



REGIONAL DISTRICT OF BULKLEY-NECHAKO
SUPPLEMENTARY AGENDA
Thursday, September 19, 2019

<u>PAGE NO.</u>	<u>ADMINISTRATION REPORTS</u>	<u>ACTION</u>
	<u>ELECTORAL AREA PLANNING</u> <i>(All Directors)</i>	
	<u>Applications</u>	
2-9	Jennifer MacIntyre, Planner 1 Temporary Use Permit A-02-19 (Steti) Electoral Area A	Recommendation (Page 6)
10-12	Referral Comments – Ministry of Forests, Lands, Natural Resource Operations and Rural Development (Board Agenda Page 304-322)	Receive
13-16	Referral Comments – Concerned Citizens of Morice River FSR (Board Agenda Page 304-322)	Receive

NEW BUSINESS

ADJOURNMENT



**Planning Department Report
Temporary Use Permit Board Report
File A-02-19
September 13, 2019**

APPLICATION SUMMARY

Name of Owner: Steti Transport Ltd.

Name of Agent: Steffen Apperloo

Electoral Area: A

Subject Property: NE 1/4 of Section 5 Township 4 Except Plans 8393 & PRP14394, Range 5, Coast District. The property is ± 61 ha (± 151 acres) in size.

O.C.P. Designation: Agricultural (Ag) in the Smithers Telkwa Rural Official Community Plan 1704, 2014

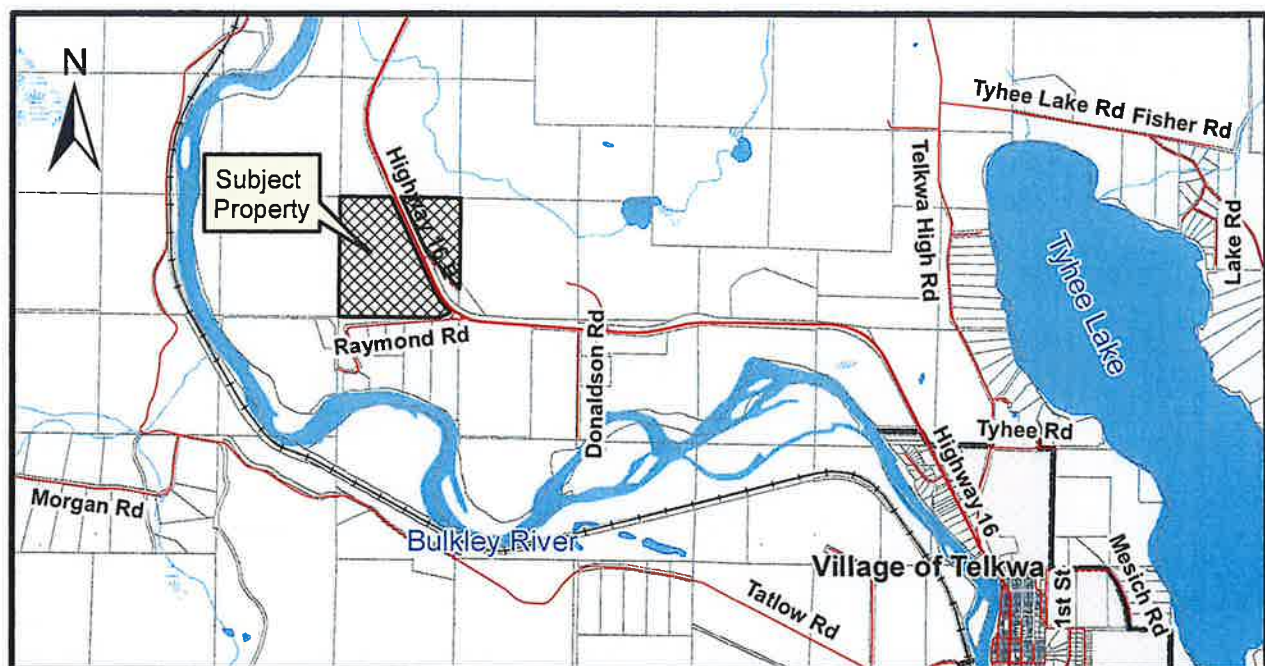
Zoning: Agricultural (Ag1) in Regional District of Bulkley-Nechako Zoning Bylaw No. 700, 1993

Existing Land Use: Industrial

ALR Status: In the ALR

Location: The subject property is located at the intersection of Highway 16 and Raymond Rd, approximately 5.5 km south of the Town of Smithers. The gravel pit is accessed from Highway 16 across from Greider Rd.

