



R CAVANAUGH & ASSOCIATES

March 16, 2022

EV Logistics
5016 - 272nd Street, Gloucester Estates
Langley, British Columbia, V4W 1S3

Attn: Garry Johnson, Chief Engineer and Maintenance Manager

Dear Mr. Johnson,

Re: Construction in the Riparian Area at 5016 – 272nd Street, Langley, B.C.

As discussed on March 4th, the construction work that is being completed on the property operated by EV Logistics at 5016 – 272nd Street in Langley, BC (the Subject Site) appears to be in contravention of several environmental regulations and without the necessary government permits and approvals; therefore, further work on the site should not proceed until the project can be brought into compliance. I am reaching out to you as the point of contact for this project, but would appreciate it if this letter could be forwarded by you to the Professional Engineer of Record for this work, and any RPBio who is providing services on this project, since they would ultimately be responsible for ensuring that regulatory requirements are met.

The purpose of this letter is to request a written response from EV Logistics, or the owner of the property (Jim Patterson Development Ltd.), indicating how development on the site will comply with provincially mandated Riparian Area setbacks and the restrictive covenant on the property. The DFO Authorization for the Property (# 99-HPAC-PA2-000-000217) expired in 2015, and can no longer be used as the basis for obtaining a building permit for this project or working within the riparian area.

By way of introduction, I am an Environmental Engineer who has been practicing in BC for over 30 years, and have experience related to 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'm also the recipient of the Fellow of Engineers Canada award for outstanding contributions to the practice of engineering, and I'm concerned about the negative environmental impacts of the work being performed on the site.



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Photo 1, below, shows the Subject Site, and the location of West Creek (thin red and yellow lines), a 15-metre creek setback (bold yellow line), and the restrictive covenant area that encloses a wetland connected to the creek (orange line).



Photo #1: West Creek, the edge of the restrictive covenant, and a connected wetland

Photos 2 and 3, below, show that removal of vegetation, grubbing, stockpiling of soil, and placement of crushed rock have occurred immediately adjacent 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. As such, these construction activities all appear to have taken place within the riparian area of West Creek, as defined by British Columbia’s *Riparian Areas Protection Regulation*, BC Reg 178/2019. In addition, 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 a restrictive covenant boundary of 30 metres from the top of the creek bank for industrial or commercial development, and 15 metres for residential. The Township of Langley’s (Township’s) *Sustainability Charter* also requires the protection and enhancement of streams, wildlife habitats and environmentally sensitive areas, all of which describe West Creek.



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Photo #2: Riparian area cleared of vegetation and disturbed soils, Feb. 9, 2022



Photo #3: Excavator working in the riparian area of West Creek, Feb. 9, 2022



The watercourse through this property has been designated Class “B”, as shown on the Township’s drawing entitled *Watercourse Classification - Version 4.0*, dated December 2016 (attached), which was created in collaboration with the DFO, BC’s Ministry of Forests, Lands, and Natural Resource Operation, 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 (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.”

Jimmy Pattison, the CEO and Chairman of Jim Pattison Group, has stated that the environment is the “number one issue” for the company (<https://www.bnnbloomberg.ca/billionaire-pattison-sees-environment-as-number-one-issue-for-his-business-empire-1.1353116>). The Subject Site is owned by Jim Patterson Development Ltd., and another company in the Group, Canadian Fishing Company (Canfisco), requires that fish habitat be protected, in order to sustain its future operations. As such, I’m sure that EV Logistics wishes to comply with all necessary government regulations, and create a project that is environmentally friendly. This is especially important on the Subject Site, since work near West Creek has the potential to negatively impact a Sensitive Stream with high fisheries value.

Work within the provincially mandated riparian setbacks can have significant deleterious effects on a watercourse’s ability to sustain fish and other wildlife. Given Jim Pattison Group’s focus on the environment, the increasing threats of climate change and habitat destruction on the survival of species at risk in Canada, including salmon populations, I encourage EV Logistics to take this opportunity to diligently assess the environmental implications of this project before proceeding further. There are several options for protecting West Creek during construction including:

- Replanting native vegetation throughout the riparian area;
- Ensuring that the building footprint is located entirely outside of the mandated riparian area setbacks, by decreasing the size of the building, if necessary;
- Installing bio-swales to collect and treat parking lot and roof runoff; and
- Funding and implementing a stream daylighting project to restore fish passage through West Creek in the vicinity of your site, in order to allow fish to migrate upstream, as they did prior to the creation of Gloucester Estates. This could be part of a relatively low-cost



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community project, and highlighted in the Jim Pattison Group or Canfisco sustainability report to showcase the company's commitment to environmental stewardship.

I look forward to hearing back from you at your earliest convenience, and learning how EV Logistics will be implementing this project in an eco-friendly manner in keeping with the values of the Jim Pattison Group.

Sincerely,

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

cc: Jim Pattison Group
Major and Council, Township of Langley
B.C. Ministry of Forests, Lands, Natural Resource Operations & Rural Development
Fisheries and Oceans Canada

attachments:

Ultimate Drainage drawing #467-02-12
Watercourse Classification - Version 4.0
DFO letter dated Feb. 19, 2019