

**TO:** CITY MANAGER April 13, 2000

**FROM:** DIRECTOR PLANNING AND BUILDING OUR FILE: 15.660.3

**SUBJECT: AMENDMENTS TO FRASER RIVER ESTUARY MANAGEMENT PROGRAM STATEMENT OF INTENT**

**PURPOSE:** To obtain Council authority to execute amendments to the Fraser River Estuary Management Program Statement of Intent.

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**RECOMMENDATION:**

1. **THAT** Council approve amendments to the Statement of Intent between the Fraser River Estuary Management Program and the City of Burnaby confirming the Parties' understanding of Area Designations in Management Units V-4.1, V-4.2 and V-4.3 as outlined in this report.

**REPORT**

**1.0 BACKGROUND**

The City, in partnership with other estuary managers, entered into a Statement of Intent on 1993 May 10 (copy *attached*) establishing revised Area Designations for both the upland and foreshore areas along the North Arm of the Fraser River as referenced on Figure 1 *attached*. These Area Designations establish categories of land and water uses based on land use, habitat classifications, upland zoning lot boundaries, water lot uses and the like. The agreement outlines activities acceptable to all parties for each designated area; describes measures to resolve barriers to consensus should they exist; and coordinates administrative procedures for reaching decisions affecting the estuary. The Parties to the agreement are the City of Burnaby, Port North Fraser, the B.C. Ministry of Environment, Lands and Parks, Fisheries and Oceans Canada, and Environment Canada.

**2.0 EXISTING SITUATION**

On 1999 May 18, a request was forwarded to FREMP requesting a review and revision to the Area Designations for Management Units V-4.1, V-4.2 and V-4.3 to reflect changes in upland and foreshore use resulting from Council initiatives as outlined in the following sections.

**2.1 Management Units V-4.1 and V-4.2**

The current designation for the upland area is for industrial use with provision made to incorporate preservation of riparian vegetation along the shoreline. Provision is made for a street end park in the Wheaton Street right-of-way adjacent to the river. The foreshore portion is designated for industrial use and includes provision for log storage as an interim use. Again, habitat conservation of the riparian zones as well as the intertidal zones is to be considered. The foregoing reflects, in part, the land use designations contained in the Big Bend Development Plan at the time the City entered into the Statement of Intent.

Council has subsequently designated the upland area as an extension to the adjacent Fraser Foreshore Park and has authorized staff to enter into negotiations to acquire these lands.

In light of Council's initiative to extend public ownership along the North Arm of the Fraser River, thereby securing important additional habitat which will enable the City to expand the environmental initiatives taken to date in the adjacent parksite, a revision of the Area Designation for a portion of Management Units V-4.1 and V-4.2 as shown on Figure 1 from Industrial to Recreation/Park for the upland and foreshore areas has been proposed. The balance of the Management Unit would retain its existing designation (i.e. east of Wheaton Street). The conservation and interim log storage modifiers would remain. Provision is to be made for habitat conservation 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.

**2.2 Management Unit V-4.3**

The upland portion of this Management Unit is currently designated for Recreation/Park use with an industrial qualifier which reflects an historic situation in which the upland owner, Commonwealth Construction, had granted a public access easement to the City to provide continuity for the Fraser River Foreshore Park System while retaining a reciprocal easement across these lands to gain access to a dock facility located within the adjacent water lot. The foreshore portion is currently designated for industrial use. Commonwealth recently ceased operation resulting in its Burnaby Big Bend area lands being sold and redeveloped. As part of the redevelopment of these lands, the City was able to gain title to the lands previously required for access to the industrial dock facility. These lands have now been incorporated into the Fraser Foreshore Park. The City was also able to secure ownership of the dock which is located within the water lot and have entered into a

lease with Port North Fraser for the water lot. The dock has been rehabilitated as a public observation and fishing pier and the upland area is being redeveloped for park use.

A request was submitted to FREMP, therefore, to revise both the upland and foreshore Area Designations to Recreation/Park as shown on Figure 1.

