



R CAVANAUGH & ASSOCIATES

March 21, 2021

Township of Langley
20338 - 65 Avenue
Langley, BC, V2Y 3J1

To: Mayor and Council of the Township of Langley

Dear Sirs/Madames,

Re: Development in the Riparian Area on 274th Street, Langley, B.C. on the Property Identified as PID:012-972-622

I am writing regarding a proposed development on 274th Street in Langley, BC, at a Property identified as PID:012-972-622 (the Property). There is a wetland on this site that flows to West Creek, a salmon-bearing waterbody, and one of the "Sensitive Streams" listed in the province's *Water Sustainability Regulation*, BC Reg 187/2020. A large portion of the Property falls within the riparian area of West Creek, as defined by British Columbia's *Riparian Areas Protection Regulation*, BC Reg 178/2019. The purpose of this letter is to request that the Township of Langley (Township) provide a written response indicating how development on the Property will comply with Riparian Area set back requirements and the restrictive covenant on this Property.

By way of introduction, I am an Environmental Engineer who has been practicing in BC for over 30 years, and have experience with environmental impact assessments and protection plans for construction projects, environmental monitoring, riparian area protection, and permitting through all levels of government in the province. I am also a recipient of the Fellow of Engineers Canada award for outstanding contributions to the practice of engineering.

The *Ultimate Drainage* drawing #467-02-12 (attached) prepared by envirowest Environmental Consultants, and submitted in 2000 to the Department of Fisheries and Oceans (DFO) as part of a permit application, shows the restrictive covenant boundary around the wetland as 30 metres from the top of the bank for industrial or commercial development or 15 metres for residential. The Township's *Sustainability Charter* also requires the protection and enhancement of streams, wildlife habitats and environmentally sensitive areas, all of which describe West Creek.

In addition, the watercourse through the Property has been designated Class "B", as shown on the Township's drawing entitled *Watercourse Classification - Version 4.0*, and dated



December, 2016 (attached), which was created in collaboration with the DFO, BC's Ministry of Forests, Lands, and Natural Resource Operation and Rural Operations (MFLNRO), and the Langley Environmental Partners Society. Class "B" refers to waterbodies that are a "significant source of food, nutrient or cool water supplies to downstream fish populations". The DFO has also stated in a letter dated Feb. 19, 2019 (attached) that, "The West Creek watershed has historically been a productive coho, chinook, and chum salmon system, along with supporting cutthroat trout and steelhead populations and other finfish. Currently, juvenile and adult coho salmon are sighted in the area annually ... These coho are a natural (wild) stock, and natural salmon stocks from the many smaller streams and their tributaries in coastal BC are important contributors to the genetic diversity and overall wellbeing of salmon in BC. Therefore, West Creek, its headwaters, and its tributaries should be protected as much as possible in order to continue to provide suitable spawning and rearing habitat for salmon, and also be protected to help maintain all the other diversity of life that utilizes the watershed."

I observed at the Property that the wetland and trees have been flagged, and the Property appears to have been recently surveyed as shown in Photo 1, below. I assume that the Property owner is in the early stages of planning to develop the site, and as such, this is the ideal time to review riparian setback requirements with them. Since it is presently zoned RU-1, if the intention of the owner is to create an industrial, commercial or residential development on the Property, then my request for a written response from the Township also extends to the rezoning process, and how it will protect the environmentally sensitive features of the site. The DFO Authorization for the Property (# 99-HPAC-PA2-000-000217) expired in 2015, and can no longer be used as the basis for rezoning or issuing a development permit for the Property.



Photo #1: Flagging tape delineating wetted areas on the Property



In the past, industrial development in the Township has been allowed to occur within the provincially-mandated riparian setbacks at other locations in the vicinity of the Property. This can have significant deleterious effects on a watercourse's ability to sustain fish and other wildlife. Given the Township's *Sustainability Charter*, the increasing threats of climate change and habitat destruction on the survival of species at risk in Canada, including salmon populations, I encourage the Township to take this opportunity to diligently assess the environmental implications of rezoning the Property and permitting its development, and perhaps instead to consider purchasing it as parkland for the benefit of nature and the Township's residents.

Examples of industrial development that have occurred within the 30 metre riparian setback are illustrated in the photos below.



