

COUNCIL CORRESPONDENCE UPDATE TO AUGUST 31, 2022 (8:30 a.m.)

Correspondence

- (1) West Vancouver Chamber of Commerce, August 26, 2022, regarding Upcoming Events and Programs**
- (2) August 26, 2022, regarding “Acknowledgement of Indigenous title to the District Municipality of West Vancouver”**
- (3) Boundary Bay Conservation Committee, August 27, 2022, regarding “Buried Public Input to Tilbury LNG Marine Terminal on the Fraser River, B.C”**
- (4) August 29, 2022, regarding “Still Awaiting replies to June 12th, 2022 Email "Replacement of Keith Road Bridge" and followup Email of July 19th ,2022.”**
- (5) August 30, 2022, regarding “FW: Caulfeild - serious traffic safety issue”**
- (6) August 30, 2022, regarding Abandoned Development**
- (7) Committee and Board Meeting Minutes – Heritage Advisory Committee meeting June 29, 2022**

Correspondence from Other Governments and Government Agencies

No items.

Responses to Correspondence

No items.

From: West Vancouver Chamber of Commerce <info@westvanchamber.com>
Sent: Friday, August 26, 2022 10:01 AM
To: correspondence
Subject: Private Tasting and Shopping evening event

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West Vancouver Chamber of Commerce

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Sungiven Private Tasting & Shopping evening event!

Save the date!

Date: Thursday, September 8th

Time: 6pm - 8pm

Location: 1595 Marine Drive, North Vancouver



Join us at Sungiven Foods for a private shopping event!

Enjoy a glass of wine while sampling products throughout the store, store//product information tours, Mooncake tastings in celebration of Mid-Autumn Festival (September 10th), and spin the lucky spinning wheel and win products.

[Sungiven Foods](#) is a top-quality east-meets-west Asian supermarket chain rooted in the community, Sungiven Foods is a healthy daily meals provider, focused on “more natural, less processed, and fewer additives” products, while advocating for local, organic, and healthy foods.

Curious to learn more about West Vancouver?



The **West Vancouver Vital Signs 2021/22 Report** is now available. Vital Signs is a community check-up conducted by the West Vancouver Foundation that measure the vitality of our community and identifies significant trends in a range of areas critical to quality of life. This is the fourth report since 2016 and incorporates for the first time a citizen survey which evaluates 14 key areas including housing, transportation, and the local economy. The report also includes updated demographics and profiles on important initiatives in the community over the past two years.



You can read the online version of the report here https://westvanfoundation.ca/wp-content/uploads/2022/06/VitalSigns2022_WEB.pdf.

If you would rather a hard copy of the report or have any questions, please email Elaine McHarg at elainem@westvanfoundation.ca

West Vancouver Foundation is a long-standing member of the West Vancouver Chamber. The Vital Signs program is supported by British Pacific Properties, Larco | Park Royal, and the District of West Vancouver.




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From: [REDACTED] s. 22(1)
Sent: Friday, August 26, 2022 12:43 PM
To: correspondence; Mary-Ann Booth
Cc: Mark Chan; Craig Cameron; Bill Soprovich; Marcus Wong; Peter Lambur; Sharon Thompson; Nora Gambioli
Subject: Acknowledgement of Indigenous title to the District Municipality of West Vancouver

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Your Worship,

The following statement is appended to every item of correspondence that comes from the municipal government departments. It reads as follows:

We acknowledge that we are on the traditional, ancestral and unceded territory of the Sḵwxwú7mesh Úxwumixw (Squamish Nation), sə́l'ílwətaʔ (Tsleil-Waututh Nation), and xʷməθkʷəyəm (Musqueam Nation). We recognize and respect them as nations in this territory, as well as their historic connection to the lands and waters around us since time immemorial.

If the territory of Sḵwxwú7mesh Úxwumixw (Squamish Nation), sə́l'ílwətaʔ (Tsleil-Waututh Nation), and xʷməθkʷəyəm (Musqueam Nation) is unceded, then the Royal Proclamation of 1763 applying to the province of British Columbia states

"... that Aboriginal title has existed and continues to exist, and that all land would be considered Aboriginal land until ceded by treaty. The Proclamation forbade settlers from claiming land from the Aboriginal occupants, unless it has been first bought by the Crown and then sold to the settlers. The Royal Proclamation further sets out that only the Crown can buy land from First Nations." [1]

With the understanding that the Royal Proclamation remains operative in Canada (witness the numbered treaties with the Indigenous peoples of the Canadian lands east of the Rocky Mountain Range Continental Divide), it behooves us to do more than give mere lip service to the acknowledgement that you and your fellow councillors have directed be appended to each document issuing from the municipal government offices. Doing more than giving mere lip service would include providing municipal services to the Squamish, Tsleil-Waututh and Musqueam peoples on their overlapping traditional and ancestral lands within the four corners of the District Municipality of West Vancouver. For example, at the time that undersigned served on the Fiscal Sustainability Task Force ("FSTF") with Councillor Soprovich, and former councillors John Clark (dec.) and Mike Smith, the District management was charging \$1 million annually to the Squamish Nation for services rendered for policing, fire and rescue, potable water supply, drainage, and sanitary sewer services. In the ensuing sixteen years since the FSTF completed its assignment from council, the charge for municipal services to the Squamish Nation has undoubtedly increased and probably doubled if not tripled. Those charges are a burden on the budget of the Squamish Nation that it should not be forced to bear, given that the municipality is occupying, contrary to the stipulations of the Royal Proclamation of 1763, lands that have neither been ceded to nor purchased by the Crown in right of Canada as required by the Royal Proclamation. It follows then, from

your acknowledgement that the municipality and its non-indigenous residents and businesses are illegally squatting on unceded Indigenous lands, and, that, in order to right the imbalance in part if not in whole, it is incumbent on you and all of you to relieve the Squamish Nation of the burden of paying for services provided to the Squamish by the District Municipality.

Furthermore, it is incumbent on you and all of you to go further and provide more than just the services to the Capilano I.R. members that you and all of you are currently unjustly charging the Squamish Nation for today, but to provide at no charge to the residents of the Capilano I.R. additional services and goods in just compensation. You and all of you should be looking into and carefully examining how the historical wrongs implied by your acknowledgement (see the first quoted passage above) can be usefully ameliorated by provision of services to the members of the three tribal groups, the Skwxwú7mesh Úxwumixw (Squamish Nation), sə́l'ílwətaʔ (Tsleil-Waututh Nation), and xʷməθkʷəyəm (Musqueam Nation) without charge or tariff going forward. It is in this way that you and all of you can put meaningful substance to the bare bones of your acknowledgement (see above) and go some distance, but not the full distance necessary because that is beyond your legal competence, to right the wrongs that the uncompensated historical era takings inflicted upon the forebears of the current generations of indigenous peoples having claims to the lands of the District Municipality.

If necessary, the District Municipality should levy a tax on real property within the District Municipality to fund an annual transfer of monies in lieu of services or goods to the three indigenous peoples, the Skwxwú7mesh Úxwumixw (Squamish Nation), sə́l'ílwətaʔ (Tsleil-Waututh Nation), and xʷməθkʷəyəm (Musqueam Nation) to compensate the current generations for their loss of use of the lands and services from the lands and waters of the District Municipality.

Sincerely,

s. 22(1)

s. 22(1)

, West Vancouver,

s. 22(1)

s. 22(1)

[1] Indigenous Foundations - Arts UBC (retrieved from https://indigenousfoundations.arts.ubc.ca/royal_proclamation_1763/#:~:text=The%20Royal%20Proclamation%20is%20a,won%20the%20Seven%20Years%20War.)

From: Susan Jones [REDACTED] s. 22(1)
Sent: Saturday, August 27, 2022 9:40 PM
To: correspondence
Subject: Buried Public Input to Tilbury LNG Marine Terminal on the Fraser River, B.C.
Attachments: Buried Public input to Tilbury LNG Marine Terminal Project.pdf

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Boundary Bay Conservation Committee
Box 1251, Station A, Delta, B.C. V4M 3T3
August 26, 2022

Please accept the attached Document, *Buried Public Input to the Tilbury LNG Marine Terminal Project*, as a submission to Mayor and Council.

The Boundary Bay Conservation Committee is concerned that due process has not been followed creating the potential for dangerous and damaging consequences to communities, as well as the Lower Fraser River and Salish Sea ecosystems.

Susan Jones
Director: Boundary Bay Conservation Committee

Boundary Bay Conservation Committee
P.O Box 1251, Stn A, Delta, British Columbia, V4M 3T3

The Boundary Bay Conservation Committee (BBCC) was established in 1988 to enhance public awareness of the Fraser River delta and estuary in British Columbia. We have worked with other conservation groups to obtain protection and recognition for this world class ecosystem.

August 26, 2022

Failure to post and incorporate important public comments on proposed LNG Marine Terminal on the Fraser River led to an inappropriate BC Substitution Assessment process

Note: comments do not include consultation with Aboriginal Groups

Outline

1. Project Description and US ownership
2. Initial public commentary to the environmental assessment, May 22, 2015 -June 24, 2015
 - a) public comments are not posted on Project websites
 - b) comments not sufficiently incorporated into the decision for a BC Substitution Assessment process
 - c) consequential failure to provide a proper scope and type of assessment
3. Second public commentary period, November 20, 2015 – December 21, 2015
 - a) comments not appropriately posted on BC Environmental Assessment Office website
 - b) importance of second public commentary period to assessment of Valued Components
4. Failure to seriously consider public input to the Tilbury LNG Marine Terminal Project
5. Limited scope avoids environmental assessment of plans for full-scale Tilbury LNG operations
 - a) project splitting of Tilbury LNG Operations
 - b) failure to meet requirements of the *Canadian Environmental Assessment Act, 2012*
 - c) B.C. Substitution Assessment Process contravenes *CEAA 2012* requirements
 - d) limited scope of B.C. Substitution Process avoids federal accountability to environmental effects of high importance to the public

Attachment: Chronology of documents relevant to public commentary, April 30, 2015 to Aug. 15, 2022

**Tilbury Marine Jetty Project #80105 - B.C. Substitution Environmental Assessment Process
May 6, 2015 – present day (August, 2022)**

1. Project Description and US Ownership

Tilbury Jetty Limited Partnership, a partnership between affiliates of FortisBC and Seaspan, proposes the construction and operation of a new LNG marine terminal facility located on Tilbury Island, along the South Arm of the Fraser River in Delta, British Columbia.

The Project is 21 km upstream from the Fraser River estuary, famous for sockeye and chinook salmon as well as Canada’s major stopover for millions of waterfowl and shorebirds of the Pacific Flyway.

As proposed, the Tilbury Marine Jetty Project includes the loading of liquefied natural gas (LNG) onto LNG carriers and barges for export to local and global markets. The facility is expected to operate for a minimum of 30 years.

