From: Council Support
Sent: Wednesday, January 4, 2023 4:21 PM
To: s.22
Cc: Council
Subject: Status of eelgrass in the Cowichan Estuary

Mr. Schuerholz, this email confirms that your correspondence has been received by Mayor & Council. Instead of sending emails individually to Council members, please feel free to send future correspondence to Mayor and Council at council@northcowichan.ca. This mailbox automatically forwards the emails out to all members of Council and allows us to track and respond to correspondence received.

Thank you for taking the time to write to us.

Kind regards

Terri Brennan (she/her)
Council Support and Executive Assistant
Office of the Mayor & CAO

Municipality of North Cowichan
terri.brennan@northcowichan.ca
T 250.746.3117

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca

From: Goetz Schuerholz s.22
Sent: Wednesday, December 28, 2022 2:22 AM
To: Rob Douglas <rob.douglas@northcowichan.ca>; Mike Caljouw <Mike.Caljouw@northcowichan.ca>; Bruce Findlay <Bruce.Findlay@northcowichan.ca>; Chris Istace <Chris.Istace@northcowichan.ca>; Christopher Justice <christopher.justice@northcowichan.ca>; Tek Manhas <tek.manhas@northcowichan.ca>; Debra Toporowski <debra.toporowski@northcowichan.ca>
Subject: Status of eelgrass in the Cowichan Estuary

Dear Mayor and Councillors of North Cowichan,

It is widely recognized that estuaries are the most important marine ecosystems, at the same time the most threatened in BC. They are totally under-represented in Canada's Protected Area system. As a signatory to the Agreement reached by 200 Nations at the recent Biodiversity Summit hosted by Canada in Montreal in December 2022, Canada promised to place 30% of its marine- and 30 % of its land areas under strict protection for biodiversity conservation.

For obvious reasons estuaries should be the first to qualify under this agreement. The Cowichan Estuary considered one of the most important along BC's Coast would be a prime candidate to be fully protected and its ecological integrity be restored. Since half of the estuary falls under the MNC's jurisdiction it would be prudent for Council to be proactive in spearheading a movement to place the entire estuary under protection.

Please find attached a brief status report on eelgrass in the Cowichan Estuary drawing attention to Key reasons for its disappearance. If you question the relevance it has to North Cowichan the MNC's new OCP and the Khenipsen Road Neighbourhood Plan refer. Both highlight the referenced issues (impacts by grounding out logbooms and dredging) which should be urgently addressed by Council. The OCP stipulates the phasing out of log boom storage in the estuary and corresponding dredging activities.

Let's work together to make this a better world.

Happy New Year,

Goetz Schuerholz

Dr. Goetz Schuerholz
Conservation Ecologist
Chair CERCA
s.22

cerca@shaw.ca
- http://www.cowichanestuary.com/
We gratefully acknowledge that we live, work & create on the unceded lands of the Malahat, Ts'uubaa-asatx, Quw'utsun, Halalt, Penelakut, Stz'uminus, & Lyackson Peoples.

"We burn Carboniferous-era fossil fuels to melt Pleistocene-era ice to determine Anthropocene future climates"
(Robert Macfarlane)

FOI 24.11 responsive records Page 2 of 227

From: Council Support
Sent: Wednesday, January 4, 2023 4:36 PM
To: s.22
Cc: Council
Subject: Sustainablle Protection of North Cowichan's six 'Sacred Mountains'

Mr. Schuerholz, this email confirms that your correspondence has been received by Mayor & Council. To ensure your comments are logged as part of the process, visit ConnectNorthCowichan.ca/mfr to learn more, read reports, ask questions, and provide input as part of the survey. The online survey has been extended until January 31, 2023.

Please feel free to send future correspondence to Mayor and Council at council@northcowichan.ca. This mailbox automatically forwards the emails out to all members of Council and allows us to track and respond to correspondence received.

Thank you for taking the time to write to us.

Kind regards

Terri Brennan (she/her)
Council Support and Executive Assistant
Office of the Mayor & CAO

Municipality of North Cowichan
terri.brennan@northcowichan.ca
T 250.746.3117

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca

From: Goetz Schuerholz s.22
Sent: Friday, December 30, 2022 3:39 AM
To: Rob Douglas <rob.douglas@northcowichan.ca>; Mike Caljouw <Mike.Caljouw@northcowichan.ca>; Bruce Findlay <Bruce.Findlay@northcowichan.ca>; Chris Istace <Chris.Istace@northcowichan.ca>; Christopher Justice <christopher.justice@northcowichan.ca>; Tek Manhas <tek.manhas@northcowichan.ca>; Debra Toporowski <debra.toporowski@northcowichan.ca>
Subject: Sustainablle Protection of North Cowichan's six 'Sacred Mountains'

Dear Mayor and Councillors,
To protect 30% of the world's terrestrial and 30% of its marine ecosystems is one of the Key goals ratified by more than 200 Nations at the recent Biodiversity Summit hosted by Canada in Montreal. Canada is one of the 200 countries signing this important Agreement.

As a professional ecologist who spent his working life helping to place more than 50 million hectares in over 55 countries under protection I applaud this important Agreement reached by 200 Nations! It is apparent that this goal can only be

achieved with a major effort and willingness by Governments **on all levels** to set aside any ecosystem in need of protection. This implies that the Federal, Provincial, Regional and local Government authorities do their utmost to identify and protect vulnerable ecosystems under their respective jurisdiction.

North Cowichan is in the lucky position to now contribute 5000 hectares of valuable Coastal Doug Fir ecosystem to our national network of protected areas, an ecosystem that is dangerously under-represented in BC's and Canada's protected area system.

The six sacred mountains offer a rare opportunity for the Municipality of North Cowichan to show that we are serious about biodiversity conservation and fighting climate change. Any logging activities and exploitation of wood products for short-term benefits should be stopped immediately. The social benefits, and goods and services provided by the six sacred mountains by far outweigh the meagre revenues currently made from logging. The contribution to biodiversity conservation and fight against climate change would send a powerful message beyond our local boundaries. There is no doubt that the strict protection of the six sacred mountains would be in the best interest of the Cowichan Valley, the Province and Canada, and a valuable contribution to reaching our national goal of 30% terrestrial ecosystem protection.

Within this context the new Council should also

- Actively pursue and implement recommendations made by the new OCP, placing all identified ecologically sensitive areas under protection, and effectively establish and protect identified ecological corridors.
- Assist the movement to place the Cowichan Estuary as one of the ecologically most important and most threatened marine ecosystem under strict protection as a major contribution to protect 30% marine ecosystems.

I am writing this letter as a long-time resident of North Cowichan, but I am convinced that I may also speak as Chair of the Cowichan Estuary Restoration and Conservation Association (CERCA) on behalf of our more than 100 members.

I sincerely hope that the Council will make the right decision and place the six mountains under protection as an important contribution to Canada's pledge to reach the ambitious 30% goal.

Respectfully,

Goetz Schuerholz

_____

Dr. Goetz Schuerholz
s.22

FOI 24.11 responsive records Page 4 of 227

From: Terri Brennan
Sent: Tuesday, March 7, 2023 5:24 PM
To: Ted Swabey
Subject: ACTION DRAFT: 2023-03-10rd_ltb_Cowichan Estuary Environmental Management Plan.docx
Attachments: 2023-03-10rd_ltb_Cowichan Estuary Environmental Management Plan.docx

Letter drafted by me, reviewed and slight edits made by Dave P. For your review and approval. Should I send to Councillor Toporowski before I send it to the mayor?

Terri

FOI 24.11 responsive records Page 5 of 227

MUNICIPALITY OF
NORTH
Cowichan

7030 Trans-Canada Highway
T 250.746.3100
F 250.746.3133

March 10, 2023

Honourable Nathan Cullen
Minister of Water, Land and Resource Stewardship
PO Box 9012 Stn Prov Govt
Victoria BC V8W 9L6 Via email: WLRS.minister@gov.bc.ca

Dear Minister

Re: Request to update the Cowichan Estuary Environmentla Management Plan

In 2022, North Cowichan Council endorsed a report from Diamond Head Consulting recommending that the Cowichan Estuary Environmental Management Plan (CEEMP) be updated. The 1987 CEEMP wasenacted as an Order under the Environment Management Act by the then Minister of Environment and Parks to provide:

> "...guidance and a focal point for pursuing the opportunities offered by the estuary, and for sustaining its environmental quality for the benefit of future generations." G.K. Lambertsen, 1987, Cowichgan Estuary Environment management Plan, Mistry of Environment and Parks

The report from Diamond Head Consulting noted that the plan has not been updated since 1986 and thus continues to reference old agreements and legislation, industrial parties that no longer exist, and does not include new parties that have since become active in the estuary. Diamond Head also identified other areas of concernthat have changed significantly since 1986, e.g.,,

- sea level rise and changing;
- precipitation/river discharge patterns;
- the physical boundaries and ecological community of the estuary;
- consultation with First Nations has changed; and,
- the use of the estuary as a moorage for Port Metro Vancouver.

In consideration of these facts, Council passed the following motion at its March 1, 2023 meeting,:

> *THAT the Mayor write a letter to the Province requesting that the Province, in consultation with affected stakeholders, amend the 1987 Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and*

uses, and climate change; AND to request support from Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, Cowichan Estuary and Restoration and Conservation Association (CERCA).

The Cowichan River Estuary has changed greatly over the years since 1986 due to human activities in the marine environment, the surrounding shores and intertidal flats, and the watershed. The management plan area encompasses multiple jurisdictions and land uses, including the village of Cowichan Bay, First Nations traditional lands, industrial leases of Crown lands and parcels under the management of the municipality of North Cowichan, the Cowichan Valley Regional District, national and international conservation organizations and private landholders. This multiplicity of tenure, jurisdictions and interests means that community and stakeholder participation is essential for sound environmental management.

We encourage the Province to updating the CEEMP and renew the vision established by the Minister in 1986. By copy of this letter, we request that Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, and CERCA support this request by having their council, boards and management staff also send letters to you.

Sincerely

Rob Douglas
Mayor

mayor@northcowichan.ca

cc: North Cowichan Council
Ted Swabey
Cowichan Tribes
CVRD
Duncan
CERCA

DRAFT

From: Terri Brennan
Sent: Tuesday, March 7, 2023 5:33 PM
To: George Farkas; David Conway
Subject: FW: ACTION DRAFT: 2023-03-10rd_ltb_Cowichan Estuary Environmental Management Plan.docx
Attachments: 2023-03-10rd_ltb_Cowichan Estuary Environmental Management Plan.docx

Follow Up Flag: Follow up
Flag Status: Completed

Please review and provide comments.

Terri

From: Terri Brennan
Sent: Tuesday, March 7, 2023 5:24 PM
To: Ted Swabey <Ted.Swabey@northcowichan.ca>
Subject: ACTION DRAFT: 2023-03-10rd_ltb_Cowichan Estuary Environmental Management Plan.docx

Letter drafted by me, reviewed and slight edits made by Dave P. For your review and approval. Should I send to Councillor Toporowski before I send it to the mayor?

Terri

FOI 24.11 responsive records Page 8 of 227

MUNICIPALITY OF
NORTH
Cowichan

7030 Trans-Canada Highway
T 250.746.3100
F 250.746.3133

March 10, 2023

Honourable Nathan Cullen
Minister of Water, Land and Resource Stewardship
PO Box 9012 Stn Prov Govt
Victoria BC V8W 9L6 Via email: WLRS.minister@gov.bc.ca

Dear Minister

Re: Request to update the Cowichan Estuary Environmentla Management Plan

In 2022, North Cowichan Council endorsed a report from Diamond Head Consulting recommending that the Cowichan Estuary Environmental Management Plan (CEEMP) be updated. The 1987 CEEMP wasenacted as an Order under the Environment Management Act by the then Minister of Environment and Parks to provide:

> "...guidance and a focal point for pursuing the opportunities offered by the estuary, and for sustaining its environmental quality for the benefit of future generations." G.K. Lambertsen, 1987, Cowichgan Estuary Environment management Plan, Mistry of Environment and Parks

The report from Diamond Head Consulting noted that the plan has not been updated since 1986 and thus continues to reference old agreements and legislation, industrial parties that no longer exist, and does not include new parties that have since become active in the estuary. Diamond Head also identified other areas of concernthat have changed significantly since 1986, e.g.,,

- sea level rise and changing;
- precipitation/river discharge patterns;
- the physical boundaries and ecological community of the estuary;
- consultation with First Nations has changed; and,
- the use of the estuary as a moorage for Port Metro Vancouver.