### 3.0 STATUS OF PROPOSED AMENDMENTS

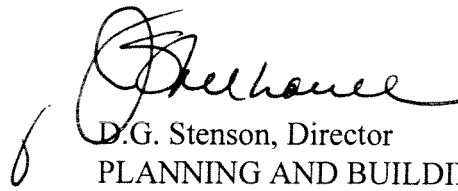
The proposed revisions to the Burnaby Area Designations were approved by FREMP's Management Committee on 1999 October 19 and have been circulated to the FREMP partners for approval. The next step in the process is to obtain Council's approval to the proposed amendments as follows:

- the eastern boundary of Management Unit V-4.2 shall be moved eastward to coincide with an imaginary line extending into the water from Wheaton Street in the City of Burnaby as indicated on the *attached* Figure 1, and
- Schedule I shall be amended to read as follows:

Management Unit	Designation	Comments
V-4.2	Rc	Upland <ul style="list-style-type: none"> <li>• Development of the municipal park should provide habitat conservation of riparian vegetation and, where possible, habitat enhancement. Efforts should be made to minimize human disturbance in order to maximize habitat values.</li> </ul>
	Rlc	Foreshore <ul style="list-style-type: none"> <li>• Log storage is recognized as an interim use pending a change in use of the upland. Logs stored in this management unit are not to come in contact with the foreshore.</li> <li>• 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.</li> </ul>
V-4.3	R	Upland <ul style="list-style-type: none"> <li>• Upland park is intended for active recreation.</li> </ul>
	R	Foreshore

