (*Guidelines to Protect Fish and Fish Habitat from Treated Wood Used in the Aquatic Environment in the Pacific Region*).
12. Construction must never include the use of native beach materials (boulders, cobble, gravel, sand, logs).
13. Access to the beach for construction purposes is to be from the adjacent upland property wherever possible. Where upland access is not possible and the use of heavy equipment is required to access the dock location, the advice of a Qualified Professional or Fisheries and Oceans Canada should be obtained.
14. Access or construction along the beachfront also requires at least 45 days advance notification sent to the *shíshálh* Nation and its Rights and Title Department (604.740.5600; lilxmit@sechlelnation.net) in order to ensure cultural sites are not impacted or disturbed. A Preliminary Field Reconnaissance (PFR) for archaeology may be required. A PFR is a field survey to assess the archaeological resource potential of the area, and to identify the need and appropriate scope of further studies, and is to be performed by a Qualified Professional Archaeologist.

15. Filling, dredging, or blasting at or below the High Water Mark is not supported by the *shíshálh* Nation. Un-authorized filling, dredging and blasting noted by the *shíshálh* Nation will be reported to Fisheries and Oceans Enforcement and the BC Conservation Service.
16. Works along the upland/water interface must be conducted when the site is not wetted by the tide. All work is to be conducted in a manner that does not result in the deposit of toxic or deleterious substances (sediment, un-cured concrete, fuel, lubricants, paints, stains) into waters frequented by fish. This includes refueling of machinery and washing of buckets and hand tools.
17. Applications for Docks that exceed 20 square meters, or such other dimensions as may trigger a review under the *Fisheries Act* from time to time, must contact Fisheries and Oceans Canada and submit a Request for Review or other required documents to ensure proposed activities, and the scheduling of those activities, complies with Fisheries and Oceans Canada requirements including the fisheries works window.
18. The upland design of the dock including anchor points should not disturb the riparian area except at the immediate footprint. An effort should be made to maximize riparian cover adjacent to the dock to reduce erosion and exposure to the foreshore.
19. Pile driving is the preferred method of pile installation. All pile driving must meet current Fisheries and Oceans regulations.
20. The use of Styrofoam to keep docks afloat is prohibited for new construction and repairs. Styrofoam floats on existing docks that are showing evidence of breakdown should be replaced using an alternative material.
21. Docks must be constructed in accordance with requirements under Navigation Protection Act as may be amended or replaced from time to time.
22. Marine foreshore construction activities should take place between June 1 and February 15 of any calendar year.

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – November 15, 2018

AUTHOR: Sven Koberwitz, Planning Technician

SUBJECT: FRONTAGE WAIVER FOR SUBDIVISION SD000045 (WATSON) – ELECTORAL AREA D

RECOMMENDATIONS

THAT the report titled Frontage Waiver for Subdivision SD000045 (Watson) – Electoral Area D be received;

AND THAT the requirement for 10% road frontage for Lot 5 in the proposed subdivision of Lot 18 Block 8 District Lot 1318 Plan 7087 be waived.

BACKGROUND

The SCRCD has received a subdivision application for the subdivision of 3450 Beach Avenue into 3 lots. The subject property fronts both Beach Avenue and Marlene Road (See Figure 1).

