

A G E N D A
for

REGULAR COUNCIL MEETING
March 11, 2024

COUNCIL CHAMBERS 7:00 PM

CALL TO ORDER

The Village of Masset acknowledges the un-ceded traditional territory of the Haida Nation on which this meeting is held.

ADOPTION OF AGENDA

COUNCIL MEETING MINUTES

February 26, 2024 Council Meeting Minutes

VERBAL REPORTS OF COUNCIL/CAO/CFO

BYLAWS

Bylaw No. 667 A Bylaw to Establish a Parks and Recreation Committee

NEW BUSINESS

NB-1 Environmental Assessment Office Report

NB-2 Northwest BC Resource Benefits Alliance (RBA)

NB-3 Gwail Storm Under 13 Donation Request

NB-4 Urban Systems Bylaw Reform

PUBLIC QUESTION PERIOD

ADJOURNMENT

Village of Masset Regular Council Meeting of February 26, 2024

Minutes of the Regular Council Meeting held February 26, 2024 in the Council Chambers.

Present:	Mayor:	S. Disney
	Councillors:	T. Carty, B. Pages
	CAO:	J. Humphries
	CFO:	J. Brown
	Intern:	A. Olee
Absent:	Councillors:	J. Currie, B. Johnston

CALL TO ORDER

The Village of Masset acknowledges the un-ceded traditional territory of the Haida Nation on which this meeting is held.

The meeting was called to order at 7:00 pm.

ADOPTION OF AGENDA

Moved by Councillor Pages, seconded by Councillor Carty to adopt the agenda as amended with the addition of NB-8 Committee of the Whole.

CARRIED

COUNCIL MEETING MINUTES

Council Meeting Minutes February 12, 2024

Moved by Councillor Pages, seconded by Councillor Carty that the February 12, 2024 Council meeting minutes be adopted as presented.

CARRIED

MINUTES AND REPORTS OF OTHER ORGANIZATIONS

NCRD Board Highlights February 2024

Moved by Councillor Pages, seconded by Councillor Carty that the NCRD Board report be received and filed.

CARRIED

PETITIONS AND DELEGATES

Jevan Gowler/John Ray Thorgeirson Masset Volunteer Fire Department

Fire Chief Jevan Gowler discussed the Gwaii Trust application for new firefighting equipment. He explained that a lot of the existing equipment is too old to be maintained and parts are no longer available. They are applying to the Gwaii Trust Major Infrastructure Fund to replace the old breathing equipment. He also stated that the department has been researching fire trucks as the current fleet vehicles are 27 to 29 years old and 2 of the vehicles will soon be uninsurable.

Councillor Pages is in favour of the application and advised that the fire department research vehicles and try to find funding for future vehicles.

Councillor Carty advised that the total funding available for Gwaii Trust Major Contributions is \$250,000.00 for all communities. The Village of Masset application request from Gwaii Trust is \$95,727.00.

The current dispatch company are not able to dispatch fire calls accurately and the fire department requires a trained dispatch. The contract with Replay runs out March 31st and the current rate is \$89.00/month. Trained dispatch companies will cost more than that. Old Massett and Masset dispatch together so they could potentially share the cost of a trained dispatch company with Northern 911.

Councillor Pages stated that Old Massett and Masset would be better using the same dispatch as PC. He suggested that staff work with Old Massett to switch dispatching companies and to find out how long it would take to switch.

Councillor Pages asked about the junior firefighting program. Jevan advised they have two junior firefighters and have also visited the high school as well.

Mayor Disney asked if the MVFD will be participating in Harbour Day this year. Fire Chief Gowler said they would definitely be involved with the parade and hamburger sales but were also looking into other activities as well.

Moved by Councillor Pages, seconded by Councillor Carty that staff be directed to start discussions with the Old Massett Fire Department to partner and update dispatch companies.

CARRIED

VERBAL REPORTS OF COUNCIL/CAO/CFO

Councillor Pages attended a GMDC meeting.

Councillor Carty attended a GMDC meeting.

CAO Humphries attended an Accessibility Committee meeting, will attend an ACAP meeting set for March 14, 2024, signed the Solar Farm lease agreement, WASCO inspected the lines and found some needed to be fixed, received an update from Northern

Village of Masset Regular Council Meeting of February 26, 2024

Health regarding staffing, the Park Drive lift station is being worked on, RBA released their budget for 2024.

Mayor Disney had informal discussions with Alissa MacMullin regarding the gym and community hall buildings.

Moved by Councillor Carty, seconded by Councillor Pages that the verbal reports be accepted as presented.

CARRIED

BYLAWS

Bylaw No. 667 A Bylaw to Establish a Parks and Recreation Committee

Moved by Councillor Pages, seconded by Councillor Carty that Bylaw No. 667 be read a first time.

CARRIED

Moved by Councillor Pages, seconded by Councillor Carty that Bylaw No. 667 be read a second time.

CARRIED

Moved by Councillor Pages, seconded by Councillor Carty that Bylaw No. 667 be read a third time.

CARRIED

NEW BUSINESS

NB-1 Gwaii Trust Major Contributions 2024 MVFD Breathing Equipment Upgrade

Moved by Councillor Pages, seconded by Councillor Carty to submit an application to the Gwaii Trust Major Contributions program for breathing equipment for the Masset Volunteer Fire Department.

CARRIED

NB-2 UBCM Emergency Operations Centre Grant Ratify Motion

Moved by Councillor Pages, seconded by Councillor Carty that the following motion in support of the UBCM EOC Grant be ratified.

Moved by Councillor Johnston, seconded by Councillor Pages, that the Village of Masset submit an application to UBCM Emergency Centre Operations Grant to support the shared grant up to \$30,000.00.

CARRIED

NB-3 FOI Policy 2024

Staff recommended a policy be put in place to deal with FOI requests and to charge a fee for the requests. A fee structure will be built into the policy.

Moved by Councillor Pages, seconded by Councillor Carty that the Village of Masset adopt the FOI policy as recommended by staff.

CARRIED

NB-4 Invitation to Participate in Research Study for Elected Officials

Moved by Councillor Pages, seconded by Councillor Carty that the invitation to participate in a research study for elected officials be received.

CARRIED

NB-5 XAAYDAGA DLAANG SOCIETY Letter of Support

Moved by Councillor Pages, seconded by Councillor Carty that the Village of Masset support the XAAYDAGA DLAANG SOCIETY project to provide accessible and affordable housing options for healthcare professionals and traditional wellness healers supporting Haida Gwaii.

CARRIED

NB-6 Letter of Support Village of Port Clements Sewage Lagoon Project

Moved by Councillor Pages, seconded by Councillor Carty that the Village of Masset provide a Letter of Support to the Village of Port Clements for the Gwaii Trust Application – Sewage Lagoon Project.

CARRIED

NB-7 Letter of Support – Support Our Troops Licence Plate Program

Moved by Councillor Pages, seconded by Councillor Carty that the Village of Masset send a Letter of Support to Minister Farnsworth in support of the Support Our Troops Licence Plate Program.

CARRIED

ADJOURNMENT TO CLOSED MEETING

Moved by Councillor Carty the meeting be adjourned at 8:34 pm.

Recording Secretary

Mayor

Certified Correct, Administrator

VILLAGE OF MASSET

BYLAW NO. 667

A bylaw to establish a Parks and Recreation Committee.

WHEREAS the Community Charter empowers Council to establish a standing committee,

AND WHEREAS the Council for the Village of Masset desires to be advised on all matters which relate to the operation, development and policies of all facilities, infrastructure, equipment and related to Parks and Recreation in Masset.

NOW THEREFORE, the Council for the Village of Masset in open meeting assembled enacts as follows:

The committee shall be known as the "**Village of Masset Parks & Recreation Committee.**"

1. Purpose:

The committee aims to promote and enhance parks & recreational activities and opportunities for Village residents. This includes organizing events, maintaining recreational facilities, and creating community through recreational initiatives.

2. Objectives:

- a) Identify and prioritize the recreational needs and interests of the town's residents.
- b) Planned, coordinated, and executed various recreational programs and events.
- c) Maintain and improve existing recreational facilities, ensuring they meet safety standards.
- d) Collaborate with local organizations, schools, and community groups to enhance recreational opportunities.
- e) Seek funding and resources to support the committee's initiatives.

4. Membership:

- a) The committee shall have five members, including a chairperson (Council member), vice-chairperson, and general.
- b) Membership shall be open to Village residents passionate about recreation and willing to contribute actively to the committee's objectives.
- c) The term of each member shall be three years, with the option for reappointment.

5. Roles and Responsibilities:

- a) Chairperson: The chairperson shall lead meetings, facilitate discussions, and ensure the committee operates effectively.
- b) Vice-chairperson: The vice-chairperson shall assist the chairperson and assume their duties in their absence.
- c) General Members: General members shall actively participate in meetings, contribute ideas, and assist in implementing recreational initiatives.

6. Meetings:

a) The committee shall meet regularly, with the frequency determined by the committee members.

b) Meeting procedures shall be conducted according to good meeting practices and disputes resolved in accordance with Robert Rules of Order, newly revised.

Proceedings of the committee meetings shall be recorded, and a copy of the minutes forwarded to Council for approval. Recommendations of the committee on a matter for adoption by Council are not to be made available to the public until approved by Council.

7. Decision Making:

a) Decisions shall be made by consensus whenever possible. A majority vote shall determine the outcome if consensus cannot be reached.

b) All committee members shall have an equal opportunity to express their opinions and contribute to decision-making.

8. Reporting and Accountability:

a) The committee shall provide regular reports to the Village of Masset Council on its activities, progress, and resource requirements.

b) The Village of Masset Council will make the final decision on all recommendations from the committee.

9. Amendments:

Any amendments to this charter shall be proposed, discussed, and agreed upon by the committee members, with final approval from Council.

READ A FIRST TIME THIS 26th DAY OF FEBRUARY 2024.

