

Final Public and Stakeholder Engagement Summary

Bald Eagle and Great Blue Heron Nest Tree Development Permit Area - Proposed Amendments

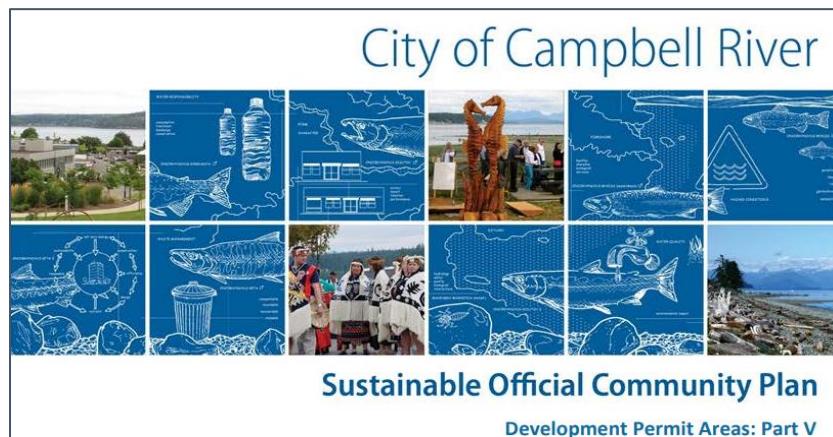
The City of Campbell River is proposing amendments to the Development Permit Area (DPA) guidelines contained within the **Official Community Plan**. The amendments are to add Great Blue Heron nest trees to the Bald Eagle Nest Tree Development Permit Area and to improve the guidelines overall. All information about the project is accessible on the City's [Website](#).

What is an Official Community Plan?

The Official Community Plan (OCP) is the City's guiding document for managing land use planning and development within the city's boundary. Adopted as a bylaw, the OCP includes Development Permit Areas (DPA) that govern what can and cannot be done in certain areas and private properties within the city. Amendments to the OCP must follow steps outlined in provincial *Local Government Act*.

The OCP amendment process must provide opportunities for public and stakeholder engagement. This report outlines the final results from public and stakeholder engagement on the proposed amendments to include Great Blue Heron nest trees in the Bald Eagle Nest Tree Development Permit Area.

Amendments to the Bald Eagle Tree DPA Guidelines would include adding Great Blue Heron nest trees in the DPA and require a similar level of habitat retention for herons as well as improving the guidelines overall. The existing development permit area guidelines can be viewed in the [Official Community Plan](#): "Bald Eagle Tree Development Permit Area" (page 44).



Summary of Key Revisions

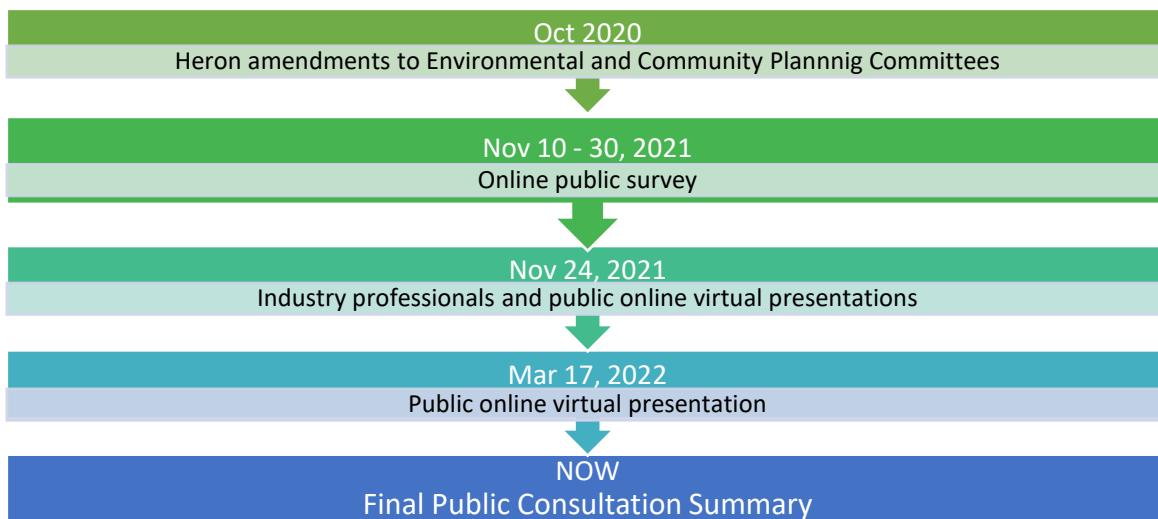
Based on the public and stakeholder engagement, the following table summarizes key revisions to the proposed amendments to the Bald Eagle and Great Blue Heron Nest Tree Development Permit Area.

