



**REGULAR MEETING OF COUNCIL
Tuesday, June 13, 2017 @ 7:30 PM
George Fraser Room, Ucluelet Community Centre,
500 Matterson Drive, Ucluelet**

LATE AGENDA

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1. LATE ITEMS	
1.1. Re: Assessment Report for Proposed Reef Point Development <i>Erica Stahl, Staff Counsel - West Coast Environmental Law</i> West Coast Environmental Law Letter	3 - 5
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1.3. Re: Spring Cove Trail Letter of Support <i>Pieter Timmermans</i> Letter of Support	9



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12 June 2017

District of Ucluelet
 PO BOX 999
 Ucluelet, BC
 VoR 3A0
Sent by email

Attention: Don Schafer, Interim CAO
 Carolyn Bidwell, CFO and Interim CAO
 Mark Boysen, CAO (commencing June 19)

Dear Mr. Schafer, Ms. Bidwell, and Mr. Boysen,

Re: Assessment Report for proposed Reef Point development

We were contacted by a concerned resident of Ucluelet, who alerted us to plans by the District of Ucluelet to extend the Wild Pacific Trail (“the Trail”) through the area identified as Development Permit Area No.3 – Reef Point in the District of Ucluelet Official Community Plan 2011 (“the OCP”). We understand that an Assessment Report has been prepared for two areas within Reef Point that will be impacted by the proposed Trail extension, but that an Assessment Report for all areas in Reef Point that would be impacted by the proposed extension of the Trail has not been prepared. This resident has expressed concern that the District of Ucluelet has not confirmed whether an Assessment Report for the entire area impacted by the proposed Trail extension will be prepared by a Qualified Environmental Professional (“QEP”) prior to work being undertaken to extend the Trail, as required by the OCP.

We have reviewed the OCP and it appears that preparation of an Assessment Report is required prior to any development activity in Development Permit Area No.3 – Reef Point. The OCP identifies Reef Point as an area in which the guidelines contained in Appendix A-Riparian Areas Regulation (“the Regulation”) are applicable.¹ Under the Regulation, an Assessment Report by a QEP is required before development can be approved to proceed

¹District of Ucluelet Official Community Plan 2011, at page 94. Available online: http://ucluelet.ca/images/OCP_Bylaw_2011.pdf [“OCP”]. The OCP defines “riparian” as any area adjacent to streams, lakes, ocean and wetlands.

in Development Permit Areas where the Regulation is applicable.² While the OCP does identify certain permissible variations and exemptions from the Regulation, these do not include preparing an Assessment Report for only part of a proposed development project.³

Extending the Wild Pacific Trail falls under the definition of “development” in the OCP, as the definition includes the construction of roads and trails.⁴ In addition, the OCP expressly contemplates that the design and location of trails may need to be altered in light of an Assessment Report (while providing that the trails may in many cases occur within protected buffer zones identified in a report).⁵

We understand that a new OCP is in development but is not expected to be ready until the spring of 2018. Until a new OCP is formally declared a by-law, the current OCP is in force and works undertaken by the District must be consistent with the OCP.⁶

The OCP makes it clear that the required Assessment Reports must include at least the following elements:

- a) Evidence of the QEP’s qualifications;
- b) Ensure that proper assessment methods will be followed;
- c) Information regarding the following components: streams, fish presence, fish habitat, animal presence, riparian vegetation and other ecosystem conditions that support fish life processes, removal of hazard trees, wind throw, drip zone and rooting strength, encroachment, sediment and erosion control measures, floodplain concerns, and on-site stormwater management;
- d) Information regarding potential impacts of the proposed development, mitigation options, and design alternatives;
- e) Evidence that the development will not result in Harmful Alteration, Disruption, or Destruction (HADD) of riparian areas;
- f) Indicate that the slope stability will not be jeopardized if the area has a slope of 30% or more; and,
- g) Identifies measures that will be required to maintain the integrity of the riparian area.⁷

In light of the foregoing, we ask the District to confirm that no work will be undertaken to extend the Wild Pacific Trail in areas subject to the Regulation, including Reef Point, until an Assessment Report has been prepared for the entire area that could potentially be impacted by the proposed development.

Sincerely,

² OCP, Appendix A, s 2.1 (page73)

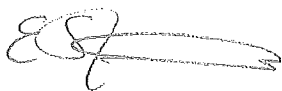
³ See OCP, Appendix A, ss 3.0 & 3.1 (pages 74-75); Appendix B (pages 94-96)

⁴ OCP, Appendix A (page77)

⁵ OCP, Appendix A (page 72)

⁶ *Local Government Act*, RSBC 2015, c 1, s 478(2).

⁷ OCP, Appendix A, s 2.1 (page 73).



Erica Stahl
Staff Counsel

c:

Mayor Dianne St Jacques

Randy Oliwa

Mayco Noel

Marilyn McEwen

Sally Mole

Len Seefried, Fisheries and Oceans Canada - Pacific Region

TO: District of Ucluelet, June 13, 2017

RE: **Spring Cove Trail**



Dear Council and staff:

The Wild Pacific Trail Society is very supportive of completing a scenic trail on Spring Cove as a tremendous opportunity to preserve a green foreshore corridor and an important connection from He-Tin-Kis Park to near Little Beach.

Benefits of a trail at Spring Cove:

- protection of a coastal green space corridor
- public access to an important historic area
- inspire stewardship and respect for the environment
- promote bird watching
- increase awareness about mudflats

TRAIL GREENSPACE PROTECTION

The proposed trail along Spring Cove would secure a green buffer zone between buildings and the shoreline of the cove. Without a trail built to the strict standards of the Wild Pacific Trail there would be no way to prevent buildings and private property owners from building right to the edge of the water, interrupting the natural edge of the cove.

Educational signage and barriers would advise the public to stay on the trail.

PUBLIC ACCESS

Spring Cove trail would create a unique opportunity for residents and visitors to enjoy this historically important cove, which has been a busy site for fishing fleets since the turn of the century and an active First Nations site for thousands of years. This trail has been a community vision since the 1990's, as promised by the first developer of this area.

PROTECTION

The Wild Pacific Trail network strives to have minimal visual and environmental impact, as outlined in our Green Trail Standards. Private land owners would not be bound to such high standards of protection.

BIRD BLIND and interpretive opportunities

Beyond the history that could be told on interpretive signs, this cove is an important area for birds, so the Trail Society would like to suggest a bird watching blind to be installed on an existing elevated overlook complete with bird species lists and stewardship messages. Interpretive signs and nature walks would include bird migration as a topic.

It is crucial to secure waterfront paths so future generations can enjoy a protected corridor. As we see in places where structures are build out on the rocks, development forever impacts the beautiful coastline, both visually and physically. We support this trail.

Sincerely, *B. Schramm*

Wild Pacific Trail Society

John Towgood

From: Pieter Timmermans <timmermans@island.net>
Sent: June-13-17 3:01 PM
To: John Towgood
Subject: Spring Cove Trail

Dear Mayor and council,

In regards to the proposed Spring Cove foreshore trail—what a great idea.
I am 100% in favour of this trail: yet another example of a wonderful asset planned for the citizens of Ucluelet.
Also I am glad to hear it will be built to the Wild Pacific Trails standards / guidelines, thereby ensuring quality results.
Future generations are benefiting from council decisions today.

Cheers,

Pieter Timmermans
Ucluelet