



June 25, 2008

Nick Ebrahim  
 3707 Dollarton Highway  
 North Vancouver, BC  
 V7G 1A1

**Re: BERC CPR# 0804B013; N. Ebrahim;  
 Proposed Redevelopment of 3707, 3715, and 3739 Dollarton Highway, North Vancouver, BC**

**PROJECT REVIEW**

Reference is made to the following documents provided to the Burrard Environmental Review Committee (BERC) for review and comment:

- The letter to J. Baumann of the Vancouver Fraser Port Authority from E. MacDonald and B. Nidle of Pottinger Gaherty Environmental Consultants Ltd. dated April 16, 2008 regarding “BERC Application: 3707-3739 Dollarton Highway, North Vancouver, BC” and attachments as amended by the letter to A. Mayes of BIEAP-FREMP from B. Nidle of Pottinger Gaherty Environmental Consultants Ltd. dated June 12, 2008 regarding “BERC CPR#0804B013 3707, 3715, and 3739 Dollarton Highway, North Vancouver, BC”.
- The Forma Design Inc. Project No. 07.076 “3707-3739 Dollarton Hwy. North Vancouver, BC” Drawings:
  - Sheet No. L1 of 2 “Landscape Plan – Layout” Rev. 4 dated June 4, 2008.
  - Sheet No. L2 of 2 “Landscape Plan – Planting” Rev. 4 dated June 4, 2008.
- The Webster Engineering Ltd. Project “3707 Dollarton Highway North Vancouver, British Columbia” Drawings:
  - Drawing No. SMP-1 “Stormwater Management Plan” Rev. 1 dated June 04, 2008.
  - Drawing No. SE “Sediment & Erosion Control Plan” Rev. 1 dated June 04, 2008.
- The Pottinger Gaherty Environmental Consultants Ltd. report “Construction Environmental Monitoring Plan” dated June 2008.

Based upon the information provided, BERC understands that N. Ebrahim is proposing works to redevelop the properties at 3707, 3715, and 3739 Dollarton Highway, North Vancouver, BC on Burrard Inlet. The three existing lots will be consolidated to create a new bare land strata to accommodate seven new single-family lots. The works will mainly involve the following:

- a) Removal of existing dwellings at 3715 and 3739 Dollarton Highway (the dwelling at 3707 Dollarton Highway will be retained) and the construction of six new dwellings.
- b) Construction of a cul-de-sac and other service infrastructure.

- c) Installation of riprap along portions of the Burrard Inlet shoreline.
- d) Removal of non-native invasive plant species (e.g. English Ivy and blackberry) and planting of native tree and shrub vegetation.
- e) Construction of a walkway and retaining walls on the upland slope along Burrard Inlet and a trail adjacent and over an un-named watercourse.

If any of the foregoing points are inaccurate, misleading or otherwise require further discussion please notify the undersigned at your earliest convenience as the BERC member agencies may wish to modify their comments accordingly.

On the understanding that the foregoing points accurately reflect the subject proposal, it is the opinion of the BERC member agencies that the potential adverse impacts to fish, wildlife and their habitat associated with the proposed works to works to redevelop the properties at 3707, 3715, and 3739 Dollarton Highway, North Vancouver, BC on Burrard Inlet can be mitigated through the application of appropriate criteria. Accordingly, the BERC member agencies recommend that this project be subject to the following terms and conditions:

