

s.26

**From:** Demsky, Arthur  
**Sent:** Tuesday, June 6, 2023 5:12 PM  
**To:** Fischer, Stephanie  
**Subject:** FW: Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction by Township of Langley

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Demsky, Arthur  
**Sent:** Monday, April 24, 2023 4:59 PM  
**To:** Lynn Perrin <lperrinf@gmail.com>  
**Subject:** RE: Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction by Township of Langley

Lynn  
There is no enforcing of a permit. There may be a monitoring requirement. That would be the Habitat Branch who issued the permit to make any such recommendations. "HPAC" as per the permit I assume, was Habitat Protection and Compliance branch at the time. That's also a very old file number "99" indicates it was issued in 1999. In addition there should have been permits issued every 5 years, again that's the responsibility of the Habitat Branch. There have likely been thousands of permits issued since 1999 throughout the Lower mainland. As you can image, it would be difficult to monitor all of them. This is why we at the Conservation and Protection Branch encourage the public to report suspected violations. Again, we do not investigate unless a HADD has been confirmed. Also things like riparian setbacks are the responsibility of the Municipality.

I personally have never seen the actual "compensation agreement" that references things like the ponds, green spaces, setbacks and fencing. I have only seen excerpts from other documents referring to it. Again, any such document would have been drafted by our habitat biologists/technicians at the time. We would not have received a copy unless they had also recommended moving forward with prosecution. It would have been an agreement to compensate for lost habitat.

We will monitor West Creek itself, the referenced ponds and the greenspace that was formerly designated as "golf course", as best we can. Again, if there is suspicion of an actual harmful alteration, destruction or disruption of fish habitat, contact our ORR line: 604-607-4186

Art

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**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Monday, April 24, 2023 3:46 PM  
**To:** Demsky, Arthur <Arthur.Demsky@dfo-mpo.gc.ca>  
**Cc:** [REDACTED]@shaw.ca>; Powers, Perry <Perry.Powers@dfo-mpo.gc.ca>; Reich, Alex <Alex.Reich@dfo-mpo.gc.ca>; McGuire-Funk, Bev <Bev.Funk@dfo-mpo.gc.ca>; Castagner, Trevor <Trevor.Castagner@dfo-mpo.gc.ca>; Jollymore, Matthew <Matthew.Jollymore@dfo-mpo.gc.ca>; jlee-young@postmedia.com  
**Subject:** Re: Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction by Township of Langley

Thank you for your response. Who at DFO enforces the compensatory conditions required in DFO Permit 99-HPAC-PA2-000-000217

<https://westcreekawareness.files.wordpress.com/2022/10/a-2017-01193-dq-final-1.pdf>

Clauses 16 and 17 state that compensatory area aka "golf course" lands be "undisturbed" in "perpetuity" ? See attached screen shot.

Lynn Perrin BGS MPP Chairperson West Creek Awareness Group

On Mon., Apr. 24, 2023, 3:19 p.m. Demsky, Arthur, <[Arthur.Demsky@dfo-mpo.gc.ca](mailto:Arthur.Demsky@dfo-mpo.gc.ca)> wrote:

Lynn

Your enquiries have been forwarded to our Fish and Fish Habitat Protection Program (FFHPP). They have been responsible for conducting habitat triage to determine and confirm damage to fish habitat. They are responsible for confirming a habitat alteration, disruption or destruction (HADD) as per the Federal Fisheries Act. They are also responsible for permits related to habitat alteration, disruption or destruction (HADD). I assume they are in the process of formulating a response. I apologize on behalf of DFO, if you still have not received a response. I've asked Perry Powers to forward this on the FFHPP again.

We at C&P are the enforcement arm and cannot proceed with an investigation until FFHPP has made the determination of a HADD based on a review and triage of each case. If there has been a determination of "no harm", then C&P closes the occurrence. Occurrences can also be handled by the Province if there are violations of Provincial legislation, such as the Water Act or the Wildlife Act.

I am not aware of which 2021 incident you refer to. The 2017 event under the Fisheries Act habitat prohibitions at the time, determined there was no harm to fish habitat impacting fish species that contribute to commercial, sport or First Nations fisheries.

You have referenced the BC Rancher fines for a file in the BC Interior. In that particular case a HADD was determined to have occurred and the process moved forward from there. There has been no HADD referred to us at C&P in regard to West Creek. All habitat occurrences are routed through FFHPP. As of 2020 the initial triages and on-site visits are now handled by a Habitat Fishery Officer (A Reich) for all occurrences in the Lower BC mainland. This is to determine if an inspection by Fishery Officers and FFHPP biologists is required. FFHPP still is the responsible group in DFO for determining whether or not a HADD has occurred and they recommend what processes might follow if required i.e. restoration order or prosecution.

s.26

**Art Demsky, Detachment Commander**

**Fisheries and Oceans Canada**

**Conservation and Protection Branch**

**Fraser Valley West**

**5550 268 Street, Langley, BC V4W 3X4**

**604-607-4168 (office)**

**778-808-2386 (cell)**

---

**From:** Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

**Sent:** Saturday, April 22, 2023 12:38 PM

**To:** Powers, Perry <[Perry.Powers@dfo-mpo.gc.ca](mailto:Perry.Powers@dfo-mpo.gc.ca)>; Reich, Alex <[Alex.Reich@dfo-mpo.gc.ca](mailto:Alex.Reich@dfo-mpo.gc.ca)>; McGuire-Funk, Bev <[Bev.Funk@dfo-mpo.gc.ca](mailto:Bev.Funk@dfo-mpo.gc.ca)>; Castagner, Trevor <[Trevor.Castagner@dfo-mpo.gc.ca](mailto:Trevor.Castagner@dfo-mpo.gc.ca)>; Demsky, Arthur <[Arthur.Demsky@dfo-mpo.gc.ca](mailto:Arthur.Demsky@dfo-mpo.gc.ca)>

**Cc:** [jhainsworth@glaciermedia.ca](mailto:jhainsworth@glaciermedia.ca); [REDACTED]@shaw.ca>

**Subject:** Re: Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction by Township of Langley

**WHY HAS DFO ALLOWED THE WORK on 48 Avenue west of 275 Street  
in 2017 and 2021 years past the expiration of DFO AUTHORIZATION 99-  
HPAC-PA2-000-00217**

March 11, 2019

INTEGRATED STORMWATER MANAGEMENT PLAN WEST CREEK WATERSHED

Page 3 . . .

000003

Regulations stipulate watercourse protection based on the classification of the watercourse (i.e. green, yellow, red) as identified in the Township's watercourse classification system, and/or assessed and confirmed by a Qualified Environmental Professional (QEP), based on channel type, water flow and fish presence. **Gloucester Industrial Park Community Plan: Site specific approvals granted by Fisheries and Oceans Canada (DFO) in the form of letters of authorization generally supersede the SPEA regulations. Accordingly, Section 2.3.2 of Schedule 3 of the Township's OCP specifies that lands within the Gloucester Area covered under DFO Authorization No. 99-HPAC-PA2-000-00217 (as may be extended or amended) supersede Township's SPEA requirements. DFO Authorization No. 99-HPAC-PA2-000-00217 was issued for the period of August 29, 2000 to September 15, 2005 with a subsequent extension granted by DFO to December 31, 2015. The Authorization could not be extended further as** it was a 'regulatory instrument' established under legislative provisions that no longer existed following the 2013 amendments to the Fisheries Act. **Based on information provided by a QEP, staff understand that all lands that were subject to the referenced DFO letter of Authorization (No. 99-HPAC-PA2-000-00217) have been developed in accordance with the said letter of Authorization with the exception of lands encompassing PID 024-650-617 (currently referred to as 'Golf Course lands' under development application project #14-05-0094**

\*\*\* also on March 13 2023 Agenda <https://calendar.tol.ca/meetings/Download/dc987b83-e1de-49d2-90a8-afc101152f20> Page 563

Lynn Perrin Chairperson West Creek Awareness Group

Jan 30 ,2023 TOL approved re-zoning that is in the COMPENSATION lands on 60th Avenue

Page 133 <https://calendar.tol.ca/meetings/Detail/2022-12-12-1300-Council-Meeting-Regular2/a5481b95-93b0-4b24-9607-af66010c06ea>

Video of TOL meeting @ 1 hour 28 mins. <https://www.youtube.com/watch?v=fCOEjsjPRVM&list=PLcsR1gaLwRUj-WR-V5zZzSf-F3Xrya6bh&index=5>

On Sun, 9 Apr 2023 at 13:59, Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)> wrote:

Excerpts from DFO Permit <https://westcreekawareness.files.wordpress.com/2022/10/a-2017-01193-dq-final-1.pdf>

☐ The linked image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.

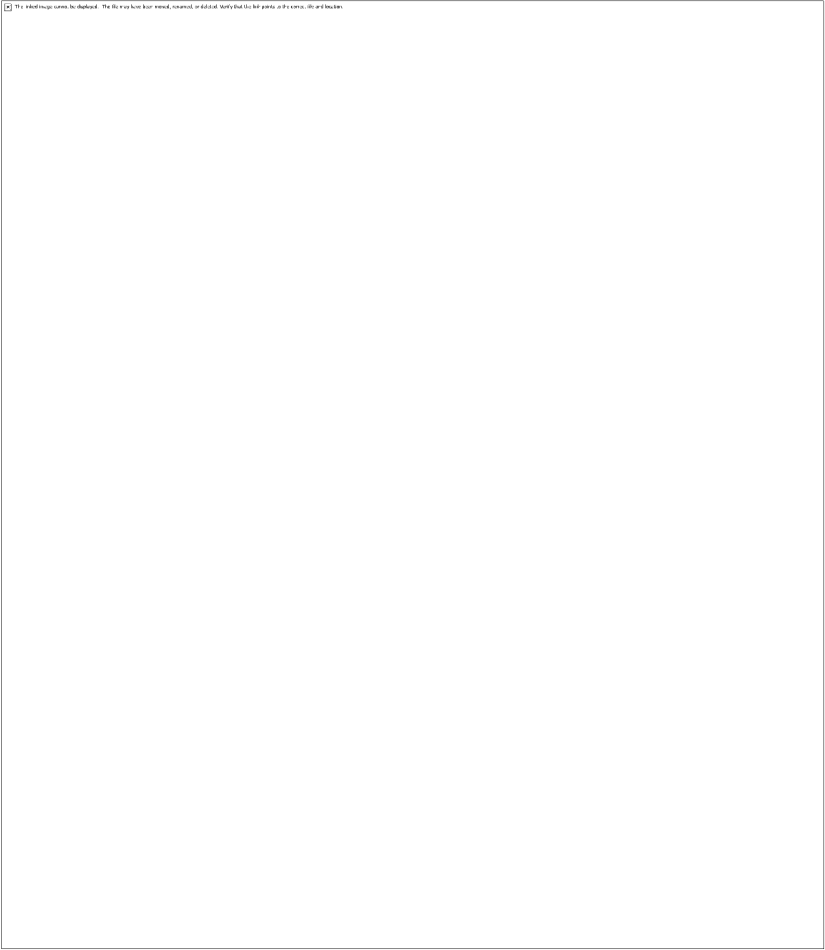
ECL June 8 1999 letter <https://westcreekawareness.files.wordpress.com/2023/02/scan-3-2.pdf?fbclid=IwAR3dogPSKxusFSdQ5Z6R-ZtEx-rzgznqUv4KOp4wvfpf0Lwz1M0xykMNkio>

Excerpt page 14 **there is no reference to a 300 meter tunne which ww as I was done Nov - Dec 2017 outside of the Least Risk Window**

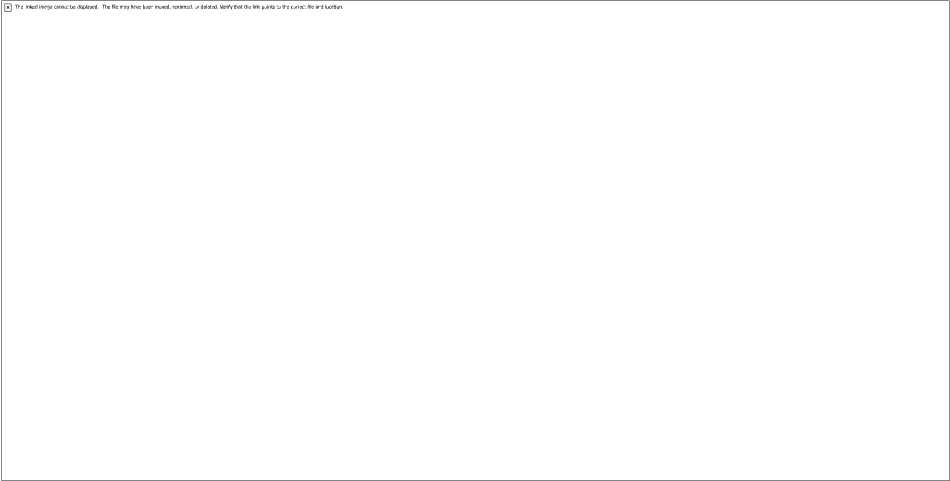
☐ The linked image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.

June 8 1999 ECL letter Page 16

☐ The photograph cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.



Page 98 DFO Permit



On Fri, 24 Mar 2023 at 20:17, Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)> wrote:

In 2017 unauthorized works - 100 meters of West Creek under 48th Avenue west of 275 Street took place when Township of Langley knew the permits had expired in 2015 according to the recent TOL report presented to TOL Council Mar. 13, 2023.

No charges have ever been made against the Township of Langley in spite of complaints made to DFO and BC MELP. . Why is this different than the Altherr & Schellenberg Cattle Co case?

All relevant documents (Expired Fisheries Permit Expired BC Water Act Permit FOI Township of Langley) are at this link <https://west-creek-awareness.ca/2022/07/04/salmon-habitat-at-risk-from-industrial-development/>

Lynn Perrin BGS MPP Chairperson West Creek Awareness Group

----- Forwarded message -----

From: **Lynn Perrin** <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

Date: Wed., Mar. 22, 2023, 10:52 p.m.

Subject: Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction by Township of Langley

To: Dfo <[Min@dfo-mpo.gc.ca](mailto:Min@dfo-mpo.gc.ca)>, Mercer, Vance <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)>, <[LWRS.minister@gov.bc.ca](mailto:LWRS.minister@gov.bc.ca)>, <[Jack.Garnier@gov.bc.ca](mailto:Jack.Garnier@gov.bc.ca)>

<https://www.vancouverisawesome.com/bc-news/bc-rancher-fined-960000-for-fish-habitat-destruction-6740867>

Excerpts:

Altherr & Schellenberg Cattle Co. Ltd. (A&S) was also ordered in Williams Lake provincial court to post a \$1.25-million bond and in trust for salmon stream remediation.....

Specifically, Tsilhqot'in Nation spokesperson Scott Thompson told Glacier Media A&S entered pleas to four amended "rolled-up" **counts under the federal Fisheries Act** and the provincial Forest

and Range Practices Act **and the Water Sustainability Act, for various unauthorized works** on both private and Crown land at or near the Kleena Kleene river, between 2019 and 2021.

Those charges are:

- riparian and instream habitat destruction, including riparian clearing and infilling of side channels and tributary habitat;
  - placement of rock structures (riprap wall and rock groynes) at or within the Klinaklini River mainstem;
  - unauthorized works and habitat destruction and clearing on Crown land; and,
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- 

In 2017 unauthorized works - 100 meters of West Creek under 48th Avenue west of 275 Street took place when Township of Langley knew the permits had expired in 2015 according to the recent TOL report presented to TOL Council Mar. 13, 2023.

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Lynn Perrin Chairperson West Creek Awareness Group

s.26

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**Sent:** Tuesday, June 6, 2023 5:15 PM  
**To:** Fischer, Stephanie  
**Subject:** FW: Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction by Township of Langley  
**Attachments:** image.png; image.png; image.png; image.png; image.png  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Demsky, Arthur  
**Sent:** Monday, April 24, 2023 2:37 PM  
**To:** Powers, Perry <Perry.Powers@dfo-mpo.gc.ca>  
**Cc:** Matthew Jollymore (Matthew.Jollymore@dfo-mpo.gc.ca) <Matthew.Jollymore@dfo-mpo.gc.ca>; Reich, Alex <Alex.Reich@dfo-mpo.gc.ca>; McGuire-Funk, Bev <Bev.Funk@dfo-mpo.gc.ca>; Castagner, Trevor <Trevor.Castagner@dfo-mpo.gc.ca>  
**Subject:** FW: Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction by Township of Langley

Perry please forward on to Matchet, Mercer and Fanos with FHPP to see if they have formulated a reply because we've had numerous complaints around the same topic and West Creek in this particular location. I think they will continue to send us these complains until they've had a response that satisfies they're inquiries. The 2017 thing resulted in a no harm to fish habitat...not sure what this new 2021 reference is...the riparian setbacks are set by the municipalities and not the Province or us.

Art Demsky, Detachment Commander  
Fisheries and Oceans Canada  
Conservation and Protection Branch  
Fraser Valley West  
5550 268 Street, Langley, BC V4W 3X4  
604-607-4168 (office)  
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**Sent:** Saturday, April 22, 2023 12:38 PM  
**To:** Powers, Perry <Perry.Powers@dfo-mpo.gc.ca>; Reich, Alex <Alex.Reich@dfo-mpo.gc.ca>; McGuire-Funk, Bev <Bev.Funk@dfo-mpo.gc.ca>; Castagner, Trevor <Trevor.Castagner@dfo-mpo.gc.ca>; Demsky, Arthur <Arthur.Demsky@dfo-mpo.gc.ca>  
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March 11, 2019

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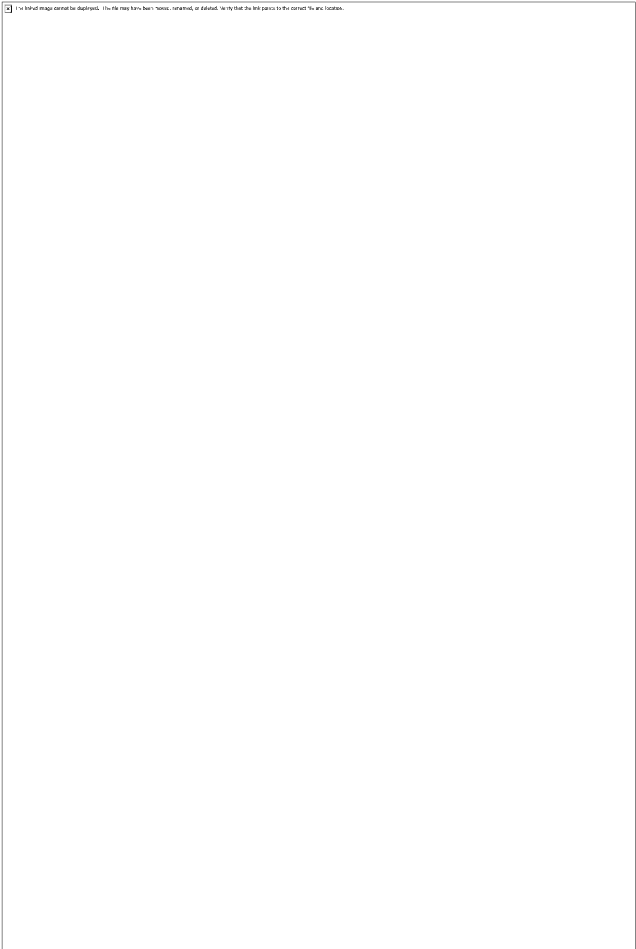


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**June 8 1999 ECL letter Page 16**



DFO Permit page 46

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## Page 98 DFO Permit

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Lynn Perrin BGS MPP Chairperson West Creek Awareness Group

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Date: Wed., Mar. 22, 2023, 10:52 p.m.

Subject: Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction by Township of Langley

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Lynn Perrin Chairperson West Creek Awareness Group

**Pages 16 to / à 20  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**12(1) Not Personal Info**

**of the Privacy Act  
de la Loi sur la protection des renseignements personnels**

**From:** Powers, Perry  
**Sent:** Tuesday, April 4, 2023 6:28 PM  
**To:** Jollymore, Matthew  
**Cc:** Demsky, Arthur  
**Subject:** RE: For approval: 2023-001-00644 Perrin  
**Attachments:** MECTS-#4317187-v1-Draft\_Reply\_2023-001-00644.docx; MECTS#4316720-v1-Main Docs 2023-001-00644.PDF

Hello Matt.

I have reviewed the attached letter which appears to have been drafted by Brad Fanos. It states the following in paragraph four (4) of his letter: *"These works involved the relocation of a stormwater pipe and were assessed by C&P officers and FFHPP biologists under the Serious Harm provisions of the Fisheries Act as it existed at the time."* Conservation and Protection (C&P) was not involved in the assessment in these complaints. The Fisheries Protection Program (FPP), as it was known under the serious harm years, triaged and made the assessments on habitat complaints so C&P would not have been involved unless FPP determined serious harm had occurred. C&P would then become involved and start an investigation. **My point is that a reference to C&P in that paragraph needs to be removed as it is not an accurate statement.**

C&P did receive incident reports regarding West Creek during the timeframe in question. However, when FPP determined no serious harm occurred C&P closed those reports in our Departmental Violations System (DVS) as there was no offence(s) to follow up on.

Ms. Perrin asks why the West Creek situation is different than the Altherr & Schellenberg Cattle Co. LTD. (A&S). It is different because in the (A&S) case serious harm was determined and at West Creek it was not.

**Perry Powers**  
**A/Detachment Commander**  
**Regional Habitat Coordinator**

Fishery Officer / Field Supervisor, Conservation and Protection  
Fisheries and Oceans Canada / Government of Canada  
[Perry.Powers@dfo-mpo.gc.ca](mailto:Perry.Powers@dfo-mpo.gc.ca) / Tel : 604-607-4163

Agent des Pêches / Superviseur sur le Terrain, Conservation et Protection  
Pêches et Océans Canada / Gouvernement du Canada  
[Perry.Powers@dfo-mpo.gc.ca](mailto:Perry.Powers@dfo-mpo.gc.ca) / Tél : 604-607-4163

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**From:** Jollymore, Matthew <Matthew.Jollymore@dfo-mpo.gc.ca>  
**Sent:** Tuesday, April 4, 2023 12:43 PM  
**To:** Demsky, Arthur <Arthur.Demsky@dfo-mpo.gc.ca>; Powers, Perry <Perry.Powers@dfo-mpo.gc.ca>  
**Cc:** Gallant, Nicole <Nicole.Gallant@dfo-mpo.gc.ca>; Wattie, Brad <Brad.Wattie@dfo-mpo.gc.ca>  
**Subject:** FW: For approval: 2023-001-00644 Perrin

Good afternoon Art and Perry,

The attached MinCor request is directly related to the email Art shared last week from the West Creek Awareness Group. I please need from the both of you confirmation that the content of the response is accurate. If any changes required please let me know by EOD today.

Thanks,  
Matt

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**From:** PAC PRMCU / URPCM PAC (DFO/MPO) <[DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca](mailto:DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca)>  
**Sent:** Tuesday, April 4, 2023 12:33 PM  
**To:** Jollymore, Matthew <[Matthew.Jollymore@dfo-mpo.gc.ca](mailto:Matthew.Jollymore@dfo-mpo.gc.ca)>  
**Subject:** For approval: 2023-001-00644 Perrin

Hi Matthew,

We're looking for your approval of this draft response. In order to meet deadlines for Ministerial Correspondence, **we need your approval within 24 hours** (weekends excluded), but sooner if at all possible.

Please use track changes to insert any necessary edits in the attached document, and return to PAC PRMCU. Your review should include technical accuracy and consistency with policy direction.

**If you think someone else in Pacific Region, NHQ or in Legal Services** must approve and they aren't on our approval list, **please advise us ASAP**.

Thanks,  
Michelle Rainer (she/elle) & Candace McGuire (she/elle)  
***\*\*Please direct all e-mails regarding Minister's (001) and RDG's (501) correspondence to PAC PRMCU.\*\****

Pacific Region Ministerial Correspondence Unit  
Fisheries and Oceans Canada/Government of Canada

Unité de correspondance ministérielle de la région Pacifique  
Pêches et Océans Canada/Gouvernement du Canada  
[XPACPRMCU@dfo-mpo.gc.ca](mailto:XPACPRMCU@dfo-mpo.gc.ca)

# Ministerial Correspondence / Correspondance ministérielle

## Approval Form / Formulaire d'approbation

MCCU DOCKET # / N° DU DOSSIER UCCM : 2023-001-00644	MCCU CONTACT / RESPONSABLE À L'UCCM :
REPLY BY DEPARTMENT/ RÉPONSE DU MINISTÈRE	

### DATE AND DEADLINES / DATE ET ÉCHÉANCE

DUE DATE TO MINO / ÉCHÉANCE AU CM : (mm-dd-yyyy / mm-jj-aaaa)	/2023	DATE RECEIVED IN MCCU / DATE DE RÉCEPTION À L'UCCM : (mm-dd-yyyy / mm-jj-aaaa)	/2023
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### COMMENTS / APPROACH – COMMENTAIRES / APPROCHE

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### APPROVALS / APPROBATIONS

Level / Niveau	Name, Title and Sector / Nom, titre et secteur	Date Due to Lead / Échéance à la direction responsable	Date Approved / Date d'approbation	Action
	Vance Mercer Acting Section Head, Regional Coordination, Fish and Fish Habitat Protection Program Ecosystems Management		March 31, 2023	approved
	David Carter Manager, Regulatory Coordination, Fish and Fish Habitat Protection Program Ecosystems Management		March 31, 2023	Approved, with edits
Director	Brad Fanos Director, Fish and Fish Habitat Protection Program Ecosystems Management		April 4, 2023	approved
Area Chief	Matthew Jollymore A/Area Chief, Conservation & Protection, Lower Fraser Area			
Regional Director	Nicole Gallant Regional Director, Conservation & Protection			
Regional Director General / Directeur(trice) général régional(e)	Tracey Sandgathe Regional Director, Ecosystem Management			
DG Regional Director / Directeur(trice) régional(e)	Jody Proctor, Acting Associate Regional Director General Pacific Region			

### OTHER CONSULTATIONS / AUTRES CONSULTATIONS

INFO COPIES TO / COPIES POUR INFORMATION À (Office, Branch, Date / Bureau, direction, date)	DEVELOPED WITH SME(S) OR OTHER STAKEHOLDER(S) / ÉLABORÉ AVEC EXPERT(S) EN LA MATIÈRE OU AUTRE(S) INTERVENANT(S) (Name, Title, Branch, Date / Nom, titre, direction, date)
•	• Candace McGuire/Michelle Rainer, Manager, Ministerial Correspondence, Pacific Region
OGD / AMG - (Name, Title, Branch, Date / Nom, titre, direction, date)	
•	

### FOR MCCU USE / RÉSERVÉ À L'UCCM

b.c.c. / Cci – (Name, Department / Nom, ministère)	c.c. – (Name, email address / contact info / Nom, courriel, coordonnées)
•	•
ATTACHMENTS TO RESPONSE / PIÈCES JOINTES À LA RÉPONSE	
•	

Ms. Lynn Perrin  
Chairperson  
West Creek Awareness Group  
< [lperrinf@gmail.com](mailto:lperrinf@gmail.com) >

Dear Ms. Perrin:

Thank you for your correspondence of March 23, 2023, addressed to the Honourable Joyce Murray, Minister of Fisheries, Oceans and the Canadian Coast Guard, regarding unauthorized works in question near 48<sup>th</sup> Avenue west of 275<sup>th</sup> Street in the Township of Langley. I have been asked to respond on the Minister's behalf.

The conservation and protection of Canada's fisheries, oceans and freshwater resources is a top priority for Fisheries and Oceans Canada (DFO). The Department appreciates your taking the time to contact us with your concerns.

DFO's Fish and Fish Habitat Protection Program (FFHPP) is responsible for reviewing proposed development projects situated in and around fish and fish habitat, while ensuring compliance with relevant provisions of the *Fisheries Act* and the *Species at Risk Act*. DFO's Projects near water website provides information for proponents planning works in or around water that should be reviewed by FFHPP. DFO's Conservation and Protection Program (C&P) is responsible for the receipt, investigation and enforcement response to all reports of damage to fish habitat, death of fish, and deposits of sediment into fish habitat.

In 2017, both FFHPP and C&P received several complaints regarding the works near 48<sup>th</sup> Avenue west of 275<sup>th</sup> Street. These works involved the relocation of a stormwater pipe and were assessed by C&P officers and FFHPP biologists under the Serious Harm provisions of the *Fisheries Act* as it existed at the time. The site assessments determined that the stormwater pipe still functioned to provide nutrients and flows to downstream fish-bearing habitat within West Creek and that no Serious Harm had occurred. As such, the file was closed.

The modernized *Fisheries Act* became law in 2019. It introduced new tools to restore protections for fish and fish habitat, rebuild fish populations, enhance marine protection, preserve independent inshore fisheries, and strengthen Indigenous roles in project reviews, monitoring, and policy development. These tools and protections apply to new works and activities, and to existing facilities or structures that may impact fish and fish habitat, such as those barring fish access to watercourses and floodplain habitats.

DFO encourages members of the public who observe what they believe is a violation, including possible impacts to fish or fish habitat, are encouraged to contact DFO's "Observe, Record, Report" (ORR) line, available 24-hours a day, at 1-800-465-4336 or at < [DFO.ORR-ONS.MPO@dfo-mpo.gc.ca](mailto:DFO.ORR-ONS.MPO@dfo-mpo.gc.ca). >. Reports made to the ORR line are forwarded directly to fishery officers. Even when an immediate response is not possible, these reports assist fishery officers in planning future patrols. More information is available on DFO's [Report a fisheries violation](#) webpage.

Thank you for writing.

Sincerely,

Brad Fanos  
Director Fish and Fish Habitat Program  
Fisheries and Oceans Canada  
Pacific Region

2023-001-00644

**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Thursday, March 23, 2023 1:53 AM  
**To:** Minister / Ministre (DFO/MPO); Mercer, Vance; LWRS.minister@gov.bc.ca;  
Jack.Garnier@gov.bc.ca  
**Subject:** Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction  
by Township of Langley

<https://www.vancouverisawesome.com/bc-news/bc-rancher-fined-960000-for-fish-habitat-destruction-6740867>

Excerpts:

Altherr & Schellenberg Cattle Co. Ltd. (A&S) was also ordered in Williams Lake provincial court to post a \$1.25-million bond and in trust for salmon stream remediation.....

Specifically, Tsilhqot'in Nation spokesperson Scott Thompson told Glacier Media A&S entered pleas to four amended "rolled-up" **counts under the federal Fisheries Act and the provincial Forest and Range Practices Act and the Water Sustainability Act, for various unauthorized works** on both private and Crown land at or near the Kleena Kleene river, between 2019 and 2021.

Those charges are:

- riparian and instream habitat destruction, including riparian clearing and infilling of side channels and tributary habitat;
- placement of rock structures (riprap wall and rock groynes) at or within the Klinaklini River mainstem;
- unauthorized works and habitat destruction and clearing on Crown land; and,
- unauthorized diversion structure and sprinkler system on Crown land.

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In 2017 unauthorized works - 100 meters of West Creek under 48th Avenue west of 275 Street took place when Township of Langley knew the permits had expired in 2015 according to the recent TOL report presented to TOL Council Mar. 13, 2023.

No charges have ever been made against the Township of Langley in spite of complaints made to DFO and BC MELP. . Why is this different than the Altherr & Schellenberg Cattle Co case?

Lynn Perrin Chairperson West Creek Awareness Group

**From:** Powers, Perry  
**Sent:** Monday, March 27, 2023 2:58 PM  
**To:** Jollymore, Matthew  
**Cc:** Demsky, Arthur; Reich, Alex; Davies, Leri; Wattie, Brad  
**Subject:** RE: Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction by Township of Langley

I currently do not have any information to share on this enquiry by Lynn. There is not enough information to understand what she is referring to. I reached out to Vance Mercer from FFHPP as he is on the e-mail chain to see if he has any insight regarding her concern as FPP would have done any triage of occurrences in 2017. Don Knoop was doing triage for FPP under the previous Fisheries Act.

If I find out anything more I will provide an update.

**Perry Powers**  
**A/Detachment Commander**  
**Regional Habitat Coordinator**

Fishery Officer / Field Supervisor, Conservation and Protection  
Fisheries and Oceans Canada / Government of Canada  
[Perry.Powers@dfo-mpo.gc.ca](mailto:Perry.Powers@dfo-mpo.gc.ca) / Tel : 604-607-4163

Agent des Pêches / Superviseur sur le Terrain, Conservation et Protection  
Pêches et Océans Canada / Gouvernement du Canada  
[Perry.Powers@dfo-mpo.gc.ca](mailto:Perry.Powers@dfo-mpo.gc.ca) / Tél : 604-607-4163

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**From:** Jollymore, Matthew <Matthew.Jollymore@dfo-mpo.gc.ca>  
**Sent:** Monday, March 27, 2023 10:19 AM  
**To:** Demsky, Arthur <Arthur.Demsky@dfo-mpo.gc.ca>; Powers, Perry <Perry.Powers@dfo-mpo.gc.ca>; Reich, Alex <Alex.Reich@dfo-mpo.gc.ca>  
**Cc:** Davies, Leri <Leri.Davies@dfo-mpo.gc.ca>; Wattie, Brad <Brad.Wattie@dfo-mpo.gc.ca>; Gallant, Nicole <Nicole.Gallant@dfo-mpo.gc.ca>  
**Subject:** RE: Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction by Township of Langley

Thanks Art for bringing this to my attention.

Perry—can I please have some briefing points on any C&P involvement regarding this event.

Leri—looping you in as this was a Vancouver Sun article.

Brad/Nicole—the below was sent to two Ministers' offices (one being our own). Kindly advise what steps you would like to see from me...thinking perhaps a ROC once we have more info from Perry.

Thank you,

**Matt Jollymore**

Area Chief, Lower Fraser Area / Chef de secteur Région du bas Fraser  
Fisheries and Oceans Canada / Pêches et Océans Canada

[Matthew.Jollymore@dfo-mpo.gc.ca](mailto:Matthew.Jollymore@dfo-mpo.gc.ca)

Tel: (604) 607-4162 / Cel: (604) 626-2135

5550-268th Street, Langley, BC V4W 3X4

**"Serving Canada, Protecting our Resources"**



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada



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**From:** Demsky, Arthur <[Arthur.Demsky@dfo-mpo.gc.ca](mailto:Arthur.Demsky@dfo-mpo.gc.ca)>

**Sent:** Monday, March 27, 2023 9:02 AM

**To:** Powers, Perry <[Perry.Powers@dfo-mpo.gc.ca](mailto:Perry.Powers@dfo-mpo.gc.ca)>; Reich, Alex <[Alex.Reich@dfo-mpo.gc.ca](mailto:Alex.Reich@dfo-mpo.gc.ca)>

**Subject:** FW: Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction by Township of Langley

I think there should be some response to this. Was 48<sup>th</sup> avenue considered to be outside the red zone? I don't remember who was responsible for habitat at that time.

**Art Demsky, Detachment Commander**

**Fisheries and Oceans Canada**

**Conservation and Protection Branch**

**Fraser Valley West**

**5550 268 Street, Langley, BC V4W 3X4**

**604-607-4168 (office)**

**778-808-2386 (cell)**

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**From:** Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

**Sent:** Friday, March 24, 2023 8:17 PM

**To:** Powers, Perry <[Perry.Powers@dfo-mpo.gc.ca](mailto:Perry.Powers@dfo-mpo.gc.ca)>; Reich, Alex <[Alex.Reich@dfo-mpo.gc.ca](mailto:Alex.Reich@dfo-mpo.gc.ca)>; McGuire-Funk, Bev <[Bev.Funk@dfo-mpo.gc.ca](mailto:Bev.Funk@dfo-mpo.gc.ca)>; Castagner, Trevor <[Trevor.Castagner@dfo-mpo.gc.ca](mailto:Trevor.Castagner@dfo-mpo.gc.ca)>; Demsky, Arthur <[Arthur.Demsky@dfo-mpo.gc.ca](mailto:Arthur.Demsky@dfo-mpo.gc.ca)>

**Cc:** [jhainsworth@glaciermedia.ca](mailto:jhainsworth@glaciermedia.ca)

**Subject:** Fwd: Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction by Township of Langley

In 2017 unauthorized works - 100 meters of West Creek under 48th Avenue west of 275 Street took place when Township of Langley knew the permits had expired in 2015 according to the recent TOL report presented to TOL Council Mar. 13, 2023.

No charges have ever been made against the Township of Langley in spite of complaints made to DFO and BC MELP. . Why is this different than the Altherr & Schellenberg Cattle Co case?

All relevant documents (Expired Fisheries Permit Expired BC Water Act Permit FOI Township of Langley) are at this link <https://west-creek-awareness.ca/2022/07/04/salmon-habitat-at-risk-from-industrial-development/>

Lynn Perrin BGS MPP Chairperson West Creek Awareness Group

----- Forwarded message -----

From: **Lynn Perrin** <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

Date: Wed., Mar. 22, 2023, 10:52 p.m.

Subject: Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction by Township of Langley

To: Dfo <[Min@dfo-mpo.gc.ca](mailto:Min@dfo-mpo.gc.ca)>, Mercer, Vance <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)>, <[LWRS.minister@gov.bc.ca](mailto:LWRS.minister@gov.bc.ca)>, <[Jack.Garnier@gov.bc.ca](mailto:Jack.Garnier@gov.bc.ca)>

<https://www.vancouverisawesome.com/bc-news/bc-rancher-fined-960000-for-fish-habitat-destruction-6740867>

Excerpts:

Altherr & Schellenberg Cattle Co. Ltd. (A&S) was also ordered in Williams Lake provincial court to post a \$1.25-million bond and in trust for salmon stream remediation.....

Specifically, Tsilhqot'in Nation spokesperson Scott Thompson told Glacier Media A&S entered pleas to four amended "rolled-up" **counts under the federal Fisheries Act and the provincial Forest and Range Practices Act and the Water Sustainability Act, for various unauthorized works** on both private and Crown land at or near the Kleena Kleene river, between 2019 and 2021.

Those charges are:

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- placement of rock structures (riprap wall and rock groynes) at or within the Klinaklini River mainstem;
- unauthorized works and habitat destruction and clearing on Crown land; and,
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No charges have ever been made against the Township of Langley in spite of complaints made to DFO and BC MELP. . Why is this different than the Altherr & Schellenberg Cattle Co case?

Lynn Perrin Chairperson West Creek Awareness Group

**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Friday, March 3, 2023 2:52 PM  
**To:** Wendy Bauer; MayorCouncil  
**Cc:** Ritchie Lai; Mercer, Vance; Jack.Garnier@gov.bc.ca  
**Subject:** Re: Township of Langley FOI 23-013 - Fee Estimate Notice  
**Attachments:** image001.jpg; image002.jpg; 5854 Bylaw amendment.pdf

Hi Wendy;

Thank you for your response. My FOI request is in part to ensure that planners and Council have included the following Senior government Permit CONDITIONS regarding the land proposed for a by-law amendment 5854 and industrial development: (see attached)

The 1999 letter from envirowest to MELP <https://westcreekawareness.files.wordpress.com/2023/02/scan-3-2.pdf> and

DFO Permit and BC Water Act Permit obtained  
via ATIP <https://westcreekawareness.files.wordpress.com/2022/10/a-2017-01193-dq-final-1.pdf>

The following pages are applicable to the Development Application and by-law 5854 going to Public Hearing Mar. 13.

Page 40 Compensatory Pond / Wetland and associated Re-alignment of Watercourses ..."future golf course"

Page 89 BC permit #26 stormwater to 2 detention features "**within golf course**" and #29

**Page 90 COMPENSATORY Site A**

**Page 92 COMPENSATORY Site D \*\*\* see last bullet**

**Page 104 #17 \*\*\*\* shall ensure that the COMPENSATORY habitat is functioning as intended for the lifetime of the Gloucester Industrial Estates**

Lynn Perrin

On Fri., Mar. 3, 2023, 11:01 a.m. Wendy Bauer, <[wbauer@tol.ca](mailto:wbauer@tol.ca)> wrote:

Hello Lynn,

As requested, I have forwarded your attached letter to the Community Development Division to be included in the application file. I note you also requested that the letter be forwarded to Council. I

suggest that this would be better served if it was forwarded by yourself with an explanation, so Council can fully understand your concerns. You can email the Mayor and Council directly at [mayorcouncil@tol.ca](mailto:mayorcouncil@tol.ca).

Ritchie has forwarded your request for a fee waiver for FOI 23-013 to me. It is my responsibility to review requests for waivers. It is a responsibility I do not take lightly. I do believe in the purpose of the *Freedom of Information and Protection of Privacy Act* (FIPPA) and the importance of transparency, but I also respect that this comes at a cost to all taxpayers of the Township of Langley. When I waive a fee, I am essentially putting the full cost of obtaining the records on the taxpayers of the Township. FIPPA charges allow for minimal cost recovery, and I believe the residents of Langley are entitled to that relief.