Location Map



The applicant is requesting the TUP be issued on the same terms as their previous permit. Operation of the crusher is limited to 50 days a year; hours are limited from 7 am to 6 pm and no operation is allowed on Sundays.

[illegible]

The permit should only be issued in accordance with the policy identified in the Smithers Telkwa Rural Official Community Plan, which allows for the issuance of a Temporary Use Permit on the following basis:

- (1) Temporary use permits may be issued for temporary uses, pursuant to Section 497 of the *Local Government Act*, under the following circumstances:
 - (a) The proposed temporary use will not create an amount of traffic that will adversely affect the natural environment, or rural character of the area;
 - (b) The environment would not be negatively affected by the proposed temporary use.

- (c) The proposed temporary use will not have adverse effects on neighbouring land uses or property owners.
- (d) The applicant has provided, for consideration as part of the application process, a decommissioning and reclamation plan, if the temporary use requires a significant amount of capital investment in a particular location, or otherwise results in the need for site reclamation.
- (e) The need for security in the form of an irrevocable letter of credit with an automatic extension clause has been considered to ensure that required decommissioning and reclamation is completed.
- (f) The proposed temporary use has the support of the Agricultural Land Commission if the land is within the Agricultural Land Reserve (ALR).

The Approval Process

Renewal of a TUP is not required to go through a public notification process; however, it is subject Board approval.

BACKGROUND

The Regional District Board first supported the issuance of a TUP for the subject property in March 2011 for a portion of the subject property. The property owner did not request a permit extension and the permit expired in 2014. The gravel crusher operated for 2 years without a permit.

Public complaints were received by staff in 2016 regarding the crushing operation starting at 6 a.m. Following a letter notifying the applicant of their non-compliance the applicant applied for the issuance of their second TUP for a gravel crusher on the subject property.

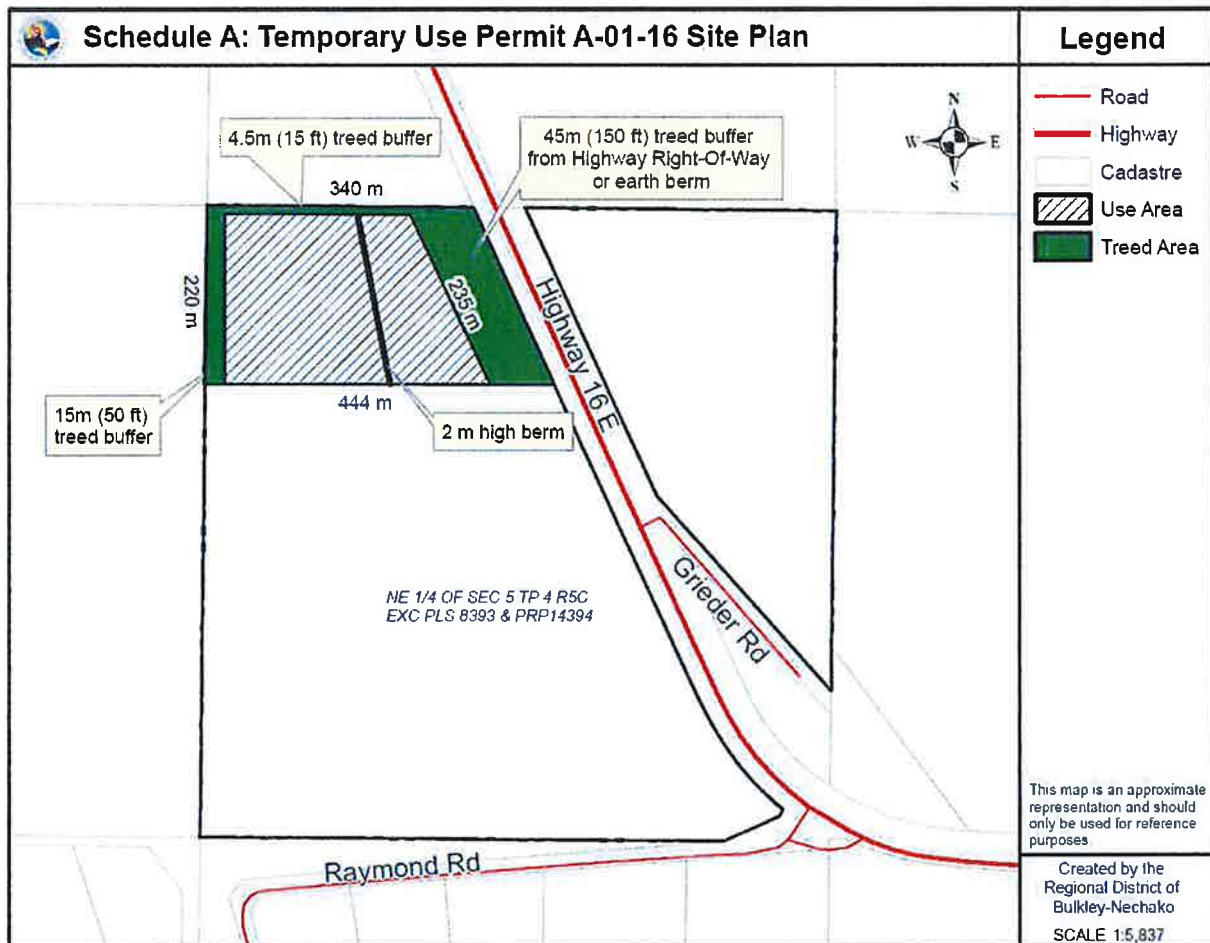
The TUP issued include a condition to not operate on Sundays and 7 am to 6 pm hours of operation. No complaints have been received from staff since the issuance of TUP A-01-16.