FortisBC, Seaspan and affiliates intend to export LNG produced at the FortisBC Tilbury liquefaction and storage plant on the adjacent property.¹

On May 7, 2015, the National Energy Board of Canada granted WPMV, Delaware, USA, a licence to export 3.5 million tonnes of Tilbury LNG annually for 25 years²:

“Obtaining the requested Licence is an important step in the development of the WesPac LNG Marine Terminal and further expansion of LNG export production capacity at the Tilbury LNG Plant.”³

WesPac Midstream-Vancouver LLC(WPMV), is a registered company in Delaware, USA:

- 85% owned by Highstar Capital, Delaware
- 7.5% owned by Primoris Services Corporation, Delaware
- 7.5% owned by Management⁴

¹ National Energy Board of Canada, Decision Letter to grant export licence to WesPac Midstream – Vancouver LLC, May 7, 2015, Scrolled page 7/9

[A69890-1 NEB - Decison - WesPac Midstream - Licence to Export Natural Gas.pdf \(cer-rec.gc.ca\)](#)

² National Energy Board of Canada approves WesPac Midstream LNG export licence,

[National energy board of Canada approves WesPac midstream LNG export license. – Tilbury Pacific](#)

³ National Energy Board of Canada, Decision Letter to grant export licence to WesPac Midstream – Vancouver LLC, May 7, 2015, Scrolled pages 1&9

[A69890-1 NEB - Decison - WesPac Midstream - Licence to Export Natural Gas.pdf \(cer-rec.gc.ca\)](#)

⁴ National Energy Board, Application of WesPac Midstream-Vancouver LLC, June 20, 2014, Scrolled page 4/12

[Microsoft Word - Final Wespac Licence Application.DOCX \(cer-rec.gc.ca\)](#)

The Tilbury LNG Marine Terminal Project is undergoing an environmental assessment under the B.C. Substitution environmental assessment process. The Process was initiated May 6, 2015 and continues.

2. Initial public commentary to the environmental assessment, May 22, 2015 -June 24, 2015

a) public comments are not posted on Project websites

The federal government held a public comment period from May 22, 2015 to June 24, 2015. The government requested public comments on:

- the Project Description submitted by the Proponent
- whether there was need for a federal environmental assessment
- the BC Government's request for a BC Substitution Environmental Assessment
- potential effects on the environment

The Notice stated that all comments received will be considered public.

It seems the public submitted over a thousand comments expressing serious environmental, social and economic concerns. The submitted comments are not posted on either the federal or the provincial Project website. No Report on the comments is posted on either website.

On request, the federal Impact Assessment Agency of Canada provided a link to the comments. The source of this link is unclear. There is no transparency as to the location of this information which can be provided only on request.

<https://drive.google.com/file/d/1DDjJTIX-fFnTLkZ4PIOi1jDTNMRFkSkP/view?usp=sharing>

The link opens to about 186 pdf files so it is too difficult to find out how many submissions were made and what the public had to say.

As there is no information about this public comment period on the provincial website, how can the public request information for which they have no knowledge? Also, there is no information on the federal website about receipt of the comments and how they were incorporated. There is only the announcement of the public comment period.

The public has no credible access to the comments: how many public comments were submitted; what information was provided by the public; and how the information was incorporated into the decision for a BC Substitution environmental assessment.

A member of the public facilitated a number of public comments to the process and kept a record which shows that at least **991 submissions** called for an assessment by the federal government. Most of the submissions stated:

- the need for a federal environmental assessment by the federal government, particularly a Review Panel assessment
- opposition to a BC Substitution process due to mistrust of a fair process
- the need for a federal assessment to include all aspects of the Tilbury LNG operations: from fracking - to processing - to transporting - to end use
- safety concerns of LNG - the location contravenes international safety standards published by the Society of International Gas Tanker and Terminal Operators
- concerns about effects on human and wildlife health
- concerns about the effects of LNG shipping on fish (including endangered species) and whales, particularly the endangered southern resident killer whales

These were only some of the submissions; so, it appears there were more than 1,000 submissions.

The following are two excerpts from hundreds of submissions expressing the need for the highest level of environmental assessment, a federal Review Panel Assessment:

“The proposed project must be subjected to a full Canadian Environmental Assessment by a Panel Review Process and a BC Environmental Assessment Review as the potential risks and the cumulative environmental impacts of this project are so wide ranging. There must be no substitution of one process for the other.”⁵

“... As these numerous species are listed under the *Species at Risk Act*, and as CEAA is accountable under the Precautionary Principle, the Project should be reviewed by a CEAA Panel Review and a B.C. Environmental Assessment.”⁶

b) comments not sufficiently incorporated into the decision for a BC Substitution Assessment process

Without posting any comments, or feedback, on July 6, 2015, the federal government announced the need for a federal environmental assessment, and, on July 10, 2015 announced approval of the BC Substitution Environmental Assessment process.

⁵ Submission to Tilbury Marine Jetty Project, Boundary Bay Conservation Committee, June 10, 2015

⁶ Submission to Tilbury Marine Jetty Project, June 11, 2015

The federal Minister of Environment, The Honourable Leona Aglukkaq, sent a letter to the BC Minister of Environment, The Honourable Mary Polak, stating approval of the BC Substitution Environmental Assessment process. The federal Minister claims she considered comments received from both the Aboriginal Groups and the public. She referenced numerous comments relating to the environmental effects of marine shipping and added an additional condition to the process:

“the consideration of the environmental effects of marine shipping activities associated with the Project, and beyond the care and control of the proponent, along the designated shipping route within the South Arm of the Fraser River, from the Project’s marine terminal to the pilot station at Sands Heads.”

Note: These boundaries proved to be insufficient and in July, 2019, the boundaries were extended to the 12-nautical-mile limit of Canada’s territorial sea and to the Point Grey disposal-at-sea site. This was not in response to public concern, but a response to court decisions ruling that the federal government had significant accountability to effects of shipping.

No other public concerns were acknowledged or addressed, which raises the question of how much information was imparted to the federal Minister of Environment. It appears she was not sufficiently informed about the public comments.

The current BC EAO Assessment Report (July 13, 2022) states that this initial engagement was prior to, and outside, the formal EA process. This is extraordinary as the process had already begun and the Proponent had already submitted the Project Description.⁷ The Government of Canada’s invitation for public comments on the most important issue – level and type of assessment - is now described in the BC EAO as outside the assessment:

“Initial engagement was conducted from May 2014 to June 2015, prior to and outside the formal EA process. The purpose of initial engagement was to identify key stakeholder, inform the development of project website and information brochures, and to identify preliminary concerns and questions that need to be addressed during project development.”⁸

The ‘purpose’ stated above does not correlate with the important invitation by the Impact Assessment Agency of Canada which invited comments on the need for a federal assessment; the option for a BC substitution process; the Project Description; and environmental effects. The Notice also stated that, “All comments received will be considered public.”

Now that public comment period is being characterized as, “prior to, and outside, the formal EA process”!

⁷ BCEAO Project Description, April 30, 2015

<https://projects.eao.gov.bc.ca/api/public/document/5886b0d4e036fb01057695d9/download/Project%20Description%20for%20the%20proposed%20WesPac%20Tilbury%20Marine%20Jetty%20Project%20dated%20Apr%2030%2015.pdf>

⁸ BCEAO Draft Assessment Report, July 13, 2022, scrolled page 68/827 [EPIC \(gov.bc.ca\)](https://www.epic.gov.bc.ca)

If the assessment does not include receipt and incorporation of public comments received prior to the establishment of the Substitution process, then the assessment does not meet the requirements of *CEAA 2012* - meaningful public participation in a formal public commentary period and access to environmental assessment records.⁹

Additionally, failure to properly incorporate and post the public comments does not meet the requirements of the B.C. Public Consultation Policy Regulation. Under Access to Information, the executive director must order public access to information on the project information centre. The information includes:

“(d) any public notice given during an assessment;

...

(g) comments in respect of the following that are received by the executive director during a formal public comment period from persons and organizations:

(i) the proponent’s application for an environmental certificate;”¹⁰

This accountability is documented in the Procedural Order Under Section 11 for the Tilbury Marine Terminal Project.¹¹

The Public Notice, submitted comments, and Report on the Comments from the Public Commentary period, May 22, 2015 to June 24, 2015 is not disclosed on the BC EAO Project website thereby denying public access to all records.

c) consequential failure to provide a proper scope and type of assessment

Why was the first stage of public input into this controversial Project dismissed and ignored? The initial public comment period is key to the determination of type, level, and scope of assessment:

“Scoping establishes the parameters of the EA and focuses the assessment on relevant issues and concern.”¹²

“The public comments received at this stage may also inform whether or not the designated project is recommended for referral to environmental assessment by review panel.”¹³

⁹ Chapter 4 – Implementation of the *Canadian Environmental Assessment Act, 2012*, 2014 Fall Report of the Commissioner of the Environmental and Sustainable Development, Office of the Auditor General of Canada, Section 4.56.

https://www.oag-bvg.gc.ca/internet/English/parl_cesd_201410_04_e_39851.html

¹⁰ *Environmental Assessment Act*, Public Consultation Policy Regulation, B.C. Reg. 373/2002, 6 Access to Information, Scrolled page 3/5

https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/environmental-assessments/acts-and-regulations/2002-act-regulations-documents/2002_-_public_consultation_policy_regulation.pdf

¹¹ Order Under Section 11, July 24, 2015, Environmental Assessment of the WesPac Tilbury Marine Jetty Project, Section 19.4

<https://projects.eao.gov.bc.ca/api/public/document/5886b0ebe036fb01057695dc/download/Enclosure%20-%20Section%2011%20Order.pdf>

¹² Guidelines for the Preparation of an Environmental Impact Statement pursuant to the *Canadian Environmental Assessment Act, 2012*, 3. Scope of the Environmental Assessment, 3.22 Factors to be considered [Final Environmental Impact Statement Guidelines - Canada.ca \(ceaa-acee.gc.ca\)](https://www2.gov.bc.ca/assets/gov/environment/assessment/guidelines/final_environmental_impact_statement_guidelines_-_canada.ca_(ceaa-acee.gc.ca))

¹³ Public Participation in Environmental Assessment under the CEAA 2012, Part 2

<https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/public-participation-environmental-assessment-ceaa2012.html>

The BC Substitution Process is supposed to include the same factors as the federal process. However, right from the outset, the federal policy of early engagement and public participation is dismissed by the BC Environmental Assessment Office (EAO). It is clear that the BC Substitution Environmental Assessment of the Tilbury Marine Terminal Project process does not meet *CEAA 2012* requirements.

Pursuant to the federal Guidelines:

“Meaningful public participation is best achieved when all parties have a clear understanding of the proposed project as early as possible in the review process.”¹⁴

The public clearly did not want a BC Substitution Environmental Assessment process and stated mistrust of the BC process due to the B.C. Government’s deep investment in LNG. It is clear that if the public comments had been credibly incorporated, the federal government would have acknowledged that the far-reaching effects of the LNG marine terminal Project needed to include a much broader scope of assessment and federal accountability. This would have led to a decision for the highest level of environmental assessment by a Review Panel. That is what the public stated was needed.

The B.C. Substitution environmental assessment is the wrong level of assessment for the broad scope of effects of Tilbury LNG operations and federal accountability for important factors. The Project requires assessment of all activities associated with the Tilbury LNG operations:

“Canadian Environmental Assessment Act, 2012

Factors To Be Considered

Factors

19 (1) The environmental assessment of a designated project must take into account the following factors:

- (a)** the environmental effects of the designated project, including the environmental effects of malfunctions or accidents that may occur in connection with the designated project and any cumulative environmental effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out;
- (b)** the significance of the effects referred to in paragraph (a);
- (c)** comments from the public — ... — that are received in accordance with this Act;¹⁵

¹⁴ Guidelines for the Preparation of an Environmental Impact Statement pursuant to the *Canadian Environmental Assessment Act, 2012*, 2.2 Public Participation

[Final Environmental Impact Statement Guidelines - Canada.ca \(ceaa-acee.gc.ca\)](https://www25.international.gc.ca/ceaa-acee/ceaa-acee.gc.ca)

¹⁵ Canadian Environmental Assessment Act, 2012

<https://www.canlii.org/en/ca/laws/stat/sc-2012-c-19-s-52/latest/sc-2012-c-19-s-52.html>

As noted above, the public expressed concerns about the environmental effects of all interactive, interdependent Tilbury LNG operations.