READ A SECOND TIME THIS 26th DAY OF FEBRUARY 2024.

READ A THIRD TIME THIS 26th DAY OF FEBRUARY 2024.

RECONSIDERED AND ADOPTED THIS 11th DAY OF MARCH 2024.

Chief Administration Officer

Mayor

Certified a true copy of Bylaw No. 667
CAO



File: ENVA-30020-06/MASBUL

Reference: 405889

February 26, 2024

SENT VIA EMAIL

Joshua Humphries
Chief Administrative Officer
Village of Masset Council
PO Box 68
Masset, BC V0T 1M0
CAO@masset.ca

Dear Joshua Humphries:

On September 25, 2023, the Honourable George Heyman, Minister of the Environment and Climate Change Strategy received an application (the Application) from Lyons Law Corporation on behalf of the Concerned Citizens of Masset requesting that the proposed Masset Fuel Storage Facility be designated as a reviewable project under Section 11 of the *Environmental Assessment Act* (2018) (the Act). The Minister delegated the Application decision to the Chief Executive Assessment Officer and this letter is to inform you of that decision.

The Environmental Assessment Office (EAO) has now completed its review of the Application, and in accordance with my role as the Chief Executive Assessment Officer under the Act, I have determined **not** to designate the Masset Fuel Storage Facility as a reviewable project under Section 11 of the Act. This decision is based on the available information and the analysis in the attached report, which indicates the issues raised are being addressed through an existing permitting process through the Village of Masset, Transport Canada's process for a designated Oil Handling Facility, and the Crown Foreshore Lease.

Additionally, the decision was informed by the conclusion that the Masset Fuel Storage Facility to undergo an environmental assessment would not be consistent with the purpose of the EAO as set out in Section 2(2) of the Act and the relevant evaluation factors under Section 11(1) and (4) of the Act.

...2

**Environmental
Assessment
Office**

Office of the
Associate
Deputy Minister


Mailing Address:
PO Box 9426 Stn Prov Govt
Victoria BC V8W 9V1

Location:
2nd Fl – 836 Yates St
Victoria BC V8W 1L8

The EAO will notify Lyons Law Corporation on behalf of Concerned Citizens of Masset, the Council of the Haida Nation, North Arm Transportation Ltd., and the Old Village of Massett Council of this decision. The EAO's Designation Request Report will be posted to the EAO's Project Information Centre, as well as the order allowing an extension to the Application review process that allowed for additional time for meaningful engagement on, and review of, the Application.

Please contact me or Brennan Hutchison, Project Assessment Director, at Brennan.Hutchison@gov.bc.ca or 778 698-9315 should you have any questions regarding this decision.

Sincerely,



Elenore Arend
Chief Executive Assessment Officer and Associate Deputy Minister

Attachment: (1)

cc: Chris Trumpy, Assistant Deputy Minister
Environmental Assessment Office
Chris.Trumpy@gov.bc.ca

Kelly Wintemute, Executive Project Director
Environmental Assessment Office
Kelly.Wintemute@gov.bc.ca

Brennan Hutchison, Project Assessment Director
Environmental Assessment Office
Brennan.Hutchison@gov.bc.ca



Evaluation of an Application to Designate Masset Fuel Storage Facility as Reviewable Under *the Environmental Assessment Act* (2018)

REQUESTED BY:
CONCERNED CITIZENS OF MASSET

FEBRUARY 26, 2024

Pursuant to Section 11 of the *Environmental Assessment Act*, S.B.C. 2018, c.51.



EAO

Environmental
Assessment Office

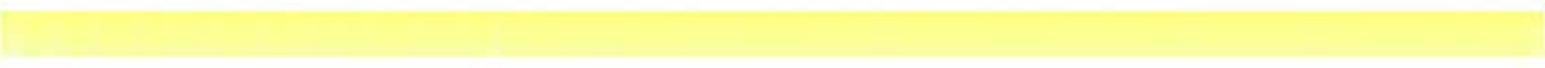


Table of Contents

- 1.0 PURPOSE OF THIS REPORT 1**
- 2.0 DESIGNATION REQUESTS 1**
- 3.0 BACKGROUND 1**
 - 3.1. Application 1
 - 3.2. Project Background 2
- 4.0 KEY CONCERNS RAISED IN THE APPLICATION 2**
- 5.0 THE EAO’S DESIGNATION REVIEW PROCESS..... 3**
- 6.0 REGULATORY HISTORY AND STATUS 4**
- 7.0 DETAILS OF REVIEW GIVEN THE ISSUES RAISED 4**
 - 7.1. Siting, Location and Design of the Project..... 4
 - 7.1.1. Issues raised by the Applicant 4
 - 7.1.2. Comments from the Village of Masset Council 5
 - 7.1.3. North Arm Transportation Response 5
 - 7.2. Human Health and Safety Effects:..... 6
 - 7.2.1. Issues Raised by the Applicant..... 6
 - 7.2.2. Comments from the Village of Masset Council 7
 - 7.2.3. North Arm Transportation Responses 7
 - 7.3. Environmental Safety and Disaster Response 8
 - 7.3.1. Issues Raised by the Applicant..... 8
 - 7.3.2. Comments from the Village of Masset Council 8
 - 7.3.3. North Arm Transportation Responses 9
 - 7.4. Socioeconomic Impacts 9
 - 7.4.1. Issues Raised by the Applicant..... 9
 - 7.4.2. Comments from the Village of Masset Council 10
 - 7.4.3. North Arm Transportation Responses 10
- 8.0 EVALUATION OF THE PROJECT AGAINST SECTION 11 OF THE ACT 11**
 - 8.1. Whether the Project is an Eligible Project..... 11
 - 8.2. Whether the Applicant is an Indigenous Nation 11
 - 8.3. Whether the Project could have Effects on Indigenous nations and Section 35 Rights 11

8.4.	Whether Potential Effects of the Project are Equivalent to or Greater than Potential Effects of a Reviewable Project 12	
8.5.	Whether an Assessment is Consistent with the Purposes of the EAO	13
8.5.1.	Promoting Sustainability by Protecting the Environment and fostering a sound economy and the well-being of British Columbians and their Community	13
8.5.2.	Supporting Reconciliation with Indigenous peoples in B.C.....	14
8.5.3.	EAO Findings	14
9.0	RECOMMENDATION	14

1.0 PURPOSE OF THIS REPORT

On September 25, 2023, Lyons Law on behalf of the Concerned Citizens of Masset, (the Applicant), submitted an application (the Application) to the Minister of Environment and Climate Change Strategy (Minister) requesting that Masset Fuel Storage Facility (Project), located in Masset, British Columbia (B.C.) be designated as a reviewable project under Section 11 of the *Environmental Assessment Act, 2018* (the Act). The Environmental Assessment Office (EAO) requested additional information from the Applicant on the Application via letter on October 12, 2023, which was submitted to the EAO on October 26, 2023, and initiated the EAO’s review. The Masset Fuel Storage Facility is proposed by North Arm Transportation Ltd. (North Arm Transportation).

This report provides the EAO’s analysis of the designation request, the input received from review participants, an evaluation of the proposed Project against factors that must be considered by the Minister under Section 11 of the Act, and provides a recommendation to the decision maker, the Chief Executive Assessment Officer of the EAO. If designated, the Project may not proceed without first undergoing an environmental assessment under the Act.

2.0 DESIGNATION REQUESTS

Section 11 of the Act gives the Minister or their delegate, the power to designate an ‘eligible project’ as reviewable. The Minister’s powers and duties under Section 11 are delegated to the Chief Executive Assessment Officer. Eligibility refers to a project that is not substantially started and is not reviewable under the Reviewable Projects Regulation (RPR).

When a complete designation application has been received and has been determined to be for an eligible project, the EAO seeks input on the application from the proponent of the project, potentially affected First Nations, local governments, provincial and/or federal agencies, and in some cases, the public. The EAO drafts a designation report based on the information received and provides the designation report with recommendations to the decision maker.

The Minister or delegate must consider a number of factors in their decision regarding designation requests, as set out in Section 11(4) of the Act, including:

- (a) whether the applicant is an Indigenous nation;
- (b) whether the eligible project could have effects on an Indigenous nation and the rights recognized and affirmed by Section 35 of the *Constitution Act, 1982*;
- (c) whether potential effects of the eligible project would be equivalent to or greater than potential effects of a project in the prescribed category of the RPR; and
- (d) whether an assessment of the eligible project is consistent with the purposes of the EAO, as set out in Section 2 of the Act.

Finally, the Minister or delegate must determine whether an assessment of an eligible project is consistent with the purposes set out in Section 2 of the Act. This report provides the EAO’s assessment of these matters and any recommendations to the decision maker. If the Minister or delegate declines to designate the project as reviewable, reasons for that decision must be provided to the Applicant.

3.0 BACKGROUND

3.1. Application

The Masset Fuel Storage Facility, as described in the September 25, 2023, Application, the October 26, 2023, supplemental information, and North Arm Transportation’s November 22, 2023, letter response to the EAO’s Request for Project Information, includes the following components:

- Proposed fuel storage facility that consists of three planned phases that would relocate the existing fuel storage in the marine location to an onshore location;
- Anticipated to include 10 onshore fuel tanks of 80,000 litres (L) each, and potentially up to a maximum of 26 fuel tanks for a total potential capacity of 2,080,000 L;
- The project is anticipated to be developed in three phases:
 - The first phase will comprise the installation of 10 horizontal double walled fuel tanks with overfill protection valves and fail-safe outlet control valves, rock gabions and located within a ground liner;
 - The second phase will include the removal of the Omega fish processing building, installation of additional fuel storage tanks and removal of the existing floating fuel storage barge at the Masset municipal wharf;
 - The third phase will include repair of the existing Omega wharf and installation of fuel delivery piping on the existing wharf, along with the movement of the marine fuelling station from the municipal wharf to the North Arm Wharf; and
- Storage of diesel fuel, jet fuel, and other fuels such as gasoline.

