

**Broadstreet Properties Ltd.**  
**c/o Trevor Dickie, VP of Real Estate Development**  
100 St. Ann's Road  
Campbell River  
V9W 4C4

*October 30<sup>th</sup>, 2023*

**Re: Environmental Impact Assessment for Proposed Works at 2123 Hector Road, Comox (PID:023-020-148).**

Dear **Mr. Dickie**,

Pacificus Biological Services Ltd. (Pacificus) have been retained by Seymour Pacific Developments Ltd. (Seymour Pacific) to conduct an Environmental Impact Assessment (EIA) and provide environmental permitting for the proposed development at 2123 Hector Road (PID:023-020-148). The EIA has consisted of a general environmental assessment to identify sensitive features as outlined by Development Permit Areas (DPA<sup>1</sup>) contained within the Town of Comox Official Community Plan (OCP<sup>2</sup>), a survey to identify canopy nests, tree size and density surveys, a review of the property as it pertains to Riparian Areas Protection Regulation (RAPR<sup>3</sup>), and watercourse delineation as it pertains to the Provincial Water Sustainability Act (WSA<sup>4</sup>). This letter provides a summary of results for all environmental assessments conducted on the property by Pacificus.

## **Background**

Seymour Pacific is proposing the multi-phase development of the 12.0-acre parcel of land at 2123 Hector Road (PID: 023-020-148) that is bordered by Aspen Road to the west and Hector Road to the north, within the Town of Comox. The parcel is currently undeveloped and contains a mixture

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<sup>1</sup> Town of Comox, 2023. Development Permit Areas. [https://www.comox.ca/sites/default/files/2022-04/sl-od\\_0.pdf](https://www.comox.ca/sites/default/files/2022-04/sl-od_0.pdf) (accessed May 31st, 2023)

<sup>2</sup> Town of Comox, 2011. Official Community Plan. <https://www.comox.ca/sites/default/files/2022-04/sl-ob.pdf> (accessed May 31st, 2023)

<sup>3</sup> Government of British Columbia, 2023. Riparian Area Protection Regulation. <https://www.canlii.org/en/bc/laws/regu/bc-reg-178-2019/latest/bc-reg-178-2019.html> (accessed May 31st, 2023)

<sup>4</sup> Government of British Columbia, 2023. Water Sustainability Act. <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/14015> (accessed May 31st, 2023)

of trees, shrubs and open areas that will be partially cleared prior to construction works. The property is currently zoned within DPA #3- General Multi-Family, and as such Seymour Pacific plan to develop the lot by constructing 5-story rental and “for-sale” units, with a stormwater detention pond and through-road (Figure 1). Historically the lot has mostly been forested, however Hector Road previously extended through the lot until at least 1992, and significant development existed in the northeastern section of the lot from at least 1979-2005 (Figure 2).

## **Summary of Assessments**

### General Environmental Assessment

On June 14, 2021, a biologist from Pacificus conducted the initial assessment of the property to identify environmentally sensitive features as outlined by Town of Comox DPAs, bird nests, or Riparian Areas Protection Regulation (RAPR) applicable watercourses. Two bird nests were located during the assessment, no environmentally sensitive areas as outlined in the Town of Comox OCP, and no RAPR applicable watercourses were identified during this assessment.

### Canopy Nest Assessment

On June 10, 2022, two biologists from Pacificus conducted a drone survey of the property to identify any canopy nests that would require a buffer zone as per the Migratory Bird Convention Act (MBCA), the Wildlife Act and the Town of Comox OCP. No nests were identified during this survey. A survey to identify any raptor to blue heron nest will be required prior to the commencement of construction. If works are scheduled to be conducted during the regional nesting windows for migratory birds from late March to Mid-August, as outlined by the Migratory Bird Regulations<sup>5</sup>, a nesting bird survey will need to be completed within 24 hours of construction to ensure no active nest is present within the proposed work area.

### Tree Size and Density surveys.

Pursuant to Section 5.01 of the Town of Comox Tree Retention Policy, development of the lot will require a “minimum 30% tree retention/replacement of existing trees of a diameter at 1.5 m above the tree base of 20.0 cm or more, and their long-term protection, based on parcel area net of road rights-of-way”.