3. Second public commentary period, November 20, 2015 – December 21, 2015

a) comments not appropriately posted on BC Environmental Assessment Office website

A second public commentary period, Nov. to Dec. 21, 2015 was managed by the B.C. Environmental Assessment Office (BC EAO). The public was invited to comment on Valued Components - environmental, economic, social, heritage and health effects of the Project. The public was asked to provide feedback about required studies and information. The draft Valued Components document was prepared by the Proponent.

The public comments are not located under ‘Commenting’ on the BC EAO Project website where the comments for subsequent public comment periods are posted. The comments for the second public comment period are found in a Report which is not easily located – amidst several hundred documents.¹⁶ It is a mystery why it is not clearly posted under ‘Commenting.’

b) importance of second public commentary period to assessment of Valued Components

Numerous public submissions expressed multiple concerns including safety; need for a federal Review Panel environmental assessment; inclusion of all Tilbury LNG operations from fracking to end use; serious hazards of LNG; impacts of dredging; impacts on farmland from proposed power lines; emissions; effects on the Fraser River and Salish sea ecosystems; effects on human and wildlife health, contravention of international safety standards; and cost to taxpayers.

As with the previous public comment period, this was information vital to the process – public comments on the valued components. The BC EAO reported 791 submissions.

The Proponent submitted a report on the public comments.¹⁷ The responses were pigeon-holed into topics with the response that they will be addressed. The response to concerns about lack of inclusion of all the Tilbury LNG operations was that the Scope had already been determined and the LNG marine terminal was a separate project from all the other Tilbury LNG operations.

Comments about the holistic value of the Fraser River and Salish Sea ecosystems, and the need for protection and restoration were ignored.

¹⁶ Collected Public Comments, Draft Valued Component Selection Document, December 21, 2015
[WesPac Tilbury Marine Jetty- Collected Public Comments - VC Selection Document - 20151221.pdf \(gov.bc.ca\)](#)

¹⁷Public Consultation Report #1 by WesPac Tilbury Marine Jetty Project, July 2016
[Microsoft Word - Public Consultation Report 1 - 2016.07.19 \(gov.bc.ca\)](#)

The response to concerns about the effects of LNG shipping was the claim that it is not the Proponent's problem:

“Operational shipping activities from the Project site to Sand Heads will be considered in the Application as per section 3.1.3 of the Section 11 Order available on EAO's website¹³, but these activities are not considered directly linked to the Project as LNG carriers and barges will not be under the care and control of the Proponent.”¹⁸

The BC EAO also wrote a Report in response to the public input but, instead of addressing specific concerns with substantive, scientific-based information, the BC EAO accepted the report by the Proponent as sufficient response to the public. The EAO Report listed key themes of concern and stated the Proponent had addressed the majority of the concerns in the tracking table:

“The Proponent has addressed the majority of the comments in the comment tracking table. This document provides EAO's responses for comments related to the EA process that were received during the public comment period. All public comments, including those related to the issues above, are considered through the course of EAO's assessment.”¹⁹

The BC EAO was satisfied with the Proponent's tracking table which is a list of environmental assessment topics with promotional comments and a list of intentions.

It is clear the Proponent is managing the assessment and the public comments with endorsement of the BC Environmental Assessment Office (EAO). There is no meaningful response, or incorporation of public concerns. Questions have not been answered.

Comments from the public offered valuable information and expertise which was not appropriately incorporated. Valued Components were reduced to lists in boxes with subjective descriptions and statements of intent.

The narrow scope of the low-level BC Substitution environmental assessment process set limiting parameters on this assessment. This has empowered the Proponent and the B.C. Environmental Assessment Office to dismiss most public concerns as beyond the scope of this assessment.

4. Failure to seriously consider public input to the Tilbury LNG Marine Terminal Project

According to records, there have been 5 public commentary periods to date for the Tilbury Marine Terminal Project. The BC EAO refers to 4 public commentary periods omitting to include the first, and most important public input from May 22, 2015 to June 24, 2015. It is the most important because the early-stage process determined the type of assessment and the scope of assessment. The public were clear in their mistrust of the B.C. Substitution Environmental Assessment Process and requested a federally-run assessment; in particular, a Review Panel Environmental Assessment.

¹⁸ Public Consultation Report #1 by WesPac Tilbury Marine Jetty Project, July 2016, Scrolled page 29/87
[Microsoft Word - Public Consultation Report 1 - 2016.07.19 \(gov.bc.ca\)](#)

¹⁹ BC Environmental Assessment Office Response to Public Comments Regarding the Environmental Assessment Process for the Proposed WesPac Tilbury Marine Jetty Project – Pre-Application Review Stage, July 28, 2016, Scrolled page 2/7
[EAO response to public comments in Pre-Application Review Stage..pdf \(gov.bc.ca\)](#)

The public comments have been clear that the adjacent Tilbury LNG Plant, its operations; sources; expansion plans; and end-use should be included in the scope of assessment. The public comments reveal an understanding that there has been deliberate Project-Splitting to avoid a federal Review Panel assessment. The public comments have been clear about concerns of health and safety, and degradation of the lower Fraser River and Salish ecosystems.

The BC Environmental Assessment Office (EAO) has permitted the Proponent, Tilbury Jetty Limited Partnership, to manage the public process and response to public input.

Due to the narrow scope of assessment, response to most comments from the public are dismissed as beyond the scope of the assessment. The Proponent's responses to public submissions are mostly evasive and dismissive. Where the Proponent is accountable, the response claims that the Application meets all requirements and adverse effects will be mitigated with plans and monitoring:²⁰

- Response to concerns about effects from the full cycle of LNG: *LNG is a clean burning fuel*
- Response to concerns about fracking, transport, and end use: *beyond the scope of this assessment*
- Response to concerns about expansions of adjacent Tilbury LNG plant: *separate projects*
- Response to concerns about the effects of LNG shipping: *is being assessed but is beyond the accountability of the Proponent because the Proponent is accountable to only onsite activities*
- Response to concerns about significant dredging for the Project creating a massive hole in the river thereby altering flows, sediment and the salinity regime: *The existing deep sea and domestic lanes are routinely dredged under an established dredging policy*
- Response to concerns about safety: *will implement on-site safety measures; not accountable beyond site operation*
- Response to concerns about wildlife, habitat and ecosystems: *are being assessed and there will be mitigation measures*

Note: identified, scientifically-proven mitigation measures are not provided

- Response to concerns of loss of shoreline habitat which is identified as “highly productive habitat”: *wetland habitat will be restored*
- Response to concerns about air quality: *not significant*
- Response to concerns about the fact that LNG is methane and the full cycle results in the same greenhouse gas emissions as coal: *The Tilbury marine jetty has an important role to play in reducing greenhouse gas (GHC) emissions in B.C. and around the world.*

²⁰ WesPac Responses to Comments from Application Review, June 19, 2019
https://projects.eao.gov.bc.ca/api/public/document/60f83c4e4222de00226ef2e8/download/20210713_WesPac_Public%20Comments%20Tracking.pdf

- Response to concerns about process: *defers to B.C. EAO which does not directly address the concerns. The EAO states the Proponent has addressed the issues:*

“The Proponent has addressed the majority of the comments in the comment tracking table. This document provides EAO’s responses for comments related to the EA process that were received during the public comment period. All public comments, including those related to the issues above, were considered through the course of EAO’s assessment of WesPac.”²¹

Then the EAO lists the steps in the process.

The B.C. EAO does not offer comments on the evasive and unsubstantiated responses by the Proponent.

5. Limited scope avoids environmental assessment of plans for full-scale Tilbury LNG operations

a) Project splitting of Tilbury LNG Operations

Due to the limited scope of assessment, the public is not afforded an appropriate environmental assessment of the plans for the massive full-scale Tilbury NG operation which includes expansions at the Tilbury LNG plant and construction of the Tilbury LNG Marine Terminal.

The B.C. and federal governments have split the environmental assessment of the plans for the full-scale Tilbury LNG operation into two Projects: the Tilbury LNG Marine Terminal and the adjacent Tilbury LNG plant expansion plans.

While the governments state the two Projects are separate, the public comments state the two projects are interconnected and interdependent and should be assessed as one Tilbury LNG Project. Also, the owner promotes the plans as one LNG operation:

“Tilbury Island LNG Terminal is an operating LNG terminal in Delta, British Columbia, Canada. Expansions to the facility have been proposed...

...Tilbury Island LNG Terminal is an export terminal in Delta, British Columbia, Canada...The facility is owned by FortisBC...

...Phase 1 and Phase 2 expansions to the facility have been proposed...The facility would provide LNG to the proposed Tilbury Marine Jetty LNG project which is co-owned by FortisBC and Seaspan.”²²

²¹ BC Environmental Assessment Office Response to Public Comments Regarding the Environmental Assessment Process for the Proposed WesPac Tilbury Marine Jetty Project, June 25, 2019 Scrolled page 2/7
https://projects.eao.gov.bc.ca/api/public/document/60f8a3bfbc10a400228f6986/download/WesPac_EAO%20Response_Memo_App_Review_PCP_20190625.pdf

²² Tilbury Island LNG Terminal, Global Energy Wiki Monitor,
https://www.gem.wiki/Tilbury_Island_LNG_Terminal

The single Project is reinforced in the local news:

“In 2019, FortisBC completed a \$400 million expansion of the plant’s production and storage capacity, and announced a second phase expansion – one that includes a new marine jetty to be used to load LNG carriers for export, and marine bunkering vessels.”²³

Furthermore, an LNG export licence²⁴ granted to WesPac Midstream on May 7, 2015, was based on all Tilbury LNG operations. The licence was based on information in the Application:

Note: WPMV refers to the company applying for the export licence, WesPac Midstream Vancouver

“10. Engineering and site analyses have confirmed that the Tilbury site is capable of accommodating further LNG export production expansion of approximately 462 million cubic feet per day of natural gas equivalent LNG production. The timing of further expansion will be largely driven by market demand for LNG export capacity and the receipt of regulatory approvals to construct and operate new liquefaction and storage equipment. The applied-for export licence volume corresponds to 400 million cubic feet per day of natural gas equivalent LNG production.

11. Obtaining the requested Licence is an important step in the development of the WesPac LNG Marine Terminal and further expansion of LNG export production capacity at the Tilbury LNG Plant. More specifically, the Licence will facilitate WPMV’s ability, and the ability of others on whose behalf WPMV will act as agent, to enter into long term LNG export market supply agreements to underpin such development and expansion.”²⁵

e) failure to meet requirements of the *Canadian Environmental Assessment Act, 2012*

With governments refusing to assess the obvious overall plan, the public is being denied due process as the physical needs and activities of the Tilbury LNG operations are linked. *CEAA 2012* requires assessment of linked operations and activities.

