

ITEM 3
MANAGER'S REPORT NO. 63
COUNCIL MEETING 90/10/15

Our File: 15.600.3

TO: MUNICIPAL MANAGER

FROM: DIRECTOR PLANNING &
BUILDING INSPECTION

SUBJECT: FRASER RIVER ESTUARY MANAGEMENT PROGRAM
DRAFT STATEMENT OF INTENT - REFINED AREA DESIGNATIONS

PURPOSE: To provide Council with information regarding the proposed refined Area Designations for the Fraser River Estuary Management Program and to obtain its endorsement of a Draft Statement of Intent documenting the Parties' understanding of these designations.

RECOMMENDATIONS:

1. THAT Council endorse the attached Draft Statement of Intent and the proposed refined Area Designations contained therein in order that the Fraser River Estuary Management Program can proceed with its public review program.
2. THAT a copy of this report be forwarded to:
 - (a) Ms Irene Frith, Chairman
North Fraser Harbour Commission
2020 Airport Road
Richmond, B.C. V7B 1C6
 - (b) Mr. James McCracken
Acting Regional Director
Lower Mainland Region
Ministry of Environment
10334 - 152A Street
Surrey, B.C. V3R 7P8
 - (c) Mr. Earle D. Anthony
Director General
Pacific and Yukon Region
Conservation and Protection
Environment Canada
3rd Floor, Capilano 100
Park Royal South
West Vancouver, B.C. V7T 1A2
 - (d) Mr. Patrick S. Chamut
Regional Director General
Fisheries and Oceans Canada
Room 400, 555 West Hastings Street
Vancouver, B.C. V6B 5G3
 - (e) Mr. Michael McPhee
Programs Coordinator
Fraser River Estuary Management Program
708 Clarkson Street
New Westminster, B.C. V3M 1E2

SUMMARY

The following report provides information on the proposal to refine the Fraser River Estuary Management Program (FREMP) Area Designations and for the key foreshore jurisdictions to enter into an agreement confirming these designations. A draft agreement called a Statement of Intent has been formulated which details a position considered acceptable to all Parties; describes measures to resolve barriers to consensus should they arise; and coordinates the administrative procedures to be implemented for the purposes of reaching respective decisions affecting the estuary.

The proposed refined Area Designations are based on a consensus position reached through consultation with those foreshore agencies which reflect the estuary's natural attributes and its suitability for human activities. In formalizing these designations through the execution of a Statement of Intent, an initial criterion will be established for determining the acceptability of proposed land and water uses within each management unit. A greater degree of certainty will result in matters affecting the estuary. Moreover, an agreed upon procedure will be in place for resolving any future conflicts or barriers to consensus in matters affecting long term planning along the river.

At this time, Council is being requested to endorse a Draft Statement of Intent documenting the consensus position of the Parties in order that the Fraser River Estuary Management Program can proceed with its public review program.

R E P O R T

1.0 BACKGROUND

The Fraser River estuary is the focal point of much biological and human activity. It provides key habitat for fish and wildlife and is a vital resting point for thousands of migratory birds. The estuary also plays an integral role in people's lives by providing protected harbours and opportunities for fishing, recreation, log storage and transportation.

In 1985 October, the Fraser River Estuary Management Program was initiated by a five-year agreement involving Environment Canada, B.C. Ministry of Environment, Fisheries and Oceans Canada, North Fraser Harbour Commission and the Fraser River Harbour Commission. The agreement provides a framework for implementing a management program embodying the following major goals:

- o to facilitate economic development opportunities
- o to maintain ambient water quality levels in the estuary that will ensure the preservation of fish and wildlife and provide for water contact recreation, where suitable
- o to maintain and, where feasible, increase the productivity of fish and wildlife habitat
- o to enhance the quality and variety of estuary sites with identified recreational attributes.

The parties to the agreement are currently taking steps to ensure its renewal beyond 1990.