In deciding on a waiver, I look at both the request and the time estimated by staff. I believe there is some public interest in this application to some members of the Township, but I am not comfortable waiving the complete fee. Because your request is "all", it was sent to multiple departments to review their records. I suspect what you really are looking for at this time is the development application file. I would like to propose that the fee be waived for the records (including the types you listed) currently included in the development application file for application 14-05-0105. We estimate this will take approximate six to seven hours to produce and I am comfortable waiving four hours of time (the first three hours are at no charge as per FIPPA). Should staff take longer than the estimated time, we will not charge for the extra time. If the file does not provide sufficient information following your review, we can discuss a more focused approach to hopefully provide the correct records.

I am hopeful that this compromise meets with your needs, while respecting the Township's responsibility to the taxpayers.

Respectfully,

**Wendy Bauer | Township Clerk**  
Legislative Services | Corporate Administration Division  
20338 - 65 Avenue, Langley BC V2Y 3J1  
Direct: 604.533.6101



[Web](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

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**From:** Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>  
**Sent:** Thursday, March 02, 2023 9:02 AM  
**To:** Ritchie Lai <[rlai@tol.ca](mailto:rlai@tol.ca)>  
**Subject:** [EXTERNAL] Re: Township of Langley FOI 23-013 - Fee Estimate Notice

I request that the fees be waived as this matter is in the Public Interest and I am a low income senior. I am attaching a document that must be added to the development file and shared with planning staff, CAO and Council members.

Lynn Perrin

On Thu., Feb. 16, 2023, 10:32 a.m. Ritchie Lai, <[rlai@tol.ca](mailto:rlai@tol.ca)> wrote:

Dear Lynn Perrin,

Further to our acknowledgement email dated February 6, 2023, the Township of Langley has located relevant records that may be responsive to your request. You requested any and all reports, letters, meeting notes, emails texts between Township of Langley and Beedie or Envirowest regarding DP101055. The location associated with this DP is 5500 Block of 268 Street through 276 Street in Langley, BC.

Section 75 of the *Freedom of Information and Protection of Privacy Act* (FIPPA) allows the Township to charge a fee for certain limited costs related to Freedom of Information requests. For your reference, a link to FIPPA could be found on the OIPC's website: [Legislation - Office of the Information and Privacy Commissioner for BC \(oipc.bc.ca\)](https://www.oipc.bc.ca/legislation)

If you wish to continue with this request, the estimated fee is **\$532.50 (tax exempt)**. At this time, we require a 50% deposit of **\$266.25**

Once we have received the required payment, staff will resume processing your request. The final outstanding fee is due prior to receipt of the requested information. You will be notified when the compiled records are ready and final payment is due.

Please note in addition to the fee indicated above, there may be a cost for the copies of the records. In most cases, the size of the electronic files is small and therefore we will be able to send the records to you via e-mail free of charge. If the size of the electronic files is large, we would typically copy all of the files onto a disc or multiple discs and we would charge the FOI applicants \$4.00 for each disc. This fee, along with the remaining balance of the fee given above, will be due prior to the final release of the records.

**Should you choose not to pay the fee as indicated above, you have two other options: narrow the scope of your request or ask for a fee waiver. In case you wish to proceed with either one of these options, please reply to this email and I will provide further details.**

FIPPA allows for a maximum 30-day working period response time. This 30-day period is exclusive of the period from the start of the day a written cost estimate is sent until the end of the day payment is received in our office. Note that further time extensions may be applied should more time be needed to consult with a third party or another public body about the release of records or if a large number of records were requested.

Mail a cheque to the attention of Ritchie Lai in the amount of **\$266.25 payable to the Township of Langley** quoting the TOL file number 0580-20-23-013 on the cheque; or if you choose to pay by credit card, please come to our Customer Services counter at the Township of Langley, Civic Facility, 2<sup>nd</sup> floor, 20338 – 65 Avenue, Langley V2Y 3J1 to make the required payment.

In case you have any questions now or during the processing of your request, contact the writer at 604.532.7396.

Yours truly,

## **Ritchie Lai, CRM | Supervisor, Information, Privacy and Records Management**

Legislative Services | Corporate Administration Division | Township of Langley

20338 – 65 Avenue, Langley, BC V2Y 3J1

Direct Line: 604.532.7396

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**F.1**

**THE CORPORATION OF THE TOWNSHIP OF LANGLEY  
LANGLEY OFFICIAL COMMUNITY PLAN BYLAW 1979 NO. 1842  
AMENDMENT (STREAMSIDE PROTECTION AND ENHANCEMENT CLARIFICATION)  
BYLAW NO. 5854**

A Bylaw to amend Langley Official Community Plan Bylaw 1979 No. 1842.

The Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "Langley Official Community Plan Bylaw 1979 No. 1842 Amendment (Streamside Protection and Enhancement Clarification) Bylaw No. 5854".
2. The "Langley Official Community Plan Bylaw 1979 No. 1842" Schedule 3 Development Permit Areas: Streamside Protection and Enhancement, as amended, is further amended by:
  - a. Replacing the definition of "Stream" in Section 3 of Schedule 3 with the following: "Stream" means:
    - a. a natural watercourse, including a natural glacier course, or a natural body of water, whether the stream channel of the stream has been modified, or
    - b. a natural source of water supply, including, without limitation, a lake, pond, river, creek, spring, ravine, gulch, wetland or glacier, whether or not usually containing water, including ice, but does not include an aquifer;
  - b. Adding the following definitions to Section 3 of Schedule 3 in alphabetical order:
    - a. "Fisheries Act" means the Fisheries Act, RSC 1985, c. F-14 as amended or re-enacted from time to time;
    - b. "Riparian Areas Protection Regulation" means the Riparian Areas Protection Regulation, BC Reg 178/2019 as amended or re-enacted from time to time;
    - c. "Fish habitat" means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas;
    - d. "Water Sustainability Act" means the Water Sustainability Act, SBC 2014, c 15 as amended or re-enacted from time to time;
    - e. "Watercourse" means any natural or human-made body of water that may or may not provide fish habitat that fall under two categories:
      - i. regulated watercourse, does not include a Class C watercourse, and includes:
        - a. known or suspected fish-bearing watercourses, including watercourses classified as Class A, Class A(OD), Class A(OW) and Class B as shown on Map 11 "Watercourse Classification Map", and natural watercourses or natural water supply sources, and
        - b. watercourses that do not in fact provide fish habitat, but may include natural watercourses or watercourses

- containing a natural source of water supply, including watercourses classified as Class C as shown on Map 11; and,
- ii. Non-Regulated Class C watercourse includes watercourses that do not in fact provide fish habitat, are not natural watercourses, and do not contain a natural source of water supply.
- c. Replacing Section 4.16.2 of Schedule 3 with the following:
- a. "The proposed development is completely outside of the designated Streamside Protection and Enhancement Development Permit Area and where it can be demonstrated to the acceptance of the Township in accordance with section 5 that the proposed development will not result in negative impacts to the watercourse;"
- d. Replacing Section 4.22 of Schedule 3 with the following:
- a. Where a proponent contends that a watercourse location depicted on Map 11 is in error, the proponent can submit for consideration by the Township a report prepared by a B.C. Land Survey Professional that identifies the location of the watercourse.
- e. Inserting the following as a new Section 4.23 of Schedule 3 and renumbering the following section accordingly:
- a. Where a proponent contends that a watercourse classification depicted on Map 11 is in error, the proponent can submit for consideration by the Township either an:
- i. assessment prepared by a qualified professional in accordance with section 5, where it is contended that a watercourse is a non-regulated Class C watercourse; or
- ii. A report prepared by a qualified professional that provides a classification of the watercourse, as applicable.
- f. Adding the following as a new Section 4.25 of Schedule 3:
- a. Despite this Bylaw, development may be located within the Streamside Protection and Enhancement Development Permit Area if:
- i. the site is subject to undue hardship and meets the riparian protection standard for sites subject to undue hardship in accordance with the Riparian Areas Protection Regulation;
- ii. the qualified professional determines the proposed development will not result in any harmful alteration, disruption or destruction of fish habitat;
- iii. provincial approval for changes in and about a stream has been obtained under the *Water Sustainability Act*; or
- iv. federal authorization for development that results in the harmful alteration, disruption or destruction of fish habitat has been obtained under the *Fisheries Act*.
- g. Inserting the following as a new Section 5: Development Adjacent to Regulated Watercourses and renumbering the following section accordingly:
- 5. Development Adjacent to Regulated Watercourses**
- 5.1 If development is to be located outside of the Streamside Protection and Enhancement Development Permit Area and a qualified professional determines the proposed development will not:
- a. result in any harm to fish habitat;

- b. impact the flow of a natural water source; or
- c. result in any impacts or modifications to a natural watercourse;

the 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*.

#### **Non-Regulated Class C Watercourse Assessments**

5.2 Where an owner of an affected parcel contends a watercourse is a Non-Regulated Class C watercourse, the owner must engage a qualified professional to assess the watercourse to determine whether it is a Non-Regulated Class C watercourse.

5.3 The owner must file the original completed qualified professional assessment referred to in Section 5.2 to the Township for review.

5.4 The assessment must include both field components and desktop analysis to adequately describe current and historical modifications to the watercourse.

5.5 To classify the water body as a Class C watercourse, the qualified professional must in the assessment confirm the following conditions regarding the watercourse:

- a. the watercourse does not represent a natural watercourse, whether or not the stream channel has been modified, including but not limited to a lake, pond, river, creek, spring, ravine, gulch, wetland or glacier, as defined by the *Water Sustainability Act*;
- b. the watercourse does not contain a natural source of water supply, as defined by the *Water Sustainability Act*; and
- c. the watercourse does not connect to or provide water frequented by fish or other areas on which fish depend on either directly or indirectly to carry out their life processes, as defined by the *Riparian Areas Protection Regulation* and the *Fisheries Act*.

5.6 The watercourse may only be classified as a Non-Regulated Class C watercourse if all three conditions are satisfied. If any of the conditions are not discounted in the assessment, the waterbody must be treated as a regulated watercourse.

5.7 The classification of the watercourse by the qualified professional shall be binding upon the Township.

#### **Development Adjacent to Non-Regulated Class C Watercourses**

5.8 If a waterbody is classified as a Non-Regulated Class C watercourse, then the proposed development may proceed without requiring the



F.1

STREAMSIDE PROTECTION AND ENHANCEMENT  
CLARIFICATION AMENDMENTS  
Page 3 . . .

The Township's watercourse classification system was developed consistent with objectives of the RAPR to protect fish and fish habitat. The Water Sustainability Act pertains to and protects water. Proposed Bylaw No. 5854 OCP Schedule 3 amendments are designed to clarify outcomes with regards to regulatory requirements and includes:

- Update of legislative references; and
- QEP determination of a non-regulated Class C watercourse those which do not engage any of the watercourse approval processes under the legislations in accordance with its distinct regulated terms. If this determination is made then there is no further engagement of any watercourse approval processes (Township, Provincial, Federal).

The proposed amendment continues to rely on a proponent to retain a QEP to review the site and conduct appropriate assessments to determine the regulatory requirements.

**Official Community Plan Consultation Policy:**

As the proposed amendments to Schedule 3 of the OCP are limited to clarification items to improve implementation, staff recommend that Council consider the proposed OCP amendment consistent with the Township's OCP Consultation Policy, financial plans (both operating and capital), Metro Vancouver's Waste Management Plans, and the Housing Needs Report.

**Policy Considerations:**

The proposed bylaw amendments clarify the outcomes with regards to regulatory requirements and the classification of watercourses while maintaining the certainty to landowners and developers of SPEA requirements and an efficient administrative framework.

Respectfully submitted,

Stephen Richardson  
DIRECTOR, DEVELOPMENT SERVICES  
for  
COMMUNITY DEVELOPMENT DIVISION

ATTACHMENT A

OCP Schedule 3 – Streamside Jurisdiction

**From:** Fanos, Brad  
**Sent:** Thursday, May 26, 2022 6:16 PM  
**To:** Pulvermacher, Holly; Rotinsky, Brenda  
**Cc:** Ko, Christina  
**Subject:** For Action FW: For EMB-FFHPP Follow-up / Response (May 26, 2022) RE: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development  
**Attachments:** 20220526\_083822.jpg; 20220526\_083540.jpg; O. - SEDP - Final Submission - May 20, 2021 - DRAWINGS.pdf

For action

Not sure who I should send this to for a response, if a FAA perhaps Brenda's team?

thanks

---

**From:** Gotch, Steve <Steve.Gotch@dfo-mpo.gc.ca>  
**Sent:** Thursday, May 26, 2022 1:10 PM  
**To:** Fanos, Brad <Brad.Fanos@dfo-mpo.gc.ca>  
**Cc:** Davis, Neil <Neil.Davis@dfo-mpo.gc.ca>; MacKenzie, Julia <Julia.MacKenzie@dfo-mpo.gc.ca>; Higgins, Linda <Linda.Higgins@dfo-mpo.gc.ca>; Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>  
**Subject:** For EMB-FFHPP Follow-up / Response (May 26, 2022) RE: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

Hello Brad,

Given this request from a member of the public pertains to a *Fisheries Act* Authorization (or associated process), could you work with the FFHPP team to follow-up.

Thank you

### Steve Gotch

Director, Fraser, Interior and Yukon Transboundary Rivers Areas  
Fisheries and Oceans Canada, Pacific Region / Government of Canada  
[Steve.gotch@dfo-mpo.gc.ca](mailto:Steve.gotch@dfo-mpo.gc.ca) / Tel: 867-393-6719

Directeur, Secteur du Fraser, Intérieur et Yukon Rivières Transfrontalier  
Pêches et Océans Canada, Région du Pacifique / Gouvernement du Canada  
[Steve.gotch@dfo-mpo.gc.ca](mailto:Steve.gotch@dfo-mpo.gc.ca) / Tél: 867-393-6719



Gouvernement  
du Canada

Government  
of Canada

---

**From:** Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>  
**Sent:** Thursday, May 26, 2022 12:38 PM  
**To:** Gotch, Steve <[Steve.Gotch@dfo-mpo.gc.ca](mailto:Steve.Gotch@dfo-mpo.gc.ca)>; Higgins, Linda <[Linda.Higgins@dfo-mpo.gc.ca](mailto:Linda.Higgins@dfo-mpo.gc.ca)>; MacKenzie, Julia <[Julia.MacKenzie@dfo-mpo.gc.ca](mailto:Julia.MacKenzie@dfo-mpo.gc.ca)>; Davis, Neil <[Neil.Davis@dfo-mpo.gc.ca](mailto:Neil.Davis@dfo-mpo.gc.ca)>  
**Subject:** Fwd: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

How can the public access an application from a developer for Fisheries Act Sec 35 (2) exemptions in a timely manner?  
Please see previous email thread for details.

Lynn Perrin BGS MPP, Chairperson West Creek Awareness Group

----- Forwarded message -----

From: **Lynn Perrin** <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

Date: Thu, 26 May 2022 at 10:00

Subject: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

To: <[Fin.donnelly@gov.bc.ca](mailto:Fin.donnelly@gov.bc.ca)>, <[Jack.Garnier@gov.bc.ca](mailto:Jack.Garnier@gov.bc.ca)>

----- Forwarded message -----

From: **Lynn Perrin** <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

Date: Thu., May 26, 2022, 8:42 a.m.

Subject: Re: Nathan Creek is also in proposed Beedie development

To:

Screen Shots from document Beedie sent

On Thu., May 26, 2022, 8:24 a.m. Lynn Perrin, <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)> wrote:

I was told by either Adam or Conner that Nathan Creek is on this lot. I wonder if Ian included this information in the DFO application. Because it is fish bearing up to the proposed development it must be protected by maximum setbacks but I do not see any.

Lynn

WSA re Sensitive Streams

[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36\\_2016#section17](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36_2016#section17)

### **Nathan Creek**

The creek that flows north into the Fraser River south of the west end of Crescent Island, the mouth of the creek being at latitude 49°10'00", longitude 122°29'00";

[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36\\_2016#ScheduleB](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36_2016#ScheduleB)

Page 130 of attached

**Pages 42 to / à 46  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**12(1) Not Personal Info**

**of the Privacy Act  
de la Loi sur la protection des renseignements personnels**

**From:** PAC PRMCU / URPCM PAC (DFO/MPO)  
**Sent:** Wednesday, March 29, 2023 7:35 PM  
**To:** Powers, Perry; Matchett, Ian  
**Subject:** \*\* for input \*\* 2023-001-00644  
**Attachments:** MECTS#4316720-v1-Main Docs 2023-001-00644.PDF; MECTS-#4317187-v1-Draft\_Reply\_2023-001-00644.DOCX

Hi Perry and Ian: Do you have anything to add to what Vance has provided?

Thank you for your correspondence of March 23, 2023, addressed to the Honourable Joyce Murray, Minister of Fisheries, Oceans and the Canadian Coast Guard, regarding unauthorized works in question near 48th Avenue west of 275 Street in the Township of Langley. I have been asked to respond on the Minister's behalf.

Several complaints regarding the unauthorized works in question were received by our Conservation and Protection Program (C&P) and our Fish and Fish Habitat Protection Program (FFHPP) in December 2017. The works, which involved the relocation of a stormwater pipe were assessed by C&P officers and FFHPP biologists under a previous regime of the *Fisheries Act* (Serious Harm).

After the site assessments, it was determined that the stormwater pipe was still functioning to provide nutrients and flows to downstream fish bearing habitat within West Creek and that no Serious Harm had occurred, and as such, the file was closed.

---

**From:** Mercer, Vance <Vance.Mercer@dfo-mpo.gc.ca>  
**Sent:** Wednesday, March 29, 2023 4:32 PM  
**To:** PAC PRMCU / URPCM PAC (DFO/MPO) <DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca>  
**Cc:** Powers, Perry <Perry.Powers@dfo-mpo.gc.ca>; Matchett, Ian <Ian.Matchett@dfo-mpo.gc.ca>  
**Subject:** RE: \*\* for input \*\* 2023-001-00644

Hi Candace,

Below is some text that can be incorporated into the response. That said, perhaps C&P can review a draft and speak to enforcement outcomes on files. I can't speak to the Altherr & Schellenberg Cattle Co case, but it appears to be quite different in scale and habitat value. I would think that destruction of fish habitat was determined and charges were laid. The works in question had a different outcome following DFO site assessments.

Thank you for your correspondence of March 23, 2023, addressed to the Honourable Joyce Murray, Minister of Fisheries, Oceans and the Canadian Coast Guard, regarding unauthorized works in question near 48th Avenue west of 275 Street in the Township of Langley. I have been asked to respond on the Minister's behalf.

Several complaints regarding the unauthorized works in question were received by our Conservation and Protection Program (C&P) and our Fish and Fish Habitat Protection Program (FFHPP) in December 2017. The works, which involved the relocation of a stormwater pipe were assessed by C&P officers and FFHPP biologists under a previous regime of the *Fisheries Act* (Serious Harm).

After the site assessments, it was determined that the stormwater pipe was still functioning to provide nutrients and flows to downstream fish bearing habitat within West Creek and that no Serious Harm had occurred, and as such, the file was closed.

Thanks,  
Vance

---

**From:** PAC PRMCU / URPCM PAC (DFO/MPO) <[DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca](mailto:DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca)>  
**Sent:** Tuesday, March 28, 2023 10:15 AM  
**To:** Mercer, Vance <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)>  
**Cc:** Powers, Perry <[Perry.Powers@dfo-mpo.gc.ca](mailto:Perry.Powers@dfo-mpo.gc.ca)>  
**Subject:** RE: \*\* for input \*\* 2023-001-00644

Thanks Vance. End of day Wednesday is fine. No rush.  
Much appreciated.  
- Candace

---

**From:** Mercer, Vance <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)>  
**Sent:** Monday, March 27, 2023 2:55 PM  
**To:** PAC PRMCU / URPCM PAC (DFO/MPO) <[DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca](mailto:DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca)>  
**Cc:** Powers, Perry <[Perry.Powers@dfo-mpo.gc.ca](mailto:Perry.Powers@dfo-mpo.gc.ca)>  
**Subject:** RE: \*\* for input \*\* 2023-001-00644

Hi Candace,

We will look into this and provide a response tomorrow.

Thanks,  
Vance

---

**From:** PAC PRMCU / URPCM PAC (DFO/MPO) <[DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca](mailto:DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca)>  
**Sent:** Monday, March 27, 2023 12:30 PM  
**To:** Powers, Perry <[Perry.Powers@dfo-mpo.gc.ca](mailto:Perry.Powers@dfo-mpo.gc.ca)>; Mercer, Vance <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)>  
**Subject:** \*\* for input \*\* 2023-001-00644

Hi Perry and Vance: The writer appears to be complaining about works by the Township of Langley (and equating them with works done by A&S that resulted in charges).

Would FFHPP or C&P be the appropriate group to provide input re the 2017 works by Langley that are referenced in the letter?

Thanks  
Candace

2023-001-00644

**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Thursday, March 23, 2023 1:53 AM  
**To:** Minister / Ministre (DFO/MPO); Mercer, Vance; LWRS.minister@gov.bc.ca;  
Jack.Garnier@gov.bc.ca  
**Subject:** Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction  
by Township of Langley

<https://www.vancouverisawesome.com/bc-news/bc-rancher-fined-960000-for-fish-habitat-destruction-6740867>

Excerpts:

Altherr & Schellenberg Cattle Co. Ltd. (A&S) was also ordered in Williams Lake provincial court to post a \$1.25-million bond and in trust for salmon stream remediation.....

Specifically, Tsilhqot'in Nation spokesperson Scott Thompson told Glacier Media A&S entered pleas to four amended "rolled-up" **counts under the federal Fisheries Act and the provincial Forest and Range Practices Act and the Water Sustainability Act, for various unauthorized works** on both private and Crown land at or near the Kleena Kleene river, between 2019 and 2021.

Those charges are:

- riparian and instream habitat destruction, including riparian clearing and infilling of side channels and tributary habitat;
- placement of rock structures (riprap wall and rock groynes) at or within the Klinaklini River mainstem;
- unauthorized works and habitat destruction and clearing on Crown land; and,
- unauthorized diversion structure and sprinkler system on Crown land.

-----  
In 2017 unauthorized works - 100 meters of West Creek under 48th Avenue west of 275 Street took place when Township of Langley knew the permits had expired in 2015 according to the recent TOL report presented to TOL Council Mar. 13, 2023.

No charges have ever been made against the Township of Langley in spite of complaints made to DFO and BC MELP. . Why is this different than the Altherr & Schellenberg Cattle Co case?

Lynn Perrin Chairperson West Creek Awareness Group

## Ministerial Correspondence / Correspondance ministérielle Approval Form / Formulaire d'approbation

MCCU DOCKET # / N° DU DOSSIER UCCM : 2023-001-00644	MCCU CONTACT / RESPONSABLE À L'UCCM :
REPLY BY DEPARTMENT/ RÉPONSE DU MINISTÈRE	

### DATE AND DEADLINES / DATE ET ÉCHÉANCE

DUE DATE TO MINO / ÉCHÉANCE AU CM : (mm-dd-yyyy / mm-jj-aaaa)	/2023	DATE RECEIVED IN MCCU / DATE DE RÉCEPTION À L'UCCM : (mm-dd-yyyy / mm-jj-aaaa)	/2023
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### COMMENTS / APPROACH – COMMENTAIRES / APPROCHE

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### APPROVALS / APPROBATIONS

Level / Niveau	Name, Title and Sector / Nom, titre et secteur	Date Due to Lead / Échéance à la direction responsable	Date Approved / Date d'approbation	Action
	FIRST NATION writer? Send to David Didluck before last AD or RD, send bcc REMOVE THIS IF IT DOESN'T APPLY  David Didluck Regional Director Reconciliation & Partnerships Branch			
Regional Director General / Directeur(trice) général régional(e)	Jody Proctor, Acting Associate Regional Director General Pacific Region			
DG Regional Director / Directeur(trice) régional(e)				

### OTHER CONSULTATIONS / AUTRES CONSULTATIONS

INFO COPIES TO / COPIES POUR INFORMATION À (Office, Branch, Date / Bureau, direction, date)	DEVELOPED WITH SME(S) OR OTHER STAKEHOLDER(S) / ÉLABORÉ AVEC EXPERT(S) EN LA MATIÈRE OU AUTRE(S) INTERVENANT(S) (Name, Title, Branch, Date / Nom, titre, direction, date)
•	• Candace McGuire/Michelle Rainer, Manager, Ministerial Correspondence, Pacific Region
OGD / AMG - (Name, Title, Branch, Date / Nom, titre, direction, date)	
•	

### FOR MCCU USE / RÉSERVÉ À L'UCCM

b.c.c. / Cci – (Name, Department / Nom, ministère)	c.c. – (Name, email address / contact info / Nom, courriel, coordonnées)
•	•
ATTACHMENTS TO RESPONSE / PIÈCES JOINTES À LA RÉPONSE	
•	

Ms. Lynn Perrin  
Chairperson  
West Creek Awareness Group  
< [lperrinf@gmail.com](mailto:lperrinf@gmail.com) >

Dear Ms. Perrin:

Thank you for your correspondence of March 23, 2023, addressed to the Honourable Joyce Murray, Minister of Fisheries, Oceans and the Canadian Coast Guard, regarding XXX. I have been asked to respond on the Minister's behalf.

The Honourable *First Last*, Minister of *Portfolio*, has forwarded a copy of your correspondence concerning XXX. I have been asked to respond on behalf of the Honourable Joyce Murray, Minister of Fisheries, Oceans and the Canadian Coast Guard.

The Right Honourable Justin Trudeau, Prime Minister, has forwarded a copy of your XX correspondence regarding XX. I have been asked to respond on behalf of the Honourable Joyce Murray, Minister of Fisheries, Oceans and the Canadian Coast Guard.

Thank you for writing.  
I appreciate the opportunity to respond to your concerns.  
Thank you for bringing this matter to the Department's attention.  
I hope that the information I have provided is helpful.  
I hope that the information I have provided addresses your concerns.  
I hope that the information provided clarifies the Department's position on this matter.  
I hope my response clarifies the Department's role in this matter.  
I hope that the information provided clarifies the Department's role in this matter.

Sincerely,

.../2

- 2 -

**SELECT SIGNATURE AND DELETE REMAINDER / DELETE UNNEEDED CCS ETC**

Neil Davis  
Regional Director  
Fisheries Management Branch  
Pacific Region

Brad Fanos  
Director Fish and Fish Habitat Program  
Fisheries and Oceans Canada  
Pacific Region

Alice Cheung  
Acting Director  
TMX Review and Engagement  
Ecosystems Management Branch

Brad Fanos for  
Tracey Sandgathe  
Regional Director  
Ecosystems Management  
Pacific Region

Andrea Cyr  
Executive Head  
Pacific Aquaculture Transition

Andrew Thomson  
Regional Director  
Science  
Pacific Region

W.H. (Wes) Shoemaker  
Executive Head  
Pacific Salmon Strategy Initiative

Corey Jackson  
Acting Regional Director  
Policy  
Pacific Region

Sandra Davies  
Area Director  
North Coast  
Pacific Region

**Commented [MC1]:** For TMX responses

**Commented [RM2]:** If letter is straight FFHPP, use Brad's title. For other EMB except for TMX, use "Brad Fanos for Tracey..."

- 2 -

Linda Higgins  
Area Director  
South Coast  
Pacific Region

Bill Waugh  
Acting Area Director  
Yukon and Transboundary Area  
Pacific Region

Alain Magnan  
Acting Area Director  
Fraser and Interior  
Pacific Region

Nicole Gallant  
Regional Director  
Conservation and Protection  
Pacific Region

Terri Bonnet  
Regional Director  
Small Craft Harbours  
Pacific Region

Rebecca Reid  
Regional Director General  
Pacific Region

Please include all of these notes below with all drafts. We'll remove what isn't needed.

b.c.c. Alain Magnan – all Big Bar

b.c.c.; David Didluck (all First Nations letters, even those where he didn't provide input) –

c.c.: The Office of the Honourable First Last  
Minister, Department

c.c.: The Office of the Honourable First Last, credentials (eg. M.L.A./M.P.P./M.H.A.)...  
British Columbia Ministry, XXX

MPs

c.c.: Mr. Scott Simms, M.P.  
Riding

- 2 -

If from T'aaq-wiihak or plaintiff First Nations (Ahousaht, Ehattesaht, Hesquiaht,  
Mowachaht/Muchalaht and T Tla-o-qui-aht

bcc David Didluck  
Andrew Thomson  
Theona Russow  
Stu Kerr  
Neil Davis  
Jeff Grout



**From:** PAC PRMCU / URPCM PAC (DFO/MPO)  
**Sent:** Monday, May 8, 2023 12:29 PM  
**To:** Ko, Christina  
**Cc:** Fanos, Brad  
**Subject:** FOR SIGNATURE: 2023-001-00644  
**Attachments:** MECTS-#4317187-v4-Draft\_Reply\_2023-001-00644.DOCX; MECTS-#4316720-v2-Main\_Docs\_2023-001-00644.PDF

Hi Christina: Attached is a fully-approved minister's letter for **your RD/AD's** signature and e-mail distribution **by 3pm on May 10th, but sooner if at all possible.**

**\*\* Please CAREFULLY read through all the steps – updates May 2022\*\***

**Give us a call on Teams if you have any questions.**

Please:

1. Format response *on your branch's letterhead* (remove approvals, cover pages, etc.).
  - a. Copy address block, body of letter, cc's that are included in Word doc ONLY  
**(do not copy all ccs from incoming letter)**
  - b. Double check formatting (e.g., page breaks after paragraphs, page numbering, etc.)
  - c. If someone is acting, add their typed name to the signature block e.g.  
Jane Smith for  
Neil Davies
2. Have the Director sign/e-sign
3. Add Date above the sender's address, on the left margin.
4. Convert to PDF – **Name it: DFO response – Basic subject**  
(e.g. DFO response – Chinook management)
5. Working from your Director's e-mail.
  - a. Attach PDF to email
  - b. Attach incoming letter to email
  - c. From Word document, cut and paste **the body of the letter** into email body  
- so website links are clickable (**don't include approvals, internal backgrounders**, etc.)
  - d. Subject line: **"DFO response – Basic subject of letter"**
  - e. Add ccs **as listed on the response** (there may not be any; do not copy all ccs from incoming letter),
  - f. Check for attachments.
  - g. **Bcc XPAC PRMCU on outgoing email**
  - h. Send
6. Save outgoing e-mail into EKME (Make sure you have GCCMS open)
  - a. Click on email,  

  - b. Click 'eSave'  **(Unclick 'save attachments separately' —the email with attachment should be saved together)**
  - c. Click 'OK'
  - d. Name: **Response to Last name – Incoming Date of Incoming letter including year – Subject**  
**(eg. Response to Smith – Incoming December 12, 2021 – North Coast Skeena steelhead )**
  - e. "File code" AA-2805-JM/E001
  - f. Security : UNC
  - g. **DO NOT** type GCCMS # into GCCMS field (adding the # now does NOT attach the letter to GCCMS and causes problems when searching for the document)
  - h. Check document access (Edit) to make sure "All" have "Read only" access.
7. **Attach the email to the docket in GCCMS ASAP**

- a. in EKME, click “Recent documents” (document you just saved will be at the top of the list).
- b. Click on it, right click,
- c. choose ‘ccmEnterprise’,
- d. In “Record ID,” type in the full GCCMS # (2022-001-#####).

Thank you for your work.

Julia Chirka (she/elle) for

Michelle Rainer (she/elle) & Candace McGuire (she/elle)  
Pacific Region Ministerial Correspondence Unit (PRMCU)  
Fisheries and Oceans Canada/Government of Canada

Unité de correspondance ministérielle de la région Pacifique  
Pêches et Océans Canada/Gouvernement du Canada  
[DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca](mailto:DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca)

## Ministerial Correspondence / Correspondance ministérielle Approval Form / Formulaire d'approbation

MCCU DOCKET # / N° DU DOSSIER UCCM : 2023-001-00644	MCCU CONTACT / RESPONSABLE À L'UCCM : HANNAH REKTOR TL : JS
REPLY BY DEPARTMENT/ RÉPONSE DU MINISTÈRE	

### DATE AND DEADLINES / DATE ET ÉCHÉANCE

DUE DATE TO MINO / ÉCHÉANCE AU CM : (mm-dd-yyyy / mm-jj-aaaa)	05-05/2023	DATE RECEIVED IN MCCU / DATE DE RÉCEPTION À L'UCCM : (mm-dd-yyyy / mm-jj-aaaa)	04-17/2023
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### COMMENTS / APPROACH – COMMENTAIRES / APPROCHE

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### APPROVALS / APPROBATIONS

Level / Niveau	Name, Title and Sector / Nom, titre et secteur	Date Due to Lead / Échéance à la direction responsable	Date Approved / Date d'approbation	Action
	Vance Mercer Acting Section Head, Regional Coordination, Fish and Fish Habitat Protection Program Ecosystems Management		March 31, 2023	approved
	David Carter Manager, Regulatory Coordination, Fish and Fish Habitat Protection Program Ecosystems Management		March 31, 2023	Approved, with edits
Director	Brad Fanos Director, Fish and Fish Habitat Protection Program Ecosystems Management		April 4, 2023	approved
Area Chief	Matthew Jollymore A/Area Chief, Conservation & Protection, Lower Fraser Area		April 6, 2023	approved
Regional Director	Neil Jensen for Nicole Gallant Regional Director, Conservation & Protection		April 6, 2023	approved
Regional Director General / Directeur(trice) général régional(e)	Tracey Sandgathe Regional Director, Ecosystem Management		April 13, 2023	Approved with edits
DG Regional Director / Directeur(trice) régional(e)	Jody Proctor, Acting Associate Regional Director General Pacific Region		April 13, 2023	Approved

### OTHER CONSULTATIONS / AUTRES CONSULTATIONS

INFO COPIES TO / COPIES POUR INFORMATION À (Office, Branch, Date / Bureau, direction, date)	DEVELOPED WITH SME(S) OR OTHER STAKEHOLDER(S) / ÉLABORÉ AVEC EXPERT(S) EN LA MATIÈRE OU AUTRE(S) INTERVENANT(S) (Name, Title, Branch, Date / Nom, titre, direction, date)
•	• Candace McGuire/Michelle Rainer, Manager, Ministerial Correspondence, Pacific Region
OGD / AMG - (Name, Title, Branch, Date / Nom, titre, direction, date)	
•	

### FOR MCCU USE / RÉSERVÉ À L'UCCM

b.c.c. / Cci – (Name, Department / Nom, ministère)	c.c. – (Name, email address / contact info / Nom, courriel, coordonnées)
• Mr. Vance Mercer, DFO : Vance.Mercer@dfo-mpo.gc.ca	•
ATTACHMENTS TO RESPONSE / PIÈCES JOINTES À LA RÉPONSE	
•	

Field Code Changed

Ms. Lynn Perrin  
Chairperson  
West Creek Awareness Group  
< [lperrinf@gmail.com](mailto:lperrinf@gmail.com) >

Dear Ms. Perrin:

Thank you for your correspondence of March 23, 2023, addressed to the Honourable Joyce Murray, Minister of Fisheries, Oceans and the Canadian Coast Guard, regarding concerns about unauthorized works near 48<sup>th</sup> Avenue west of 275<sup>th</sup> Street in the Township of Langley. I have been asked to respond on the Minister's behalf.

The conservation and protection of Canada's fisheries, oceans, and freshwater resources is a top priority for Fisheries and Oceans Canada (DFO). The Department appreciates your efforts to contact us with your concerns.

DFO's [Fish and Fish Habitat Protection Program \(FFHPP\)](#) is responsible for reviewing proposed development projects situated in and around fish and fish habitat, while ensuring compliance with relevant provisions of the *Fisheries Act* and the *Species at Risk Act*. The Department's [projects near water](#) webpage provides information for proponents planning works in or around water that should be reviewed by FFHPP. DFO's Conservation and Protection Program (C&P) is responsible for the receipt, investigation, and enforcement response to reports of damage to fish habitat, death of fish, and deposits of sediment into fish habitat.

In 2017, the Department received several complaints regarding the works near 48<sup>th</sup> Avenue west of 275<sup>th</sup> Street. These works involved the relocation of a stormwater pipe and were assessed by FFHPP biologists under the serious harm provisions of the *Fisheries Act* as it existed at the time. The site assessments determined that the stormwater pipe still functioned to provide nutrients and flows to downstream, fish-bearing habitat within West Creek and that no serious harm had occurred. As such, the file was closed.

In the Altherr & Schellenberg Cattle Co. Ltd. case that you refer to in your letter, serious harm was determined to have occurred. As such, a C&P investigation was launched and the company was ultimately charged, and convicted, under the *Fisheries Act*.

.../2

- 2 -

The modernized Fisheries Act became law in 2019. It introduced new tools to restore protections for fish and fish habitat, rebuild fish populations, enhance marine protection, preserve independent inshore fisheries, and strengthen Indigenous roles in project reviews, monitoring, and policy development. These tools and protections apply to new works and activities, and to existing facilities or structures that may impact fish and fish habitat, such as those barring fish access to watercourses and floodplain habitats.

DFO encourages members of the public who observe what they believe is a violation, including possible impacts to fish or fish habitat, to contact DFO's "Observe, Record, Report" (ORR) line, available 24-hours a day, at 1-800-465-4336, or at < [DFO.ORR-ONS.MPO@dfo-mpo.gc.ca](mailto:DFO.ORR-ONS.MPO@dfo-mpo.gc.ca) >. Reports made to the ORR line are forwarded directly to fishery officers. Even when an immediate response is not warranted or possible, these reports assist fishery officers in planning future patrols. More information is available on DFO's [report a fisheries violation](#) webpage.

Thank you for writing.

Yours sincerely,

Brad Fanos  
Director Fish and Fish Habitat Program  
Fisheries and Oceans Canada  
Pacific Region

2023-001-00644

**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Thursday, March 23, 2023 1:53 AM  
**To:** Minister / Ministre (DFO/MPO); Mercer, Vance; LWRS.minister@gov.bc.ca;  
Jack.Garnier@gov.bc.ca  
**Subject:** Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction  
by Township of Langley

<https://www.vancouverisawesome.com/bc-news/bc-rancher-fined-960000-for-fish-habitat-destruction-6740867>

Excerpts:

Altherr & Schellenberg Cattle Co. Ltd. (A&S) was also ordered in Williams Lake provincial court to post a \$1.25-million bond and in trust for salmon stream remediation.....

Specifically, Tsilhqot'in Nation spokesperson Scott Thompson told Glacier Media A&S entered pleas to four amended "rolled-up" **counts under the federal Fisheries Act and the provincial Forest and Range Practices Act and the Water Sustainability Act, for various unauthorized works** on both private and Crown land at or near the Kleena Kleene river, between 2019 and 2021.

Those charges are:

- riparian and instream habitat destruction, including riparian clearing and infilling of side channels and tributary habitat;
- placement of rock structures (riprap wall and rock groynes) at or within the Klinaklini River mainstem;
- unauthorized works and habitat destruction and clearing on Crown land; and,
- unauthorized diversion structure and sprinkler system on Crown land.

-----  
In 2017 unauthorized works - 100 meters of West Creek under 48th Avenue west of 275 Street took place when Township of Langley knew the permits had expired in 2015 according to the recent TOL report presented to TOL Council Mar. 13, 2023.

No charges have ever been made against the Township of Langley in spite of complaints made to DFO and BC MELP. . Why is this different than the Altherr & Schellenberg Cattle Co case?

Lynn Perrin Chairperson West Creek Awareness Group

---

**From:** [REDACTED]@hotmail.com>  
**Sent:** Thursday, March 23, 2023 1:55 AM  
**To:** Lynn Perrin; Minister / Ministre (DFO/MPO); Mercer, Vance; LWRS.minister@gov.bc.ca; Jack.Garnier@gov.bc.ca  
**Subject:** Re: Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction by Township of Langley

Oh wow!! What is going to happen? Will charges be recommended? Are there plans for petitions or anything like that?

Get [Outlook for Android](#)

---

**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Wednesday, March 22, 2023 10:52:52 PM  
**To:** Dfo <Min@dfo-mpo.gc.ca>; Mercer, Vance <Vance.Mercer@dfo-mpo.gc.ca>; LWRS.minister@gov.bc.ca <LWRS.minister@gov.bc.ca>; Jack.Garnier@gov.bc.ca <Jack.Garnier@gov.bc.ca>  
**Subject:** Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction by Township of Langley

<https://www.vancouverisawesome.com/bc-news/bc-rancher-fined-960000-for-fish-habitat-destruction-6740867>

Excerpts:

Altherr & Schellenberg Cattle Co. Ltd. (A&S) was also ordered in Williams Lake provincial court to post a \$1.25-million bond and in trust for salmon stream remediation.....

