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**Sent:** Wednesday, May 25, 2022 8:47 AM  
**To:** Narissa Chadwick  
**Cc:** dagoldman@shaw.ca; David Brown  
**Subject:** MIHS - suggested wording for covenant re: wetland restoration  
**Attachments:** 2022 05 24 MIHS Draft Recommendations - Ecological and Restoration.docx

Good morning Narissa,

As discussed at our meeting several weeks ago, please find attached a document with suggested wording for the covenant regarding the wetland restoration and ecological report. Please note that this is draft form only and has not been reviewed by the legal counsel of MIHS. MIHS would like the chance for their legal counsel to review any future drafts of the covenant.

Thank you and please let me know if you have any questions.

Eleni Gibson (she/her)

**MCP**

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**Wiser Projects**

*We acknowledge that our offices are on the traditional territories of the Lekwungen speaking peoples, and that the land's historical relationships with the Songhees, Esquimalt and W̱SÁNEĆ peoples have existed since time immemorial. As our work crosses many territories, we seek to acknowledge the histories and relationships all First Nations communities have with the land. We also affirm that colonialism, and the attitudes and practices that have accompanied it, contributes to the continued systemic discrimination and violence against Indigenous Peoples.*

## Section 219 Covenant, Draft Recommendations: Ecological and Restoration

### Wetland Restoration Design Report Recommendations

#### Discussion:

We would like to suggest that inclusion of excerpts, or the entirety, of the Wetland Restoration Design Report (Mar 8, 2021) into the covenant is not appropriate, especially given the wording in paragraph 8 of the draft covenant (emphasis added):

*"except in accordance with all of the recommendation contained in the each of the following two reports (together, the "Environmental Reports"), excerpts of which are attached to this Covenant as Schedule B, and copies of which are held on file at the offices of the Local Trust Committees"*

There are five specific recommendations in the report in Section 8, extracted below. None of these, with the exception of part of #4, are suitable for inclusion in a covenant. Recommendation #2 regarding the building site was subsequently revised in a letter dated April 16, 2020, and further revisions of the proposed building site were made with the planner, the LTC, Dr McHugh, and MIHS. The agreed building site is documented in the Subdivision Plan. The recommendations, as outlined in the March 8<sup>th</sup> report are as follows:

- 1. Mayne Island Housing Society is invited to review this report and contact Robin Annschild with any questions.*
- 2. If a building site is planned for Lot 2, delineate the building envelope within the covenant document, and place it on the higher, drier ground south of the artesian well and close to the existing driveway and Village Bay Road.*
- 3. Seek funding to implement the project, using the budget estimate provided below as a guide. Please contact Robin Annschild with any questions.*
- 4. Obtain an authorization under the Water Sustainability Act to complete the project. This requires as much lead time as possible. It is best to apply 8 – 12 months ahead of anticipated start dates. Robin Annschild is available to help with this.*
- 5. Schedule construction well in advance to ensure Robin Annschild, Tom Biebighauser or their associates are available to direct construction.*

In the draft covenant, the only noted exception to the "all recommendations" requirement is the clause "in respect of Lot 2 ... wetland remediation only applies to the area labelled "Wetland Remediation Zone Lot 2" on the Subdivision Plan."

There are other portions of the Wetland Restoration Design Report that might be considered as recommendations, specifically the Restoration Strategies.

#### **Suggested wording: Wetland Restoration Design Report Recommendations (paraphrased from Robin Annschild, March/April 2021)**

In the course of construction of the affordable housing, the owner of Lot 3 shall implement, in designated areas on Lot 3 and Lot 2, the wetland restoration strategies described in the Wetland Restoration Design Report (Mar 8, 2021), copies of which are held on file at the offices of the Local Trust

Committees. Authorization under the Water Sustainability Act should be obtained to complete the project.