In consideration of these facts, Council passed the following motion at its March 1, 2023 meeting,:

> *THAT the Mayor write a letter to the Province requesting that the Province, in consultation with affected stakeholders, amend the 1987 Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and*

uses, and climate change; AND to request support from Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, Cowichan Estuary and Restoration and Conservation Association (CERCA).

The Cowichan River Estuary has changed greatly over the years since 1986 due to human activities in the marine environment, the surrounding shores and intertidal flats, and the watershed. The management plan area encompasses multiple jurisdictions and land uses, including the village of Cowichan Bay, First Nations traditional lands, industrial leases of Crown lands and parcels under the management of the municipality of North Cowichan, the Cowichan Valley Regional District, national and international conservation organizations and private landholders. This multiplicity of tenure, jurisdictions and interests means that community and stakeholder participation is essential for sound environmental management.

We encourage the Province to updating the CEEMP and renew the vision established by the Minister in 1986. By copy of this letter, we request that Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, and CERCA support this request by having their council, boards and management staff also send letters to you.

Sincerely

Rob Douglas
Mayor

mayor@northcowichan.ca

cc: North Cowichan Council
Ted Swabey
Cowichan Tribes
CVRD
Duncan
CERCA

DRAFT

From: David Conway
Sent: Friday, March 10, 2023 8:20 AM
To: Terri Brennan
Cc: Dave Preikshot
Subject: 2023-03-10rd_ltb_Cowichan Estuary Environmental Management Plan
Attachments: 2023-03-10rd_ltb_Cowichan Estuary Environmental Management Plan.docx

Good morning Terri.

I made a number of comments and edit suggestions to this letter . Please see attached.

David Conway PEng
Director, Engineering Projects
ENGINEERING SERVICES

Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC V9L 6A1 Canada
www.northcowichan.ca
david.conway@northcowichan.ca
T 250.746.3136
C 250.715.6175

This email and any attachments are only for the use of the intended recipient and must not be distributed, disclosed, used or copied by or to anyone else. If you receive this in error please contact the sender by return email and delete all copies of this email and any attachments.

FOI 24.11 responsive records Page 11 of 227

MUNICIPALITY OF
NORTH
Cowichan

7030 Trans-Canada Highway
T 250.746.3100
F 250.746.3133

March 10, 2023

Honourable Nathan Cullen
Minister of Water, Land and Resource Stewardship
PO Box 9012 Stn Prov Govt
Victoria BC V8W 9L6 Via email: WLRS.minister@gov.bc.ca

Dear Minister

Re: Request to update the Cowichan Estuary ~~Environmentla~~ Environmental Management Plan

In 2022, North Cowichan Council endorsed a report from Diamond Head Consulting recommending that the Cowichan Estuary Environmental Management Plan (CEEMP) be updated. The 1987 CEEMP was enacted as an Order under the Environment Management Act by the then Minister of Environment and Parks to provide:

> "...guidance and a focal point for pursuing the opportunities offered by the estuary, and for sustaining its environmental quality for the benefit of future generations." G.K. Lambertsen, 1987, Cowichgan Estuary Environment management Plan, ~~Mistry~~ Ministry of Environment and Parks

The report from Diamond Head Consulting noted that the plan has not been updated since 1986 and thus continues to reference old agreements and legislation, industrial parties that no longer exist, and does not include new parties that have since become active in the estuary. Diamond Head also identified other areas of concern that have changed significantly since 1986, e.g.,,

- sea level rise and changing;
- precipitation/river discharge patterns;
- the physical boundaries and ecological community of the estuary;
- consultation with First Nations has changed; and,
- the use of the estuary as a moorage for Port Metro Vancouver.

In consideration of these facts, Council passed the following motion at its March 1, 2023 meeting,:

> *THAT the Mayor write a letter to the Province requesting that the Province, in consultation with affected stakeholders, amend the 1987 Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and*

Commented [DC1]: ? it wasn't adopted until 1987

Formatted: Highlight

DRAFT

uses, and climate change; AND to request support from Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, Cowichan Estuary and Restoration and Conservation Association (CERCA).

The Cowichan River Estuary has changed greatly over the years since 1986 due to human activities in the marine environment, the surrounding shores and intertidal flats, and the watershed. The management plan area encompasses multiple jurisdictions and land uses, including the village of Cowichan Bay, First Nations traditional lands, industrial leases of Crown lands and parcels under the management of the municipality of North Cowichan, the Cowichan Valley Regional District, national and international conservation organizations and private landholders. This multiplicity of tenure, jurisdictions and interests means that community and stakeholder participation is essential for sound environmental management.

We encourage the Province to ~~updating~~ update the CEEMP and renew the vision established by the Minister in 1986. By copy of this letter, we request that Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, and CERCA support this request by having their council, boards and management staff also send letters to you.

Sincerely

Rob Douglas
Mayor

mayor@northcowichan.ca

cc: North Cowichan Council
Ted Swabey
Cowichan Tribes
CVRD
Duncan
CERCA

Commented [DC2]: I thought council added a couple of other organizations to the list?

Formatted: Highlight

Commented [DC3]: Within the jurisdictions of… (we don't manage lands except the ones we own)

Commented [DC4]: Comms training had a different name for stakeholder – interested parties??

Formatted: Highlight

Commented [DC5]: I guess this is typical but I thought we would have a separate letter to each of the other orgs requesting that they support our letter that has been sent to the minister.

DRAFT

From: Terri Brennan
Sent: Friday, March 10, 2023 4:23 PM
To: Debra Toporowski
Subject: ACTION DRAFT: 2023-03-10rd_ltb_Cowichan Estuary Environmental Management Plan.docx
Attachments: 2023-03-10rd_ltb_Cowichan Estuary Environmental Management Plan.docx

For your review and approval before I send to the Mayor.

Terri

FOI 24.11 responsive records Page 14 of 227

MUNICIPALITY OF
NORTH
Cowichan

7030 Trans-Canada Highway
T 250.746.3100
F 250.746.3133

March 10, 2023

Honourable Nathan Cullen
Minister of Water, Land and Resource Stewardship
PO Box 9012 Stn Prov Govt
Victoria BC V8W 9L6 Via email: WLRS.minister@gov.bc.ca

Dear Minister

Re: Request to update the Cowichan Estuary Environmentla Management Plan

In 2022, North Cowichan Council endorsed a report from Diamond Head Consulting recommending that the Cowichan Estuary Environmental Management Plan (CEEMP) be updated. The 1987 CEEMP wasenacted as an Order under the Environment Management Act by the then Minister of Environment and Parks to provide:

> "...guidance and a focal point for pursuing the opportunities offered by the estuary, and for sustaining its environmental quality for the benefit of future generations." G.K. Lambertsen, 1987, Cowichgan Estuary Environment management Plan, Mistry of Environment and Parks

The report from Diamond Head Consulting noted that the plan has not been updated since 1986 and thus continues to reference old agreements and legislation, industrial parties that no longer exist, and does not include new parties that have since become active in the estuary. Diamond Head also identified other areas of concernthat have changed significantly since 1986, e.g.,,

- sea level rise and changing;
- precipitation/river discharge patterns;
- the physical boundaries and ecological community of the estuary;
- consultation with First Nations has changed; and,
- the use of the estuary as a moorage for Port Metro Vancouver.

In consideration of these facts, Council passed the following motion at its March 1, 2023 meeting,:

> *THAT the Mayor write a letter to the Province requesting that the Province, in consultation with affected stakeholders, amend the 1987 Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and*

uses, and climate change; AND to request support from Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, Cowichan Estuary and Restoration and Conservation Association (CERCA).

The Cowichan River Estuary has changed greatly over the years since 1986 due to human activities in the marine environment, the surrounding shores and intertidal flats, and the watershed. The management plan area encompasses multiple jurisdictions and land uses, including the village of Cowichan Bay, First Nations traditional lands, industrial leases of Crown lands and parcels under the management of the municipality of North Cowichan, the Cowichan Valley Regional District, national and international conservation organizations and private landholders. This multiplicity of tenure, jurisdictions and interests means that community and stakeholder participation is essential for sound environmental management.

We encourage the Province to updating the CEEMP and renew the vision established by the Minister in 1986. By copy of this letter, we request that Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, and CERCA support this request by having their council, boards and management staff also send letters to you.

Sincerely

Rob Douglas
Mayor

mayor@northcowichan.ca

cc: North Cowichan Council
Ted Swabey
Cowichan Tribes
CVRD
Duncan
CERCA

DRAFT

From: Terri Brennan
Sent: Friday, March 10, 2023 10:01 AM
To: 'cerca@shaw.ca'
Subject: Letter to the Province

Importance: High

My council is writing to the Province asking that they update the 1987 Cowichan Estuary Environmental Management Plan. Can you let me know who from CERCA would be the correct contact name be to include as a copy on the letter. I am hoping to get this letter out as soon as possible.

Thank you.

Terri Brennan (she/her)
Executive Assistant
Office of the Mayor & CAO

Municipality of North Cowichan
terri.brennan@northcowichan.ca
T 250.746.3117

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca

FOI 24.11 responsive records Page 17 of 227

From: Terri Brennan
Sent: Friday, March 10, 2023 10:17 AM
To: Brad McRae
Subject: RE: Estuary motion

Brad, here is the motion you requested.

Council passed the following motion at its March 1, 2023 meeting,:

> *THAT the Mayor write a letter to the Province requesting that the Province, in consultation with affected stakeholders, amend the 1987 Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and uses, and climate change; AND to request support from Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, Cowichan Estuary and Restoration and Conservation Association (CERCA).*

I've also included the link to the point in the meeting where this item was discussed; if you didn't get a chance to watch it.

Terri Brennan (she/her)
Executive Assistant
Office of the Mayor & CAO

Municipality of North Cowichan
terri.brennan@northcowichan.ca
T 250.746.3117

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca

Terri

From: Ted Swabey <Ted.Swabey@northcowichan.ca>
Sent: Friday, March 10, 2023 7:48 AM
To: Brad McRae <BMcRae@westernforest.com>
Cc: Terri Brennan <terri.brennan@northcowichan.ca>
Subject: Re: Estuary motion

Will do,…let me know and we can break bread

Ted Swabey (he/him)
Chief Administrative Officer

Municipality of North Cowichan
Ted.Swabey@northcowichan.ca
T 250.746.3112
F 250.746.3133

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada

On Mar 10, 2023, at 7:43 AM, Brad McRae <BMcRae@westernforest.com> wrote:

Good morning Ted,

Could you send me the estuary motion? Ill be down in a couple of weeks so when I figure out my travel plans ill shoot you a message.

Brad

Brad McRae, MA
Director, Government Relations

Tel 250.201.3935
BMcRae@westernforest.com

westernforest.com





NOTICE OF CONFIDENTIAL TRANSMISSION. This message and any accompanying attachments are intended only for the intended recipient named above and may contain information that is privileged and confidential and protected by copyright. Any dissemination, distribution, copying or action taken in reliance on this email or any accompanying attachments by anyone other than the intended recipient is prohibited. If you are not the intended recipient, please notify us of the error in communication by telephone (604-648-4500) or by return e-mail and destroy all copies of this communication and any accompanying attachments without using or disclosing them. Thank you.