Development Permit Section	Rationale for Revision	Original Version followed by Revised Version
5 General Environmental Development Permit Area General Exemptions 3) Environmental Restoration	Environmental restoration and clean up may require the use of heavy equipment (soil movement, grading and significant garbage removal are a few examples) and this comes with additional risk. As such, professional oversight is required	No original version New section added: If heavy equipment is necessary for the restoration, a detailed environmental management plan prepared by a Qualified Environmental Professional to the satisfaction of the City is required
5 General Environmental Development Permit Area General Exemptions 4) Preliminary Geotechnical Investigation	Geotechnical investigations are often needed to inform technical reports required for Development Permit submission. Currently, these works regularly occur without any oversight by a Qualified Environmental Professional in sensitive habitat zones. The proposed wording would require professional oversight.	No original version New section added: Initial geotechnical investigation and evaluation in steep slope and environmentally sensitive development permit areas is exempt from the Development Permit process provided that the works are overseen by a Qualified Environmental Professional under the guidance of an Environmental Management Plan and to the satisfaction of the City
6 Bald Eagle and Great Blue Heron Nest Tree Development Permit Area Exemptions	Some older heron nest records, especially from non-City sources, have insufficient data and it may not be possible to determine the specific species of tree or the specific property where the nesting occurred	No original version New section added: A development permit is not required if a QEP certifies in writing that there is insufficient information for an historic Great Blue Heron nest tree to be located
6 Bald Eagle and Great Blue Heron Nest Tree Development Permit Area Development Permit Guidelines 2) xi)	Qualified Environmental Professionals must be given the authority to stop work if they observe that environmental regulations are not being adhered to	Original version: Clarify that the Qualified Environmental Professional must take written notes and the monitor has the power to stop construction activity if nesting is disrupted by development activities New section added (to end of the original sentence above): or if the construction activity contravenes local, provincial or federal environmental regulations

Summary of Engagement

In November 2021, public engagement activities for eagles/herons and steep slopes were conducted concurrently as both were being developed within the same time frame. Activities included an on-line survey and on-line virtual presentations. Based on feedback from those sessions, the two topics were then separated on the City website and separate engagement sessions were held. For more information, see the following link [Interim Public Engagement Summary](#)

Timeline



Engagement Activities

Environmental Advisory Committee:

A summary of key revisions to the DPA content arising from the engagement activities were reviewed and endorsed by the Environmental Advisory Committee at their May 2022 meeting.

Public Online Virtual Presentation

A public online virtual session was held via Zoom on March 17, 2022. In attendance were 17 members of the public and 4 staff members. The purpose of the session was to discuss key questions and concerns about the amendments heard to date. Four poll questions were presented to generate discussion on specific topics that staff wanted additional feedback on, including setting aside recruitment eagle and heron habitat, density infill / habitat conflicts, the approach to reducing nest tree buffers during development and the importance of regulatory enforcement. Attachment 2 to this report lists questions and concerns arising from the virtual session.

First Nations:

Referral packages were provided in mid April to Homalco, We Wai Kai and We Wai Kum First Nations that included the proposed DPA amendments, the frequently asked questions and answers document, and the proposed changes to the Environmental Protection Bylaw. No responses have been received at this time, but the City will continue to reach out to the First Nations to obtain feedback prior to sending the Bylaw to Public Hearing.

Additional Enquiries

Throughout the engagement process, telephone calls and email queries were answered and there were a number of follow up discussions with staff as questions arose. Attachment 2 provides the results of these discussions and specific outcomes.



Map showing the two Great Blue Heron colonies in the Willow Point area (Twillingate and Barlow Roads) and their 60 metre DPAs.