Photo 2: A recent development within the riparian area on 56th Avenue; there are only a few metres between the hard surfaces and the top of bank, even though the *Riparian Areas Protection Regulation* stipulates a 30 metre setback.



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Photo 3: An older development within the riparian area on 60th Avenue; a lockblock wall was constructed immediately adjacent to the wetland, in order to support the development in the background of the photo.

I look forward to hearing back from you at your earliest convenience, and hearing how the Township will be acting conscientiously to protect the environmental attributes of the Property.

Sincerely,

Romilly Cavanaugh, PEng, FEC, MA, LEED AP
President

cc's:

Art Demsky, DFO

Bernie McDonell, MFLNRO

attachments:

Ultimate Drainage drawing #467-02-12

Watercourse Classification - Version 4.0

DFO letter dated Feb. 19, 2019

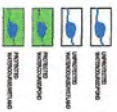


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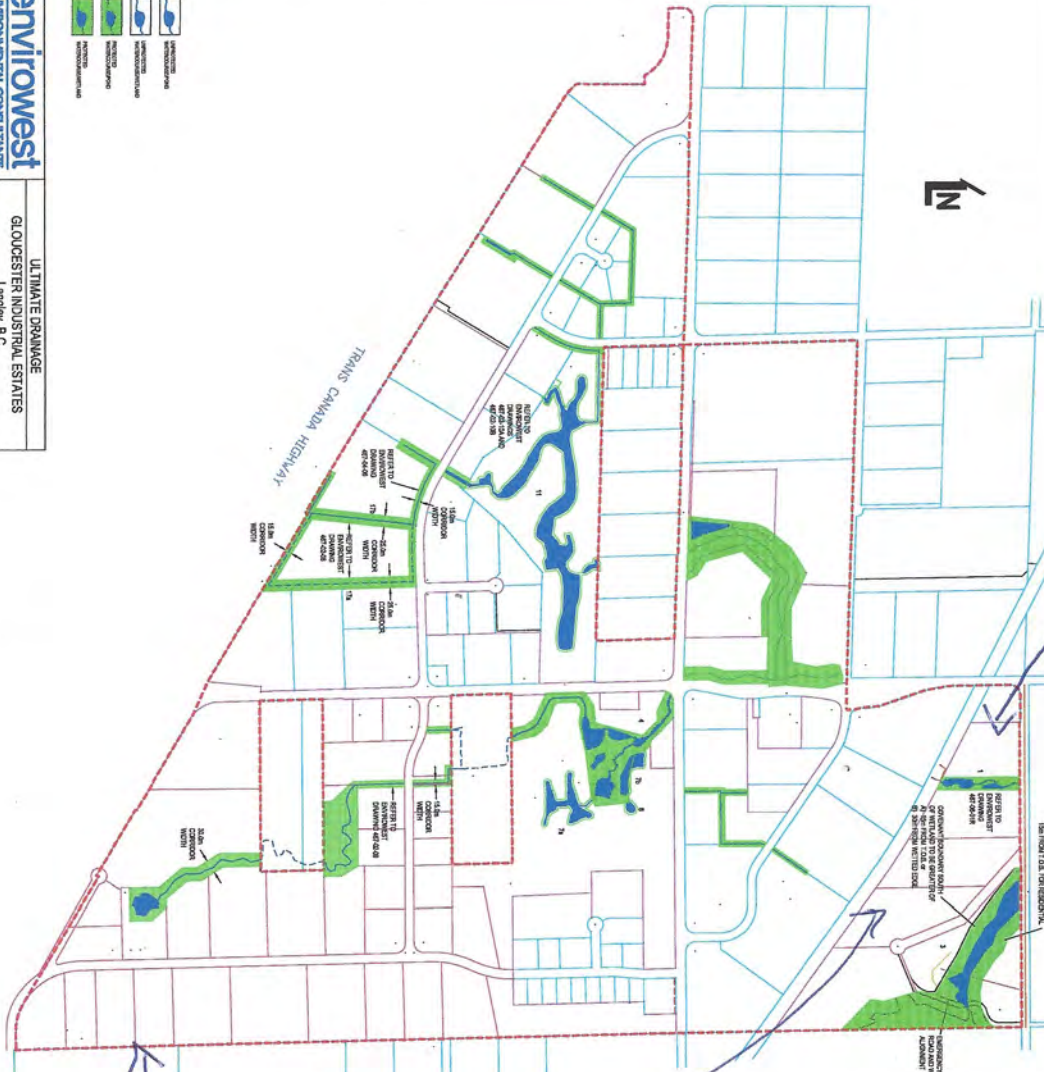
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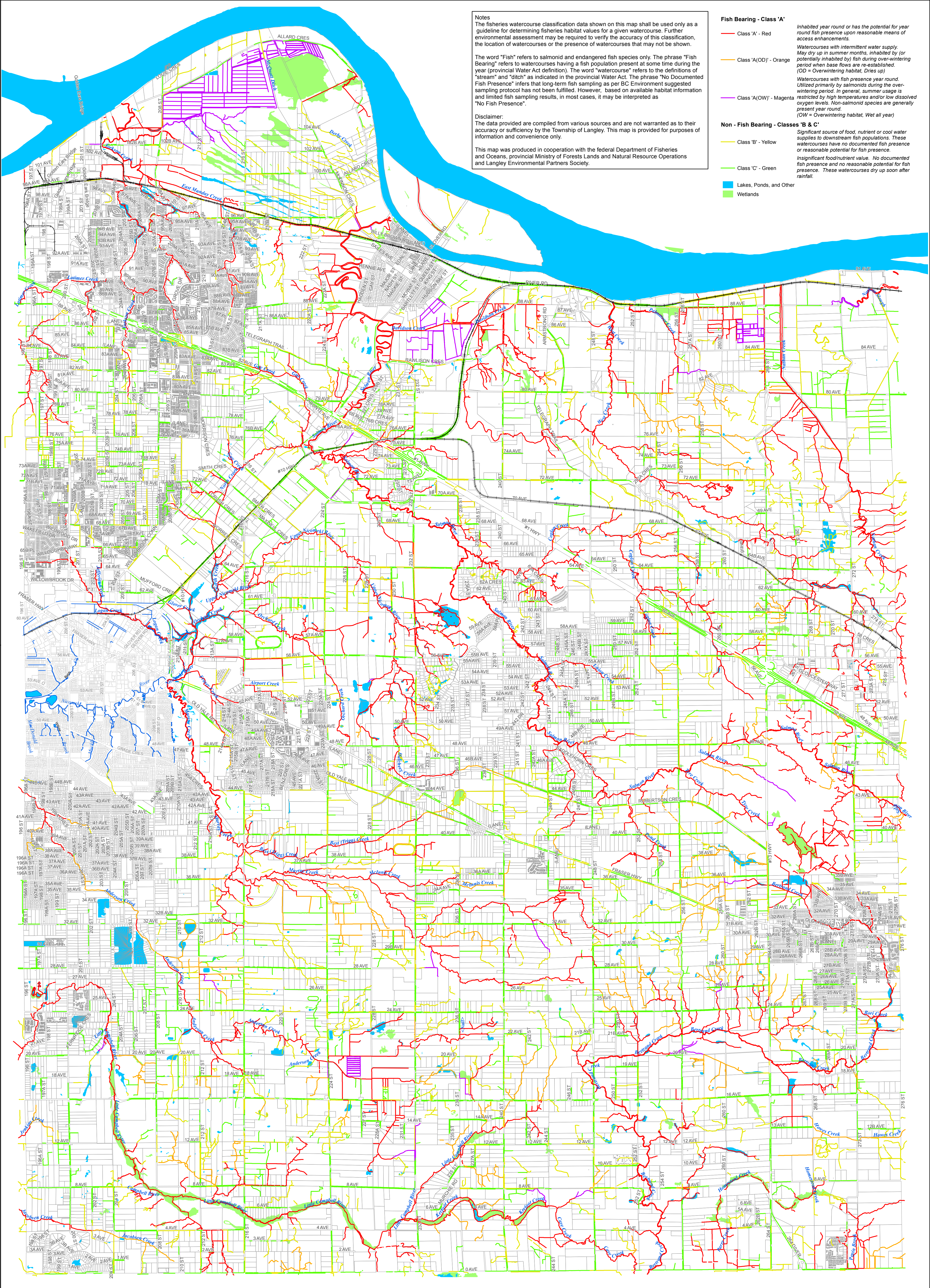
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TRANS CANADA HIGHWAY



ULTIMATE DRAINAGE
GLOUCESTER INDUSTRIAL ESTATES
Langley, B.C.





