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January 17, 2011

CRVD File: 5-A-10RS
BCE File: 58000-35/RD10
CLIFF/ERS: 93497

Rob Conway
Manager
Development Services Department
Cowichan Valley Regional District
175 Ingram St
Duncan BC V9L 1N8

Dear Rob Conway:

Re: MB Marina Residences Ltd., Zoning Amendment, 740 Handy Road, Mill Bay,
Mill Bay Marina, Block C, Sections 1 & 2, Range 9, Shawnigan District, Plan 1720,
Except Part in Plans 29781 and 30142 (PID 001 0227 433) and Foreshore Lease
Lot 459 (Lease No. 112643)

Thank you for providing us with the opportunity to review the above application. MB Marina Residences Limited has requested a Zoning Amendment to expand and renovate its existing marina in Mill Bay, and to construct fourteen townhouses on their upland property. The application does not contain sufficient information to evaluate potential environmental impacts should the Zoning Amendment be granted and redevelopment of the marina occur. Consequently, we recommend that no decision be made regarding zoning until further information has been collected by the applicant's consultants and sent to government agencies for review and comment.

We recommend that MB Marina Residences Limited hire qualified environmental professionals to conduct a biological inventory of the property, assess potential environmental impacts should the development proceed as described in the application, and suggest measures to mitigate impacts. A survey should be done of the new boat moorage area to assess fish habitat. Does eel grass grow in the area? Is the area used for spawning or as a nursery area for juvenile fish? Are there opportunities for fish habitat enhancement?

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The impacts of shading by buildings and the moorage structures on marine productivity should be assessed. No mention is made if dredging is required. If so, what will the impact of dredging be on fish and fish habitat? Where will the material dredged be deposited? The development plan calls for a 4.1 meter public walkway along the foreshore. What natural features will be eliminated by the walkway? How will this impact the fish and wildlife of the area? Similarly, an inventory of the upland area where the townhouses are proposed should be conducted to determine what sensitive ecosystems and wildlife habitat features remain on the site, and what mitigation measures could be taken to reduce adverse impacts.

Should rezoning and development proceed, we recommend that MB Marina Residences Limited follow the relevant best management practices in *Marina Development Guidelines for the Protection of Fish and Fish Habitat* (March 1995) <http://www.pac.dfo-mpo.gc.ca/habitat/guide-eng.htm#guide-hydro>. In addition, we recommend that any required vegetation clearing activities be minimized and avoided during the peak nesting period from April 1 to August 1 to minimize impacts on all bird species. A search for the nests of birds (eagles, ospreys and herons) protected under Section 34(b) of the *Wildlife Act* should be conducted before the start of any vegetation clearing activities. Should the nest of a bird requiring protection under Section 34(b) of the *Wildlife Act* be located, please refer to the recommended buffer distances in Table 4-2 (Section 4) of *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* (<http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare2006/DWC%202006%20Sec%204%20EnvResources.pdf>). We were unable to determine if the project area encroaches on the Riparian Assessment Area for Wheelbarrow Creek, and therefore whether or not a RAR assessment is needed.

Should you have any questions regarding our response, please do not hesitate to contact the undersigned at 250 751-3221.

Yours truly,



P. Marlene Caskey, R.P.Bio.
Senior Urban Ecosystem Biologist
Ministry of Natural Resource Operations

PMC/bb

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