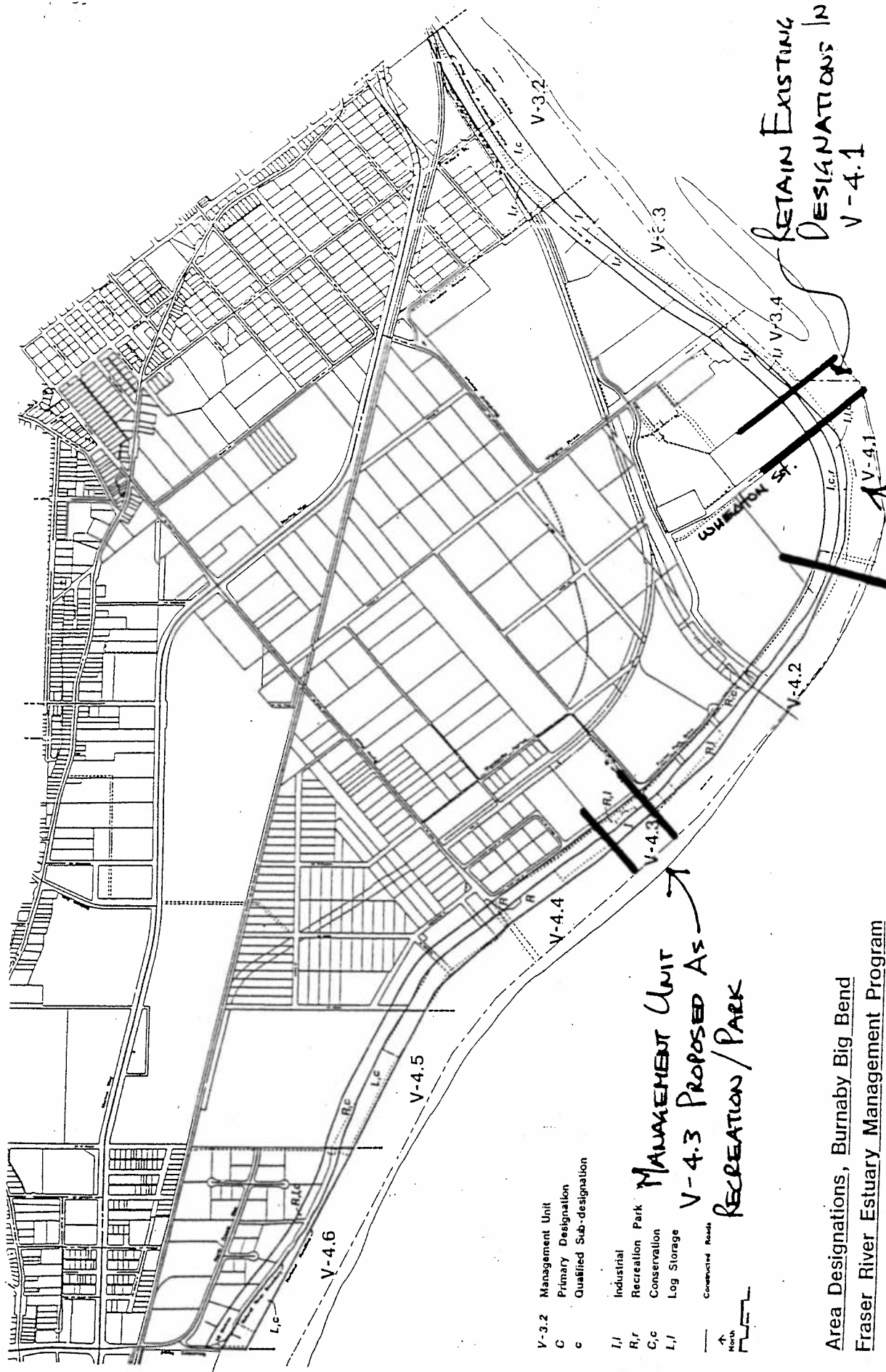
**4.0 SUMMARY**

The foregoing changes are seen as “housekeeping items” to bring the Statement of Intent’s Area Designations into conformance with revisions to the upland use of properties abutting the North Arm of the Fraser River and with changes to the Big Bend Development Plan. The proposed revisions have been agreed to by the FREMP Management Committee and the other agencies which are signatory to the Statement of Intent.

  
D.G. Stenson, Director  
PLANNING AND BUILDING

  
PB/ma  
Attachments

cc: Director Parks, Recreation & Cultural Services



Area Designations, Burnaby Big Bend  
 Fraser River Estuary Management Program

MANAGEMENT UNIT  
 V-4.3 PROPOSED AS  
 RECREATION/PARK

RETAIN EXISTING  
 DESIGNATIONS IN  
 V-4.1

PORTION OF MANAGEMENT UNIT V-4.1 TO  
 BE DESIGNATED AS RECREATION/PARK,  
 BALANCE TO RETAIN EXISTING DESIGNATIONS

FIGURE 1  
 APR. 13, 2000

**STATEMENT OF INTENT**  
Fraser River Estuary Management Program  
Area Designations

THIS STATEMENT OF INTENT, dated the 10 day of May, 1993 pursuant to the Agreement respecting the Fraser River Estuary Management Program dated June 1, 1991, 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 map 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 development projects 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 for areas covered by this Agreement.

Schedule 1 may include two categories:

- (i) those areas for which designations have received the agreement of 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.
2. The Parties to this Statement of Intent are:
    - a) The City of Burnaby;
    - b) North Fraser Harbour Commission;
    - c) Ministry of Environment, Lands and Parks;
    - 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 or other Estuary Plans 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.
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.



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

SIGNED on behalf of The  
City of Burnaby in the  
presence of:  
[Signature]  
(Witness)

)  
)  
)  
)  
)  
[Signature]  
Municipal Clerk, The City of Burnaby

The Corporate Seal of the  
North Fraser Harbour Commission )  
was hereunto affixed in the )  
presence of: )  
[Signature] )  
(Secretary)

)  
)  
)  
)  
)  
[Signature]  
A/Chairman

SIGNED on behalf of the  
Ministry of Environment, Lands  
and Parks in the presence of:  
[Signature]  
(Witness)

)  
)  
)  
)  
)  
[Signature]  
Regional Director, Environment,  
Lower Mainland Region

SIGNED on behalf of  
Fisheries and Oceans Canada  
in the presence of:  
[Signature]  
(Witness)

)  
)  
)  
)  
)  
[Signature]  
for Regional Director General,  
Fisheries and Oceans Canada

SIGNED on behalf of  
Environment Canada in the  
presence of:  
[Signature]  
(Witness)

)  
)  
)  
)  
)  
[Signature]  
Regional Director General,  
Environment Canada

## BURNABY AREA DESIGNATIONS

### SCHEDULE 1

Management Unit	Designation	Comments
V-3.2	Ir Upland	<p>Willard Street and Meadow Avenue rights-of-way adjacent to the River are designated as street end parks.</p> <p>The City of Burnaby intends to pursue the provision of linear public access opportunities along the River's edge as a component of the industrial development of lands abutting the Fraser River.</p>
	Ic Foreshore	<p>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.</p>
V-3.3	Ir Upland	<p>Meadow Avenue and Wiggins Street rights-of-way adjacent to the River are designated as a street end parks.</p> <p>The City of Burnaby intends to pursue the provision of linear public access opportunities along the River's edge as a component of the industrial development of lands abutting the Fraser River.</p>
	I Foreshore	
V-3.4	Ir Upland	<p>Wiggins Street right-of-way adjacent to the River is designated as a street end park.</p> <p>The City of Burnaby intends to pursue the provision of linear public access opportunities along the River's edge as a component of the industrial development of lands abutting the Fraser River.</p>
	II Foreshore	<p>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.</p>
V-4.1	Icr Upland	<p>Industrial use of the area is to incorporate habitat conservation of riparian vegetation along the shoreline; may require specific determination of setbacks. Wheaton Street</p>

right-of-way adjacent to the River is designated as a street end park.