TUP A-01-16 includes the following terms:

- a. Ensure that an industrial access permit is obtained from the Ministry of Transportation and Infrastructure.*
- b. Ensure that access to the gravel pit site is from Highway 16.*
- c. Not construct any permanent structures on the subject property as part of the temporary use.*
- d. Not set up the crusher on a permanent foundation.*
- e. Limit the hours of operation to 7 A.M. to 6 P.M. daily.*
- f. Operate the crushing plant for a maximum of 30 days per calendar year.*
- g. Maintain treed buffer areas or berm on the property as follows, and as shown on the attached Schedule A (this section does not apply to the removal of dangerous trees for safety reasons).*
- i. No removal of trees or other vegetation from the area of the subject property 15 metres from the west property line.*

- ii. No removal of trees or other vegetation from the area of the subject property 4.5 metres from the north property line.
- iii. No removal of trees or other vegetation from the area of the subject property 45 metres from the property line adjacent to Highway 16, or the creation of a continuous vegetated earth berm that is a minimum of 4 metres tall on the subject property along the 235 metre length of Highway 16.
- iv. The creation of an earth berm that is a minimum of 2 metres tall through the middle of the gravel removal area.

Site Plan for TUP A-01-16



PLANNING DEPARTMENT COMMENTS

Agricultural Land Commission

The applicant has ALR approval for non-farm use to extract gravel from an 8-ha portion of the property and to place an asphalt plant and gravel crushed on the property for additional processing. The approval was subject to a number of conditions and for a five-year term.

The Agricultural Land Commission extended the approval for five years, so the new expiry date is December 31, 2020. The applicant can ask for another extension with the ALC without going through the formal Non-Farm Use approval process.

Land Use

The subject property is located in an area of active farm operations north of a residential subdivision on Raymond Road. The closest residence is approximately 300-400 meters from the gravel pit area.



In staff's opinion the operation of a gravel crusher in the gravel pit, under the prescribed conditions, will not have any notable impact on the surrounding area.

Board Options

Given that the ALC approvals for the gravel crusher expire in December 31, 2020, staff are concerned that the Temporary Use Permit will allow the use of a gravel crusher that is not in compliance with the ALC Act and Regulations. Therefore, it is recommended that the Permit be issued for 3 years or upon expiry of the ALC approvals, whichever comes first.

Recommendation:

That the Regional District Board renew Temporary Use Permit A-01-16 for the property legally described as 'NE 1/4 of Section 5 Township 4 Except Plans 8393 & PRP14394, Range 5, Coast District' for three years or upon expiry of ALC approvals, whichever comes first.