3.2. Project Background

North Arm Transportation operates an existing barge-based fuel distribution facility, located at the end of the Municipal Wharf in Masset, B.C. The existing fuel storage barge has been on site for approximately fourteen years; replacing a fuel storage barge that was put on site over twenty years ago. The barge currently has the capacity to manage 1,200,000 L of fuel products. North Arm Transportation provides and delivers fuel to the communities of Haida Gwaii, the Masset area and Graham Island.

Before North Arm Transportation's operation, Gulf Oil/ Petro Canada had a bulk fuel storage facility on land next to the proposed new site from 1962 until late in the 1990's. Fuel was housed in a small number of large and tall vertical single walled fuel storage tanks.

North Arm Transportation operates four full-size fuel tanker trucks and an onshore loading rack that is connected to the barge by a pipeline. Fishing vessels are refueled from the North Arm Transportation's fuel float situated next to the barge. North Arm Transportation's fuel and freight barges bring in fuel supplies from other parts of B.C. to the floating barge every four to six weeks. According to North Arm Transportation it distributes over 5 million-L per year of gas, diesel, and Jet A-1 by combined moves from its operation location to local customers.

North Arm Transportation has indicated that it is proposing to replace the existing fuel facility operation with the new fuel storage tanks on land in order to meet the demands for current and future customers. North Arm Transportation's view is the proposed Project site is the most economically feasible location and the least environmentally impactful option. The proposed Project site would make use of an existing brownfield location and would transition fuel storage from a marine based facility to a land based facility which would reduce the risk of marine spill incidents.

4.0 KEY CONCERNS RAISED IN THE APPLICATION

The Applicant raised the following specific views and concerns in their Application addressed to the Minister of Environment and Climate Change Strategy and in their subsequent additional information letter.

- The placement of the fuel storage on land and the increase in fuel storage volume, is expected to require up to 26 fuel tanks, each storing roughly 80,000 L of fuel for a total capacity of 2,080,000 L. This development will take place in three phases in both the marine and terrestrial environments;
- Human health and safety effects:

- Increase in truck traffic and emissions that will affect road safety and air quality in the town centre;
- Fuel leaks and spills could affect air quality, groundwater, and surface water used by humans;
- Environmental impacts:
 - A potential tsunami or storm event could cause catastrophic damage to the waterfront and community;
 - Potential impact to Masset Inlet from spills;
 - Potential lack of spill preparedness and spill response infrastructure;
- Socioeconomic impacts:
 - A view that the project may not be developed in accordance with Masset's Integrated Official Community Plan;
 - Lack of any potential economic benefits to the community; and
- A need to ensure the purpose of the EAO is met by promoting sustainability by balancing of economic, social, and environmental factors.

5.0 THE EAO'S DESIGNATION REVIEW PROCESS

On November 10, 2023, the EAO sent out a notification to the Village of Masset, North Arm Transportation, and the Council of the Haida Nation¹ that the EAO had received an Application from Lyons Law on behalf of the Concerned Citizens of Masset requesting that the 26 fuel tanks, each with a storage capacity of 80,000 L, undergo an environmental assessment. The EAO sought comments from these parties to inform its recommendation and decision. The EAO engaged directly with the Village of Masset, the Council of the Haida Nation and North Arm Transportation to inform this report and all parties provided information regarding their input on the Project and/or the Application. While the EAO didn't engage directly with the Old Massett Village Council, the First Nation band council representing the Old Massett Reserve, they did inform the EAO of their community's business relationship with North Arm Transportation and their view of the Project.

The EAO also sent a letter notifying Lyon Law on the environmental assessment review process for the Designation Request, outlining the factors that needed to be taken into consideration, and the EAO will prepare of a draft report in relation to the factors set out in Section 11 of the Act for the decision-maker. The EAO provided the draft report to all the parties the EAO involved in the review process, for review and comment prior to finalizing. The factors considered included:

- Whether the project is an eligible project – meaning the project must not have substantially started and is not a reviewable project under the RPR under Section 9 of the Act;
- Whether the applicant [of the designation request] is an Indigenous nation;
- Whether the project could have potential effects on Indigenous nations and the rights recognized and affirmed by Section 35 of the *Constitution Act, 1982*;
- Whether the potential effects of the eligible project will be equivalent to or greater than the potential effects of projects in the prescribed category of reviewable projects; and
- Whether an assessment is consistent with the purposes set out in Section 2 of the Act which include carrying out the EAO's responsibilities under the Act, promoting sustainability by protecting the environment and fostering a

¹ The Council of the Haida Nation is the governing body for the Haida Nation, as determined in the Haida Constitution. The Old Massett Village Council is the Band Council representing the Old Massett Reserve, as determined by the *Indian Act*.

sound economy and the well-being of British Columbians and their communities, and supporting reconciliation with Indigenous peoples in B.C.

6.0 REGULATORY HISTORY AND STATUS

North Arm Transportation is required to follow the Canadian Council of Ministers of the Environment code of practice for its fuel storage tanks. The BC Fire Code is a provincial regulation on fire regulation and its requirements also apply to fuel storage tanks. North Arm Transportation has indicated that phase one of the proposed Project has been designed in accordance with the current BC Fire Code.

North Arm Massett Holdings Ltd. holds the Crown Foreshore Lease for Land file #0183443 with an approved Management Plan that was reviewed by the Province of B.C. (issued at the time by the Ministry of Forest, Lands, Natural Resource Operations and Rural Development) and the Council of the Haida Nation's Solution Table. The approved Management Plan details the work needed to repair and use the existing wharf for barge delivery of fuel for transfer to the proposed Masset Fuel Storage Facility on land and the transfer of the existing marine fueling from the Masset Municipal Wharf to the new Masset site wharf. [North Arm's November 22, 2023, letter](#) contains a copy of this plan.

Phase One of the Masset Fuel Storage Facility required a siting and use permit from the Village of Masset for the Project, which was issued to North Arm Transportation on September 13, 2023.

7.0 DETAILS OF REVIEW GIVEN THE ISSUES RAISED

The following section outlines how the EAO's review of the Application considered the issues raised.

7.1. Siting, Location and Design of the Project

7.1.1. Issues raised by the Applicant

In their Application the Concerned Citizens of Masset raised concerns around the siting of the project, its location in the centre of Masset, and the amount of fuel being stored increasing from 1,200,000 L to approximately 2,080,000 L, which is going to require 26 fuel tanks, each storing up to 80,000 L, on a parcel of waterfront land in the middle of town. The Applicant expressed the opinion that the proposed location of the Project is simply inappropriate at this site and believe that other locations outside of town core would be more suitable. Concerns were raised over the loss of usable space for community enhancement and development, as well as the Village of Masset Council neglecting to inform and consult the public about North Arm Transportation's plan to develop the town's remaining commercial waterfront as a fuel storage facility. The Applicant believed the proposed Project is inconsistent with Masset's Integrated Official Community Plan, and that the overall sentiment of the community is that there needs to be a shift to long-term sustainable clean energy solutions.

In the Applicant's response letter to the EAO on January 12, 2024, in which the Applicant provided responses and comments to the EAO's draft report, they raised concerns regarding the lack of legislation regulating fuel tank storage systems in B.C. and the existing Canadian Council of Ministers of the Environment codes of practice that the Project's development is reliant on. The Applicant expressed concerns suggesting that there could be potential impacts from the Project that are not covered by the applicable Canadian Council of Ministers of the Environment code of practice.

Additionally, the Applicant has maintained their position that the nature and location of the Project exposes the community and environment to potential effects that are greater than the size of the Project alone. This specifically includes concerns relating to siting, proximity, and location of and to:

- Residential and commercial land;
- The foreshore;

- Tsunami inundation zones;
- Erosion susceptibility;
- Remote spill response efforts;
- Ocean conditions;
- Sensitivity of the marine environments; and
- Potential contamination of lands and waters.

7.1.2. Comments from the Village of Masset Council

In their comment response to the Application the Village of Masset Council noted that:

- The location has been designated as heavy industry for over 50 years and the community plan does allow heavy industry zoning in the Village of Masset;
- The property next to the proposed project was the former Bulk Fuel storage facility for over 50 years;
- The Village of Masset Council's understanding is that the other location options for the proposed project are not viable as the cost would be too high; and
- Getting the fuel storage off the water and onto land is an environmentally responsible thing to do.

The Village of Masset Council mentioned that the lands in question are zoned "M-2 – Heavy Industrial" and the Village of Masset Council had reviewed North Arm Transportation's Application pursuant to the Village of Masset Siting and Use Bylaw No. 630, 2018. The Village of Masset Council reviewed Siting and Use Bylaw No. 630 Application information as well as taking into consideration if the proposed construction complies with zoning and land use requirements and community plan before determining the Bylaw Application was complete. As a result, the Village of Masset Council issued a Siting and Use Permit to North Arm Transportation on September 13, 2023.

7.1.3. North Arm Transportation Response

North Arm Transportation noted that it has dedicated a significant amount of time and economic resources to explore viable alternatives on Masset Inlet for the proposed Project. Based on this alternative location analysis, North Arm Transportation determined that the proposed location is the only viable option for the proposed Project.

North Arm Transportation provided additional information on the rationale for selecting the location in its response to the EAO. The location of the proposed Project is zoned for heavy industrial use. It was noted that the site was existing brownfield land, so there would be no new impacts to a pristine location through land clearing. Also, this location is in close proximity to the BC Hydro diesel generating facility, thus reducing any greenhouse gas emissions by not requiring the trucking of fuels to the facility, which would be required if the proposed Project was located further away.

The prior use of the land where the proposed Project is to be located was by the Omega Packing Company for its fish processing plant, which had operated for over 60 years. It was noted that the primary fish processing activities ceased over 10 years ago, and the plant buildings were left to deteriorate. According to North Arm Transportation the derelict building and the ongoing existence of refrigerant, chemicals and equipment related to the fish processing activities could have posed a hazard within the community.

