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| ITEM | 23 |
| MANAGER'S REPORT NO. | 44 |
| COUNCIL MEETING | 1978 06 12 |

Re: BARNET MARINE PARK - FORESHORE RECLAMATION AGREEMENT

Following is a status report from the Director of Planning on the reclamation agreement with C.P. Rail relative to the Barnet Marine Park Foreshore.

RECOMMENDATION:

1. THAT a copy of this report be sent to the Parks and Recreation Commission.

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PLANNING DEPARTMENT
1978 JUNE 07
OUR FILE: 15.142(9)

TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING
SUBJECT: BARNET MARINE PARK - FORESHORE RECLAMATION AGREEMENT

This report is submitted for Council's information on the current status of the reclamation agreement between C.P. Rail and the Corporation of Burnaby.

Prior to the issuance of a fill permit by the Vancouver Port Engineer, the Municipality was required to obtain the approval of the following agencies:

1. ENVIRONMENT CANADA

- Environmental Protection
- Habitat Protection Directorate
- Fish and Wildlife Branch (B.C. Ministry of Recreation and Conservation)

2. TRANSPORT CANADA

- Approval under Navigable Waters Protection Act. Includes Regional approval of Aids and Waterways, Coast Guard and approval of Minister of Transport
- National Harbours Board assessment and input

3. C.P. RAIL

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BARNET MARINE PARK
FORESHORE RECLAMATION AGREEMENT
1978 JUNE 07.....PAGE TWO

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|----------------------|------------|
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181

To date, all approvals have been obtained with the exception of C.P. Rail. In recognition of certain past difficulties with reclamation projects adjacent to the railway, C.P. Rail has placed stringent requirements on the measures to be incorporated in the reclamation, on the type and quality of the fill material, provision for drainage, fencing and liability for any damage resulting from the reclamation. Negotiations have been conducted on these items resulting in the preparation of a draft legal agreement which is currently being analyzed by staff.

The Municipal Solicitor has certain reservations on the wording of the agreement and on the liability which would be assumed by the Corporation. A response has been prepared outlining proposed revisions which will be forwarded to C.P. Rail.

This matter is one which must be given careful consideration, as the formal agreement must provide sufficient safeguards for the Municipality as well as for C.P. Rail.


A. L. Parr
DIRECTOR OF PLANNING

PB/ds

cc Municipal Solicitor
Municipal Engineer
Parks and Recreation
Administrator
Municipal Treasurer