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VIA EMAIL: reception-bur@beedie.ca; kyle.wilson@beediegroup.ca

Beedie Development Group
3030 Gilmore Diversion
Burnaby, BC V5G 3B4

Attention: Kyle Wilson, General Counsel

Dear Kyle Wilson:

Re: Rezoning Application for West Creek Headwaters in the Township of Langley

We are legal counsel to West Creek Awareness Group and Wild Salmon Defenders Alliance in this matter. We understand that Beedie Group has applied to rezone a portion of the land known as Gloucester Industrial Estates located in the Township of Langley (“**the Rezoning Application**”).

The Rezoning Application seeks to rezone lands currently zoned as Rural Golf Course RU-10 to Comprehensive Development Zone CD-185. We understand that this application is designated Project Number 14-05-0105 by the Township of Langley.

The Rezoning Application concerns lands that our clients advise us comprise part of the headwaters of West Creek, a provincially designated Sensitive Stream¹ which provides habitat for coho and chum salmon. In our view, any development of the lands contemplated by the Rezoning Application, including any preparatory work such as removing trees or beaver dams or draining water from the site, would require approvals under the *Fisheries Act* and the *Water Sustainability Act*. Given the precarious state of wild Pacific salmon in general and stocks that spawn in the remaining streams of Metro Vancouver in particular, our clients are extremely concerned about any further adverse impacts to West Creek and its headwaters.

Applications for authorizations under the *Water Sustainability Act* within the area covered by the S’ólh Téméxw Stewardship Alliance Strategic Engagement Agreement (“**SEA**”), which includes the Township of Langley, must comply with the Indigenous consultation process contained in that agreement. Note that the SEA consultation process requires development proposals before all levels of government, including municipal governments, to be referred to the People of the River Referral Office. It is also important that new development within the area covered by the S’ólh Téméxw Stewardship Alliance SEA comply with the principles contained in the *United Nations Declaration on the Rights of Indigenous Peoples*, including free, prior, and informed consent, which British Columbia has committed to implementing through the *Declaration on the Rights of*

¹ *Water Sustainability Regulation*, BC Reg 36/2016, schedule B.

*Indigenous Peoples Act*² and Canada through the *United Nations Declaration on the Rights of Indigenous Peoples Act*.³

We understand that this Rezoning Application is being considered in accordance with the current Township of Langley Official Community Plan Schedule 3 Development Permit Areas: Streamside Protection and Enhancement. Recent amendments to section 5 of Schedule 3 allow a qualified professional to designate a body of water as a “non-regulated Class C watercourse” if certain conditions are met.⁴ Section 5.8 of Schedule 3, as amended, provides:

If a waterbody is classified as a Non-Regulated Class C watercourse, then the proposed development may proceed without requiring the government approvals or authorizations that may be engaged under the Streamside Protection and Enhancement Development Permit Area, the *Water Sustainability Act*, the *Riparian Areas Protection Regulation*, or the *Fisheries Act*.

While, on its face, this provision seems to exempt the development of a riparian area from federal and provincial authorizations if the watercourse has been designated a Class C watercourse by a qualified professional, as a municipal government, the Township of Langley has no authority to limit or exclude the application of federal or provincial legislation.

We request that you confirm whether Beedie Group intends to seek approvals under the *Fisheries Act*, the *Water Sustainability Act* and the S’ólh Téméxw Stewardship Alliance SEA prior to commencing work on the lands that are the subject of the Rezoning Application, including preparatory work. Please be advised that, in the event that we do not receive satisfactory assurances from Beedie Group in this regard, we have instructions to explore legal action on behalf of our client to ensure that the development of the lands contemplated in the Rezoning Application does not proceed without the required federal and provincial authorizations and Indigenous approval.

Yours truly,

MANDELL PINDER LLP



Erica Stahl

Encl: S’ólh Téméxw Stewardship Alliance Strategic Engagement Agreement

cc: Kwantlen First Nation Chief and Council
Honourable Nathan Cullen, Minister of Water, Land and Resource Stewardship
Honourable Fin Donnelly, Parliamentary Secretary for Watershed Restoration
Rebecca Reid, Regional Director General, Pacific Region, Fisheries and Oceans Canada
Township of Langley Mayor and Council
Dr. David Schaepe, General Manager, People of the River Referrals Office
Clients

² *Declaration on the Rights of Indigenous Peoples Act*, SBC 2019.

³ *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14.

⁴ Township of Langley Official Community Plan, Schedule 3, ss 5.2-5.8