North Arm Transportation advised that it began its due diligence on this location in late 2021 and Omega took responsibility for the significant work on the site that has been completed to allow for the installation of project components including:

- Removal of refrigerant and other chemicals from the abandoned Omega facility;

- Removal of fish processing equipment and materials; and
- Demolition of old unusable structures and site clean up.

North Arm Transportation stated that the development plan for the design of the Project would proceed in three phases. Phase One includes the installation of 10 - 80,000 L horizontal double walled fuel tanks, which would be laid out in two rows with each row having five side-by-tanks, which would have the long axes of the tanks oriented in a north-south manner, which aligns with the orientation of Harrison Avenue. It is anticipated that these tanks will be used for the storage of diesel fuel. To ensure fuel products are not accidentally released each tank will have an overfill protection valve and fail-safe outlet control valve. For additional protection, a liner will first be installed over the entire Phase One area to ensure that any fuel that could fall to the ground will be captured and directed to an oily water separator that will be located away from the south-west corner of the facility. The separator will separate any fugitive fuel and rainwater and the fuel will be collected and disposed of at an appropriately facility, thus preventing fuel entering the surrounding environment. The tanks will also be anchored to rock gabions to hold them in place. A security fence will be erected around the property and outside the fencing North Arm Transportation's plan is to plant a cedar hedge along the perimeter to create a natural landscape screen. There will be the need to add new above ground fuel lines to fill the tanks and to discharge the fuel to the existing truck loading rack.

Phase One has been designed to have its base area at 6.75 metres geodetic, which is higher than the combined coastal flood construction level for a 1 metre sea level rise and a further rise of 1 metre from a tsunami inundation event. The anchoring of the tanks to the rock gabions would help restrict their movement if for some unforeseen reason there is a higher level of flooding. The construction timeline for Phase One has construction starting in early 2024 with an estimated completion date of three to four months.

Phase Two includes the installation of additional 80,000 L horizontal double walled fuel tanks in a similar manner to the works undertaken for Phase One. The tanks installed for Phase Two will be used to store diesel fuel, gasoline, and Jet-A fuels. North Arm Transportation noted that the actual number of tanks to be installed has yet to be determined. This number will be based on North Arm Transportation's predictions on the required storage to address long term demand for fuel supplied by North Arm on Haida Gwaii. Phase Two is anticipated to be completed within two to three years after the start of Phase One.

Currently North Arm Transportation has estimated that the total fuel storage capacity of the proposed Project to be around two million L. However, as noted above, the fuel storage capacity will be determined based on the long-term needs of their existing customers, and potential new customers, on Haida Gwaii.

North Arm Transportation noted that once Phase Two is complete their plan is to remove the fuel storage barge from its location at the Masset Municipal Wharf.

Phase Three will include the repair of the existing wharf to allow for fuel delivery lines and the boat fueling dock to be moved to this location, as well as, installing new steel piles in deeper water away from the existing wharf. These piles will ensure the barges will be able to deliver fuel at all stages of tide and not have them grounding. It also alleviates the need to dredge the foreshore area. North Arm Transportation stated that a walkway will be installed to connect the new steel piles to the wharf. At the present time it is anticipated that the new steel piles will not need to be located any further into the Masset Inlet than the distance out from the existing face of the Masset Municipal Wharf.

7.2. Human Health and Safety Effects:

7.2.1. Issues Raised by the Applicant

The Applicant indicated that the amount of truck traffic will increase substantially, from two to five trucks. It was also noted that several roads in Masset have sharp corners to be navigated by the respective trucks, as they leave town. There is a bridge just before getting to Highway 16 crosses the Delkatla Wildlife Sanctuary, which is a protected area and a place

for migratory birds for overwintering, for nesting during the summer, and feeding. Concerns were raised that spills from a truck accident could impact the Sanctuary, as well as spills at the facility impacting the shores of Masset Inlet and affecting the wildlife.

The Applicant also raised concerns over fuel leaks and spills that could affect air quality, groundwater and surface water used by humans. The Applicant expressed the view that the emissions from the increased truck traffic and increased evaporative emissions from the increase in fuel storage capacity could contribute to an increase in greenhouse gasses and the local air quality due to an increase in exhaust in residential and commercial areas including the emissions from trucks idling for long periods of time.

In the Applicant's response letter to the EAO on January 12, 2024, they noted their disagreement with North Arm Transportation's characterization and resolution of previous spill response efforts specifically relating to a spill response at Marie Lake in 2005. The Applicant provided supplemental reference material, prepared by the Economic Development department of the then Old Masset Village Council, which provided both observations and concerns relating to this spill response. As such, the Applicant noted that they dispute North Arm Transportation's spill response plans citing the previous spill response concerns and documentation and that a spill in the marine environment would be significantly more damaging given the Masset Inlet's tidal and current conditions.

7.2.2. Comments from the Village of Masset Council

The Village of Masset Council noted that over the years, two accidents had occurred involving the transportation of fuel. One related to a truck going off of the road into a ditch and losing fuel and a second that was a fatal event with a fuel truck.

7.2.3. North Arm Transportation Responses

North Arm Transportation advised that at the present time, it does not anticipate any increase in the current level of truck traffic resulting from the proposed Project. North Arm Transportation has four double axle fuel delivery trucks. North Arm Transportation noted that it anticipates a decrease in overall truck traffic on Haida Gwaii as time passes due to a reduction in industrial activities including a reduction in the volume of diesel fuel burned to generate electricity on the Island since alternative sources of electricity such as solar power are being integrated into Haida Gwaii's power grid.

North Arm Transportation outlined that, in their view, it is reasonable to believe that the truck traffic through their facility will increase if they win more business or provide services to those working with its competition. However, this may occur in an environment which will see shrinking demand, thus there will be a decrease in fuel truck traffic on Haida Gwaii. North Arm Transportation mentioned that there was no intention at this time to increase the number of fuel deliveries, which means there will be no increase in the current level of truck traffic resulting from the proposed Project.

North Arm Transportation noted that it has an excellent safety record with respect to fuel trucking on Haida Gwaii and in more than twenty years there was only one truck roll over incident that took place over 15 years ago, which resulted in a fuel spill that was successfully addressed and remediated.

With respect to fuel spills at the new facility, as mentioned in [section 7.1.3](#) of this Report, no leaks or spill will be getting into the environment including in Masset Inlet or the local groundwater or surface water used by humans. A liner will be placed across the site and all fuel escape along with rainwater will be directed to the oil water separator to separate and collect the spilled fluids.

In response to greenhouse gas emissions North Arm Transportation noted that there should be less emissions overall. North Arm Transportation's rationale for this is that the proposed site is in close proximity to the BC Hydro generation facility, so the emissions from transportation of fuel to and from that location would be less than the competitions emissions since that fuel has to be transported approximately 200 kilometres round trip. North Arm Transportation also indicated that they have been participating in a renewable diesel pilot project, "Heiltsuk Climate Action Committee's

Renewable Diesel Pilot Project in Bella Bella.” North Arm Transportation advised the EAO on their intent to integrate the use of renewable diesel and renewable diesel blends on Haida Gwaii. Accordingly, North Arm Transportation indicated that this should result in a significant reduction in the carbon intensity of fuel they provide and use in their operations.

With respect to air quality and vapour emissions, North Arm Transportation noted that the tanks can vent. However, the tanks installed in Phase One are intended to store diesel fuel, which has a low vapour pressure and does not generate significant vapors when properly stored and handled. North Arm Transportation further noted that the tanks installed in Phase Two will handle gasoline or Jet-A fuels, and measures that will be put in place to mitigate vapor releasing include installing pressure-vacuum vents that limit the vapour released to the atmosphere.

On January 17, 2024, North Arm Transportation provided their comments to the EAO on the draft report and the Applicant's January 12, 2024, response to the EAO's draft report, which included addressing the continued concerns regarding the fuel truck roll over incident in 2005. North Arm Transportation explained that the preliminary report, produced by the then Old Masset Village – Economic Development department, had not considered or included the remediation activities proceeding the prepared report and thus is not adequate in providing the EAO with an accurate understanding of the 2005 fuel spill incident or the subsequent remediation. North Arm Transportation provided excerpts to the EAO of a 2007 Human Health and Ecological Risk Assessment report, produced by Hemmera Envirochem Inc., as confirmation that the incident was successfully remediated.

7.3. Environmental Safety and Disaster Response

7.3.1. Issues Raised by the Applicant

The Applicant raised concern about the proposed Project being located right on the waterfront within an identified Tsunami hazard zone. As such damage to the location in the event of a Tsunami or storm event could cause catastrophic damage to the waterfront and community. Based on the Applicant's review of the Haida Gwaii Coastal Flood and Erosion Community Summary Report: Village of Masset, the Applicant believed the Project to be located in an area with high erosion susceptibility and a potential tsunami inundation zone. The Applicant also raised erosion concerns due to a catastrophic event that could create additional risks.

The Applicant also has serious concerns with respect to a spill event from the proposed project including a spill in the Masset Inlet or on land and the potential lack of spill preparedness infrastructure in the Masset area. The Applicant noted that Masset Inlet can reach a peak current of eight knots daily with a cross-current of the incoming tide against the outgoing tide, so clean-up effort in the event of a spill into Masset Inlet may not be feasible.

On January 12, 2024, the Applicant explained concerns relating to the EAO's consideration of the potential risks of flooding and erosion concerns, which were expressed by the Applicant in their submitted supporting materials to the EAO. The Applicant has suggested in their response letter that no new construction should occur in areas of high-risk due to safety concerns associated with tsunami hazard zones, flooding and erosion risk areas as has been recommended in their supplemental reference materials due to fuel storage risks relating to sea level rise and erosion susceptibility.