The Fraser River Estuary Study developed categories of appropriate use called Area Designations which were assigned to specific reaches in the estuary. These designations, which are referenced on Figure 1 attached, represent a consensus among estuary managers on different uses for each area and were intended to provide a guide to the "best use" of the estuary consistent with the Management Program's objectives.

2.0 AREA DESIGNATION REVIEW

In 1986 November, a process was initiated under FREMP to review and subsequently adopt in a more formal manner, the area designations established in the initial study. This process involved initial consultation with staff from the Municipality and the following agencies:

- o North Fraser Harbour Commission
- o B.C. Ministry of Environment
 - Fish and Wildlife Branch, Lower Mainland Region
 - Planning and Assessment Branch
- o Fisheries and Oceans Canada
- o Environment Canada
- o Fraser River Estuary Management Program

2.1 Proposed Refined Area Designations

The area designations established in the Fraser River Estuary Study represent a consensus which was widespread and broadly based. Notwithstanding this fact, it was recognized that the area designations need to be refined in greater detail at the municipal level if they are to meet the challenge of addressing the management of multiple uses along the river and in the estuary.

The working group assembled to provide an initial review agreed that the existing designations still provide a general consensus. Consequently, it was recognized that any proposed refinements should ensure as much compatibility with these designations as circumstances permit.

It was concluded early in the review process that it would be advantageous to break the existing designations into smaller management units based on land use, habitat classifications, upland zoning or lot boundaries, water lot use and the like. It was also recognized that implementing the Management Program will require the cooperation and support of upland owners and the Municipality as well as others with estuary management responsibilities. This cooperation is considered to be particularly crucial in relation to area designation as local government is responsible for deciding on and governing the use of privately owned upland.

The boundary of the estuary is defined as land and water areas outside of existing dykes, or where none exist, the natural boundary of the river. It has been proposed that the management units within this Municipality be split into two parallel zones on either side of the natural river boundary as illustrated on the attached Figure 2.

The relationship of the Management Units to the Big Bend Development Plan is shown on the attached Figure 3.

The following definitions have been proposed for the Area Designation categories within Burnaby.

Conservation - C: Areas of habitat where the primary use is the maintenance and enhancement of continued biological productivity. Conservation areas may be used for activities which do not impair the continued biological productivity of the area.

Log Storage - L: Areas where the primary use is for log storage.

Recreation/Park - R: Areas designated for public open space and recreation.

Industry - I: Land and water designated for industries that require water-borne transportation, surface use of the water or use of submerged lands in their operation.

Upland: means the zone 50 metres landward of the surveyed natural boundary.

Foreshore: means the zone between the natural boundary and the harbour headline.

The designations within these management units have further been broken into primary use designations and qualified sub-designations to provide as much guidance as possible. An example is "Ic" which means the primary use is for industry but conservation of habitat values at the site is required and any loss of such habitat would be subject to habitat replacement or compensation. If just "I" is used, it is evident little or not habitat values exist at a site primarily available for industrial use and any loss of habitat would not be subject to replacement. Similar specifications for other area designations are likewise interpreted, through the use of notations on Schedule 1 of the Statement of Intent.

2.2 Draft Statement of Intent

The draft Statement of Intent, which is attached for Council's information, is intended to be the vehicle to implement the refined Area Designations. It will document and confirm the Parties' understanding of the Area Designations. It does not, however, usurp the municipal mandate to manage land use. In the case of this Municipality, an agreement in principle has been reached on all designations. Nonetheless, provision is made in the agreement for reviewing an Area Designation in the event it is determined in the future that a review is warranted. Measures to resolve associated barriers to consensus are detailed as are measures to coordinate the administrative procedures to be implemented for the purposes of reaching decisions affecting the estuary.

It is considered that entering into this Agreement will not only be of benefit to the Parties signatory to it, but also to the public. In refining and formalizing the Area Designations, an initial criterion will be established for determining the acceptability of proposed land and water uses within each management unit. A greater degree of certainty will therefore be afforded in matters affecting the estuary and procedures will be in place for resolving any future conflicts in matters affecting long-term planning along the river.

