



April 8, 2021

Job Number: 116526
vFCBC Tracking Number: 100335323

1265024 BC Ltd
111-619 Moberly Road
Vancouver, British Columbia
V5Z 4B1

Tomas Nielsen 1265024 BC Ltd:

Change Approval - Changes In and About a Stream (File 1005012)

A change approval for the above application has been granted and a *Water Sustainability Act Section 11(1) Changes In and About a Stream Approval* document verifying this is attached.

This change approval does not authorize occupation of private or Crown owned land. Permission of the affected landowner, or a permission to occupy Crown land, must be obtained and should be in writing for your protection.

The holder of this approval shall ensure that any proposed development and/or changes do not impact traditional or special sites in accordance with the *Heritage Conservation Act* and the ability of First Nation community members to participate in traditional activities on the land and water.

This approval does not constitute authority of any other agency. The holder of this approval shall have the necessary permits from other agencies concerned prior to the commencement of the works authorized herein. The permit holder is required to adhere to all other applicable provincial and federal regulations.

Archeological sites (both recorded and unrecorded) are protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archeology Branch. The holder of this approval must advise everyone who will be involved in ground-disturbance and construction that if archeological materials are encountered, activities must be halted and the Archeology Branch contacted at 250-953-3334 for direction.

Section 105 of the *Water Sustainability Act* gives the recipient of this notice the right to appeal my decision. You may file an appeal within 30 days of the date indicated on this letter. Information on filing an appeal can be found on the Environmental Appeal Board website at <http://www.eab.gov.bc.ca/>.

If you have any questions or concerns regarding the document issued or this letter please feel free to contact Sheri Petrovcic, Authorization Specialist, by email at sheri.petrovcic@gov.bc.ca or by phone at (250) 850-1747.

Sincerely,



Lesley Fettes
Assistant Water Manager

Enclosure(s) Approval Document



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1265024 BC Ltd
111-619 Moberly Road
Vancouver, British Columbia
V5Z 4B1

Tomas Nielsen,

Change Approval - Changes In and About a Stream - 1005012

1265024 B.C. Ltd. (Tomas Nielsen), 111-619 Moberly Rd. Vancouver, British Columbia V5Z 4B1 is hereby authorized to make changes in and about a stream as follows:

At an unnamed stream/pond located at 1915 Cumberland Road in Courtenay, British Columbia that connects to Tributary 10 of Piercy Creek.

The changes to be made in and about the stream are: Driveway access onto the subject property will require extending a section of existing 200 mm PVC storm pipe approximately 30 m from the end of Larsen Road in a non-fish bearing ditch. In addition, a 485 m² habitat pond will be established south of the proposed driveway alignment that will serve the joint function of improving stormwater detention for the entire 2.95 acre parcel and creating new amphibian breeding habitat that is currently absent from a nearby shallow 415 m² depression with some wetland characteristics.

The location of the works is at the following coordinates, as provided by the applicant: 49.6747000N, -125.0080400W

All works shall take place between June 15 to September 15, 2021 and June 15 to September 15, 2022

A Qualified Environmental Professional/Monitor with the authority to halt work shall be on site during all phases of construction.

All machinery and equipment operating within the stream shall be clean, free of external grease, oil or fluid leaks and shall use biodegradable grease, oil and fluids.

Fuelling and servicing of vehicles and equipment must occur a minimum of 30 metres away from all streams, lakes and waterbodies. Keep a spill containment kit on site and train onsite staff in its use. Immediately report any spill of a substance that is toxic, polluting, or deleterious to aquatic life of reportable quantities to the Dangerous Goods Incident Report 24-hour phone line at **1-800-663-3456**.

The works shall not result in depressions that have the ability to trap fish and other aquatic life.

The holder of this approval shall take reasonable care to avoid damaging any land, works, trees, or other property and shall make full compensation to the owners for any damage or loss resulting from the exercise of the rights granted with this approval.

Riparian areas which are disturbed by the works shall be restored to their original condition and protected from erosion.

All material utilized during construction shall be contoured and placed in a stable area such that it is not able to mobilize and managed to avoid entry into any stream or watercourse.

The works authorized shall be completed on or before September 15, 2022.

Measures must be taken to ensure that no harmful material (e.g. fuel and other hydrocarbons, soil, road fill, or sediment) which could adversely impact water quality, fish and other aquatic life, and/or fish habitat, be allowed to enter the wetted perimeter as a result of the project activities.

All rock used in the works shall be clean and free of sediment producing material, durable, non-acid generating and suitably graded.

The activities authorized under this approval may be halted at any time by an Order in writing from a Water Manager under the *Water Sustainability Act* to ensure compliance with the terms and conditions authorized herein.