Photograph showing seven Great Blue Heron nests in five trees at the Barlow Road colony in November 2021 (photo by Ian Moul)

Engagement by the Numbers since the November Session

Activity	Description and Purpose	Numbers
Environmental Advisory Committee	Proposed amendments to the DPA guidelines and subsequent revisions were reviewed at the May 2022 meeting.	EAC = 5 community members
Public Web Forum	An open online session for anyone interested. Key themes arising from the November 2021 engagement sessions were discussed.	Registered = 24 Attended = 17
Facebook Posts	Posts timed and created to be noticeable, and were intended to increase traffic to the City's webpage and to direct people to the online survey Community Update Video on March 17, 2022	6 posts with 5,924+ people reached 163 views
Newspaper Ads	Advertisements with an eagle chick photo and the title "Have Your Say!" were run in two editions of the Campbell River Mirror. The ads directed people to the online survey and to register for the web forum and provided a contact email.	Ads ran March 2, and 9 th , 2022
News Release	News release sent directly to local media (radio and newspapers), posted to City's website and intranet March 14, 2022. Community Update video with the Mayor that airs on Shaw TV which talks about the OCP.	
Emails, letters and phone calls	All advertisements for the survey and the forums also gave the opportunity for members of the public to provide comments and feedback by submitting a letter or an email, or calling the contact number provided.	8 public enquiries
Digital Displays	Ads rotate at the Sportsplex, Community Centre and two displays at City Hall	
City of Campbell River Website	Views between November 1, 2021 and May 15, 2022	294
Radio interview with 97.3 the Eagle. March 2, 2022		

Additional Information on Key Messages

1. Strong Support for Greater Tree Retention in the City Generally

A desire to have greater tree retention generally in the City continued to be a strong theme during the second phase of the engagement process. The purpose of DPA designations around Great Blue Heron and Bald Eagle nest trees is to reduce the impacts of new development on known nest trees and nesting birds, and to maintain the integrity of nest trees over time. The DPA designation does little to protect recruitment nest tree habitat or tree cover overall, especially if the full DPA cannot be maintained during development. Also, many existing nest trees are in areas that were previously developed well within the DPA further reducing the land available to establish tree cover. Perch and roost trees are almost always outside of the DPAs and these trees have no protection. Retaining tree cover is best addressed through the implementation of the Urban Forest Management Plan and/or an eventual tree bylaw covering both public and private lands. As such, this theme did not result in specific DPA changes.

2. Density Infill and Habitat Retention are Often Mutually Exclusive

This theme also spanned the November 2021 and March 2022 engagement sessions. Density infill squeezes out habitat in a growing community: by definition, higher density = less habitat and greater ingress into hazard lands. Both of the City Committees, Environmental and Community Planning, recognized this conundrum as they sought to find a balance, and similar comments were observed throughout the feedback from the technical professionals and citizens generally. Staff continually stress that we have to be realistic and clear about the many competing values and what can be achieved. This theme did not result in DPA changes.

3. Recognition that the Full 60m Nest Tree DPA can Rarely be Achieved

Staff specifically requested input on the structure of the DPA guidelines that QEPs must follow when the full DPA cannot be achieved. There was recognition that property owners and the City have to work towards a compromise in order to have a reasonable outcome. In the March 2022 virtual online presentation, staff used the measure of 1.5 tree lengths as a minimum distance from the nest tree as a setback distance from development to generate discussion. This distance is recommended in provincial Develop with Care documents for urban settings which helps to protect the root structure from development and allows trees to fall and shatter without fear of hitting targets (such as buildings, fences and play areas). Feedback has been mixed about this minimum requirement with strong sentiment to never reduce the buffer below 1.5 tree lengths while others felt that the development could be within the 1.5 tree length zone if supported by a QEP or if the landowner is willing to accept the risk. The initial proposed amendments to the DPA guidelines provide very specific directions for the QEP to

make the final determination on setback distance including arborist assessment, reference to provincial guidelines, whole tree failure and hydrological considerations. No further DPA amendments arose from this discussion; however, the Environmental Advisory Committee had additional minor input concerning nest tree monitoring during development.

4. Historic Heron Nest Tree Mapping may have Insufficient Detail to Verify Tree Locations

Based on a mapping request from the public, staff realized that some older heron nest records, especially from non-City sources, have insufficient data and it may not be possible to determine the species of tree, the specific property where nesting occurred or even if the nest tree still exists. Sometimes, only a very general area of the historic nesting is known and as such, it is not reasonable to apply a DPA to these locations. An exemption was added to the DPA noting that a DP is not required if a QEP certifies in writing that there is insufficient information for an historic Great Blue Heron nest tree to be located. Beginning in 2020, the City established an annual monitoring program for Great Blue Heron nest trees which will address the issue of insufficient location information moving forward.