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3.0 PUBLIC REVIEW

Under the auspices of the Fraser River Estuary Management Program office, it is proposed to place advertisements in The News and the Burnaby Now newspapers advising of the opportunity to review and provide comment on the proposed area designations. In this regard, an area designation package would be prepared and made available through the offices of the agencies to be signatory to the Agreement. This package will include a convenient comment sheet to be returned to the FREMP office.

The FREMP office would also arrange for the information package to be forwarded directly to property owners and lessees adjacent the river.


The advertisements would make persons aware of the appropriate contacts within each agency and of the opportunity to set up appointments to review the various aspects of the proposed area designations.

Staff would further, in cooperation with the FREMP office, arrange for display panels to be placed in the Municipal Hall foyer providing information on the proposed refinements and of the opportunity to provide comment.

Once all comments have been received, they will be reviewed and a further report submitted to Council.

4.0 OTHER AGENCY REVIEW

The Programs Coordinator for the Fraser River Estuary Management Program has advised that the other agencies involved have indicated that they are prepared to sign the Statement of Intent supporting the proposed area designations, subject to the public review process and the incorporation of any agreed to amendments resulting therefrom.

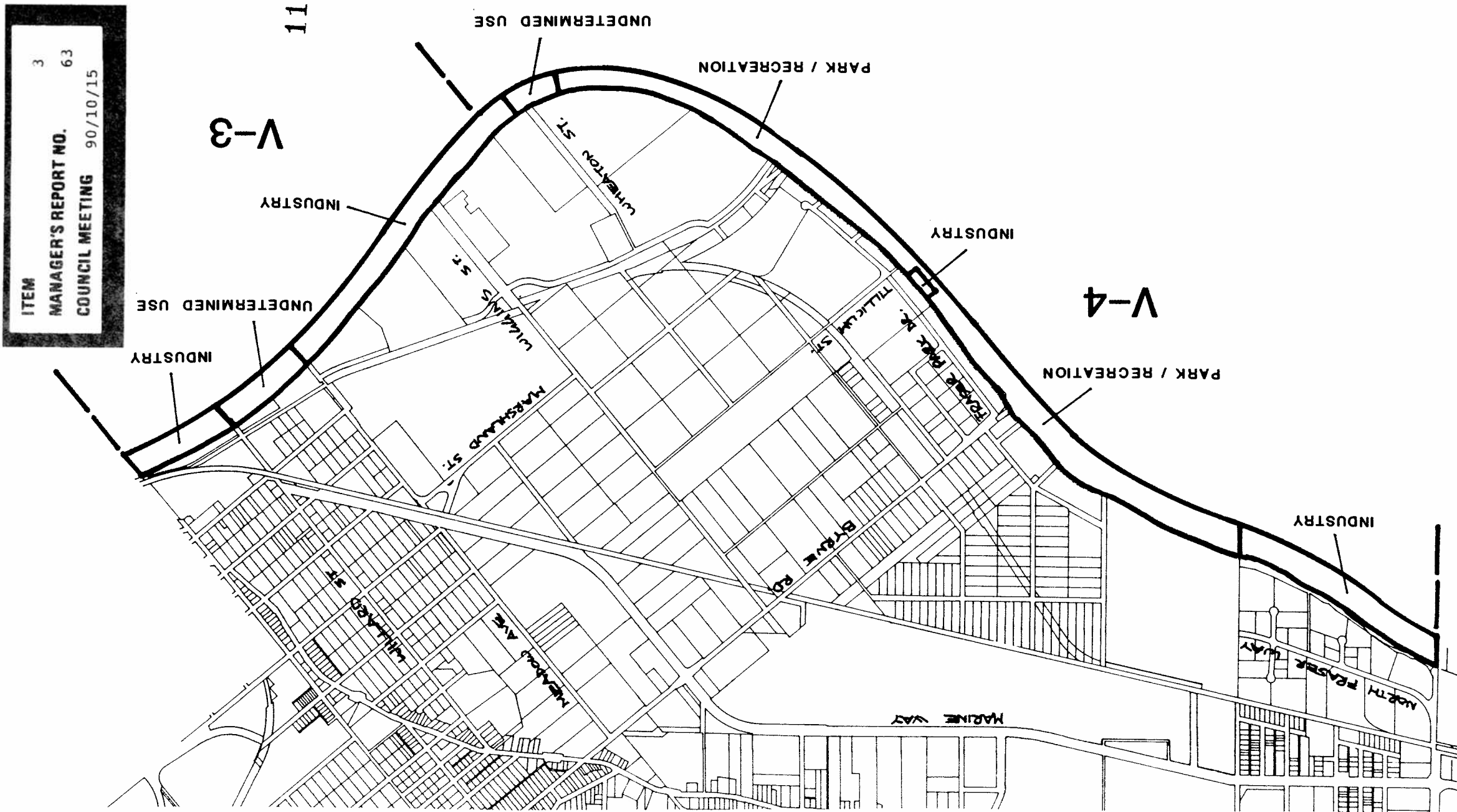

A.L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION

PB/mcb
Attachs:

cc: Director Recreation & Cultural Services
Director Engineering
Director community & Administrative Services
Chief Public Health Inspector
Municipal Solicitor

1982 Area Designations, Burnaby Big Bend
Fraser River Estuary Management Program

Figure 1
1990 Oct. 03



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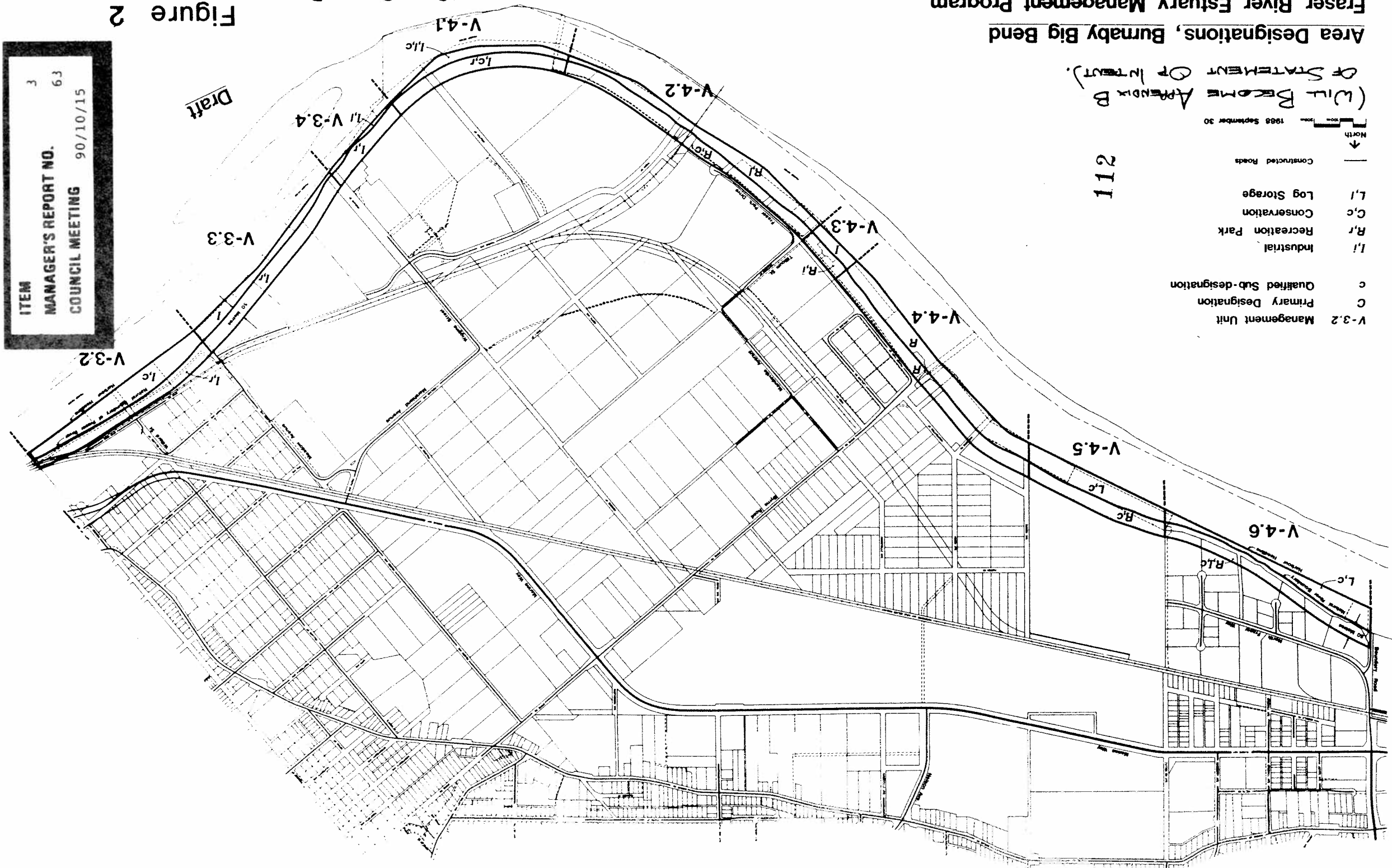
Area Designations, Burnaby Big Bend