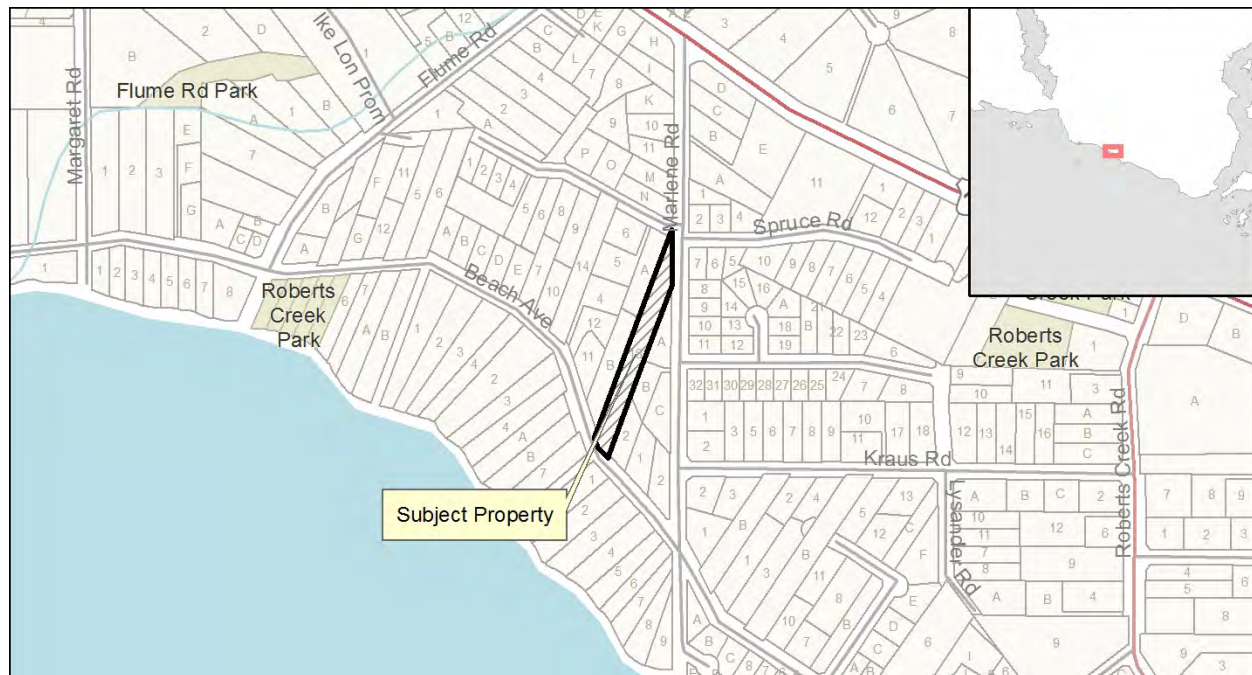
The proposed subdivision plan uses a panhandle parcel configuration for proposed Lot 5 in order to provide legal access to Marlene Road. Panhandle lots are parcels that are accessed by long narrow strips of property.

Section 512 of the *Local Government Act* requires that all new parcels have at least 10% of their perimeter fronting a public road unless a local government waives the requirement. Proposed Lot 5 does not meet the 10% road frontage requirement and therefore the SCRCD Board must consider waiving the road frontage requirement.

Table 1 - Application Summary

Owner / Applicant:	Christabel Watson
Civic Address:	3450 Beach Avenue and 1321 Marlene Road
Legal Description:	Lot 18 Block 8 District Lot 1318 Plan 7087, PID: 010-723-307
Electoral Area:	D - Roberts Creek
Parcel Area:	7082 m ²
OCP Land Use:	Residential A and D
Land Use Zone:	Residential One (R1)
Application Intent:	Subdivision to create 3 parcels and to waive the requirement of 10% road frontage for proposed Lot 5.

Figure 1 – Location of Subject Property



DISCUSSION

Analysis

The application involves a three lot subdivision of the subject property; with two of the three new lots fronting Marlene Road, and the remaining lot fronting Beach Avenue (Attachment A). The subject property is located within the Subdivision District C and each new lot is above the minimum parcel size requirement of 2,000 m².

The proposed Lot 5 will have less than 10% frontage due to the panhandle access. In order to accommodate the existing home and areas for sewage disposal fields a panhandle layout is the recommended option.

Staff do not consider that the parcel configuration will create and planning-related issues for the area or negatively affect the neighbourhood. Similar parcel layouts are used nearby.

The application was referred to the Roberts Creek Advisory Planning Commission on October 15, 2018 where a motion supporting the subdivision was made.

Options

Possible options to consider:

Option 1: Issue the waiver.

The proposed 3 lot subdivision will be approved subject to conditions contained in the Ministry of Transportation and Infrastructure Preliminary Layout Approval.

Staff recommend this option.

Option 2: Deny the waiver.

The subdivision could not proceed as proposed.