From: Terri Brennan
Sent: Wednesday, March 15, 2023 2:09 PM
To: David Conway
Subject: FW: Cowichan Bay Tour and Estuary Management plan
Attachments: CowichanEstuaryEnvironmentalManagementPlan_Feb1987 BM.pdf

Terri Brennan (she/her)
Executive Assistant
Office of the Mayor & CAO

Municipality of North Cowichan
terri.brennan@northcowichan.ca
T 250.746.3117

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca

From: Brad McRae <BMcRae@westernforest.com>
Sent: Monday, February 27, 2023 1:28 PM
To: Debra Toporowski <debra.toporowski@northcowichan.ca>; Rob Douglas <rob.douglas@northcowichan.ca>
Cc: Ted Swabey <Ted.Swabey@northcowichan.ca>
Subject: Cowichan Bay Tour and Estuary Management plan

Good afternoon Mayor Douglas and Councillor Toporowski,

Thank you for taking the time to attend the Cowichan Bay mill tour and having a chat with me regarding the requested review of the Cowichan Bay Estuary plan. I have reviewed the draft motion and I have sent off some comments to your CAO, Mr. Swabey, as well as the revised language of your most recent OCP.

In reviewing the Environmental Management Plan, the Forward (iii) of the Cowichan Estuary plan references the need for "*the participation of the entire spectrum of government, corporate and local public interests*" and we would appreciate an amendment to the motion including Western in the conversation. As well, I would appreciate knowing if there will be a report that will be accompanying the request for review so that we will be made aware of what the most salient issues are for consideration.

I will also, in the coming months, arrange another facility tour along with a presentation on Tenure Forest Licenses (TFLs).

Please reach out to me should you wish to discuss this, or any other matter, and I thank you both for your time.

Sincerely,

Brad

Brad McRae, MA
Director, Government Relations

Tel 250.201.3935
BMcRae@westernforest.com

westernforest.com





NOTICE OF CONFIDENTIAL TRANSMISSION. This message and any accompanying attachments are intended only for the intended recipient named above and may contain information that is privileged and confidential and protected by copyright. Any dissemination, distribution, copying or action taken in reliance on this email or any accompanying attachments by anyone other than the intended recipient is prohibited. If you are not the intended recipient, please notify us of the error in communication by telephone (604-648-4500) or by return e-mail and destroy all copies of this communication and any accompanying attachments without using or disclosing them. Thank you.

Ministry of Environment
and Parks

COWICHAN ESTUARY ENVIRONMENTAL MANAGEMENT PLAN

G. K. Lambertsen
PLANNING AND ASSESSMENT BRANCH

Victoria B.C.
February 1987

FOI 24.11 responsive records Page 22 of 227

Canadian Cataloguing in Publication Data

Lambertsen, G. K., 1952-
Cowichan estuary environmental management plan

Includes: Report on the Cowichan estuary plan implementation program / by G.K. Lambertsen. 1984.
ISBN 0-7726-0605-6

1. Land use, Rural - British Columbia - Cowichan River Estuary. 2. Estuarine area conservation - British Columbia - Cowichan River Estuary. 3. Water resources development - Environmental aspects - British Columbia - Cowichan River Estuary. 4. Cowichan River Estuary (B.C.) - Industries. 5. Environmental policy - British Columbia - Cowichan River Estuary. I. Lambertsen, G. K., 1952- . Report on the Cowichan estuary plan implementation program. II. British Columbia. Ministry of Environment and Parks. Planning and Assessment Branch. III. Title.

HD319.B7L35 1986 333.91'64 C87-092041-3

© Copyright 1987. B.C. Ministry of Environment and Parks, First Printing 1987.

FOI 24.11 responsive records Page 23 of 227

FOREWARD

Coastal British Columbia is rich in environmental resources. The pressures on use of these resources are correspondingly intense. Those responsible for managing coastal resources must balance the needs of an expanding population, of industry, commerce and transportation, the demand for high quality tourism and recreation, and the maintenance of aesthetic and ecological values.

Such complex challenges call for cooperative solutions, involving the participation of the entire spectrum of government, corporate and local public interests. This approach is exemplified in the Cowichan Estuary Environmental Management Plan.

In 1981, the Ministry of Environment began a program to coordinate the consultation and actions necessary to implement a balanced plan for the estuary. In September 1986, using the powers conferred by the Environment Management Act, the Minister of Environment and Parks enacted an Order implementing the first environmental management plan of its kind for the Cowichan estuary.

The Cowichan Estuary Environmental Management Plan, described in this report, provides guidance and a focal point for pursuing the opportunities offered by the estuary, and for sustaining its environmental quality for the benefit of future generations.

B. E. Marr
Deputy Minister of Environment
and Parks

FOI 24.11 responsive records Page 24 of 227

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 1652 *, Approved and Ordered* SEP. 12.1986

Lieutenant Governor

Executive Council Chambers, Victoria SEP. -9.1986

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

WHEREAS by order in council 2208/85 the Minister of Environment was directed to prepare an environmental management plan for the Cowichan Estuary (the "plan");

AND WHEREAS the Minister of Environment has implemented the direction given to him and has submitted the attached plan for approval;

NOW THEREFORE it is ordered that

(1) the plan is approved without modification,

(2) no licence, permit or power under an enactment shall be issued or exercised by or on behalf of any public officer including without limiting the generality, a minister, agent or officer of the Crown, elected or appointed official, officer, employee or agent of a municipality or regional district on any matter governing the area affected by the plan unless, prior to the issuance of the licence or permit or exercise of the power the matter is submitted to and receives the written approval of the Minister of Environment to the effect that the issuance or exercise will have no significant detrimental environmental impact upon that area and is in conformity with the plan, and

(3) B. C. Reg. 486/77 is repealed.

Minister of Environment

Presiding Member of the Executive Council

(This part is for the records of the Office of Legislative Counsel, and is not part of the Order.)

Authority under which Order is made:

Act and section:- Environment Managment Act, section 4 (9)

Other (specify):- Environment and Land Use Act, section 6 3339/17

Examined by: Clifford S. Watt

(Attorney General examiner)

June 19, 1986

1286/86/pwn

TABLE OF CONTENTS

Page

FOREWARD iii
CABINET ORDER v
TABLE OF CONTENTS vii

1.0 INTRODUCTION 1

2.0 AGREEMENTS 3
2.1 British Columbia Forest Products 5
2.2 MacMillan Bloedel 5
2.3 Doman Industries 6
2.4 Canadian National Railway 7

3.0 AREA DESIGNATIONS 8

4.0 PROJECT REVIEW PROCESS 10

5.0 MANAGEMENT ACTIVITIES 14

6.0 ENVIRONMENT MANAGEMENT ACT 15

7.0 PLAN AMENDMENT 16

LIST OF APPENDICES

Appendix 1 - Copies of Agreements
Appendix 2 - Report on the Cowichan Estuary Plan Implementation Program, March 1984

FOI 24.11 responsive records Page 26 of 227

COWICHAN ESTUARY ENVIRONMENTAL MANAGEMENT PLAN

1.0 INTRODUCTION

This Environmental Management Plan has been prepared under the British Columbia Environment Management Act. It is intended to provide a framework for environmental decisions and to balance environmental priorities and concerns with those of other interests and organizations.

The estuary of the Cowichan River and Koksilah River is situated in Cowichan Bay near the city of Duncan which is about 40 km north of Victoria on the southeast coast of Vancouver Island. For several years, the demand for industrial use of the estuary has conflicted with concerns for protecting the special environmental resources the estuary provides. Among the largest of British Columbia estuaries, the high quality of fish and wildlife habitat in the Cowichan estuary is especially valued for rearing salmon and overwintering waterbirds.

Loss and degradation of estuarine habitat has resulted from dyking for agriculture, filling for industrial and commercial land, log handling, and water pollution by waste discharges, sewage disposal, and agricultural run-off. While acknowledging the presence of industry and other activities which have become established in the Cowichan estuary, the Ministry of Environment and Parks has sought to limit the detrimental environmental impacts of those activities, to avoid further habitat losses, and to support rehabilitation of presently degraded habitat in the estuary.

Extensive analysis of the resource use problems in the estuary by a large, intergovernmental task force culminated in the Cowichan Estuary Task Force Report in 1980. The then Ministry of Environment initiated the Cowichan Estuary Plan Implementation Program in 1981 to implement the log storage recommendations and proposed land use plan contained in the Task Force Report.

FOI 24.11 responsive records Page 27 of 227

The Cowichan Estuary Plan Implementation Program has involved broad consultation and extensive negotiations aimed at obtaining commitments to limit the detrimental environmental effects of industrial use and other activities in the estuary. Formal agreements have been signed by each of the key industrial companies which specify the land and water use changes each company has accepted. Together with proposals to enhance the quality and abundance of the estuary's environmental resources, the agreements developed under the Implementation Program have provided the elements for an environmental management plan which is unique to the Cowichan estuary.

Area designations are a key feature of this Environmental Management Plan. The area designations indicate the general type of activity that is acceptable under the Plan for various parts of the estuary. Another feature is an environmental decision-making process for dealing with activities proposed in the future.

Reference should be made to Appendix 1 which contains copies of each agreement. Modifications to the size and location of log storage areas on the estuary and other provisions within the agreements have been incorporated into the Environmental Management Plan.

Appendix 2 contains the "Report on the Cowichan Estuary Plan Implementation Program" released in March, 1984. The Implementation report describes the initial proposal for this Environmental Management Plan and details the efforts and rationale used to develop a broadly acceptable plan for the estuary.

The agreements in Appendix 1 and the report in Appendix 2 are to be considered as integral parts of this Environmental Management Plan. These appendices provide the detail, background and explanations that are essential for more specific interpretation and understanding of the intent of this Environmental Management Plan.

FOI 24.11 responsive records Page 28 of 227

2.0 AGREEMENTS

Under the Cowichan Estuary Plan Implementation Program, agreements have been signed with Doman Industries Limited (Doman), MacMillan Bloedel Limited (M-B), British Columbia Forest Products Limited (BCFP), and Canadian National Railway (CN). As the key senior government agencies responsible for environmental management in the estuary, the British Columbia Ministry of Environment and Parks (MEP) and the federal Department of Fisheries and Oceans (DFO) are the other parties to each agreement. The agreements with the forest companies reduce the size of intertidal log storage areas. The main environmental concern has been the damage to bottom sediment habitat caused by logs grounding at low tide and scour from tow boat propellor wash.

These agreements resolve many years of uncertainty about the extent of industrial use of the estuary by defining long-term commitments. Such commitments were negotiated through mutual recognition of CN's ownership of most of the estuary, the historic presence of the three forest companies, the future needs of industry, and the environmental goals for conservation of the estuary.

The agreements represent legal documentation of each party's commitment to abide by the arrangements negotiated. The agreements demonstrate that it has been possible to find an acceptable blend of measures which ensure sufficient conservation of environmental resources as well as continued viability of economic activity in the Cowichan estuary and that such measures have been collectively derived rather than imposed.

A brief explanation is provided of the main points in each agreement and actions that have resulted. Table 2.1 summarizes the reductions in intertidal log storage area on the estuary. Comparisons with previously allocated area for log storage, the reductions in log storage recommended in the 1980 Cowichan Estuary Task Force Report, and the reductions negotiated under the agreements are presented.

FOI 24.11 responsive records Page 29 of 227

TABLE 2.1 COWICHAN ESTUARY - INTERTIDAL LOG STORAGE LEASES

TOTALS	BEFORE (1978)	RECOMMENDED[2]	NOW (Agreements)
Log Storage Lease[1] (acres)	334.0	106.2	130.0
% Change	-	68%	61%
% Intertidal Occupied[3]	49%	16%	19%
INDIVIDUAL LEASES			
Doman	128.0	20.0	50.3
BCFP	66.0	22.1	16.3
MB	120.5	44.6	57.4
L&K	13.5	13.5	0
Falt	6.0	6.0	6.0

[1] Total acreage available by lease; not always in use.

[2] Reduction of log storage area recommended by the Cowichan Estuary Task Force (1980).

[3] Intertidal area of the estuary estimated at 685 acres.

FOI 24.11 responsive records Page 30 of 227

2.1 British Columbia Forest Products

After previously reducing log storage leases from a total of 105 acres to 65 acres, BCFP has further reduced its in-transit log storage area on the north side of the estuary to 30 acres and shifted it seaward of the existing row of piling into deep water. BCFP retains about 16 acres of log storage area adjacent to its log dump on the south side of the estuary.

Some of the new deep water storage area will require a provincial Crown land lease while the remainder will be located over CN's property (Lot 160). A commitment has been made by MEP and DFO to support the Crown lease being granted.