Electoral Area Planning – Participants/Directors/Majority

Reviewed by:


Jason Lewellyn
Director of Planning

Written by:


Jennifer MacIntyre
Planner I



**REGIONAL DISTRICT OF BULKLEY-NECHAKO
TEMPORARY USE PERMIT NO. A-01-16 (renewed 2019)**

ISSUED TO: Steffen Apperloo (Steti Transport Ltd)
4120 Gelley Road
Smithers, BC V0J 2N2

WITH RESPECT TO THE FOLLOWING LANDS:

NE 1/4 of Section 5, Township 4, Except Plans 8393 & PRP14394,
Range 5, Coast District

1. This Temporary Use Permit authorizes the following temporary use:

The operation of a gravel crusher at the location shown on Schedule A,
which is attached to and forms part of this permit.

2. The temporary use identified in Section 1 may only operate within the area identified in Schedule A, which forms part of this permit.

3. The temporary use identified in Section 1 may occur only in substantial accordance with the terms and provisions of this permit and the plans and specifications attached hereto as Schedule A. If the terms of this permit are not met the permit shall be void.

4. The permit holder shall, as a term of this permit:

- a. Ensure that an industrial access permit is obtained from the Ministry of Transportation and Infrastructure.
- b. Ensure that access to the gravel pit site is from Highway 16.
- c. Not construct any permanent structures on the subject property as part of the temporary use.
- d. Not set up the crusher on a permanent foundation.
- e. Limit the hours of operation to 7 A.M. to 6 P.M.
- f. The gravel crusher cannot operate on Sundays.
- g. Operate the crushing plant for a maximum of 50 days per calendar year.
- h. Maintain treed buffer areas or berm on the property as follows, and as shown on the attached Schedule A (this section does not apply to the removal of dangerous trees for safety reasons).

- i. No removal of trees or other vegetation from the area of the subject property 15 metres from the west property line.
 - ii. No removal of trees or other vegetation from the area of the subject property 4.5 metres from the north property line.
 - iii. No removal of trees or other vegetation from the area of the subject property 45 metres from the property line adjacent to Highway 16, or the creation of a continuous vegetated earth berm that is a minimum of 4 metres tall on the subject property along the 235 metre length of Highway 16.
 - iv. The creation of an earth berm that is a minimum of 2 metres tall through the middle of the gravel removal area.
5. This Permit authorizes the temporary use identified in Section 1 of this Permit to occur only for a term of three years from the date of issuance of this permit.
- If a term or provision of this permit is contravened or not met, or if the Applicant or property owner suffers or permits any act or thing to be done in contravention of or in violation of any term or provision of this permit, or refuses, omits, or neglects to fulfill, observe, carry out or perform any duty, obligation, matter or thing prescribed or imposed or required by this permit the Applicant and / or property owner are in default of this permit, and the permit shall be void and of no use or effect.
6. As a term of this permit the owner of the land must remove all evidence of the industrial use from the land upon which the temporary industrial use is occurring, or has occurred within two months from the date of the expiration of this permit, unless this permit is renewed by the Board. This includes the removal of all equipment, debris and other materials involved in the use.
7. This permit is not a building permit nor does it relieve the owner or occupier from compliance with all other bylaws of the Regional District of Bulkley-Nechako applicable thereto, except as specifically varied or supplemented by this permit.

AUTHORIZING RESOLUTION NO. _____
 day of _____, 2019

passed by the Regional Board this

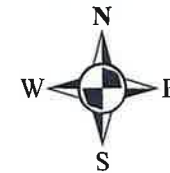
PERMIT ISSUED on the _____ day of _____, 2019