1. N. Ebrahim shall ensure that all works are as described in the above referenced documents.
2. N. Ebrahim acknowledges that all plans and specifications relating to this project have been duly prepared and reviewed by appropriate professionals working on his behalf. N. Ebrahim, and his agent(s) and/or contractor(s), further acknowledge that he is solely responsible for all design, safety and workmanship aspects of all of the works associated with the subject project.
3. N. Ebrahim shall ensure that all work associated with the subject project complies with the requirements of the *Fisheries Act*, and all other applicable laws, legislation, and best management practices. In this regard, N. Ebrahim should be aware that Section 36(3) of the federal *Fisheries Act* prohibits the discharge of deleterious substances to waters frequented by fish either directly or indirectly as by storm sewer. Due diligence is required at all times to prevent such discharges and adherence to the conditions in this letter does not provide relief from ongoing responsibilities in this regard.
4. The works must not proceed until such time that the District of North Vancouver has issued applicable approvals/permits for the works.
5. There shall be no disturbance to the intertidal foreshore of Burrard Inlet other than that required for the removal of existing pile-supported structures.
6. Land-based equipment or machinery must only operate from the upland and not from the intertidal foreshore or waters of Burrard Inlet.
7. Work shall be undertaken and completed in such a manner as to minimize the release of silt or silt-laden water, sediment or sediment-laden water into any ditch, watercourse, ravine or storm sewer system and in accordance with the general provisions of the sediment and erosion control section of the "Land Development Guidelines for the Protection of Aquatic Habitat" (1992).
8. All works involving the use of concrete, cement, mortars, and other Portland cement or lime-containing construction materials shall be conducted so as to ensure that sediments, debris, concrete, and concrete fines are not deposited, either directly or indirectly into Burrard Inlet or any watercourse. Any water contacting uncured or partly cured concrete or Portland cement or lime-containing construction

materials, such as the water that may be used for exposed aggregate wash-off, wet curing, equipment washing, etc., shall be prevented from entering, directly or indirectly, the marine environment unless this water has been tested (to an accuracy of within +/- 0.2 pH units) and found to have a pH of between 6.5 and 9.0 pH units and a turbidity of less than 20 nephelometric turbidity units (NTU) (to an accuracy of within +/- 2 NTU). Where concrete work is carried out near the aquatic environment such that there is a potential that concrete substances could enter the water, then containment facilities shall be provided at the site for the wash-down water from concrete delivery trucks, concrete pumping equipment, and other tools and equipment as required.

9. All fill materials shall be clean material, free of organic material and deleterious substances (i.e. substances harmful to fish).
10. All applicable legislation, guidelines, and best management practices shall be followed with respect to the application of wood preservatives or any other paints or coatings. Wood preservatives are to be applied at an established upland wood preservation facility and are to be applied in the dry, sufficiently in advance of the installation of the treated timber to allow the preservative to completely absorb and prevent leaching into the aquatic environment. This condition applies to initial construction and to subsequent maintenance. Reference should be made to Fisheries and Oceans Canada "Guidelines to Protect Fish and Fish Habitat From Treated Wood Used In Aquatic Environments in the Pacific Region" (Hutton, K.E. and S.C. Samis. 2000. Can. Tech. Rep. Fish. Aquat. Sci. 2314: vi + 34 p).
11. Best efforts shall be made to prevent the deposition of debris into the aquatic environment. Any debris that is deposited, floating or sinking, shall be contained within the immediate work area and recovered as soon as possible. Any debris removed shall be disposed of at an authorized upland site. In this regard, it should be noted that the burning of a wide range of materials, including creosote treated wood, is prohibited. Wherever possible, re-use or re-cycling of recovered materials is encouraged.
12. All work and activities at the site must be carried out such that there is no discharge, either direct or indirect, of construction waste, excavation waste, overburden, soil, dewatering effluent, oil, grease or any substances deleterious to aquatic life onto the bank of or into the waters of Burrard Inlet or any watercourse.
13. All waste, excavation materials or construction materials generated or used during construction must be stored in a stable area. If the potential exists for erosion and/or the release of soil, soil-laden water, sediment, or sediment-laden water or substances deleterious to aquatic life into Burrard Inlet or any watercourse mitigation measures are to be employed including, but not limited to, temporarily covering exposed materials with clear polyethylene tarps, geotextile fabric, or erosion blankets. Material that is moved off-site must be disposed of in such a manner as to prevent its entry into any water body or watercourse.
14. All machinery used on-site should be in good repair and free of excess oil and grease. Any fuelling or maintenance of such equipment should occur on the upland and greater than 30 metre away from the foreshore or any watercourse.
15. In order to guard against the effects of any potential accidental release of hydrocarbon products (e.g., fuel, oil, hydraulic fluid, etc.), from equipment at the site during construction, an appropriate spill prevention, containment, and clean up contingency plan for hydrocarbon products and other deleterious substances (e.g., creosote) shall be put in place prior to work commencing. Appropriate spill containment and cleanup supplies shall be kept available on site whenever the subject works are

underway. Further, personnel working on the project should be familiar with implementing the spill clean up plan and the deployment of spill response materials.