An initial assessment was conducted by Pacificus on September 29<sup>th</sup>, 2022, to estimate the total number of trees on the entire property that are larger than the specified size criteria<sup>6</sup>. Five, five meter wide transects, spaced 50 m apart, from the eastern to western property boundary were

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<sup>5</sup> Government of Canada, 2022. Migratory Bird Regulations.

<sup>6</sup> Pacificus Biological Services Ltd, 2022. 2123 Hector Road Survey, September 2022

surveyed during the initial assessment (Figure 3). From this survey, it was estimated that approximately 953 trees with a diameter equal to, or greater than, 20 cm at 1.5 m from the base exist on the Hector Road property. As such, this requires a retention of 286 trees above the specified size criteria post-construction.

As final designs for the proposed development have yet to be agreed between Seymour Pacific and the Town of Comox, Pacificus will provide additional information detailing the number of trees within proposed vegetation retention areas throughout the development process.

### Wetland Assessment

Following the report of a potentially wetted area within the southern portion of the property, a secondary assessment was conducted by an RPBio and biologist from Pacificus, to more closely investigate. Soil pits were dug at random locations within this area, and results were compared to the BC Provincial Land Management Handbook (LMH) 52- "Wetlands of British Columbia, A Guide to Identification" (typical guidance used by professionals in BC). According to the LMH, wetland soils will exhibit one or more of the following features:

1. Peaty organic horizons greater than 40 cm thick.
2. Non-sandy soils with blue-grey gleying within 30 cm of the surface.
3. Sandy soils with prominent mottles within 30 cm of the surface or blue-grey matrix.
4. Hydrogen sulphide (rotten egg smell) in upper 30 cm.

None of these features were observed during sampling. As such, it was initially determined that this area would not be considered a wetland.

Following an open-house information presentation outlining preliminary development plans, it was brought to the attention of Seymour Pacific and Pacificus that a BC Conservation Data Centre (CDC) red-listed Trembling Aspen/ Pacific Crab Apple/ Slough Sedge community was present within the lot<sup>7</sup>. This community was first documented following field surveys by local biologists in 2003 but did not receive its Provincial, red-listed status until 2018. The CDC also states that additional inventory of the community is needed. Although red-listed communities have no Provincial or Federal protective legislation (as confirmed by communication with an ecosystems biologist with the Ministry of Lands, Water, and Resource Stewardship (MWLRS)), it was presented to council on May 3<sup>rd</sup>, 2023, by a community member that identified themselves as an RBTech, that the red-listed community listed by the CDC corresponded with the outline of a WSA applicable wetland.

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<sup>7</sup> BC Conservation Data Centre, 2018. Conservation Status Report. <https://a100.gov.bc.ca/pub/eswp/esr.do?id=20109> (accessed May 31<sup>st</sup>, 2023)

In response to this, Pacificus contacted the ecosystems biologist with MLWRS to confirm the Provincial requirements for wetland delineation prior to conducting further assessment of the areas in question to determine their status and required legal protection. It should be noted that Trembling Aspen/ Pacific Crab Apple/ Slough Sedge, the three characteristic species of the red-listed community, are all Provincially yellow listed (secure and not at risk of extinction), and are common species with no protection requirements.

During a meeting between the ecosystem biologist, of MLWRS, and Pacificus, accepted Provincial methodology for wetland delineation was discussed. During this meeting it was communicated by the Province that the preferred wetland delineation methodology of BC regulators was either the Alberta Wetland Identification and Delineation Directive (Alberta Government, 2015<sup>8</sup>) or the Wetlands Regulatory Assistance Program Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region<sup>9</sup>, as the BC Provincial LMH 52 is not deemed to contain adequate wetland delineation methodology by Provincial regulators.

Following this meeting, Pacificus biologists again conducted an assessment using the methodology contained with the Alberta Wetland Identification and Delineation Directive on May 25<sup>th</sup>, 2023. As per the methods the areas in questions were divided in to a 10 x 10 m grid, and vegetation surveys and core samples were conducted in each section of the grid, in order to determine the boundary of potential WSA applicable wetlands on the property. According to this assessment criteria, two WSA applicable wetland areas, 0.82 ac and 0.093 ac in size, were identified (Figure 4). It is our opinion that the smaller wetland is non-functioning due to the poor health of trees within the wetland boundary, and the construction of Aspen Road adjacent to the wetland significantly altering the hydrology of the site. The BC CDC conservation status report comments that this community requires strongly fluctuating water tables, and road construction is known to limit the lateral flow of groundwater, alter surface flow patterns, and cause the drying of wetlands<sup>10,11</sup>).