(Will Become Appendix B OF STATEMENT OF INTENT).

1988 September 30

- V-3.2 Management Unit
- C Primary Designation
- c Qualified Sub-designation
- I/ Industrial
- R/ Recreation Park
- C/c Conservation
- L/ Log Storage
- Constructed Roads

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Draft









1990 Oct. 03

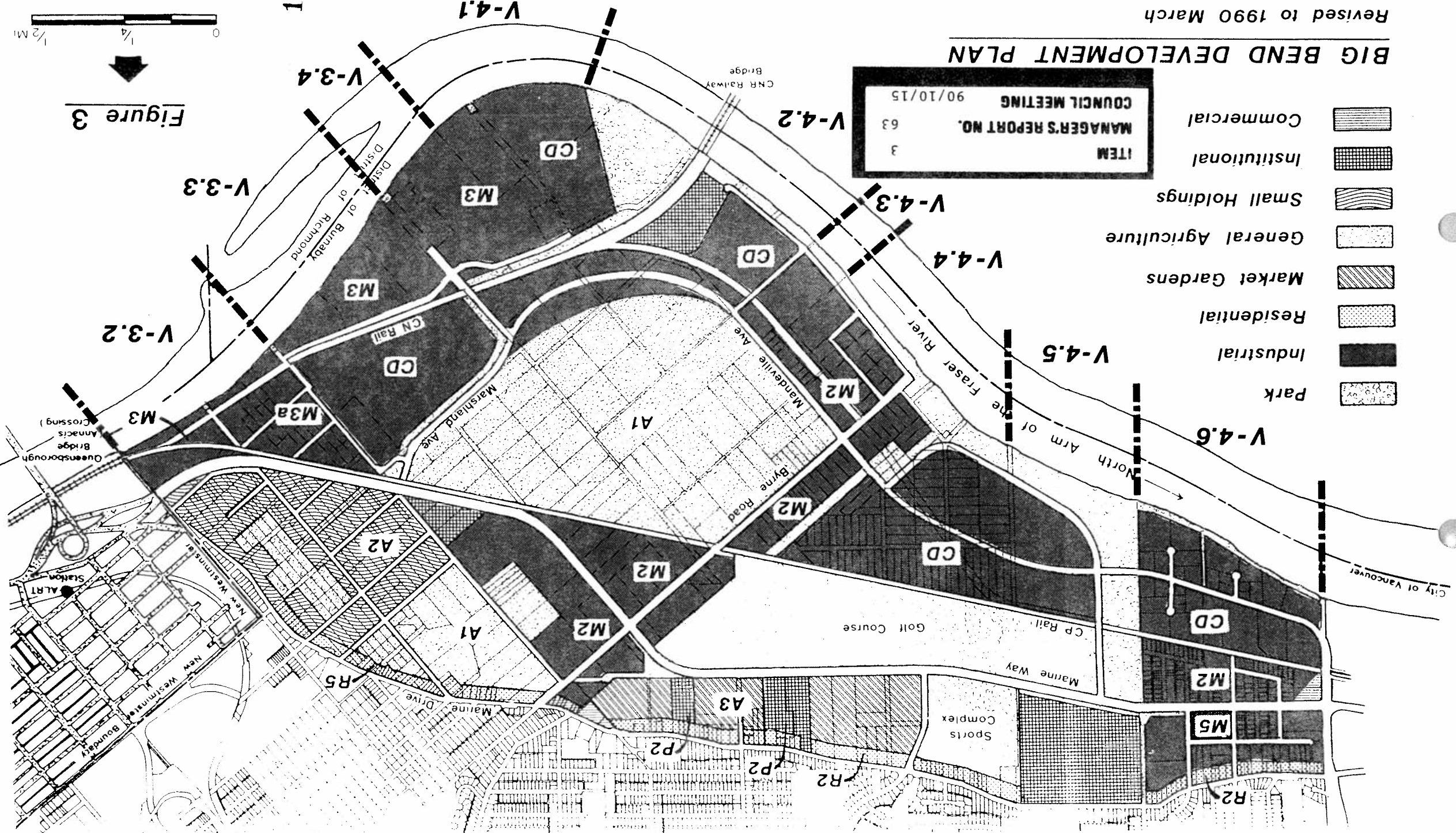
Figure 2

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BIG BEND DEVELOPMENT PLAN

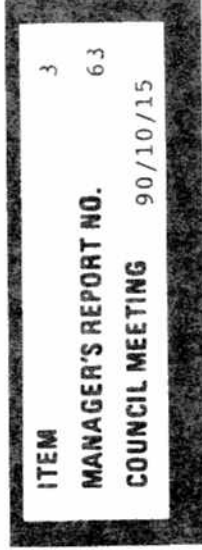
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-  Park
-  Industrial
-  Residential
-  Market Gardens
-  General Agriculture
-  Small Holdings
-  Institutional
-  Commercial



1990 Oct 03

Figure 3



DRAFT 90-10-03
(Burnaby)

STATEMENT OF INTENT

Fraser River Estuary Management Program
Area Designations

THIS STATEMENT OF INTENT, dated the _____ day of _____, 1990 pursuant to the Agreement respecting the Fraser River Estuary Management Program dated October 10, 1985, is intended to document and confirm the Parties' understanding of the Area Designations for the Fraser River Estuary by detailing those Area Designations which are acceptable to the Parties as listed in Schedule 1 of the Statement of Intent; to describe measures to resolve barriers to consensus, and to coordinate the administrative procedures to be implemented by the Parties for the purposes of reaching decisions affecting the Fraser River Estuary. The Parties acknowledge that this Statement of Intent will not be deemed to constitute a binding and enforceable contract between the Parties.

Definitions

1. a) "Parties" means those organizations listed in Section 2;
- b) "Area Designations" means categories of land or water uses as described in Appendix A of this Statement of Intent which have been assigned for specific spatial units of land or land covered by water and which are situated as shown in the maps contained in Appendix B of this Statement of Intent.
- c) "Coordinated Project Review" means the process established under the Fraser River Estuary Management Program to review proposals for project developments in the Fraser River Estuary.
- d) "Estuary" means in general, the land and water outside the boundary of the dykes and between Kanaka Creek and the outlet of Pitt Lake in the east, the estuary drop off in the west, Point Grey to the north and the International Boundary to the south, including Boundary Bay and Semiahmoo Bay, commonly known as the Fraser River Estuary.

e) "Schedules" means a document or documents attached to this Statement of Intent which list the designations of areas covered by this Agreement.

Schedule 1 may include two categories:

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- (i) those areas whose designations are agreed to by all of the Parties; and
- (ii) those designated areas which are under review by the Parties. The existing designation(s) remain in effect until unanimous agreement is reached on a revised designation.