7.3.2. Comments from the Village of Masset Council

The Village of Masset Council, during its Siting and Use Application Review, made Official Community Plan queries around on the development location and measures to be taken to protect people and property from natural hazards, discourage development in areas subject to man-made or natural hazards, and encourage and apply sea level rise mitigation measures. In response to these queries, North Arm Transportation's engineering consultants noted the storage tanks and pumps for the proposed development will be founded on a base at elevation 6.75 metres geodetic. The storage tanks will be located on a foundation over 1 metre above the Flood Construction Level of the area. As well the storage tanks will be anchored to rock gabions that will help restrict their movement in a flooding scenario. The Village of Masset Council was satisfied with this information, and issued the Siting, and Use Application Permit on September 13, 2023.

7.3.3. North Arm Transportation Responses

North Arm Transportation commented that in response to the information published in the Haida Gwaii Coastal Erosion and Flood Hazard Report, the fuel tanks and pumps installed will be founded on a base at elevation 6.75 metres geodetic, which is higher than the combined coastal flood construction level of 1 metre sea level rise. Tsunami mapping for this area has a further one metre in sea level rise. For additional protection in case of flooding, the tanks will be attached to rock gabions to prevent lifting in the event of flooding.

In response to safety and environmental concerns regarding spill preparedness, North Arm Transportation stated that the floating barge is a Transport Canada designated Oil Handling Facility, and the proposed project will be as well. North Arm Transportation noted that they are required to establish and maintain an Oil Pollution Prevention Plan and an Oil Pollution Emergency Plan that will outline actions to be taken to prevent fuel spills and how to proceed in the event of a fuel spill. To show that North Arm Transportation was in compliance with the Oil Pollution Prevention and Oil Pollution Emergency Plans, North Arm Transportation attached Transport Canada Marine Safety and Security's review letter of these two plans to demonstrate that the Oil Handling Facility is in adherence to the CSA 2001 regulation in accordance with the Environment Response Regulations Part 2, sections 10 and 11, to their November 22, 2023, comment submission.

North Arm Transportation noted that the steps and actions identified in the Oil Pollution Emergency and Prevention plan are to be exercised at least annually with an inspector from Transport Canada in attendance. North Arm Transportation further noted that by the end of December 2023, North Arm Transportation will have exercised its Masset plan eighteen times in the last fifteen years.

As part of North Arm Transportation's Oil Handling Facility designation, they are required to have a contracted spill relationship with an Oil Spill Response Organization. North Arm Transportation works closely with the Western Canada Marine Response Corporation for its operations on Haida Gwaii and for its other coastal community operations.

With respect to spill response equipment, North Arm Transportation has a stock of general-purpose spill booms, sorbent booms, sorbent pads and other fuel response materials and supplies on site in Masset. North Arm Transportation also advised that Western Canada Marine Response Corporation have a cache of spill response materials and equipment available on Masset. Their equipment trailers of supplies are housed at North Arm's Storage Facility at Masset, in close proximity to the proposed Project site. North Arm Transportation indicated that there was also the opportunity to access spill response materials and equipment housed in Skidegate, Prince Rupert and other locations on the North Coast and these supplies could also be accessed by the Canadian Coast Guard if required.

North Arm Transportation also mentioned its staff participate in remote spill response training courses run by Western Canada Marine Response Corporation with a specific focus on response scenarios for Masset and Masset Inlet areas. In addition, senior staff have training in various Spill Consult/ Western Canada Marine Response Corporation initiatives including IMO Level 2 On Scene Command and IMO Level 3 Incident Command training. North Arm Transportation advised it is committed to continuing to invest to ensure its spill response plan and response capability remains robust.

North Arm Transportation reports that it has been in the business of transporting fuel on the BC Coast since 1958 without marine incidents and its land-based fuel delivery on Haida Gwaii for more than twenty years has only resulted in one fuel truck roll over incident that took place over fifteen years ago, which was successfully addressed and remediated.

7.4. Socioeconomic Impacts

7.4.1. Issues Raised by the Applicant

The Applicant is of the view that the proposed Project is inconsistent with the Village of Masset's Integrated Official Community Plan. The Applicant is of the opinion that the location of the proposed Project, on a prime waterfront location, could adversely affect the character of downtown Masset and impair the growth of the tourism economy. Instead, in the

view of the Applicant, this location should be developed in a way that improves the community, attracts new residents, and addresses the principals of sustainability.

The Applicant raised concern over the lack of economic benefits to the community as they state only one new permanent job will be created. The Applicant did acknowledge they support the construction of a new facility in a more suitable location with fewer potential impacts to the community.

In the Applicant's response letter to the EAO on January 12, 2024, the Applicant noted that they provided signed petitions from community members that are against the Project, which was presented to the Village of Masset Council. The Applicant suggested that the sentiment in the community is that there are more Masset residents opposed to the Project than those in favour of it. The Applicant restated that the Project is inconsistent with the Village of Masset's Integrated Official Community Plan and that the Applicant disagreed with the EAO's suggestion that the Project is more appropriately addressed through municipal land use management tools. The Applicant also reiterated their disagreement with the EAO's assessment of potential socio-economic benefits given the existing availability of alternative suppliers of fuel from another competing businesses in Masset.

7.4.2. Comments from the Village of Masset Council

As noted in section [7.1.2](#) of the Report, the Village of Masset Council mentioned that the Official Community Plan does allow Heavy Industry Zoning in the Village of Masset. The Village of Masset Council had taken the Official Community Plan and bylaw zoning into consideration in its review and approval of the Siting and Use Application for the land.

The Village of Masset Council commented that North Arm Transportation services the Village of Masset Airport and there could be a significant impact on the tourism industry and all the airline operations on Graham Island if added costs were incurred by North Arm Transportation to move to a new site or if like previous fuel suppliers to Masset, they exit the market completely.

7.4.3. North Arm Transportation Responses

North Arm Transportation indicated that Haida Gwaii is remote and can be difficult to access. One of the positive economic effects of the proposed Project is that it will add new fuel storage capacity that utilizes modern equipment with integrated spill prevention to the overall critical fuel infrastructure of Haida Gwaii. It will also have the positive effect of being able to remove the existing fuel storage barge from the Masset Municipal Wharf which will have both an environmental and economic benefit, by removing fuel storage from the marine environment and opening up the Masset Municipal Wharf for other purposes including economic opportunities.

North Arm Transportation had been asked by the Village of Masset to set up a fuel supply facility in Masset after the departure of Petro Canada, to support the economy of the community by supplying fuel to a wide cross-section of users including the local fishing fleet (including First Nations fishing boats), local gas stations, the BC Hydro power generation station that operates on diesel fuel, various commercial users, and for deliveries of commercial and residential heating fuel.

After establishing a facility at Masset, North Arm Transportation developed a business partnership with the Old Massett Village Council. North Arm Transportation noted that this arrangement has directly enhanced the Old Massett Village Council community's economy and ability to build a stable foundation to base further business opportunities. North Arm Transportation's letter of November 22, 2023, under Appendix I - the Old Massett Village Council acknowledged to the EAO that North Arm Transportation goes above and beyond regular operating standards, particularly in the hiring and training of its community members. In a phone conversation with the EAO, a representative from North Arm Transportation confirmed that almost all its operating staff in Masset are Old Massett Village community members.

8.0 EVALUATION OF THE PROJECT AGAINST SECTION 11 OF THE ACT

The Minister or their delegate must consider the factors under Section 11 of the Act in their decision to designate or not, including:

- Section 11(1) - whether the project is an eligible project for designation;
- Section 11(4)(a) - whether the applicant is an Indigenous nation;
- Section 11(4)(b) - whether the eligible project could have effects on an Indigenous nation and their rights recognized and affirmed by Section 35 of the *Constitution Act, 1982*;
- Section 11(4)(c) - if the eligible project is in a category of project described in the RPR, whether the potential effects of the eligible project will be equivalent to or greater than the potential effects of projects in that category that are reviewable projects; and
- Section 11(4)(d) - whether an assessment of the eligible project is consistent with the purposes of the EAO set out in Section 2 of the Act.

Section 11(6) states that the Minister may designate an eligible project that is subject to a prescribed regulatory process only if the Minister is satisfied that the designation is in the public interest.

The EAO's evaluation of the Masset Fuel Storage Facility Project against each of these Section 11 factors is outlined below.

8.1. Whether the Project is an Eligible Project

In accordance with Section 11 of the Act, the Minister or their delegate may only designate a project or a modification of an existing project as a reviewable project if the project has not substantially started and is not a reviewable project under the RPR. The Act states that if a project has substantially started it is ineligible to be designated as a reviewable project and that a "project" includes both physical structures and associated activities. Substantially started refers primarily to physical activities completed in relation to a project (e.g., construction or operation). While North Arm Transportation is of the opinion that the proposed Project has been substantially started due to having already incurred capital costs or committed to 30 percent of the estimated cost of the estimated project total, which includes capital costs for Project components, these components are not yet physically in place, so while the planning and other arrangements had been started, the proposed Project construction has not begun.

Since it is the EAO's position that the Project has not been substantially started and the Project is not a reviewable project under the RPR, the EAO views the Project as an eligible project under Section 11(1) of the Act.

8.2. Whether the Applicant is an Indigenous Nation

The Applicant that is seeking to have the eligible project designated as a reviewable project confirmed that it is not an Indigenous nation. The EAO's position is that the Applicant is not an Indigenous nation, relevant to the evaluation under Section 11(4)(a) of the Act.