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<sup>8</sup> Government of Alberta, 2015. Alberta Wetland Identification and Delineation Directive. <https://open.alberta.ca/dataset/b2a69660-7f44-4c8c-9499-0da23946dafa/resource/3917b05d-7cf8-4d08-b3ae-74a15af625ce/download/2015-alberta-wetland-identification-delineation-directive-june-2015.pdf> (accessed May 31st, 2023)

<sup>9</sup> US Army Corps of Engineers, 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0). <https://usace.contentdm.oclc.org/utis/getfile/collection/p266001coll1/id/7646> (accessed May 31st, 2023)

<sup>10</sup> Forman RTT and Alexander LE, 1998. Roads and Their Major Ecological Effects. *Annual Review of Ecology and Systematics*, 29(1), 207-231

<sup>11</sup> Ehrenfeld JG, 2000. Evaluating wetlands within an urban context. *Urban Ecosystem*, 4, 69-85

## Conclusion

Pacificus has conducted multiple environmental assessments as part of the development process of 2123 Hector Road. No environmentally sensitive feature outlined in the Town of Comox OCP DPAs. The only features identified that require Provincial or Federal protection on the property are two WSA applicable wetlands, as identified using the Albertan wetland identification guidelines. Current development plans show the construction of a road through the smaller 0.093 ac section of wetland on the west side of the property. However, it is our opinion that the wetland is currently non-functioning and is not sustainable due to altered hydrology due to pre-existing surrounding developments. A WSA change approval will still be required to conduct development in this area. No development is proposed within the boundary of the larger 0.82 ac wetland.

If you have any questions regarding the information provided in this letter, please do not hesitate to contact our office at 250-286-0005.

Submitted by,

**Pacificus Biological Services Ltd.**

Reviewed by:

**Doug McCorquodale**

I certify this to be a report prepared by:



**Alex Heckels, MSc., BIT**  
Pacificus Biological Services Ltd.



**Doug McCorquodale, RPBio.**  
Pacificus Biological Services Ltd.

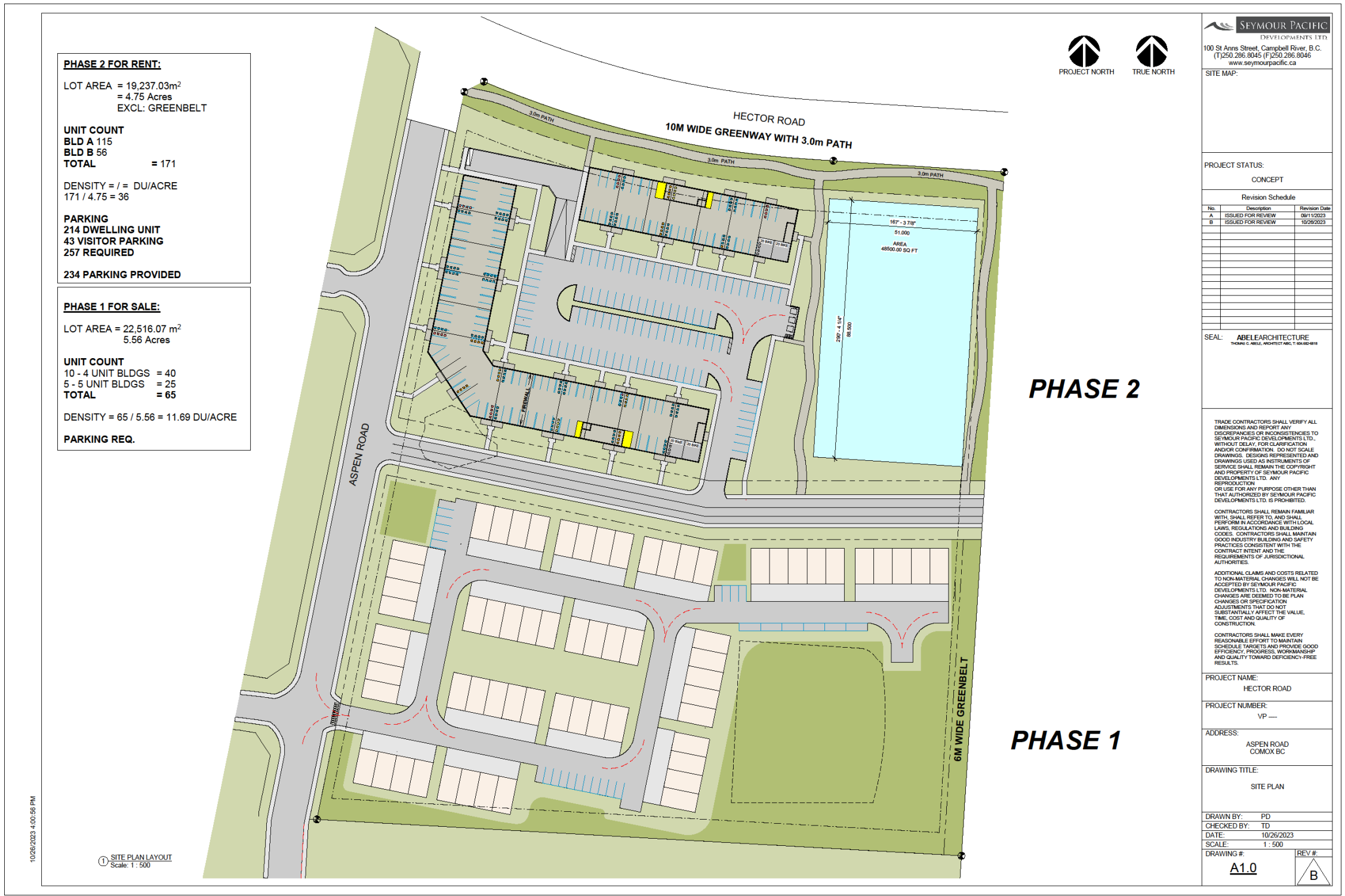


Figure 1. Map showing proposed development plans at 2123 Hector Road, Comox (PID: 023-020-148).