At present, BCFP does not require all of its new in-transit log storage area and therefore application for the Crown lease has not been made. In accordance with its agreement, BCFP has shifted the log storage site into deep water on the understanding that MEP and DFO will support the Crown land lease application at such time that BCFP needs the Crown land portion of the new log storage area.

2.2 MacMillan Bloedel

M-B has reduced its log storage area from 120 acres to 57 acres by cancelling a 49-acre lease on the north side of the estuary and by reallocating 10 acres of its lease area on the south side from log storage to barge loading access. A very small undeveloped landing area on the causeway was once used by M-B to unload supplies by barge. If M-B were to use the site again, the agreement provides for use of the site in its present state and access to it by tidal aid.

In return, MEP and DFO supported a Crown lease issued for a small increment to M-B's log storage area beyond CN's Lot 160. Also, MEP and DFO have given approval-in-principle for M-B's proposal for an alternative haul road to its site. However, the approval-in-principle is

FOI 24.11 responsive records Page 31 of 227

subject to M-B submitting plans for the road and bridge crossing of the Koksilah River and satisfying associated federal and provincial environmental requirements.

2.3 Doman Industries

Doman has reduced its log storage lease area in the estuary from 128 acres to 50 acres, of which 10 acres is to be reserved for use during peak log storage periods only. Other log storage required by the company is to be located in deep water outside of Cowichan Bay or on dryland within the present sawmill site. If Doman installs dryland storage, the intertidal log storage on the estuary will be reduced by 10 acres. Also, consideration has been given to possible installation of new facilities in the sawmill such that there would be an increase in intertidal log storage proportionate to an increase in the sawmill's present production capacity, up to a maximum of 10 acres. If such installations were to be proposed, the project review process (Section 4.0) would be used to identify siting and operational conditions that may be required.

Doman has dedicated 23 acres of property adjacent to the mill site to MEP for habitat management purposes. This dedication fulfills a prior commitment by the company to replace 7 acres of marsh lost when the sawmill was constructed and also partially offsets the continuing impacts of its log storage activities in the estuary. This is in addition to 17 acres of marsh area previously owned by Doman and dedicated to MEP in 1981. In return, MEP has provided dyke protection to the remainder of the parcel used under lease for agriculture, in order to permit restoration of the 23 acres of dedicated land to intertidal marsh. The dyke has resulted in improved agricultural capability in the remaining farm area and made it possible to restore tidal inundation to the dedicated parcel for habitat development.

FOI 24.11 responsive records Page 32 of 227

Doman has agreed that use of the river channel for tow boat access to the mill will be by tidal aid only. Also, Doman has agreed to maintain piling to protect the tip of the Crown-owned Mariners Island at the entrance to the mill's log pond as well as the piling along the shore of the Island on the south side of the log pond.

While not the subject of an agreement, a small 6-acre log storage area is used by Falt Towing Limited along the north side of the port facility operated by Westcan Terminals. Falt provides towing services to both Doman and BCFP. The Falt log storage area is used periodically to store logs which are too large for the Doman sawmill as well as to provide other similar services. Falt also maintains the shipping dolphin north of the port site as a temporary holding area (1-3 days) for booms arriving from outside Cowichan Bay.

2.4 Canadian National Railway

CN has a very important role in supporting this Environment Management Plan. As owner of Lot 160 comprising nearly all of the estuary, CN has direct control over uses in the area. The CN agreement reflects CN's objective to retain an adequate land base to meet current and future industrial needs. The agreement also recognizes the environmental values of CN's land and incorporates measures to ensure most of the estuary in Lot 160 will be conserved as habitat while providing flexibility to consider all options relating to potential port facility expansion.

The agreement with CN ties the other agreements together in that CN has adjusted its leases to each of the forest companies in accordance with the respective agreements. Moreover, CN has agreed to administer its land in accordance with the Environmental Management Plan.

In return, MEP and DFO have agreed to cooperate with CN in determining an environmentally acceptable expansion of the existing port

FOI 24.11 responsive records Page 33 of 227

facilities if needed in the future. It is not presently possible to predict if or when sufficient demand to warrant expansion of the port might occur. However, if port expansion is proposed by CN, the agreement stipulates that expansion opportunities would be examined either over an area contiguous with the existing facility or in a mutually acceptable adjacent area. Government regulatory requirements respecting the size, configuration, construction and operation of the expansion will be used to determine the environmental acceptability of a proposed expansion.

3.0 AREA DESIGNATIONS

Figure 1 identifies and locates the types of activities that will continue in the estuary. These have been divided into the following basic categories or area designations: **Industrial/Commercial, Agriculture, Habitat Management,** and **Conservation/Recreation.** In recognition that a mixture of these activities could occur in certain areas, **Possible Mixed Use** has been included as another designation. The area for **Potential Port Expansion** is also identified.

Although necessary regulations will still apply, such as waste management regulations for example, it is intended that areas of the estuary which have been assigned a designation will be used to allow reasonable fulfillment of the potential each area offers for the activity indicated. For example, areas designated Industrial/Commercial should be recognized as being dedicated primarily to such use. Areas designated as Habitat Management are sites which have been identified for habitat restoration projects. Similarly, existing agricultural operations have been designated as Agriculture.

Activities within each area are to be compatible with the designation assigned. For example, in Conservation/Recreation areas, activities should be compatible with conservation of habitat and forms of recreation that do not irreversibly affect habitat conservation such as

FOI 24.11 responsive records Page 34 of 227

canoeing, wildlife viewing, hunting or fishing, as distinct from activities which may damage habitat such as marina development. In Habitat Management areas, activities such as recreation or even access to the area might be restricted for preservation purposes.

Clearly, some overlap of the various activities from different designations will occur. In the case of industrial activity, such overlap will be infrequent, whereas activities associated with Habitat Management and Conservation/Recreation may frequently overlap. In addition, other uses may occur in an area which are not necessarily the primary designated use so long as the use is temporary and does not adversely affect the site's usefulness for the primary designated use. For example, if all or part of an area designated Industrial/Commercial is not being utilized, recreational activities could occur provided such activities did not interfere with operations in the area and it is recognized such use is only temporary until the area is fully utilized for industrial/commercial purposes.

4.0 PROJECT REVIEW PROCESS

Inevitably, new projects will be proposed which are not presently anticipated. This Plan includes a project review process to identify possible adverse environmental impacts and evaluate any consequences relating to land use under the Plan.

Until it was replaced with this process, a process for reviewing proposals had been in place for the Cowichan estuary since 1977 under Order-in-Council 3339. Order-in-Council 3339 required that every proposed project be subject to environmental impact assessment (EIA) and be approved by the then Ministry of Environment before it can proceed. The EIA process under former Order-in-Council 3339/77 ensured that adequate provisions for environmental protection were incorporated before proposed activities proceeded. While similar, the new project review process links analysis of environmental impact with conformity with the Plan.

FOI 24.11 responsive records Page 35 of 227

The new project review process will only be applied selectively. However, advance notification of all proposed activities must be made, without exception. Proposed activities which are consistent with the area designations may not require review under the new process. However, when a proposal may involve significant environmental impacts or is not consistent with the Plan, the new project review process will be applied. A simplified flow diagram, illustrating the steps followed in the project review process, is provided in Figure 2.

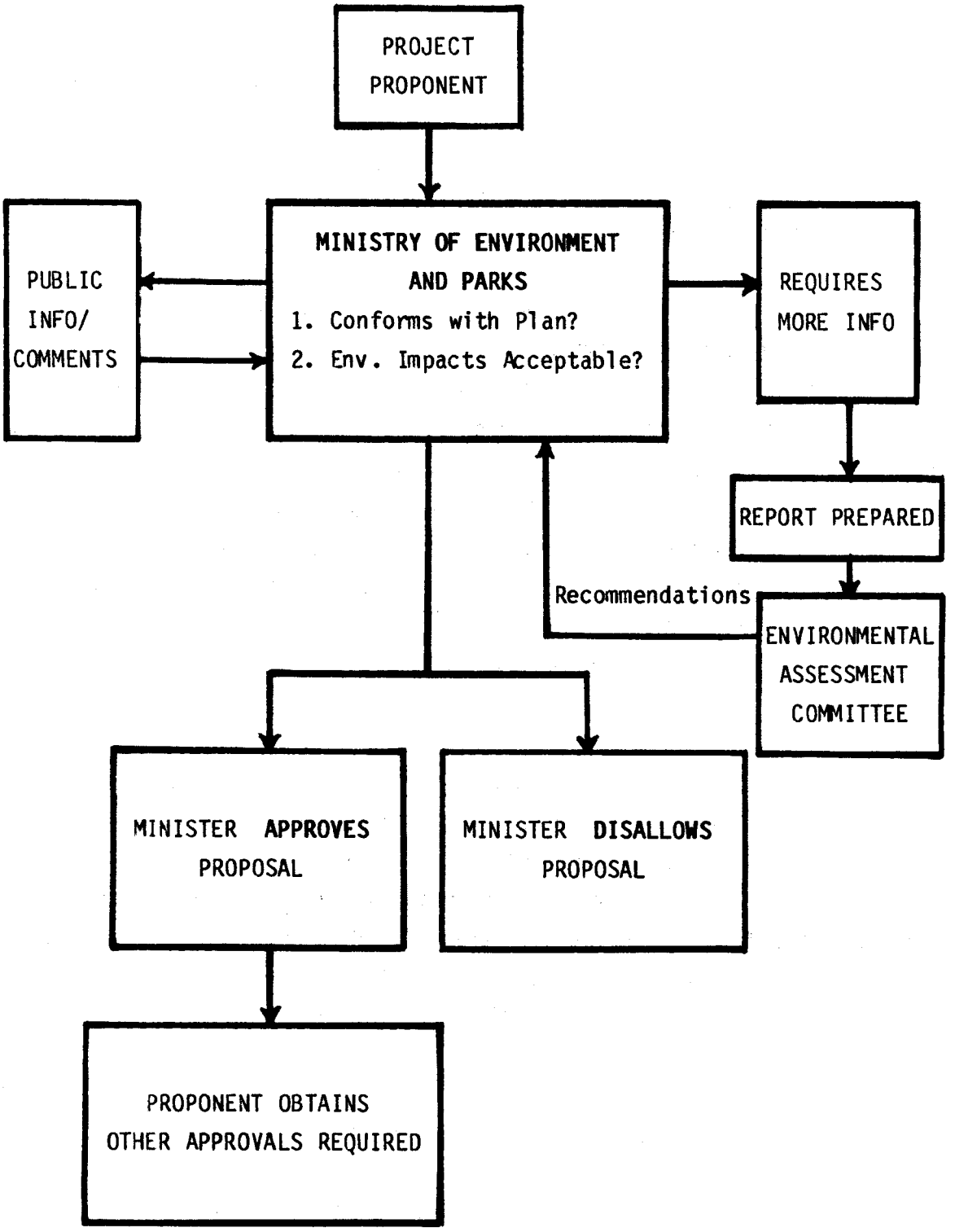
The following examples illustrate how the criteria of potential environmental impact and consistency with Plan designations can be applied to determine whether a proposal requires review. Installation by BCFP of the can buoy and anchor system for full use of its deep water storage area would not require review under the new process. On the other hand, substantial modification to the access channel for the Doman sawmill could be subject to review under the new process, even though certain channel modifications would be consistent with the Plan and the agreement with that company. This is because these modifications might produce unacceptable environmental impacts to the channel or elsewhere in the estuary.

Notification of a proposal must be provided in writing to the Ministry of Environment and Parks well in advance of the desired date for proceeding with a proposed project or activity. The project review process is carried out under the auspices of the Deputy Minister of Environment and Parks. The Deputy Minister will designate an official to receive notification of a proposal, administer the review process, and to coordinate on-going implementation of the Environmental Management Plan.

Proponents of proposals involving acceptable environmental impacts and conforming with the Plan will receive a written decision to this effect shortly after notification has been made to the Ministry of

FOI 24.11 responsive records Page 36 of 227

FIGURE 2. FLOW DIAGRAM OF THE PROJECT REVIEW PROCESS



FOI 24.11 responsive records Page 37 of 227

Environment and Parks. Otherwise, the proposal will be subject to more intensive review under the new process.