STRATEGIC PLAN AND RELATED POLICIES

N/A

CONCLUSION

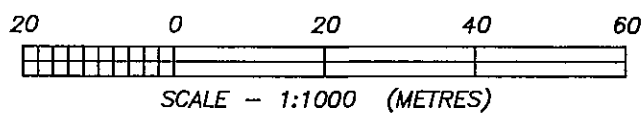
A waiver for the 10% frontage requirement is required by the SCRD Board for the subdivision application to proceed. Staff support this application and recommend issuing a road frontage waiver.

Attachments

Attachment A – Proposed Subdivision Plan

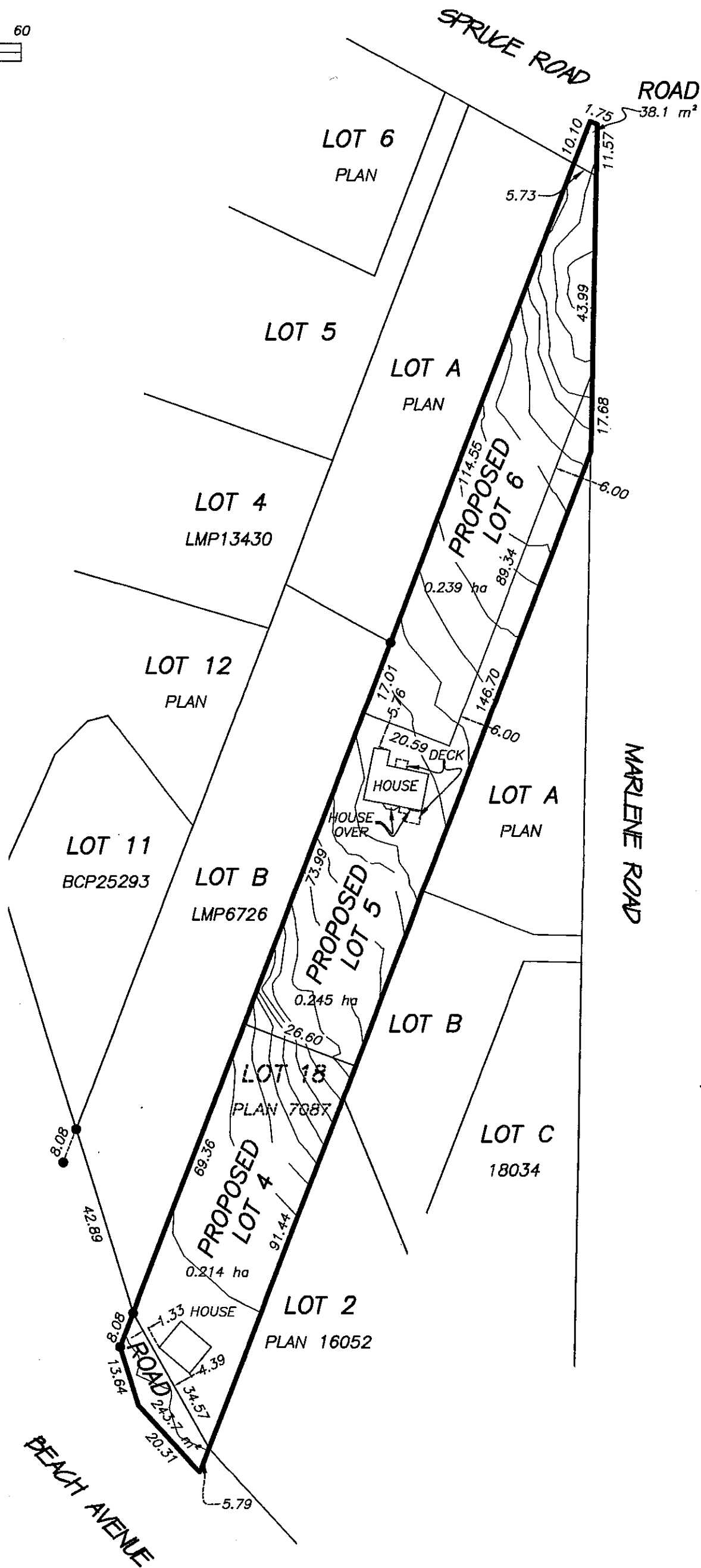
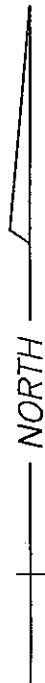
Reviewed by:			
Manager	X - A. Allen	Finance	
GM	X - I. Hall	Legislative	
CAO	X – J. Loveys	Other	