Specifically, Tsilhqot'in Nation spokesperson Scott Thompson told Glacier Media A&S entered pleas to four amended "rolled-up" counts under the federal Fisheries Act and the provincial Forest and Range Practices Act and the Water Sustainability Act, for various unauthorized works on both private and Crown land at or near the Kleena Kleene river, between 2019 and 2021.

Those charges are:

- riparian and instream habitat destruction, including riparian clearing and infilling of side channels and tributary habitat;
- placement of rock structures (riprap wall and rock groynes) at or within the Klinaklini River mainstem;
- unauthorized works and habitat destruction and clearing on Crown land; and,
- unauthorized diversion structure and sprinkler system on Crown land.

---

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No charges have ever been made against the Township of Langley in spite of complaints made to DFO and BC MELP. . Why is this different than the Altherr & Schellenberg Cattle Co case?

Lynn Perrin Chairperson West Creek Awareness Group

**From:** Mercer, Vance  
**Sent:** Monday, March 27, 2023 4:15 PM  
**To:** Matchett, Ian  
**Subject:** FW: \*\* for input \*\* 2023-001-00644  
**Attachments:** MECTS#4316720-v1-Main Docs 2023-001-00644.PDF; MECTS-#4317187-v1-Draft\_Reply\_2023-001-00644.DOCX

Hey Ian,

Can you look into the attached that references "2017 unauthorized works". This was submitted by the same person emailing regarding the Beedie development.

If this was an occurrence that we dealt with, we could forward on to the watershed unit to comment.

Vance

---

**From:** PAC PRMCU / URPCM PAC (DFO/MPO) <DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca>  
**Sent:** Monday, March 27, 2023 12:30 PM  
**To:** Powers, Perry <Perry.Powers@dfo-mpo.gc.ca>; Mercer, Vance <Vance.Mercer@dfo-mpo.gc.ca>  
**Subject:** \*\* for input \*\* 2023-001-00644

Hi Perry and Vance: The writer appears to be complaining about works by the Township of Langley (and equating them with works done by A&S that resulted in charges).

Would FFHPP or C&P be the appropriate group to provide input re the 2017 works by Langley that are referenced in the letter?

Thanks  
Candace

## Ministerial Correspondence / Correspondance ministérielle Approval Form / Formulaire d'approbation

MCCU DOCKET # / N° DU DOSSIER UCCM : 2023-001-00644	MCCU CONTACT / RESPONSABLE À L'UCCM :
REPLY BY DEPARTMENT/ RÉPONSE DU MINISTÈRE	

### DATE AND DEADLINES / DATE ET ÉCHÉANCE

DUE DATE TO MINO / ÉCHÉANCE AU CM : (mm-dd-yyyy / mm-jj-aaaa)	/2023	DATE RECEIVED IN MCCU / DATE DE RÉCEPTION À L'UCCM : (mm-dd-yyyy / mm-jj-aaaa)	/2023
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### COMMENTS / APPROACH – COMMENTAIRES / APPROCHE

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### APPROVALS / APPROBATIONS

Level / Niveau	Name, Title and Sector / Nom, titre et secteur	Date Due to Lead / Échéance à la direction responsable	Date Approved / Date d'approbation	Action
	FIRST NATION writer? Send to David Didluck before last AD or RD, send bcc REMOVE THIS IF IT DOESN'T APPLY  David Didluck Regional Director Reconciliation & Partnerships Branch			
Regional Director General / Directeur(trice) général régional(e)	Jody Proctor, Acting Associate Regional Director General Pacific Region			
DG Regional Director / Directeur(trice) régional(e)				

### OTHER CONSULTATIONS / AUTRES CONSULTATIONS

INFO COPIES TO / COPIES POUR INFORMATION À (Office, Branch, Date / Bureau, direction, date)	DEVELOPED WITH SME(S) OR OTHER STAKEHOLDER(S) / ÉLABORÉ AVEC EXPERT(S) EN LA MATIÈRE OU AUTRE(S) INTERVENANT(S) (Name, Title, Branch, Date / Nom, titre, direction, date)
•	• Candace McGuire/Michelle Rainer, Manager, Ministerial Correspondence, Pacific Region
OGD / AMG - (Name, Title, Branch, Date / Nom, titre, direction, date)	
•	

### FOR MCCU USE / RÉSERVÉ À L'UCCM

b.c.c. / Cci – (Name, Department / Nom, ministère)	c.c. – (Name, email address / contact info / Nom, courriel, coordonnées)
•	•
ATTACHMENTS TO RESPONSE / PIÈCES JOINTES À LA RÉPONSE	
•	

Ms. Lynn Perrin  
Chairperson  
West Creek Awareness Group  
< [lperrinf@gmail.com](mailto:lperrinf@gmail.com) >

Dear Ms. Perrin:

Thank you for your correspondence of March 23, 2023, addressed to the Honourable Joyce Murray, Minister of Fisheries, Oceans and the Canadian Coast Guard, regarding XXX. I have been asked to respond on the Minister's behalf.

The Honourable *First Last*, Minister of *Portfolio*, has forwarded a copy of your correspondence concerning XXX. I have been asked to respond on behalf of the Honourable Joyce Murray, Minister of Fisheries, Oceans and the Canadian Coast Guard.

The Right Honourable Justin Trudeau, Prime Minister, has forwarded a copy of your XX correspondence regarding XX. I have been asked to respond on behalf of the Honourable Joyce Murray, Minister of Fisheries, Oceans and the Canadian Coast Guard.

Thank you for writing.  
I appreciate the opportunity to respond to your concerns.  
Thank you for bringing this matter to the Department's attention.  
I hope that the information I have provided is helpful.  
I hope that the information I have provided addresses your concerns.  
I hope that the information provided clarifies the Department's position on this matter.  
I hope my response clarifies the Department's role in this matter.  
I hope that the information provided clarifies the Department's role in this matter.

Sincerely,

.../2

- 2 -

**SELECT SIGNATURE AND DELETE REMAINDER / DELETE UNNEEDED CCS ETC**

Neil Davis  
Regional Director  
Fisheries Management Branch  
Pacific Region

Brad Fanos  
Director Fish and Fish Habitat Program  
Fisheries and Oceans Canada  
Pacific Region

Alice Cheung  
Acting Director  
TMX Review and Engagement  
Ecosystems Management Branch

Brad Fanos for  
Tracey Sandgathe  
Regional Director  
Ecosystems Management  
Pacific Region

Andrea Cyr  
Executive Head  
Pacific Aquaculture Transition

Andrew Thomson  
Regional Director  
Science  
Pacific Region

W.H. (Wes) Shoemaker  
Executive Head  
Pacific Salmon Strategy Initiative

Corey Jackson  
Acting Regional Director  
Policy  
Pacific Region

Sandra Davies  
Area Director  
North Coast  
Pacific Region

**Commented [MC1]:** For TMX responses

**Commented [RM2]:** If letter is straight FFHPP, use Brad's title. For other EMB except for TMX, use "Brad Fanos for Tracey..."

- 2 -

Linda Higgins  
Area Director  
South Coast  
Pacific Region

Bill Waugh  
Acting Area Director  
Yukon and Transboundary Area  
Pacific Region

Alain Magnan  
Acting Area Director  
Fraser and Interior  
Pacific Region

Nicole Gallant  
Regional Director  
Conservation and Protection  
Pacific Region

Terri Bonnet  
Regional Director  
Small Craft Harbours  
Pacific Region

Rebecca Reid  
Regional Director General  
Pacific Region

Please include all of these notes below with all drafts. We'll remove what isn't needed.

b.c.c. Alain Magnan – all Big Bar

b.c.c.; David Didluck (all First Nations letters, even those where he didn't provide input) –

c.c.: The Office of the Honourable First Last  
Minister, Department

c.c.: The Office of the Honourable First Last, credentials (eg. M.L.A./M.P.P./M.H.A.)...  
British Columbia Ministry, XXX

MPs

c.c.: Mr. Scott Simms, M.P.  
Riding

- 2 -

If from T'aaq-wiihak or plaintiff First Nations (Ahousaht, Ehattesaht, Hesquiaht,  
Mowachaht/Muchalaht and T Tla-o-qui-aht

bcc David Didluck  
Andrew Thomson  
Theona Russow  
Stu Kerr  
Neil Davis  
Jeff Grout

s.26

**From:** Powers, Perry  
**Sent:** Thursday, March 9, 2023 2:40 PM  
**To:** Matchett, Ian  
**Subject:** FW: Draft Plan for industrializing part of the Golf course/ compensation lands  
**Attachments:** 11x17 scans.pdf

FYI.

Development Plan included on this e-mail.

**Perry Powers**  
**A/Detachment Commander**  
**Regional Habitat Coordinator**

Fishery Officer / Field Supervisor, Conservation and Protection  
Fisheries and Oceans Canada / Government of Canada  
[Perry.Powers@dfo-mpo.gc.ca](mailto:Perry.Powers@dfo-mpo.gc.ca) / Tel : 604-607-4163

Agent des Pêches / Superviseur sur le Terrain, Conservation et Protection  
Pêches et Océans Canada / Gouvernement du Canada  
[Perry.Powers@dfo-mpo.gc.ca](mailto:Perry.Powers@dfo-mpo.gc.ca) / Tél :604-607-4163

---

**From:** Demsky, Arthur <Arthur.Demsky@dfo-mpo.gc.ca>  
**Sent:** Tuesday, March 7, 2023 4:23 PM  
**To:** Powers, Perry <Perry.Powers@dfo-mpo.gc.ca>; Reich, Alex <Alex.Reich@dfo-mpo.gc.ca>  
**Subject:** FW: Draft Plan for industrializing part of the Golf course/ compensation lands

FYI

---

**From:** [REDACTED] <[REDACTED]@shaw.ca>  
**Sent:** Saturday, March 4, 2023 8:24 PM  
**To:** [REDACTED] <[REDACTED]@shaw.ca>  
**Cc:** [REDACTED] <[REDACTED]@gmail.com>; Lynn Perrin <lperrinf@gmail.com>; Lisa Dreves <stewardship@leps.bc.ca>; Nora Truman <lfnsecretary@hotmail.com>; [REDACTED] <[REDACTED]@hotmail.com>; [REDACTED] <[REDACTED]@shaw.ca>; Ashley Doyle [REDACTED] <[REDACTED]@gmail.com>; [REDACTED] <[REDACTED]@gmail.com>; Harold Whittell [REDACTED] <[REDACTED]@puls.ca>; Marvin Rosenau <marvin\_rosenau@bcit.ca>; Phil Henderson [REDACTED] <[REDACTED]@gmail.com>; Demsky, Arthur <Arthur.Demsky@dfo-mpo.gc.ca>; Cheryl Wiens [REDACTED] <[REDACTED]>  
**Subject:** Draft Plan for industrializing part of the Golf course/ compensation lands

Hi All,

This is the plan for the remaining 90 acres of golf course lands (which were created as compensation to offset 23 sites for stream relocation, elimination and displacement) in Gloucester Industrial Estates. Now the TOL and Beedie would like to Industrialize 36.79 of these acres and leave ( for now!) 55.13 acres as conservation and stormwater. Remember that~16 acres is already used as retention ponds so that up stream industrial sites do not have to build their own water retention

ponds. These 16 acres have there been” Industrialized” already! Imagine a QEP having the power to classify streams as class C and that no Federal, Provincial or local government would have any jurisdiction over this change. Now that is scary! Cheers, [REDACTED] (See the draft plan for this included here)

On Mar 4, 2023, at 7:24 PM, [REDACTED]@shaw.ca> wrote:

[REDACTED]

I agree with [REDACTED] comments below and wish to add my comments to his in red text below...

...

[REDACTED]

Member / Board of Directors / Chair

[REDACTED]

[REDACTED]@shaw.ca  
<image003.jpg>

**From:** [REDACTED]@gmail.com]

**Sent:** February 27, 2023 9:32 PM

**To:** [REDACTED]@shaw.ca>

**Cc:** Lynn Perrin <lperrinf@gmail.com>; Lisa Dreves <stewardship@leps.bc.ca>; Nora Truman <lfnsecretary@hotmail.com>; [REDACTED]@hotmail.com>; [REDACTED]@shaw.ca>; Ashley Doyle <[REDACTED]@kwantlenlands.ca>; [REDACTED]@gmail.com>; [REDACTED]@gmail.com>; [REDACTED]@shaw.ca>; Harold Whittell <[REDACTED]@westvaleindustrial.com>; [REDACTED]@puls.ca>

**Subject:** Re: The correct scan!!

We have known since inception 20 years or so ago that the professional reliance model is not working to protect habitat.

My questions would be ...

- 1) whether the highlighted clauses that appear to give consultants too much discretion, are new or not,
  - a. Why are these new clauses necessary, and now. It would be awesome with each new proposed by-law amendments in general, that ToL staff provide an overview executive summary (1 page), that explains why these changes are being proposed and now. Is this document perhaps available but we're just not seeing it?
  - b. Furthermore, are we to just hang our hat on any one Consultant Firm that submits their assessment, and without any further peer review? I thought that was the ToL's job – to do a Peer Review? Shouldn't we be offered a means still for a second opinion? If I were diagnosed 'terminally ill', I would for sure expect to get a 2<sup>nd</sup> or

even 3<sup>rd</sup> opinion, and I strongly believe the health of our streams and watersheds are equally important as our individual health. I think we're all concerned here, of the picking away of proper due diligence and erosion of proper checks and balances. This links to 1a above. What's the 'intention' here.

- 2) what is happening with other municipalities or whether TOL is pushing things further in developer's favour. This is also a great question. This Monday, there is a round table meeting at the Stoney Creek Env Committee meeting room in Burnaby. I've attended this for almost every year the past 10 years, and there are definitely more organized Stream Steward Groups that have volunteer Members that I would call more "expert" at this sort of By-Law stuff – but for the benefit of the salmon and streams. I'm thinking of bringing this along to that meeting to get some feedback. I may send a heads up this evening to a few key members. (I've attached the meeting invite to the Stoney Creek Round Table Meeting this Monday, March 6<sup>th</sup> at 7pm – does anyone wish to attend?)
- 3) 3) how this compares with what the province is doing. Not just the Province, but what about the DFO? Where's their position on this? Absolutely neutral? Is the Federal Fisheries Act being compromised or circumvented here in any way?

In closing, I see a new ToL Mayor & Council pushing ahead with their agenda, and zero public outreach beforehand and informally with our teams. This has me worried and sends up a few red flags. Why not call a group of us in for a coffee and biscuits and have a chat about this first? Or are we all that insignificant?

On Mon, Feb 27, 2023 at 3:06 PM [REDACTED]@shaw.ca> wrote:

Sorry folks,

I inadvertently sent the wrong scan...this is the proposed amendment to the Gloucester Community plan, not the fish!! Too much going on ,so apologies to everyone.

Cheers, [REDACTED]

<Mail Attachment.eml>

**Pages 71 to / à 73  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**12(1) Not Personal Info**

**of the Privacy Act  
de la Loi sur la protection des renseignements personnels**

s.26

**From:** Powers, Perry  
**Sent:** Thursday, March 9, 2023 2:38 PM  
**To:** Matchett, Ian  
**Subject:** FW: Draft Plan for industrializing part of the Golf course/ compensation lands

FYI. This is the first of several e-mails.

Gloucester industrial Estates area and West Creek concerns.

**Perry Powers**  
**A/Detachment Commander**  
**Regional Habitat Coordinator**

Fishery Officer / Field Supervisor, Conservation and Protection  
Fisheries and Oceans Canada / Government of Canada  
[Perry.Powers@dfo-mpo.gc.ca](mailto:Perry.Powers@dfo-mpo.gc.ca) / Tel : 604-607-4163

Agent des Pêches / Superviseur sur le Terrain, Conservation et Protection  
Pêches et Océans Canada / Gouvernement du Canada  
[Perry.Powers@dfo-mpo.gc.ca](mailto:Perry.Powers@dfo-mpo.gc.ca) / Tél :604-607-4163

---

**From:** Demsky, Arthur <Arthur.Demsky@dfo-mpo.gc.ca>  
**Sent:** Tuesday, March 7, 2023 4:20 PM  
**To:** Powers, Perry <Perry.Powers@dfo-mpo.gc.ca>; Reich, Alex <Alex.Reich@dfo-mpo.gc.ca>  
**Subject:** FW: Draft Plan for industrializing part of the Golf course/ compensation lands

FYI

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**From:** [REDACTED] <[REDACTED]@gmail.com>  
**Sent:** Monday, March 6, 2023 6:19 AM  
**To:** [REDACTED] <[REDACTED]@shaw.ca>  
**Cc:** [REDACTED] <[REDACTED]@shaw.ca>; [REDACTED] <[REDACTED]@gmail.com>; Lynn Perrin <lperrinf@gmail.com>; [REDACTED] <[REDACTED]@hotmail.com>; [REDACTED] <[REDACTED]@hotmail.com>; [REDACTED] <[REDACTED]@shaw.ca>; Ashley Doyle <[REDACTED]>; [REDACTED] <[REDACTED]@gmail.com>; [REDACTED] <[REDACTED]@gmail.com>; Harold Whittell <[REDACTED]>; [REDACTED] <[REDACTED]@puls.ca>; Marvin Rosenau <marvin\_rosenau@bcit.ca>; Phil Henderson <[REDACTED]>; Demsky, Arthur <Arthur.Demsky@dfo-mpo.gc.ca>; Cheryl Wiens <[REDACTED]>  
**Subject:** Re: Draft Plan for industrializing part of the Golf course/ compensation lands

Hello,

The part that I don't understand is how Fisheries would allow a municipality to change a bylaw (Class C streams) to be governed by a developer. I think I must be misunderstanding something.

[REDACTED]

000075

executive summary (1 page), that explains why these changes are being proposed and now. Is this document perhaps available but we're just not seeing it?

b. Furthermore, are we to just hang our hat on any one Consultant Firm that submits their assessment, and without any further peer review? I thought that was the ToL's job – to do a Peer Review? Shouldn't we be offered a means still for a second opinion? If I were diagnosed 'terminally ill', I would for sure expect to get a 2<sup>nd</sup> or even 3<sup>rd</sup> opinion, and I strongly believe the health of our streams and watersheds are equally important as our individual health. I think we're all concerned here, of the picking away of proper due diligence and erosion of proper checks and balances. This links to 1a above. What's the 'intention' here.

2) what is happening with other municipalities or whether TOL is pushing things further in developer's favour. This is also a great question. This Monday, there is a round table meeting at the Stoney Creek Env Committee meeting room in Burnaby. I've attended this for almost every year the past 10 years, and there are definitely more organized Stream Steward Groups that have volunteer Members that I would call more "expert" at this sort of By-Law stuff – but for the benefit of the salmon and streams. I'm thinking of bringing this along to that meeting to get some feedback. I may send a heads up this evening to a few key members. (I've attached the meeting invite to the Stoney Creek Round Table Meeting this Monday, March 6<sup>th</sup> at 7pm – does anyone wish to attend?)

3) 3) how this compares with what the province is doing. Not just the Province, but what about the DFO? Where's their position on this? Absolutely neutral? Is the Federal Fisheries Act being compromised or circumvented here in any way?

In closing, I see a new ToL Mayor & Council pushing ahead with their agenda, and zero public outreach beforehand and informally with our teams. This has me worried and sends up a few red flags. Why not call a group of us in for a coffee and biscuits and have a chat about this first? Or are we all that insignificant?

On Mon, Feb 27, 2023 at 3:06 PM [REDACTED]@shaw.ca> wrote:

Sorry folks,

I inadvertently sent the wrong scan...this is the proposed amendment to the Gloucester Community plan, not the fish!! Too much going on ,so apologies to everyone.

Cheers, [REDACTED]

<Mail Attachment.eml>

**From:** Fanos, Brad  
**Sent:** Tuesday, June 7, 2022 11:12 AM  
**To:** Gotch, Steve  
**Cc:** Sandgathe, Tracey L; Rotinsky, Brenda  
**Subject:** FW: For Action FW: For EMB-FFHPP Follow-up / Response (May 26, 2022) RE: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

Hi Steve

This inquiry has been responded to and can be closed.

- We don't have an *Fisheries Act* Authorization for Nathan Creek impacts related the development discussed below. We did follow up with the Lynn Perrin of the West Creek Awareness Group through a phone call to answer any questions as she was looking for information about DFOs role. This issue can now be closed.

thanks

Brad

---

**From:** Pulvermacher, Holly <[Holly.Pulvermacher@dfo-mpo.gc.ca](mailto:Holly.Pulvermacher@dfo-mpo.gc.ca)>  
**Sent:** Friday, May 27, 2022 2:42 PM  
**To:** Fanos, Brad <[Brad.Fanos@dfo-mpo.gc.ca](mailto:Brad.Fanos@dfo-mpo.gc.ca)>; Rotinsky, Brenda <[Brenda.Rotinsky@dfo-mpo.gc.ca](mailto:Brenda.Rotinsky@dfo-mpo.gc.ca)>  
**Cc:** Ko, Christina <[Christina.Ko@dfo-mpo.gc.ca](mailto:Christina.Ko@dfo-mpo.gc.ca)>  
**Subject:** RE: For Action FW: For EMB-FFHPP Follow-up / Response (May 26, 2022) RE: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

I will work with IM and Brendas team to determine our involvement and response

### Holly Pulvermacher

Section Head – Regional Coordination  
Fish and Fish Habitat Protection Program  
Fisheries and Oceans Canada  
Cell: 250-619-3479  
E: [holly.pulvermacher@dfo-mpo.gc.ca](mailto:holly.pulvermacher@dfo-mpo.gc.ca)

---

**From:** Fanos, Brad <[Brad.Fanos@dfo-mpo.gc.ca](mailto:Brad.Fanos@dfo-mpo.gc.ca)>  
**Sent:** Thursday, May 26, 2022 3:16 PM  
**To:** Pulvermacher, Holly <[Holly.Pulvermacher@dfo-mpo.gc.ca](mailto:Holly.Pulvermacher@dfo-mpo.gc.ca)>; Rotinsky, Brenda <[Brenda.Rotinsky@dfo-mpo.gc.ca](mailto:Brenda.Rotinsky@dfo-mpo.gc.ca)>  
**Cc:** Ko, Christina <[Christina.Ko@dfo-mpo.gc.ca](mailto:Christina.Ko@dfo-mpo.gc.ca)>  
**Subject:** For Action FW: For EMB-FFHPP Follow-up / Response (May 26, 2022) RE: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

For action

Not sure who I should send this to for a response, if a FAA perhaps Brenda's team?

thanks

---

**From:** Gotch, Steve <[Steve.Gotch@dfo-mpo.gc.ca](mailto:Steve.Gotch@dfo-mpo.gc.ca)>  
**Sent:** Thursday, May 26, 2022 1:10 PM

**To:** Fanos, Brad <[Brad.Fanos@dfo-mpo.gc.ca](mailto:Brad.Fanos@dfo-mpo.gc.ca)>

**Cc:** Davis, Neil <[Neil.Davis@dfo-mpo.gc.ca](mailto:Neil.Davis@dfo-mpo.gc.ca)>; MacKenzie, Julia <[Julia.MacKenzie@dfo-mpo.gc.ca](mailto:Julia.MacKenzie@dfo-mpo.gc.ca)>; Higgins, Linda <[Linda.Higgins@dfo-mpo.gc.ca](mailto:Linda.Higgins@dfo-mpo.gc.ca)>; Sandgathe, Tracey L <[Tracey.Sandgathe@dfo-mpo.gc.ca](mailto:Tracey.Sandgathe@dfo-mpo.gc.ca)>

**Subject:** For EMB-FFHPP Follow-up / Response (May 26, 2022) RE: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

Hello Brad,

Given this request from a member of the public pertains to a *Fisheries Act* Authorization (or associated process), could you work with the FFHPP team to follow-up.

Thank you

### Steve Gotch

Director, Fraser, Interior and Yukon Transboundary Rivers Areas  
Fisheries and Oceans Canada, Pacific Region / Government of Canada  
[Steve.gotch@dfo-mpo.gc.ca](mailto:Steve.gotch@dfo-mpo.gc.ca) / Tel: 867-393-6719

Directeur, Secteur du Fraser, Intérieur et Yukon Rivières Transfrontalier  
Pêches et Océans Canada, Région du Pacifique / Gouvernement du Canada  
[Steve.gotch@dfo-mpo.gc.ca](mailto:Steve.gotch@dfo-mpo.gc.ca) / Tél: 867-393-6719



Gouvernement  
du Canada

Government  
of Canada

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**From:** Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

**Sent:** Thursday, May 26, 2022 12:38 PM

**To:** Gotch, Steve <[Steve.Gotch@dfo-mpo.gc.ca](mailto:Steve.Gotch@dfo-mpo.gc.ca)>; Higgins, Linda <[Linda.Higgins@dfo-mpo.gc.ca](mailto:Linda.Higgins@dfo-mpo.gc.ca)>; MacKenzie, Julia <[Julia.MacKenzie@dfo-mpo.gc.ca](mailto:Julia.MacKenzie@dfo-mpo.gc.ca)>; Davis, Neil <[Neil.Davis@dfo-mpo.gc.ca](mailto:Neil.Davis@dfo-mpo.gc.ca)>

**Subject:** Fwd: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

How can the public access an application from a developer for Fisheries Act Sec 35 (2) exemptions in a timely manner?  
Please see previous email thread for details.

Lynn Perrin BGS MPP, Chairperson West Creek Awareness Group

----- Forwarded message -----

From: **Lynn Perrin** <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

Date: Thu, 26 May 2022 at 10:00

Subject: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

To: <[Fin.donnelly@gov.bc.ca](mailto:Fin.donnelly@gov.bc.ca)>, <[Jack.Garnier@gov.bc.ca](mailto:Jack.Garnier@gov.bc.ca)>

----- Forwarded message -----

From: **Lynn Perrin** <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

Date: Thu., May 26, 2022, 8:42 a.m.

Subject: Re: Nathan Creek is also in proposed Beedie development  
To:

Screen Shots from document Beedie sent

On Thu., May 26, 2022, 8:24 a.m. Lynn Perrin, <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)> wrote:

I was told by either Adam or Conner that Nathan Creek is on this lot. I wonder if Ian included this information in the DFO application. Because it is fish bearing up to the proposed development it must be protected by maximum setbacks but I do not see any.

Lynn

WSA re Sensitive Streams

[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36\\_2016#section17](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36_2016#section17)

### **Nathan Creek**

The creek that flows north into the Fraser River south of the west end of Crescent Island, the mouth of the creek being at latitude 49°10'00", longitude 122°29'00";

[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36\\_2016#ScheduleB](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36_2016#ScheduleB)

Page 130 of attached

**From:** Mercer, Vance  
**Sent:** Thursday, March 30, 2023 7:52 PM  
**To:** Matchett, Ian  
**Subject:** FW: For approval: 2023-001-00644 Perrin  
**Attachments:** MECTS-#4317187-v1-Draft\_Reply\_2023-001-00644.docx; MECTS#4316720-v1-Main Docs 2023-001-00644.PDF

FYI

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**From:** PAC PRMCU / URPCM PAC (DFO/MPO) <DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca>  
**Sent:** Thursday, March 30, 2023 3:57 PM  
**To:** Mercer, Vance <Vance.Mercer@dfo-mpo.gc.ca>  
**Subject:** For approval: 2023-001-00644 Perrin

Hi Vance,

Thanks for your input. I added some background info from our approved text.

We're looking for your approval of this draft response. In order to meet deadlines for Ministerial Correspondence, **we need your approval within 24 hours (weekends excluded)**, but sooner if at all possible.

Please use track changes to insert any necessary edits in the attached document, and return to PAC PRMCU. Your review should include technical accuracy and consistency with policy direction.

**If you think someone else in Pacific Region, NHQ or in Legal Services** must approve and they aren't on our approval list, **please advise us ASAP**.

Thanks,  
Michelle

Michelle Rainer (she/elle) & Candace McGuire (she/elle)  
***\*\*Please direct all e-mails regarding Minister's (001) and RDG's (501) correspondence to PAC PRMCU.\*\****

Pacific Region Ministerial Correspondence Unit  
Fisheries and Oceans Canada/Government of Canada

Unité de correspondance ministérielle de la région Pacifique  
Pêches et Océans Canada/Gouvernement du Canada  
[XPACPRMCU@dfo-mpo.gc.ca](mailto:XPACPRMCU@dfo-mpo.gc.ca)

# Ministerial Correspondence / Correspondance ministérielle

## Approval Form / Formulaire d'approbation

MCCU DOCKET # / N° DU DOSSIER UCCM : 2023-001-00644	MCCU CONTACT / RESPONSABLE À L'UCCM :
REPLY BY DEPARTMENT/ RÉPONSE DU MINISTÈRE	

### DATE AND DEADLINES / DATE ET ÉCHÉANCE

DUE DATE TO MINO / ÉCHÉANCE AU CM : (mm-dd-yyyy / mm-jj-aaaa)	/2023	DATE RECEIVED IN MCCU / DATE DE RÉCEPTION À L'UCCM : (mm-dd-yyyy / mm-jj-aaaa)	/2023
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### COMMENTS / APPROACH – COMMENTAIRES / APPROCHE

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### APPROVALS / APPROBATIONS

Level / Niveau	Name, Title and Sector / Nom, titre et secteur	Date Due to Lead / Échéance à la direction responsable	Date Approved / Date d'approbation	Action
	Vance Mercer Acting Section Head, Regional Coordination, Fish and Fish Habitat Protection Program Ecosystems Management			
	David Carter Manager, Regulatory Coordination, Fish and Fish Habitat Protection Program Ecosystems Management			
Director	Brad Fanos Director, Fish and Fish Habitat Protection Program Ecosystems Management			
Area Chief	Matthew Jollymore A/Area Chief, Conservation & Protection, Lower Fraser Area			
Regional Director	Nicole Gallant Regional Director, Conservation & Protection			
Regional Director General / Directeur(trice) général régional(e)	Tracey Sandgathe Regional Director, Ecosystem Management			
DG Regional Director / Directeur(trice) régional(e)	Jody Proctor, Acting Associate Regional Director General Pacific Region			

### OTHER CONSULTATIONS / AUTRES CONSULTATIONS

INFO COPIES TO / COPIES POUR INFORMATION À (Office, Branch, Date / Bureau, direction, date)	DEVELOPED WITH SME(S) OR OTHER STAKEHOLDER(S) / ÉLABORÉ AVEC EXPERT(S) EN LA MATIÈRE OU AUTRE(S) INTERVENANT(S) (Name, Title, Branch, Date / Nom, titre, direction, date)
•	• Candace McGuire/Michelle Rainer, Manager, Ministerial Correspondence, Pacific Region
OGD / AMG - (Name, Title, Branch, Date / Nom, titre, direction, date)	
•	

### FOR MCCU USE / RÉSERVÉ À L'UCCM

b.c.c. / Cci – (Name, Department / Nom, ministère)	c.c. – (Name, email address / contact info / Nom, courriel, coordonnées)
•	•
ATTACHMENTS TO RESPONSE / PIÈCES JOINTES À LA RÉPONSE	
•	

Ms. Lynn Perrin  
Chairperson  
West Creek Awareness Group  
< [lperrinf@gmail.com](mailto:lperrinf@gmail.com) >

Dear Ms. Perrin:

Thank you for your correspondence of March 23, 2023, addressed to the Honourable Joyce Murray, Minister of Fisheries, Oceans and the Canadian Coast Guard, regarding unauthorized works in question near 48th Avenue west of 275 Street in the Township of Langley. I have been asked to respond on the Minister's behalf.

The conservation and protection of Canada's fisheries, oceans and freshwater resources is a top priority for Fisheries and Oceans Canada (DFO). The Department appreciates your taking the time to contact us with your concerns.

DFO's Fish and Fish Habitat Protection Program (FFHPP) is responsible for reviewing proposed development projects situated in and around fish and fish habitat, while ensuring compliance with relevant provisions of the *Fisheries Act* and the *Species at Risk Act*. DFO's Projects near water website provides information for proponents planning works in or around water that should be reviewed by FFHPP. DFO's Conservation and Protection Program (C&P) is responsible for the receipt, investigation and enforcement response to all reports of damage to fish habitat, death of fish, and deposits of sediment into fish habitat.

In 2017, both FFHPP and C&P received several complaints regarding the unauthorized works near 48th Avenue west of 275 Street. These works involved the relocation of a stormwater pipe and were assessed by C&P officers and FFHPP biologists under the Serious Harm provisions of the *Fisheries Act* as it existed at the time. The site assessments determined that the stormwater pipe still functioned to provide nutrients and flows to downstream fish-bearing habitat within West Creek and that no Serious Harm had occurred. As such, the file was closed.

The modernized *Fisheries Act* became law in 2019. It introduced new tools to restore protections for fish and fish habitat, rebuild fish populations, enhance marine protection, preserve independent inshore fisheries, and strengthen Indigenous roles in project reviews, monitoring, and policy development. These tools and protections apply to new works and activities, and to existing facilities or structures that may impact fish and fish habitat, such as those barring fish access to watercourses and floodplain habitats.

DFO encourages members of the public who observe what they believe is a violation, including possible impacts to fish or fish habitat, are encouraged to contact DFO's "Observe, Record, Report" (ORR) line, available 24-hours a day, at 1-800-465-4336 or at < [DFO.ORR-ONS.MPO@dfo-mpo.gc.ca](mailto:DFO.ORR-ONS.MPO@dfo-mpo.gc.ca) >. Reports made to the ORR line are forwarded immediately to fishery officers. Even when an immediate response is not possible, these reports assist fishery officers in planning future patrols. More information is available on DFO's [Report a fisheries violation](#) webpage.

Thank you for writing.

Sincerely,

Brad Fanos  
Director Fish and Fish Habitat Program  
Fisheries and Oceans Canada  
Pacific Region

**s.12(1) Not Personal Info**

**From:** Mercer, Vance  
**Sent:** Wednesday, March 8, 2023 12:09 PM  
**To:** Matchett, Ian  
**Subject:** FW: Update and potential bullets for Beedie development  
**Attachments:** URGENT Fwd: Re; coho Smolts in the detention pond outflow in Gloucester Industrial Estates; Re: Township of Langley FOI 23-013 - Fee Estimate Notice

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**From:** Mercer, Vance  
**Sent:** Monday, March 6, 2023 2:47 PM  
**To:** Rotinsky, Brenda <Brenda.Rotinsky@dfo-mpo.gc.ca>  
**Subject:** FW: Update and potential bullets for Beedie development

Hi Brenda,

Just so you are in the know, I'm still receiving emails (attached) that are sent to Township of Langley, the Ministers office and the Province as well.

The bullets below still stand.

Vance

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**From:** Mercer, Vance  
**Sent:** Monday, February 6, 2023 1:52 PM  
**To:** Rotinsky, Brenda <Brenda.Rotinsky@dfo-mpo.gc.ca>  
**Subject:** Update and potential bullets for Beedie development

Hi Brenda,

I wanted to get this on your radar as this last correspondence was sent to the Minister's office and the file is located within the Lower Mainland. I have responded to previous emails from Ms. Perrin and she also submitted an ATIP last summer.

Bellow are some bullets summarizing FFHPPs involvement:

- 161884 Canada Inc. (Beedie) is proposing to develop their property located in the 27500 block of 60 Avenue, Langley, BC. 161884 Canada Inc. [REDACTED]
- Development of the property will involve the infilling of two non-fish bearing wetlands (272 m<sup>2</sup> total footprint) which drain to an unnamed tributary to Nathan Creek which supports salmonid species and the reconstruction/enhancement of two additional wetlands connected to the tributary. Development will also involve infilling of two non-fish bearing wetlands that are isolated from fish-bearing waters.
- DFO FFHPP sent the proponent a Letter of Advice dated June 30, 2021 for development of their property located in the 27500 block of 60 Avenue, Langley, BC. [REDACTED]

s.26

- The West Creek Awareness Group, a local NGO stream keepers group represented by its Chairperson Lynn Perrin, has sent numerous emails to DFO FFHPP, the Minister of Fisheries & Oceans and provincial MLAs expressing concern with the proposed development located in the 27500 block of 60 Avenue, Langley, BC and its associated effects to fish habitat.
- DFO FFHPP has advised the West Creek Awareness Group that the development located in the 27500 block of 60 Avenue, Langley, BC and its associated effects to fish habitat have been reviewed by DFO FFHPP and a Letter of Advice was sent to the proponent.

Again, a FYI at this point and you can call me if you have any questions.

Best regards,  
Vance

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**From:** Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>  
**Sent:** Monday, February 6, 2023 10:20 AM  
**To:** Mercer, Vance <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)>; Minister / Ministre (DFO/MPO) <[DFO.Minister-Ministre.MPO@dfo-mpo.gc.ca](mailto:DFO.Minister-Ministre.MPO@dfo-mpo.gc.ca)>  
**Cc:** Andrew Gage <[john.aldag@](mailto:john.aldag@)>  
**Subject:** Re: URGENT Has Beedie or envirowest applied for a permit under the Water Sustainability Act and a permit per Fisheries Act 35(2)

Here is the West Coast Environmental Law analysis of the amendments made to the Fisheries Act 5 years ago:  
<https://www.wcel.org/media-release/west-coast-reacts-amended-fisheries-act-meets-mark>

"The proposed new public registry, which will provide public access to a wide range of government decisions, will improve transparency and help stop the 'death by a thousand cuts' for fish habitat in a rapidly urbanizing world. This key modernization will allow scientists, citizen scientists and concerned community members to better track cumulative impacts on fish habitat. A review of the Act every five years is another much needed transparency mechanism.....

West Coast notes that increased inspection and enforcement for fisheries offences must occur, particularly given the dramatic drop in enforcement following the 2012 amendments. Under the

current *Fisheries Act*, there were zero prosecutions for fish habitat damage between 2012 and 2016."

In the case of industrial infrastructure activities in and about West Creek 2018 to 2023 it appears that DFO is NOT enforcing the 2018 amendments to the *Fisheries Act*. The 5th year review is definitely needed.

Lynn Perrin BGS MPP Chairperson West Creek Awareness Group

On Mon., Jan. 30, 2023, 8:37 a.m. Mercer, Vance, <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)> wrote:

Good morning Lynn,

Thank you for reaching out to us regarding your inquiry. As indicated in our previous correspondences, the Fish and Fish Habitat Protection Program (FFHPP) reviewed the works in question, and a Letter of Advice was issued on June 30<sup>th</sup>, 2021 (DFO file #21-HPAC-00661). As of the current date, we have not received any further updates or requests from the proponent related to this matter.

Please note, it is the proponent's responsibility to ensure that all works, undertakings or activities are in compliance with the *Fisheries Act* and the *Species at Risk Act*. It is also their Duty to Notify DFO if they have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat. Furthermore, it remains their responsibility to meet the other requirements of federal, provincial and municipal agencies.

If there are any additional questions about DFO's regulatory process or need general information, FFHPP can be contacted toll free: 1-866-845-6776 or by email: [ReferralsPacific@dfo-mpo.gc.ca](mailto:ReferralsPacific@dfo-mpo.gc.ca).

Best regards,

Vance

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**From:** Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

**Sent:** Saturday, January 28, 2023 8:54 AM

**To:** [Fin.donnelly@gov.bc.ca](mailto:Fin.donnelly@gov.bc.ca); Mercer, Vance <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)>; [Jack.Garnier@gov.bc.ca](mailto:Jack.Garnier@gov.bc.ca); PAC PSS Initiative / Initiative SSP PAC (DFO/MPO) <[DFO.PACPSSInitiative-InitiativeSSPPAC.MPO@dfo-mpo.gc.ca](mailto:DFO.PACPSSInitiative-InitiativeSSPPAC.MPO@dfo-mpo.gc.ca)>

**Subject:** Fwd: URGENT Has Beedie or envirowest applied for a permit under the Water Sustainability Act and a permit per Fisheries Act 35(2)

Jan 30 2023 Agenda <https://calendar.tol.ca/meetings/Detail/2023-01-30-1330-Council-Meetings/dca1d717-83e4-4252-875f-af9701148738>

Page 15

Running concurrently with this Bylaw is Development Permit No. 101259 (161884 Canada Inc. / 27500 Block of 60 Avenue) to **relocate and reconstruct two (2) wetlands** and Streamside Protection and Enhancement Areas in accordance with Section 4.20 of Schedule 3 of the Official Community Plan, in accordance with Attachment B subject to the following conditions:

- a. Township of Langley General Manager of Engineering and Community Development acceptance of a submission addressing information requirements outlined in Section 4.20 of Schedule 3 of Langley Official Community Plan Bylaw 1979 No. 1842;
- b. Protection of Streamside Protection and Enhancement Development Permit Areas (SPEAs) as shown on Schedule A to the acceptance of the Township of Langley General Manager of Engineering and Community Development;
- c. Written designation of an Environmental Monitor for the project acknowledging the Environmental Monitor has the authority to stop any work(s) that, in the Environmental Monitor's opinion, have the potential to impact on SPEAs;
- \*\* d. Obtaining relevant senior government environmental regulatory agency approvals and/or submission of notifications and provisions of copies of approval/submissions to the Township; and**

e. Commencement of accepted streamside enhancement and restoration works within 30 days of SPEA disturbance

There is salmon habitat at the headwaters and upstream and down stream according to Trans Mountain expansion application (Nathan Creek Page 1 West Creek Page 5) <https://foroilfreeshores.files.wordpress.com/2016/04/langley-and-surrey-watercourses-at-risk-from-spills.pdf>

#### Fisheries Act

fish includes

- (a) parts of fish,
- (b) shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals, and
- (c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals; (poissons)

**fish habitat means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas; (habitat)**

Have you received the above noted \*\* submissions? Have you permitted Beedie to **relocate and reconstruct two (2) wetlands**

Lynn Perrin

----- Forwarded message -----

From: **Lynn Perrin** <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

Date: Fri., Jan. 27, 2023, 12:52 p.m.