The new project review process relies upon adequate consultation with other government agencies and with those who are accountable for decisions reached through the review process. An Environmental Assessment Committee, formed by the Ministry of Environment and Parks, will facilitate this consultation and contribute required expertise. It is expected that agencies such as Fisheries and Oceans Canada and the Cowichan Valley Regional District will continue to provide the high standard of technical advice as members of the Environmental Assessment Committee as they did under Order-in-Council 3339.

Consultation between the Ministry of Environment and Parks and other organizations may extend beyond representation on the Environmental Assessment Committee. The Ministry of Environment and Parks' official administering the process will consult with other regulatory agencies and, as appropriate, with interested public groups, in determining whether a proposed activity should be subject to the project review process.

When a proposal is subjected to the project review process, the Ministry of Environment and Parks, as permanent chairman of the Environmental Assessment Committee, will advise the project proponent what additional information is required and issue Terms of Reference to guide collection of the information and preparation of the report. This may be a few specific details about the proposal or may entail the preparation of a comprehensive environmental impact assessment report.

The Environmental Assessment Committee will prepare its own findings and recommendations on the proposal on the basis of all information presented. A report containing the Committee's recommendations will be submitted to the Deputy Minister of Environment and Parks for consideration. A written decision by the Ministry of Environment and Parks will be provided to the proponent outlining terms of approval or reasons for disallowance.

FOI 24.11 responsive records Page 38 of 227

While the Ministry of Environment and Parks will address environmental and land use aspects of proposals, certain proposals may require approval from other regulatory authorities. For example, approval under the project review process from the Ministry of Environment and Parks would not absolve the proponent's responsibility for obtaining approval from the Agricultural Land Commission, or under federal legislation such as the Navigable Waters Protection Act. The federal Fisheries Act may also be separately applied. Nevertheless, the Environmental Management Plan will provide an overall context for all such decisions affecting use of the estuary.

5.0 MANAGEMENT ACTIVITIES

In addition to specific habitat restoration projects in areas designated for Habitat Management, other opportunities for habitat enhancement or restoration may become evident through on-going monitoring in the estuary or as a result of new research. It is an aim of the Environmental Management Plan to maintain and, where feasible, improve both the quantity and quality of habitat in the Cowichan estuary through similar habitat restoration and enhancement projects, while also accommodating industrial, commercial and other development activities.

Water quality is a very important factor in maintaining and improving the productivity of the Cowichan estuary. Past efforts have been directed at reducing fecal coliform contamination of the Cowichan River and the estuary attributed to the disposal of inadequately treated sewage. Agricultural drainage of livestock wastes can be another source of fecal contamination. Consequently, the Cowichan estuary has been closed to shellfish harvesting since 1973. Improvements to municipal sewage treatment systems have occurred in recent years. However, further improvements can be made and other sources of contamination along both the Cowichan River and Koksilah River continue. More efforts to address this problem and to monitor water quality will be encouraged

FOI 24.11 responsive records Page 39 of 227

through cooperation among organizations involved with the Plan. Environmental quality monitoring should be coordinated to identify possible accumulation of toxic chemicals, heavy metals and other pollutants.

Other on-going management activities may include further flood control measures. Existing proposals for flood control are described in Appendix 2, "Report on the Cowichan Estuary Plan Implementation Program". Those flood control proposals may be modified or others may be developed as a result of further study in this area.

6.0 ENVIRONMENT MANAGEMENT ACT

Under the Environment Management Act, the Minister of Environment and Parks may prepare environmental management plans for approval by the Provincial Cabinet. This Environmental Management Plan has been prepared for implementation under the Environment Management Act.

To signify its formal approval and to implement the Environmental Management Plan, Cabinet has issued an Order-in- Council requiring compliance with this Plan and establishing its precedence over actions under other provincial statutes. The Cabinet Order also reinforces the Province's intent regarding resource use in the Cowichan estuary. The Cabinet Order is presented in the Foreward of this report.

With the guidance of area designations and the analysis from the project review process, it is unlikely that enforcement action under the Environment Management Act should become necessary. However, when deliberate actions by any person or organization contravene this Environmental Management Plan, an Environmental Protection Order can be issued under the Environment Management Act. An Environmental Protection Order can restrict, modify or prohibit any activity or resource use and also can prescribe interim or permanent remedial actions. An Environmental Protection Order can be issued by the Minister of Environment and Parks for immediate or short term action or can be extended by

FOI 24.11 responsive records Page 40 of 227

Cabinet for a longer period of time. The existence of this Environmental Management Plan and adherence to it should make it unnecessary to contemplate such action in the Cowichan estuary.

7.0 PLAN AMENDMENT

Amendments to the Cowichan Estuary Environmental Management Plan are not expected in the foreseeable future. Efforts in developing, implementing, and administering the Plan should limit the likelihood of circumstances arising which require plan amendment. However, the Plan does include some flexibility to respond to unforeseen changes in the future.

For example, a situation where one of the forest companies no longer requires its log dump and storage facilities in the estuary, and others want to continue use of the site for log storage and dumping, would be consistent with the Plan. However, the new user's proposed operations at the site, including any physical modifications, would be reviewed to ensure that any changes will not result in unacceptable environmental impact. Conversely, if there was no demand to continue using the vacated site for log handling, consideration should be given to amending the Plan to accommodate an alternative use.

The requirement for Plan amendment could also arise if habitat monitoring programs or research indicate the need for additional habitat enhancement projects. If an enhancement project were proposed in areas designated Conservation/Recreation, Plan amendment may not be necessary depending on the nature of the enhancement project. The need for Plan amendment should be considered in each instance.

Since a Cabinet Order has been issued for implementing the Plan, amending the Plan will require Cabinet approval. When a situation requiring Plan amendment occurs, the Ministry of Environment and Parks will coordinate an evaluation of all the options and consequences in

FOI 24.11 responsive records Page 41 of 227

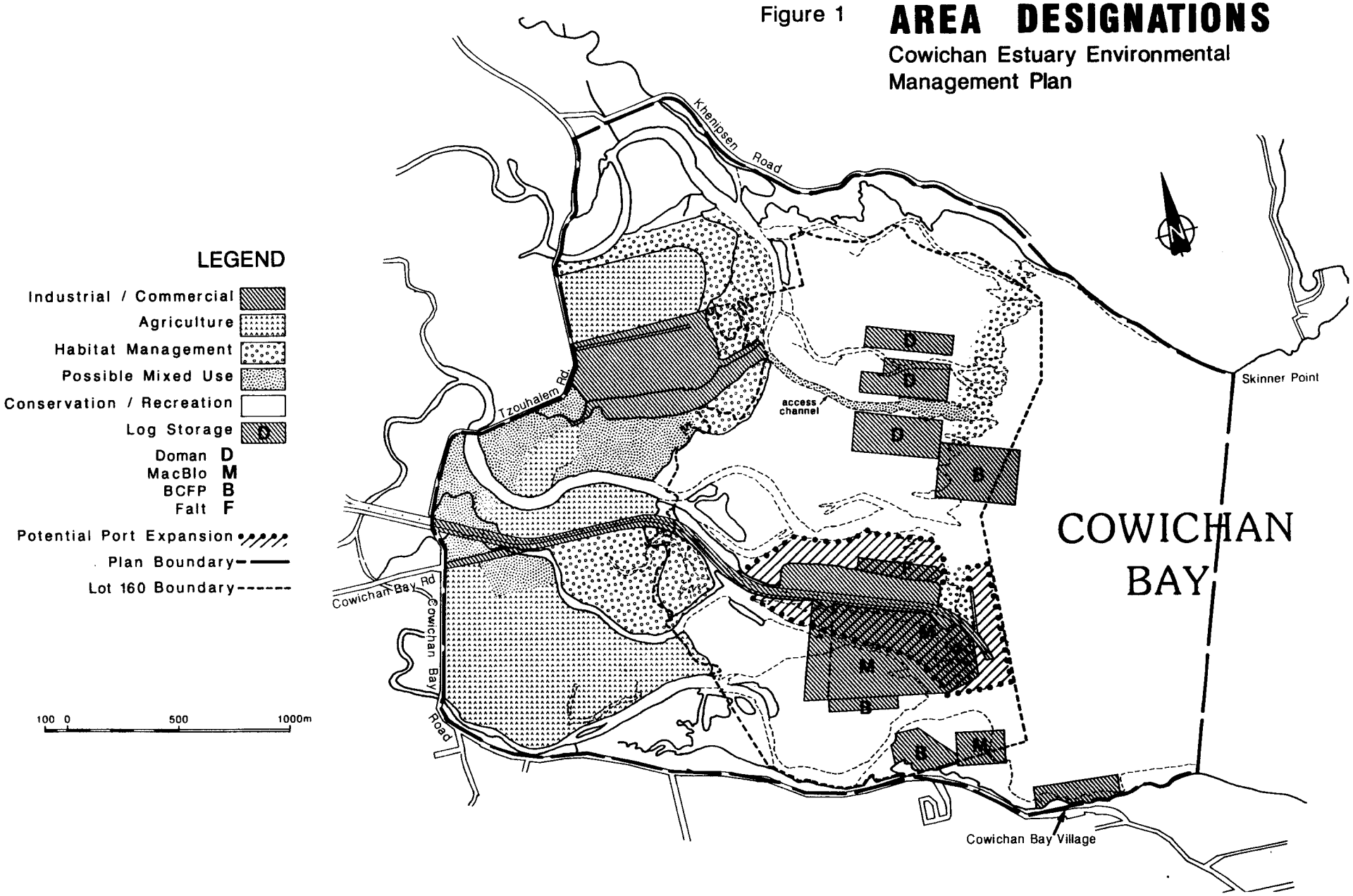
consultation with the public, affected landowners, and the various government agencies. Following the development of either an acceptable Plan amendment proposal or a number of options for Plan amendment, the proposed amendment would be submitted to Cabinet for approval and issuance of the necessary Cabinet Order.

FOI 24.11 responsive records Page 42 of 227

Figure 1

AREA DESIGNATIONS

Cowichan Estuary Environmental Management Plan



FOI 24.11 responsive records Page 43 of 227

COWICHAN ESTUARY

ENVIRONMENTAL MANAGEMENT PLAN

APPENDIX 1

COPIES OF AGREEMENTS

FOI 24.11 responsive records Page 44 of 227

THIS AGREEMENT made the 21st day of DECEMBER, 1984

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA represented by the Minister of Environment

(herein called the "Province")

OF THE FIRST PART

AND:

CANADIAN NATIONAL RAILWAY COMPANY, a body corporate incorporated under a special Act of the Parliament of Canada and having a place of business at 1150 Station Street, in the City of Vancouver, in the Province aforesaid

(herein called "CN")

OF THE SECOND PART

AND:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA represented by the Minister of Fisheries and Oceans

(herein called "Canada")

OF THE THIRD PART

W H E R E A S:

A. CN operates a railway line to Cowichan Bay in the Province of British Columbia and where CN owns approximately 731 acres comprising most of the Intertidal (as hereinafter defined) portion of Cowichan Bay, known as the Cowichan Estuary (herein called the "Estuary"), and also known as Lot 160 as shown outlined in red on the attached map marked as "Appendix A"; and

CN leases out portions of Lot 160 to various other companies for port terminal operation and for log storage and handling as shown outlined in red on the attached map marked as "Appendix B"; and

B. The Province and Canada seek to limit the detrimental environmental impact that is, actually or potentially associated with use of the resources of the Estuary for industrial or other purposes, pursuant to the Environment Management Act, S.B.C. 1981 ch. 14, and the Fisheries Act, R.S.C. 1970. ch. 119.

WITNESSETH THAT in consideration of the premises, the amount of ONE HUNDRED DOLLARS ($100) of lawful money of Canada and other good and valuable consideration now jointly paid by Canada and the Province to CN (the receipt and sufficiency whereof is hereby acknowledged by CN), the parties agree as follows:

DEFINITIONS

1. (a) "Intertidal" means that area of inundated land between the high and low limits of tide;
   (b) "Environmental Management Plan" means the plan relating to use of the Estuary, as contained in the "Report on the Cowichan Estuary Plan Implementation Program", prepared by the Province, in consultation with CN and Canada, and attached as Appendix D;
   (c) "Log Handling Areas" means those areas under lease to various companies for log handling and storage purposes;
   (d) "Port Facilities" means the deep sea dock and terminal storage area operated under lease from CN by Westcan Terminals Limited.