5. Ecological Restoration Exemptions Need to Address Requirements when Heavy Machinery is Required

The initial proposed amendments to the General Environmental DPA exemption criteria for environmental restoration applied to efforts without the use of machinery. However, there are large scale restorations, for instance on brownfield sites around Baikie Island and in the Campbell River estuary, that may well require heavy machinery. The cleanup of large-scale encampments also requires large equipment on occasion. As such the wording was changed to allow for the use of heavy equipment under the exemption criteria with QEP oversight and planning.

6. Exemptions Need to Cover Requirements to Cover Geotechnical Investigation

Geotechnical investigations are often needed to inform technical reports required for Development Permit submission. Currently, these works regularly occur without any oversight by a Qualified Environmental Professional in sensitive habitat zones. Technically, the land disturbance would trigger a DP; however, it is un-reasonable to require a DP in order to apply for a DP. To ensure oversight, a new exemption is proposed under the General Environmental DPA that requires initial geotechnical investigation and evaluation in steep slope and environmentally sensitive development permit areas to be overseen by a QEP under the guidance of an Environmental Management Plan and to the satisfaction of the City.

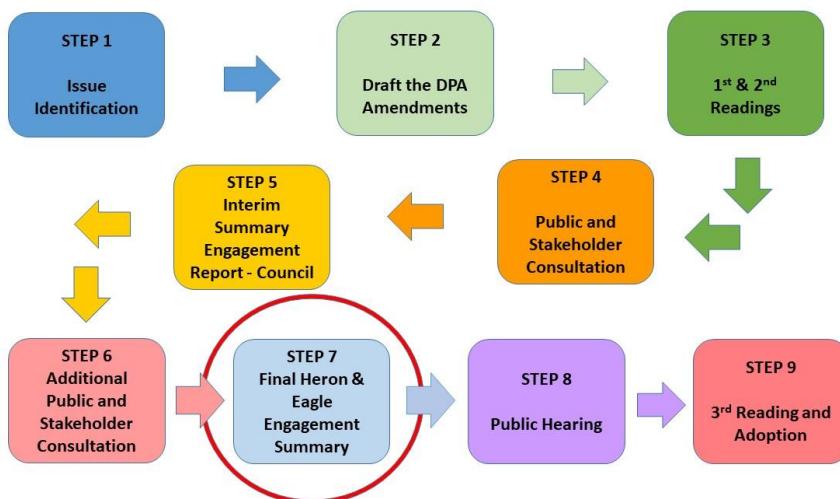
7. Regulatory Enforcement is Important

Regulatory enforcement when DPA guidelines are broken continued to be a strong theme through the engagement process. Currently, automatic ticketing under the City's *Environmental Protection Bylaw* is not the City's default approach to non-compliance. Each case is evaluated on the site specifics with the goal to bring sites into compliance and address damages as required. In some instances, tickets are warranted. Public sentiment appears mixed on this approach with some preferring that tickets always be issued regardless of the individual circumstances while others preferred even stricter measures such as going to court when environmental DPA guidelines or permits are breached.

Next Steps

How we have responded to what we heard:

1. After the additional engagement opportunities and review by stakeholders, a number of revisions were made to the proposed amendments to the Bald Eagle and Great Blue Heron Nest Tree DPA and these were submitted for legal review. A summary of the key revisions appear at the start of this report and were expanded on in the section, additional information of key messages.
2. Once received by Council at the 30 May 2022 Council meeting, this engagement summary will be posted to the City's website along with the updated mark-up of the proposed DPA amendments.
3. If Council chooses to direct staff to proceed to a public hearing in June, the date would be advertised on the City website, newspaper and through social media. Additional public feedback would be received as part of that process and added to the written record. This new information may result in additional amendments.
4. Third reading and adoption would occur in July.



ATTACHMENT 1:

[Interim Public Engagement Report](#)

ATTACHMENT 2:

Additional Public and Stakeholder Engagement: Comments, Concerns and Questions

Bald Eagle and Great Blue Heron Nest Tree Development Permit Area – Proposed Amendments