Subject: URGENT Has Beedie or envirowest applied for a permit under the Water Sustainability Act and a permit per Fisheries Act 35(2)

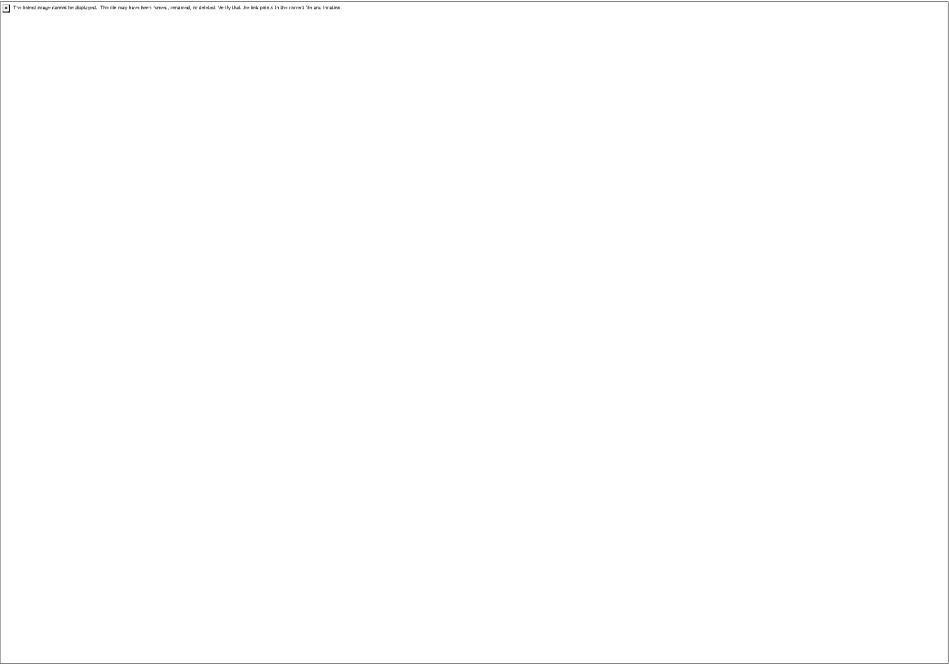
To: <[Fin.donnelly@gov.bc.ca](mailto:Fin.donnelly@gov.bc.ca)>, Mercer, Vance <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)>, <[Jack.Garnier@gov.bc.ca](mailto:Jack.Garnier@gov.bc.ca)>, <[DFO.PAC.PSSInitiative-InitiativeSSP.PAC.MPO@dfo-mpo.gc.ca](mailto:DFO.PAC.PSSInitiative-InitiativeSSP.PAC.MPO@dfo-mpo.gc.ca)>

**As far as I can determine the Township of Langley or DFO do NOT HAVE THE JURISDICTION TO PERMIT ELIMINATION / ALTERATION OF A WATERCOURSE WATERCOURSES ARE B.C. CROWN JURISDICTION and may also require approval by Kwantlen First Nation per BCDRIIP**

<https://calendar.tol.ca/meetings/Detail/2022-12-12-1300-Council-Meeting-Regular2/a5481b95-93b0-4b24-9607-af66010c06ea>

Page 133

 The linked image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.



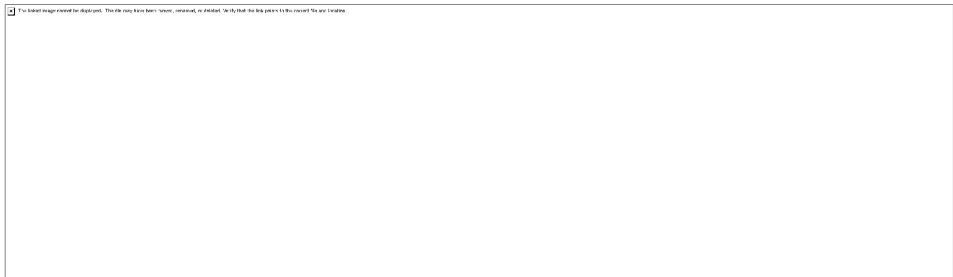
HISTORY of BEEDIE and Township re WSA breaches of Fisheries Act Riparian Area Setback Regs. and Water Sustainability Act

<https://west-creek-awareness.ca/2022/07/04/salmon-habitat-at-risk-from-industrial-development/>

Email from MELP <https://westcreekawareness.files.wordpress.com/2022/07/relocation-of-a-stream-in-gloucester-industrial-park1.pdf>

Letter from Environmental Engineer R. Cavanaugh

<https://westcreekawareness.files.wordpress.com/2022/07/cavanaugh-letter-mar-2021-riparian-area-on-274th-street.pdf>

The linked image cannot be displayed. This file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.

DFO Letter of Advice is NOT a permit and has expired

[https://westcreekawareness.files.wordpress.com/2022/11/scan\\_20220824-1.pdf](https://westcreekawareness.files.wordpress.com/2022/11/scan_20220824-1.pdf)

The linked image cannot be displayed. This file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.

Please advise AS SOON AS POSSIBLE as this is going for THRID READING MON JAN 30, 2023.

Lynn Perrin BGS MPP Chairperson West Creek Awareness Group

s.26

**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Monday, March 6, 2023 2:00 PM  
**To:** Mercer, Vance; john.aldag. [REDACTED] pyce.Murray. [REDACTED]  
nathan.cullen [REDACTED] Fin.donnely@gov.bc.ca; Megan.Dykeman.MLA@leg.bc.ca  
**Subject:** URGENT Fwd: Re; coho Smolts in the detention pond outflow in Gloucester Industrial Estates  
**Attachments:** Screen Shot 2023-03-06 at 10.10.59 AM.png

For your information and IMMEDIATE action. The following MUST be ENFORCED

The 1999 letter from envirowest to MELP <https://westcreekawareness.files.wordpress.com/2023/02/scan-3-2.pdf> and

DFO Permit and BC Water Act Permit obtained  
via ATIP <https://westcreekawareness.files.wordpress.com/2022/10/a-2017-01193-dq-final-1.pdf>

The following pages are applicable to the Development Application and by-law 5854 going to Public Hearing Mar. 13.

Page 40 Compensatory Pond / Wetland and associated Re-alignment of Watercourses ... "future golf course"

Page 89 BC permit #26 stormwater to 2 detention features "within golf course" and #29

**Page 90 COMPENSATORY Site A**

**Page 92 COMPENSATORY Site D \*\*\* see last bullet**

**Page 104 #17 \*\*\*\* shall ensure that the COMPENSATORY habitat is functioning as intended for the lifetime of the Gloucester Industrial Estates**

Lynn Perrin, Chairperson West Creek Awareness Group

----- Forwarded message -----

From: [REDACTED]@shaw.ca>

Date: Mon., Mar. 6, 2023, 10:40 a.m.

Subject: Re; coho Smolts in the detention pond outflow in Gloucester Industrial Estates

To: [REDACTED]@shaw.ca>, Petrina Arnason <transformit@shaw.ca>, Nora Truman <lfnsecretary@hotmail.com>, Lisa Dreves <stewardship@leps.bc.ca>, [REDACTED]@hotmail.com>, [REDACTED]@shaw.ca>, Art Demsky <arthur.demsky@dfo-mpo.gc.ca>, Romilly Cavanaugh <[REDACTED]>, Lynn Perrin <lperrinf@gmail.com>, [REDACTED]@shaw.ca>, Andrew Gage <andrew\_gage@wcel.org>, Erica Stahl <erica@mandellpinder.com>, [REDACTED]@uniserve.com>, [REDACTED]@gmail.com>, Nichole Marples <Exec\_Director@leps.bc.ca>, Marvin Rosenau <marvin\_rosenau@bcit.ca>

Cc: [REDACTED]@gmail.com>, [REDACTED]@gmail.com>, [REDACTED]@eoas.ubc.ca>, [REDACTED]@gmail.com>, [REDACTED]@gmail.com>, David Clements <clements@twu.ca>, [REDACTED]@gmail.com>, [REDACTED]@gmail.com>, [REDACTED]@gmail.com>, Phil Henderson <[REDACTED]@strixenvironmental.com>, Roland Zwaag <rzwaag@tol.ca>

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s.26

Subsequent to our meeting yesterday, this beautiful coho smolt was live trapped and released on March 6th 2023 in Gloucester Industrial Estates. The adjacent ponds and water courses are being drained by the Township of Langley, purportedly for “flood mitigation” and waterfowl habitat is also being severely impacted. The smolts historically leave for the ocean in mid-April and this habitat destruction must stop now !





**Sent:** Thursday, March 17, 2022 4:58 PM  
**Subject:** FW: URGENT Concerns regarding impacts on West Creek riparian area by EV Logistics construction at 48th Avenue and 275 Street Langley BC  
**Attachments:** EV Logistics letter 2022.03.16-1.pdf

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**From:** Powers, Perry <Perry.Powers@dfo-mpo.gc.ca>  
**Sent:** Thursday, March 17, 2022 1:08 PM  
**To:** Lanoville, Duncan <Duncan.Lanoville@dfo-mpo.gc.ca>  
**Subject:** FW: URGENT Concerns regarding impacts on West Creek riparian area by EV Logistics construction at 48th Avenue and 275 Street Langley BC

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**From:** Powers, Perry  
**Sent:** Thursday, March 17, 2022 10:43 AM  
**To:** Fanos, Brad <Brad.Fanos@dfo-mpo.gc.ca>  
**Subject:** FW: URGENT Concerns regarding impacts on West Creek riparian area by EV Logistics construction at 48th Avenue and 275 Street Langley BC

Good morning Brad.

I wonder if you would be able to discuss this with me when you have a few minutes to spare.

We received and responded to this complaint. This ORR was closed after being reviewed but I am interested to get your perspective.

Regards.

**Perry Powers**  
**A/Detachment Commander**  
**Regional Habitat Coordinator**

Fishery Officer / Field Supervisor, Conservation and Protection  
Fisheries and Oceans Canada / Government of Canada  
[Perry.Powers@dfo-mpo.gc.ca](mailto:Perry.Powers@dfo-mpo.gc.ca) / Tel : 604-607-4163

Agent des Pêches / Superviseur sur le Terrain, Conservation et Protection  
Pêches et Océans Canada / Gouvernement du Canada  
[Perry.Powers@dfo-mpo.gc.ca](mailto:Perry.Powers@dfo-mpo.gc.ca) / Tél : 604-607-4163

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**From:** Gallant, Nicole <Nicole.Gallant@dfo-mpo.gc.ca>  
**Sent:** Wednesday, March 16, 2022 3:45 PM  
**To:** Powers, Perry <Perry.Powers@dfo-mpo.gc.ca>  
**Subject:** FW: URGENT Concerns regarding impacts on West Creek riparian area by EV Logistics construction at 48th Avenue and 275 Street Langley BC

FYI and follow up if required.

Nicole

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**From:** Davis, Neil <[Neil.Davis@dfo-mpo.gc.ca](mailto:Neil.Davis@dfo-mpo.gc.ca)>  
**Sent:** Wednesday, March 16, 2022 3:41 PM  
**To:** Gallant, Nicole <[Nicole.Gallant@dfo-mpo.gc.ca](mailto:Nicole.Gallant@dfo-mpo.gc.ca)>; Fanos, Brad <[Brad.Fanos@dfo-mpo.gc.ca](mailto:Brad.Fanos@dfo-mpo.gc.ca)>  
**Subject:** FW: URGENT Concerns regarding impacts on West Creek riparian area by EV Logistics construction at 48th Avenue and 275 Street Langley BC

This letter isn't addressed to us, but it suggests a potential fish habitat violation. Sharing for your review and follow up as appropriate

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**From:** Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>  
**Sent:** Wednesday, March 16, 2022 3:21 PM  
**To:** Davis, Neil <[Neil.Davis@dfo-mpo.gc.ca](mailto:Neil.Davis@dfo-mpo.gc.ca)>; [admin@jp-group.com](mailto:admin@jp-group.com)  
**Subject:** Fwd: URGENT Concerns regarding impacts on West Creek riparian area by EV Logistics construction at 48th Avenue and 275 Street Langley BC

Smaller size pdf attached.

----- Forwarded message -----

**From:** Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>  
**Date:** Wed., Mar. 16, 2022, 3:12 p.m.  
**Subject:** URGENT Concerns regarding impacts on West Creek riparian area by EV Logistics construction at 48th Avenue and 275 Street Langley BC  
**To:** <[garry\\_johnson@owfg.com](mailto:garry_johnson@owfg.com)>  
**Cc:** MayorCouncil <[mayorcouncil@tol.ca](mailto:mayorcouncil@tol.ca)>, <[Fin.donnelly@gov.bc.ca](mailto:Fin.donnelly@gov.bc.ca)>, <[Neil.Davis@dfo-mpo.gc.ca](mailto:Neil.Davis@dfo-mpo.gc.ca)>, <[Jack.Garnier@gov.bc.ca](mailto:Jack.Garnier@gov.bc.ca)>, <[admin@jp-group.com](mailto:admin@jp-group.com)>, Romilly Cavanaugh <[rc@goeco.com](mailto:rc@goeco.com)>

Please see the attached letter. Attachments are available upon request.

Lynn Perrin BGS MPP, Chairperson West Creek Awareness Group



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 – 272<sup>nd</sup> 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 – 272<sup>nd</sup> 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.



R CAVANAUGH & ASSOCIATES

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).

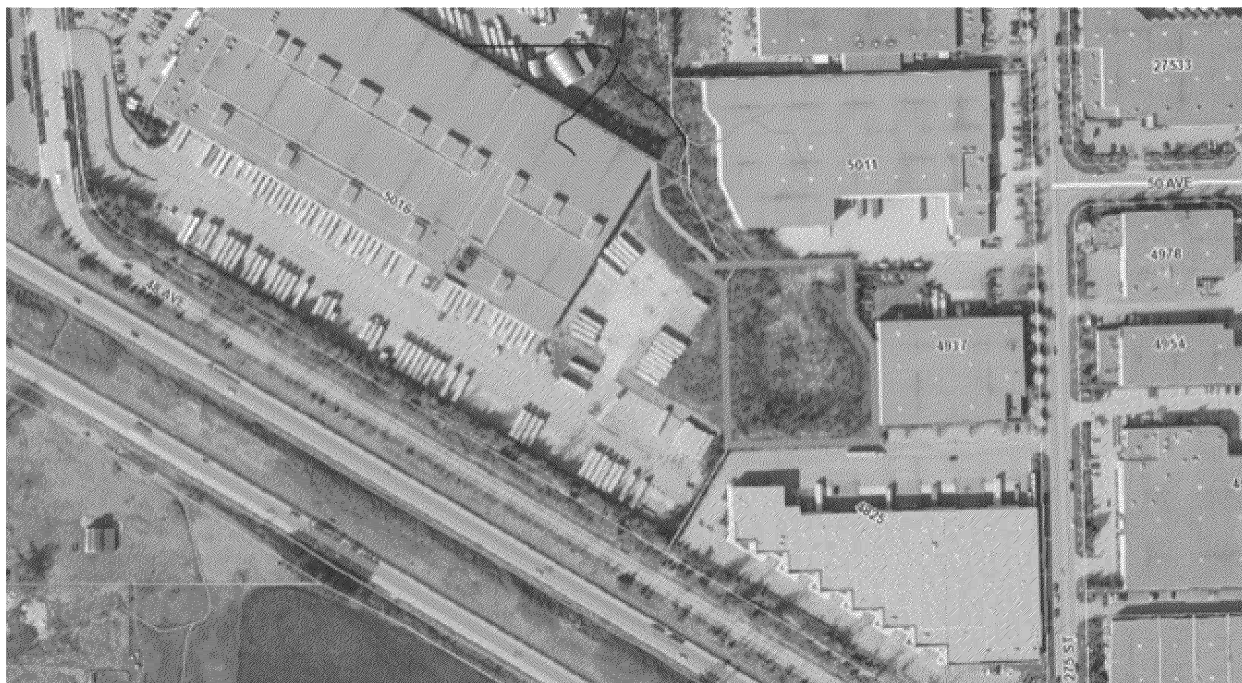


Photo #1: West Creek, the edge of the restrictive covenant, and a connected wetland

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.



R CAVANAUGH & ASSOCIATES



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.



R. CAVANAUGH & ASSOCIATES

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



R CAVANAUGH & ASSOCIATES

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,



s.26

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

**From:** Fanos, Brad  
**Sent:** Wednesday, May 10, 2023 3:55 PM  
**To:** Rotinsky, Brenda  
**Cc:** Ko, Christina  
**Subject:** FW: DFO Response - Unauthorized Works in Langley  
**Attachments:** DFO Response - Unauthorized Works in Langley.pdf; MECTS-#4316720-v2-Main\_Docs\_2023-001-00644.PDF; DFO 2000 permit compensatory requirements map.pdf

Not sure a response is necessary...please share any thoughts

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**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Wednesday, May 10, 2023 12:46 PM  
**To:** Fanos, Brad <Brad.Fanos@dfo-mpo.gc.ca>  
**Cc:** Minister / Ministre (DFO/MPO) <DFO.Minister-Ministre.MPO@dfo-mpo.gc.ca>  
**Subject:** Fwd: DFO Response - Unauthorized Works in Langley

Thank you for your response. However, it does not address our legitimate concerns and the fiduciary duty of DFO to enforce the Fisheries Act **fish habitat means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas; (habitat)**

There are only 90 acres left of the once designated 128 acre COMPENSATORY HABITAT

There are two proposals before Langley Township Council which are in the headwaters of west Creek which encompass the COMPENSATORY HABITAT:

1. Project #14-05-0105 Location: 5500 Block of 268 Street through 276 Street
2. Project #14-08-0055 Location: 27500 block of 60Ave.

Please see attached screenshots of #99-HPAC-PA-000-002171 and MELP File #A20048801 require that Compensatory lands "shall consist of a number of features" (Clause 23 p 7) and are to "function as intended" (Clause 16 p 98) and "left undisturbed in perpetuity" (Clause 17 p 98)  
<https://westcreekawareness.files.wordpress.com/2022/10/a-2017-01193-dq-final-1.pdf>

We demand that the West Creek headwaters wetland Compensatory Habitat per #99-HPAC-PA-000-002171 remain undisturbed in perpetuity.

Lynn Perrin Chairperson, West Creek Awareness Group

----- Forwarded message -----

**From:** Fanos, Brad <Brad.Fanos@dfo-mpo.gc.ca>  
**Date:** Wed, 10 May 2023 at 11:08  
**Subject:** DFO Response - Unauthorized Works in Langley  
**To:** [lperrinf@gmail.com](mailto:lperrinf@gmail.com) <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

Good morning Ms. Perrin,

Thank you for your correspondence of March 23, 2023, addressed to the Honourable Joyce Murray, Minister of Fisheries, Oceans and the Canadian Coast Guard, regarding concerns about unauthorized works near 48<sup>th</sup> Avenue west of 275<sup>th</sup> Street in the Township of Langley. I have been asked to respond on the Minister's behalf.

The conservation and protection of Canada's fisheries, oceans, and freshwater resources is a top priority for Fisheries and Oceans Canada (DFO). The Department appreciates your efforts to contact us with your concerns.

DFO's Fish and Fish Habitat Protection Program (FFHPP) is responsible for reviewing proposed development projects situated in and around fish and fish habitat, while ensuring compliance with relevant provisions of the *Fisheries Act* and the *Species at Risk Act*. The Department's projects near water webpage provides information for proponents planning works in or around water that should be reviewed by FFHPP. DFO's Conservation and Protection Program (C&P) is responsible for the receipt, investigation, and enforcement response to reports of damage to fish habitat, death of fish, and deposits of sediment into fish habitat.

In 2017, the Department received several complaints regarding the works near 48<sup>th</sup> Avenue west of 275<sup>th</sup> Street. These works involved the relocation of a stormwater pipe and were assessed by FFHPP biologists under the serious harm provisions of the *Fisheries Act* as it existed at the time. The site assessments determined that the stormwater pipe still functioned to provide nutrients and flows to downstream, fish-bearing habitat within West Creek and that no serious harm had occurred. As such, the file was closed.

In the Altherr & Schellenberg Cattle Co. Ltd. case that you refer to in your letter, serious harm was determined to have occurred. As such, a C&P investigation was launched and the company was ultimately charged, and convicted, under the *Fisheries Act*.

The modernized *Fisheries Act* became law in 2019. It introduced new tools to restore protections for fish and fish habitat, rebuild fish populations, enhance marine protection, preserve independent inshore fisheries, and strengthen Indigenous roles in project reviews, monitoring, and policy development. These tools and protections apply to new works and activities, and to existing facilities or structures that may impact fish and fish habitat, such as those barring fish access to watercourses and floodplain habitats.

DFO encourages members of the public who observe what they believe is a violation, including possible impacts to fish or fish habitat, to contact DFO's "Observe, Record, Report" (ORR) line, available 24-hours a day, at 1-800-465-4336,

or at < [DFO.ORB-ONS.MPO@dfo-mpo.gc.ca](mailto:DFO.ORB-ONS.MPO@dfo-mpo.gc.ca) >. Reports made to the ORR line are forwarded directly to fishery officers. Even when an immediate response is not warranted or possible, these reports assist fishery officers in planning future patrols. More information is available on DFO's [report a fisheries violation](#) webpage.

Thank you for writing.

Regards,

**Brad Fanos**

*Director, Fish and Fish Habitat Protection Program*

*Directeur Programme de protection du poisson et de son habitat*

*Ecosystems Management Branch /*

*Direction de la gestion des écosystèmes*

*[Brad.Fanos@dfo-mpo.gc.ca](mailto:Brad.Fanos@dfo-mpo.gc.ca) / Cellular: 604-789-3201*



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada



Fisheries and Oceans Canada    Pêches et Océans  
Canada

Fish and Fish Habitat  
Protection Program  
Ecosystems Management Branch  
Pacific Region  
200 – 401 Burrard Street  
Vancouver, BC  
V6C 3S4

Programme de protection du poisson  
et de son habitat  
Gestion des écosystèmes  
Région du Pacifique  
Pièce 200 – 401 rue Burrard  
Vancouver (C.-B.)  
V6C 3S4

May 8, 2023

Ms. Lynn Perrin  
Chairperson  
West Creek Awareness Group  
< [lperrinf@gmail.com](mailto:lperrinf@gmail.com) >

Dear Ms. Perrin:

Thank you for your correspondence of March 23, 2023, addressed to the Honourable Joyce Murray, Minister of Fisheries, Oceans and the Canadian Coast Guard, regarding concerns about unauthorized works near 48<sup>th</sup> Avenue west of 275<sup>th</sup> Street in the Township of Langley. I have been asked to respond on the Minister's behalf.

The conservation and protection of Canada's fisheries, oceans, and freshwater resources is a top priority for Fisheries and Oceans Canada (DFO). The Department appreciates your efforts to contact us with your concerns.

DFO's [Fish and Fish Habitat Protection Program \(FFHPP\)](#) is responsible for reviewing proposed development projects situated in and around fish and fish habitat, while ensuring compliance with relevant provisions of the *Fisheries Act* and the *Species at Risk Act*. The Department's [projects near water](#) webpage provides information for proponents planning works in or around water that should be reviewed by FFHPP. DFO's Conservation and Protection Program (C&P) is responsible for the receipt, investigation, and enforcement response to reports of damage to fish habitat, death of fish, and deposits of sediment into fish habitat.

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The modernized Fisheries Act became law in 2019. It introduced new tools to restore protections for fish and fish habitat, rebuild fish populations, enhance marine protection, preserve independent inshore fisheries, and strengthen Indigenous roles in project reviews, monitoring, and policy development. These tools and protections apply to new works and activities, and to existing facilities or structures that may impact fish and fish habitat, such as those barring fish access to watercourses and floodplain habitats.

DFO encourages members of the public who observe what they believe is a violation, including possible impacts to fish or fish habitat, to contact DFO's "Observe, Record, Report" (ORR) line, available 24-hours a day, at 1-800-465-4336, or at < [DFO.ORR-ONS.MPO@dfo-mpo.gc.ca](mailto:DFO.ORR-ONS.MPO@dfo-mpo.gc.ca) >. Reports made to the ORR line are forwarded directly to fishery officers. Even when an immediate response is not warranted or possible, these reports assist fishery officers in planning future patrols. More information is available on DFO's [report a fisheries violation](#) webpage.

Thank you for writing.

Yours sincerely,

**Fanos**  
**, Brad**

Digitally signed  
by Fanos, Brad  
Date:  
2023.05.08  
16:29:23 -07'00'

Brad Fanos  
Director, Fish and Fish Habitat Protection Program  
Ecosystems Management Branch  
Pacific Region  
Fisheries and Oceans Canada



**From:** Rotinsky, Brenda  
**Sent:** Friday, March 24, 2023 1:46 PM  
**To:** Major, Stephanie; Lloyd, Crystal  
**Cc:** Mercer, Vance  
**Subject:** FW: Update and potential bullets for Beedie development  
**Attachments:** URGENT Fwd: Re; coho Smolts in the detention pond outflow in Gloucester Industrial Estates; Re: Township of Langley FOI 23-013 - Fee Estimate Notice

There is an ATIP related to this file, I believe. I have asked Jerry to forward the ATIP to you both for action.

Thanks,  
Brenda Rotinsky

Watershed Operations Regulatory Manager  
Fish and Fish Habitat Protection Program  
Ecosystem Management Branch  
Fisheries and Oceans Canada / Government of Canada  
[Brenda.Rotinsky@dfo-mpo.gc.ca](mailto:Brenda.Rotinsky@dfo-mpo.gc.ca) / Mobile: 604-653-9645

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**From:** Mercer, Vance <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)>  
**Sent:** Monday, March 6, 2023 2:47 PM  
**To:** Rotinsky, Brenda <[Brenda.Rotinsky@dfo-mpo.gc.ca](mailto:Brenda.Rotinsky@dfo-mpo.gc.ca)>  
**Subject:** FW: Update and potential bullets for Beedie development

Hi Brenda,

Just so you are in the know, I'm still receiving emails (attached) that are sent to Township of Langley, the Ministers office and the Province as well.

The bullets below still stand.

Vance

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**From:** Mercer, Vance  
**Sent:** Monday, February 6, 2023 1:52 PM  
**To:** Rotinsky, Brenda <[Brenda.Rotinsky@dfo-mpo.gc.ca](mailto:Brenda.Rotinsky@dfo-mpo.gc.ca)>  
**Subject:** Update and potential bullets for Beedie development

Hi Brenda,

I wanted to get this on your radar as this last correspondence was sent to the Minister's office and the file is located within the Lower Mainland. I have responded to previous emails from Ms. Perrin and she also submitted an ATIP last summer.

Bellow are some bullets summarizing FFHPPs involvement:

**s.12(1) Not Personal Info**

- 161884 Canada Inc. (Beedie) is proposing to develop their property located in the 27500 block of 60 Avenue, Langley, BC. 161884 Canada Inc. [REDACTED]
- Development of the property will involve the infilling of two non-fish bearing wetlands (272 m<sup>2</sup> total footprint) which drain to an unnamed tributary to Nathan Creek which supports salmonid species and the reconstruction/enhancement of two additional wetlands connected to the tributary. Development will also involve infilling of two non-fish bearing wetlands that are isolated from fish-bearing waters.
- DFO FFHPP sent the proponent a Letter of Advice dated June 30, 2021 for development of their property located in the 27500 block of 60 Avenue, Langley, BC. [REDACTED]
- The West Creek Awareness Group, a local NGO stream keepers group represented by its Chairperson Lynn Perrin, has sent numerous emails to DFO FFHPP, the Minister of Fisheries & Oceans and provincial MLAs expressing concern with the proposed development located in the 27500 block of 60 Avenue, Langley, BC and its associated effects to fish habitat.
- DFO FFHPP has advised the West Creek Awareness Group that the development located in the 27500 block of 60 Avenue, Langley, BC and its associated effects to fish habitat have been reviewed by DFO FFHPP and a Letter of Advice was sent to the proponent.

Again, a FYI at this point and you can call me if you have any questions.

Best regards,  
Vance

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**From:** Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

**Sent:** Monday, February 6, 2023 10:20 AM

**To:** Mercer, Vance <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)>; Minister / Ministre (DFO/MPO) <[DFO.Minister-Ministre.MPO@dfo-mpo.gc.ca](mailto:DFO.Minister-Ministre.MPO@dfo-mpo.gc.ca)>

**Cc:** Andrew Gage [REDACTED] [john.aldag.\[REDACTED\]](mailto:john.aldag.[REDACTED])

**Subject:** Re: URGENT Has Beedie or envirowest applied for a permit under the Water Sustainability Act and a permit per Fisheries Act 35(2)

**s.26**

Here is the West Coast Environmental Law analysis of the amendments made to the Fisheries Act 5 years ago:  
<https://www.wcel.org/media-release/west-coast-reacts-amended-fisheries-act-meets-mark>

"The proposed new public registry, which will provide public access to a wide range of government decisions, will improve transparency and help stop the 'death by a thousand cuts' for fish habitat in a rapidly urbanizing world. This key modernization will allow

scientists, citizen scientists and concerned community members to better track cumulative impacts on fish habitat. A review of the Act every five years is another much needed transparency mechanism.....

West Coast notes that increased inspection and enforcement for fisheries offences must occur, particularly given the dramatic drop in enforcement following the 2012 amendments. Under the current *Fisheries Act*, there were zero prosecutions for fish habitat damage between 2012 and 2016."

In the case of industrial infrastructure activities in and about West Creek 2018 to 2023 it appears that DFO is NOT enforcing the 2018 amendments to the *Fisheries Act*. The 5th year review is definitely needed.

Lynn Perrin BGS MPP Chairperson West Creek Awareness Group

On Mon., Jan. 30, 2023, 8:37 a.m. Mercer, Vance, <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)> wrote:

Good morning Lynn,

Thank you for reaching out to us regarding your inquiry. As indicated in our previous correspondences, the Fish and Fish Habitat Protection Program (FFHPP) reviewed the works in question, and a Letter of Advice was issued on June 30<sup>th</sup>, 2021 (DFO file #21-HPAC-00661). As of the current date, we have not received any further updates or requests from the proponent related to this matter.

Please note, it is the proponent's responsibility to ensure that all works, undertakings or activities are in compliance with the *Fisheries Act* and the *Species at Risk Act*. It is also their Duty to Notify DFO if they have caused, or are about to cause,

the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat. Furthermore, it remains their responsibility to meet the other requirements of federal, provincial and municipal agencies.

If there are any additional questions about DFO's regulatory process or need general information, FFHPP can be contacted toll free: 1-866-845-6776 or by email: [ReferralsPacific@dfo-mpo.gc.ca](mailto:ReferralsPacific@dfo-mpo.gc.ca).

Best regards,

Vance

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**From:** Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

**Sent:** Saturday, January 28, 2023 8:54 AM

**To:** [Fin.donnelly@gov.bc.ca](mailto:Fin.donnelly@gov.bc.ca); Mercer, Vance <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)>; [Jack.Garnier@gov.bc.ca](mailto:Jack.Garnier@gov.bc.ca); PAC PSS Initiative / Initiative SSP PAC (DFO/MPO) <[DFO.PACPSSInitiative-InitiativeSSPPAC.MPO@dfo-mpo.gc.ca](mailto:DFO.PACPSSInitiative-InitiativeSSPPAC.MPO@dfo-mpo.gc.ca)>

**Subject:** Fwd: URGENT Has Beedie or envirowest applied for a permit under the Water Sustainability Act and a permit per Fisheries Act 35(2)

Jan 30 2023 Agenda <https://calendar.tol.ca/meetings/Detail/2023-01-30-1330-Council-Meetings/dca1d717-83e4-4252-875f-af9701148738>

Page 15

Running concurrently with this Bylaw is Development Permit No. 101259 (161884 Canada Inc. / 27500 Block of 60 Avenue) to **relocate and reconstruct two (2) wetlands** and Streamside Protection and Enhancement Areas in accordance with Section 4.20 of Schedule 3 of the Official Community Plan, in accordance with Attachment B subject to the following conditions:

- a. Township of Langley General Manager of Engineering and Community Development acceptance of a submission addressing information requirements outlined in Section 4.20 of Schedule 3 of Langley Official Community Plan Bylaw 1979 No. 1842;
- b. Protection of Streamside Protection and Enhancement Development Permit Areas (SPEAs) as shown on Schedule A to the acceptance of the Township of Langley General Manager of Engineering and Community Development;

c. Written designation of an Environmental Monitor for the project acknowledging the Environmental Monitor has the authority to stop any work(s) that, in the Environmental Monitor's opinion, have the potential to impact on SPEAs;

**\*\* d. Obtaining relevant senior government environmental regulatory agency approvals and/or submission of notifications and provisions of copies of approval/submissions to the Township; and**

e. Commencement of accepted streamside enhancement and restoration works within 30 days of SPEA disturbance

There is salmon habitat at the headwaters and upstream and down stream according to Trans Mountain expansion application (Nathan Creek Page 1 West Creek Page 5) <https://foroilfreeshores.files.wordpress.com/2016/04/langley-and-surrey-watercourses-at-risk-from-spills.pdf>

#### Fisheries Act

fish includes

- (a) parts of fish,
- (b) shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals, and
- (c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals; (poissons)

**fish habitat means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas; (habitat)**

Have you received the above noted \*\* submissions? Have you permitted Beedie to **relocate and reconstruct two (2) wetlands**

Lynn Perrin

----- Forwarded message -----

From: **Lynn Perrin** <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

Date: Fri., Jan. 27, 2023, 12:52 p.m.

Subject: URGENT Has Beedie or envirowest applied for a permit under the Water Sustainability Act and a permit per Fisheries Act 35(2)

To: <Fin.donnelly@gov.bc.ca>, Mercer, Vance <Vance.Mercer@dfo-mpo.gc.ca>, <Jack.Garnier@gov.bc.ca>, <DFO.PAC.PSSInitiative-InitiativeSSP.PAC.MPO@dfo-mpo.gc.ca>

**As far as I can determine the Township of Langley or DFO do NOT HAVE THE JURISDICTION TO PERMIT ELIMINATION / ALTERATION OF A WATERCOURSE WATERCOURSES ARE B.C. CROWN JURISDICTION and may also require approval by Kwantlen First Nation per BCD RIP**

<https://calendar.tol.ca/meetings/Detail/2022-12-12-1300-Council-Meeting-Regular2/a5481b95-93b0-4b24-9607-af66010c06ea>

Page 133

 The linked image cannot be displayed. Your file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.

☐ This document contains information that is exempt from disclosure under the Access to Information Act. The information has been reviewed and found to be exempt from disclosure under the Access to Information Act. The information is being released in accordance with the provisions of the Access to Information Act.

 The linked image cannot be displayed. This file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.

HISTORY of BEEDIE and Township re WSA breaches of Fisheries Act Riparian Area Setback Regs. and Water Sustainability Act

<https://west-creek-awareness.ca/2022/07/04/salmon-habitat-at-risk-from-industrial-development/>

Email from MELP <https://westcreekawareness.files.wordpress.com/2022/07/relocation-of-a-stream-in-gloucester-industrial-park1.pdf>

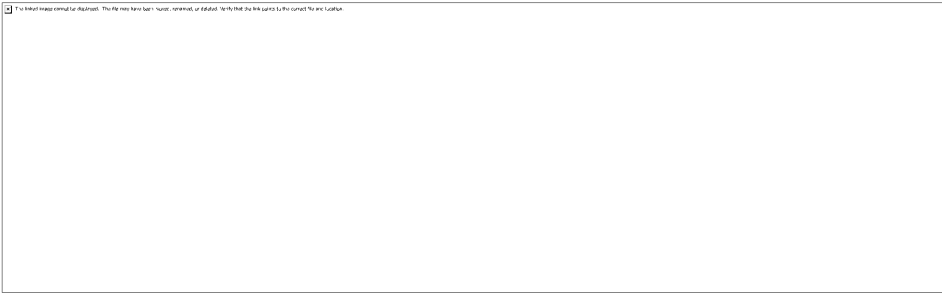
Letter from Environmental Engineer R. Cavanaugh

<https://westcreekawareness.files.wordpress.com/2022/07/cavanaugh-letter-mar-2021-riparian-area-on-274th-street.pdf>

 The linked image cannot be displayed. This file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.

DFO Letter of Advice is NOT a permit and has expired

[https://westcreekawareness.files.wordpress.com/2022/11/scan\\_20220824-1.pdf](https://westcreekawareness.files.wordpress.com/2022/11/scan_20220824-1.pdf)



Please advise AS SOON AS POSSIBLE as this is going for THRID READING MON JAN 30, 2023.

Lynn Perrin BGS MPP Chairperson West Creek Awareness Group

**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Thursday, March 23, 2023 1:53 AM  
**To:** Minister / Ministre (DFO/MPO); Mercer, Vance; LWRS.minister@gov.bc.ca;  
Jack.Garnier@gov.bc.ca  
**Subject:** Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction  
by Township of Langley

<https://www.vancouverisawesome.com/bc-news/bc-rancher-fined-960000-for-fish-habitat-destruction-6740867>

Excerpts:

Altherr & Schellenberg Cattle Co. Ltd. (A&S) was also ordered in Williams Lake provincial court to post a \$1.25-million bond and in trust for salmon stream remediation.....

Specifically, Tsilhqot'in Nation spokesperson Scott Thompson told Glacier Media A&S entered pleas to four amended "rolled-up" **counts under the federal Fisheries Act and the provincial Forest and Range Practices Act and the Water Sustainability Act, for various unauthorized works** on both private and Crown land at or near the Kleena Kleene river, between 2019 and 2021.

Those charges are:

- riparian and instream habitat destruction, including riparian clearing and infilling of side channels and tributary habitat;
- placement of rock structures (riprap wall and rock groynes) at or within the Klinaklini River mainstem;
- unauthorized works and habitat destruction and clearing on Crown land; and,
- unauthorized diversion structure and sprinkler system on Crown land.

---

In 2017 unauthorized works - 100 meters of West Creek under 48th Avenue west of 275 Street took place when Township of Langley knew the permits had expired in 2015 according to the recent TOL report presented to TOL Council Mar. 13, 2023.

No charges have ever been made against the Township of Langley in spite of complaints made to DFO and BC MELP. . Why is this different than the Altherr & Schellenberg Cattle Co case?

Lynn Perrin Chairperson West Creek Awareness Group

**From:** Mercer, Vance  
**Sent:** Thursday, June 2, 2022 10:46 AM  
**To:** Lynn Perrin  
**Subject:** Nathan Creek enquiry

Good morning Lynn,

I received your email regarding a file that has undergone a review by our Lower Mainland Unit in the Nathan Creek area.

I'd be more than happy to discuss this with you and hopefully address your concerns. Would you be available tomorrow afternoon around 1:30? If so, you can call me at the cell number below.

Looking forward to the discussion.

Best regards,  
Vance

**Vance Mercer (BSc, RPBio)**  
(He/him | il/ lui)

A/Section Head, Fish and Fish Habitat Protection Program  
Fisheries and Oceans Canada/Government of Canada  
[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca) / Cell: 778-836-2471

A/ Chef de section, Programme de protection du poisson et de l'habitat du poisson  
Pêches et Océans Canada/Gouvernement du Canada  
[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca) / Cell: 778-836-2471

**Projects Near Water website:**  
<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

**From:** Rotinsky, Brenda  
**Sent:** Tuesday, June 7, 2022 10:57 AM  
**To:** Ko, Christina  
**Subject:** RE: For Action FW: For EMB-FFHPP Follow-up / Response (May 26, 2022) RE: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

We don't have an *Fisheries Act* Authorization for Nathan Creek impacts related the development discussed below. We did follow up with the Lynn Perrin of the West Creek Awareness Group through a phone call and she was looking for information about DFOs role. This issue can be closed.