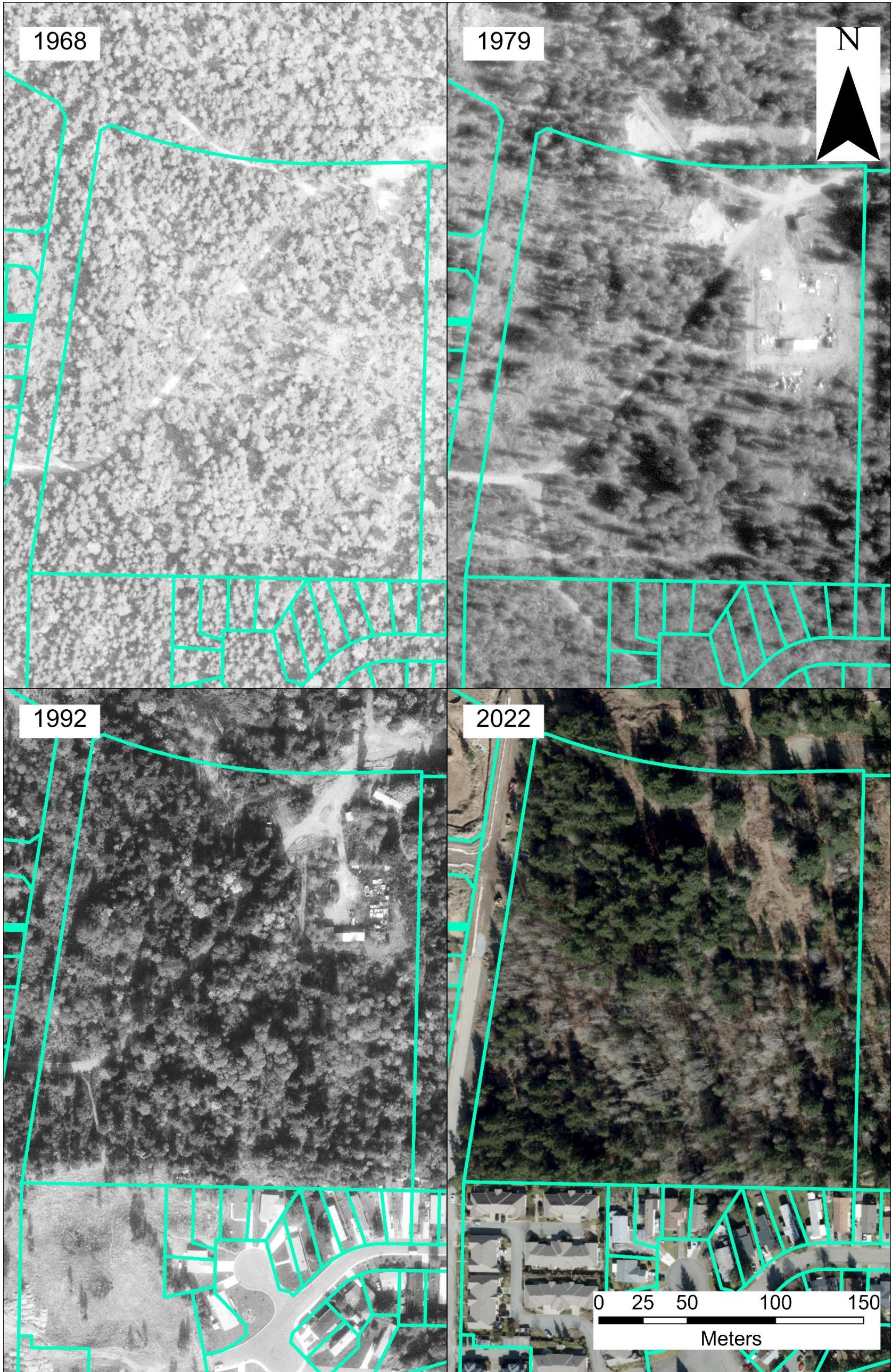
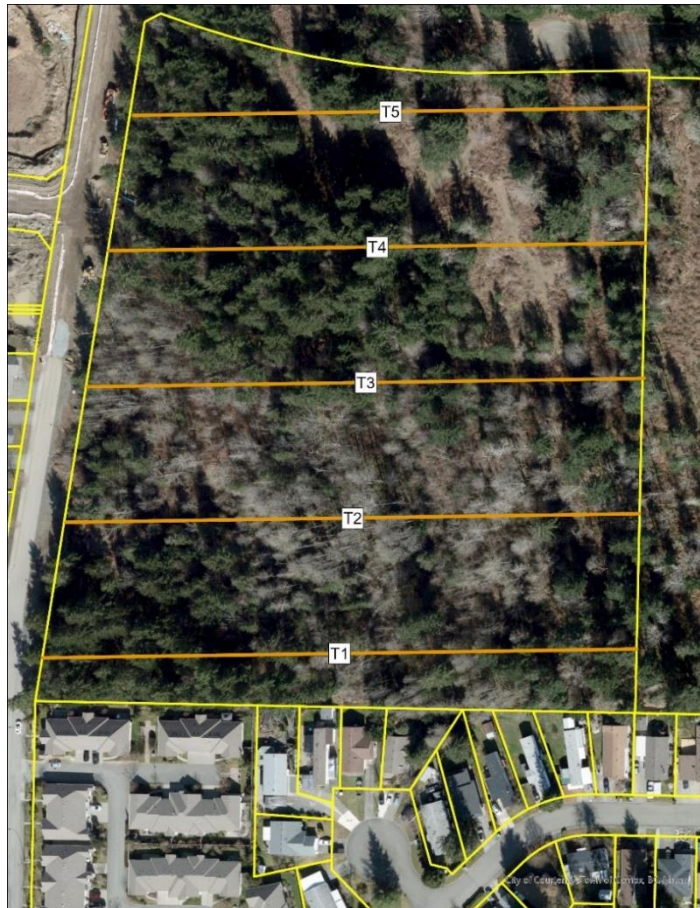


Figure 2. Historic aerial imagery showing the condition of 2123 Hector Road from 1968-2022.



**Figure 3. Transects used to determine the number of trees above the size threshold outlined in the Town of Comox Tree Retention Policy. The assessment was conducted on September 29<sup>th</sup>, 2022.**



**Figure 4. WSA applicable wetlands identified at 2123 Hector Road using methods outlined in the Alberta Wetland and Identification and Delineation Directive**