March 2022

SOURCE & TOPIC	SPECIFIC DETAILS	OUTCOME
Public (email): Loss of important habitat and loss of peace due to infill	Tree loss in my neighbourhood near an active heron colony is concerning with many perch and roost trees disappearing; some tree loss is by individual owners, others is from subdivision	No specific DP changes: Without a record of nesting, tree loss can only be slowed through the implementation of the UFMP and/or an eventual tree bylaw
Public (email): General support	Fully supportive of proposed heron amendments	No specific DP changes
Public (email): Monitoring, zoning, tree recruitment	Careful monitoring and record keeping is important at colonies and nest sites; low density zoning would help along the waterfront; tree recruitment overall is important	No specific DP changes: Supportive tools include UFMP, tree bylaw development, continue City sponsored heron and eagle nest tree monitoring (includes collation of public nest reports)
Public (phone call): Heron use of the Campbell River estuary	In the last few years more herons have been showing up including a group of 10 herons (appears to be an adult and juveniles) in the estuary – sometimes up to 14 for many hours; how is this information best used?	No specific DP changes: Heron nests can be difficult to locate and sometime groups of feeding herons indicate that nests may be nearby; official surveys and inventories rely on public reports such as this to flag new nest locations and this information will be passed along the City's contractor responsible for monitoring nest sites
Public (phone call): Previous heron activity in area	In the past, herons regularly frequented a line of pines on Ash Street; it is unknown if nesting ever occurred	No specific DP changes: The caller was encouraged to report any new heron activity in the area
Great Blue Heron Society (email): Tree bylaw query	Enquiry about the status of the tree bylaw updates	Clarification and update provided: The proposed eagle /heron DP amendments are not an official "tree bylaw" which is under

		development for future consideration
Public (phone call): Heron observations; concerns about tree loss	Herons regularly perch in the firs on Harrogate Rd although nest activity can't be confirmed; the caller is concerned about the loss of trees in the neighbourhood generally	No specific DP changes: Encouraged additional observations and if nest(s) are seen to please report them
Staff: Geotechnical investigations	Equipment arrived to complete drilling/test pits near a heron nest prior to the DPA permitting process; how is this best handled from a regulatory perspective?	General Environmental DP exemption added that geotechnical investigations must be supported by a QEP environmental management plan
Staff: Environmental restoration requiring machinery	Some large-scale restoration projects require machinery adding risk and complexity; how should this be handled from a regulatory perspective?	General Environmental DP exemption concerning restoration expanded to require a QEP authored Environmental Management Plan
Public (phone call) and Staff: Accuracy of heron records	Based on a mapping request of heron nest locations from the public, staff had concerns that the location of some heron nest trees from the Province are difficult to ground truth	Exemption added that a DP is not required if a QEP certifies there is insufficient information for historic nest location(s) in the provincial data base to be accurately located
Public (zoom): Recruitment eagle and heron habitat	Are there other reasons than " <i>there isn't room in the urban containment boundary</i> " that people wouldn't want to set aside recruitment tree habitat?	Discussion: Aside from the squeeze on habitat from infill development, the noise, mess and smell of nesting birds can be "overwhelming" and it is difficult to determine what trees qualify as recruitment habitat
Public (zoom): DP process is restrictive	We have found the DP process to be very expensive, restrictive and time consuming	Discussion: Within the urban containment boundary where lots are small, the development permit process will alter development plans and this process can take time; legally, the DPA cannot sterilize land from all development, but compromise is required on both sides
Public (zoom): Other tree values	Tree retention should be viewed for their complete value and contributions in addition to nest tree recruitment habitat such as storm water and air quality improvements; the City should have a tree protection bylaw	Discussion: The City's Parks Department is working towards a tree bylaw and there is a desire to broaden asset management to include natural assets
Public (zoom): Infill results don't match stated goals	Aside from eagle and heron habitat loss, high density infill is stressful on people and is not providing affordable housing options in my neighbourhood	Discussion: The City is reviewing its urban growth strategy and a diversity of housing options

Public (zoom): Approach to reducing the 60 metre DPA	Opinions ranged from never reducing the development setback from a nest tree to below 1.5 tree lengths (which is a provincial best management practice) to reducing below 1.5 tree lengths if supported by a QEP or if the landowner was fully aware of the risk should the tree fall or become hazardous	Discussion: The guidelines provide structure for a QEP to evaluate and recommend reduced buffers where necessary and recognize the need to allow enough space for whole nest tree failure so that trees are not prematurely removed
Public (zoom): Application of the DP Guidelines and Environmental Protection Bylaw	Are the regulations applied to all land owners within the DPA?	Discussion: New development including vegetation removal and soil disturbance as well as building triggers the regulations; the regulations are not retroactive and existing developments and activities are grandfathered
Public (zoom): How does the City respond when trees are cut?	In this case (there was reference to a particular development site), a developer cut trees within a provincial riparian area as well as potential eagle and heron habitat	Discussion: For riparian habitat, the usual approach is for bylaw to attend and a retroactive Streamside DP with restoration may be required depending on site specifics; potential eagle and heron habitat would not trigger City action unless the trees removed were within a specific DP area or there were known nests