8.3. Whether the Project could have Effects on Indigenous nations and Section 35 Rights

The Council of the Haida Nation did not respond directly to the EAO's letter dated November 10, 2023, on whether the Project could have potential effects on First Nations and their rights recognized and affirmed by Section 35 of the *Constitution Act, 1982*. Despite this, the EAO did meet with representatives from the Council of Haida Nation on January 25, 2024 to discuss the Project and the Application as well as circulated a draft of the Designation Report for review and comment. The Council of Haida Nation did provide some suggested changes to the Designation Report which were subsequently incorporated, but did not express any concerns on whether the Project could have potential effects on First Nations and their rights recognized and affirmed by Section 35 of the *Constitution Act, 1982*. While the EAO did not

directly engage with the Old Massett Village Council, they informed the EAO in their letter dated November 29, 2023, and confirmed that their community's economy has been directly enhanced and so has their ability to build a stable foundation to base further business opportunities. As such the Project has a direct positive effect on economic benefits to the Old Massett Village Council.

The Old Massett Village Council also provided its support for North Arm Transportation's construction of a new land-based fuel storage facility at the former Omega Packing Company fish plant in Masset. North Arm Transportation did indicate that it has a business partnership with the Old Massett Village Council including hiring and training of its community members. During the EAO's engagement with the Council of the Haida Nation, and the Old Massett Village Council's letter addressed to the EAO regarding the Project, neither party expressed concerns relating to their affirmed Section 35 rights.

Since the Old Village of Massett Council has indicated a positive effect of North Arm Transportation's operations and development of the Project and that no Indigenous nation expressed concerns for potential effects to their nation or their rights, the EAO views the Project as having potential positive effects for the Indigenous nations and their rights relevant to the evaluation under Section 11(4)(b) of the Act.

8.4. Whether Potential Effects of the Project are Equivalent to or Greater than Potential Effects of a Reviewable Project

Table 8 – Petroleum and Natural Gas Projects of the RPR does include criteria for Energy Storage Facilities. The criteria for Energy Storage Facilities apply to proposed projects with a total design capacity to store one or more energy resources in a quantity that can yield by combustion greater or equal to three petajoules. The total fuel storage capacity for the proposed Project is around two million L if fuel demand in the Masset area increases to this level of demand. If not, North Arm Transportation only intends to install sufficient fuel storage to address the long-term needs of their existing customers, and potential new customers, on Haida Gwaii. If built to its maximum fuel storage capacity, the Project would store fuel that could yield 0.075 petajoules of energy, which is approximately 2.5 percent of the threshold identified in the RPR. Since the proposed Project would result in a maximum capacity that is 2.5 percent of the relevant threshold in the RPR, the EAO has concluded that the proposed Project is unlikely to result in impacts that are equivalent to or greater than the effects of reviewable project in the same project category (Energy Storage Facility) of the RPR requiring an environmental assessment.

Under Section 4 of the RPR effects thresholds, the proposed Project would not be prescribed as a reviewable project if the Project is in a category listed in Column 1 of the applicable table and meets the following threshold for greenhouse gas emissions – emits 380,000 tonnes or more per year of one or more greenhouse gases directly from project facilities. The Masset Fuel Storage Facility greenhouse gas emissions will be below the applicable greenhouse gas threshold of the RPR. Similarly, the greenhouse gas emissions identified by the Applicant, and associated with the Project, are concerns associated with a significant increase in vehicle emissions with the proposed Project. Since North Arm Transportation is not considering increasing the number of fuel transport trucks at this time, the greenhouse gas emissions are predicted to be the same as current operations. Also, the B.C. government has put in place the carbon tax to address these types of emissions from vehicles. As well, there are effective proven mitigation measures to be put in place by North Arm Transportation to manage the emissions from the storage tanks.

Based on the information reviewed, the EAO believes that site stability (including risks from malfunctions and accidents or risk from the environment on the Project) from environmental effects such as the extent of flooding and tsunamis has been mitigated by application of other regulatory frameworks that address these risks including.

The facility will be situated on 0.58 hectares of land which is small in comparison to other energy storage facilities that have undergone an environmental assessment such as Cedar LNG at 44 hectares, Woodfibre LNG at 90 hectares, and Kitimat LNG at 95 hectares. This is further rationale that the proposed Project is unlikely to result in impacts that are

equivalent to or greater than the effects of reviewable project in the same project category (Energy Storage Facility) of the RPR requiring an environmental assessment.

The EAO is of the view that potential adverse environmental and safety impacts including spills and spill response would not change and would be managed to a similar degree, with the mitigation and regulatory measures that are already in place (see section [7.3.3](#) above).

The EAO finds that it is likely that after the application of the mitigation measures identified in this Report, there would not be significant adverse effects or cumulative effects to terrestrial and marine ecosystems because of the siting of the Masset Fuel Storage Facility on land. The EAO concluded the facility itself would likely not result in significant adverse socio-economic effects to the Village of Masset and the Masset Inlet. The residents of the Village of Masset may experience positive socio-economic effects from North Arm Transportation supplying fuel to a wide cross-section of users including the local fishing fleets, local gas stations, the BC Hydro power generation station which operates on diesel fuel, various commercial users and for deliveries of commercial and residential heating fuel. As such, it is the EAO's position that the Project is in a category of project described in the RPR and that the potential effects of the proposed Project will not be equivalent to or greater than the potential effects of projects in that category that are reviewable projects, as is relevant to the evaluation under Section 11(4)(c) of the Act.

8.5. Whether an Assessment is Consistent with the Purposes of the EAO

The Minister or their delegate must consider whether or not an environmental assessment of the Masset Fuel Storage Facility would be consistent with the purposes of the EAO as set out in [Section 2 of the Act](#), which include:

1. Promoting sustainability by protecting the environment and fostering a sound economy and the well-being of British Columbians and their communities; and
2. Supporting reconciliation with Indigenous peoples in B.C.

8.5.1. Promoting Sustainability by Protecting the Environment and fostering a sound economy and the well-being of British Columbians and their Community

Based on the available information, the EAO does not believe that designating the Masset Fuel Storage Facility as a reviewable project would be consistent with the purposes of the EAO to promote sustainability by protecting the environment and fostering a sound economy and the well-being of British Columbians and their communities and may not be consistent with Act's purpose of supporting reconciliation. The EAO is of the view that the promotion of sustainability will be addressed through other regulatory frameworks that would ensure the environment, including the long-term ecological health of the Masset Inlet, is protected. The EAO also notes that the intention of environmental assessments is to capture major projects that could result in significant adverse effects without duplicating other regulatory process. The Act and the environmental assessment process is not a land use planning process. Land use planning within the Village of Masset is the responsibility of the local government, who have and continue to play an integral regulatory role.

The EAO is of the view that potential economic effects and concerns relating to visual quality and commercial activities in the Village of Masset, would not change and would likely continue to a similar degree, with North Arms Transportation's potential mitigation measures of installing horizontal tanks to lower their visibility and using a cedar hedge to screen the tanks. North Arm Transportation provided photos of the existing closed Omega Fish Plant with its derelict buildings, before and after cleanup, which were more visible and may have been considered unsightly by some residents.

The EAO notes there is existing regulatory frameworks applicable to assessing and managing the effects from fuel storage facilities including Transport Canada's process for a designated Oil Handling Facility and the Crown Foreshore Lease applicable to Land File #0183443 and the associated approved Management Plan. Further, the Village of Masset is positioned to be the best placed regulator regarding location in the Village of the Project considering the Village of

Masset's Siting and Use Application and Permit process that relies on the Official Community Plan and Zoning By-law and potential environmental impacts of the construction and operation of the Masset Fuel Storage Facility.

8.5.2. Supporting Reconciliation with Indigenous peoples in B.C.

Obligations under the *Declaration of the Rights of Indigenous Peoples Act* and associated action plan, and the duty to consult with First Nations lies with the Province of B.C. and applies equally to the EAO. The EAO recognizes the inherent jurisdiction of the Old Massett Village Council and the Council of the Haida Nation and its right to participate in decision making in matters that could affect its rights.

The Old Massett Village Council in its letter dated November 20, 2023, to the EAO confirmed it has a business partnership with North Arm Transportation which has directly enhanced its community's economy, including jobs with North Arm Transportation, and a stable foundation from which to build further business opportunities. The Old Massett Village Council also provided its support for North Arm Transportation's construction of a new land-based fuel storage facility at the former Omega Packing Company fish plant in Masset. Requiring an environmental assessment may impose an economic hardship on the Project which in turn would affect the Old Massett Village Council economy. Potential impacts to their economic opportunities contradict the spirit of the *Declaration of Rights of Indigenous Peoples Act*, which outlines the intention to enhance Old Massett Village Council and the Council of the Haida Nation's fiscal capacity to deliver services to their citizens and exercise governance and decision-making authority over their traditional lands.

8.5.3. EAO Findings

The EAO finds that requiring the proposed Project, and the development activities being taken by North Arm Transportation as described in this Report, to undergo an environmental assessment would not be consistent with the purpose of the EAO as set out in Section 2(2) of the Act and as is relevant to the evaluation under Section 11(4)(b) of the Act.

9.0 RECOMMENDATION

In developing this report, the EAO considered the Concerned Citizens of Masset's Application and their supporting materials, information and feedback provided by review participants (including the Village of Masset, North Arm Transportation, and Old Massett Village Council), and from engagement with the Council of the Haida Nation.

Based on the available information and the analysis in this report the EAO recommends that the Chief Executive Assessment Officer decline to designate Masset Fuel Storage Facility as reviewable under Section 11 of the Act.



**NORTHWEST BRITISH COLUMBIA
RESOURCE BENEFITS ALLIANCE**
300-4545 Lazelle Avenue, Terrace, BC V8G 4E1

Five-year, \$250 Million Agreement for Northwest Communities

Victoria, B.C., February 22, 2024 – During today’s provincial budget announcement, the Northwest BC Resource Benefits Alliance (RBA) was given \$250 million over five years. This funding will support planning and construction of infrastructure such as roads, water, sewer and other community facilities needed to create liveable communities.