All work shall be carried out in accordance with the Provincial "Standards and Best Practices for In-stream Works" (2004). The Provincial guidance document can be found at the following link:
<http://www.env.gov.bc.ca/wld/documents/bmp/iswstdsbpsmarch2004.pdf>.

All changes in an about the stream shall be completed to the satisfaction of a Water Manager, as defined by the *Water Sustainability Act*.

Where there is a potential for silt runoff in the proximity of existing watercourses, control devices will be installed prior to construction activities commencing;

a) Filter fabric dams, rock check dams, and silt fencing will be used as needed on a site-specific basis to control erosion. Filtration should be accomplished using filter fabric keyed into substrates and banks, and elevated using stakes. Silt fencing is not an acceptable mitigation technique to control erosion in flowing ditches; however it is useful for containing slumping areas and for use as baffles to slow water velocities.

b) Excavation will be stopped during intense rainfall events or whenever surface erosion occurs affecting the watercourse.

c) Watercourses are not to be traversed by machinery at any time.

d) Soil stockpiles will be placed a minimum of 5 metres from any watercourse and in a location where erosion back into the watercourse cannot occur and will not impede any drainage.


e) Soil stockpiles with the potential to erode into watercourses are to be covered with poly sheeting or mulch. Other techniques, such as terracing or surface roughening can greatly reduce surface erosion on steeper slopes.

f) Permanent exposed soil areas and erosion-prone slopes that may potentially erode into the watercourse are to be seeded immediately, or covered with geotextile.

g) Clearing will take place immediately prior to excavation and earthworks to minimize the length of time that soils are exposed. Vegetation in adjoining areas will not be disturbed.

h) Site re-vegetation measures may be required to stabilize soils and stream banks and reduce erosion. The measures, including planting native vegetation, are to be implemented as directed by the biologist as construction is completed.

Sincerely,



Lesley Fettes
Assistant Water Manager



Change Approval and Notification (Changes In and About a Stream)

Tracking Number: 100335323

Applicant Information

If approved, will the authorization be issued to an Individual or Company/Organization? Company/Organization
What is your relationship to the company/organization? Consultant

APPLICANT COMPANY/ORGANIZATION CONTACT INFORMATION

Applicant is an Individual or an Organization to whom this authorization Permit / Tenure / Licence will be issued, if approved.

Name: 1265024 BC Ltd.
Doing Business As:
Phone: 604-365-4050
Fax:
Email: tomas@formstate.com
BC Incorporation Number:
Extra Provincial Inc. No:
Society Number:
GST Registration Number:
Contact Name: Tomas Nielsen
Mailing Address: 111-619 Moberly Road
Vancouver BC V5Z4B1

CONSULTANT INFORMATION

Please enter the contact information of the Individual/Organization who is acting on behalf of the applicant.

Name: Dustin Silvester
Phone: 250-871-1944
Daytime Phone:
Fax:
Email: dusty@currentenv.ca
Mailing Address: 558 England Avenue
Courtenay BC V9N2N3

Letter(s) Attached: Yes (Agency letter for Current Environmental.pdf)

ELIGIBILITY

Please answer the following questions related to your Change Approval/Notification.

Question	Answer	Warning
Is this application to support oil and gas activity that is being authorized by the Oil and Gas Commission?	No	

TECHNICAL INFORMATION

GOVERNMENT AND FIRST NATION FEE EXEMPTION REQUEST

Do you belong to, are you applying on behalf of, or are you: No

- A provincial government ministry
- The Government of Canada
- A First Nation for water use on reserve land
- A person applying to use water on Treaty Lands

- A Nisga'a citizen
- An entity applying to use water from the Nisga'a Water Reservation?

APPLICATION BY GOVERNMENT

Please indicate if you are someone who works in the government OR you are working on behalf of the government.

Are you, or are you applying on behalf of, a government entity? No

TYPE OF WORKS

Please select the type of Notifications/Approvals you want to apply for as part of this application.

Please select the type of works to be undertaken:

Notification

- ☐ Road Crossing Culvert - Construction / Maintenance / Removal
- ☐ Clear Span Bridge - Construction / Maintenance / Removal
- ☐ Pipeline Crossing – Construction / Maintenance
- ☐ Dry Hydrant – Construction / Maintenance
- ☐ Pier, Wharf, (including docks) – Construction / Maintenance / Removal
- ☐ Cutting of annual vegetation in a stream channel
- ☐ Dike or Erosion Protection Works - Repair / Maintenance
- ☐ Storm Sewer Outfalls – Construction / Maintenance
- ☐ Control of Eurasian Watermilfoil or other invasive aquatic vegetation
- ☐ Ice Bridge / Winter Ford or Snowfill - Construction / Maintenance
- ☐ Maintenance of minor and routine nature by a public utility
- ☐ Removal of a beaver dam (as authorized under the Wildlife Act)
- ☐ Construction of a temporary ford
- ☐ Construction of a temporary diversion around a worksite

Approval:

- ☐ Bank Erosion Protection
- ☐ Bridge (other than clear span) - Construction / Maintenance / Removal
- ☐ Stream Diversion
- ☐ Large Debris Removal by machine - Plan required
- ☐ Gravel removal
- ☒ Other: Habitat/stormwater detention pond construction

Please note that the ultimate decision whether this constitutes a Notification or a Change Approval lies with the Province of British Columbia

SITES

Click on the Add Sites button to add one or more sites.