16. All stormwater and surface run off associated with the project shall be collected and treated using best available practices and as necessary to prevent the release, either directly or indirectly, of sediment, sediment laden water, turbid water, and deleterious substances (i.e., substances harmful to fish) to the aquatic environment. This includes during both the period of construction, as well as following completion of the project. This management of stormwater and surface run off shall be implemented and carried out using best available practices and in compliance with all applicable legislation, guidelines, and best management practices.
17. The area landward of the high water mark of Burrard Inlet and adjacent to the un-named watercourse are to be planted with tree and shrub vegetation as indicated in the information provided. It should be noted that, wherever possible, the option of planting *Crataegus* spp. (black hawthorn) or other native shrub species instead of Compact Mugho Pine should be considered.  
  
The planted vegetation must be monitored on an annual basis for a period of three years after planting to assess that the planted vegetation is as per the information provided to BERC and to assess its success with respect to survival and growth. A written report summarizing the monitoring results are to be provided to BERC within three months of each annual monitoring.  
  
If the annual monitoring indicates that the planted vegetation is not as per the information provided to BERC or less than 90% of each species of riparian vegetation planted have failed to survive, further works, including but not limited to further planting, must be undertaken to ensure the planted vegetation is as per the information provided to BERC and to provide a minimum survival rate of 90% of each species of riparian vegetation planted. If remedial works are conducted, annual monitoring of the planted vegetation shall be extended for a further three years.  
  
The planting and monitoring of vegetation must be conducted under the supervision of a qualified environmental consultant.
18. The area planted with vegetation along the shoreline of Burrard Inlet is to be protected by designation as either municipal park or by a Restrictive Covenant under Section 219 of the provincial Land Titles Act and registered against the title of the property affected as a priority agreement.
19. The Field Supervisor, Department of Fisheries and Oceans Conservation and Protection, Fraser Valley West in Langley, BC is to be advised at least two (2) days in advance of the start of the physical works (tel. 604-607-4150 or fax 604-607-4199).

If any of the understandings set out in this letter are incorrect, BERC must be notified prior to the start of work, as alternate or further terms and conditions may apply.

This letter is valid until **July 01, 2009**. After that date it will be void, no longer valid. If the subject works have not been substantially completed by that time, a new application and approval will be required. This will ensure that the proposed works will conform to current policy, guidelines and legislation of the BERC member agencies.

It is understood that by proceeding with the subject works, N. Ebrahim, and his agent(s) and/or contractor(s), shall have indicated that they understand, accept and have agreed to the foregoing conditions. In this regard, a copy of this letter of advice is to be provided to any contractor(s) prior to work commencing. In addition,

a copy of this letter is to be retained on site at all times when the subject works are underway, and shall be available for inspection by a Fishery Officer or other authorized person upon request.

The above comments and recommendations are based solely upon consideration by the BERC member agencies of the potential adverse environmental impacts associated with this project. It is possible that the BERC member agencies may be made aware of environmental or other concerns held by others. Any such additional comments that may be received will be forwarded for consideration. All other issues, including zoning, and necessary permitting must be addressed directly with the responsible authorities.

Thank you for referring this matter to BERC for comment.

Yours sincerely,

**Burrard Environmental Review Committee**

Per:

  
Project Review Coordinator

- cc: ✓ Brian Naito, Fisheries and Oceans Canada (by email)  
✓ Jim Schellenberg, Transport Canada Navigable Waters Protection Division (by email)  
✓ Mike Willcox, BC Ministry of Environment (by email)  
✓ Au, Environment Canada (by email)  
✓ J. Baumann, VFPA (by email)
- ✓ DFO C&P Field Supervisor Fraser Valley West, Langley, BC (facs: 604.607.4199)
- ✓ R. Boase, District of North Vancouver (facs: 604.984.9683)
- ✓ B. Nidle, Pottinger Gaherty Environmental Consultants Ltd. (facs: 604.682.9497)