The *Canadian Environmental Assessment Act, 2012 (CEAA 2012)* states:

19 (1) The environmental assessment of a designated project must take into account the following factors:

(a) the environmental effects of the designated project, including the environmental effects of malfunctions or accidents that may occur in connection with the designated project and any cumulative environmental effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out;

(b) the significance of the effects referred to in paragraph (a);²⁶

²³ Musqueam, FortisBC ink deal on Tilbury LNG, Nelson Bennett, Business in Vancouver, August 10, 2022 <https://biv.com/article/2022/08/musqueam-fortisbc-ink-deal-tilbury-lng>

²⁴ National Energy Board, Issue of export licence to WesPac Midstream – Vancouver LLC, May 7, 2015 [A69890-1 NEB - Decison - WesPac Midstream - Licence to Export Natural Gas.pdf \(cer-rec.gc.ca\)](https://www.cer-rec.gc.ca/A69890-1_NEB_-_Decison_-_WesPac_Midstream_-_Licence_to_Export_Natural_Gas.pdf)

²⁵ National Energy Board, Application of WesPac Midstream – Vancouver LLC, June 20, 2014, Sections 10 & 11 [Microsoft Word - Final Wespac Licence Application.DOCX \(cer-rec.gc.ca\)](https://www.cer-rec.gc.ca/Microsoft_Word_-_Final_Wespac_Licence_Application.DOCX)

²⁶ *Canadian Environmental Assessment Act, 2012* <https://www.canlii.org/en/ca/laws/stat/sc-2012-c-19-s-52/latest/sc-2012-c-19-s-52.html>

c) B.C. Substitution Assessment Process contravenes *CEAA 2012* requirements

The B.C. Substitution Assessment of the Tilbury LNG Marine Terminal has failed to meet *CEAA 2012* requirements of meaningful early engagement; posting of all public notices, comments and responses; and appropriate access to information.

B.C. Environmental Assessment Office (EAO) responses to public comments fail to incorporate federal accountability; fail to provide scientific data and information to the public; fail to insist on providing scientifically-proven mitigation measures; and fail to be a neutral facilitator by accepting and posting promotional and leading statements of the Proponent. One example is the simple, incomplete response to concerns about greenhouse gas emissions from the full cycle of LNG operations. The response, “*The Tilbury marine jetty has an important role to play in reducing greenhouse gas (GHC) emissions in B.C. and around the world,*” does not address the submitted comments on this issue.

Another example is the posting of a convoluted explanation of how the Tilbury LNG Marine Terminal Project and the FortisBC LNG plant expansions are independent Projects.

“The EAO understands that the capacity of Tilbury Phase 2 would exist regardless of TMJ, and that TMJ is not FortisBC’s only path to serve LNG customers. TJLP confirmed that the existing facilities and Tilbury Phase 1 expansion (approved via provincial Order in Council) would produce LNG that would be shipped through TMJ, and that TMJ does not require any of the Phase 2 expansion to proceed. The storage tank for Tilbury Phase 2 would proceed whether the TMJ is build or not, as the purpose of Phase 2 is to improve gas delivery system resiliency after recent no-flow events.”²⁷

It is unclear how the federal government managed to legally approve the B.C. Substitution Assessment process when the substitution process was not permitted for projects which were regulated under the jurisdiction of the National Energy Board and the *Canada Oil and Gas Operations Act*. For such Projects:

“33 The Minister must not approve the substitution of a process in relation to a designated project”²⁸

As documented above, on May 7, 2015, the National Energy Board granted an LNG export licence to WesPac Midstream – Vancouver LLC. Under this licence, the Proponent, is regulated by the National Energy Board and the *Canada Oil and Gas Operations Act*. The act outlines federal accountability to protection of the environment, safety of navigation, and duties related to the management of LNG. Due to accountability to energy laws and regulations, it appears the federal Minister must not approve the BC Substitution Assessment process.

²⁷ BC Environmental Assessment Office (BCEAO), Draft Assessment Report for Tilbury Marine Jetty Project, Project Description and Location, July 13, 2022, Scrolled page 33/827

[TMJ Assessment Report Draft for PCP 20220713.pdf \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/industry/energy/tilbury/TMJ_Assessment_Report_Draft_for_PCP_20220713.pdf)

²⁸ *Canadian Environmental Assessment Act, 2012, Sections 33(a); 15(b)*

<https://www.canlii.org/en/ca/laws/stat/sc-2012-c-19-s-52/latest/sc-2012-c-19-s-52.html>

d) Limited scope of B.C. Substitution Process avoids federal accountability to environmental effects of high importance to the public

By approving the B.C. Substitution Assessment process, the federal government is avoiding a proper cumulative effects assessment of federal responsibilities: protection of federal waterways; impacts to fish habitat and populations; species at risk; shipping; transportation; dumping at sea; dredging of federal waterways; federal energy laws and regulations; safety; and emissions. These are the issues identified in public comments to the process and, summarily dismissed in responses as beyond the scope and responsibility of the Proponent.

The public submissions from Day One have expressed concern of the effects of the Tilbury LNG plans on factors that are federal responsibilities. The public submissions state the B.C. Substitution Assessment fails to address these concerns and call for a federal Review Panel assessment of the full Tilbury LNG operations and expansion plans, as well as the LNG Marine Terminal. Instead of responding appropriately, the federal and B.C. Governments have been ignoring the public input. There has been no meaningful public participation.

Tilbury LNG Marine Jetty Project #80105 – Chronology April 30, 2015 – August 15, 2022

Chronology of documents relevant to public commentary

Tilbury Jetty Limited Partnership proposes the construction and operation of a new LNG marine terminal facility located on Tilbury Island, along the South Arm of the Fraser River in Delta, British Columbia. As proposed, the Tilbury Marine Jetty Project includes the loading of liquefied natural gas (LNG) onto LNG carriers and barges for export to local and global markets. The facility is expected to operate for a minimum of 30 years.

The Project is undergoing an environmental assessment under the B.C. Substitution environmental assessment process.

Environmental Assessment under B.C. Substitution Environmental Assessment Process

Impact Assessment Agency of Canada (IAAC) website for Tilbury Marine Jetty Project 80105
<https://iaac-aeic.gc.ca/050/evaluations/proj/80105>

18 documents are posted on the federal website

B.C. Environmental Assessment Office (BC EAO) website for Tilbury Marine Jetty Project 80105
[EPIC \(gov.bc.ca\)](http://epic.gov.bc.ca)

August 19, 2022 – 292 documents are posted on the BC EAO website - latest is Draft Assessment Report for the Tilbury Marine Jetty Project dated July 13, 2022

Note: Impact Assessment Agency of Canada prior to 2019 was named the Canadian Environmental Assessment Agency of Canada (CEAA)

Documents posted on both IAAC and BC EAO websites:

- Apr. 30, 2015 BC website – Documents - Initial Project Description, Section 10, Pre-Application, Project Description submitted by WesPac Midstream, April, 2015
[Microsoft Word - 1314220049-010-R-Rev0-WesPac Project Description 30APR 15.docx \(gov.bc.ca\)](#)
- May 6, 2015 BC website - Documents – Section 10 – Project to undergo an Environmental Assessment, Pre-Application, Order Under Section 10(1)(c) – legal document stating the Project requires an environmental assessment
[IN THE MATTER OF THE ENVIRONMENTAL ASSESSMENT ACT \(gov.bc.ca\)](#)
- May 6, 2015 BC website – Project Details - WesPac Midstream-Vancouver LLC has entered into the environmental assessment process with the proposed Marine Jetty Project. – View Documents opens up the Order Under Section 10(1)(c)
[EPIC \(gov.bc.ca\)](#)
- May 6, 2015 BC website – Documents – Section 10 Order – Notification letter to Proponent
“The Project Description outlines the proposal for constructing a marine terminal for berthing and transferring liquefied natural gas (LNG) to marine barges and carriers at Tilbury Island on the Fraser River. The Project Description also describes the construction of LNG infrastructure and safety and control systems to transfer processed LNG from the existing adjacent FortisBC Tilbury LNG Plant to marine carriers berthed at the proposed marine jetty.” [Telephone: 250-387-1543 \(gov.bc.ca\)](#)

- May 11, 2015 federal website - Project Description of a Designated Project, Document #5
This is the Project Description submitted by WesPac Midstream. April, 2015.
- “The purpose of the Project is to transfer LNG to carriers and barges for delivery to both offshore export markets and local fuel markets... The Project will receive processed LNG for transfer to LNG carriers and barges from the Tilbury LNG Plant... (scrolled page 23/130) <https://iaac-aeic.gc.ca/050/documents/p80105/101701E.pdf>
- May 11, 2015 federal website - Summary of a Project Description of a Designated Project, May, 2015 submitted by WesPac Midstream. Document #3.
<https://iaac-aeic.gc.ca/050/documents/p80105/101699E.pdf>
- May 14, 2015 BC website – Documents – Letter from the BC Associate Deputy Minister to the President of Canadian Environmental Assessment Agency requesting a BC Substitution environmental assessment process.
- “I am aware that the Agency must first accept the Project Description and determine whether a federal EA is required before it can respond to this request for substitution.”
[file:xxxxx-xx/Project - 10 \(gov.bc.ca\)](file:xxxxx-xx/Project-10.gov.bc.ca)
- May 14, 2015 federal website – receipt of letter, dated May 14, 2105, from the BC Associate Deputy Minister of Environment requesting a B.C. Substitution environmental assessment process for the Tilbury Marine Jetty Project. Document #4
<https://iaac-aeic.gc.ca/050/documents/p80105/101700E.pdf>

Public Comment Period #1 – Not posted – over 1,000 submissions

Public Comments from Comment Period, May 22, 2015 – June 24, 2015: number of comments not posted but sources indicate over 1,000 submissions seeking a federal environmental assessment by the federal government, specifically a Review Panel Assessment. The public stated mistrust of a B.C. Substitution Assessment due to the B.C. Government’s deep investment in LNG

- May 22, 2015 federal website - Notice inviting public comment on the Project – need for federal environmental assessment and the Request for Substitution Process, May 22, 2015, Comment period: May 22, 2015 to June 15, 2015, Document #1
<https://iaac-aeic.gc.ca/050/evaluations/document/101781>

May 22, 2015 — As part of the strengthened and modernized *Canadian Environmental Assessment Act, 2012* (CEAA 2012) put in place to support the government's Responsible Resource Development Initiative, the Canadian Environmental Assessment Agency (the Agency) must decide whether a federal environmental assessment is required for the proposed WesPac Tilbury Marine Jetty Project, located in British Columbia (B.C.). To assist it in making its decision, the Agency is seeking comments from the public on the project and its potential effects on the environment.

Substitution Request

The Government of B.C. has requested to substitute the B.C. environmental assessment process for the CEAA 2012 process if it is determined that an environmental assessment is required. The Agency is also seeking comments on this request.