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Parties

2. The Parties to this Statement of Intent are:
 - a) The Corporation of the District of Burnaby;
 - b) North Fraser Harbour Commission;
 - c) Ministry of Environment;
 - d) Department of Fisheries and Oceans;
 - e) Environment Canada;
3. The Parties concur with the Area Designations listed in Schedule 1 and shown on the map in Appendix B.
4. The Parties acknowledge that any one Party may request a review of an Area Designation listed in Schedule 1 according to the procedures outlined in Section 6.
5. The Parties agree that for Area Designations listed in Schedule 1
 - a) specific determination of the acceptability of proposed or existing land and water uses within each Area Designation will be made through consultation between the Parties in discharging their respective regulatory authority.
 - b) all project/development proposals located within the Estuary will be subject to the Coordinated Project Review Process established by the Fraser River Estuary Management Program.

6. a) If any one Party requests a review of a Schedule 1 Area Designation, the Party will provide the other Parties with written, advance notice of the intent and reasons for requesting such a review.
- b) Within 60 days receipt of the written notice, a meeting of all the Parties is to be convened to:
- i. discuss the reasons for requesting the review of the Schedule 1 Area Designation; and
 - ii. determine a process for resolving the issue(s).
- c) During the period for which the Schedule 1 Area Designation is under discussion, the current designation will apply until such time as unanimous agreement is reached by the Parties on the revision of the Area Designation. A notation will be made on the Area Designation map to indicate that an Area Designation is under review.
- d) When a Schedule 1 Area Designation is revised, the schedule and maps are to be revised accordingly and signed by the Parties. The amendment date is to be indicated on the revised schedule and maps.
- e) The revised documents are to be distributed to the Parties and other interests on a timely basis.
7. The Parties agree that for the Area Designations under review in Schedule 1, the measures to be taken to reach concurrence for each designation may include but need not be limited to the following:
- a) more specific determination of uses which may be permitted in an Area Designation;
 - b) additional information from Activity Programs which indicate estuary-wide needs for each sector of activity being developed under the Fraser River Estuary Management Program;
 - c) environmental and developmental guidelines and standards for various classes of activities;
 - d) site-specific environmental, social or economic studies;

e) discussions between affected individuals, the Parties or organizations aimed at achieving acceptance of an Area Designation by concession, compromise or other means; and

f) adjustment of Management Unit boundaries.

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8. As a result of efforts pursuant to Section 7 the Parties agree to amend Schedule 1 on a timely basis to include those area designations which have been accepted or changed.
9. For those Area Designations which have received concurrence, each Party agrees to implement administrative procedures to support each Area Designation which include but are not limited to the following:
- a) zoning bylaws;
 - b) foreshore leases;
 - c) building permits;
 - d) servicing arrangements;
 - e) navigational approvals;
 - f) environmental approvals;
 - g) adoption of official community plans and area plans;
 - h) acquisition or dedication of parcels for specified purposes.
10. The Parties agree to provide each other with advance written notice if it is the intention of one or more of the Parties to terminate involvement under this Statement of Intent.

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IN WITNESS WHEREOF the Parties hereto executed this Statement of Intent the day and year first above written

SIGNED on behalf of the)
 Corporation of the District of)
 Burnaby in the presence of:)
)
)

(Witness) _____
 Municipal Clerk, The Corporation of the
 District of Burnaby

The Corporate Seal of the)
 North Fraser Harbour Commission)
 was hereunto affixed in the)
 presence of:)
)
)

(Secretary) _____
 (Chairman)

SIGNED on behalf of the)
 Ministry of Environment in)
 the presence of:)
)
)

(Witness) _____
 Regional Director, Lower Mainland Region

SIGNED on behalf of)
 Fisheries and Oceans Canada)
 in the presence of:)
)
)

(Witness) _____
 Regional Director General, Fisheries and
 Oceans Canada

SIGNED on behalf of Environment)
 Canada in the presence of:)
)
)

(Witness) _____
 Regional Director General, Environment
 Canada

APPENDIX A

Proposed definitions for Area Designation Categories

Conservation - C

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Areas of habitat where the primary use is the maintenance and enhancement of continued biological productivity. Conservation areas may be used for activities which do not impair the continued biological productivity of the area.