FOI 24.11 responsive records Page 46 of 227

LAND USE

2. Provided CN will have first obtained the concurrence and release of each of the lessees involved, CN will adjust or cancel as may be appropriate present leases for Log Handling Areas, which are shown outlined in red on the attached map marked as "Appendix B", to conform with the revised Log Handling Areas in accordance with and as specified in the Agreements with the individual lessees and the Province and Canada attached as "Appendix E".

3. The Minister of Environment and the Minister of Fisheries and Oceans will work cooperatively with CN with the aim to finding an environmentally acceptable means for future expansion of present Port Facilities either over an area of Lot 160 as shown outlined in red and hatched on the attached map marked as "Appendix C", or expansion in a mutually acceptable adjacent area. Approval criteria of the expansion plan or alternate plan will be consistent with normal regulatory requirements for the construction, design and operation of the proposed expansion of the present Port Facilities by CN at such time as CN chooses to proceed with the expansion proposal.

4. In recognition of the foregoing, CN will administer control over use of Lot 160 in accordance with the Environmental Management Plan attached as "Appendix D", and work together with the Province and Canada, as may be required from time to time, in administering the provisions of the Environmental Management Plan to the mutual satisfaction of CN, the Province and Canada.

FOI 24.11 responsive records Page 47 of 227

REFERENCES

5. Every reference to the Minister of Environment in this Agreement will include the Minister, the Deputy Minister of Environment and any person designated by either of them to act for or on their respective behalf with respect to any provision or provisions of this Agreement.

MISCELLANEOUS

6. This Agreement will be governed by and construed in accordance with the laws of the Province of British Columbia.

7. The Appendices to this Agreement are an integral part of this Agreement as if set out at length in the body of this Agreement.

8. The headings appearing in this Agreement have been inserted for reference and as a matter of convenience and in no way define, limit or enlarge the scope of any provision of the Agreement.

9. In this Agreement wherever the singular or masculine is used it will be construed as if the plural or feminine or body corporate, as the case may be, had been used where the context or the parties hereto so require.

IN WITNESS WHEREOF the parties hereto executed this Agreement the day and year first above written.

SIGNED on behalf of Her Majesty the Queen in Right of the Province of British Columbia by the Minister of Environment in the presence of:

Catherine Kan
(Witness)

Minister of Environment

SIGNED ON BEHALF
~~The common seal~~ of Canadian National Railwlay Company ~~was hereunto affixed~~ in the presence of:

~~(Title)~~ (WITNESS)

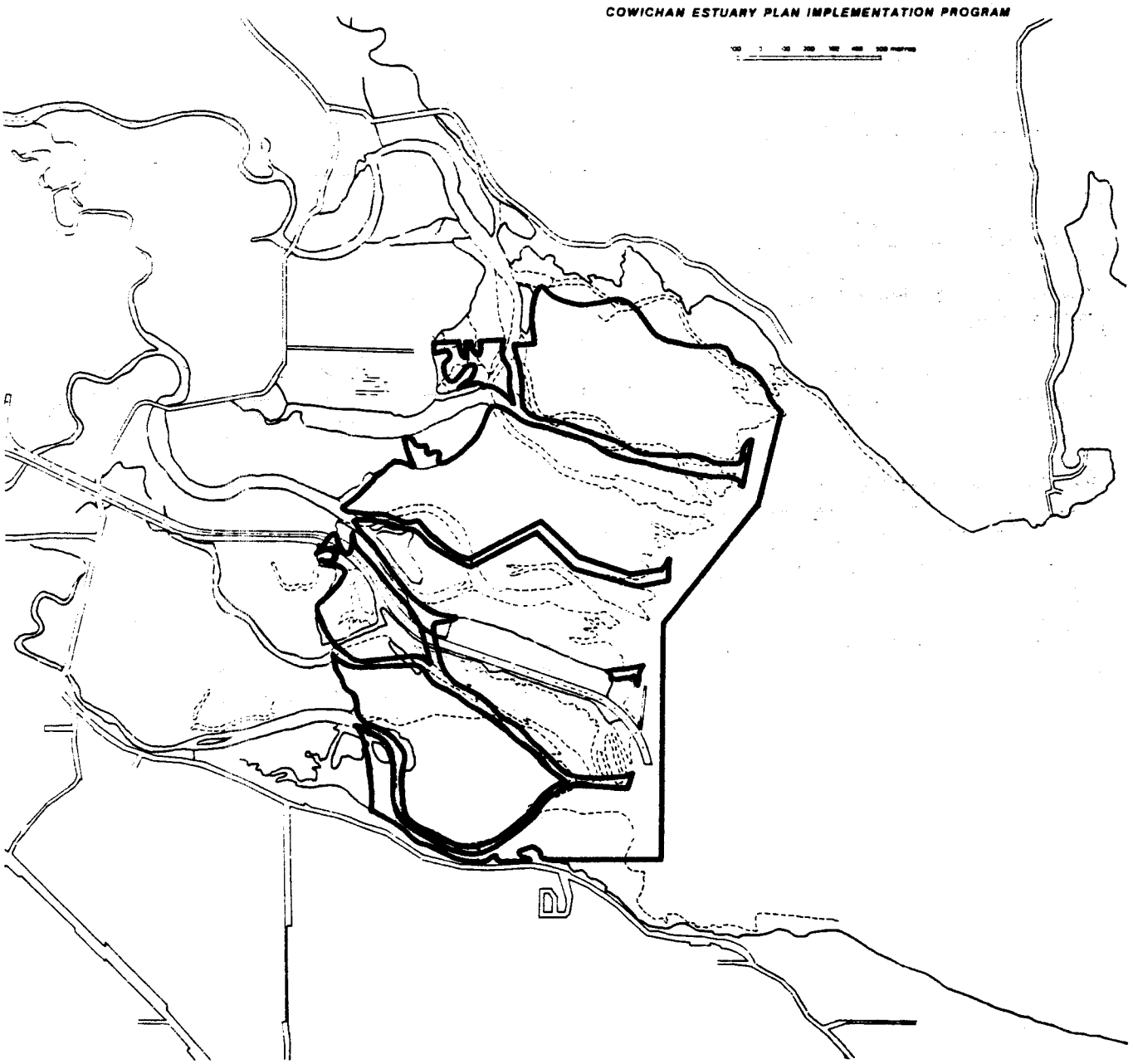
VICE PRESIDENT

SIGNED on behalf of Her Majesty the Queen in Right of Canada by the Minister of Fisheries and Oceans in the presence of:

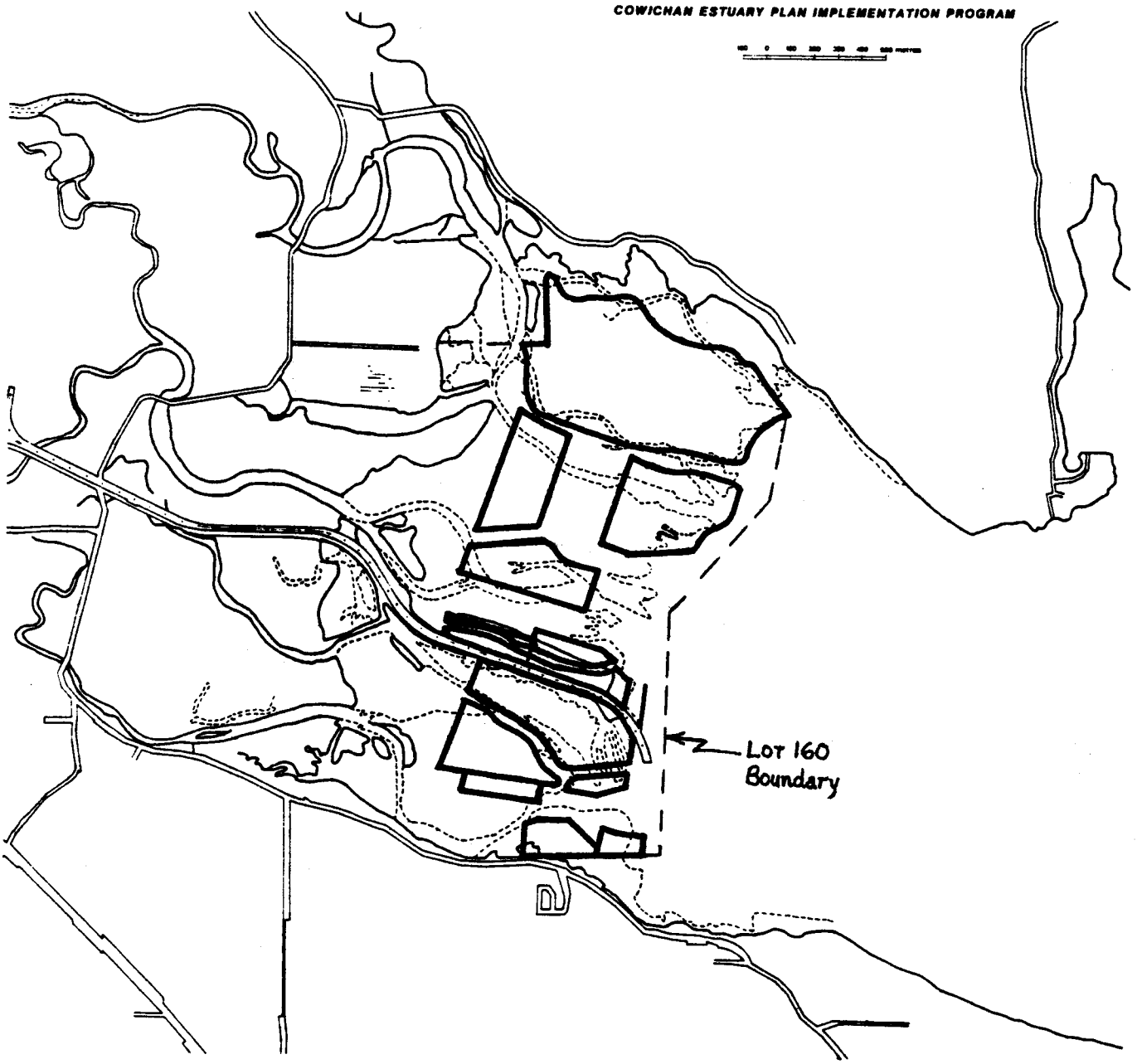
Christiane Tremblay
(Witness)