 Corporate Administrator

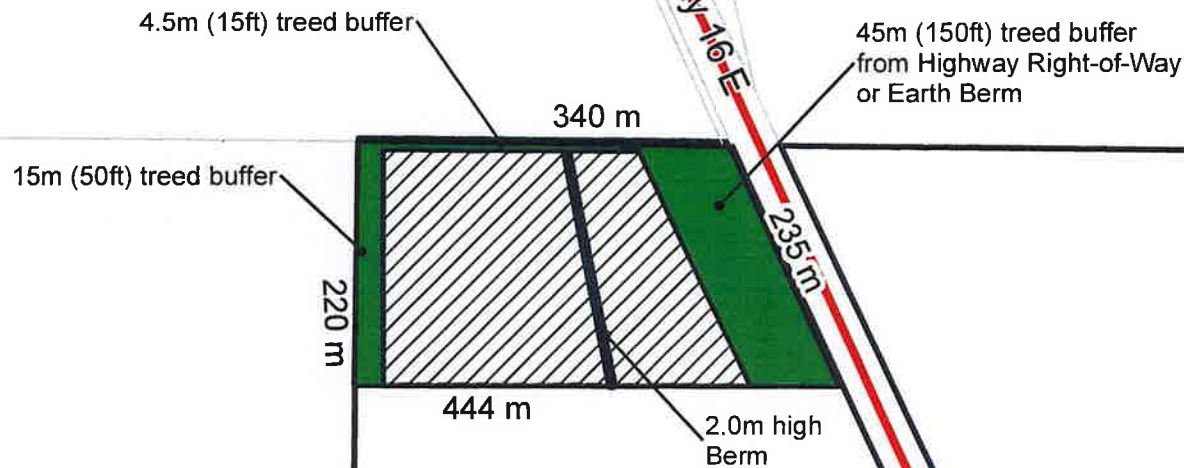


Schedule A: Temporary Use Permit A-01-16 (renewed 2019)

Legend



- Road
- Highway
- Cadastre
- Lakes
- Location of Gravel Crusher



NE 1/4 of Section 5, Township 4,
Range 5, Coast District,
Excluding Plans 8393 & PRP14394

This map is an approximate representation and should only be used for reference purposes.

Created by the
Regional District of
Bulkley-Nechako

SCALE 1:7,000

Jennifer MacIntyre

From: Geraldine Craven
Sent: September 13, 2019 8:48 AM
To: Planning
Subject: FW: Temporary Use Permit RDBN File No. G-01-19 (Huckleberry Mine)

Geraldine Craven
 Administration Clerk/Receptionist



Regional District of Bulkley-Nechako
P.O. Box 820
37 3rd Avenue
Burns Lake, BC V0J 1E0

Phone: (250) 692-3195
Toll Free: 1 800 320-3339
Fax 250) 692-3305
Website: www.rdbn.bc.ca

From: Brochez, Donna L FLNR:EX <Donna.Brochez@gov.bc.ca>
Sent: Thursday, September 12, 2019 3:16 PM
To: inquiries <inquiries@rdbn.bc.ca>
Cc: Trottier, Shawn FLNR:EX <Shawn.Trottier@gov.bc.ca>
Subject: FW: Temporary Use Permit RDBN File No. G-01-19 (Huckleberry Mine)

Good afternoon;

Below are comments we have put together in regards to the affected areas. If you have any comments please contact me,

Regards,

Donna Brochez

DONNA BROCHEZ, RFT
SENIOR AUTHORIZATIONS SPECIALIST
NADINA RESOURCE DISTRICT
FORESTS, LANDS, NATURAL RESOURCE OPERATIONS AND RURAL DEVELOPMENT

From: Ness, Brian R FLNR:EX
Sent: September 12, 2019 1:38 PM
To: Brochez, Donna L FLNR:EX <Donna.Brochez@gov.bc.ca>

Cc: Trottier, Shawn FLNR:EX <Shawn.Trottier@gov.bc.ca>

Subject: RE: Temporary Use Permit RDBN File No. G-01-19 (Huckleberry Mine)

Hello Donna. I have reviewed the RDBN Temporary Use Permit that Coastal Gaslink applied for.

The road intersection where the Carrier FSR (9772.02) Joins the Morice FSR (9947.01) has good sightline distances. However, I would like to see specific wording in the permit that ensures traffic will not be backed up onto the Morice as traffic gets congested at the camp entrance on the Carrier. If necessary the camp entrance must be moved to ensure safe traffic flow on the Morice FSR.