- May 22, 2015 federal website - News Release inviting public comment on the Project, [Document #2 News Release - Public Comments Invited on a Summary of the Project Description and Request for Substitution - Canada.ca \(iaac-aeic.gc.ca\)](#)
- June 11, 2015 federal website - Extension of time for the public comment period. The comment period was extended to June 24, 2015. [Document #6 Public Comment Period Extended on a Summary of the Project Description and Request for Substitution - Canada.ca \(iaac-aeic.gc.ca\)](#)
- July 6, 2015 federal website - Notice of Environmental Assessment Determination. The notice stated a federal environmental assessment is required. [Document #8 Notice of Environmental Assessment Determination - Canada.ca \(iaac-aeic.gc.ca\)](#)
- July 10, 2015 federal website - Notice of Commencement of an Environmental Assessment and Substitution Approval, [Document #7 Notice of Commencement of an Environmental Assessment and Substitution Approval - Canada.ca \(iaac-aeic.gc.ca\)](#)
- July 13, 2015 BC website Documents – Federal Response to Request for Substitution – Substitution Approved. Letter from federal Minister of the Environment, The Honourable Leona Aglukkaq. Project entered the Substitution Assessment Process
- “I also considered comments received from both Aboriginal Groups and the public in respect of the request during a recent comment period, including the numerous comments relating to the environmental effects of marine shipping associated with the Project in areas of federal jurisdiction... I have included an additional condition for the substituted assessment: the consideration of the environmental effects of marine shipping activities associated with the Project, and beyond the care and control of the proponent, along the designated shipping route within the South Arm of the Fraser River, from the Project’s marine terminal to the pilot station at Sands Heads.”
- [Letter dated Jul 10 15 from Minister Leona Aqulukkaq \(Environment Canada\) to Minister Mary Polak \(MOEBC\) re the proposed WesPac Tilbury Marine Jetty Project and Substitution..pdf \(gov.bc.ca\)](#)
- July 24, 2015 B.C. Section 11, Procedural Order establishing the formal scope, procedures and methods of the environmental assessment
<https://projects.eao.gov.bc.ca/api/public/document/5886b0ebe036fb01057695dc/download/Enclosure%20-%20Section%2011%20Order.pdf>
- Nov. 13, 2015 Invitation to comment on Draft Valued Components of the Assessment prepared by the Proponent
[Environmental Assessment of the Proposed \(gov.bc.ca\)](#)

Public Comment Period #2: 791 submissions

- Dec. 21, 2015 The BC EAO posted a document of all the public comments, ‘Collected Public Comment – Draft Valued Components Selection Document.
[WesPac Tilbury Marine Jetty- Collected Public Comments - VC Selection Document - 20151221.pdf \(gov.bc.ca\)](#)

- July 28, 2016 Public Consultation Report prepared by the Proponent. The Report listed topics of concern and responded that these concerns will be addressed in the assessment.
<https://projects.eao.gov.bc.ca/api/public/document/5886b1b1e036fb01057695f9/download/Public%20Consultation%20Report%20%231%20dated%20July%202016.pdf>
- July 28, 2016 EAO Response to Public Comments
[EAO response to public comments in Pre-Application Review Stage..pdf \(gov.bc.ca\)](#)
- Nov.15, 2018 The EAO posted that the Application was not accepted.
[Notification letter from EAO to WesPac in regards to application screening decision \(7\).pdf](#)
- Mar. 20, 2019 The EAO posted acceptance of the Application
- Mar. 26, 2019 EAO posting of Public Comment and Open House on Application.
<https://projects.eao.gov.bc.ca/p/58851208aaecd9001b829b58/project-details?pageSizeActivities=26¤tPageActivities=1>
- Apr. 2, 2019 EAO posting of Public Comment Period, April 2, 2019 – May 17, 2019. The public invite is posted on the website but unable to locate published advertisement. View Documents link just opens to website.
<https://projects.eao.gov.bc.ca/p/58851208aaecd9001b829b58/project-details?pageSizeActivities=26¤tPageActivities=1>

Public Comment Period #3: 485 submissions

Public Comments from Comment Period, April 2, 2019 – May 17, 2019: 485 submissions

- May 17, 2019 Posting under ‘Commenting’ – public comments on the Application, April 2, 2019 to May 17, 2019
<https://projects.eao.gov.bc.ca/p/58851208aaecd9001b829b58/cp/5c8aea58d69ab9002440610e/details;currentPage=1;pageSize=10;sortBy=-datePosted;ms=1661301886742>
- June 19, 2019 EAO posting of WesPac Responses to Public Comments on the Application, April 2, 2019 to May 17, 2019. Comments are documented on a Tracking Table
https://projects.eao.gov.bc.ca/api/public/document/60f83c4e4222de00226ef2e8/download/20210713_WesPac_Public%20Comments%20Tracking.pdf
- June 25, 2019 Posting of EAO Response Memo to Public Comment Period on Application, April 2, 2019 to May 17, 2019f
[https://projects.eao.gov.bc.ca/api/public/document/60f8a3bfb10a400228f6986/download/WesPac_EAO%20Response Memo App Review PCP 20190625.pdf](https://projects.eao.gov.bc.ca/api/public/document/60f8a3bfb10a400228f6986/download/WesPac_EAO%20Response%20Memo%20App%20Review%20PCP%2020190625.pdf)
- July 5, 2021 Posting of Tilbury Jetty Limited Partnership’s Unconventional Offset Proposal
- July, 29, 2021 Posting of Public Comment Period, August 5, 2021 to September 7, 2021 – invitation to comment on Draft Assessment documents, Certified Project Description, and potential federal conditions

Public Comment Period #4: 137 submissions

Public Comments from Comment Period, August 5, 2021– September 7, 2021: 137 submissions

Sept. 7, 2021 Under ‘Commenting’: Posting of Public Comments for August 5, 2021 to September 7, 2021. Comments on Draft Assessment documents, Certified Project Description, and potential federal conditions
<https://projects.eao.gov.bc.ca/p/58851208aaecd9001b829b58/cp/61033d326039490022dd761f/details;currentPage=1;pageSize=10;sortBy=-datePosted;ms=1661301775550>

There doesn’t appear to be any response to this public comment period.

Dec. 1, 2021 Letter from Tilbury Jetty Ltd. Partnership – changes to bunker vessel traffic with change in type and frequency of vessels calling at the marine terminal.
https://projects.eao.gov.bc.ca/api/public/document/61a7c06190fb52002298bf95/download/20211123_TJLP_to_EAO_Bunker_Demand_Scenario_Supplemental_Assessment_Proposal.pdf

Dec. 2, 2021 Signed Section 24(4) Order for Time Extension to complete a supplemental assessment of change in Application to more vessels.
https://projects.eao.gov.bc.ca/api/public/document/61a94f4c54e25a002250f59c/download/Section%2024%284%29%20Order_20211202.pdf

Jan. 19, 2022 Section 13 Order, stating new information respecting the number and type of vessels that will utilize the terminal.
https://projects.eao.gov.bc.ca/api/public/document/61e862476fee890022086418/download/TMJ_Section13Order%235_VaryingTheProceduralOrderfortheEA_20220119.pdf

July 7, 2022 Posting of Advertisement for Public Comment Period #4 (note: actually #5), July 14, 2022 to August 15, 2022.
https://projects.eao.gov.bc.ca/api/public/document/62c773d1a4b8bc0022cebd3a/download/TMJ_EAO_public_comment_period_4_advertisement.pdf

Public Comment Period #5: 145 submissions

Public Comments from Comment Period, July 14, 2022 – August 15, 2022: 145 submissions, including a letter of concern with 2,016 signatures

Aug. 15, 2022 Under ‘Commenting’: Posting of Public Comments, July 14, 2022 – Aug. 15, 2022
<https://projects.eao.gov.bc.ca/p/58851208aaecd9001b829b58/cp/62c74f4d78d9cf0022cf755b/detail;currentPage=1;pageSize=10;sortBy=-datePosted;ms=1661468329470>

From: [REDACTED] s. 22(1)
Sent: Monday, August 29, 2022 7:15 AM
To: correspondence; Mary-Ann Booth; Sharon Thompson; Peter Lambur; Craig Cameron; Nora Gambioli; Marcus Wong; Bill Soprovich
Subject: Still Awaiting replies to June 12th, 2022 Email "Replacement of Keith Road Bridge" and followup Email of July 19th ,2022.

CAUTION: This email originated from outside the organization from email address [REDACTED] s. 22(1) Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Mayor and Council:

I contacted Legislative Services on August 24th, 2022 and was advised that in the normal course responses to such correspondence addressed to Mayor and Council are typically provided by the appropriate division director within say 2 weeks of receipt.

In the circumstances and following a brief review of the two emails by Legislative Services I was counselled to write this email to all of the same addressees presenting **this my request** for a review/explanation for the very unusual delay in responding and/or when I can now expect a reply.

For ease of reference copies of both emails were recorded on the District Website under Correspondence 2022 for Council Correspondence Update of July 20, 2022.

Regards,

[REDACTED] s. 22(1), West Vancouver,
BC [REDACTED] s. 22(1)

From: [REDACTED] s. 22(1)
Sent: Tuesday, July 19, 2022 10:09 AM
To: correspondence; Mary-Ann Booth; Sharon Thompson; Peter Lambur; Craig Cameron; Nora Gambioli; Marcus Wong; Bill Soprovich
Subject: Replacement of the Keith Road Bridge

CAUTION: This email originated from outside the organization from email address [REDACTED] s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Regrettably I find I must write to request a reply to my email of June 12, 2022 to the Mayor and Council on the captioned matter which was appropriately addressed to "Correspondence". I also copied it to each of the Mayor and Councillors. I should mention that only two Councillors acknowledged my email so hopefully that now they all will appreciate that as no timely response has been forthcoming from Staff for the information of the writer and/or residents and/or themselves, they will all get involved to at least get a public response??

Could it be that recent efficiency changes involving resident correspondence with the District are also experiencing operational problems?

I believe the context of my email was clear and simply looks for comments and anticipated action on the two requests presented related to the subject bridge which is critical to the smooth and safe flow of traffic in the southern portion of Cedardale (1,100 vehicles daily, the #256 Shuttle Bus and cycling).

While I appreciate that awaiting full completion of all the research/reporting on the current condition and the safe

future of the Bridge may enable a Staff response that would tie up the whole matter with a bow for presentation to Council including associated costs; is it so difficult to advise whether in the end, is it the District's intention to correct the very high seismic rating and when and also to advise when the long awaited normal maintenance for safety and aesthetic reasons will be undertaken.

One final thought it seems that it is always about money. Council, remember you all once again voted this year for the Budget with its overall funding of any number of asset maintenance/replacement needs. In this connection and for example consider, if you will, the Klee Wyck matter, also located in Cedardale, in which buildings were eventually closed to public use after many years of overall deterioration from the lack of District maintenance. Then in recent years it was finally determined that major repairs would be financially impossible due to their outdated physical structure and the need for the removal of asbestos found in various places of the buildings. In that case the District utilized needed funding elsewhere over many years resulting in the closed/condemned buildings finally being recently demolished. A scenario strikingly similar to this bridge situation from the age and maintenance perspective. In this case to be fair the District did strengthen and repair the structure in 2007 and continuing professional reports in 2012 and thereafter have indicated that it is capable of service at least in the short term? However unlike Klee Wyck the Bridge is essential for daily access to a significant number of the 500 homes in Cedardale including use by the #256 Shuttle Bus and "Emergency Service Vehicles"

and could disappear if an earthquake were to occur. Its appearance also has an influence on the quality of life and of course the assessed values of homes in the neighbourhood. (Refer Photos forwarded in my June 12, 2022 email).

Hopefully the District Staff and/or our Mayor and Council in an election year (Oct 15/22) will find it possible and politically appropriate to press Staff for a timely acceptable response to my two requests which importantly involve not only safety issues but the reputation of the District of West Vancouver.

Regards,

s. 22(1)

, West Vancouver,

s. 22(1)

From: s. 22(1)
Sent: Sunday, June 12, 2022 1:12 PM
To: correspondence
Cc: Mary-Ann Booth; Craig Cameron; Nora Gambioli; Peter Lambur; Bill Soprovich; Sharon Thompson; Marcus Wong
Subject: Replacement of Keith Road Bridge
Attachments: DSC04996.JPG; DSC04998.JPG; DSC04999.JPG; DSC04997.JPG

CAUTION: This email originated from outside the organization from email address s. 22(1) Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Mayor and Council:

You are aware that on May 16, 2022 the District Transportation Department published the following Update on the subject Major Project located in Cedardale which continues in its Planning Phase.

'Update: May 16, 2022

Preliminary investigations and design feasibility have been conducted. Findings indicate that there may be an opportunity to take an alternative approach to remediate the existing bridge, which could potentially require less capital investment and substantively extend the useful life of the existing structure.