SITE

Location ID: 1915 Cumberland Rd, Courtenay,

STREAM

Name of the Stream: Tributary 10
Source Flows Into: Piercy Creek

PROPOSED WORKS

Detailed Description of Works: The following is a summary of a detailed project proposal described in the appended "Amphibian habitat/stormwater detention pond design concepts"

document.

Proposed works on the subject property will include creating driveway access off Larsen Road for the landowner to access the northern half of the property with the extension of an existing road infrastructure project begun by the City of Courtenay that currently ends in a stubbed road and temporary no-post barriers (Photo 1-2). Driveway access onto the subject property will require extending a section of existing 200 mm Ø PVC storm pipe approximately 30 m from the end of Larsen Road in a non-fish bearing ditch (see appended site plan) (Photo 3). In addition, it is recommended that a 485 m² habitat pond be established south of the proposed driveway alignment that will serve the joint function of improving stormwater detention for the entire 2.95 acre parcel and creating new amphibian breeding habitat that is currently absent from a nearby shallow 415 m² depression with some wetland characteristics as described below.

The property is gently sloping from both north and south towards its approximate center where water accumulates in a shallow, approximately 415 m² depression with an estimated max. depth of 10 cm (Photos 5-6). Sections of the depression appear to show characteristics of succeeding back to a forest stand as they do not support any hydrophytic vegetation and are composed of bare soils and an accumulation of organic material (Photo 7).

Habitat qualities of this wet depression with some wetland-type characteristics are considered relatively low for the following reasons:

- Wet season observed depths are minimal and non-contiguous at 5 cm on Dec. 2nd (Photo 5) (10 cm bankful depth) and are considered representative of a typical winter.
- There was no observed connection between the wetland and the nearby non-fish bearing ditch on Dec. 2nd (Photo 8), and it is suspected that the wet depression is present in part because of water impounded by spoilage that appears to have been sidecast onto the edge of the property during establishment of the Larsen Road ditch.
- The presence of shallow seasonal water, disconnection from the Larsen Road ditch under most conditions except extreme weather events, and the non-fish bearing status of the ditch show that there is limited value to amphibians and fish in the wet depression's current configuration.
- Ground level assessments of the depression in May and November 2020 did not show presence or utilization by wildlife, including amphibians, and habitat values are considered low for this feature.

The reaches of Tributary 10 between Cumberland Road and the subject property are non-fish bearing from a point 230 m downstream of the Larsen Road culvert location as a result of storm water infrastructure having enclosed the stream channel in a 525 mm storm sewer pipe for approximately 135 m (see appended Site Plan).

In conjunction with the landowner's intended creation of a driveway access point off Larsen Road, the City of Courtenay has identified the subject property as the preferred location for a sanitary gravity main improvement (20-year horizon) to service a portion of the west Courtenay catchment area between 1st Street and Cumberland Road (see appended City Sewer Model Dev. Plan).

Creation of the new habitat/stormwater pond will not require the removal of the existing wetland/depression but will convert some of the nearby riparian stand of sparse young red alder (Photo 7). Furthermore, the habitat/stormwater pond is intended to control stormwater runoff from the southern half of the property including a parking area that is currently feeding the existing depression towards the center of the northern half of the property.

Footprint of Project: 500 m2

PROPOSED TIMING FOR WORKS

Instream Start Date: Jun 15, 2021
Instream End Date: Sep 15, 2021
Is the proposed timing within the approved regional timing window? Yes

LOCATION OF WORKS

Provide a legal description of the land(s) where works are proposed: Lot 1 Plan VIP32210 District Lot 96 Land District 15
PID: 000-715-891
Geographic Coords of Works: 49.6747000, -125.0080400
Photo of Works Location: 1915 Cumberland Rd, Courtenay, - Photos 1915 Cumberland Ave

LAND OWNERSHIP AT THE WORKS

Land Ownership: ☒ Applicant owns land
☐ Land is Crown Land but applicant has tenure
☐ Land is Crown Land but tenured to Ministry of Transportation
☐ A third Party owns the land but the applicant has lease or tenure
☐ A third Party owns the land but applicant has written consent
☐ Land is Crown Land but the applicant does not have a tenure