The camp location on the NE and SE ¼ of DL3408 Range 5 Coast District may not cover the entire parcel area. The actual footprint of the temporary camp will remove significant silviculture investments:

- Opening 93L016-096 is a large cutblock that has met Regen Delay in 2010. Any disturbed area of the block will require restocking to the currently existing standard.
- Opening 93L016-010 is a large block that was declared Free Growing in 2010. Any disturbed area of the block will need to be brought back into Free Growing status.
- Opening 93L016-128 was just planted in 2019. Any disturbed areas will need to be replanted to the same stocking levels.
- Any disturbed areas on these two lots must be GPS surveyed so that the unaffected portions of the openings are reflected and the affected areas are amended in our databases.
- If RDBN issues the Temporary Use Permit to Coastal Gaslink, the permit should contain the above wording which would transfer silviculture obligations to Coastal Gaslink for the affected areas of the above openings.

Please consider these comments and roll up with any other comments you receive in the office.

Brian Ness
 Authorizations Specialist
 Nadina Natural Resource District
 250-692-1280

From: Brochez, Donna L FLNR:EX

Sent: September 12, 2019 9:06 AM

To: Ness, Brian R FLNR:EX <Brian.Ness@gov.bc.ca>

Subject: FW: Temporary Use Permit RDBN File No. G-01-19 (Huckleberry Mine)

Hey Brian;

I was told the only group looking for comments would be engineering. I believe Brent is going to ask you about this as Rob is on vacation.

D

From: Brochez, Donna L FLNR:EX

Sent: September 12, 2019 8:27 AM

To: FLNR Skeena DND Burns Lake <DNDBURNS@Victoria1.gov.bc.ca>

Subject: FW: Temporary Use Permit RDBN File No. G-01-19 (Huckleberry Mine)

Good morning ;

Attached is a Temporary Use Permit application as well some additional background information for review. These referrals are required to be distributed to staff for comments. Please send comments back to me so I can roll them up and forward to RDBN. Please get comments to me before September 16, 2019.

You may also elect to attend the meetings and comment there as well.

Thanks

Donna

DONNA BROCHEZ, RFT
SENIOR AUTHORIZATIONS SPECIALIST
NADINA RESOURCE DISTRICT
FORESTS, LANDS, NATURAL RESOURCE OPERATIONS AND RURAL DEVELOPMENT

Concerned Citizens of Morice River FSR
15371 Morice River FSR
PO Box 1042
Houston, BC V0J 1Z0

Sept. 16th, 2019

Regional District of Bulkley-Nechako
Planning
37 3rd Avenue
PO Box 820
Burns Lake, BC V0J 1E0

Attn: Jason Llewellyn

Dear Regional District of Bulkley-Nechako:

Re: Issuance of **Temporary Use Permit G-01-19 (CGL Huckleberry Multi-Use Site)**

We are 20 people who live in 5 homes around 13 km on the Morice River FSR. We have many concerns regarding the issuance of this TUP. As a group we are not opposed to the pipeline but given our recent experiences with the current CGL construction we would like to have some conditions met to minimize the future consequences. The attached pages will outline those concerns.

Two people, Bobby and Clarence Seinen, would like to attend and possibly speak at this meeting. We need to know the start of this meeting.

Thank you.

A handwritten signature in black ink, appearing to read 'Bobby' followed by a stylized flourish.

Bobby 'n Clarence Seinen

Note to reader: “upright font” is reprinted from the TUP, “italicized font” indicates the writers’ comments. “Highlights” highlight our specific concerns

TUP reference 6.2 (1) p.4

Temporary use permits may be issued for temporary uses, pursuant to Section 492 of the *Local Government Act*, under the following circumstances.

- a) The proposed temporary use will not create an amount of traffic that will adversely affect the natural environment, or rural character of the area;

Traffic has increased exponentially already. Everyone involved seems to drive their own vehicle. Way too many people drive in the middle of what is a two-lane road and do not know or follow proper radio protocol. They need to contact Canfor which in charge of the Road Users’ Group.

- c) The proposed temporary use will not have adverse affects on neighboring land uses or property owners

It is not the TUP that is the problem here: it is the use of the main access road to the Site via Morice River FSR and use of recreational sites in the off-hours of employees or sub-contractors. Morice River FSR from 2km to 27 ½ km is down to sub-grade and is in terrible condition. It needs to be resurfaced as done in 2006 from 27 ½ to 56 ½ km. Test sites for adequate amount of crush for this project were done at 24km Morice FSR by Westfraser, Onno Vanderhoek: results showed enough good gravel to do this work.