The next steps include a detailed condition review of the existing bridge, which will take place in early summer 2022 to better understand and assess options to extend the service life of the existing structure. The study is expected to be complete in late fall 2022.

Background

The existing Keith Road Bridge, constructed in 1952, has reached the end of its service life and requires upgrading to modern seismic standards. Recent inspections have confirmed that the structure remains safe for use in the short term.'

As a s.22(1) proud resident of Cedardale I have watched as the District, particularly over the last five years, has continually put off/delayed, even the most basic maintenance of this aging structure. As proof you are invited to take a look at the picture included on the website update and/or the more recent photo enclosed which as residents we must live with which not surprisingly is a subject of questions by our visitors. While the road surface appears in good repair, I ask how you can consider that this slowly deteriorating and moss stained wooden structure, not repainted for many years, albeit with the single sidewalk surface in satisfactory condition but it is never cleaned with seasonal and other refuse left to self deteriorate and the wooden safety curb that no longer displays its painted yellow colour represents the best of West Vancouver. Granted there were substantive structural upgrades in 2007 which we

were assured at the time would permit heavier vehicles to again cross, then there were the 2012 and the above mentioned recent professional inspections which have confirmed the bridge remains safe for use in the short term. However in this regard, you may be interested that I am advised that the contractors undertaking the current Sanitary Sewer Replacement project to the east on Keith Road have recently been told that their heavy vehicles and equipment and loaded trucks should exit Cedardale via 3rd Street and Inglewood Avenue over the Inglewood Avenue Brothers Creek Bridge?

Mayor and Council, may I suggest that the above Update is lacking in transparency. It conveys that the District paid for professional preliminary investigation and design feasibility work last year (2021) which is now to be augmented (2022) by a presumed professional paid detail condition review in the hope that a suggested full bridge replacement may not be required to substantively extend its useful life. That said, it is unclear if it would be the District's thinking to consider going with an alternative opportunity/option that would or would not include the correction of the 'Very High Seismic Rating' carried by the structure covered in the professional Transportation Infrastructure Asset Management Plan of December 18, 2012. I put to you that certainly a substantive reduction in the cost of \$2.6 million (2012 dollars) of a full replacement detailed in the above Plan would be welcome but surely you would agree only if the 'High Seismic Rating' is corrected? I would like to remind you that the only problematic vehicular bridge Seismic Ratings in the District are the Keith Road Bridge at "Very High" and the other is Inglewood Avenue Bridge at "Medium". In the case of the subject structure recently traffic statistics carried out by the District indicated that cyclists and 1,100 vehicles per day and the #256 Shuttle Bus cross the span and the two bridges serve the whole of the 485 residences in Cedardale with the largest share using the Keith Road Bridge.

Accordingly I respectfully request as follows:

- 1) To clarify the current District position on this Project, I request that a FURTHER Update be placed on the District website to clearly document for residents the known CURRENT safety/limitations of the structure and that the only option that would ultimately be chosen by the District would not only extend the service life of the existing structure and substantially improve its safety and appearance but would ALSO ensure the "Very High Seismic Rating" would be eliminated.
- 2) As it appears again that the structure will not be the subject of a major remediation during 2022 and once again no future date has been provided, I request that the District maintenance of the structure be improved to include this year cleaning and painting of the wooden structure including the yellow safety curb, the single sidewalk be at least swept as appropriate and oh yes that repairs be made to ongoing deterioration including the wooden handrails where even rusty nails are exposed (see photos attached). Incidentally I have brought the latter decaying ongoing situation to the District's attention in the recent past. I must say that the continuing level of maintenance or lack thereof of the bridge seems consistent with a response received recently from the Director of Engineering and Transportation regarding Cedardale in general but Keith Road in particular. My letter to her was in part regarding the lack of attention over a number of years related to water more or less continually flowing from Taylorwood Place east across the pedestrian intersection at Keith Road to run east down the gutter on Keith Road all year long which freezes in the winter requiring salting by the District, and the deteriorating patches in several spots west of the Keith Road Bridge and the lack of the planned but uninstalled sidewalk on the north side of Keith Road west from Keith Place to Margaree Place.

The sad but honest and sincere response read as follows, 'As for the Cedardale neighbourhood, it is not dissimilar to many local residential neighbourhoods in West Vancouver which were developed some time ago, the roads don't necessarily have pedestrian and/or bike facilities and the infrastructure which services those neighbourhoods is abundant relative to the population it serves and at various stages of useful life. I think we have discussed before that the District maintains over 300 km or road network consisting of major structures, slope hazards, pavement, sidewalks and other features; our asset management planning and coordination continues to evolve and be refined in order to prioritize investment within available budgets.

Your comments and anticipated action on the two requests would be appreciated.

Regards,

s. 22(1)

, West Vancouver,

s. 22(1)





From: [REDACTED] s. 22(1)
Sent: Tuesday, August 30, 2022 10:03 AM
To: correspondence
Subject: FW: Caulfeild - serious traffic safety issue
Importance: High

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From: [REDACTED] s. 22(1)
Sent: August 30, 2022 10:02 AM
To: mbooth@westvancouver.ca
Cc: ccameron@westvancouver.ca; bsoprovich@westvancouver.ca; Garth Thomson <gthomson@wvschools.ca>; coorespondence@westvancouver.ca
Subject: Caulfeild - serious traffic safety issue
Importance: High

Dear Mayor Booth (I have cc'd a few random council members in no order)

I am long time West Van (Caulfeild) resident who also operates a business in the city.

It has been a long and painful process watching and living with the water main replacement in the Caulfeild area around the mall and Rockridge HS (Headland and Caulfeild Drives) – I have a litany of observations and disappointment surrounding what went on with that project for the past 2 years and can tell you that many residents have been actively disappointed with the work progress and feel very strongly that while we are sure the mains needed upgrading, the work process and progress did not seem like an effective use of tax dollars watching the incredible slow pace of work (not too mention overstaffing) , but that is not my specific and immediate concern.

The concern is that the work is now finally finished and repaved finally BUT the lines have not been painted yet. The paving was completed about 3 weeks ago (+ or -) but no paint; why would painting not immediately follow the repaving so the roadway is clearly and safely marked (this is the busiest traffic area in Caulfeild with the mall and the school being there). Twice now, the most serious being last night, I have witnessed near miss accidents which I partially (mostly) blame on the lack of painted lines and cross walks. Last evening, I witnessed a youth almost struck crossing Headland near the mall in the spot where there should be a clearly marked crosswalk – there is no painted lines or cross walks and that includes further along headland at the high school. School starts next week!! I have issued a complaint to engineering and got the stock reply that I would get a response within 10 days. I called the police and spoke with Cst Braithewaite (spelling?) about the traffic safety concerns and while he concurred and said would call the engineering department to get their schedule for the painting, he made it clear he could not force any action.

As an eg to compare to, the private contractor the Caulfeild Mall just employed managed to re pave and paint the whole parking lot at the mall (probably an equivalent amount of square metres of paving and painting) in 3 evenings last weekend (old pavement up/resurfaced and all lines repainted in 3 x 12hr shifts).

This is not frivolous neighborhood complaint but a serious traffic safety issue. I would request that the painting be dealt with immediately and certainly prior to Tue Sept 6th and perhaps the engineering department could put some more focus on having better project control and timelines that make sense for community safety.

Brgds,

s. 22(1)

s. 22(1)

From: [REDACTED] s. 22(1)
Sent: Tuesday, August 30, 2022 1:07 PM
To: correspondence
Cc: Christie Mills; Kevin Spooner
Subject: RE: [REDACTED] s. 22(1) - Abandoned Development.

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Please see additional complaints below in reference to [REDACTED] s. 22(1), and note that we have not had a response from the Permits Dept since the last correspondence on June 1. This matter requires immediate attention.

[REDACTED] s. 22(1)

From: [REDACTED] s. 22(1)
Sent: Friday, August 26, 2022 3:25 PM
To: Christie Mills <cmills@westvancouver.ca>; Kevin Spooner <kspooner@westvancouver.ca>
Cc: Bylaw Dept <BylawDept@westvancouver.ca>
Subject: RE: [REDACTED] s. 22(1)
Importance: High

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Hello, I am still waiting for a response from the City on the status of [REDACTED] s. 22(1), which remains in violation of the Good Neighbour Bylaw. I would like to know if the developer's permit has been renewed, and when the property will be cleaned up so that it complies with the bylaw. It should also be noted that the same "developer" has abandoned another property in the vicinity, which has the same issues as this one. Both of the developer's properties could accommodate a total of ~16 people, so it's an absolute disgrace that they're allowed to get away with this, especially now during the housing crisis in Vancouver. Developers should be penalized if they cannot complete a development of this size within 24-36 months (the [REDACTED] s. 22(1) project has been stalled for over 4 years), and they should be held accountable for maintaining the property in a reasonable state during the development process. This developer has upset all of the property's immediate neighbours, so I will ask one more time for the City to perform their duty and address the issue before I consider escalating further.

[REDACTED] s. 22(1) [REDACTED] *CONFIDENTIALITY NOTICE: This email, including any attachments, may contain information that is confidential and privileged. Any unauthorized disclosure, copying or use of this email is prohibited. If you are not the intended recipient, please notify us by reply email or telephone call and permanently delete this email and any copies immediately.*

From: [REDACTED] s. 22(1)
Sent: June 22, 2022 10:19 AM
To: Christie Mills <cmills@westvancouver.ca>
Cc: Bylaw Dept <BylawDept@westvancouver.ca>; [REDACTED] s. 22(1)
Subject: RE: [REDACTED] s. 22(1)

Hello Christie, I have not heard back since your last reply on June 1. Yesterday, someone was on the s. 22(1) property rescuing a juvenile raccoon that was trapped on the basement suite's patio that is flooded. In addition, neighbours have now taken it upon themselves to cut back the bush that is impeding the alley in order to reduce the risk of cars not seeing bikes, pedestrians etc. I can appreciate how oversubscribed the District is, but the developer should be held accountable for all bylaw infractions.