Thanks,  
Brenda Rotinsky

Watershed Operations Regulatory Manager  
Fish and Fish Habitat Protection Program  
Ecosystem Management Branch  
Fisheries and Oceans Canada / Government of Canada  
[Brenda.Rotinsky@dfo-mpo.gc.ca](mailto:Brenda.Rotinsky@dfo-mpo.gc.ca) / Mobile: 604-653-9645

---

**From:** Ko, Christina <[Christina.Ko@dfo-mpo.gc.ca](mailto:Christina.Ko@dfo-mpo.gc.ca)>  
**Sent:** Monday, June 6, 2022 4:09 PM  
**To:** Rotinsky, Brenda <[Brenda.Rotinsky@dfo-mpo.gc.ca](mailto:Brenda.Rotinsky@dfo-mpo.gc.ca)>  
**Subject:** RE: For Action FW: For EMB-FFHPP Follow-up / Response (May 26, 2022) RE: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

Hi Brenda  
Any updates so far?

Thank You,  
Christina Ko

---

**From:** Rotinsky, Brenda <[Brenda.Rotinsky@dfo-mpo.gc.ca](mailto:Brenda.Rotinsky@dfo-mpo.gc.ca)>  
**Sent:** Thursday, June 2, 2022 4:57 PM  
**To:** Ko, Christina <[Christina.Ko@dfo-mpo.gc.ca](mailto:Christina.Ko@dfo-mpo.gc.ca)>; Pulvermacher, Holly <[Holly.Pulvermacher@dfo-mpo.gc.ca](mailto:Holly.Pulvermacher@dfo-mpo.gc.ca)>  
**Subject:** RE: For Action FW: For EMB-FFHPP Follow-up / Response (May 26, 2022) RE: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

Holly isn't the point here. She can be dropped from the chain. Pester me.

Thanks,  
Brenda Rotinsky

Watershed Operations Regulatory Manager  
Fish and Fish Habitat Protection Program  
Ecosystem Management Branch  
Fisheries and Oceans Canada / Government of Canada

[Brenda.Rotinsky@dfo-mpo.gc.ca](mailto:Brenda.Rotinsky@dfo-mpo.gc.ca) / Mobile: 604-653-9645

---

**From:** Ko, Christina <[Christina.Ko@dfo-mpo.gc.ca](mailto:Christina.Ko@dfo-mpo.gc.ca)>

**Sent:** Thursday, June 2, 2022 4:54 PM

**To:** Pulvermacher, Holly <[Holly.Pulvermacher@dfo-mpo.gc.ca](mailto:Holly.Pulvermacher@dfo-mpo.gc.ca)>; Rotinsky, Brenda <[Brenda.Rotinsky@dfo-mpo.gc.ca](mailto:Brenda.Rotinsky@dfo-mpo.gc.ca)>

**Subject:** RE: For Action FW: For EMB-FFHPP Follow-up / Response (May 26, 2022) RE: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

Hi Holly

Just a friendly reminder to reply by Friday, June 3 . Thank you

Thank You,  
Christina Ko

---

**From:** Pulvermacher, Holly <[Holly.Pulvermacher@dfo-mpo.gc.ca](mailto:Holly.Pulvermacher@dfo-mpo.gc.ca)>

**Sent:** Friday, May 27, 2022 2:42 PM

**To:** Fanos, Brad <[Brad.Fanos@dfo-mpo.gc.ca](mailto:Brad.Fanos@dfo-mpo.gc.ca)>; Rotinsky, Brenda <[Brenda.Rotinsky@dfo-mpo.gc.ca](mailto:Brenda.Rotinsky@dfo-mpo.gc.ca)>

**Cc:** Ko, Christina <[Christina.Ko@dfo-mpo.gc.ca](mailto:Christina.Ko@dfo-mpo.gc.ca)>

**Subject:** RE: For Action FW: For EMB-FFHPP Follow-up / Response (May 26, 2022) RE: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

I will work with IM and Brendas team to determine our involvement and response

### Holly Pulvermacher

Section Head – Regional Coordination  
Fish and Fish Habitat Protection Program  
Fisheries and Oceans Canada  
Cell: 250-619-3479  
E: [holly.pulvermacher@dfo-mpo.gc.ca](mailto:holly.pulvermacher@dfo-mpo.gc.ca)

---

**From:** Fanos, Brad <[Brad.Fanos@dfo-mpo.gc.ca](mailto:Brad.Fanos@dfo-mpo.gc.ca)>

**Sent:** Thursday, May 26, 2022 3:16 PM

**To:** Pulvermacher, Holly <[Holly.Pulvermacher@dfo-mpo.gc.ca](mailto:Holly.Pulvermacher@dfo-mpo.gc.ca)>; Rotinsky, Brenda <[Brenda.Rotinsky@dfo-mpo.gc.ca](mailto:Brenda.Rotinsky@dfo-mpo.gc.ca)>

**Cc:** Ko, Christina <[Christina.Ko@dfo-mpo.gc.ca](mailto:Christina.Ko@dfo-mpo.gc.ca)>

**Subject:** For Action FW: For EMB-FFHPP Follow-up / Response (May 26, 2022) RE: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

For action

Not sure who I should send this to for a response, if a FAA perhaps Brenda's team?

thanks

---

**From:** Gotch, Steve <[Steve.Gotch@dfo-mpo.gc.ca](mailto:Steve.Gotch@dfo-mpo.gc.ca)>

**Sent:** Thursday, May 26, 2022 1:10 PM

**To:** Fanos, Brad <[Brad.Fanos@dfo-mpo.gc.ca](mailto:Brad.Fanos@dfo-mpo.gc.ca)>

**Cc:** Davis, Neil <[Neil.Davis@dfo-mpo.gc.ca](mailto:Neil.Davis@dfo-mpo.gc.ca)>; MacKenzie, Julia <[Julia.MacKenzie@dfo-mpo.gc.ca](mailto:Julia.MacKenzie@dfo-mpo.gc.ca)>; Higgins, Linda <[Linda.Higgins@dfo-mpo.gc.ca](mailto:Linda.Higgins@dfo-mpo.gc.ca)>; Sandgathe, Tracey L <[Tracey.Sandgathe@dfo-mpo.gc.ca](mailto:Tracey.Sandgathe@dfo-mpo.gc.ca)>

**Subject:** For EMB-FFHPP Follow-up / Response (May 26, 2022) RE: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

Hello Brad,

Given this request from a member of the public pertains to a *Fisheries Act* Authorization (or associated process), could you work with the FFHPP team to follow-up.

Thank you

### Steve Gotch

Director, Fraser, Interior and Yukon Transboundary Rivers Areas  
Fisheries and Oceans Canada, Pacific Region / Government of Canada  
[Steve.gotch@dfo-mpo.gc.ca](mailto:Steve.gotch@dfo-mpo.gc.ca) / Tel: 867-393-6719

Directeur, Secteur du Fraser, Intérieur et Yukon Rivières Transfrontalier  
Pêches et Océans Canada, Région du Pacifique / Gouvernement du Canada  
[Steve.gotch@dfo-mpo.gc.ca](mailto:Steve.gotch@dfo-mpo.gc.ca) / Tél: 867-393-6719



Gouvernement  
du Canada

Government  
of Canada

---

**From:** Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

**Sent:** Thursday, May 26, 2022 12:38 PM

**To:** Gotch, Steve <[Steve.Gotch@dfo-mpo.gc.ca](mailto:Steve.Gotch@dfo-mpo.gc.ca)>; Higgins, Linda <[Linda.Higgins@dfo-mpo.gc.ca](mailto:Linda.Higgins@dfo-mpo.gc.ca)>; MacKenzie, Julia <[Julia.MacKenzie@dfo-mpo.gc.ca](mailto:Julia.MacKenzie@dfo-mpo.gc.ca)>; Davis, Neil <[Neil.Davis@dfo-mpo.gc.ca](mailto:Neil.Davis@dfo-mpo.gc.ca)>

**Subject:** Fwd: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

How can the public access an application from a developer for Fisheries Act Sec 35 (2) exemptions in a timely manner?  
Please see previous email thread for details.

Lynn Perrin BGS MPP, Chairperson West Creek Awareness Group

----- Forwarded message -----

From: **Lynn Perrin** <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

Date: Thu, 26 May 2022 at 10:00

Subject: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

To: <[Fin.donnelly@gov.bc.ca](mailto:Fin.donnelly@gov.bc.ca)>, <[Jack.Garnier@gov.bc.ca](mailto:Jack.Garnier@gov.bc.ca)>

----- Forwarded message -----

From: **Lynn Perrin** <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

Date: Thu., May 26, 2022, 8:42 a.m.

Subject: Re: Nathan Creek is also in proposed Beedie development

To:

Screen Shots from document Beedie sent

On Thu., May 26, 2022, 8:24 a.m. Lynn Perrin, <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)> wrote:

I was told by either Adam or Conner that Nathan Creek is on this lot. I wonder if Ian included this information in the DFO application. Because it is fish bearing up to the proposed development it must be protected by maximum setbacks but I do not see any.

Lynn

WSA re Sensitive Streams

[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36\\_2016#section17](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36_2016#section17)

### **Nathan Creek**

The creek that flows north into the Fraser River south of the west end of Crescent Island, the mouth of the creek being at latitude 49°10'00", longitude 122°29'00";

[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36\\_2016#ScheduleB](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36_2016#ScheduleB)

Page 130 of attached

**From:** Mercer, Vance  
**Sent:** Tuesday, May 31, 2022 1:04 PM  
**To:** Pulvermacher, Holly; Colwell, Steven; Rotinsky, Brenda  
**Subject:** RE: For Action FW: For EMB-FFHPP Follow-up / Response (May 26, 2022) RE: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

Hi all,

This was a file that Brain Naito reviewed. As he was leaving the program, we did not add him to PATH. That said, I can review at the information provided, the RDF/LOA and respond as necessary.

Vance

---

**From:** Pulvermacher, Holly <Holly.Pulvermacher@dfo-mpo.gc.ca>  
**Sent:** Monday, May 30, 2022 1:34 PM  
**To:** Colwell, Steven <Steven.Colwell@dfo-mpo.gc.ca>; Rotinsky, Brenda <Brenda.Rotinsky@dfo-mpo.gc.ca>  
**Cc:** Mercer, Vance <Vance.Mercer@dfo-mpo.gc.ca>  
**Subject:** RE: For Action FW: For EMB-FFHPP Follow-up / Response (May 26, 2022) RE: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development  
**Importance:** High

Hi Steve and Brenda,

I received additional information from the public that pinpointed the file. The citizens concerns relate to Nathan Creek being among the 14 most sensitive streams in BC with salmon spawning in the vicinity (see attached emails from Lynn today).

As this is a file that has undergone a review by the Lower Mainland Unit, Vance, Regional Coordination will turn over the follow up communications to Lower Mainland. I've attached the RDF and LOA.

Assessor: Vance. LOA issued for destruction of >1000m2 of wetland habitat, tributary to salmon bearing Nathan Creek.

F:\0 5572 Referrals\Archived\21-HPAC-00661

Vance is back tomorrow I believe so it is likely best for him to review and respond? **I will leave that to you two to confirm.**

I will reply to the enquirer that the file has been located and someone will be in touch. Her contact information is in the attached emails as well as this email train.

### **Holly Pulvermacher**

Section Head – Regional Coordination  
Fish and Fish Habitat Protection Program  
Fisheries and Oceans Canada  
Cell: 250-619-3479  
E: [holly.pulvermacher@dfo-mpo.gc.ca](mailto:holly.pulvermacher@dfo-mpo.gc.ca)

---

**From:** Pulvermacher, Holly  
**Sent:** Monday, May 30, 2022 11:37 AM  
**To:** Colwell, Steven <[Steven.Colwell@dfo-mpo.gc.ca](mailto:Steven.Colwell@dfo-mpo.gc.ca)>  
**Cc:** Rotinsky, Brenda <[Brenda.Rotinsky@dfo-mpo.gc.ca](mailto:Brenda.Rotinsky@dfo-mpo.gc.ca)>

**s.12(1) Not Personal Info**

**Subject:** For Action FW: For EMB-FFHPP Follow-up / Response (May 26, 2022) RE: Beedie is submitting a WSA application  
Fwd: Nathan Creek is also in proposed Beedie development

**Importance:** High

Hi Steve,

Brad has received an enquiry related to concerns with a proposed development (original plus follow up attached). The enquirer wishes to learn about and likely share concerns with respect to fish habitat that will be lost. I tasked IM to complete a path search (results attached) but without looking into every single one it would be tough to tell. There are no super obvious results.

Proponent or development may be "Beedie" (there are many associated files in the lower mainland)

[REDACTED]  
Streams Nathan Creek (or possibly West or National Creek) and involves infilling a wetland  
The attached documents indicate the corner of 276<sup>th</sup> and 60<sup>th</sup> Avenue but unless something has drastically changed since 2020, it looks like it is actually located below 60<sup>th</sup> Ave, in the "corner" behind Rimex and Masonite.  
The road [REDACTED] indicates as 276<sup>th</sup> doesn't seem to exist. The road in the approximate location on the photo below is Baynes Street.

I believe this is considered Langley?

I have gone back to the Lynn who reached out to DFO to ask if she contact info for the consultant or proponent to aid in our search criteria.



## Holly Pulvermacher

Section Head – Regional Coordination  
Fish and Fish Habitat Protection Program  
Fisheries and Oceans Canada  
Cell: 250-619-3479  
E: [holly.pulvermacher@dfo-mpo.gc.ca](mailto:holly.pulvermacher@dfo-mpo.gc.ca)

---

**From:** Fanos, Brad <[Brad.Fanos@dfo-mpo.gc.ca](mailto:Brad.Fanos@dfo-mpo.gc.ca)>

**Sent:** Thursday, May 26, 2022 3:16 PM

**To:** Pulvermacher, Holly <[Holly.Pulvermacher@dfo-mpo.gc.ca](mailto:Holly.Pulvermacher@dfo-mpo.gc.ca)>; Rotinsky, Brenda <[Brenda.Rotinsky@dfo-mpo.gc.ca](mailto:Brenda.Rotinsky@dfo-mpo.gc.ca)>

**Cc:** Ko, Christina <[Christina.Ko@dfo-mpo.gc.ca](mailto:Christina.Ko@dfo-mpo.gc.ca)>

**Subject:** For Action FW: For EMB-FFHPP Follow-up / Response (May 26, 2022) RE: Beedie is submitting a WSA application  
Fwd: Nathan Creek is also in proposed Beedie development

For action

Not sure who I should send this to for a response, if a FAA perhaps Brenda's team?

thanks

---

**From:** Gotch, Steve <[Steve.Gotch@dfo-mpo.gc.ca](mailto:Steve.Gotch@dfo-mpo.gc.ca)>

**Sent:** Thursday, May 26, 2022 1:10 PM

**To:** Fanos, Brad <[Brad.Fanos@dfo-mpo.gc.ca](mailto:Brad.Fanos@dfo-mpo.gc.ca)>

**Cc:** Davis, Neil <[Neil.Davis@dfo-mpo.gc.ca](mailto:Neil.Davis@dfo-mpo.gc.ca)>; MacKenzie, Julia <[Julia.MacKenzie@dfo-mpo.gc.ca](mailto:Julia.MacKenzie@dfo-mpo.gc.ca)>; Higgins, Linda <[Linda.Higgins@dfo-mpo.gc.ca](mailto:Linda.Higgins@dfo-mpo.gc.ca)>; Sandgathe, Tracey L <[Tracey.Sandgathe@dfo-mpo.gc.ca](mailto:Tracey.Sandgathe@dfo-mpo.gc.ca)>

**Subject:** For EMB-FFHPP Follow-up / Response (May 26, 2022) RE: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

Hello Brad,

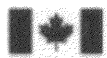
Given this request from a member of the public pertains to a *Fisheries Act* Authorization (or associated process), could you work with the FFHPP team to follow-up.

Thank you

### Steve Gotch

Director, Fraser, Interior and Yukon Transboundary Rivers Areas  
Fisheries and Oceans Canada, Pacific Region / Government of Canada  
[Steve.gotch@dfo-mpo.gc.ca](mailto:Steve.gotch@dfo-mpo.gc.ca) / Tel: 867-393-6719

Directeur, Secteur du Fraser, Intérieur et Yukon Rivières Transfrontalier  
Pêches et Océans Canada, Région du Pacifique / Gouvernement du Canada  
[Steve.gotch@dfo-mpo.gc.ca](mailto:Steve.gotch@dfo-mpo.gc.ca) / Tél: 867-393-6719



Gouvernement  
du Canada

Government  
of Canada

---

**From:** Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

**Sent:** Thursday, May 26, 2022 12:38 PM

**To:** Gotch, Steve <[Steve.Gotch@dfo-mpo.gc.ca](mailto:Steve.Gotch@dfo-mpo.gc.ca)>; Higgins, Linda <[Linda.Higgins@dfo-mpo.gc.ca](mailto:Linda.Higgins@dfo-mpo.gc.ca)>; MacKenzie, Julia <[Julia.MacKenzie@dfo-mpo.gc.ca](mailto:Julia.MacKenzie@dfo-mpo.gc.ca)>; Davis, Neil <[Neil.Davis@dfo-mpo.gc.ca](mailto:Neil.Davis@dfo-mpo.gc.ca)>

**Subject:** Fwd: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

How can the public access an application from a developer for Fisheries Act Sec 35 (2) exemptions in a timely manner?  
Please see previous email thread for details.

Lynn Perrin BGS MPP, Chairperson West Creek Awareness Group

----- Forwarded message -----

From: **Lynn Perrin** <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

Date: Thu, 26 May 2022 at 10:00

Subject: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

To: <[Fin.donnelly@gov.bc.ca](mailto:Fin.donnelly@gov.bc.ca)>, <[Jack.Garnier@gov.bc.ca](mailto:Jack.Garnier@gov.bc.ca)>

----- Forwarded message -----

From: **Lynn Perrin** <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

Date: Thu., May 26, 2022, 8:42 a.m.

Subject: Re: Nathan Creek is also in proposed Beedie development

To:

Screen Shots from document Beedie sent

On Thu., May 26, 2022, 8:24 a.m. Lynn Perrin, <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)> wrote:

I was told by either Adam or Conner that Nathan Creek is on this lot. I wonder if Ian included this information in the DFO application. Because it is fish bearing up to the proposed development it must be protected by maximum setbacks but I do not see any.

Lynn

WSA re Sensitive Streams

[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36\\_2016#section17](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36_2016#section17)

### **Nathan Creek**

The creek that flows north into the Fraser River south of the west end of Crescent Island, the mouth of the creek being at latitude 49°10'00", longitude 122°29'00";

[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36\\_2016#ScheduleB](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36_2016#ScheduleB)

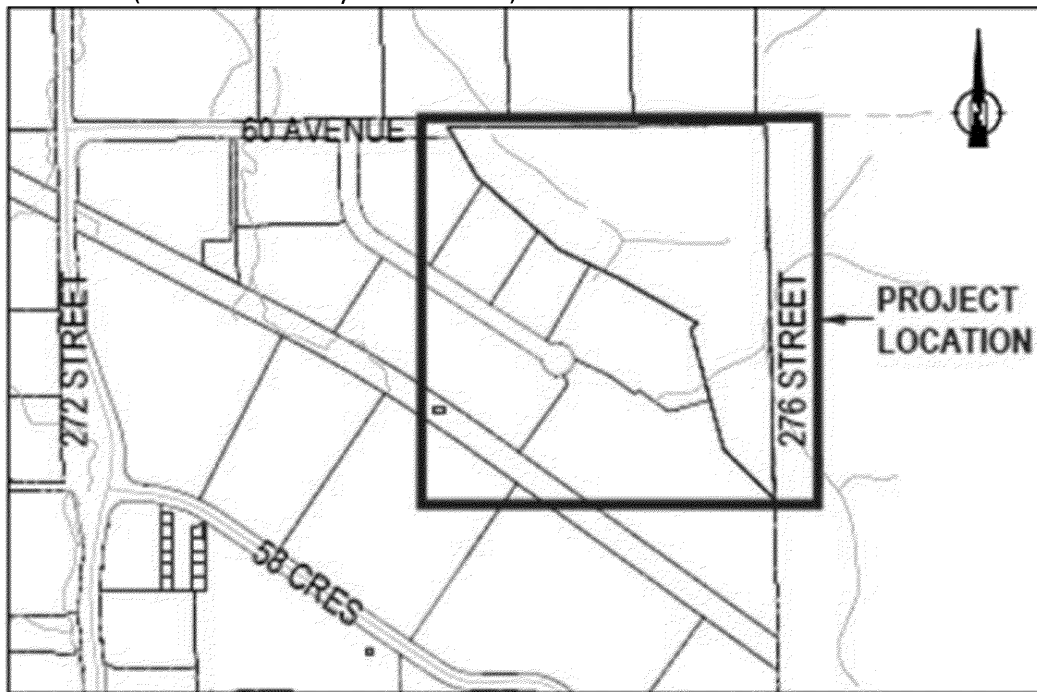
Page 130 of attached

**From:** Matchett, Ian  
**Sent:** Wednesday, March 8, 2023 4:12 PM  
**To:** Mercer, Vance  
**Subject:** RE: Update and potential bullets for Beedie development

Hey Vance,

Here is some insight into the files in question and where they are actually located.

Firstly, **21-HPAC-00661** (infilling of 2x connected and 2x isolated wetlands) is located at the intersection of 60 Avenue and 276 Street (which is currently non-existent):



And the specific location in Google Earth is here:



As for the previous FAA (99-HPAC-PA2-00217), the five compensation sites (A through E) are located here:



If you look at the top right of the above figure, Habitat Area E is generally in close proximity to the 21-HPAC-00661 location, but is approximately 450 m to the west of 21-HPAC-00661.

Perhaps a good next step would be to follow up with Lynn to determine where this “coho” was captured as well as the location of the adjacent ponds and watercourses that they have described as being drained.

To me, it is still unclear if the areas being drained/holding fish overlap with either 21-HPAC-00661 or 99-HPAC-PA2-00217.

To be discussed this afternoon.

**Ian Matchett**

A/Senior Biologist, Fish and Fish Habitat Protection Program  
Fisheries and Oceans Canada / Government of Canada  
[ian.matchett@dfo-mpo.gc.ca](mailto:ian.matchett@dfo-mpo.gc.ca) / 236-334-9307

---

**From:** Mercer, Vance <Vance.Mercer@dfo-mpo.gc.ca>  
**Sent:** Wednesday, March 8, 2023 9:09 AM  
**To:** Matchett, Ian <Ian.Matchett@dfo-mpo.gc.ca>  
**Subject:** FW: Update and potential bullets for Beedie development

---

**From:** Mercer, Vance  
**Sent:** Monday, March 6, 2023 2:47 PM  
**To:** Rotinsky, Brenda <[Brenda.Rotinsky@dfo-mpo.gc.ca](mailto:Brenda.Rotinsky@dfo-mpo.gc.ca)>  
**Subject:** FW: Update and potential bullets for Beedie development

Hi Brenda,

Just so you are in the know, I'm still receiving emails (attached) that are sent to Township of Langley, the Ministers office and the Province as well.

The bullets below still stand.

Vance

---

**From:** Mercer, Vance  
**Sent:** Monday, February 6, 2023 1:52 PM  
**To:** Rotinsky, Brenda <[Brenda.Rotinsky@dfo-mpo.gc.ca](mailto:Brenda.Rotinsky@dfo-mpo.gc.ca)>  
**Subject:** Update and potential bullets for Beedie development

Hi Brenda,

I wanted to get this on your radar as this last correspondence was sent to the Minister's office and the file is located within the Lower Mainland. I have responded to previous emails from Ms. Perrin and she also submitted an ATIP last summer.

Bellow are some bullets summarizing FFHPPs involvement:

**s.12(1) Not Personal Info**

- 161884 Canada Inc. (Beedie) is proposing to develop their property located in the 27500 block of 60 Avenue, Langley, BC. 161884 Canada Inc. [REDACTED]
- Development of the property will involve the infilling of two non-fish bearing wetlands (272 m<sup>2</sup> total footprint) which drain to an unnamed tributary to Nathan Creek which supports salmonid species and the reconstruction/enhancement of two additional wetlands connected to the tributary. Development will also involve infilling of two non-fish bearing wetlands that are isolated from fish-bearing waters.
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- The West Creek Awareness Group, a local NGO stream keepers group represented by its Chairperson Lynn Perrin, has sent numerous emails to DFO FFHPP, the Minister of Fisheries & Oceans and provincial MLAs expressing concern with the proposed development located in the 27500 block of 60 Avenue, Langley, BC and its associated effects to fish habitat.
- DFO FFHPP has advised the West Creek Awareness Group that the development located in the 27500 block of 60 Avenue, Langley, BC and its associated effects to fish habitat have been reviewed by DFO FFHPP and a Letter of Advice was sent to the proponent.

Again, a FYI at this point and you can call me if you have any questions.

Best regards,  
Vance

**s.26**

**From:** Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

**Sent:** Monday, February 6, 2023 10:20 AM

**To:** Mercer, Vance <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)>; Minister / Ministre (DFO/MPO) <[DFO.Minister-Ministre.MPO@dfo-mpo.gc.ca](mailto:DFO.Minister-Ministre.MPO@dfo-mpo.gc.ca)>

**Cc:** Andrew Gage [REDACTED]; [john.aldag@](mailto:john.aldag@) [REDACTED]

**Subject:** Re: URGENT Has Beedie or envirowest applied for a permit under the Water Sustainability Act and a permit per Fisheries Act 35(2)

Here is the West Coast Environmental Law analysis of the amendments made to the Fisheries Act 5 years ago:  
<https://www.wcel.org/media-release/west-coast-reacts-amended-fisheries-act-meets-mark>

"The proposed new public registry, which will provide public access to a wide range of government decisions, will improve transparency and help stop the 'death by a thousand cuts' for fish habitat in a rapidly urbanizing world. This key modernization will allow

scientists, citizen scientists and concerned community members to better track cumulative impacts on fish habitat. A review of the Act every five years is another much needed transparency mechanism.....

West Coast notes that increased inspection and enforcement for fisheries offences must occur, particularly given the dramatic drop in enforcement following the 2012 amendments. Under the current *Fisheries Act*, there were zero prosecutions for fish habitat damage between 2012 and 2016."

In the case of industrial infrastructure activities in and about West Creek 2018 to 2023 it appears that DFO is NOT enforcing the 2018 amendments to the Fisheries Act. The 5th year review is definitely needed.

Lynn Perrin BGS MPP Chairperson West Creek Awareness Group

On Mon., Jan. 30, 2023, 8:37 a.m. Mercer, Vance, <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)> wrote:

Good morning Lynn,

Thank you for reaching out to us regarding your inquiry. As indicated in our previous correspondences, the Fish and Fish Habitat Protection Program (FFHPP) reviewed the works in question, and a Letter of Advice was issued on June 30<sup>th</sup>, 2021 (DFO file #21-HPAC-00661). As of the current date, we have not received any further updates or requests from the proponent related to this matter.

Please note, it is the proponent's responsibility to ensure that all works, undertakings or activities are in compliance with the *Fisheries Act* and the *Species at Risk Act*. It is also their Duty to Notify DFO if they have caused, or are about to cause,

the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat. Furthermore, it remains their responsibility to meet the other requirements of federal, provincial and municipal agencies.

If there are any additional questions about DFO's regulatory process or need general information, FFHPP can be contacted toll free: 1-866-845-6776 or by email: [ReferralsPacific@dfo-mpo.gc.ca](mailto:ReferralsPacific@dfo-mpo.gc.ca).

Best regards,

Vance

---

**From:** Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

**Sent:** Saturday, January 28, 2023 8:54 AM

**To:** [Fin.donnelly@gov.bc.ca](mailto:Fin.donnelly@gov.bc.ca); Mercer, Vance <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)>; [Jack.Garnier@gov.bc.ca](mailto:Jack.Garnier@gov.bc.ca); PAC PSS Initiative / Initiative SSP PAC (DFO/MPO) <[DFO.PACPSSInitiative-InitiativeSSPPAC.MPO@dfo-mpo.gc.ca](mailto:DFO.PACPSSInitiative-InitiativeSSPPAC.MPO@dfo-mpo.gc.ca)>

**Subject:** Fwd: URGENT Has Beedie or envirowest applied for a permit under the Water Sustainability Act and a permit per Fisheries Act 35(2)

Jan 30 2023 Agenda <https://calendar.tol.ca/meetings/Detail/2023-01-30-1330-Council-Meetings/dca1d717-83e4-4252-875f-af9701148738>

Page 15

Running concurrently with this Bylaw is Development Permit No. 101259 (161884 Canada Inc. / 27500 Block of 60 Avenue) to **relocate and reconstruct two (2) wetlands** and Streamside Protection and Enhancement Areas in accordance with Section 4.20 of Schedule 3 of the Official Community Plan, in accordance with Attachment B subject to the following conditions:

- a. Township of Langley General Manager of Engineering and Community Development acceptance of a submission addressing information requirements outlined in Section 4.20 of Schedule 3 of Langley Official Community Plan Bylaw 1979 No. 1842;
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e. Commencement of accepted streamside enhancement and restoration works within 30 days of SPEA disturbance

There is salmon habitat at the headwaters and upstream and down stream according to Trans Mountain expansion application (Nathan Creek Page 1 West Creek Page 5) <https://foroilfreeshores.files.wordpress.com/2016/04/langley-and-surrey-watercourses-at-risk-from-spills.pdf>

#### Fisheries Act

fish includes

- (a) parts of fish,
- (b) shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals, and
- (c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals; (poissons)

**fish habitat means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas; (habitat)**

Have you received the above noted \*\* submissions? Have you permitted Beedie to **relocate and reconstruct two (2) wetlands**

Lynn Perrin

----- Forwarded message -----

From: **Lynn Perrin** <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

Date: Fri., Jan. 27, 2023, 12:52 p.m.

Subject: URGENT Has Beedie or envirowest applied for a permit under the Water Sustainability Act and a permit per Fisheries Act 35(2)

To: <Fin.donnelly@gov.bc.ca>, Mercer, Vance <Vance.Mercer@dfo-mpo.gc.ca>, <Jack.Garnier@gov.bc.ca>, <DFO.PAC.PSSInitiative-InitiativeSSP.PAC.MPO@dfo-mpo.gc.ca>

**As far as I can determine the Township of Langley or DFO do NOT HAVE THE JURISDICTION TO PERMIT ELIMINATION / ALTERATION OF A WATERCOURSE WATERCOURSES ARE B.C. CROWN JURISDICTION and may also require approval by Kwantlen First Nation per BCDRIIP**

<https://calendar.tol.ca/meetings/Detail/2022-12-12-1300-Council-Meeting-Regular2/a5481b95-93b0-4b24-9607-af66010c06ea>

Page 133

 The linked image cannot be displayed. Your computer may not have enough memory to open the image, or the image may have been moved. Restart your computer, and open the file again. If the red x still appears, you may have to delete the image and then insert it again.

☒ This document contains information that is exempt from disclosure under the Access to Information Act / Ce document contient des renseignements qui sont exemptés de la Loi sur l'accès à l'information

 The linked image cannot be displayed. This file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.


HISTORY of BEEDIE and Township re WSA breaches of Fisheries Act Riparian Area Setback Regs. and Water Sustainability Act

<https://west-creek-awareness.ca/2022/07/04/salmon-habitat-at-risk-from-industrial-development/>

Email from MELP <https://westcreekawareness.files.wordpress.com/2022/07/relocation-of-a-stream-in-gloucester-industrial-park1.pdf>

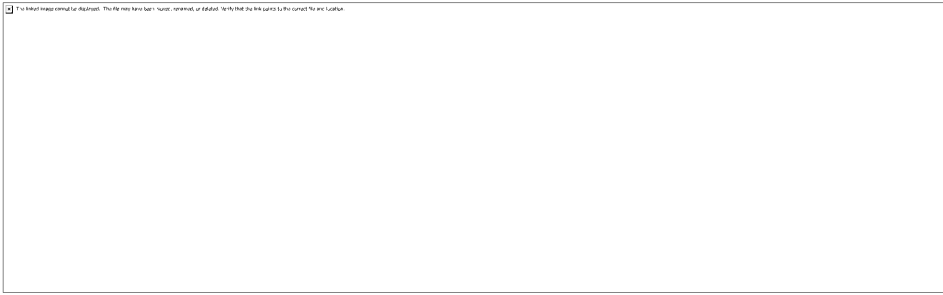
Letter from Environmental Engineer R. Cavanaugh

<https://westcreekawareness.files.wordpress.com/2022/07/cavanaugh-letter-mar-2021-riparian-area-on-274th-street.pdf>

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DFO Letter of Advice is NOT a permit and has expired

[https://westcreekawareness.files.wordpress.com/2022/11/scan\\_20220824-1.pdf](https://westcreekawareness.files.wordpress.com/2022/11/scan_20220824-1.pdf)



Please advise AS SOON AS POSSIBLE as this is going for THRID READING MON JAN 30, 2023.

Lynn Perrin BGS MPP Chairperson West Creek Awareness Group

**From:** Rotinsky, Brenda  
**Sent:** Friday, March 24, 2023 2:06 PM  
**To:** Lloyd, Crystal  
**Cc:** Mercer, Vance; Major, Stephanie  
**Subject:** RE: Update and potential bullets for Beedie development

Not on this email chain but you will see the deadlines etc for the ATIP once the IM team (Jerry) sends along the ATIP email for your action.

Thanks,  
Brenda Rotinsky

Watershed Operations Regulatory Manager  
Fish and Fish Habitat Protection Program  
Ecosystem Management Branch  
Fisheries and Oceans Canada / Government of Canada  
[Brenda.Rotinsky@dfo-mpo.gc.ca](mailto:Brenda.Rotinsky@dfo-mpo.gc.ca) / Mobile: 604-653-9645

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**From:** Lloyd, Crystal <[Crystal.Lloyd@dfo-mpo.gc.ca](mailto:Crystal.Lloyd@dfo-mpo.gc.ca)>  
**Sent:** Friday, March 24, 2023 11:05 AM  
**To:** Rotinsky, Brenda <[Brenda.Rotinsky@dfo-mpo.gc.ca](mailto:Brenda.Rotinsky@dfo-mpo.gc.ca)>  
**Cc:** Mercer, Vance <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)>; Major, Stephanie <[Stephanie.Major@dfo-mpo.gc.ca](mailto:Stephanie.Major@dfo-mpo.gc.ca)>  
**Subject:** RE: Update and potential bullets for Beedie development

Brenda,

Is there an action here for us? Both Vance and Steph are off today and I'm not sure who Jerry is. I've blocked today off for ORR/Can Say works...is there an action here for us which takes priority over that?

---

**From:** Rotinsky, Brenda <[Brenda.Rotinsky@dfo-mpo.gc.ca](mailto:Brenda.Rotinsky@dfo-mpo.gc.ca)>  
**Sent:** Friday, March 24, 2023 10:46 AM  
**To:** Major, Stephanie <[Stephanie.Major@dfo-mpo.gc.ca](mailto:Stephanie.Major@dfo-mpo.gc.ca)>; Lloyd, Crystal <[Crystal.Lloyd@dfo-mpo.gc.ca](mailto:Crystal.Lloyd@dfo-mpo.gc.ca)>  
**Cc:** Mercer, Vance <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)>  
**Subject:** FW: Update and potential bullets for Beedie development

There is an ATIP related to this file, I believe. I have asked Jerry to forward the ATIP to you both for action.

Thanks,  
Brenda Rotinsky

Watershed Operations Regulatory Manager  
Fish and Fish Habitat Protection Program  
Ecosystem Management Branch  
Fisheries and Oceans Canada / Government of Canada  
[Brenda.Rotinsky@dfo-mpo.gc.ca](mailto:Brenda.Rotinsky@dfo-mpo.gc.ca) / Mobile: 604-653-9645

**s.12(1) Not Personal Info**

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Again, a FYI at this point and you can call me if you have any questions.

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**From:** Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>  
**Sent:** Monday, February 6, 2023 10:20 AM  
**To:** Mercer, Vance <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)>; Minister / Ministre (DFO/MPO) <[DFO.Minister-Ministre.MPO@dfo-mpo.gc.ca](mailto:DFO.Minister-Ministre.MPO@dfo-mpo.gc.ca)>  
**Cc:** Andrew Gage <[andrew\\_gage@wcel.org](mailto:andrew_gage@wcel.org)>; [john.aldag.p9@parl.gc.ca](mailto:john.aldag.p9@parl.gc.ca)  
**Subject:** Re: URGENT Has Beedie or envirowest applied for a permit under the Water Sustainability Act and a permit per Fisheries Act 35(2)

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<https://www.wcel.org/media-release/west-coast-reacts-amended-fisheries-act-meets-mark>

"The proposed new public registry, which will provide public access to a wide range of government decisions, will improve transparency and help stop the 'death by a thousand cuts' for fish habitat in a rapidly urbanizing world. This key modernization will allow scientists, citizen scientists and concerned community members to better track cumulative impacts on fish habitat. A review of the Act every five years is another much needed transparency mechanism.....

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## Lynn Perrin BGS MPP Chairperson West Creek Awareness Group

On Mon., Jan. 30, 2023, 8:37 a.m. Mercer, Vance, <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)> wrote:

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Best regards,

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**From:** Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

**Sent:** Saturday, January 28, 2023 8:54 AM

**To:** [Fin.donnelly@gov.bc.ca](mailto:Fin.donnelly@gov.bc.ca); Mercer, Vance <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)>; [Jack.Garnier@gov.bc.ca](mailto:Jack.Garnier@gov.bc.ca); PAC PSS Initiative /

Initiative SSP PAC (DFO/MPO) <DFO.PACPSSInitiative-InitiativeSSPPAC.MPO@dfo-mpo.gc.ca>

**Subject:** Fwd: URGENT Has Beedie or envirowest applied for a permit under the Water Sustainability Act and a permit per Fisheries Act 35(2)

Jan 30 2023 Agenda <https://calendar.tol.ca/meetings/Detail/2023-01-30-1330-Council-Meetings/dca1d717-83e4-4252-875f-af9701148738>

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fish includes

- (a) parts of fish,
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- (c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals; (poissons)

**fish habitat means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas; (habitat)**

Have you received the above noted \*\* submissions? Have you permitted Beedie to **relocate and reconstruct two (2) wetlands**

Lynn Perrin

----- Forwarded message -----

From: **Lynn Perrin** <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

Date: Fri., Jan. 27, 2023, 12:52 p.m.