Log Storage - L

Areas where the primary use is for log storage.

Recreation/Park - R

Areas designated for public open space and recreation.

Industry - I

Land and water designated for industries that require water-borne transportation, surface use of the water or use of submerged lands in their operation.

Notes to the attached Schedule One:

1. Upland means the zone 50 meters landward of the surveyed natural boundary.
2. Foreshore means the zone between the natural boundary and the harbour headline.
3. "I" indicates a primary designation (e.g. Industry) when the letter is capitalized, and which denotes the dominant water or land use within the boundaries of the management unit. Small letters indicate modifiers to be noted in the administration of the area designation (e.g. "c" habitat conservation is to be recognized for activities associated with the primary designation).

DRAFT
BURNABY AREA DESIGNATIONS
SCHEDULE ONE

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Management Unit Designation Comments

- V-3.2 Ir Upland
Willard Street and Meadow Avenue rights-of-way adjacent to the River are designated as street end parks
- Ic Foreshore
Habitat conservation is to be incorporated for all activities in this area with particular reference to the design and installation of facilities involving the riparian fringe and intertidal zone.
- V-3.3 Ir Upland
Meadow Avenue and Wiggins Street rights-of-way adjacent to the river are designated as street end parks.
- I Foreshore
- V-3.4 Ir Upland
Wiggins Street right-of-way adjacent to the River is designated as a street end park.
- I₁ Foreshore
Log storage is a recognized interim use within the primary industry designation pending a change in the use of the upland. Logs stored in this management unit are not to come into contact with the foreshore.
- V-4.1 I_{Cr} Upland
Industrial use of the area is to incorporate habitat conservation of riparian vegetation along the shoreline; may require specific determination of setbacks. Wheaton Street right-of way adjacent to the River is designated as a street end park.
- I_{1c} Foreshore
Log storage is a recognized interim use within the primary industry designation pending a change in the use of the upland. Logs stored in this unit are not to come into contact with the foreshore.
Habitat conservation of the riparian fringe and intertidal zone is to be incorporated with particular reference

to the design and installation of industrial facilities and to the interim use of log storage activities.

V-4.2 121

R_C Upland

Development of the municipal park should provide habitat conservation of riparian vegetation, and where possible habitat enhancement.

R_I Foreshore

Log storage is recognized as an interim use pending a change in the use of the upland. Logs stored in this management unit are not to come into contact with the foreshore.

V-4.3

R_I Upland

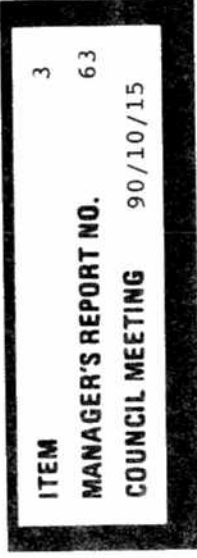
Recreation/park recognizes the need for periodic industrial access to Commonwealth Dock.

I Foreshore
Commonwealth Dock.

V-4.4

R Upland

R Foreshore



V-4.5

R_C Upland

Development of the municipal park should provide habitat conservation of riparian vegetation and where possible habitat enhancement.

L_C Foreshore

Habitat conservation is to be incorporated with particular reference to protection of the intertidal zone.

Logs stored in this management unit are not to come into contact with the foreshore.

V-4.6

R, I_C Upland

The inclusion of an Industrial primary designation within the 50 meter wide upland area recognizes the establishment of non-water-oriented industries adjacent to the municipal park.

Development of the municipal park should provide habitat conservation of riparian vegetation and where possible, habitat enhancement.

Lc

Foreshore

Habitat conservation is to be incorporated with particular reference to protection of the intertidal zone.

Logs stored in this management unit are not to come into contact with the foreshore.

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