Thank you for your help.

s. 22(1)

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s. 22(1)

Canada

From: s. 22(1)

Sent: June 14, 2022 10:31 AM

To: Christie Mills <cmills@westvancouver.ca>

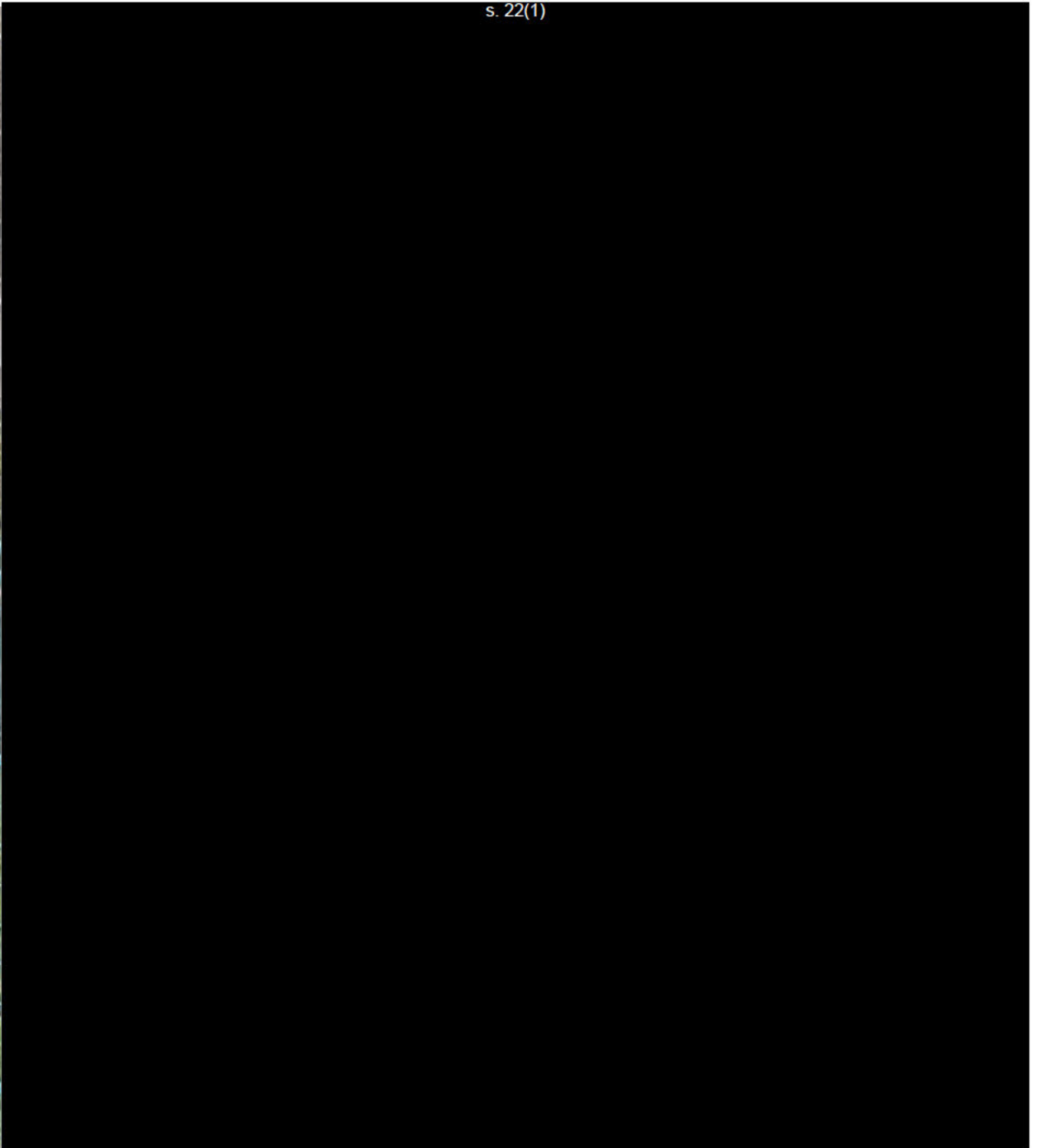
Cc: s. 22(1)

Subject: RE: s. 22(1)

Importance: High

Hello Christie, I have waited patiently for 2 weeks and still no response. Below are pictures taken yesterday. The property needs to be cleaned up, the fence still needs repair, there is consistent flooding, wildlife (skunks and racoons) are falling into the basement patio and drowning, 50% of the alley way is blocked due to an overgrown tree on their property (kids on bikes are at severe risk), there is dumping going on, rotten wood and drywall in the carport etc, etc. How can I escalate this issue so that something is done?

s. 22(1)



s. 22(1)

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immediately.

From: Christie Mills <cmills@westvancouver.ca>

Sent: June 1, 2022 2:22 PM

To: [REDACTED] s. 22(1)

Subject: RE: [REDACTED] s. 22(1)

H [REDACTED] s. 22(1)

I have asked staff to provide me with an update.

An inspector is looking into it today.

I should have a more definitive response to you before the end of the week.

Christie Mills RBO she / her
Manager of Permits & Inspections | District of West Vancouver
d: 604-925-7246 | t: 604-925-7040 | westvancouver.ca

The Permits, Inspections and Land Development Department operates remotely. We continue to provide service by email, phone and onsite inspections.

We accept documents via the Document Upload Centre. Visit westvancouver.ca/upload to learn more.

Spring 2022 update: Customers should expect permit reviews to take several months longer than normal. [Learn more on our website](#)

We acknowledge that we are on the traditional, ancestral and unceded territory of the Skwxwú7mesh Úxwumixw (Squamish Nation), səliłwətaʔ (Tsleil-Waututh Nation), and xʷməθkʷəy̓əm (Musqueam Nation). We recognize and respect them as nations in this territory, as well as their historic connection to the lands and waters around us since time immemorial.

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From: [REDACTED] s. 22(1)
Sent: Tuesday, May 31, 2022 6:49 PM
To: Christie Mills <cmills@westvancouver.ca>
Cc: [REDACTED] s. 22(1)
Subject: RE: [REDACTED] s. 22(1)

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Hello, following up on my email from May 25. Could you or someone on your team please contact me about this issue.

Thank you.

[REDACTED] s. 22(1)

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From: [REDACTED] s. 22(1)
Sent: May 25, 2022 12:45 PM
To: Christie Mills <cmills@westvancouver.ca>
Subject: RE: [REDACTED] s. 22(1)

Hi Christie, I'm following up on [REDACTED] s. 22(1) as there has been no movement on the property since we last connected on March 1. The property is again overgrown with weeds, people are dumping refuse on the property, tar paper is coming off, ladders are falling, fences have not been remedied etc. Has the developer's permit been renewed? Could you please enforce them to clean up the property (Good Neighbour Bylaw 4380). Happy to receive an email response or phone call for a status update at your earliest convenience.

Thanks for your time.

[REDACTED] s. 22(1)

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From: [REDACTED] s. 22(1)
Sent: Tuesday, March 1, 2022 9:34 AM
To: Christie Mills <cmills@westvancouver.ca>
Subject: RE: [REDACTED] s. 22(1)

Thanks for the update, Christie. I'm sure the DWV can appreciate the frustration we are all experiencing from these two projects. They are really impacting our quality of life.

Regards,
[REDACTED] s. 22(1)

[REDACTED] s. 22(1)

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From: Christie Mills <cmills@westvancouver.ca>
Sent: Tuesday, March 1, 2022 9:05 AM
To: [REDACTED] s. 22(1)
Subject: RE [REDACTED] s. 22(1)

Good morning Daniel,

Thank you for your email.

With regard to [REDACTED] s. 22(1), our inspection staff have been on site several times in February, in response to several recent complaints regarding the lack of activity on this project. The project appeared to have stalled, and has therefore been placed on our Abandoned Project List for follow up. The owner has since confirmed that work will soon commence, and has taken action within this past several weeks so that the permits authorizing the work are again valid. I can confirm that the owner has also been requested to service or remove the site toilet, as well as address the fencing. Our staff is scheduled to follow up by the end of this week.

Inspections are ongoing at [REDACTED] s. 22(1) (most recently mid-February). It is our expectation that the owner work with DWV inspection staff to complete the project without further delay.

As we work to encourage completion of these projects, we will not be providing ongoing updates, however, please email me directly should you have any further concerns.

Christie Mills RBO she / her
Manager of Permits & Inspections | District of West Vancouver
d: 604-925-7246 | t: 604-925-7040 | westvancouver.ca



Starting Monday, April 19, we are accepting many applications and documents via the Document Upload Centre only. Visit westvancouver.ca/upload to learn more.

Municipal Hall is closed to the public due to COVID, but we continue to provide service by email, phone and onsite inspections.

.....
We acknowledge that we are on the traditional, ancestral and unceded territory of the Skwxwú7mesh Úxwumixw (Squamish Nation), səliłwətaʔt (Tseil-Waututh Nation), and xʷməθkʷəy̅əm (Musqueam Nation). We recognize and respect them as nations in this territory, as well as their historic connection to the lands and waters around us since time immemorial.

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From: [REDACTED] s. 22(1)
Sent: Sunday, February 27, 2022 5:59 PM
To: Christie Mills <cmills@westvancouver.ca>
Subject: [REDACTED] s. 22(1)

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Hello Christie,

Could you please let me know what the status of [REDACTED] s. 22(1) is? Has the project been abandoned? Does the property still have a valid construction permit? This property has been an eye sore to us neighbours for almost 5 years now.

Also, could you please let me know if [REDACTED] s. 22(1) has a valid occupancy permit? It appears that people have been living in that dwelling since last December.

Thanks.

[REDACTED] s. 22(1)

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[REDACTED] s. 22(1)

(He, Him, His) –

[REDACTED] s. 22(1)

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From: [REDACTED] s. 22(1) >

Sent: August 30, 2022 12:42 PM

To: bylawdept@westvancouver.ca; amarginson@westvancouver.ca; cmills@westvancouver.ca; kspooner@westvancouver.ca; mayorandcouncil@westvancouver.ca; [REDACTED] s. 22(1)

[REDACTED] s. 22(1)

Subject: [REDACTED] s. 22(1) - The saga continues ...

To The District of West Vancouver

We live at [REDACTED] s. 22(1) - next door to an abandoned duplex.

I am assuming there is a file outlining the challenges with this project and staff are aware of our concerns. Having said that - this project continues to be a blight on our neighbourhood with no end in sight!

A brief project overview:

- Demolition of the home [REDACTED] s. 22(1) took place in 2017
- Construction on the duplex comenced in 2018
- The approved project plans were reviewed by an architect during construction and found to be non-compliant in several areas with your current building code.
- A minor concession was made and some of the building mass was reduced on each side.
- At a board of variance meeting in [REDACTED] s. 22(1) the builder expressed the need to expedite a hydro connection and move from the temporary power pole.
- Two years later, the duplex is still connected to a temporary power pole.
- The site is an eyesore and has become a refuge for weeds and garbage.

It is apparent that the owner of [REDACTED] s. 22(1) continues to ignore the ' Good Neighbour' letters sent by Bylaws.

It has also come to my attention that the owner of [REDACTED] s. 22(1) also owns a Duplex in the [REDACTED] s. 22(1) that is in total disrepair.

A resident of that street noted that the site now houses rats and racoons and that calls to bylaws have not improved the situation.

Surely the District of West Vancouver can compel the owner of these two properties to clean them up and maintain them?

Regards,

[REDACTED] s. 22(1)

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
HERITAGE ADVISORY COMMITTEE MEETING MINUTES
VIA ELECTRONIC COMMUNICATION FACILITIES
WEDNESDAY, JUNE 29, 2022**

Committee Members: P. Grossman (Chair), S. Abri, L. Anderson, P. Hundal, J. Mawson, H. Telenius; and Councillor S. Thompson attended the meeting via electronic communication facilities. Absent: B. Clark, M. Geller, and A. Hatch.

Staff: E. Syvokas, Community Planner (Staff Liaison); A. Banks, Senior Manager of Parks; C. Ambor, Parks Stewardship Manager; M. McGuire, Senior Manager of Current Planning and Urban Design; and C. Mayne, Executive Assistant to the Director of Planning & Development Services (Committee Clerk) attended the meeting via electronic communication facilities.

1. CALL TO ORDER

The meeting was called to order at 4:35 p.m.

2. APPROVAL OF AGENDA

It was Moved and Seconded:

THAT the June 29, 2022 Heritage Advisory Committee meeting agenda be amended by:

- Adding Item 4.1 - Navy Jack House Update;

AND THAT the agenda be approved as amended.

CARRIED

3. ADOPTION OF MINUTES

It was Moved and Seconded:

THAT the April 27, 2022 Heritage Advisory Committee meeting minutes be amended by:

- Changing the spelling of Gellar to Geller;

AND THAT the minutes be adopted as amended.