Land Use Impacts p. 5

Capital Investment – (...) there will be limited long term improvement or capital investment remaining on site following reclamation of the site.

We would like to see capital investment in resurfacing the road to 28 km: brushing both sides of the road, removing double ditching, cleaning out culverts, and laying down 8” of new crush. All of this was in the planning stage by Westfraser, Onno Vandenhoeck, prior to their shutdown.

Infrastructure Impacts p. 6

Transportation and Roads - From August 2019 to September 2021, CGL intends to receive medium size equipment and material to the camp, with an expected frequency of about 5 trucks per day. From June 2020 until March 2022 an average number of 250 vehicles (trucks and cars) will be leaving and entering the camp daily to reach to work locations in the Pipeline ROW from Monday to Saturday.

What will those workers do when they are finished their shift but still in camp? When Huckleberry Mines Ltd. was operating, workers would venture out for recreation. 250 people – Mon. – Sat.! Again, we are concerned with traffic to and from Houston and what that will mean for the 20 people who live at 13 km. never mind the already deteriorated road surface?

(...) CGL will notify the RDBN of all access road upgrading required for the pre-construction stage of the project.

CGL should be required to upgrade Morice River FSR from 3 – 28 km. The last time the road was resurfaced was 2005 / 2006 and that was from 27 ½ to 56 ½ km. At that time, the plan to resurface from 2 to 27 ½ km was beginning but Westfraser closed and then Huckleberry Mines closed: 2 of the bigger road users.

THE CONSULTATION PROCESS P. 7

This referral report, application and associated documents has been sent to the following groups, agencies, and First Nations for comment.

- Skin Tyee Nation,
- Nee-Tahi-Buhn Band,
- Office of the Wet'suwet'en,
- Wet'suwet'en First Nation,
- District of Houston,
- RDBN Environmental Services Department,
- Northern Health Authority,
- Ministry of Transportation and Infrastructure, and
- Area 'G' Advisory Planning Commission.

Regional District of Bulkley-Nechako

Sept. 16th, 2019

Page 4

*CGL should be **required** to send documents to the Road Users Group; CGL should join the Road Users Group! Vince Ross, from Canfor, heads up this group. CGL should also send these documents to Ministry of Forests, Lands, Natural Resource Operations and Rural Development!*

P. 8 It is recommended that the proponent also hold a public meeting in the District of Houston to allow residents to ask questions and raise concerns directly with CGL and the contractor. It is expected that there may be notable public interest regarding this application.

Recommended? It should have been required! CGL chose not to do this.

SCHEDULE AND DURATION P. 10

It is anticipated that the clearing and preparation of these sites will take place in Aug 2020. The ancillary sites are scheduled to be used during pipeline construction between Aug 2020 and Mar 2022.

When they clear the land what will they do with the timber? They should harvest it, not just cast it aside. Maybe they could sell it and use the funds to help resurface the road they are using?

Traffic P. 32

We completed extensive planning of the development of access roads. Where possible, existing roads, requiring upgrades in varying degrees, are used to avoid new disturbance. We have engaged with stakeholders to understand the road use requirements to ensure maximum safety for the workers and the public. The contractors will maintain the roads, including grading, snow removal and dust suppression, as required. Coastal GasLink will work with our contractors to monitor the traffic and implement a Traffic Control Management Plan. At the end of the project, Coastal GasLink and our contractors will ensure the road is returned as close to its original pre-construction state as possible, and ensure we fulfill all obligations identified in the road use agreements. We will keep the landowners and communities informed on developments through a number of methods including community liaisons, newsletters and our project website.

The responsibility for maintenance on roads used by the project will depend on the agreements we reach with the province and industrial users. We will work with contractors to fulfill all obligations described in applicable road use agreements.

We are stakeholders too: there has been no "engagement"! The road has been maintained to current conditions which are poor to say the least. It is very difficult to maintain a road that is down to grade! Perhaps, if this work can't be done during camp construction, it can be made to happen, when CGL has completed their project.

What is going to happen to this road in Spring when load restrictions are on? What happens if Canfor logging shuts down in the Spring for breakup? What happens if the mill shuts down for a month, as it did in July? Who will maintain the road?