Minister of Fisheries and Oceans

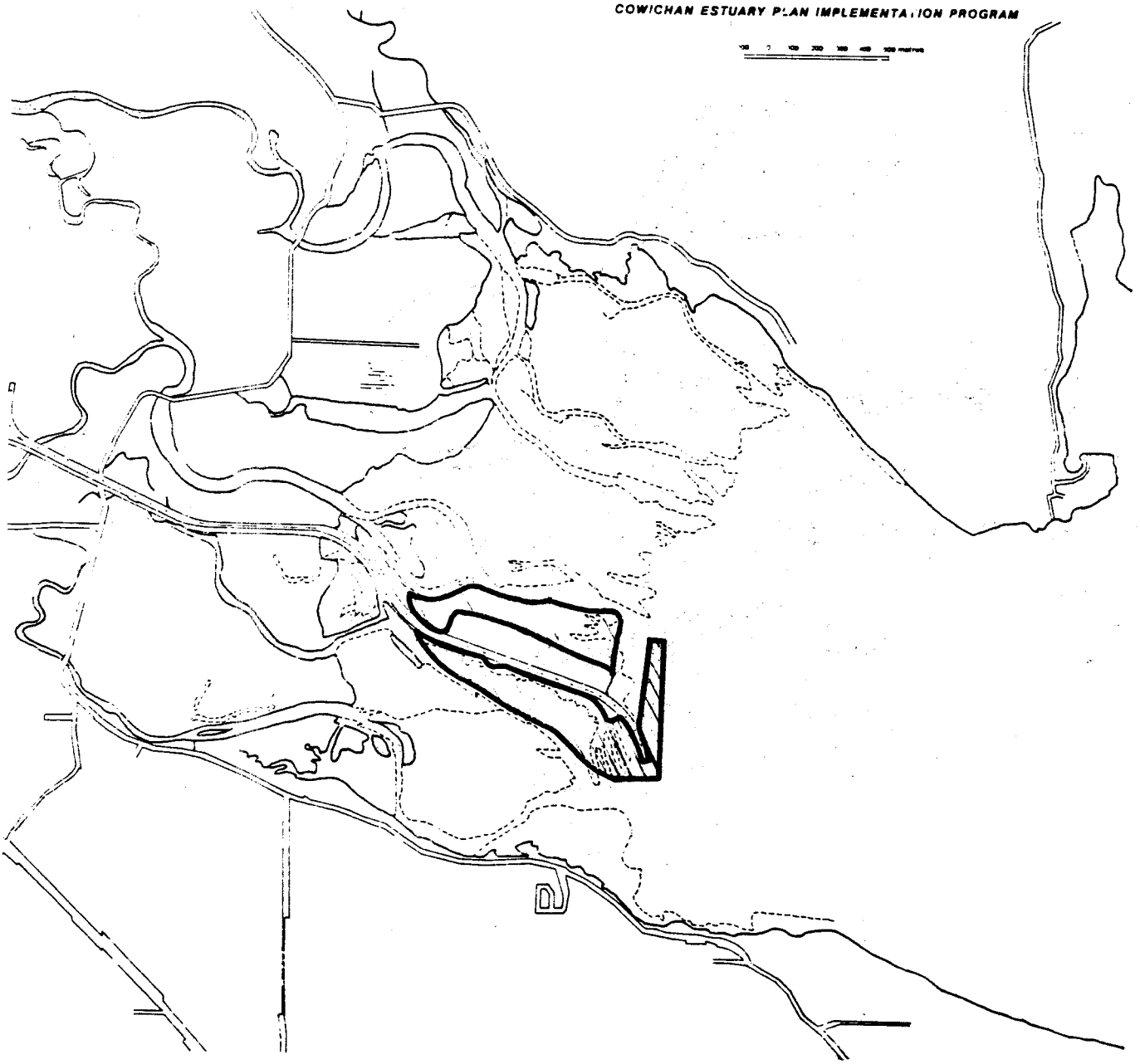
APPENDIX A



APPENDIX B


COWICHAN ESTUARY PLAN IMPLEMENTATION PROGRAM
LOT 160
Boundary

APPENDIX C



APPENDIX D

ENVIRONMENTAL MANAGEMENT PLAN

FOI 24.11 responsive records Page 53 of 227

APPENDIX E

AGREEMENTS

FOI 24.11 responsive records Page 54 of 227

THIS AGREEMENT dated for reference the 1st day of May, 1986.

B E T W E E N:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, represented by the Minister of Environment

(herein called the "Province")

OF THE FIRST PART

A N D:

DOMAN INDUSTRIES LIMITED, a body corporate incorporated under the laws of the Province of British Columbia (Certificate of Incorporation No. 202282) and having a place of business at 170 Craig Street, in the City of Duncan, in the Province aforesaid

(herein called the "Company")

OF THE SECOND PART

A N D:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA represented by the Minister of Fisheries and Oceans

(herein called "Canada")

OF THE THIRD PART

WITNESSES THAT WHEREAS:

A. The parties entered into an agreement (herein called the "Original Agreement") dated December 22, 1983 concerning, inter alia, the storage of logs in a portion of Cowichan Bay;

B. The parties have agreed to amend the Original Agreement in the manner hereinafter set forth.

NOW THEREFORE in consideration of the premises and the sum of $1.00 of lawful money of Canada now paid by each party to each of the other parties (the receipt and sufficiency of which is hereby acknowledged by each party) the parties agree as follows:

FOI 24.11 responsive records Page 55 of 227

1. Paragraph 2 of the Original Agreement shall be amended by deleting the words, "comprised of approximately 50 acres," and substituting in place thereof the words, "comprising 50.3 acres more or less,".

2. Paragraph 4 of the Original Agreement shall be amended by deleting the words, "50 acre log storage area," and substituting the words, "log storage area comprising 50.3 acres more or less,".

3. Paragraph 5 of the Original Agreement shall be amended by deleting the words, "from 50 acres".

4. Paragraph 6 of the Original Agreement shall be deleted in its entirety and the following paragraph shall be substituted in place thereof:

   "6. The Company will, for the purpose of aiding the occasional verification of compliance with this Agreement, mark and keep marked, each of the pilings and dolphins outlined by a red circle on the map attached as Appendix "2", with paint, sheet metal or other substance in a manner which is visible in normal daylighted conditions from a distance of not less than 1 kilometer from such pilings and dolphins."

5. Appendix "2" annexed to the Original Agreement shall be deleted and the map annexed hereto and marked Appendix "2" shall be substituted in place thereof with the intent that all references to Appendix "2" in the Original Agreement shall be deemed to be referenced to the map annexed hereto and marked Appendix "2".

6. This Agreement and the Original Agreement shall be read and construed together.

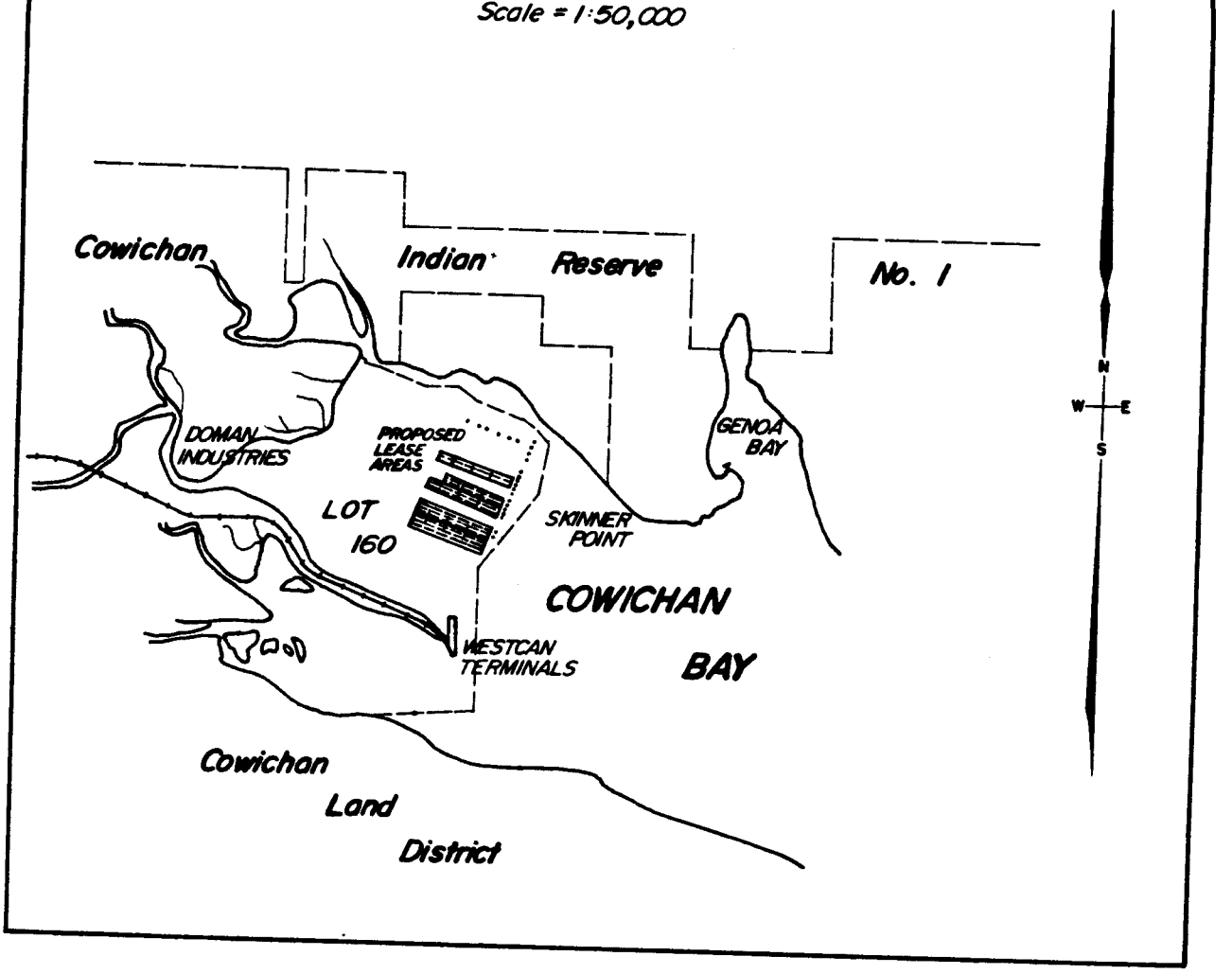
7. The Original Agreement shall remain in full force and effect save and except as modified herein.

IN WITNESS WHEREOF the parties hereto have executed this agreement the day and year first above written.

FOI 24.11 responsive records Page 56 of 227

KEY PLAN

Scale = 1:50,000



TOTAL LEASE AREAS	
PERMANENT STORAGE	41.12 Ac.
PEAK STORAGE	9.18 Ac.
AGGREGATE	50.30 Ac.

WRIGHT HILLYARD & PARRY, SURVEYORS & ENGINEERS.
715 Canada Ave, Duncan, B.C.

FOI 24.11 responsive records Page 57 of 227

THIS AGREEMENT made the 22 day of December, 1983

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA represented by the Minister of Environment

(herein called the "Province")

OF THE FIRST PART

AND:

DOMAN INDUSTRIES LIMITED, a body corporate incorporated under the laws of the Province of British Columbia (Certificate of Incorporation No. 202282) and having a place of business at 170 Craig Street, in the City of Duncan, in the Province aforesaid

(herein called the "Company")

OF THE SECOND PART

AND:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA represented by the Minister of Fisheries and Oceans

(herein called "Canada")

OF THE THIRD PART

WHEREAS:

A. The Company operates a sawmill (as hereinafter defined) in Cowichan Bay in the Province of British Columbia and since opening the Sawmill in 1975 has been storing logs in the intertidal (as hereinafter defined) portion of Cowichan Bay, known as the Cowichan Estuary (herein

called the "Estuary"), which storage area is shown outlined in red on the attached map marked as Appendix "1" to this Agreement; and

B. The Province, Canada and the Company seek to limit the detrimental environmental impacts that are, or potentially are, associated with use of the resources of the Estuary for industrial or other purposes, pursuant to the Environment Management Act, S.B.C. 1981 ch. 14, and the Fisheries Act.

WITNESSETH THAT in consideration of the premises, the amount of $100 of lawful money of Canada and other good and valuable consideration now jointly paid by Canada and the Province to the Company (the receipt and sufficiency whereof is hereby acknowledged by the Company):

DEFINITIONS

1. In this Agreement:

(a) "Cowichan Bay Area" means that part of Cowichan Bay bounded on the east by a line between Skinner Point and Wilcuma and outlined in blue on the attached map marked as Appendix "1"'

(b) "Deep Water" means those waters below the low limits of tide;

(c) "Farm Lands" mean those lands owned by the Company legally described as, Section 13, Range 3, Cowichan District, as outlined in yellow on the attached map marked as Appendix "1";

(d) "Federal Minister" means the Minister of Fisheries and Oceans;

(e) "Intertidal" means that area of inundated land between the high and low limits of tide;

(f) "Normal Operating Periods" mean those times when log storage need not exceed 40 acres;

(g) "Peak Log Storage Periods" means those times when log storage exceeds 40 acres;

(h) "Provincial Minister" means the Minister of Environment; and

(i) "Sawmill" means the sawmill owned and operated by the Company at Cowichan Bay in the Province of British Columbia.

LOG STORAGE

2. Subject to paragraph 5, the Company will confine its water-based log storage in the Estuary to the log pond adjacent to the Sawmill and to an area of the

Intertidal portion of the Estuary comprised of approximately 50 acres, as outlined in red on the attached map marked as Appendix "2", except that if the Company installs new facilities to increase the productive capacity of the Sawmill above the present 595,000 cubic meters of logs per year, the Provincial Minister and the Federal Minister will approve a proportionate increase in the Intertidal log storage to a maximum of 10 acres, subject to the Company obtaining the approval of the landowner.