CARRIED

REPORTS / ITEMS

4. Heritage Workshop

E. Syvokas introduced the Heritage Workshop which was organized in response to two issues that the committee had been discussing that staff felt could use the guidance of a heritage expert:

- 1) Current HAC asset inventory including trails, points of interest, plaques, benches, commemorative trees, and parks, etc. in context of what constitutes heritage; and

- 2) Application of the Standards and Guidelines and accepted practices for the review of development proposals.

Staff from the Parks Department, Andrew Banks and Corinne Ambor, were invited to attend the meeting to answer questions with respect to assets on District property which are managed by the Parks Department.

Presentation: Donald Luxton, heritage consultant, provided a presentation that included an overview of conservation principles, heritage conservation jurisdictions (world, national, provincial, and municipal), the *Federal Standards and Guidelines for the Conservation of Historic Places*, and Heritage Conservation tools.

Committee Questions:

The Committee went on to question the presenter, with Don Luxton's and staff responses in *italics*:

The issue that we are grappling with is interpreting Standard 11 regarding any new work being physically and visually compatible with, subordinate to and distinguishable from the historic place. It has been interpreted by some members that an addition/infill should not look like a character home from the 1930's. Other members support additions and infill that look compatible to the period. This is especially clear when looking at the Lower Caulfield Heritage Conservation Area, where the purpose of the HCA is to maintain the character of the 1920's village. If additions or infill dwellings are contemporary, it would change the whole character of the area. How do you interpret Standard 11?

The Standards and Guidelines are principles and guidelines and provide practical advice to guide decision making. There is no right or wrong answer. The heritage world is a world where we must debate, understand, and defend. There are different ways of doing things and different situations. We don't build things the same way as in the past, so new construction wouldn't be the same. Generally, it is advised that additions/infill do not copy or mimic. New additions should be identifiable but respect the heritage building by sitting back, not being too flashy, and not drawing attention.

Is it ok to say that an addition/infill should be the same style (i.e., 1930s character per the example)?

That is up for interpretation. It is a balancing act. It should be distinguishable, should look new but not stick out like a sore thumb. It should be deferential. In successful projects, the addition or infill always look like they are part of the same family as the heritage building. Should it be a 1930s house, no; it should be a 1930s inspired house using a common vocabulary, without copying. If you are going to build in historic guidelines you need to follow the standards.

Is it up to the designer to look at the heritage building and consider the context and demonstrate how they are adhering to the Standards and Guidelines?

All heritage work should be subject to knowledgeable criticism. There is always a necessity for open and public review of projects, especially when incentives are being offered. The applicant should demonstrate how they are meeting the

Standards and Guidelines and HAC needs to assess the project against those principles. That is HAC's role.

What is heritage value?

In the past the focus was on old houses, then expanded to newer houses, and then further to include landscapes. A values-based criteria is used to determine what has heritage value. This is an ongoing process, as some things age, things will accrue more value. The Heritage Register is a tool for tangible heritage (i.e., physical sites). There are not tools in the Local Government Act manage intangible heritage (i.e., cultural value such as events, traditions, culture). There may be other better ways to manage broader heritage. Buildings are easy because we have the Standards and Guidelines to follow.

Community participation for identifying heritage assets / landmarks is great.

It is a surprisingly complex field when getting into cultural heritage. I am so glad in this country we have a national system, and all use the one language. It is important to be precise in terminology. It used to be so difficult because we didn't speak the same language. It is important that those presenting projects comment on the specifics of the Standards and Guidelines.

Can you provide any comment on whether tribute trees and benches have heritage value?

The Local Government Act is specifically targeted at land and property The Heritage Register is used as a tool to monitor proposed changes to real property through municipal flagging and the permit process. If you overload the Heritage Register, it becomes a management issue. For instance, the Heritage Register is not a good way to manage trees as they have lifespans and then it becomes an issue if they die. Further, commemorative items such as trees and benches contribute community history but adding a commemorative bench or tree to the Heritage Register won't make any difference to their management, as they also have a short timespan (renewed every 10 years). If it isn't 20 years old should not be on Heritage Register.

What about trails and landscapes?

There are certain trails that have ended up on heritage registers for very specific reasons, such as the Semiahmoo Trail recognizing an important historic pioneer trail/wagon transportation route. However, trails change over time and need to be managed which makes it tricky.

Response from A. Banks: The District has a tribute tree and bench program. It is quite an involved program, with over 300 benches. We renew them every 10 to 15 years; therefore, they are evolving, not static. In terms of trees, the issue is that they fail or die. They have a lifespan and to manage this is quite challenging. They often can't be replaced in the same location or with the same species. For example, there was an issue with Hemlock moths attacking Hemlock trees so wouldn't make sense to replace the trees that died with the same species. In terms of trails, many are established but they do change due to erosion, landslides, usage etc. A heritage trail

is one where you can see the history trail i.e., a mill or flume. That is the aspect to focus and encourage through interpretive signage.

The presentation was very helpful. The committee has been working on building an inventory of assets that may have heritage merit which is divided in to four streams. This is the first in determining the assets the District have. Until we all the information we can't decide if they have heritage merit. The inventory of assets is a tool which will help frame our discussion on which assets should be considered for the Heritage Register. For instance, it is helpful to have a list of commemorative plaques and where they are located. This will allow us to understand, if there are some that may be worthy of preparing a Statement of Significance for potentially adding to the Heritage Register.

You can never have too much information, however, the key is determining where to focus energy. An informal list has no status under heritage legislation and can be confusing for the public. Commemorative plaques have not been set up to be permanent, therefore they may be an issue in terms of management if added to the Heritage Register. One of the key things is to compare to other similar sites, objects, and values and against the District's established evaluation criteria.

Does an asset have to be attached to land?

Things that move cannot be added to the register. It is a legal definition, and the Municipality must follow those rules. Can list and designate things like cemeteries. They have their own management plans and are very specific. If it is attached to real land it can go on the Heritage Register.

Skid roads: we have a series of them across Hollyburn Mountain. Parks staff have been very helpful in protecting them but the advantage of adding them to the Heritage Register is preserving corporate memory.

A skid road would be considered a cultural landscape under the Standards and Guidelines. There is nothing preventing a skid row (should be the best example of one) from being added to the Heritage Register but it must be built into the Parks Management Strategy to ensure protection and management.

The key is to not overload the Heritage Register and make the list difficult for staff to manage.

How are we working on these new potential additions, who is working on it and when will they be reviewed?

Staff response: We have the list of suggestions from the public. We have been talking about other additions to the asset inventory. We have not determined the next steps forward for those suggestions. Currently collecting and discussing. Once a list of significant assets has been determined, would need to review each asset against the criteria for additions to the Heritage Register and a Statement of Significance would need to be prepared for Council to consider for each nomination. At this point it is a work in progress. Determining where the committee wants to focus energies and next steps. This will need to be discussed at a future meeting.

The infill house debate was a big one. Is it ok for infill houses to be inspired by heritage houses and not get bogged down that it must be modern?

As discussed previously, it is about having a common vocabulary between old and new. The infill should be inspired by the heritage building but not replicate. Look at every proportion and every line and how it relates to the heritage building. Try to make things that are new speak to things that are old. It is about proportion, materiality, colour etc.

Do HRA's in other municipalities get reviewed by the DRC and HAC?

The way it is usually handled is that staff determine which committees should review a project based on the scale, complexity etc. The HAC review all heritage projects and the DRC typically also review multi-family and commercial projects.

The HAC is an advisory committee of Council and make recommendations whether to support a proposal. Staff take the comments received and then work with the applicant to revise their project to address the comments before bringing the application forward for Council's consideration.

How does the Urban Forest Management Plan relate to heritage?

Response from A. Banks: The goal of that plan is to protect, enhance and maintain the health of West Vancouver's urban forest. West Vancouver is lucky to have such a large tree canopy which is an important part of the character of West Vancouver. The UFMP is looking at the different areas of the District, such as the Altamont area which is very treed compared to the Ambleside area. The plan will develop a strategy that will maximize the benefits and minimize the risks of our urban forest over the next 15 years.

The 2006 Heritage Strategic plan has expired. Where are we at with meeting the plan's objectives? Would like to see what has not been achieved.

Most of the objectives of the plan have been implemented. The committee could review the plan of a strategic plan update and determine what objectives have yet to be completed.

Talking about looking at the Heritage Strategic Plan, can we focus on this? Do we need to engage a consultant to update this? This would have to be added to the work plan as we might need resources to complete this work.

Reviewing the plan would give a good idea of where you are. I am a big believer in having a strategic plan, periodically it needs to be reviewed.

The Chair thanked Don Luxton for the informative presentation, as well as Parks staff for attending the meeting.

C. Ambor and A. Banks left the meeting at 6:18 p.m. and did not return.

It was Moved and Seconded:

THAT the discussion regarding Heritage Workshop be received for information.

CARRIED

L. Anderson left the meeting at 6:20 p.m. and did not return.

4.1 Navy Jack House Update

E. Syvokas provided an update on the Navy Jack House:

Front yard clean up has commenced and is anticipated to be completed within the next week. Shortly thereafter, mulch will be blown into the area to complete this work.

Staff have been in contact regularly with representatives of the Navy Jack House Citizen Group and are working on the following:

- Creating signage that will be posted on the chain link fence on the south perimeter. This is close to completion.
- A fund will soon be setup through the West Vancouver Foundation for the group to collect donations.
- Staff are liaising with the Navy Jack House Citizen Group about the Navy Jack House Citizen Group setting up a tent/booth at Harmony Arts Festival to raise awareness and facilitate fundraising.

J. Mawson provided the following additional information from the Navy Jack House Citizen Group:

The information boards will hopefully provide the public with information. The other component is determining if there is anything else that can be done to the house that will help inform the public or make the site a little more attractive. To see that the place is a little more loved and cared for would be helpful. This will give the public a sense of what is coming down the line in terms of its restoration. The Navy Jack House Citizen Group has been in touch with the Public Art Advisory Committee and has made some suggestions about window decorations, murals etc. The group will have a booth at the Harmony Arts Festival.

There is a possibility that a private donor might step forward and make a significant contribution to the public fundraising or take on the whole restoration themselves. This private funding approach is being discussed with the individual and staff. This person has been involved in restoration before and has a construction company that can restore. It would go in front of Council and would be huge for our committee to weigh in at that stage. If they do come forward with something in writing, it would be helpful to have support from our committee. It will take quite a while to unfold so in the meantime the Navy Jack House Citizen Group must be committed to fundraise and leave the parallel private situation to unfold as it will.

It was Moved and Seconded:

THAT the verbal report regarding Navy Jack House Update be received for information.

CARRIED

L. Anderson absent at vote

PUBLIC QUESTIONS

5. PUBLIC QUESTIONS

C. Reynolds commented on the following:

- There are five categories of heritage. Please consider these.
- Suggested some incentives, will send along.
- Very exciting thinking about Harmony Arts Festival. Looks positive and it will be great.

M. Fidler, representing a co-housing collective for the "Horseshoe Bay Cottages" on Nelson Avenue introduced himself and indicated that he would like to open the dialogue and be part of the heritage conversation.

Staff are working with Mr. Fidler and are at the preliminary stages.

J. Mawson left the meeting at 6:34 p.m. and did not return.

As quorum was lost, the meeting was adjourned at 6:34 p.m.

Staff confirmed that the next Heritage Advisory Committee meeting is scheduled for July 27, 2022 at 4:30 p.m. and will be held in-person in the Raven Room.

Certified Correct:

s. 22(1)
[Redacted Signature]

Chair

s. 22(1)
[Redacted Signature]

Staff Liaison