Restoration Strategies may include, as appropriate:

1. Remove compaction & roads  
Old logging roads that are no longer needed may be restored to a forested wetland by removing the compaction through a technique known as rough and loose or “fluffing up” the soil from the road surface. Removing compaction will allow moisture from rain and snowmelt to penetrate the soil, reducing the risk of erosion. Loosening the soil also makes it easier for tree and plant roots to penetrate, increasing the rate and size of vegetation that may grow on the site.
2. Restore micro-topography  
The smooth surfaces of roads, former pasture, old landings and other disturbed areas have reduced the variety of microsites available for different species of vegetation. As compaction is removed, the soil will be left in naturally appearing, undulating mounds and ridges to restore habitat diversity.
3. Remove Ditches  
Ditch removal requires cleaning vegetation, roots and organic matter from the ditch and packing it with soil of a similar texture and level of compaction. A large volume of soil is required to fill ditches. Combining ditch removal with wetland construction makes sense. The soil removed from the wetland basins can be used to fill the ditches.
4. Build Wetland Ponds  
Two sites are identified on the Subdivision Plan where small open water ponds 23 m x 16 m (Pond #1) and 9m x 17m (Pond #2) could be built.
5. Add Coarse Woody Debris  
Wetland restoration is an opportunity to re-purpose woody debris from site clearing to a necessary material for site restoration. Larger pieces of wood and smaller branches may be used in pond construction to provide habitat and incorporated into the former road surfaces when compaction is removed.
6. Prioritize Forested Wetland Restoration

The wetland restoration shall be supervised by a qualified professional.

## **Ecological Report Recommendations**

### **Discussion:**

We have fewer concerns relating to the Ecological Assessment Report, as it is more clearly structured. However, although the “Recommended Guidelines for Development Planning” are in a separate section, there are five recommendations in the Executive Summary that are worded differently, and several other sentences in the report that might be interpreted as recommendations. This could cause

confusion. We suggest that the “Recommended Guidelines for Development Planning” be directly included as the required recommendations.

**Suggested Wording: Recommended Guidelines for Development Planning (from Ecological Assessment Report – Keith Erickson, Sept 21, 2020)**

1) Reduce fragmentation of the forest by keeping the development compact and minimizing the footprint of structures and services. For example, bury power and communications lines under access driveway.

2) Retain, and establish a Tree Protection Zone, around remaining old veteran trees on the property.

a) **Recommend consulting with a certified arborist** to determine the health the veteran trees, assess the impacts from the proposed development and provide recommendations for tree protection and establishing a critical rooting zone.

b) To give a sense of a standard calculation of the Critical Rooting Zone or Tree Protection Zone, this report has created a Tree Protection Zone based on the trunk diameter method with every 1cm of tree diameter (at breast height) equaling 12cm of Protection Zone radius.

3) Retain large diameter wildlife trees (dead standing trees).

a) **Recommend consulting with a certified arborist** to determine safety considerations and setback requirements around these trees. If necessary, top wildlife tree to reduce setback rather than remove completely.

4) Minimize the encroachment of the development footprint into moist/wet ecosystems.

5) Minimize disturbance to Douglas-fir / dull Oregon-grape Provincially red-listed ecological community within mapped Ecological Community 1-1. A large portion of this overlaps with recommended Tree Protection / Critical Rooting Zone in 2b).

6) Focus development in and around areas where soils are already heavily disturbed and compacted as much as possible.

7) Minimize area of impervious surfaces and area of soil compaction including during the construction phase and post-construction ongoing use.

8) **Recommend consultation with professional hydrologist** to determine direct impacts to hydrology from development and to prescribe measures required to mitigate on-site and downslope impacts. Potential measures might include:

a) Installation of bioswales, creation of rainwater gardens, constructed wetlands or retention ponds to promote infiltration of surface water and any diverted water into the ground.

b) Installation of rainwater catchment and storage systems to reduce roof runoff and reduce pressure on groundwater resources.

9) Retain as much forest structure and natural vegetation cover as possible.

a) Minimize impacts to vegetation during the construction process, and immediately revegetate/restore any areas where temporary damage is necessary for construction purposes.

b) Retain large diameter coarse woody debris within undeveloped areas of the property to provide critical wildlife habitat.

10) Restore areas outside of the development footprint where soils have been previously compacted (skid roads, logging landing sites) through 'rough and loose' treatment.

11) Incorporate 'wildlife zones' into the design where no ongoing use occurs. Restoration and wildlife enhancement measures should be focused in these areas.

12) Monitor, evaluate and if necessary employ further mitigation measures during all phases of the development and construction process.