PROPOSED SUBDIVISION PLAN OF LOT 18 BLOCK 6 DISTRICT LOT 1318 PLAN 7087



LEGEND:
● DENOTES A STANDARD IRON POST FOUND.

Attachment A



NOTE:
ALL DISTANCES ARE IN METRES.
CONTOUR INTERVAL IS 1m.
CONTOURS WERE OBTAINED FROM SCRD OPEN DATA
ACCESSED MARCH 24, 2018.
LOT DIMENSIONS ARE DERIVED FROM FIELD
MEASUREMENTS AND FROM REGISTERED PLANS 7087,
LMP13430, 16052 AND 18034.
LOCATION: 3450 BEACH AVENUE, ROBERTS CREEK, BC
PID: 010-723-307
THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE
OF CHRISTABEL WATSON

ZONING LAND USE: R1
ZONING SUBDIVISION: C

STRAIT LAND SURVEYING INC.
SEAMUS POPE, BCLS
BOX 61 (5689 DOLPHIN STREET)
SECHLT, BC VON 3A0
T. 604.885.3237
18037-1205

SUNSHINE COAST REGIONAL DISTRICT
ROBERTS CREEK (AREA D) ADVISORY PLANNING COMMISSION

October 15, 2018

RECOMMENDATIONS FROM THE ROBERTS CREEK (AREA D) ADVISORY PLANNING COMMISSION MEETING HELD IN THE ROBERTS CREEK LIBRARY READING ROOM LOCATED AT 1044 ROBERTS CREEK ROAD, ROBERTS CREEK, B.C.

PRESENT:	Chair	Bill Page
	Members	Dana Gregory Mike Allegretti
ALSO PRESENT:	Electoral Area D Director Recording Secretary Applicant Public	Mark Lebbell Vicki Dobbyn Christabel Watson Andreas Tize
REGRETS:	Members	Heather Conn Nichola Kozakiewicz
ABSENT:	Members	Gerald Rainville Marion Jolicoeur Danise Lofstrom

CALL TO ORDER 7:10 p.m.

AGENDA The agenda was adopted as presented.

MINUTES

Area D Minutes

Roberts Creek (Area D) APC minutes of September 17, 2018 were approved as circulated.

Minutes

The following minutes were received for information:

- Egmont / Pender Harbour (Area A) APC Minutes of September 26, 2018
- Halfmoon Bay (Area B) APC Minutes of September 25, 2018
- Elphinstone (Area E) APC Minutes of September 26, 2018
- West Howe Sound (Area F) APC Minutes of September 25, 2018
- Planning and Community Development Committee Minutes of September 6, 2018

REPORTS

Subdivision Application Referral SD000045 (Watson) 2018-02399 was received.

The APC discussed the staff report regarding Subdivision Application Referral SD000045 (Watson) 2018-02399.

The applicant responded to APC inquiries and answered questions.

The following points were noted:

- The property is over 1.5 acres and the proposed 3 lots are the minimum half acre.
- Note an error in Application Referral page of Staff Report, it is Lot #5 that requires a frontage waiver, due to panhandle driveway, not Lot #6.
- The driveway of proposed Lot #6 would probably be next to the proposed panhandle driveway for Lot #5.

Recommendation No. 1 Subdivision Application Referral SD000045 (Watson) 2018-02399

The APC supports this subdivision application.

DIRECTOR'S REPORT

The Director's Report was received.

Members thanked Director Lebbell for his service on the SCRD Board and leadership in Area D. Director Lebbell expressed his appreciation for the work of the APC.

NEXT MEETING November 19, 2018

ADJOURNMENT 7:50 p.m.