The members of the RBA Steering Committee, Mayor Herb Pond (North Coast Regional District), Mayor Sean Bujtas (Regional District of Kitimat-Stikine) and Mayor Gladys Atrill (Regional District of Bulkley Nechako) travelled to Victoria to hear the announcement. Although the statement was confidential until the official release of the budget, there was optimism due to the work done to date and the positive relationship that was been built with the Province.

“Securing a commitment to the Northwest BC Resource Benefits Alliance has been the primary priority of my term as Mayor of Terrace. I am so proud to have been part of the team who signed this game-changing deal. It will go a long way toward making our communities in the northwest more liveable. Thank you to Premier David Eby and the Provincial Government for recognizing us in the Northwest,” Mayor Bujtas acknowledged.

Mayor Pond stated, “This funding is a gamechanger for all our communities. It allows us to fix, replace and build basic infrastructure that all our communities rely on. Now we can invest in our communities without the heavy financial burden being placed on our residents.”

Mayor Atrill expressed gratitude “To all the RBA members who have been working on this initiative for the past 10 years. Your good work has not gone unnoticed.”

The Northwest BC Resource Benefits Alliance (RBA) is an association of 21 local governments across the Northwest from Masset to Vanderhoof. Formed in 2014, the RBA includes all member municipalities and electoral areas of the Regional District of Bulkley-Nechako, the Regional District of Kitimat-Stikine, and the North Coast Regional District. The RBA was formed to seek a sustainable funding agreement with the province that ensures more of the revenue generated from the northwest, remains in the region. A funding agreement will allow local governments to better encourage economic development in the northwest and ensure that development creates good local jobs and sustainable, livable communities.

A copy of the RBA Memorandum of Understanding is available on the RBA website:
www.nwresourcebenefits.ca

For further information:

Mayor Herb Pond, RBA Co-Chair, North Coast Regional District

Mayor Gladys Atrill, RBA Co-Chair, Regional District of Bulkley-Nechako

Mayor Sean Bujtas, RBA Co-Chair, Regional District of Kitimat-Stikine

Northwest BC Resource Benefits Alliance

300 - 4545 Lazelle Avenue
Terrace, BC, Canada
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FEB 28 2024

Gwaii Storm Under 13
P.O Box 979
Masset, B.C
V0T 1M0

February 23, 2024

Subject: Donation Request for Gwaii Storm girls under 13 Basketball Team

Dear Village of Masset,

I hope this letter finds you well. I am reaching out on behalf of our Old Masset Gwaii Storm Under 13 girls basketball team to request a donation to help with travel cost to attend 2024 Jr All Native Basketball tournament in Terrace B.C, March 18th to March 22nd, 2024. As a dedicated member of our community, we believe your contribution would greatly benefit our team and help us achieve our goals.

Our basketball team is made up of 13 passionate under 13 girl's athletes who are committed to honing their skills, teamwork, and representing our community with pride. Your support would enable us to cover essential expenses such as uniforms, travel costs.


We understand that there are many worthy causes vying for your support, but we sincerely hope you will consider donating to our basketball team. Your generosity will not only help us achieve success on the court but will also have a positive impact on the lives of our young players.

If you are able to donate, please send it to the above address or E-transfer us at gwaiistorm2024@gmail.com. Your contribution, no matter the amount, will be greatly appreciated and make a difference for our team.

Thank you for considering our request. We look forward to your support and hope to make you proud this season.

Any Questions I can be reached at 250-626-7714





Gwaii Storm Under 13
P.O Box 979
Masset, B.C
V0T 1M0

2024 Gwaii Storm under 13 girls Roster

Jayne Amos Hayes
Bella Arens
Olivia Beeching
Chloe Bellis
Montana Edgars
Payson Edgars
Payton Edgars
Hailey Jones
Alexis Lawson
Lexi Pennier
Dorothy Watts
Trinity Watts

Warm regards,

Deena Arens

Deena Arens
Manager
Gwaii Storm



DATE: March 5, 2024
TO: Josh Humphries
CC: Anna Sokolowski; Brittany Tuttle RPP, MCIP; Andrew Baigent RPP, MCIP
FROM: Andrew Cuthbert RPP, MCIP
FILE: 3995.0000.00
SUBJECT: SSMUH Initiatives

1.0 INTRODUCTION

In late 2023, the Province announced several initiatives designed to help address the need for housing across the province. Bill 44: Housing Statutes (Residential Development) Amendment is one of the most significant changes to the Local Government Act in years and will have far-reaching effects. Some of the changes include updates to Zoning Bylaws, Official Community Plans (OCPs), and Housing Needs Reports and will also require updates to how these documents are revised in the future. The timeline for updates will require quick actions by each municipality. A timeline of actions required for Zoning Bylaws, Housing Needs Reports and OCPs is below:

1. June 30, 2024

All municipalities must update their Zoning Bylaws for all single-family and duplex zones, including off-street parking provisions, to comply with the regulation.

2. December 31, 2024

Each community must also complete an interim Housing Needs Report.

3. December 31, 2025

OCPs must be updated to comply with provincial requirements.

Urban Systems is excited about the opportunity to update the Village of Masset's documents to ensure they are in alignment with the new provincial legislation related to small-scale and multi-unit housing initiatives. This is an exciting time in the province of BC, and the new initiatives are designed to find ways to best address the ongoing housing crisis in our communities. We are pleased to submit this scope of work detailing how we propose to assist the Village with updating its various bylaws, plans, and documents related to land use planning.

2.0 OUR APPROACH

Our approach to the preparation of a Zoning Bylaw includes the following:

Keep it practical

We have found that there is great value in keeping Zoning Bylaws practical – not oversimplifying land use regulations, but also not overcomplicating them. It is vital that Zoning Bylaws can be easily interpreted by staff, the development community, and the public. A practical approach means ensuring that language is clear and direct, eliminating the potential for confusion around requirements.

Add graphic content where it will enhance the understanding of regulations.

In recent Zoning Bylaw reviews, we have found it helpful to include supporting graphics to illustrate how certain zoning regulations apply, or to further explain certain defined terms. For example, we have included graphics to illustrate requirements around visibility at intersections, flood proofing provisions, landscape requirements, and other unique provisions, and to help illustrate defined terms such as "floor space ratio," "height," and "lot width."

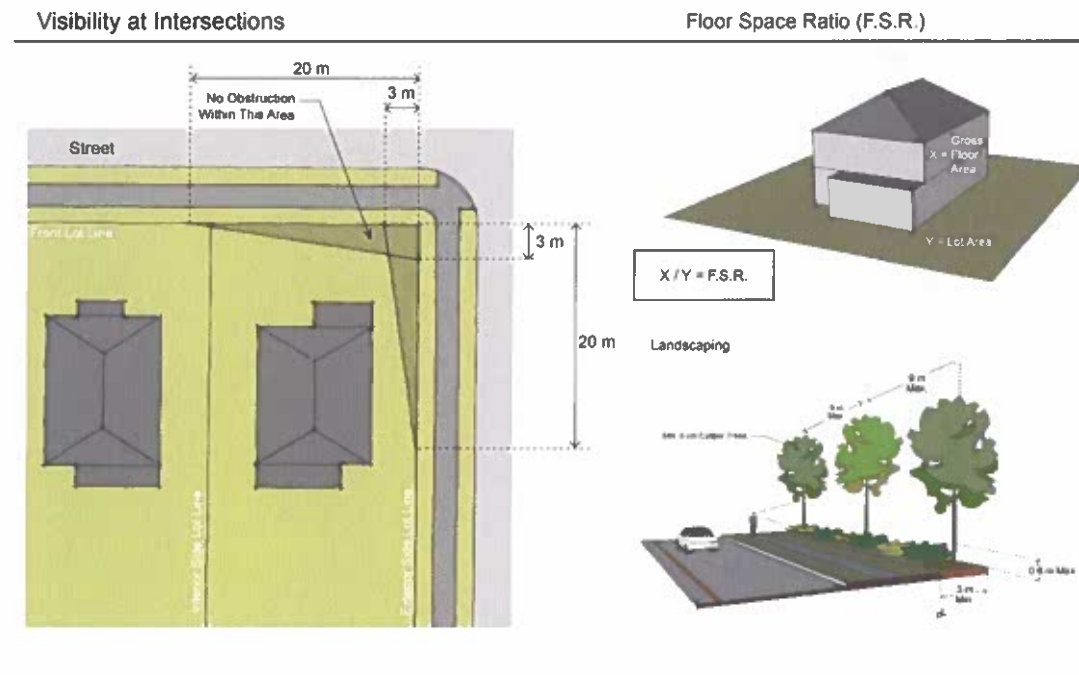


Figure 1 - An example of graphic illustrations by Urban Systems Ltd.

Balance conflicting interests.

Stakeholders' needs are diverse and can conflict. We understand that major regulatory documents such as Zoning Bylaws must balance the sentiments of the general public and Council along with technical opinions of professionals. Our planners are highly skilled at the art of compromise, all in the interest of producing sound land use management for the community.

Engage key stakeholders early and on an ongoing basis.

A collaborative process with Councils, staff teams, key stakeholders and the public is crucial for understanding resident priorities and generating buy-in. We believe that inclusive and responsive engagement results in a more informed community with a greater sense of ownership for outcomes. Our team uses globally accepted best practices, and we have a strong track record in developing fun, innovative, and effective engagement strategies.

From our experience with public reviews of Zoning Bylaws, we know that zoning issues can be technical and tough for the public to understand. Over the years, we have developed methods for engaging with the public in such a way that we can communicate, in plain language, both the key changes inherent within the Bylaw and more importantly, how these changes may affect their lives.

Some options for community engagement include both virtual and in person options:

- | Virtual | In Person |
|--|---|
| <ul style="list-style-type: none">• Virtual open houses with live polling | <ul style="list-style-type: none">• Open houses |
| <ul style="list-style-type: none">• Traditional online and telephone surveys | <ul style="list-style-type: none">• Live polling |
| <ul style="list-style-type: none">• Virtual focus group workshops | <ul style="list-style-type: none">• Focus group workshops |
| <ul style="list-style-type: none">• Online visual survey boards | <ul style="list-style-type: none">• Visual survey boards |
| <ul style="list-style-type: none">• Phone Interviews | <ul style="list-style-type: none">• In person Interviews |

Focus on the task at hand.