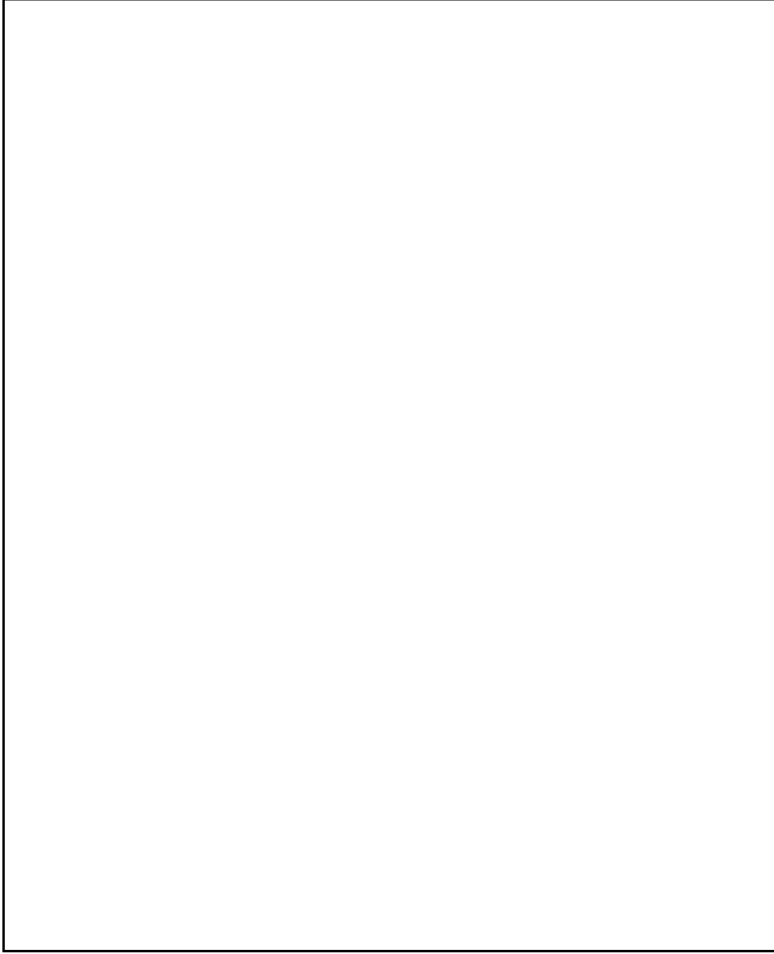
Subject: URGENT Has Beedie or envirowest applied for a permit under the Water Sustainability Act and a permit per Fisheries Act 35(2)

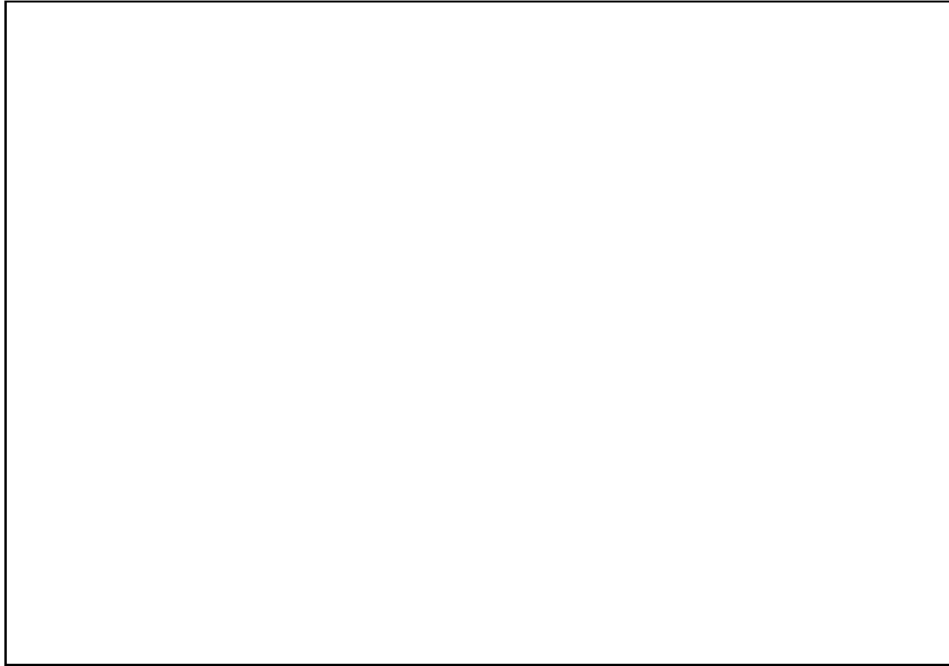
To: <[Fin.donnelly@gov.bc.ca](mailto:Fin.donnelly@gov.bc.ca)>, Mercer, Vance <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)>, <[Jack.Garnier@gov.bc.ca](mailto:Jack.Garnier@gov.bc.ca)>, <[DFO.PAC.PSSInitiative-InitiativeSSP.PAC.MPO@dfo-mpo.gc.ca](mailto:DFO.PAC.PSSInitiative-InitiativeSSP.PAC.MPO@dfo-mpo.gc.ca)>

**As far as I can determine the Township of Langley or DFO do NOT HAVE THE JURISDICTION TO PERMIT ELIMINATION / ALTERATION OF A WATERCOURSE WATERCOURSES ARE B.C. CROWN JURISDICTION and may also require approval by Kwantlen First Nation per BCDRIIP**

<https://calendar.tol.ca/meetings/Detail/2022-12-12-1300-Council-Meeting-Regular2/a5481b95-93b0-4b24-9607-af66010c06ea>







HISTORY of BEEDIE and Township re WSA breaches of Fisheries Act Riparian Area Setback Regs. and Water Sustainability Act

<https://west-creek-awareness.ca/2022/07/04/salmon-habitat-at-risk-from-industrial-development/>

Email from MELP <https://westcreekawareness.files.wordpress.com/2022/07/relocation-of-a-stream-in-gloucester-industrial-park1.pdf>

Letter from Environmental Engineer R. Cavanaugh

<https://westcreekawareness.files.wordpress.com/2022/07/cavanaugh-letter-mar-2021-riparian-area-on-274th-street.pdf>



DFO Letter of Advice is NOT a permit and has expired

[https://westcreekawareness.files.wordpress.com/2022/11/scan\\_20220824-1.pdf](https://westcreekawareness.files.wordpress.com/2022/11/scan_20220824-1.pdf)



Please advise AS SOON AS POSSIBLE as this is going for THRID READING MON JAN 30, 2023.

Lynn Perrin BGS MPP Chairperson West Creek Awareness Group

**From:** Mercer, Vance  
**Sent:** Thursday, June 16, 2022 1:51 PM  
**To:** 'Lynn Perrin'  
**Subject:** RE: DFO ATIP re compensation per 2000 DFO permit

Good morning Lynn,

Just letting you know that I have received your email and am digging into the database for information for you.

I will get back to you ASAP.

Best regards,  
Vance

---

**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Wednesday, June 15, 2022 3:11 PM  
**To:** Mercer, Vance <Vance.Mercer@dfo-mpo.gc.ca>  
**Subject:** DFO ATIP re compensation per 2000 DFO permit

<https://foroilfreeshores.files.wordpress.com/2018/11/township-of-langley-foi-18-051-copy.pdf> Password salmon

Hi Vance;

Are these compensation agreements still valid?



Pêches  
et Océans

Authorization # 99-HPAC-PA2-000-000217  
MELP File #A2004880

**AUTHORIZATION FOR WORKS OR UNDERTAKINGS AFFECTING FISH HABITAT**

s.19(1)

**Authorization issued to:**

Name: 161884 Canada Inc.: Gloucester Industrial Estates (herein also referred to as "Gloucester")

Address: 310 - 1001 West Broadway, Vancouver, BC V6H 4B1

Contact: [REDACTED]

Telephone: (604) 856-3156

Facsimile No: (604) 856-3384

**Location of Project:**

Tributaries to West and Nathan creeks within the Gloucester Industrial Estates in Langley, generally encompassing lands north of the Trans-Canada Highway, west of the Langley-Abbotsford boundary, east of 264th Street and south of 60th Avenue.

**Conditions relating to the Restrictive Covenant/ Leavestrip Area:**

21. All leavestrip areas shown on ECL Drawing No. 467-02-12 will be protected by a restrictive covenant and registered against the title of the property(ies) affected under Section 219 of the *Land Titles Act*, as per the requirements of MELP. All leavestrips are to be left in a totally undisturbed, naturally vegetated state in perpetuity. The covenant boundary must be surveyed by a registered BC Land Surveyor and a permanent fence must be constructed at the covenant boundary between development areas and the covenant areas prior to the commencement of any site development, unless otherwise agreed to by MELP.

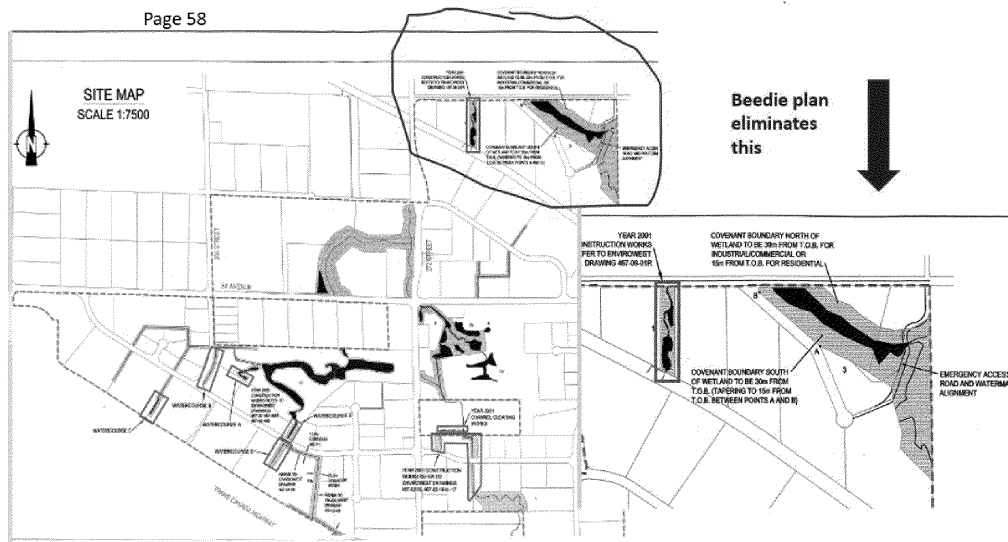
After the compensatory habitat is functioning as intended, Gloucester shall not carry on any work or undertaking that will adversely disturb or impact the compensatory habitat, and it will take all reasonable steps to ensure that the compensatory habitat is not disturbed by others, so long as Gloucester is associated with Gloucester Industrial Estates.

22. Buildings must be set back a minimum of five (5) meters from the restrictive covenant boundary in order to protect the root systems of trees within the covenant area. There is to be no excavation, fill, heavy equipment operation or other activities within this root protection zone that will impact the health of riparian vegetation in the covenant area.

**Conditions that relate to compensatory habitat:**

23. The compensatory habitats shall consist of a number of features which are listed below and numerically referenced to a plan of ultimate drainage (refer to ECL Drawing No. 467-02-12, Revision 03, attached in Appendix A). These works are also described in the Habitat Balance (Appendix B). Design drawings are referenced for each project on the ultimate drainage plan.

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Lynn Perrin

**From:** Mercer, Vance  
**Sent:** Thursday, June 16, 2022 5:30 PM  
**To:** 'Lynn Perrin'  
**Subject:** RE: DFO ATIP re compensation per 2000 DFO permit

Good morning Lynn,

I looked in our database and I understand the obligations in the Authorization have been completed and the file has been closed.

Best regards,  
Vance




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**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Wednesday, June 15, 2022 3:11 PM  
**To:** Mercer, Vance <Vance.Mercer@dfo-mpo.gc.ca>  
**Subject:** DFO ATIP re compensation per 2000 DFO permit

<https://foroilfreeshores.files.wordpress.com/2018/11/township-of-langley-foi-18-051-copy.pdf> Password salmon

Hi Vance;

Are these compensation agreements still valid?

	
<b>Authorization # 99-HPAC-PA2-000-000217</b> <b>MELP File #A2004880</b>	
<b>AUTHORIZATION FOR WORKS OR UNDERTAKINGS AFFECTING FISH HABITAT</b>	
<hr/>	
s.19(1)	<b>Authorization issued to:</b>
	<b>Name:</b> 161884 Canada Inc.: Gloucester Industrial Estates (herein also referred to as "Gloucester")
	<b>Address:</b> 310 - 1001 West Broadway, Vancouver, BC V6H 4B1
	<b>Contact:</b> 
	<b>Telephone:</b> (604) 856-3156
	<b>Facsimile No:</b> (604) 856-3384
<hr/>	
	<b>Location of Project:</b>
	Tributaries to West and Nathan creeks within the Gloucester Industrial Estates in Langley, generally encompassing lands north of the Trans-Canada Highway, west of the Langley-Abbotsford boundary, east of 264th Street and south of 60th Avenue.

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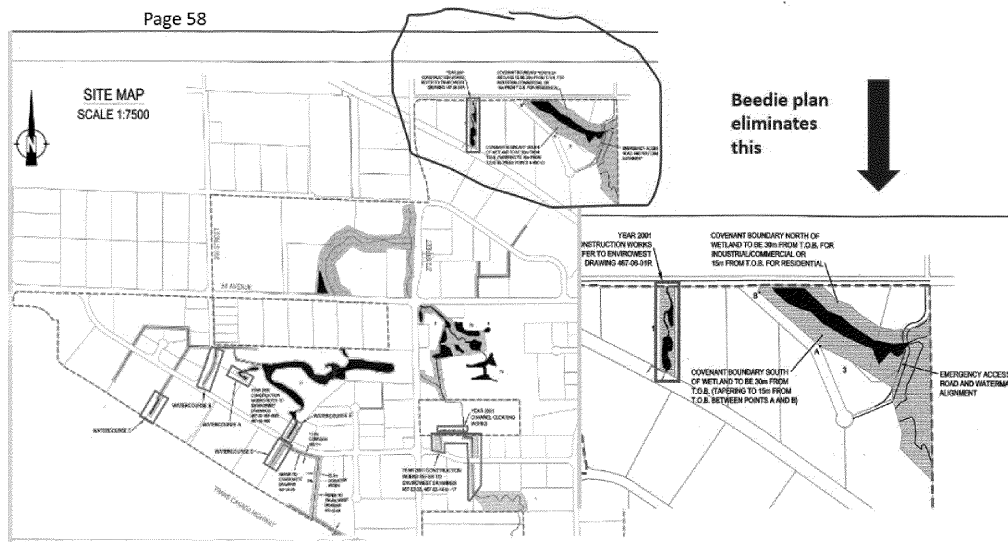
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Lynn Perrin

**From:** Pulvermacher, Holly  
**Sent:** Monday, May 30, 2022 5:06 PM  
**To:** Lynn Perrin  
**Subject:** RE: Nathan Creek - Beedie Development

Hi Lynn,

Thank you for the additional information. It did assist me in locating the file. 21-HPAC-00661.  
The project was reviewed by our Lower Mainland Watershed Operations Unit. I have passed on your enquiry to them.  
The assessor is currently on holidays but they or someone else should be in touch this week. Thank you for reaching out with your concerns.

Regards,

**Holly Pulvermacher**

Section Head – Regional Coordination  
Fish and Fish Habitat Protection Program  
Fisheries and Oceans Canada  
Cell: 250-619-3479  
E: [holly.pulvermacher@dfo-mpo.gc.ca](mailto:holly.pulvermacher@dfo-mpo.gc.ca)

**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Monday, May 30, 2022 12:55 PM  
**To:** Pulvermacher, Holly <Holly.Pulvermacher@dfo-mpo.gc.ca>  
**Cc:** Romilly Cavanaugh [REDACTED]  
**Subject:** Re: Nathan Creek - Beedie Development

Hi Holly;

Thank you for your quick response. I am forwarding you 2 emails with more information. We are extremely concerned because West Creek and Nathan Creek are both Class A streams and both are amongst the 14 most sensitive watercourses in B.C. per Water Sustainability Act. Both have salmon spawning in this vicinity. Downstream is fish habitat for a number of salmon species including chum and chinook.

Lynn Perrin BGS MPP Chairperson West Creek Awareness Group

On Mon, 30 May 2022 at 11:13, Pulvermacher, Holly <[Holly.Pulvermacher@dfo-mpo.gc.ca](mailto:Holly.Pulvermacher@dfo-mpo.gc.ca)> wrote:

Hi Lynn,

I have been asked to determine if DFO has any applications related to the development you reference. Our information management system is not bringing up any obvious developments that appear to be clearly linked to your enquiry.

It is possible that they have not yet submitted to DFO. Applications under review are not subject to public review or consultation but we are often able to link you to an assessor in the event that you have questions or concerns to relay about the proposal.

To that end, I have a couple of additional questions:

Is this proposal currently in construction or design phase?

Do you have contact information for the developer or consultant?

I can resubmit a search request to our team once I hear from you.

In future, please feel free to submit any such enquiries to our [EnquiriesPacific@dfo-mpo.gc.ca](mailto:EnquiriesPacific@dfo-mpo.gc.ca). This is a general enquiries email for the Fish and Fish Habitat Protection Program.

Regards,

**Holly Pulvermacher**

Section Head – Regional Coordination

Fish and Fish Habitat Protection Program

Fisheries and Oceans Canada

Cell: 250-619-3479

E: [holly.pulvermacher@dfo-mpo.gc.ca](mailto:holly.pulvermacher@dfo-mpo.gc.ca)

**From:** Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

**Sent:** Thursday, May 26, 2022 12:38 PM

**To:** Gotch, Steve <[Steve.Gotch@dfo-mpo.gc.ca](mailto:Steve.Gotch@dfo-mpo.gc.ca)>; Higgins, Linda <[Linda.Higgins@dfo-mpo.gc.ca](mailto:Linda.Higgins@dfo-mpo.gc.ca)>; MacKenzie, Julia <[Julia.MacKenzie@dfo-mpo.gc.ca](mailto:Julia.MacKenzie@dfo-mpo.gc.ca)>; Davis, Neil <[Neil.Davis@dfo-mpo.gc.ca](mailto:Neil.Davis@dfo-mpo.gc.ca)>

**Subject:** Fwd: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

How can the public access an application from a developer for Fisheries Act Sec 35 (2) exemptions in a timely manner? Please see previous email thread for details.

Lynn Perrin BGS MPP, Chairperson West Creek Awareness Group

----- Forwarded message -----

From: **Lynn Perrin** <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

Date: Thu, 26 May 2022 at 10:00

Subject: Beedie is submitting a WSA application Fwd: Nathan Creek is also in proposed Beedie development

To: <[Fin.donnelly@gov.bc.ca](mailto:Fin.donnelly@gov.bc.ca)>, <[Jack.Garnier@gov.bc.ca](mailto:Jack.Garnier@gov.bc.ca)>

----- Forwarded message -----

From: **Lynn Perrin** <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

Date: Thu., May 26, 2022, 8:42 a.m.

Subject: Re: Nathan Creek is also in proposed Beedie development

To:

Screen Shots from document Beedie sent

On Thu., May 26, 2022, 8:24 a.m. Lynn Perrin, <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)> wrote:

I was told by either Adam or Conner that Nathan Creek is on this lot. I wonder if Ian included this information in the DFO application. Because it is fish bearing up to the proposed development it must be protected by maximum setbacks but I do not see any.

Lynn

WSA re Sensitive Streams

[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36\\_2016#section17](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36_2016#section17)

### **Nathan Creek**

The creek that flows north into the Fraser River south of the west end of Crescent Island, the mouth of the creek being at latitude 49°10'00", longitude 122°29'00";

[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36\\_2016#ScheduleB](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/36_2016#ScheduleB)

Page

**From:** Mercer, Vance  
**Sent:** Tuesday, April 11, 2023 1:45 PM  
**To:** Lynn Perrin  
**Subject:** Update on my role and future correspondence

Good morning Lynn,

I hope this message finds you well. I would like to thank you for keeping me informed through your updates. However, I would like to inform you that I have transitioned to a different role, and I am no longer part of the regulatory group with the Fish and Fish Habitat Protection Program.

However, I would be happy to provide you with some contact information that may assist you in directing any future questions or concerns you may have.

- You can direct future enquiries to [EnquiriesPacific@DFO-mpo.gc.ca](mailto:EnquiriesPacific@DFO-mpo.gc.ca).
- DFO's **Observe Record Report (ORR)** is a 24/7 toll free tip line to report physical damage to fish habitat, death of fish, and deposits of sediment in fish habitat. Toll free 1-800-465-4336 or by EMAIL: [DFO.ORR-ONS.MPO@dfo-mpo.gc.ca](mailto:DFO.ORR-ONS.MPO@dfo-mpo.gc.ca)
- If there are any additional questions about DFO's regulatory process or need general information, FFHPP can be contacted toll free: 1-866-845-6776 or by email: [ReferralsPacific@dfo-mpo.gc.ca](mailto:ReferralsPacific@dfo-mpo.gc.ca).
- DFO's Projects Near Water website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) includes information for proponents on how to comply with the *Fisheries Act*, request a DFO review of a project, and request a *Fisheries Act* authorization.

Thank you for your understanding and best regards,  
Vance

s.26

**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Saturday, March 11, 2023 7:03 PM  
**To:** srichardson@tol.ca  
**Cc:** MayorCouncil; Mercer, Vance; Jack.Garnier@gov.bc.ca; ENV ENV:EX; Minister / Ministre (DFO/MPO); john.aldag. [REDACTED] EMLI.minister@gov.bc.ca; Megan.Dykeman.MLA@leg.bc.ca; LWRS.minister@gov.bc.ca  
**Subject:** Your Fiduciary Duty to the residents of the Township of Langley

Regarding <https://calendar.tol.ca/meetings/Detail/2023-03-13-1900-Public-Hearing/6ec764e5-2de6-41ce-ac67-afc1011c94bd>

**RECOMMENDATIONS:**

That Council give first and second reading to Langley Official Community Plan Bylaw 1979 No. 1842 Amendment (Streamside Protection and Enhancement Clarification) Bylaw No. 5854;  
That Council consider that Langley Official Community Plan Bylaw 1979 No. 1842 Amendment (Streamside Protection and Enhancement Clarification) Bylaw No. 5854 is consistent with the Township's Five-Year Financial Plan as updated annually and with Metro Vancouver's Integrated Liquid Waste Resource Management Plan and Integrated Solid Waste Resource Management Plan, Housing Needs Report and with the consultation requirement of Official Community Plan Consultation Policy (07-160); and  
That Council authorize staff to schedule the required public hearing for Bylaw No. 5854.

**EXECUTIVE SUMMARY:**

This report brings forward clarifying amendments to the Township's Official Community Plan Schedule 3 Development Permit Areas: Streamside Protection and Enhancement.

**PURPOSE:**

This report provides information and recommendations to amend the Township's Official Community Plan Schedule 3 Development Permit Areas: Streamside Protection and Enhancement.

Respectfully submitted,

Stephen Richardson

DIRECTOR, DEVELOPMENT SERVICES

for

COMMUNITY DEVELOPMENT DIVISION

**Former city planner Grant Sanborn pleads guilty to 'regulatory offence'**

<https://www.theprogress.com/news/former-city-planner-grant-sanborn-pleads-guilty-to-regulatory-offences/>

Excerpts:

During his court submission, McFee also suggested that Sanborn was the victim of a "culture of pro-development" at Chilliwack City Hall where employees were urged to find "creative ways" to work around municipal and provincial rules to boost development.

In the case of the Longthorn Creek development, Campbell said his client was not the only city staffer involved in the approval as **there was a general, but mistaken, belief that in some cases a city bylaw could trump provincial setback regulations.**

**WEST CREEK AND NATHAN CREEK ARE IMPACTED BY THIS BY-LAW ARE TWO  
OF 14 SENSITIVE WATERCOURSES IN BC per THE WATER SUSTAINABILITY ACT and  
are FISH HABITAT per FISHERIES ACT**

<https://westcreekawareness.files.wordpress.com/2022/10/a-2017-01193-dq-final-1.pdf> pAGE 229 April 18 2008 letter from  
envirowest to DFO cc to TOL

If golf course development is required and is pursued, habitat requirements will have been partially achieved through development of wetted habitat in conjunction with the "interim" detention facility on the east side of 272nd Street, south of 56th Avenue. Designation of protected habitat area, as generally depicted in the Envirowest Drawing No. 467-02-12 Rev. 05, copy attached) will fulfill the commitment associated with the golf course.

If the OCP is amended such that golf course development is not required, there would be a requirement to provide additional stormwater detention (due to the conversion of approximately 45 acres of land to industrial designation). Should this occur, the additional detention would be developed contiguous with (or near) the "interim" detention facility, and incorporate wetted habitat features and designation of protected habitat area as generally depicted in the Envirowest Drawing No. 467-02-12 Rev. 05. The remaining 45 acres of the golf course lands would be turned over to the Township for conservation/parkland.

Gloucester will advise you of the outcome of their application to amend the OCP with respect to the golf course. In either case, DFO will be involved with respect to delineation of the habitat boundary and authorization of works affecting fish habitat.

Please call me should you have any questions.

Yours truly,  
**ECL ENVIROWEST CONSULTANTS LIMITED**

**It appears that you are trying to circumvent the requirements of these designations:**

[http://www.bclaws.ca/civix/document/id/complete/statreg/36\\_2016#ScheduleB](http://www.bclaws.ca/civix/document/id/complete/statreg/36_2016#ScheduleB)

Requirements of applicant re Sensitive Streams

[http://www.bclaws.ca/civix/document/id/complete/statreg/36\\_2016#section17](http://www.bclaws.ca/civix/document/id/complete/statreg/36_2016#section17)

Mr Demsky of DFO seems to have forgotten this:

Fisheries Act

Purpose of Act

**2.1** The purpose of this Act is to provide a framework for

- (a) the proper management and control of fisheries; and
- (b) the conservation and protection of fish and **fish habitat**, including by preventing pollution.

fish includes

- (a) parts of fish,
- (b) shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals, and

- (c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals; (poissons)

**fish habitat** means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas; (habitat)

**DFO Permit and related documents obtained via ATIP**

<https://westcreekawareness.files.wordpress.com/2022/10/a-2017-01193-dq-final-1.pdf>

**Pages 163 and 238 impact on fish habitat**



Photograph 4. Completed channel connection at the eastern extent of the pond habitat located east of 272 Street (September 20, 2005).



Photograph 2. Looking north at bio-filtration channel, pre-planting (June 12, 2007).

If golf course development is required and is pursued, habitat requirements will have been partially achieved through development of wetted habitat in conjunction with the “interim” detention facility on the east side of 272nd Street, south of 56th Avenue. Designation of protected habitat area, as generally depicted in the Envirowest Drawing No. 467-02-12 Rev. 05, copy attached) will fulfill the commitment associated with the golf course.

If the OCP is amended such that golf course development is not required, there would be a requirement to provide additional stormwater detention (due to the conversion of approximately 45 acres of land to industrial designation). Should this occur, the additional detention would be developed contiguous with (or near) the “interim” detention facility, and incorporate wetted habitat features and designation of protected habitat area as generally depicted in the Envirowest Drawing No. 467-02-12 Rev. 05. The remaining 45 acres of the golf course lands would be turned over to the Township for conservation/parkland.

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Please call me should you have any questions.

Yours truly,

**ECL ENVIROWEST CONSULTANTS LIMITED**



I request that you rescind the by-law and refer all development applications to the relevant senior governments.

Lynn Perrin BGS MPP Chairperson West Creek Awareness Group

**From:** Ministerial Correspondence Unit / Unité de la correspondance ministérielle (DFO/MPO)  
**Sent:** Monday, May 30, 2022 3:53 PM  
**To:** PAC PRMCU / URPCM PAC (DFO/MPO)  
**Cc:** Sauv , Jos e; Poupart, Beno t; Irving, Alexander; Valerio, Michael  
**Subject:** FOR INFO 2022-001-01209 RE: Watershed Security  
**Attachments:** MECTS-#4279792-v1-Main\_Docs\_2022-001-01209.PDF

Hello,

**Attached is correspondence addressed to the Minister.** The Ministerial Correspondence Unit (MCU) has assessed that a reply from the Minister is not necessary and will not take any further action.

This INFO docket is being sent to you for **your information only**; please distribute as appropriate to others within DFO who may have an interest in the issue(s) raised in the correspondence.

**Docket No.:** 2022-001-01209

**Subject:** Writing regarding a Globe and Mail article titled 'B.C.'s unprecedented weather disasters require bold investment in watershed security.'

**Addressed to:** Murray, Joyce

**Correspondent:** Perrin, Lynn

**NOTE:** If you disagree with MCU's assessment and believe that a reply is required, then please advise MCU as soon as possible at the contact information below.

Thank you,

Laurel Richardson (she/her|elle)

Writer/Editor | R dactrice/r viseure

Ministerial Correspondence Unit | Unit  de la correspondance minist rielle

Fisheries and Oceans Canada | P ches et Oc ans Canada

Laurel.Richardson@dfo-mpo.gc.ca

2022-001-01209

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**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Friday, May 20, 2022 3:19 AM  
**To:** MayorCouncil; Minister / Ministre (DFO/MPO); ENV ENV:EX  
**Cc:** editor@langleyadvancetimes.com  
**Subject:** Globe and Mail article B.C.'s unprecedented weather disasters require bold investment in watershed security

West Creek Awareness Group have been alerting governments at all three levels about fish habitat destruction due to industrial development for over 3 years. Perhaps this article will result in you taking our concerns seriously.

<https://www.theglobeandmail.com/opinion/article-bcs-unprecedented-weather-disasters-require-bold-investment-in/>

Healthy watersheds provide natural defences against climate change-fuelled extreme weather. For example, wetlands act as natural sponges that absorb flood waters and slow down overland flow. They also provide refuge and critical habitat to fish and wildlife during times of drought. **Natural stream banks help filter runoff, preventing pollution from reaching waterways, and provide shade to spawning salmon during heat waves.** Mature forests hold back snow and rain, providing a natural solution during flood season; this stored water is then released when it's dry and needed most.

Why are all levels of government placing West Creek at risk from industrial development? Details at this link <https://foroilfreeshores.wordpress.com/salmon-habitat-at-risk-from-industrial-development/>

Lynn Perrin Chairperson West Creek Awareness Group

**From:** MCU Analysts / Analystes UCM (DFO/MPO) <DFO.MCUAnalysts-AnalystesUCM.MPO@dfo-mpo.gc.ca>  
**Sent:** Wednesday, February 8, 2023 11:26 AM  
**To:** DFO.F ADMO AE Correspondance / Correspondance EA SMA F.MPO; PAC PRMCU / URPCM PAC (DFO/MPO)  
**Cc:** Impert, Nahomie; Sauvé, Josée; Poupart, Benoît; Maloney, Barbara  
**Subject:** FOR INFO: 2023-001-00246 Re: Wetlands Relocation West Coast / Pour info: 2023-001-00246 Re: Déplacement des terres humides Côte Ouest  
**Attachments:** MECTS-#4309515-v1-Main\_Docs\_2023-001-00246.PDF

Hello,

**Attached is correspondence addressed to the Minister.** The Ministerial Correspondence Unit (MCU) has assessed that a reply from the Minister is not necessary and will not take any further action.  
This INFO docket is being sent to you for **your information only**; please distribute as appropriate to others within DFO who may have an interest in the issue(s) raised in the correspondence.

**Docket No:** 2023-001-00246  
**Subject:** Writing concerns regarding the relocation of wetlands on the West Coast.  
**Addressed to:** Murray, Mercer  
**Correspondent:** Perrin, Lynn

**NOTE:** If you disagree with MCU's assessment and believe that a reply is required, then please advise MCU as soon as possible at the contact information below.

Thank you,

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Bonjour,

**Vous trouverez ci-joint la correspondance adressée à la ministre.** L'Unité de la correspondance ministérielle (UCM) a estimé qu'une réponse de la ministre n'est pas nécessaire et ne prendra aucune autre mesure.  
Ce dossier INFO vous est envoyé à **des fins d'information seulement**; veuillez le distribuer, s'il y a lieu, à tout autres personnes du MPO qui pourraient avoir un intérêt dans la ou les questions soulevées dans la correspondance.

**No. de dossier:** 2023-001-00246  
**Objet:** Rédaction de préoccupations concernant le déplacement des terres humides sur la côte Ouest.  
**Adressé à:** Murray, Mercer  
**Correspondant(e):** Perrin, Lynn

**REMARQUE :** Si vous n'êtes pas d'accord avec l'évaluation de l'UCM et croyez qu'une réponse est requise, veuillez en informer l'UCM dès que possible aux coordonnées ci-dessous.

Merci

Vincent Ferraro

(He/him/lui)

**Ministerial Correspondence Unit | Unité de la correspondance ministérielle**

Fisheries and Oceans Canada | Pêches et Océans Canada

200 Kent Street Ottawa ON K1A 0E6

[DFO.MCUAnalysts-AnalystesUCM.MPO@dfo-mpo.gc.ca](mailto:DFO.MCUAnalysts-AnalystesUCM.MPO@dfo-mpo.gc.ca)



2023-001-00246

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**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Monday, February 6, 2023 1:20 PM **s.26**  
**To:** Mercer, Vance; Minister / Ministre (DFO/MPO)  
**Cc:** Andrew Gage; john.aldag [REDACTED]  
**Subject:** Re: URGENT Has Beedie or envirowest applied for a permit under the Water Sustainability Act and a permit per Fisheries Act 35(2)

Here is the West Coast Environmental Law analysis of the amendments made to the Fisheries Act 5 years ago:  
<https://www.wcel.org/media-release/west-coast-reacts-amended-fisheries-act-meets-mark>

"The proposed new public registry, which will provide public access to a wide range of government decisions, will improve transparency and help stop the 'death by a thousand cuts' for fish habitat in a rapidly urbanizing world. This key modernization will allow scientists, citizen scientists and concerned community members to better track cumulative impacts on fish habitat. A review of the Act every five years is another much needed transparency mechanism.....

West Coast notes that increased inspection and enforcement for fisheries offences must occur, particularly given the dramatic drop in enforcement following the 2012 amendments. Under the current *Fisheries Act*, there were zero prosecutions for fish habitat damage between 2012 and 2016."

In the case of industrial infrastructure activities in and about West Creek 2018 to 2023 it appears that DFO is NOT enforcing the 2018 amendments to the Fisheries Act. The 5th year review is definitely needed.

# Lynn Perrin BGS MPP Chairperson West Creek Awareness Group

On Mon., Jan. 30, 2023, 8:37 a.m. Mercer, Vance, <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)> wrote:

Good morning Lynn,

Thank you for reaching out to us regarding your inquiry. As indicated in our previous correspondences, the Fish and Fish Habitat Protection Program (FFHPP) reviewed the works in question, and a Letter of Advice was issued on June 30<sup>th</sup>, 2021 (DFO file #21-HPAC-00661). As of the current date, we have not received any further updates or requests from the proponent related to this matter.

Please note, it is the proponent's responsibility to ensure that all works, undertakings or activities are in compliance with the *Fisheries Act* and the *Species at Risk Act*. It is also their Duty to Notify DFO if they have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat. Furthermore, it remains their responsibility to meet the other requirements of federal, provincial and municipal agencies.

If there are any additional questions about DFO's regulatory process or need general information, FFHPP can be contacted toll free: 1-866-845-6776 or by email: [ReferralsPacific@dfo-mpo.gc.ca](mailto:ReferralsPacific@dfo-mpo.gc.ca).

Best regards,

Vance

---

**From:** Lynn Perrin <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

**Sent:** Saturday, January 28, 2023 8:54 AM

**To:** [Fin.donnelly@gov.bc.ca](mailto:Fin.donnelly@gov.bc.ca); Mercer, Vance <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)>; [Jack.Garnier@gov.bc.ca](mailto:Jack.Garnier@gov.bc.ca); PAC PSS Initiative / Initiative SSP PAC (DFO/MPO) <[DFO.PACPSSInitiative-InitiativeSSPPAC.MPO@dfo-mpo.gc.ca](mailto:DFO.PACPSSInitiative-InitiativeSSPPAC.MPO@dfo-mpo.gc.ca)>

**Subject:** Fwd: URGENT Has Beedie or envirowest applied for a permit under the Water Sustainability Act and a permit per Fisheries Act 35(2)

Jan 30 2023 Agenda <https://calendar.tol.ca/meetings/Detail/2023-01-30-1330-Council-Meetings/dca1d717-83e4-4252-875f-af9701148738>

Page 15

Running concurrently with this Bylaw is Development Permit No. 101259 (161884 Canada Inc. / 27500 Block of 60 Avenue) to **relocate and reconstruct two (2) wetlands** and Streamside Protection and Enhancement Areas in accordance with Section 4.20 of Schedule 3 of the Official Community Plan, in accordance with Attachment B subject to the following conditions:

- a. Township of Langley General Manager of Engineering and Community Development acceptance of a submission addressing information requirements outlined in Section 4.20 of Schedule 3 of Langley Official Community Plan Bylaw 1979 No. 1842;
- b. Protection of Streamside Protection and Enhancement Development Permit Areas (SPEAs) as shown on Schedule A to the acceptance of the Township of Langley General Manager of Engineering and Community Development;
- c. Written designation of an Environmental Monitor for the project acknowledging the Environmental Monitor has the authority to stop any work(s) that, in the Environmental Monitor's opinion, have the potential to impact on SPEAs;
- \*\* d. Obtaining relevant senior government environmental regulatory agency approvals and/or submission of notifications and provisions of copies of approval/submissions to the Township; and**
- e. Commencement of accepted streamside enhancement and restoration works within 30 days of SPEA disturbance

There is salmon habitat at the headwaters and upstream and down stream according to Trans Mountain expansion application (Nathan Creek Page 1 West Creek Page 5) <https://foroilfreeshores.files.wordpress.com/2016/04/langley-and-surrey-watercourses-at-risk-from-spills.pdf>

### Fisheries Act

fish includes

- (a) parts of fish,
- (b) shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals, and
- (c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals; (poissons)

**fish habitat means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas; (habitat)**

Have you received the above noted \*\* subm8ssions? Have you permitted Beedie to **relocate and reconstruct two (2) wetlands**

Lynn Perrin

----- Forwarded message -----

From: **Lynn Perrin** <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

Date: Fri., Jan. 27, 2023, 12:52 p.m.

Subject: URGENT Has Beedie or envirowest applied for a permit under the Water Sustainability Act and a permit per Fisheries Act 35(2)

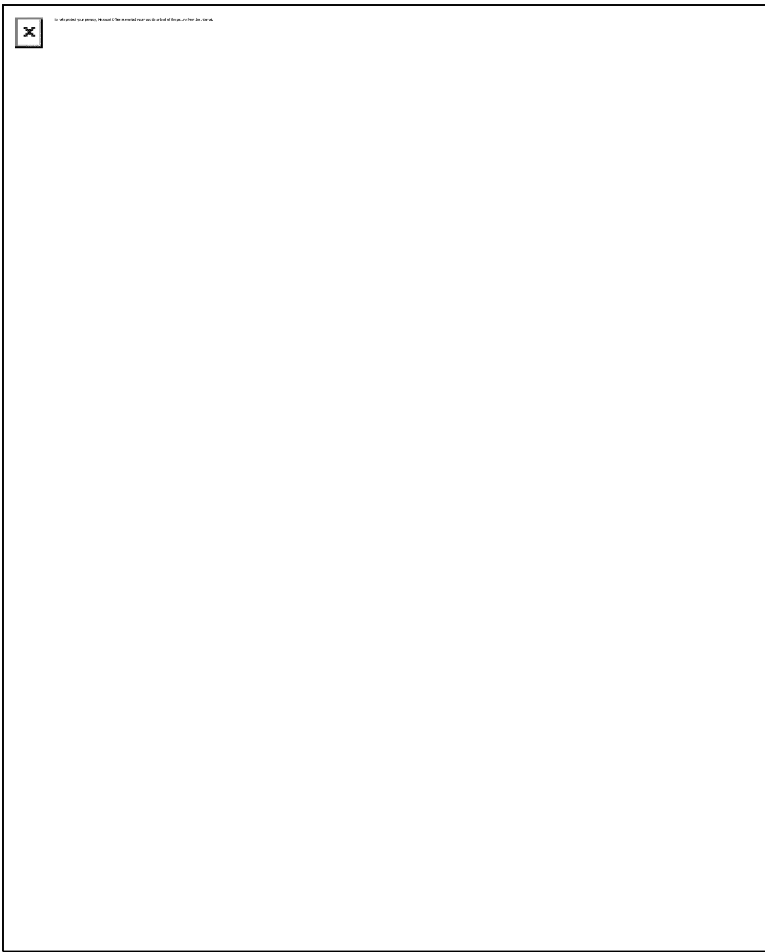
To: <[Fin.donnelly@gov.bc.ca](mailto:Fin.donnelly@gov.bc.ca)>, Mercer, Vance <[Vance.Mercer@dfo-mpo.gc.ca](mailto:Vance.Mercer@dfo-mpo.gc.ca)>, <[Jack.Garnier@gov.bc.ca](mailto:Jack.Garnier@gov.bc.ca)>, <[DFO.PAC.PSSInitiative-InitiativeSSP.PAC.MPO@dfo-mpo.gc.ca](mailto:DFO.PAC.PSSInitiative-InitiativeSSP.PAC.MPO@dfo-mpo.gc.ca)>

**As far as I can determine the Township of Langley or DFO do NOT HAVE THE JURISDICTION TO PERMIT ELIMINATION / ALTERATION OF A WATERCOURSE WATERCOURSES ARE B.C. CROWN JURISDICTION and may also require approval by Kwantlen First Nation per BCD RIP**

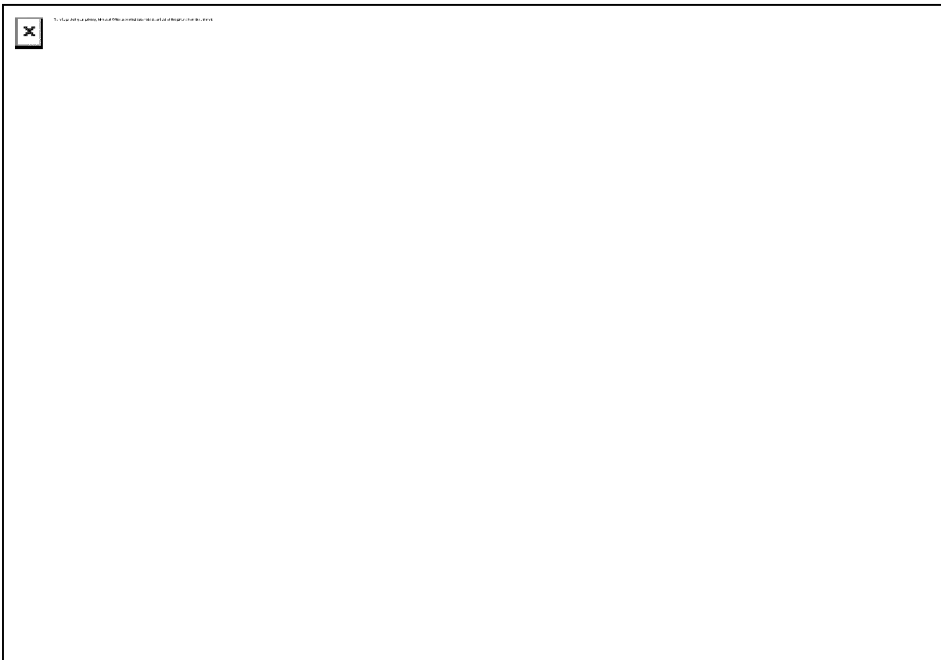
<https://calendar.tol.ca/meetings/Detail/2022-12-12-1300-Council-Meeting-Regular2/a5481b95-93b0-4b24-9607-af66010c06ea>

Page 133





Page 141



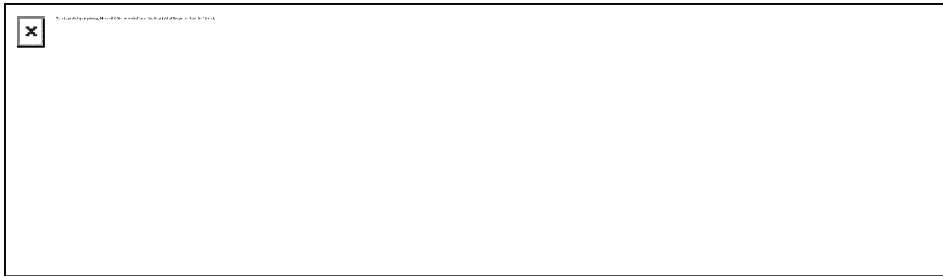
HISTORY of BEEDIE and Township re WSA breaches of Fisheries Act Riparian Area Setback Regs. and Water Sustainability Act

<https://west-creek-awareness.ca/2022/07/04/salmon-habitat-at-risk-from-industrial-development/>

Email from MELP <https://westcreekawareness.files.wordpress.com/2022/07/relocation-of-a-stream-in-gloucester-industrial-park1.pdf>

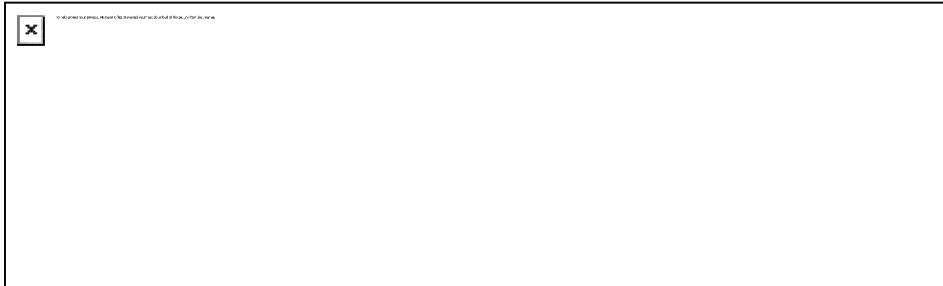
Letter from Environmental Engineer R. Cavanaugh

<https://westcreekawareness.files.wordpress.com/2022/07/cavanaugh-letter-mar-2021-riparian-area-on-274th-street.pdf>



DFO Letter of Advice is NOT a permit and has expired

[https://westcreekawareness.files.wordpress.com/2022/11/scan\\_20220824-1.pdf](https://westcreekawareness.files.wordpress.com/2022/11/scan_20220824-1.pdf)



Please advise AS SOON AS POSSIBLE as this is going for THRID READING MON JAN 30, 2023.