I1c 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.

The City of Burnaby intends to pursue the provision of linear public access opportunities along the River's edge as a component of the industrial development of lands abutting the Fraser River.

V-4.2

Rc Upland

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

R1 Foreshore

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

V-4.3

Ri 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

Rc Upland

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.

R,Ic Upland

The inclusion of an Industrial primary designation within 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.

## APPENDIX A

### Definitions for Area Designation Categories

#### 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

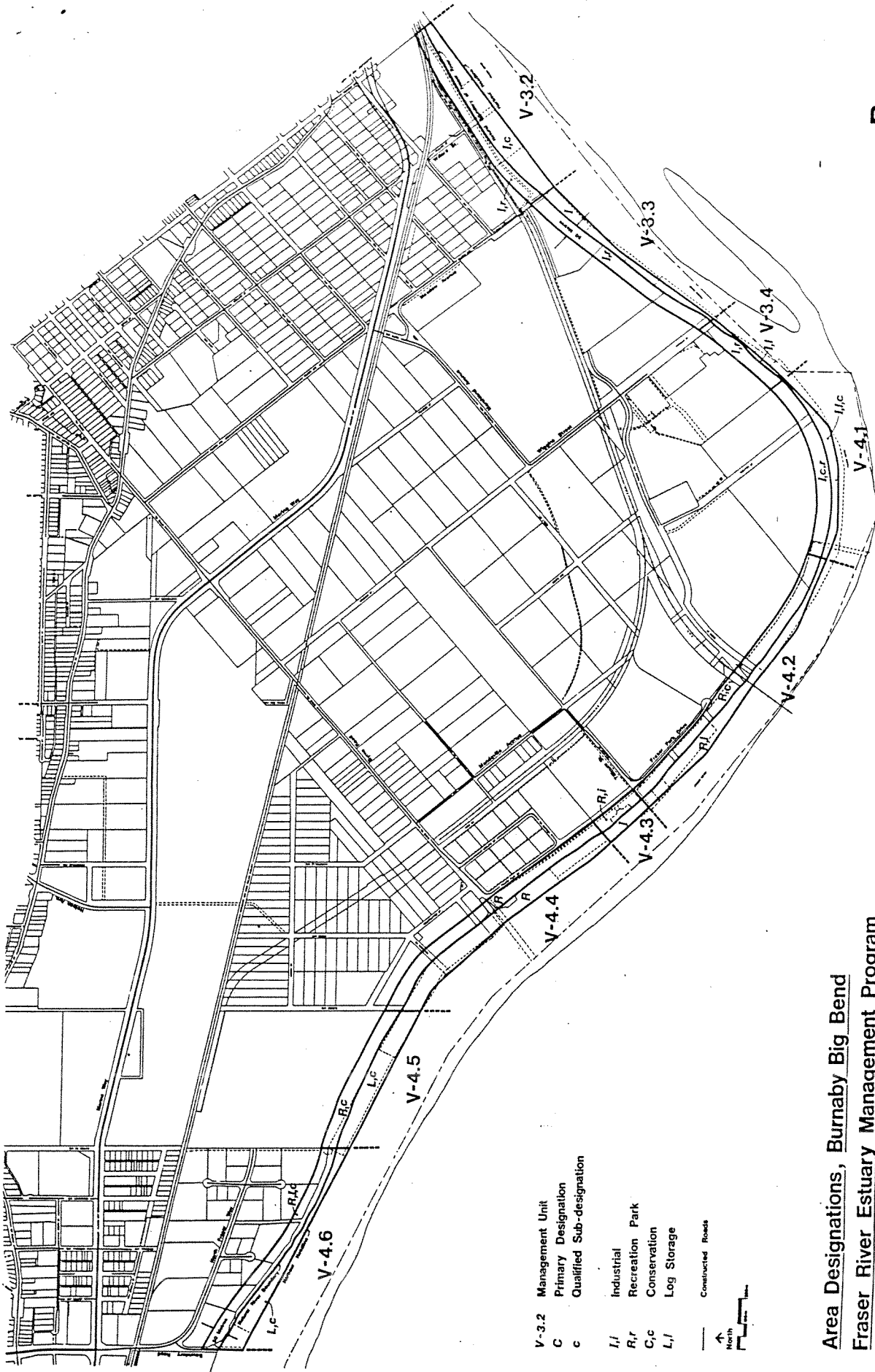
Areas designated for public open space and recreation.

#### 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.

#### 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 (eg. 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 (eg. "c" habitat conservation is to be recognized for activities associated with the primary designation).



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