CONTACTS

If you are not carrying out the work, indicate contractor/company's name, professional affiliation, mailing address, postal code and telephone numbers. If a different company is designing and supervising the work, please include this information as well

Contact Info	Type of Contact
Name: Dusty Silvester	Design and Supervision
Phone: 250-792-1793	
Daytime Phone:	
Fax:	
Email: dusty@currentenv.ca	
Mailing Address: 558 England Avenue Courtenay BC V9N2N3	
Cert: RPBio	

LOCATION INFORMATION

LAND DETAILS

DRAWINGS

A Drawing to Scale is required that meets the Application Drawing Standards. Choose one of the options below to submit the required map/drawing.

Additionally, it is recommended that you provide a topographical map showing the general location of the property where the water is proposed to be used and the works constructed in relation to nearby communities, highways, railways and other water sources.

(this additional map will not be necessary if your Drawing to Scale is provided using the Geomark Service or a spatial file such as .KML or .KMZ)

☒ I have map(s) saved to my computer and wish to provide these with my application

MAP FILES

Do you have a PDF or image file of a drawn map? You can upload it here.

Description	Filename
Property location and overview site plan	1915_Cumberland_S11A_201210...

ATTACHED DOCUMENTS

Document Type	Description	Filename
Engineering Drawings	Engineered drawing of proposed habitat/stormwater pond and driveway alignment	20201207-V21-0453A-REV B.pdf
Other	Amphibian habitat stormwater detention pond design concepts	Amphibian habitat stormwate...

PRIVACY DECLARATION

PRIVACY NOTE FOR THE COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION

Personal information is collected by FrontCounter BC under the legal authority of section 26 (c) and 27 (1)(a)(i) of the Freedom of Information and Protection of Privacy Act (the Act).

The collection, use, and disclosure of personal information is subject to the provisions of the Act. The personal information collected by FrontCounter BC will be used to process your inquiry or application(s). It may also be shared when strictly necessary with partner agencies that are also subject to the provisions of the Act. The personal information supplied in the application package may be used for referrals or notifications as required. Personal information may be used by FrontCounter BC for survey purposes.

For more information regarding the collection, use, and/or disclosure of your personal information by FrontCounter BC, please contact FrontCounter BC at 1-877-855-3222 or at:

FrontCounter BC Program Director
FrontCounter BC, Provincial Operation
441 Columbia Street
Kamloops, BC V2C 2T3

☒ Check here to indicate that you have read and agree to the privacy declaration stated above.

REFERRAL INFORMATION

Some applications may also be passed on to other agencies, ministries or other affected parties for referral or consultation purposes. A referral or notification is necessary when the approval of your application might affect someone else's rights or resources or those of the citizens of BC. An example of someone who could receive your application for referral purposes is a habitat officer who looks after the fish and wildlife in the area of your application. This does not apply to all applications and is done only when required.

Please enter contact information below for the person who would best answer questions about your application that may arise from anyone who received a referral or notification.

Company /

Organization:

1265024 BC Ltd.

Contact Name:

Tomas Nielsen

Contact Address:

111-619 Moberly Road
Vancouver BC V5Z4B1

Contact Phone:

604-365-4050

Contact Email:

tomas@formstate.com

☒ I hereby consent to the disclosure of the information contained in this application to other agencies, government ministries or other affected parties for referral or First Nation consultation purposes.

IMPORTANT NOTICES

Please review the "Important Notices" below and then check the declaration at the bottom confirming that everything in this application is complete and accurate.

- I understand that the submission of this application does not provide authority under the Water Sustainability Act to construct works in and about a stream. I also understand that my application must first be investigated and a decision made on the application as to whether an approval may be granted and, as part of that review, additional information may be requested of me.
- The application may be subject to further requirements under the federal Fisheries Act. Please refer to Fisheries and Oceans Canada Projects Near Water webpage (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) for information on how to ensure your project complies with the Fisheries Act.

DECLARATION

☒ By submitting this application form, I, declare that the information contained on this form is complete and accurate.

OTHER INFORMATION

Is there any other information you would like us to know?

I have had an informal discussion with Grant Bracher on this project. Please assign him to the file if available. Thank you.

APPLICATION AND ASSOCIATED FEES

Item	Amount	Taxes	Total	Outstanding Balance
Changes in and about a Stream Application Fee	\$250.00		\$250.00	\$0.00

OFFICE

Office to submit application to:

Nanaimo

PROJECT INFORMATION

Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC?

No

APPLICANT SIGNATURE

Applicant Signature

Date

OFFICE USE ONLY

Office Nanaimo	File Number	Project Number
	Disposition ID	Client Number