Lynn Perrin BGS MPP Chairperson West Creek Awareness Group

**From:** MCU Analysts / Analystes UCM (DFO/MPO)  
**Sent:** Wednesday, March 15, 2023 10:42 AM  
**To:** PAC PRMCU / URPCM PAC (DFO/MPO)  
**Cc:** Sauvé, Josée; Irving, Alexander; Poupart, Benoît  
**Subject:** FOR INFO: 2023-001-00560 Re: Fiduciary Duty / Pour info: 2023-001-00560 Re: Obligation fiduciaire  
**Attachments:** MECTS-#4314865-v1-Main\_Docs\_2023-001-00560.PDF

Hello,

**Attached is correspondence addressed to the Minister.** The Ministerial Correspondence Unit (MCU) has assessed that a reply from the Minister is not necessary and will not take any further action.

This INFO docket is being sent to you for **your information only**; please distribute as appropriate to others within DFO who may have an interest in the issue(s) raised in the correspondence.

**Docket No.:** 2023-001-00560  
**Subject:** Writing regarding Fiduciary Duty in the Township of Langley  
**Addressed to:** Murray, Joyce  
**Correspondent:** Perrin, Lynn

**NOTE:** If you disagree with MCU's assessment and believe that a reply is required, then please advise MCU as soon as possible at the contact information below.

Thank you,

-----  
Bonjour,

**Vous trouverez ci-joint la correspondance adressée à la ministre.** L'Unité de la correspondance ministérielle (UCM) a estimé qu'une réponse de la ministre n'est pas nécessaire et ne prendra aucune autre mesure.

Ce dossier INFO vous est envoyé à **des fins d'information seulement**; veuillez le distribuer, s'il y a lieu, à tout autres personnes du MPO qui pourraient avoir un intérêt dans la ou les questions soulevées dans la correspondance.

**No. de dossier :** 2023-001-00560  
**Objet :** Rédaction concernant l'obligation fiduciaire dans le canton de Langley  
**Adressé à :** Murray, Joyce  
**Correspondant(e) :** Perrin, Lynn

**REMARQUE :** Si vous n'êtes pas d'accord avec l'évaluation de l'UCM et croyez qu'une réponse est requise, veuillez en informer l'UCM dès que possible aux coordonnées ci-dessous.

Merci,

---

Sam Charbonneau (he/him)

**Ministerial Correspondence Unit | Unité de la correspondance ministérielle**

Fisheries and Oceans Canada | Pêches et Océans Canada

200 Kent Street Ottawa ON K1A 0E6

[DFO.MCUAnalysts-AnalystesUCM.MPO@dfo-mpo.gc.ca](mailto:DFO.MCUAnalysts-AnalystesUCM.MPO@dfo-mpo.gc.ca)

2023-001-00560

**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Saturday, March 11, 2023 7:03 PM  
**To:** srichardson@tol.ca  
**Cc:** MayorCouncil; Mercer, Vance; Jack.Garnier@gov.bc.ca; ENV ENV:EX; Minister / Ministre (DFO/MPO); john.aldag [REDACTED]; EMLI.minister@gov.bc.ca; Megan.Dykeman.MLA@leg.bc.ca; LWRS.minister@gov.bc.ca  
**Subject:** Your Fiduciary Duty to the residents of the Township of Langley

s.26

Regarding <https://calendar.tol.ca/meetings/Detail/2023-03-13-1900-Public-Hearing/6ec764e5-2de6-41ce-ac67-afc1011c94bd>

**RECOMMENDATIONS:**

That Council give first and second reading to Langley Official Community Plan Bylaw 1979 No. 1842 Amendment (Streamside Protection and Enhancement Clarification) Bylaw No. 5854;  
That Council consider that Langley Official Community Plan Bylaw 1979 No. 1842 Amendment (Streamside Protection and Enhancement Clarification) Bylaw No. 5854 is consistent with the Township's Five-Year Financial Plan as updated annually and with Metro Vancouver's Integrated Liquid Waste Resource Management Plan and Integrated Solid Waste Resource Management Plan, Housing Needs Report and with the consultation requirement of Official Community Plan Consultation Policy (07-160); and  
That Council authorize staff to schedule the required public hearing for Bylaw No. 5854.

**EXECUTIVE SUMMARY:**

This report brings forward clarifying amendments to the Township's Official Community Plan Schedule 3 Development Permit Areas: Streamside Protection and Enhancement.

**PURPOSE:**

This report provides information and recommendations to amend the Township's Official Community Plan Schedule 3 Development Permit Areas: Streamside Protection and Enhancement.

Respectfully submitted,

Stephen Richardson

DIRECTOR, DEVELOPMENT SERVICES

for

COMMUNITY DEVELOPMENT DIVISION

**Former city planner Grant Sanborn pleads guilty to 'regulatory offence'**

<https://www.theprogress.com/news/former-city-planner-grant-sanborn-pleads-guilty-to-regulatory-offences/>

**Excerpts:**

During his court submission, McFee also suggested that Sanborn was the victim of a "culture of pro-development" at Chilliwack City Hall where employees were urged to find "creative ways" to work around municipal and provincial rules to boost development.

In the case of the Longthorn Creek development, Campbell said his client was not the only city staffer involved in the approval as **there was a general, but mistaken, belief that in some cases a city bylaw could trump provincial setback regulations.**

## **WEST CREEK AND NATHAN CREEK ARE IMPACTED BY THIS BY-LAW ARE TWO OF 14 SENSITIVE WATERCOURSES IN BC per THE WATER SUSTAINABILITY ACT and are FISH HABITAT per FISHERIES ACT**

<https://westcreekawareness.files.wordpress.com/2022/10/a-2017-01193-dq-final-1.pdf> pAGE 229 April 18 2008 letter from envirowest to DFO cc to TOL

If golf course development is required and is pursued, habitat requirements will have been partially achieved through development of wetted habitat in conjunction with the "interim" detention facility on the east side of 272nd Street, south of 56th Avenue. Designation of protected habitat area, as generally depicted in the Envirowest Drawing No. 467-02-12 Rev. 05, copy attached) will fulfill the commitment associated with the golf course.

If the OCP is amended such that golf course development is not required, there would be a requirement to provide additional stormwater detention (due to the conversion of approximately 45 acres of land to industrial designation). Should this occur, the additional detention would be developed contiguous with (or near) the "interim" detention facility, and incorporate wetted habitat features and designation of protected habitat area as generally depicted in the Envirowest Drawing No. 467-02-12 Rev. 05. The remaining 45 acres of the golf course lands would be turned over to the Township for conservation/parkland.

Gloucester will advise you of the outcome of their application to amend the OCP with respect to the golf course. In either case, DFO will be involved with respect to delineation of the habitat boundary and authorization of works affecting fish habitat.

Please call me should you have any questions.

Yours truly,

**ECL ENVIROWEST CONSULTANTS LIMITED**

### **It appears that you are trying to circumvent the requirements of these designations:**

[http://www.bclaws.ca/civix/document/id/complete/statreg/36\\_2016#ScheduleB](http://www.bclaws.ca/civix/document/id/complete/statreg/36_2016#ScheduleB)

Requirements of applicant re Sensitive Streams

[http://www.bclaws.ca/civix/document/id/complete/statreg/36\\_2016#section17](http://www.bclaws.ca/civix/document/id/complete/statreg/36_2016#section17)

Mr Demsky of DFO seems to have forgotten this:

#### Fisheries Act

#### Purpose of Act

##### **2.1** The purpose of this Act is to provide a framework for

- (a) the proper management and control of fisheries; and
- (b) the conservation and protection of fish and **fish habitat**, including by preventing pollution.

fish includes

- (a) parts of fish,
- (b) shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals, and
- (c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals; (poissons)

**fish habitat** means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas; (habitat)

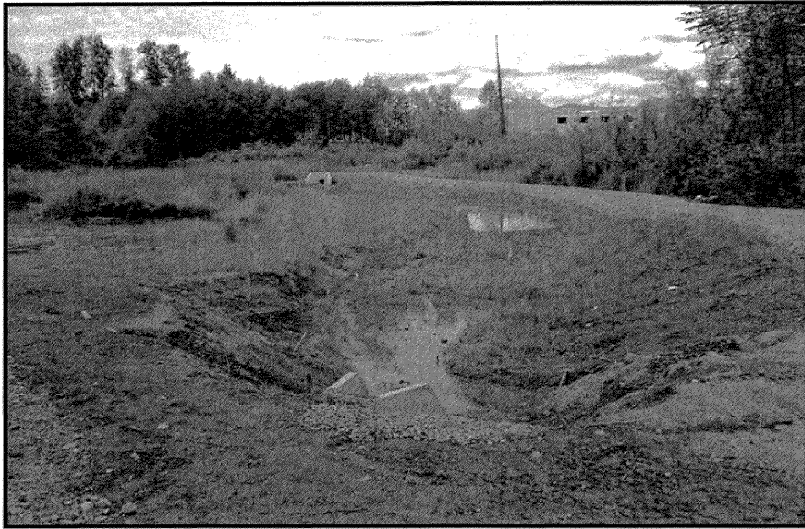
**DFO Permit and related documents obtained via ATIP**

<https://westcreekawareness.files.wordpress.com/2022/10/a-2017-01193-dq-final-1.pdf>

**Pages 163 and 238 impact on fish habitat**



Photograph 4. Completed channel connection at the eastern extent of the pond habitat located east of 272 Street (September 20, 2005).



Photograph 2. Looking north at bio-filtration channel, pre-planting (June 12, 2007).

If golf course development is required and is pursued, habitat requirements will have been partially achieved through development of wetted habitat in conjunction with the “interim” detention facility on the east side of 272nd Street, south of 56th Avenue. Designation of protected habitat area, as generally depicted in the Envirowest Drawing No. 467-02-12 Rev. 05, copy attached) will fulfill the commitment associated with the golf course.

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Gloucester will advise you of the outcome of their application to amend the OCP with respect to the golf course. In either case, DFO will be involved with respect to delineation of the habitat boundary and authorization of works affecting fish habitat.

Please call me should you have any questions.

Yours truly,  
**ECL ENVIROWEST CONSULTANTS LIMITED**



I request that you rescind the by-law and refer all development applications to the relevant senior governments.

Lynn Perrin BGS MPP Chairperson West Creek Awareness Group

**From:** Ministerial Correspondence Unit / Unité de la correspondance ministérielle (DFO/MPO)  
**Sent:** Monday, May 8, 2023 12:05 PM  
**To:** PAC PRMCU / URPCM PAC (DFO/MPO)  
**Cc:** Rektor, Hannah  
**Subject:** 2023-001-00644 Perrin to PAC for Signature by May 10 Please  
**Attachments:** MEETS-#4317187-v4-Draft\_Reply\_2023-001-00644.DOCX; MEETS-#4316720-v2-Main\_Docs\_2023-001-00644.PDF

Good afternoon,

The attached correspondence has been approved by the Deputy Minister's office, and is ready to be printed on letterhead for the Director's signature and sent out to the correspondent via email.

The letter must be extracted from the Draft Reply (i.e., approvals forms removed), and placed on letterhead **before** the signature is applied.

**Please provide me with a copy of the outgoing email with the scanned copy of the signed\* and date-stamped letter attached** (date-stamp should be placed above the recipient's name at top left-hand side of the letter) by **May 10, 2023**.

\*Please note: If the letter is to be signed electronically, you can find electronic letterhead and instructions for using it [here](#).

Thank you,

Hannah Rektor  
(she/her | elle)

Writer/Editor | Rédactrice-Révisure  
Ministerial Correspondence Unit | Unité de la correspondance ministérielle  
Fisheries and Oceans Canada | Pêches et Océans Canada  
[Hannah.Rektor@dfo-mpo.gc.ca](mailto:Hannah.Rektor@dfo-mpo.gc.ca)

## Ministerial Correspondence / Correspondance ministérielle Approval Form / Formulaire d'approbation

MCCU DOCKET # / N° DU DOSSIER UCCM : 2023-001-00644	MCCU CONTACT / RESPONSABLE À L'UCCM : HANNAH REKTOR TL : JS
REPLY BY DEPARTMENT/ RÉPONSE DU MINISTÈRE	

### DATE AND DEADLINES / DATE ET ÉCHÉANCE

DUE DATE TO MINO / ÉCHÉANCE AU CM : (mm-dd-yyyy / mm-jj-aaaa)	05-05/2023	DATE RECEIVED IN MCCU / DATE DE RÉCEPTION À L'UCCM : (mm-dd-yyyy / mm-jj-aaaa)	04-17/2023
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### COMMENTS / APPROACH – COMMENTAIRES / APPROCHE

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### APPROVALS / APPROBATIONS

Level / Niveau	Name, Title and Sector / Nom, titre et secteur	Date Due to Lead / Échéance à la direction responsable	Date Approved / Date d'approbation	Action
	Vance Mercer Acting Section Head, Regional Coordination, Fish and Fish Habitat Protection Program Ecosystems Management		March 31, 2023	approved
	David Carter Manager, Regulatory Coordination, Fish and Fish Habitat Protection Program Ecosystems Management		March 31, 2023	Approved, with edits
Director	Brad Fanos Director, Fish and Fish Habitat Protection Program Ecosystems Management		April 4, 2023	approved
Area Chief	Matthew Jollymore A/Area Chief, Conservation & Protection, Lower Fraser Area		April 6, 2023	approved
Regional Director	Neil Jensen for Nicole Gallant Regional Director, Conservation & Protection		April 6, 2023	approved
Regional Director General / Directeur(trice) général régional(e)	Tracey Sandgathe Regional Director, Ecosystem Management		April 13, 2023	Approved with edits
DG Regional Director / Directeur(trice) régional(e)	Jody Proctor, Acting Associate Regional Director General Pacific Region		April 13, 2023	Approved

### OTHER CONSULTATIONS / AUTRES CONSULTATIONS

INFO COPIES TO / COPIES POUR INFORMATION À (Office, Branch, Date / Bureau, direction, date)	DEVELOPED WITH SME(S) OR OTHER STAKEHOLDER(S) / ÉLABORÉ AVEC EXPERT(S) EN LA MATIÈRE OU AUTRE(S) INTERVENANT(S) (Name, Title, Branch, Date / Nom, titre, direction, date)
•	• Candace McGuire/Michelle Rainer, Manager, Ministerial Correspondence, Pacific Region
OGD / AMG - (Name, Title, Branch, Date / Nom, titre, direction, date)	
•	

### FOR MCCU USE / RÉSERVÉ À L'UCCM

b.c.c. / Cci – (Name, Department / Nom, ministère)	c.c. – (Name, email address / contact info / Nom, courriel, coordonnées)
• Mr. Vance Mercer, DFO : Vance.Mercer@dfo-mpo.gc.ca	•
ATTACHMENTS TO RESPONSE / PIÈCES JOINTES À LA RÉPONSE	
•	

Field Code Changed

Ms. Lynn Perrin  
Chairperson  
West Creek Awareness Group  
< [lperrinf@gmail.com](mailto:lperrinf@gmail.com) >

Dear Ms. Perrin:

Thank you for your correspondence of March 23, 2023, addressed to the Honourable Joyce Murray, Minister of Fisheries, Oceans and the Canadian Coast Guard, regarding concerns about unauthorized works near 48<sup>th</sup> Avenue west of 275<sup>th</sup> Street in the Township of Langley. I have been asked to respond on the Minister's behalf.

The conservation and protection of Canada's fisheries, oceans, and freshwater resources is a top priority for Fisheries and Oceans Canada (DFO). The Department appreciates your efforts to contact us with your concerns.

DFO's [Fish and Fish Habitat Protection Program \(FFHPP\)](#) is responsible for reviewing proposed development projects situated in and around fish and fish habitat, while ensuring compliance with relevant provisions of the *Fisheries Act* and the *Species at Risk Act*. The Department's [projects near water](#) webpage provides information for proponents planning works in or around water that should be reviewed by FFHPP. DFO's Conservation and Protection Program (C&P) is responsible for the receipt, investigation, and enforcement response to reports of damage to fish habitat, death of fish, and deposits of sediment into fish habitat.

In 2017, the Department received several complaints regarding the works near 48<sup>th</sup> Avenue west of 275<sup>th</sup> Street. These works involved the relocation of a stormwater pipe and were assessed by FFHPP biologists under the serious harm provisions of the *Fisheries Act* as it existed at the time. The site assessments determined that the stormwater pipe still functioned to provide nutrients and flows to downstream, fish-bearing habitat within West Creek and that no serious harm had occurred. As such, the file was closed.

In the Altherr & Schellenberg Cattle Co. Ltd. case that you refer to in your letter, serious harm was determined to have occurred. As such, a C&P investigation was launched and the company was ultimately charged, and convicted, under the *Fisheries Act*.

.../2

- 2 -

The modernized Fisheries Act became law in 2019. It introduced new tools to restore protections for fish and fish habitat, rebuild fish populations, enhance marine protection, preserve independent inshore fisheries, and strengthen Indigenous roles in project reviews, monitoring, and policy development. These tools and protections apply to new works and activities, and to existing facilities or structures that may impact fish and fish habitat, such as those barring fish access to watercourses and floodplain habitats.

DFO encourages members of the public who observe what they believe is a violation, including possible impacts to fish or fish habitat, to contact DFO's "Observe, Record, Report" (ORR) line, available 24-hours a day, at 1-800-465-4336, or at < [DFO.ORR-ONS.MPO@dfo-mpo.gc.ca](mailto:DFO.ORR-ONS.MPO@dfo-mpo.gc.ca) >. Reports made to the ORR line are forwarded directly to fishery officers. Even when an immediate response is not warranted or possible, these reports assist fishery officers in planning future patrols. More information is available on DFO's [report a fisheries violation](#) webpage.

Thank you for writing.

Yours sincerely,

Brad Fanos  
Director Fish and Fish Habitat Program  
Fisheries and Oceans Canada  
Pacific Region

**From:** MCU Analysts / Analystes UCM (DFO/MPO)  
**Sent:** Monday, May 15, 2023 3:10 PM  
**To:** Rektor, Hannah  
**Subject:** Additional Incoming 2023-001-00644  
**Attachments:** MECTS-#4316720-v4-Main\_Docs\_2023-001-00644.PDF

Hi Hannah,

I've added an additional incoming to the main docs of 2023-001-00644. The docket is closed, response sent May 10<sup>th</sup>.

Thank-you,

Erika Stanley (she/her | elle)

**Ministerial Correspondence Unit | Unité de la correspondance ministérielle**

Fisheries and Oceans Canada | Pêches et Océans Canada

200 Kent Street Ottawa ON K1A 0E6

[DFO.MCUAnalysts-AnalystesUCM.MPO@dfo-mpo.gc.ca](mailto:DFO.MCUAnalysts-AnalystesUCM.MPO@dfo-mpo.gc.ca)



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

Canada

2023-001-00644

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**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Thursday, March 23, 2023 1:53 AM  
**To:** Minister / Ministre (DFO/MPO); Mercer, Vance; LWRS.minister@gov.bc.ca;  
Jack.Garnier@gov.bc.ca  
**Subject:** Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction  
by Township of Langley

<https://www.vancouverisawesome.com/bc-news/bc-rancher-fined-960000-for-fish-habitat-destruction-6740867>

Excerpts:

Altherr & Schellenberg Cattle Co. Ltd. (A&S) was also ordered in Williams Lake provincial court to post a \$1.25-million bond and in trust for salmon stream remediation.....

Specifically, Tsilhqot'in Nation spokesperson Scott Thompson told Glacier Media A&S entered pleas to four amended "rolled-up" **counts under the federal Fisheries Act and the provincial Forest and Range Practices Act and the Water Sustainability Act, for various unauthorized works** on both private and Crown land at or near the Kleena Kleene river, between 2019 and 2021.

Those charges are:

- riparian and instream habitat destruction, including riparian clearing and infilling of side channels and tributary habitat;
- placement of rock structures (riprap wall and rock groynes) at or within the Klinaklini River mainstem;
- unauthorized works and habitat destruction and clearing on Crown land; and,
- unauthorized diversion structure and sprinkler system on Crown land.

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In 2017 unauthorized works - 100 meters of West Creek under 48th Avenue west of 275 Street took place when Township of Langley knew the permits had expired in 2015 according to the recent TOL report presented to TOL Council Mar. 13, 2023.

No charges have ever been made against the Township of Langley in spite of complaints made to DFO and BC MELP. . Why is this different than the Altherr & Schellenberg Cattle Co case?

Lynn Perrin Chairperson West Creek Awareness Group

s.26

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**From:** [REDACTED]@hotmail.com>  
**Sent:** Thursday, March 23, 2023 1:55 AM  
**To:** Lynn Perrin; Minister / Ministre (DFO/MPO); Mercer, Vance; LWRS.minister@gov.bc.ca; Jack.Garnier@gov.bc.ca  
**Subject:** Re: Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction by Township of Langley

Oh wow!! What is going to happen? Will charges be recommended? Are there plans for petitions or anything like that?

Get [Outlook for Android](#)

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**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Wednesday, March 22, 2023 10:52:52 PM  
**To:** Dfo <Min@dfo-mpo.gc.ca>; Mercer, Vance <Vance.Mercer@dfo-mpo.gc.ca>; LWRS.minister@gov.bc.ca <LWRS.minister@gov.bc.ca>; Jack.Garnier@gov.bc.ca <Jack.Garnier@gov.bc.ca>  
**Subject:** Inquiry re B.C. rancher fined \$960,000 for fish habitat destruction vs habitat destruction by Township of Langley

<https://www.vancouverisawesome.com/bc-news/bc-rancher-fined-960000-for-fish-habitat-destruction-6740867>

Excerpts:

Altherr & Schellenberg Cattle Co. Ltd. (A&S) was also ordered in Williams Lake provincial court to post a \$1.25-million bond and in trust for salmon stream remediation.....

Specifically, Tsilhqot'in Nation spokesperson Scott Thompson told Glacier Media A&S entered pleas to four amended "rolled-up" counts under the federal Fisheries Act and the provincial Forest and Range Practices Act and the Water Sustainability Act, for various unauthorized works on both private and Crown land at or near the Kleena Kleene river, between 2019 and 2021.

Those charges are:

- riparian and instream habitat destruction, including riparian clearing and infilling of side channels and tributary habitat;
- placement of rock structures (riprap wall and rock groynes) at or within the Klinaklini River mainstem;
- unauthorized works and habitat destruction and clearing on Crown land; and,
- unauthorized diversion structure and sprinkler system on Crown land.

---

In 2017 unauthorized works - 100 meters of West Creek under 48th Avenue west of 275 Street took place when Township of Langley knew the permits had expired in 2015 according to the recent TOL report presented to TOL Council Mar. 13, 2023.

No charges have ever been made against the Township of Langley in spite of complaints made to DFO and BC MELP. . Why is this different than the Altherr & Schellenberg Cattle Co case?

Lynn Perrin Chairperson West Creek Awareness Group



Fisheries and Oceans Canada    Pêches et Océans  
Canada

Fish and Fish Habitat  
Protection Program  
Ecosystems Management Branch  
Pacific Region  
200 – 401 Burrard Street  
Vancouver, BC  
V6C 3S4

Programme de protection du poisson  
et de son habitat  
Gestion des écosystèmes  
Région du Pacifique  
Pièce 200 – 401 rue Burrard  
Vancouver (C.-B.)  
V6C 3S4

May 8, 2023

Ms. Lynn Perrin  
Chairperson  
West Creek Awareness Group  
< [lperrinf@gmail.com](mailto:lperrinf@gmail.com) >

Dear Ms. Perrin:

Thank you for your correspondence of March 23, 2023, addressed to the Honourable Joyce Murray, Minister of Fisheries, Oceans and the Canadian Coast Guard, regarding concerns about unauthorized works near 48<sup>th</sup> Avenue west of 275<sup>th</sup> Street in the Township of Langley. I have been asked to respond on the Minister's behalf.

The conservation and protection of Canada's fisheries, oceans, and freshwater resources is a top priority for Fisheries and Oceans Canada (DFO). The Department appreciates your efforts to contact us with your concerns.

DFO's [Fish and Fish Habitat Protection Program \(FFHPP\)](#) is responsible for reviewing proposed development projects situated in and around fish and fish habitat, while ensuring compliance with relevant provisions of the *Fisheries Act* and the *Species at Risk Act*. The Department's [projects near water](#) webpage provides information for proponents planning works in or around water that should be reviewed by FFHPP. DFO's Conservation and Protection Program (C&P) is responsible for the receipt, investigation, and enforcement response to reports of damage to fish habitat, death of fish, and deposits of sediment into fish habitat.

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In the Altherr & Schellenberg Cattle Co. Ltd. case that you refer to in your letter, serious harm was determined to have occurred. As such, a C&P investigation was launched and the company was ultimately charged, and convicted, under the *Fisheries Act*.

The modernized Fisheries Act became law in 2019. It introduced new tools to restore protections for fish and fish habitat, rebuild fish populations, enhance marine protection, preserve independent inshore fisheries, and strengthen Indigenous roles in project reviews, monitoring, and policy development. These tools and protections apply to new works and activities, and to existing facilities or structures that may impact fish and fish habitat, such as those barring fish access to watercourses and floodplain habitats.

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Thank you for writing.

Yours sincerely,

**Fanos**  
**, Brad**

Digitally signed  
by Fanos, Brad  
Date:  
2023.05.08  
16:29:23 -07'00'

Brad Fanos  
Director, Fish and Fish Habitat Protection Program  
Ecosystems Management Branch  
Pacific Region  
Fisheries and Oceans Canada

## Minister / Ministre (DFO/MPO)

---

**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Wednesday, May 10, 2023 3:46 PM  
**To:** Fanos, Brad  
**Cc:** Minister / Ministre (DFO/MPO)  
**Subject:** Fwd: DFO Response - Unauthorized Works in Langley  
**Attachments:** DFO Response - Unauthorized Works in Langley.pdf; MECTS-#4316720-v2-Main\_Docs\_2023-001-00644.PDF; DFO 2000 permit compensatory requirements map.pdf

Thank you for your response. However, it does not address our legitimate concerns and the fiduciary duty of DFO to enforce the Fisheries Act **fish habitat means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas; (habitat)**

There are only 90 acres left of the once designated 128 acre COMPENSATORY HABITAT

There are two proposals before Langley Township Council which are in the headwaters of west Creek which encompass the COMPENSATORY HABITAT:

1. Project #14-05-0105 Location: 5500 Block of 268 Street through 276 Street
2. Project #14-08-0055 Location: 27500 block of 60Ave.

Please see attached screenshots of #99-HPAC-PA-000-002171 and MELP

File #A20048801 require that Compensatory lands "shall consist of a number of features" (Clause 23 p 7) and are to "function as intended" (Clause 16 p 98) and "left undisturbed in perpetuity" (Clause 17 p 98)

<https://westcreekawareness.files.wordpress.com/2022/10/a-2017-01193-dq-final-1.pdf>

We demand that the West Creek headwaters wetland Compensatory Habitat per #99-HPAC-PA-000-002171 remain undisturbed in perpetuity.

Lynn Perrin Chairperson, West Creek Awareness Group

----- Forwarded message -----

**From:** Fanos, Brad <Brad.Fanos@dfo-mpo.gc.ca>  
**Date:** Wed, 10 May 2023 at 11:08  
**Subject:** DFO Response - Unauthorized Works in Langley  
**To:** [lperrinf@gmail.com](mailto:lperrinf@gmail.com) <[lperrinf@gmail.com](mailto:lperrinf@gmail.com)>

Good morning Ms. Perrin,

Thank you for your correspondence of March 23, 2023, addressed to the Honourable Joyce Murray, Minister of Fisheries, Oceans and the Canadian Coast Guard, regarding concerns about unauthorized works near 48<sup>th</sup> Avenue west of 275<sup>th</sup> Street in the Township of Langley. I have been asked to respond on the Minister's behalf.



**From:** Ministerial Correspondence Unit / Unité de la correspondance ministérielle (DFO/MPO)  
**Sent:** Monday, May 15, 2023 3:25 PM  
**To:** PAC PRMCU / URPCM PAC (DFO/MPO)  
**Cc:** Rektor, Hannah  
**Subject:** Additional Incoming- 2023-001-00644 Perrin  
**Attachments:** MECTS-#4316720-v4-Main\_Docs\_2023-001-00644.PDF

Good afternoon,

MCU has received additional incoming which has been added to the Main Docs, from Ms. Perrin on May 10, 2023. The docket is closed, response sent May 10, 2023.

Could you please provide a recommendation on how to proceed with this new correspondence?

Please let me know if you have any questions or concerns.

Thank you,

Hannah Rektor  
(she/her | elle)

Writer/Editor | Rédactrice-Révisure  
Ministerial Correspondence Unit | Unité de la correspondance ministérielle  
Fisheries and Oceans Canada | Pêches et Océans Canada  
[Hannah.Rektor@dfo-mpo.gc.ca](mailto:Hannah.Rektor@dfo-mpo.gc.ca)

**From:** Ko, Christina on behalf of Fanos, Brad  
**Sent:** Wednesday, May 10, 2023 2:09 PM  
**To:** 'lperrinf@gmail.com'  
**Subject:** DFO Response - Unauthorized Works in Langley  
**Attachments:** DFO Response - Unauthorized Works in Langley.pdf; MECTS-#4316720-v2-Main\_Docs\_2023-001-00644.PDF

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Thank you for writing.

Regards,

**Brad Fanos**

*Director, Fish and Fish Habitat Protection Program*

*Directeur Programme de protection du poisson et de son habitat*

*Ecosystems Management Branch /*

*Direction de la gestion des écosystèmes*

*[Brad.Fanos@dfo-mpo.gc.ca](mailto:Brad.Fanos@dfo-mpo.gc.ca) / Cellular: 604-789-3201*



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada



Fisheries and Oceans Canada    Pêches et Océans  
Canada

Fish and Fish Habitat  
Protection Program  
Ecosystems Management Branch  
Pacific Region  
200 – 401 Burrard Street  
Vancouver, BC  
V6C 3S4

Programme de protection du poisson  
et de son habitat  
Gestion des écosystèmes  
Région du Pacifique  
Pièce 200 – 401 rue Burrard  
Vancouver (C.-B.)  
V6C 3S4

May 8, 2023

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Chairperson  
West Creek Awareness Group  
< [lperrinf@gmail.com](mailto:lperrinf@gmail.com) >

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Thank you for writing.

Yours sincerely,

**Fanos**  
**, Brad**

Digitally signed  
by Fanos, Brad  
Date:  
2023.05.08  
16:29:23 -07'00'

Brad Fanos  
Director, Fish and Fish Habitat Protection Program  
Ecosystems Management Branch  
Pacific Region  
Fisheries and Oceans Canada

**From:** Rektor, Hannah  
**Sent:** Tuesday, May 16, 2023 9:27 AM  
**To:** MCU Analysts / Analystes UCM (DFO/MPO)  
**Subject:** FW: Additional Incoming- 2023-001-00644 Perrin

Hi Analysts,

I have reached out to PAC, regarding this additional incoming and they recommend closing without a response. They note that the response addresses the correspondent's concerns and provides specific instructions for any future concerns.

Please let me know if you have any concerns.

Thanks,

Hannah Rektor  
(she/her | elle)

Writer/Editor | Rédactrice-Révisure  
Ministerial Correspondence Unit | Unité de la correspondance ministérielle  
Fisheries and Oceans Canada | Pêches et Océans Canada  
[Hannah.Rektor@dfo-mpo.gc.ca](mailto:Hannah.Rektor@dfo-mpo.gc.ca)

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**From:** PAC PRMCU / URPCM PAC (DFO/MPO) <[DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca](mailto:DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca)>  
**Sent:** Monday, May 15, 2023 5:01 PM  
**To:** Ministerial Correspondence Unit / Unité de la correspondance ministérielle (DFO/MPO)  
<[DFO.MinisterialCorrespondenceUnit-Unitedelacorrespondancemi.MPO@dfo-mpo.gc.ca](mailto:DFO.MinisterialCorrespondenceUnit-Unitedelacorrespondancemi.MPO@dfo-mpo.gc.ca)>  
**Subject:** RE: Additional Incoming- 2023-001-00644 Perrin

Hi Hannah: I think Brad's response addresses the writer's specific concerns as outlined in the March letter and provides specific instructions as to how to direct future concerns re potential HADDs (to the ORR line).

I recommend closing without response.

-Candace.

---

**From:** Ministerial Correspondence Unit / Unité de la correspondance ministérielle (DFO/MPO)  
<[DFO.MinisterialCorrespondenceUnit-Unitedelacorrespondancemi.MPO@dfo-mpo.gc.ca](mailto:DFO.MinisterialCorrespondenceUnit-Unitedelacorrespondancemi.MPO@dfo-mpo.gc.ca)>  
**Sent:** Monday, May 15, 2023 12:25 PM  
**To:** PAC PRMCU / URPCM PAC (DFO/MPO) <[DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca](mailto:DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca)>  
**Cc:** Rektor, Hannah <[Hannah.Rektor@dfo-mpo.gc.ca](mailto:Hannah.Rektor@dfo-mpo.gc.ca)>  
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Hannah Rektor  
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Writer/Editor | Rédactrice-Révisure  
Ministerial Correspondence Unit | Unité de la correspondance ministérielle  
Fisheries and Oceans Canada | Pêches et Océans Canada  
[Hannah.Rektor@dfo-mpo.gc.ca](mailto:Hannah.Rektor@dfo-mpo.gc.ca)

## Ministerial Correspondence / Correspondance ministérielle Approval Form / Formulaire d'approbation

MCCU DOCKET # / N° DU DOSSIER UCCM : 2023-001-00644	MCCU CONTACT / RESPONSABLE À L'UCCM : HANNAH REKTOR TL : JS
REPLY BY DEPARTMENT/ RÉPONSE DU MINISTÈRE	

### DATE AND DEADLINES / DATE ET ÉCHÉANCE

DUE DATE TO MINO / ÉCHÉANCE AU CM : (mm-dd-yyyy / mm-jj-aaaa)	05-05/2023	DATE RECEIVED IN MCCU / DATE DE RÉCEPTION À L'UCCM : (mm-dd-yyyy / mm-jj-aaaa)	04-17/2023
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### COMMENTS / APPROACH – COMMENTAIRES / APPROCHE

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### APPROVALS / APPROBATIONS

Level / Niveau	Name, Title and Sector / Nom, titre et secteur	Date Due to Lead / Échéance à la direction responsable	Date Approved / Date d'approbation	Action
	Vance Mercer Acting Section Head, Regional Coordination, Fish and Fish Habitat Protection Program Ecosystems Management		March 31, 2023	approved
	David Carter Manager, Regulatory Coordination, Fish and Fish Habitat Protection Program Ecosystems Management		March 31, 2023	Approved, with edits
Director	Brad Fanos Director, Fish and Fish Habitat Protection Program Ecosystems Management		April 4, 2023	approved
Area Chief	Matthew Jollymore A/Area Chief, Conservation & Protection, Lower Fraser Area		April 6, 2023	approved
Regional Director	Neil Jensen for Nicole Gallant Regional Director, Conservation & Protection		April 6, 2023	approved
Regional Director General / Directeur(trice) général régional(e)	Tracey Sandgathe Regional Director, Ecosystem Management		April 13, 2023	Approved with edits
DG Regional Director / Directeur(trice) régional(e)	Jody Proctor, Acting Associate Regional Director General Pacific Region		April 13, 2023	Approved

### OTHER CONSULTATIONS / AUTRES CONSULTATIONS

INFO COPIES TO / COPIES POUR INFORMATION À (Office, Branch, Date / Bureau, direction, date)	DEVELOPED WITH SME(S) OR OTHER STAKEHOLDER(S) / ÉLABORÉ AVEC EXPERT(S) EN LA MATIÈRE OU AUTRE(S) INTERVENANT(S) (Name, Title, Branch, Date / Nom, titre, direction, date)
•	• Candace McGuire/Michelle Rainer, Manager, Ministerial Correspondence, Pacific Region
OGD / AMG - (Name, Title, Branch, Date / Nom, titre, direction, date)	
•	

### FOR MCCU USE / RÉSERVÉ À L'UCCM

b.c.c. / Cci – (Name, Department / Nom, ministère)	c.c. – (Name, email address / contact info / Nom, courriel, coordonnées)
• Mr. Vance Mercer, DFO : Vance.Mercer@dfo-mpo.gc.ca	•
ATTACHMENTS TO RESPONSE / PIÈCES JOINTES À LA RÉPONSE	
•	

Field Code Changed

Ms. Lynn Perrin  
Chairperson  
West Creek Awareness Group  
< [lperrinf@gmail.com](mailto:lperrinf@gmail.com) >

Dear Ms. Perrin:

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.../2

- 2 -

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Brad Fanos  
Director Fish and Fish Habitat Program  
Fisheries and Oceans Canada  
Pacific Region



UNC  
GCCMS #: 2023-001-00644  
EKME #: N/A

To:	Director, FFHP	Date:
Title:	LYNN PERRIN, WEST CREEK AWARENESS GROUP	
From:	Neil Jensen, RD, Conservation & Protection Tracey Sandgathe, RD, Ecosystems Management	April 6, 2023 April 13, 2023
Via:	Jody Proctor, A/ARDG, Pacific Region	April 13, 2023

Additional approvals:

*Please list additional ADMs and/or RDGs that are required to approve the correspondence .*

- |               |                         |
|---------------|-------------------------|
| ▪ Name, Title | Date approved or Action |
|---------------|-------------------------|

*Please list any executive approvals (ex. Legal, OGD, PCO) to approve the correspondence.*

- |                                       |             |
|---------------------------------------|-------------|
| ▪ Caroline Quinn, Chief of Staff, DMO | May 8, 2023 |
|---------------------------------------|-------------|

Intended Last Office (ILO):	Purpose of Correspondence:
<input checked="" type="checkbox"/> Director/FFHP <input type="checkbox"/> Minister	<input checked="" type="checkbox"/> Signature <input type="checkbox"/> Information <input type="checkbox"/> Decision

For Minister's Office Use:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arm	Revise	Close

Signature: \_\_\_\_\_

This correspondence was developed in consultation with the following **regions/sectors**:

- *Please list **regions/sectors** (other than your own) that were consulted internally.*
- ***Do not list** individuals, directorates, sub-units/secretariats.*

Distribution: *Please indicate **names of people** (usually ADMs or RDGs) to receive a copy following approval.*  
Info copies, CCs and BCCs

Drafting Officer: Michael Valerio, (613) 943-2464 / Director: Nancy Maguire, (613) 990-7053



Ms. Lynn Perrin  
Chairperson  
West Creek Awareness Group  
< [lperrinf@gmail.com](mailto:lperrinf@gmail.com) >

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In the Altherr & Schellenberg Cattle Co. Ltd. case that you refer to in your letter, serious harm was determined to have occurred. As such, a C&P investigation was launched and the company was ultimately charged, and convicted, under the *Fisheries Act*.