Notes
The fisheries watercourse classification data shown on this map shall be used only as a guideline for determining fisheries habitat values for a given watercourse. Further environmental assessment may be required to verify the accuracy of this classification, the location of watercourses or the presence of watercourses that may not be shown.

The word "Fish" refers to salmonid and endangered fish species only. The phrase "Fish Bearing" refers to watercourses having a fish population present at some time during the year (provincial Water Act definition). The word "watercourse" refers to the definitions of "stream" and "ditch" as indicated in the provincial Water Act. The phrase "No Documented Fish Presence" infers that long-term fish sampling as per BC Environment suggested sampling protocol has not been fulfilled. However, based on available habitat information and limited fish sampling results, in most cases, it may be interpreted as "No Fish Presence".

Disclaimer:
The data provided are compiled from various sources and are not warranted as to their accuracy or sufficiency by the Township of Langley. This map is provided for purposes of information and convenience only.

This map was produced in cooperation with the federal Department of Fisheries and Oceans, provincial Ministry of Forests Lands and Natural Resource Operations and Langley Environmental Partners Society.

- Fish Bearing - Class 'A'**
- Class 'A' - Red
 - Class 'A(OD)' - Orange
 - Class 'A(OW)' - Magenta
- Non - Fish Bearing - Classes 'B' & 'C'**
- Class 'B' - Yellow
 - Class 'C' - Green
- Lakes, Ponds, and Other
- Wetlands
- Inhabited year round or has the potential for year round fish presence upon reasonable means of access enhancements.*
- Watercourses with intermittent water supply. May dry up in summer months, inhabited by (or potentially inhabited by) fish during over-wintering period when base flows are re-established. (OD = Overwintering habitat, Dries up)*
- Watercourses with fish presence year round. Utilized primarily by salmonids during the over-wintering period. In general, summer usage is restricted by high temperatures and/or low dissolved oxygen levels. Non-salmonid species are generally present year round. (OW = Overwintering habitat, Wet all year)*
- Significant source of food, nutrient or cool water supplies to downstream fish populations. These watercourses have no documented fish presence or reasonable potential for fish presence.*
- Insignificant food/nutrient value. No documented fish presence and no reasonable potential for fish presence. These watercourses dry up soon after rainfall.*

Township of
Langley



Watercourse Classification - Version 4.0

Version Date: December 2016

Version Batch Updates: #39d

1:30,000

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1 0.5 0 1 2 3 Kilometers





Fisheries
and Oceans

Pêches
et Océans

Pacific Region
100 Annacis Parkway, Unit 3
Delta, BC V3M 6A2

February 19, 2019

Subject: Salmon Habitat in West Creek Watershed

Dear Sir or Madam,

The West Creek watershed has historically been a productive coho, chinook, and chum salmon system, along with supporting cutthroat trout and steelhead populations and other finfish. Currently, juvenile and adult coho salmon are sighted in the area annually but in small numbers as confirmed by the Glen Valley Watersheds Society.

These coho are a natural (wild) stock, and natural salmon stocks from the many smaller streams and their tributaries in coastal BC are important contributors to the genetic diversity and overall wellbeing of salmon in BC.

Therefore, West Creek, its headwaters, and its tributaries should be protected as much as possible in order to continue to provide suitable spawning and rearing habitat for salmon, and also be protected to help maintain all the other diversity of life that utilizes the watershed.

The DFO supports the Glen Valley Watersheds Society and the Langley Environmental Partnerships Society in their restoration efforts in the West Creek watershed.

Sincerely yours,

Robert Schaefer
Community Advisor
South Fraser Area And Eastern Fraser Valley
Ecosystems Management Branch/Gestion des Écosystèmes Branche
Fisheries and Oceans Canada/Pêches et Océans du Canada
Cell/cellulaire: 604 837-3325
Facsimile/Télécopie: 604 666-6624