A Zoning Bylaw has the potential to bring up many site-specific or unique issues that could represent a major shift in Council direction (e.g. the approach to housing density, and housing types, home-based businesses, commercial development or the approach to secondary suites). To ensure a smooth process, we typically encourage our clients to 'focus on the task at hand' and be careful about introducing potentially controversial major issues as part of the Zoning Bylaw development. Often it is more productive for a Council to consider these changes through a separate process rather than tying them into a Zoning Bylaw and running the risk of complicating the approvals process.

3.0 COMPREHENSIVE ZONING BYLAW UPDATE

We understand that the Village is seeking to update its Zoning Bylaw to reflect changes in the community and comply with new provincial legislation.

The following tasks are designed to illustrate what a full update to the Zoning Bylaw might entail. We anticipate this to be a collaborative process taking approximately one year to complete and virtual bi-weekly meetings with Village staff being held throughout.

3.1.1 Kick-off Meeting

We will host a one-hour project kick-off meeting between our team and Village Staff to review the project goals and objectives. This will be an opportunity to confirm the tasks identified in the work plan, review the budget and to establish a timeline for project completion. We will update our work plan based on the outcome of this meeting, as required.

Deliverables: Meeting notes

3.1.2 Data Gathering

Our team will collect and review all data currently available to inform the Zoning Bylaw update. We expect Village Staff to provide us with the most recent version of the Zoning Bylaw, GIS data, and any additional relevant documents.

Deliverables: Data files from Village Staff

3.1.3 Annotated Bylaw Review

We will complete an initial review of the Zoning Bylaw in its current state and flag areas that require an update to align with provincial legislation. This review will be used as the basis for discussions with Village Staff and Council regarding key areas of focus for the Zoning Bylaw update.

Deliverables: Annotated Zoning Bylaw

3.1.4 Strategic Sessions (2)

We will host two strategic sessions, one with Council and one separately with Staff, to discuss the findings of the Annotated Bylaw Review, and to determine any additional key areas of focus for the Zoning Bylaw update not identified during the initial review process.

Deliverables: Presentation, meeting notes

3.1.5 Issues and Opportunities Memo

We will prepare a short memo documenting the issues and opportunities identified during our annotated review of the Zoning Bylaw, as well as the key discussion outcomes from the strategic sessions with Village Staff and Council. This memo will inform our focus for the Community Survey and Draft Bylaw tasks.

Deliverables: Issues and Opportunities Memo

URBANSYSTEMS MEMORANDUM

DATE: March 5, 2024
SUBJECT: SSMUH Initiatives

FILE: 3995.0000.00

PAGE: 5 of 8

3.1.6 Community Survey and Analysis

Following the strategic sessions with Staff and Council, we will facilitate a first round of community engagement that consists of an online survey. We will create a survey to post on the Village's website that seeks feedback from the community on particular topics related to the Zoning Bylaw update. The survey will be open for a 6-week period to ensure sufficient time for input. Once closed, we will review and summarize the key takeaways in a What We Heard Memo. This memo will be shared with Village Staff and Council upon completion.

Deliverables: Community survey, What We Heard Memo

3.1.7 Draft Bylaw

Based on the direction received from Village Staff and Council and the community, we will update the Zoning Bylaw and Zoning map accordingly. We will include graphics to enhance the clarity and interpretation of regulations. A Word version of the Zoning Bylaw and a PDF of the map will be circulated to Village Staff and Council for review and comment. At this time, the draft Zoning Bylaw should be submitted to the Village's chosen lawyer for review. Once comments are received from the lawyer, we will review them with Village Staff to discuss directions.

Deliverables: Draft Zoning Bylaw

3.1.8 In-Person Open House

Once a draft of the Zoning Bylaw is complete, we will facilitate an in-person open house to provide an opportunity for the community to review and share input on the proposed Zoning Bylaw. We will focus the engagement session on particular topics, as directed by Council.

Deliverables: Engagement materials for open house

3.1.9 Online Review of Draft Bylaw

For those who cannot attend the in-person open house, we will post the draft Zoning Bylaw online on the Village's website along with a feedback form for community members to review and provide input.

Deliverables: Online feedback form

3.1.10 Community Engagement Analysis & Summary

We will review all community feedback received at the open house and via the online feedback form and update the What We Heard Memo accordingly.

Deliverables: Updated What We Heard Memo

3.1.11 Presentation to Council

We will present the draft Bylaw to Council for comment. At this time, we will likely seek input from Council on particular topics requiring their direction.

Deliverables: Council presentation

3.1.12 Final Bylaw

We will revise the Zoning Bylaw and map accordingly based on the direction received from Village Council, Staff, and the community. We anticipate one round of revisions to both the Zoning Bylaw and map. Once complete,

URBAN SYSTEMS MEMORANDUM

DATE: March 5, 2024
SUBJECT: SSMUH Initiatives

FILE: 3995.0000.00

PAGE: 6 of 8

we will provide copies of both deliverables to the Village in the appropriate file format for circulation to applicable agencies for review and comment.

Deliverables: Final Zoning Bylaw

3.1.13 Preparation for Bylaw Approvals Process

We will work with the Village to prepare the Bylaw for readings by Council and Public Hearing. We anticipate that Staff will present the Zoning Bylaw to Council at all phases of the approvals process; however, we are happy to answer any questions to assist in preparation or adjust the work plan accordingly if our presence is required at these approval meetings.

3.2 HOUSING NEEDS REPORT UPDATE

The newly adopted provincial legislation also outlines potential updates required for Housing Needs Reports. The Village's most recent Housing Needs Report was completed in 2021 and remains largely relevant. New provincial requirements mandate that Housing Needs Reports must include longer forecast timelines and be reflected in the OCP. However, the Province has also indicated that they will be proposing a methodology for updates, which has yet to be released.

Further provincial guidance on the update methodology is expected to be released in the coming months. When the new methodology is released we will have a better understanding of the process level of effort required for the update. A preliminary budget has been provided in Section 4.0 but may need to be revisited upon receipt of the new guidelines.

DUE FOR COMPLETION: DECEMBER 31, 2024

3.3 STRATEGIC OCP UPDATES

The OCP may require updates to reflect changes made to the Zoning Bylaw. These changes are most likely to be limited to the inclusion of secondary suites. Additional guidance is expected in June 2024 from the province for how OCPs should be updated to reflect the most recent requirements. This work will also reflect the changes that will result from required updates to the Housing Needs Report.

Further provincial guidance on the update methodology is expected to be released in the coming months. When the new methodology is released we will have a better understanding of the process level of effort required for the update. A preliminary budget has been provided in Section 4.0 but may need to be revisited upon receipt of the new guidelines.

DUE FOR COMPLETION: DECEMBER 31, 2025

URBANSYSTEMS MEMORANDUM

DATE: March 5, 2024
SUBJECT: SSMUH Initiatives

FILE: 3995.0000.00

PAGE: 7 of 8

4.0 BUDGET

Our estimated budget to update the Village of Masset's Zoning Bylaw, Housing Needs Report, and OCP is \$140,100, including disbursements and travel but exclusive of GST. This budget is a high-level estimate that is based on information available to date. A closer review of the budget for specific components of this work (e.g., Housing Needs Report update, OCP update) will be required once that phase of the project is reached. The budget may also need to be altered based on provincial reporting guidelines that are anticipated to be released later this year. A detailed breakdown of the budget by project task is provided below.

TASK DESCRIPTION

TOTAL

Phase 1 - Comprehensive Zoning Bylaw Update		
1.1	Kick-off Meeting	\$2,500
1.2	Data Gathering	\$4,600
1.3	Annotated Bylaw Review	\$10,000
1.4	Strategic Session with Council	\$3,200
1.5	Strategic Session with Staff	\$3,200
1.6	Issues & Opportunities Memo	\$3,900
1.7	Community Survey & Analysis	\$7,200
1.8	Draft Bylaw	\$34,600
1.9	In-Person Open House (1)	\$16,600
1.10	Online Review of Draft Bylaw	\$3,400
1.11	Community Engagement Analysis & Summary	\$4,600
1.12	Presentation to Council	\$3,200
1.13	Final Bylaw	\$9,500
1.14	Preparation for Bylaw Approvals Process	\$3,600
	Project Management and Regular Meetings	\$8,000
Sub-Total		\$118,200
Phase 2 - Housing Needs Report Update		
2.1	Kick-off Meeting	\$1,600
2.2	Review & Mark-up	\$3,000
2.3	Strategic Updates	\$5,600
2.4	Meetings with Staff (3)	\$1,600
Sub-Total		\$11,800
Phase 3 - OCP Review and SSMUH Update		
3.1	Kick-off Meeting	\$1,600
3.2	Review & Mark-up	\$2,300
3.3	Strategic Updates	\$2,300
3.4	Meetings with Staff (2)	\$1,600
Sub-Total		\$7,800
TOTAL DOLLARS		\$137,800

URBAN SYSTEMS MEMORANDUM

DATE: March 5, 2024
SUBJECT: SSMUH Initiatives

FILE: 3995.0000.00

PAGE: 8 of 8

5.0 CLOSING

We appreciate the opportunity to submit a work plan to continue working with the Village of Masset. Please note that the contents of this letter comprise an estimated scope of work that can be revised accordingly to best suit the Village's needs. We are happy to discuss the proposed fees further with the Village to determine the best approach.

Thank you again for contacting us to discuss your needs for land use planning support. We look forward to connecting with you further on this opportunity.

Sincerely,

URBAN SYSTEMS LTD.

Andrew Cuthbert, MCIP, RPP
Community Planner