.../2

- 2 -

The modernized *Fisheries Act* became law in 2019. It introduced new tools to restore protections for fish and fish habitat, rebuild fish populations, enhance marine protection, preserve independent inshore fisheries, and strengthen Indigenous roles in project reviews, monitoring, and policy development. These tools and protections apply to new works and activities, and to existing facilities or structures that may impact fish and fish habitat, such as those barring fish access to watercourses and floodplain habitats.

DFO encourages members of the public who observe what they believe is a violation, including possible impacts to fish or fish habitat, to contact DFO's "Observe, Record, Report" (ORR) line, available 24-hours a day, at 1-800-465-4336, or at < [DFO.ORR-ONS.MPO@dfo-mpo.gc.ca](mailto:DFO.ORR-ONS.MPO@dfo-mpo.gc.ca) >. Reports made to the ORR line are forwarded directly to fishery officers. Even when an immediate response is not warranted or possible, these reports assist fishery officers in planning future patrols. More information is available on DFO's [report a fisheries violation](#) webpage.

Thank you for writing.

Yours sincerely,

Brad Fanos  
Director Fish and Fish Habitat Program  
Fisheries and Oceans Canada  
Pacific Region



UNC  
GCCMS #: 2023-001-00644  
EKME #: N/A

To: Director, FFHP

Date:

Title: LYNN PERRIN, WEST CREEK AWARENESS GROUP

From: Neil Jensen, RD, Conservation & Protection  
Tracey Sandgathe, RD, Ecosystems Management

April 6, 2023  
April 13, 2023

Via: Jody Proctor, A/ARDG, Pacific Region

April 13, 2023

Additional approvals:

*Please list additional ADMs and/or RDGs that are required to approve the correspondence.*

▪ Name, Title	Date approved or Action
---------------	-------------------------

*Please list any executive approvals (ex. Legal, OGD, PCO) to approve the correspondence.*

▪ Caroline Quinn, Chief of Staff, DMO	Date approved or Action
---------------------------------------	-------------------------

Intended Last Office (ILO):



Director/FFHP



Minister

Purpose of Correspondence:



Signature



Information



Decision

For Minister's Office Use:



Arm



Revise



Close

Signature: \_\_\_\_\_

This correspondence was developed in consultation with the following **regions/sectors**:

- Please list **regions/sectors** (other than your own) that were consulted internally.
- **Do not list** individuals, directorates, sub-units/secretariats.

Distribution:

*Please indicate **names of people** (usually ADMs or RDGs) to receive a copy following approval.*

Info copies, CCs and BCCs

Drafting Officer: Michael Valerio, (613) 943-2464 / Director: Nancy Maguire, (613) 990-7053

# Ministerial Correspondence / Correspondance ministérielle

## Approval Form / Formulaire d'approbation

MCCU DOCKET # / N° DU DOSSIER UCCM : 2023-001-00644	MCCU CONTACT / RESPONSABLE À L'UCCM : HANNAH REKTOR TL : JS
REPLY BY DEPARTMENT/ RÉPONSE DU MINISTÈRE	

### DATE AND DEADLINES / DATE ET ÉCHÉANCE

DUE DATE TO MINO / ÉCHÉANCE AU CM : (mm-dd-yyyy / mm-jj-aaaa)	05-05/2023	DATE RECEIVED IN MCCU / DATE DE RÉCEPTION À L'UCCM : (mm-dd-yyyy / mm-jj-aaaa)	04-17/2023
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### COMMENTS / APPROACH – COMMENTAIRES / APPROCHE

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### APPROVALS / APPROBATIONS

Level / Niveau	Name, Title and Sector / Nom, titre et secteur	Date Due to Lead / Échéance à la direction responsable	Date Approved / Date d'approbation	Action
	Vance Mercer Acting Section Head, Regional Coordination, Fish and Fish Habitat Protection Program Ecosystems Management		March 31, 2023	approved
	David Carter Manager, Regulatory Coordination, Fish and Fish Habitat Protection Program Ecosystems Management		March 31, 2023	Approved, with edits
Director	Brad Fanos Director, Fish and Fish Habitat Protection Program Ecosystems Management		April 4, 2023	approved
Area Chief	Matthew Jollymore A/Area Chief, Conservation & Protection, Lower Fraser Area		April 6, 2023	approved
Regional Director	Neil Jensen for Nicole Gallant Regional Director, Conservation & Protection		April 6, 2023	approved
Regional Director General / Directeur(trice) général régional(e)	Tracey Sandgathe Regional Director, Ecosystem Management		April 13, 2023	Approved with edits
DG Regional Director / Directeur(trice) régional(e)	Jody Proctor, Acting Associate Regional Director General Pacific Region		April 13, 2023	Approved

### OTHER CONSULTATIONS / AUTRES CONSULTATIONS

INFO COPIES TO / COPIES POUR INFORMATION À (Office, Branch, Date / Bureau, direction, date)	DEVELOPED WITH SME(S) OR OTHER STAKEHOLDER(S) / ÉLABORÉ AVEC EXPERT(S) EN LA MATIÈRE OU AUTRE(S) INTERVENANT(S) (Name, Title, Branch, Date / Nom, titre, direction, date)
•	• Candace McGuire/Michelle Rainer, Manager, Ministerial Correspondence, Pacific Region
OGD / AMG - (Name, Title, Branch, Date / Nom, titre, direction, date)	
•	

### FOR MCCU USE / RÉSERVÉ À L'UCCM

b.c.c. / Cci – (Name, Department / Nom, ministère)	c.c. – (Name, email address / contact info / Nom, courriel, coordonnées)
• Mr. Vance Mercer, DFO : <a href="mailto:Vance.Mercer@dfo-mpo.gc.ca">Vance.Mercer@dfo-mpo.gc.ca</a>	•
ATTACHMENTS TO RESPONSE / PIÈCES JOINTES À LA RÉPONSE	
•	

**From:** Rektor, Hannah  
**Sent:** Tuesday, May 16, 2023 9:27 AM  
**To:** PAC PRMCU / URPCM PAC (DFO/MPO)  
**Subject:** RE: Additional Incoming- 2023-001-00644 Perrin

Hi Candance,

Thanks very much for providing your recommendation on this.

Hannah Rektor  
(she/her | elle)

Writer/Editor | Rédactrice-Révisure  
Ministerial Correspondence Unit | Unité de la correspondance ministérielle  
Fisheries and Oceans Canada | Pêches et Océans Canada  
[Hannah.Rektor@dfo-mpo.gc.ca](mailto:Hannah.Rektor@dfo-mpo.gc.ca)

---

**From:** PAC PRMCU / URPCM PAC (DFO/MPO) <DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca>  
**Sent:** Monday, May 15, 2023 5:01 PM  
**To:** Ministerial Correspondence Unit / Unité de la correspondance ministérielle (DFO/MPO)  
<DFO.MinisterialCorrespondenceUnit-Unitedelacorrespondancemi.MPO@dfo-mpo.gc.ca>  
**Subject:** RE: Additional Incoming- 2023-001-00644 Perrin

Hi Hannah: I think Brad's response addresses the writer's specific concerns as outlined in the March letter and provides specific instructions as to how to direct future concerns re potential HADDs (to the ORR line).

I recommend closing without response.

-Candace.

---

**From:** Ministerial Correspondence Unit / Unité de la correspondance ministérielle (DFO/MPO)  
<[DFO.MinisterialCorrespondenceUnit-Unitedelacorrespondancemi.MPO@dfo-mpo.gc.ca](mailto:DFO.MinisterialCorrespondenceUnit-Unitedelacorrespondancemi.MPO@dfo-mpo.gc.ca)>  
**Sent:** Monday, May 15, 2023 12:25 PM  
**To:** PAC PRMCU / URPCM PAC (DFO/MPO) <[DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca](mailto:DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca)>  
**Cc:** Rektor, Hannah <[Hannah.Rektor@dfo-mpo.gc.ca](mailto:Hannah.Rektor@dfo-mpo.gc.ca)>  
**Subject:** Additional Incoming- 2023-001-00644 Perrin

Good afternoon,

MCU has received additional incoming which has been added to the Main Docs, from Ms. Perrin on May 10, 2023. The docket is closed, response sent May 10, 2023.

Could you please provide a recommendation on how to proceed with this new correspondence?

Please let me know if you have any questions or concerns.

Thank you,

Hannah Rektor

(she/her | elle)

Writer/Editor | Rédactrice-Révisure

Ministerial Correspondence Unit | Unité de la correspondance ministérielle

Fisheries and Oceans Canada | Pêches et Océans Canada

[Hannah.Rektor@dfo-mpo.gc.ca](mailto:Hannah.Rektor@dfo-mpo.gc.ca)

**From:** Proctor, Jody  
**Sent:** Thursday, April 13, 2023 1:08 PM  
**To:** PAC PRMCU / URPCM PAC (DFO/MPO)  
**Cc:** Kim, Michelle; Pringle, Sarah; Lawrie, Kirsten  
**Subject:** RE: For ARDG approval: 2023-001-00644 Perrin

Approved

Jody Proctor  
Associate Regional Director General/ Directrice général régional associée  
Pacific Region/ Région -Pacifique  
Fisheries and Oceans Canada/ Pêches et Océans Canada  
(343)542-6721

---

**From:** PAC PRMCU / URPCM PAC (DFO/MPO) <DFO.PACPRMCU-URPCMPAC.MPO@dfo-mpo.gc.ca>  
**Sent:** Thursday, April 13, 2023 1:04 PM  
**To:** Proctor, Jody <Jody.Proctor@dfo-mpo.gc.ca>  
**Cc:** Kim, Michelle <Michelle.Kim@dfo-mpo.gc.ca>; Pringle, Sarah <Sarah.Pringle@dfo-mpo.gc.ca>; Lawrie, Kirsten <Kirsten.Lawrie@dfo-mpo.gc.ca>  
**Subject:** For ARDG approval: 2023-001-00644 Perrin

Hi Jody,

We're looking for your approval of this draft response.

Please use track changes to insert any necessary edits in the attached document, and return it to PAC PRMCU.

Thanks,

***\*\*Please direct all e-mails regarding Ministerial (001) and RDG (501) correspondence to PAC PRMCU.\*\****

Michelle Rainer & Candace McGuire

Pacific Region Ministerial Correspondence Unit  
Fisheries and Oceans Canada/Government of Canada

Unité de correspondance ministérielle de la région Pacifique  
Pêches et Océans Canada/Gouvernement du Canada  
[XPACPRMCU@dfo-mpo.gc.ca](mailto:XPACPRMCU@dfo-mpo.gc.ca)

**From:** MCU Analysts / Analystes UCM (DFO/MPO) <DFO.MCUAnalysts-AnalystesUCM.MPO@dfo-mpo.gc.ca>  
**Sent:** Thursday, March 30, 2023 2:42 PM  
**To:** PAC PRMCU / URPCM PAC (DFO/MPO); DFO.F ADMO AE Correspondance / Correspondance EA SMA F.MPO; DFO.F FHM SADM Correspondance / Correspondance SMAP GPP F.MPO; EOS ADMO Correspondance / Correspondance BSMA SEO (DFO/MPO)  
**Cc:** Sauvé, Josée; Poupart, Benoît; Irving, Alexander; Valerio, Michael  
**Subject:** FOR INFO: 2023-001-00693 Re: Habitat Protection Fisheries Act / Pour info: 2023-001-00693 Re: Préoccupations liées à la Loi sur la protection de l'habitat des pêches  
**Attachments:** MECTS-#4317857-v1-Main\_Docs\_2023-001-00693.PDF

Hello,

**Attached is correspondence addressed to the Minister.** The Ministerial Correspondence Unit (MCU) has assessed that a reply from the Minister is not necessary and will not take any further action.

This INFO docket is being sent to you for **your information only**; please distribute as appropriate to others within DFO who may have an interest in the issue(s) raised in the correspondence.

**Docket No:** 2023-001-00693

**Subject:** Writing concerns regarding the enforcement of habitat protection under the Fisheries Act.

**Addressed to:** Murray, Demsky, Mercer, Fin

**Correspondent:** Perrin, Lynn

**NOTE:** If you disagree with MCU's assessment and believe that a reply is required, then please advise MCU as soon as possible at the contact information below.

Thank you,

---

Bonjour,

**Vous trouverez ci-joint la correspondance adressée à la ministre.** L'Unité de la correspondance ministérielle (UCM) a estimé qu'une réponse de la ministre n'est pas nécessaire et ne prendra aucune autre mesure.

Ce dossier INFO vous est envoyé à **des fins d'information seulement**; veuillez le distribuer, s'il y a lieu, à tout autres personnes du MPO qui pourraient avoir un intérêt dans la ou les questions soulevées dans la correspondance.

**No. de dossier:** 2023-001-00693

**Objet:** Rédaction des préoccupations concernant l'application de la protection de l'habitat en vertu de la Loi sur les pêches.

**Adressé à:** Murray, Demsky, Mercer, Fin

**Correspondant(e):** Perrin, Lynn

**REMARQUE :** Si vous n'êtes pas d'accord avec l'évaluation de l'UCM et croyez qu'une réponse est requise, veuillez en informer l'UCM dès que possible aux coordonnées ci-dessous.

Merci

Vincent Ferraro

(He/him/lui)

**Ministerial Correspondence Unit | Unité de la correspondance ministérielle**

Fisheries and Oceans Canada | Pêches et Océans Canada

200 Kent Street Ottawa ON K1A 0E6

[DFO.MCUAnalysts-AnalystesUCM.MPO@dfo-mpo.gc.ca](mailto:DFO.MCUAnalysts-AnalystesUCM.MPO@dfo-mpo.gc.ca)



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

Canada

2023-001-00693

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**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Wednesday, March 29, 2023 3:36 PM  
**To:** Minister / Ministre (DFO/MPO); Demsky, Arthur; Mercer, Vance;  
LWRS.minister@gov.bc.ca; Fin.donnelly@gov.bc.ca  
**Cc:** emily.chung@cbc.ca  
**Subject:** This will take place at Beedie development at 27500 block 60th Ave Langley if DFO  
continues to do nothing to enforce habitat protection in Fisheries Act

<https://www.cbc.ca/news/canada/british-columbia/bc-interior-watershed-water-temperature-coho-salmon-1.6794157>

"As more land is exposed, snow melts earlier, runs into the rivers and has less of an opportunity to absorb into the ground, so what we see is the summer low flows are even lower than in watersheds with extensive forest cover. Smaller streams are more susceptible to changes in air temperature,"

West Creek is fish habitat per Fisheries Act <https://laws-lois.justice.gc.ca/eng/acts/f-14/FullText.html>

**fish habitat means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply**

Video of wetland with mature trees that will be cut down [https://youtu.be/6XidEm\\_o5nY](https://youtu.be/6XidEm_o5nY)

### **Details in letter to Township of Langley and Beedie**

<https://westcreekawareness.files.wordpress.com/2022/07/cavanaugh-letter-mar-2021-riparian-area-on-274th-street.pdf>

The DFO letter attached to above acknowledged that the wild Coho are "an important contribution to the genetic diversity and overall wellbeing of salmon in B.C."

Many concerned residents fear that wild Pacific salmon will meet the same fate as Atlantic Cod.

Lynn Perrin

2023-001-00693

---

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**Sent:** Wednesday, March 29, 2023 3:36 PM  
**To:** Minister / Ministre (DFO/MPO); Demsky, Arthur; Mercer, Vance;  
LWRS.minister@gov.bc.ca; Fin.donnelly@gov.bc.ca  
**Cc:** emily.chung@cbc.ca  
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<https://www.cbc.ca/news/canada/british-columbia/bc-interior-watershed-water-temperature-coho-salmon-1.6794157>

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Lynn Perrin

## Ministerial Correspondence / Correspondance ministérielle Approval Form / Formulaire d'approbation

MCCU DOCKET # / N° DU DOSSIER UCCM : 2023-001-00644	MCCU CONTACT / RESPONSABLE À L'UCCM : HANNAH REKTOR	TL : JS
REPLY BY DEPARTMENT/ RÉPONSE DU MINISTÈRE		

### DATE AND DEADLINES / DATE ET ÉCHÉANCE

DUE DATE TO MINO / ÉCHÉANCE AU CM : (mm-dd-yyyy / mm-jj-aaaa)	05-05/2023	DATE RECEIVED IN MCCU / DATE DE RÉCEPTION À L'UCCM : (mm-dd-yyyy / mm-jj-aaaa)	04-17/2023
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### COMMENTS / APPROACH – COMMENTAIRES / APPROCHE

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### APPROVALS / APPROBATIONS

Level / Niveau	Name, Title and Sector / Nom, titre et secteur	Date Due to Lead / Échéance à la direction responsable	Date Approved / Date d'approbation	Action
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Director	Brad Fanos Director, Fish and Fish Habitat Protection Program Ecosystems Management		April 4, 2023	approved
Area Chief	Matthew Jollymore A/Area Chief, Conservation & Protection, Lower Fraser Area		April 6, 2023	approved
Regional Director	Neil Jensen for Nicole Gallant Regional Director, Conservation & Protection		April 6, 2023	approved
Regional Director General / Directeur(trice) général régional(e)	Tracey Sandgathe Regional Director, Ecosystem Management		April 13, 2023	Approved with edits
DG Regional Director / Directeur(trice) régional(e)	Jody Proctor, Acting Associate Regional Director General Pacific Region		April 13, 2023	Approved

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INFO COPIES TO / COPIES POUR INFORMATION À (Office, Branch, Date / Bureau, direction, date)	DEVELOPED WITH SME(S) OR OTHER STAKEHOLDER(S) / ÉLABORÉ AVEC EXPERT(S) EN LA MATIÈRE OU AUTRE(S) INTERVENANT(S) (Name, Title, Branch, Date / Nom, titre, direction, date)
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OGD / AMG - (Name, Title, Branch, Date / Nom, titre, direction, date)	
•	

### FOR MCCU USE / RÉSERVÉ À L'UCCM

b.c.c. / Cci – (Name, Department / Nom, ministère)	c.c. – (Name, email address / contact info / Nom, courriel, coordonnées)
• Mr. Vance Mercer, DFO : Vance.Mercer@dfo-mpo.gc.ca	•
ATTACHMENTS TO RESPONSE / PIÈCES JOINTES À LA RÉPONSE	
•	

Field Code Changed

Ms. Lynn Perrin  
Chairperson  
West Creek Awareness Group  
< [lperrinf@gmail.com](mailto:lperrinf@gmail.com) >

Dear Ms. Perrin:

Thank you for your correspondence of March 23, 2023, addressed to the Honourable Joyce Murray, Minister of Fisheries, Oceans and the Canadian Coast Guard, regarding concerns about unauthorized works near 48<sup>th</sup> Avenue west of 275<sup>th</sup> Street in the Township of Langley. I have been asked to respond on the Minister's behalf.

The conservation and protection of Canada's fisheries, oceans, and freshwater resources is a top priority for Fisheries and Oceans Canada (DFO). The Department appreciates your efforts to contact us with your concerns.

DFO's [Fish and Fish Habitat Protection Program \(FFHPP\)](#) is responsible for reviewing proposed development projects situated in and around fish and fish habitat, while ensuring compliance with relevant provisions of the *Fisheries Act* and the *Species at Risk Act*. The Department's [projects near water](#) webpage provides information for proponents planning works in or around water that should be reviewed by FFHPP. DFO's Conservation and Protection Program (C&P) is responsible for the receipt, investigation, and enforcement response to reports of damage to fish habitat, death of fish, and deposits of sediment into fish habitat.

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In the Altherr & Schellenberg Cattle Co. Ltd. case that you refer to in your letter, serious harm was determined to have occurred. As such, a C&P investigation was launched and the company was ultimately charged, and convicted, under the *Fisheries Act*.

.../2

- 2 -

The modernized Fisheries Act became law in 2019. It introduced new tools to restore protections for fish and fish habitat, rebuild fish populations, enhance marine protection, preserve independent inshore fisheries, and strengthen Indigenous roles in project reviews, monitoring, and policy development. These tools and protections apply to new works and activities, and to existing facilities or structures that may impact fish and fish habitat, such as those barring fish access to watercourses and floodplain habitats.

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Thank you for writing.

Yours sincerely,

Brad Fanos  
Director Fish and Fish Habitat Program  
Fisheries and Oceans Canada  
Pacific Region

**From:** Sauv , Jos e  
**Sent:** Tuesday, May 2, 2023 1:59 PM  
**To:** Rektor, Hannah  
**Subject:** RE: Time Sensitive Dockets

Wonderful. Thanks.

Jos e Sauv   
Team Lead  
Ministerial Correspondence Unit  
Fisheries and Oceans Canada  
343.572.1245

Chef d' quipe  
Unit  de correspondance minist rielle  
P ches et Oc ans Canada  
343.572.1245


---

**From:** Rektor, Hannah <Hannah.Rektor@dfo-mpo.gc.ca>  
**Sent:** Tuesday, May 2, 2023 1:58 PM  
**To:** Sauv , Jos e <Josee.Sauve@dfo-mpo.gc.ca>  
**Subject:** Time Sensitive Dockets

Hi Jos e,

**s.12(1) Not Personal Info**

I only have two dockets at the moment which are to be flagged as time sensitive and to be prioritized.

- 
- Green docket 00664 Perrin: The lead due is May 5. It is currently with you for analyst qc.

Thank you,

Hannah Rektor  
(she/her | elle)

Writer/Editor | R dactrice-R vis eure  
Ministerial Correspondence Unit | Unit  de la correspondance minist rielle  
Fisheries and Oceans Canada | P ches et Oc ans Canada  
[Hannah.Rektor@dfo-mpo.gc.ca](mailto:Hannah.Rektor@dfo-mpo.gc.ca)

**From:** MCU Analysts / Analystes UCM (DFO/MPO)  
**Sent:** Wednesday, March 29, 2023 2:33 PM  
**To:** Arsenault, Elizabeth  
**Cc:** DFO.F MINO Correspondence / Correspondance CMIN F.MPO; Sauvé, Josée; Poupart, Benoît; Irving, Alexander; Valerio, Michael  
**Subject:** 2023-001-00644 / Incoming Letter / Stakeholder / Perrin, Lynn / Fines for fish habitat destruction / British Columbia  
**Attachments:** MECTS-#4316720-v1-Main\_Docs\_2023-001-00644.PDF

Hello,

Attached is a copy of the incoming docket 2023-001-00644 / Perrin, Lynn / Chairperson / West Creek Awareness Group / Concerning a B.C. rancher getting fined for fish habitat destruction.

Docket Type: Reply by Department  
Docket status: Content Development

Please respond to [DFO.MCUAnalysts-AnalystesUCM.MPO@dfo-mpo.gc.ca](mailto:DFO.MCUAnalysts-AnalystesUCM.MPO@dfo-mpo.gc.ca) with any instructions.

Thank-you,

Jeanna Quattrocchi (she/her | elle)

**Ministerial Correspondence Unit | Unité de la correspondance ministérielle**

Fisheries and Oceans Canada | Pêches et Océans Canada

200 Kent Street Ottawa ON K1A 0E6

[DFO.MCUAnalysts-AnalystesUCM.MPO@dfo-mpo.gc.ca](mailto:DFO.MCUAnalysts-AnalystesUCM.MPO@dfo-mpo.gc.ca)



**From:** MCU Analysts / Analystes UCM (DFO/MPO)  
**Sent:** Thursday, March 30, 2023 2:42 PM  
**To:** PAC PRMCU / URPCM PAC (DFO/MPO); DFO.F ADMO AE Correspondance / Correspondance EA SMA F.MPO; DFO.F FHM SADM Correspondance / Correspondance SMAP GPP F.MPO; EOS ADMO Correspondance / Correspondance BSMA SEO (DFO/MPO)  
**Cc:** Sauvé, Josée; Poupart, Benoît; Irving, Alexander; Valerio, Michael  
**Subject:** FOR INFO: 2023-001-00693 Re: Habitat Protection Fisheries Act / Pour info: 2023-001-00693 Re: Préoccupations liées à la Loi sur la protection de l'habitat des pêches  
**Attachments:** MECTS-#4317857-v1-Main\_Docs\_2023-001-00693.PDF

Hello,

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This INFO docket is being sent to you for **your information only**; please distribute as appropriate to others within DFO who may have an interest in the issue(s) raised in the correspondence.

**Docket No:** 2023-001-00693

**Subject:** Writing concerns regarding the enforcement of habitat protection under the Fisheries Act.

**Addressed to:** Murray, Demsky, Mercer, Fin

**Correspondent:** Perrin, Lynn

**NOTE:** If you disagree with MCU's assessment and believe that a reply is required, then please advise MCU as soon as possible at the contact information below.

Thank you,

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Bonjour,

**Vous trouverez ci-joint la correspondance adressée à la ministre.** L'Unité de la correspondance ministérielle (UCM) a estimé qu'une réponse de la ministre n'est pas nécessaire et ne prendra aucune autre mesure.

Ce dossier INFO vous est envoyé à **des fins d'information seulement**; veuillez le distribuer, s'il y a lieu, à tout autres personnes du MPO qui pourraient avoir un intérêt dans la ou les questions soulevées dans la correspondance.

**No. de dossier:** 2023-001-00693

**Objet:** Rédaction des préoccupations concernant l'application de la protection de l'habitat en vertu de la Loi sur les pêches.

**Adressé à:** Murray, Demsky, Mercer, Fin

**Correspondant(e):** Perrin, Lynn

**REMARQUE :** Si vous n'êtes pas d'accord avec l'évaluation de l'UCM et croyez qu'une réponse est requise, veuillez en informer l'UCM dès que possible aux coordonnées ci-dessous.

Merci

Vincent Ferraro

(He/him/lui)

**Ministerial Correspondence Unit | Unité de la correspondance ministérielle**

Fisheries and Oceans Canada | Pêches et Océans Canada

200 Kent Street Ottawa ON K1A 0E6

[DFO.MCUAnalysts-AnalystesUCM.MPO@dfo-mpo.gc.ca](mailto:DFO.MCUAnalysts-AnalystesUCM.MPO@dfo-mpo.gc.ca)



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

Canada

2023-001-00693

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**From:** Lynn Perrin <lperrinf@gmail.com>  
**Sent:** Wednesday, March 29, 2023 3:36 PM  
**To:** Minister / Ministre (DFO/MPO); Demsky, Arthur; Mercer, Vance;  
LWRS.minister@gov.bc.ca; Fin.donnelly@gov.bc.ca  
**Cc:** emily.chung@cbc.ca  
**Subject:** This will take place at Beedie development at 27500 block 60th Ave Langley if DFO  
continues to do nothing to enforce habitat protection in Fisheries Act

<https://www.cbc.ca/news/canada/british-columbia/bc-interior-watershed-water-temperature-coho-salmon-1.6794157>

"As more land is exposed, snow melts earlier, runs into the rivers and has less of an opportunity to absorb into the ground, so what we see is the summer low flows are even lower than in watersheds with extensive forest cover. Smaller streams are more susceptible to changes in air temperature,"

West Creek is fish habitat per Fisheries Act <https://laws-lois.justice.gc.ca/eng/acts/f-14/FullText.html>

**fish habitat means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply**

Video of wetland with mature trees that will be cut down [https://youtu.be/6XidEm\\_o5nY](https://youtu.be/6XidEm_o5nY)

### **Details in letter to Township of Langley and Beedie**

<https://westcreekawareness.files.wordpress.com/2022/07/cavanaugh-letter-mar-2021-riparian-area-on-274th-street.pdf>

The DFO letter attached to above acknowledged that the wild Coho are "an important contribution to the genetic diversity and overall wellbeing of salmon in B.C."

Many concerned residents fear that wild Pacific salmon will meet the same fate as Atlantic Cod.

Lynn Perrin

**From:** Irving, Alexander  
**Sent:** Monday, May 8, 2023 10:40 AM  
**To:** Valerio, Michael; Poupart, Benoît; Sauvé, Josée  
**Subject:** Report on Active Dockets in MCU  
**Attachments:** Active MCU Docket May 8 2023.xlsx

Good morning,

Note that these numbers include anything that is not complete yet, as opposed to anything that is not lead complete. I've determined the team that each docket is assigned to by looking at the Assigned Writer in GCCMS; I believe that Claudia has taken on a few Team East dockets that will be showing here as Team West. Hopefully there's only a few of those and they shouldn't tip the scales much. Ben, if you know the exact number of those, we can adjust.

- As of this morning, there are 445 active dockets in MCU, 159 of which are lead complete.
- There are 212 dockets assigned to Team East, and 156 assigned to Team West.
- There are also 77 dockets assigned to the Analyst Team.

Let me know if there's anything else I can help with.

Thank you,

Zander Irving  
(He/him | il/ lui)

Acting Senior Editor, Ministerial Correspondence Unit  
Fisheries and Oceans Canada / Government of Canada  
[alexander.irving@dfo-mpo.gc.ca](mailto:alexander.irving@dfo-mpo.gc.ca)  
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pour rejoindre tous les rédacteurs d'UCM  
[dfo.mcuanalysts-analystesucm.mpo@dfo-mpo.gc.ca](mailto:dfo.mcuanalysts-analystesucm.mpo@dfo-mpo.gc.ca) to contact all MCU Analysts / pour rejoindre tous les  
analystes d'UCM

**From:** Irving, Alexander  
**Sent:** Tuesday, April 18, 2023 2:22 PM  
**To:** Valerio, Michael; MCU Analysts / Analystes UCM (DFO/MPO)  
**Subject:** Report on all currently active correspondence  
**Attachments:** All Active Correspondence April 18 2023.xlsx

Hi,

Here is a report on all currently active dockets. There are 402 in total, including INFO dockets.

FYI, Lead Due = date due to DMO and Final Due = date due to MinO.

Thank you,

Zander Irving  
(He/him | il/ lui)

Acting Senior Editor, Ministerial Correspondence Unit  
Fisheries and Oceans Canada / Government of Canada  
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[dfo.ministerialcorrespondenceunit-unitedelacorrespondancemi.mpo@dfo-mpo.gc.ca](mailto:dfo.ministerialcorrespondenceunit-unitedelacorrespondancemi.mpo@dfo-mpo.gc.ca) to contact all MCU Writers /  
pour rejoindre tous les rédacteurs d'UCM  
[dfo.mcuanalysts-analystesucm.mpo@dfo-mpo.gc.ca](mailto:dfo.mcuanalysts-analystesucm.mpo@dfo-mpo.gc.ca) to contact all MCU Analysts / pour rejoindre tous les  
analystes d'UCM

**From:** MCU Analysts / Analystes UCM (DFO/MPO)  
**Sent:** Tuesday, March 28, 2023 10:50 AM  
**To:** Irving, Alexander  
**Cc:** Sauvé, Josée; Poupart, Benoît; Valerio, Michael  
**Subject:** Sector Sweep Report March 28, 2023  
**Attachments:** Active Docket Sector Report March 28, 2023.xlsx; CCG 2023-03-28.pdf; GLF\_RDG 2023-03-28.pdf; MAR\_RDG 2023-03-28.pdf; NCR\_AE 2023-03-28.pdf; NCR\_EOS 2023-03-28.pdf; NCR\_FHM 2023-03-28.pdf; NCR\_LEGAL 2023-03-28.pdf; NCR\_PC 2023-03-28.pdf; NCR\_SP 2023-03-28.pdf; NFL\_RDG 2023-03-28.pdf; QUE\_DGR 2023-03-28.pdf; PAC\_RDG 2023-03-28.pdf; RDGO\_ARCTIC 2023-03-28.pdf

Hello,

Please find attached the Sector Sweep Report for each region as of 10:00 a.m. I will begin sending them to the regions shortly.

Thank-you,

Vincent Ferraro

(He/him/lui)

**Ministerial Correspondence Unit | Unité de la correspondance ministérielle**

Fisheries and Oceans Canada | Pêches et Océans Canada

200 Kent Street Ottawa ON K1A 0E6

[DFO.MCUAnalysts-AnalystesUCM.MPO@dfo-mpo.gc.ca](mailto:DFO.MCUAnalysts-AnalystesUCM.MPO@dfo-mpo.gc.ca)



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**Ministerial Correspondence Open 001 Docket Report for PAC\_RDG as of March 28, 2023 (10:00 a.m.)**

Assigned To	Person	Task	Author Status	Docket #	MCCU - Docket Type	Given Names	Last Name	Subject	Date added	Assigned Date	Lead Due	Assigned Writer	Days Until Due
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Assigned To	Person	Task	Author Status	Docket #	MCCU - Docket Type	Given Names	Last Name	Subject	Date added	Assigned Date	Lead Due	Assigned Writer	Days Until Due
PAC_EXE_PRCU		RPDEP	GR / AS	2023-001-00644	RPDEP	Lynn	Perrin	West Creek Awareness Group / Concerning a B.C. rancher getting fined for fish habitat destruction.	24/03/2023	24/03/2023	05/05/2023	Christopher Mckay	28

Assigned To	Person	Task	Author Status	Docket #	MCCU - Docket Type	Given Names	Last Name	Subject	Date added	Assigned Date	Lead Due	Assigned Writer	Days Until Due
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	On-Time
	At Risk of Being Late (0-5 days until due)
	Late (1-54 days overdue)
	At risk of becoming backlog (55-59 days until due)
	Backlogged (≥60 days overdue)

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Ministerial Correspondence Open 001 Docket Report for All Regions as of April 25, 2023 (10:00 a.m.)

Assigned To	Person	Task	Author Status	Docket #	MCCU - Docket Type	Given Names	Last Name	Subject	Date added	Assigned Date	Lead Due	Assigned Writer	Days Until Due

**Pages 230 to / à 233  
are withheld pursuant to section  
sont retenues en vertu de l'article**

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Assigned To	Person	Task	Author Status	Docket #	MCCU - Docket Type	Given Names	Last Name	Subject	Date added	Assigned Date	Lead Due	Assigned Writer	Days Until Due
NCR_MCU	Josée Sauvé	QC	GR / AS	2023-001-00644	RPDEP	Lynn	Perrin	West Creek Awareness Group / Concerning a B.C. rancher getting fined for fish habitat destruction.	24/03/2023	17/04/2023	05/05/2023	Hannah Rektor	-40

**Pages 235 to / à 248  
are withheld pursuant to section  
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Assigned To	Person	Task	Author Status	Docket #	MCCU - Docket Type	Given Names	Last Name	Subject	Date added	Assigned Date	Lead Due	Assigned Writer	Days Until Due



On-Time
At Risk of Being Late (0-5 days until due)
Late (1-54 days overdue)
At risk of becoming backlog (55-59 days until due)
Backlogged (≥60 days overdue)

New Year's Day	Friday, January 1, 2021	Saturday, January 1, 2022
Good Friday	Friday, April 2, 2021	Friday, April 15, 2022
Easter Monday	Monday, April 5, 2021	Monday, April 18, 2022
Victoria Day	Monday, May 24, 2021	Monday, May 23, 2022
Canada Day	Thursday, July 1, 2021	Friday, July 1, 2022
Civic Holiday	Monday, August 2, 2021	Monday, August 1, 2022
Labour Day	Thursday, September 6, 2021	Monday, September 5, 2022
Thanksgiving Day	Monday, October 11, 2021	Monday, October 10, 2022
Remembrance Day	Thursday, November 11, 2021	Friday, November 11, 2022
Christmas Day	Saturday, December 25, 2021	Sunday, December 25, 2022
Boxing Day	Sunday, December 26, 2021	Monday, December 26, 2022

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Ministerial Correspondence Open 001 Docket Report for All Regions as of March 28, 2023 (10:00 a.m.)

Assigned To	Person	Task	Author Status	Docket #	MCCU - Docket Type	Given Names	Last Name	Subject	Date added	Assigned Date	Lead Due	Assigned Writer	Days Until Due
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**Pages 252 to / à 270  
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Assigned To	Person	Task	Author Status	Docket #	MCCU - Docket Type	Given Names	Last Name	Subject	Date added	Assigned Date	Lead Due	Assigned Writer	Days Until Due
PAC_EXE_PRMCU		RPDEP	GR / AS	2023-001-00644	RPDEP	Lynn	Perrin	West Creek Awareness Group / Concerning a B.C. rancher getting fined for fish habitat destruction.	24/03/2023	24/03/2023	05/05/2023	Christopher Mckay	-40

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Assigned To	Person	Task	Author Status	Docket #	MCCU - Docket Type	Given Names	Last Name	Subject		Date added	Assigned Date	Lead Due	Assigned Writer	Days Until Due

	On-Time
	At Risk of Being Late (0-5 days until due)
	Late (1-54 days overdue)
	At risk of becoming backlog (55-59 days until due)
	Backlogged (≥60 days overdue)

New Year's Day	Friday, January 1, 2021	Saturday, January 1, 2022
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Victoria Day	Monday, May 24, 2021	Monday, May 23, 2022
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Thanksgiving Day	Monday, October 11, 2021	Monday, October 10, 2022
Remembrance Day	Thursday, November 11, 2021	Friday, November 11, 2022
Christmas Day	Saturday, December 25, 2021	Sunday, December 25, 2022
Boxing Day	Sunday, December 26, 2021	Monday, December 26, 2022

**Pages 274 to / à 287  
are withheld pursuant to section  
sont retenues en vertu de l'article**

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Docket #	Priority	Docket Type	Author Status	Last Name	Given Names	Organization	Subject	Doc Date	Date Added	Lead Due	Lead Complete	Assigned Writer	Assigned To	Task	Assigned Date
2023-001-00644		RPDEP	GR / AS	Perrin	Lynn	West Creek Awareness Group	B.C. rancher getting fined for fish habitat destruction.	23-Mar-2023	24-Mar-2023	17-May-2023	3-May-2023	Hannah Rektor	NCR_DM	APP	3-May-2023

**Pages 289 to / à 321  
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Docket #	Priority	Docket Type	Author Status	Last Name	Given Names	Organization	Subject	Doc Date	Date Added	Lead Due	Final Due	Assigned Writer	Assigned To	Task	Assigned Date
2023-001-00644		RPDEP	GR / AS	Perrin	Lynn	West Creek Awareness Group	West Creek Awareness Group / Concerning a B.C. rancher getting fined for fish habitat destruction.	23-Mar-2023	24-Mar-2023	5-May-2023	12-May-2023	Hannah Rektor	NCR_MCU	QC	17-Apr-2023

**Pages 323 to / à 329  
are withheld pursuant to section  
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Correspondence received in MCU March 22-28, 2023

Docket #	Priority	MCCU - Docket Type	Author Status	Lead	Last Name	Given Names	Position	Organization	Province	Subject	Date Added	Docket Status	Comments from Department	Incoming sent to MINO via email (provide date)	Response received from MINO	Action taken by MCU
2023-001-00644		RPDEP	GR / AS	PAC_RDG	Perrin	Lynn	Chairperson	West Creek Awareness Group	BC	West Creek Awareness Group / Concerning a B.C. rancher getting fined for fish habitat destruction.	3/24/2023	Content Development				

**Page 331**

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