3. The Company will locate any water-based log storage additional to the area described in paragraph 2 outside of the Cowichan Bay area in Deep Water, subject to obtaining all necessary governmental permits and approvals.

4. The Company will, during Normal Operating Periods, set aside and reserve an area of 10 acres within the bounds of the aforementioned 50 acre log storage area, as shown on Appendix 2, in order that such area may be used during Peak Log Storage Periods, so as to assure compliance with paragraph 2 at all times.

5. The Company will, if it installs permanent dryland log storage for the Sawmill, locate such dryland log storage within the existing Sawmill site or at some other location outside of the Cowichan Bay area and, upon commencing operation of the dryland storage facility, reduce its Intertidal storage area from 50 acres to 40 acres and confine water-based log storage to within the 40 acre area at all times thereafter. Any temporary dryland storage of logs delivered to the Sawmill by truck will be limited by the Company to a period not exceeding 3 months.

6. The Company will, for the purposes of aiding the occasional verification of compliance with this Agreement, place a buoy at each corner of the Intertidal log storage area painted red, so as to demonstrate the limits of the log storage area.

7. The Company will, as much as is reasonably possible, insure that towboat traffic be confined to the log storage areas and access channel, with the exception of necessary log salvage activity, in order to minimize disturbance to the surrounding area.

8. The Company will undertake the necessary steps and works to relocate and adjust log storage in the manner described above within a period of one year from the date of this Agreement.

FOI 24.11 responsive records Page 62 of 227

DEDICATION

9. The Company will transfer to the Province approximately 23 acres of land, being a portion of the Farm Lands, as shown outlined in black on the attached Appendix "3" (herein called the "Dedicated Lands").

10. The Province will administer the Dedicated Lands for habitat management purposes only and will provide access to the Dedicated Lands for agricultural purposes in accordance with agreements between the operator of the Farm Lands, the Company and the Province.

11. The Province will provide dyke protection to the Farm Lands and perform any necessary surveys of the Farm Lands in order to carry out the terms of this Agreement.

2. The Province will restrict public access to within 150 feet of the Sawmill.

CHANNEL ACCESS

3. The Company will maintain the existing access channel to the Sawmill from Deep Water, except that if by natural processes the present channel ceases to drain river and tidal water and is no longer an access channel to the

Sawmill, then the Company will develop emergency arrangements for a new access channel in consultation with the Province.

14. The Company will undertake an examination of means by which the navigability of the existing access channel can be maintained, based on tidal aid, including, among other things, consideration of spot excavations, river training works or other means which minimize environmental impacts while achieving the desired results.

15. The Company will submit the proposed modification to the existing access channel, derived from the study described in paragraph 14, to the Province for its approval prior to undertaking the proposed modification.

16. The Company will maintain:

(a) the recently installed piling around Mariners Island, as shown in red on the attached Appendix 4;

(b) the existing piling along the south side of the log pond adjacent to the Sawmill; and

FOI 24.11 responsive records Page 64 of 227

(c) the piling along the present access channel for so long as the access channel remains in its present location.

REFERENCES

17. Every reference to the Provincial Minister in this Agreement will include the Minister, the Deputy Minister of Environment and any person designated by either of them to act for or on their respective behalf with respect to any provision or provisions of this Agreement.

MISCELLANEOUS

18. This Agreement will be governed by and construed in accordance with the laws of the Province of British Columbia.

19. The Schedules to this Agreement are an integral part of this Agreement as if set out at length in the body of this Agreement.

20. The headings appearing in this Agreement have been inserted for reference and as a matter of convenience and in no way define, limit or enlarge the scope of any provision of this Agreement.

21. In this Agreement wherever the singular or masculine is used it will be construed as if the plural or feminine or body corporate, as the case may be, had been used where the context or the parties hereto so require.

IN WITNESS WHEREOF the parties hereto have executed this Agreement the day and year first above written.

SIGNED on behalf of Her Majesty the Queen in right of the Province of British Columbia by the Minister of Environment in the presence of:

(Witness)

for Minister of Environment

THE common seal of Doman Industries Ltd. was hereunto affixed in the presence of:

(Title)

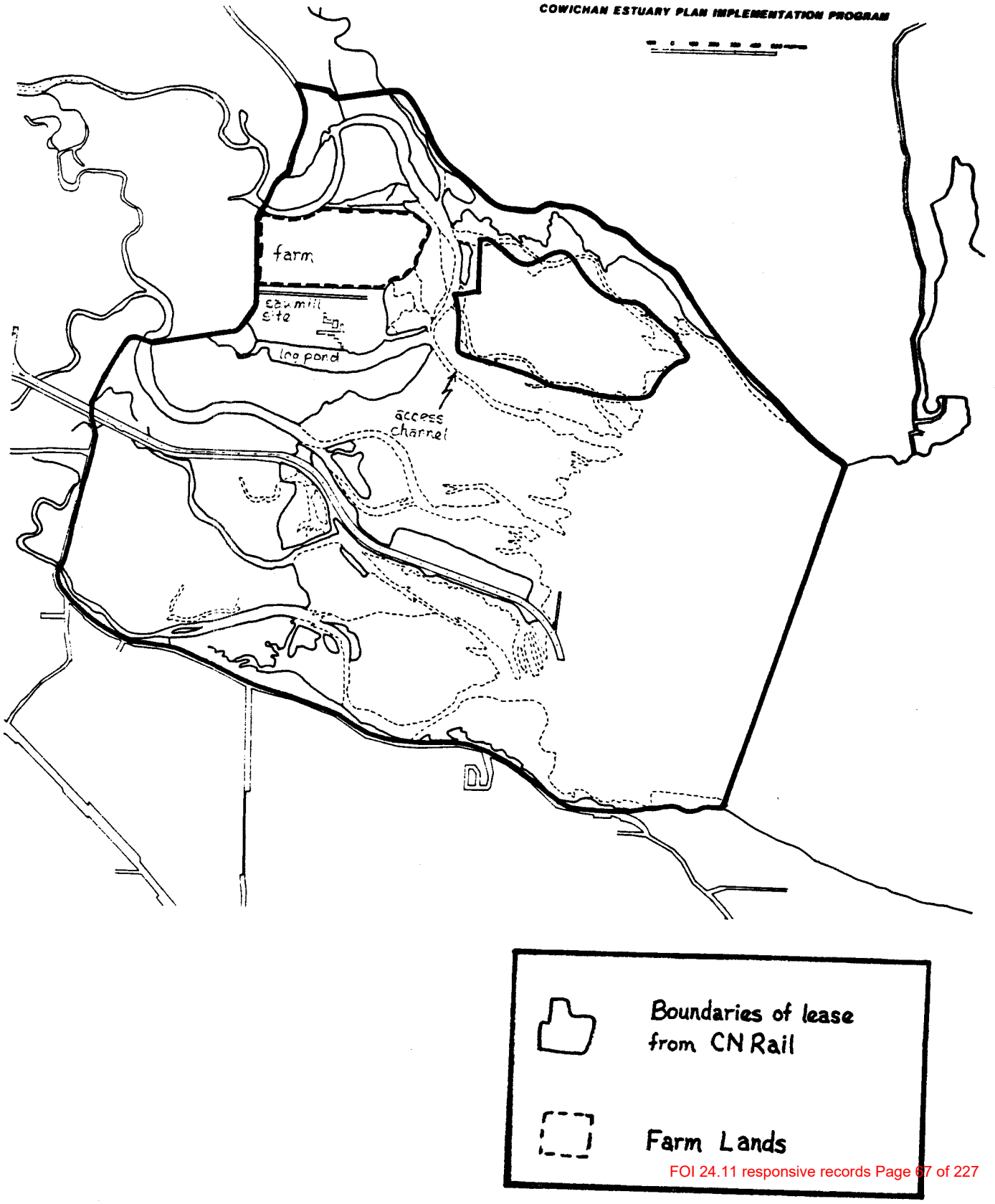
(C/S)

SIGNED on behalf of Her Majesty the Queen in Right of the Province of Canada represented by the Minister of Fisheries and Oceans in the presence of:

(Witness)

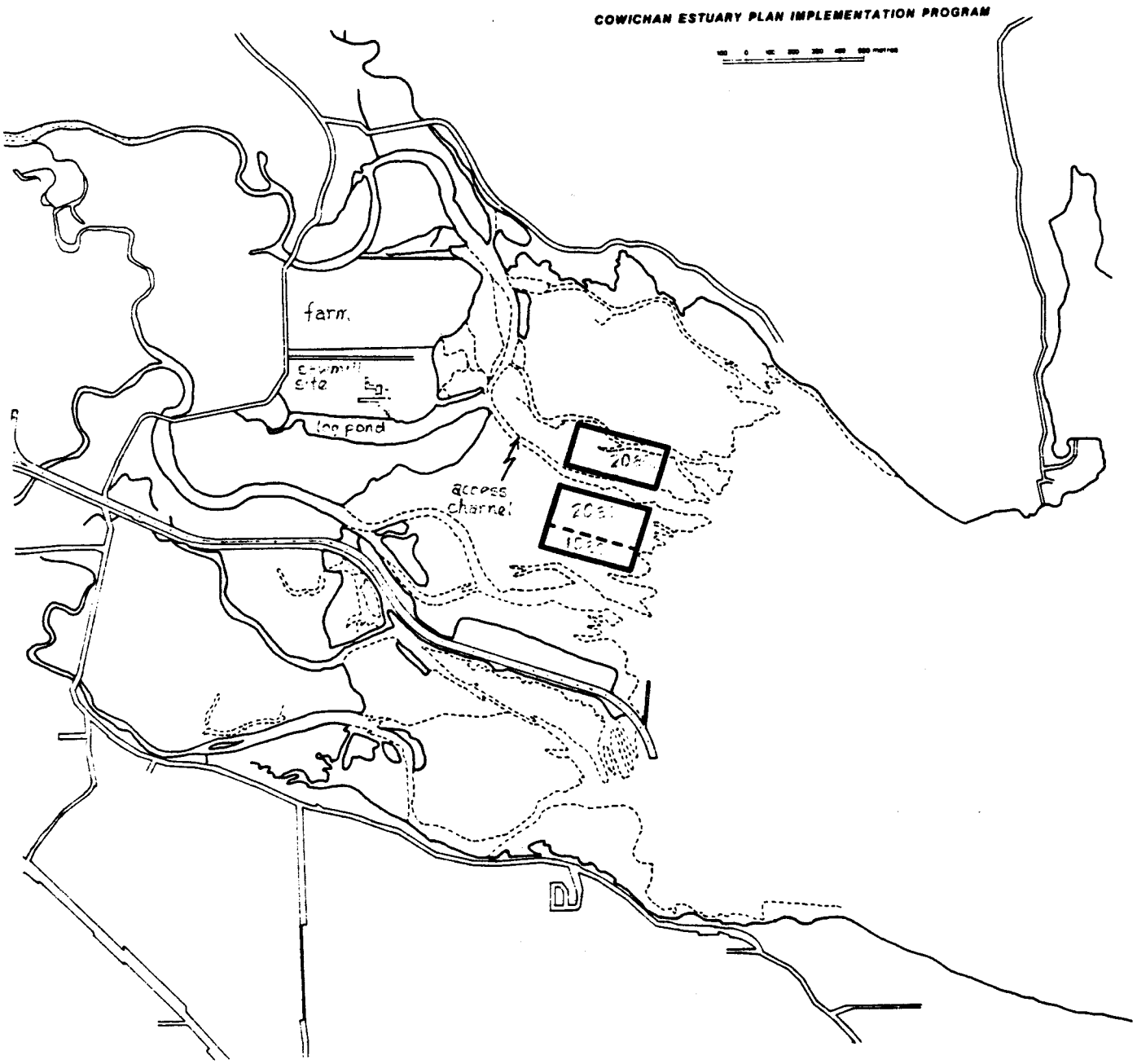
for Minister of Fisheries and Oceans

APPENDIX 1

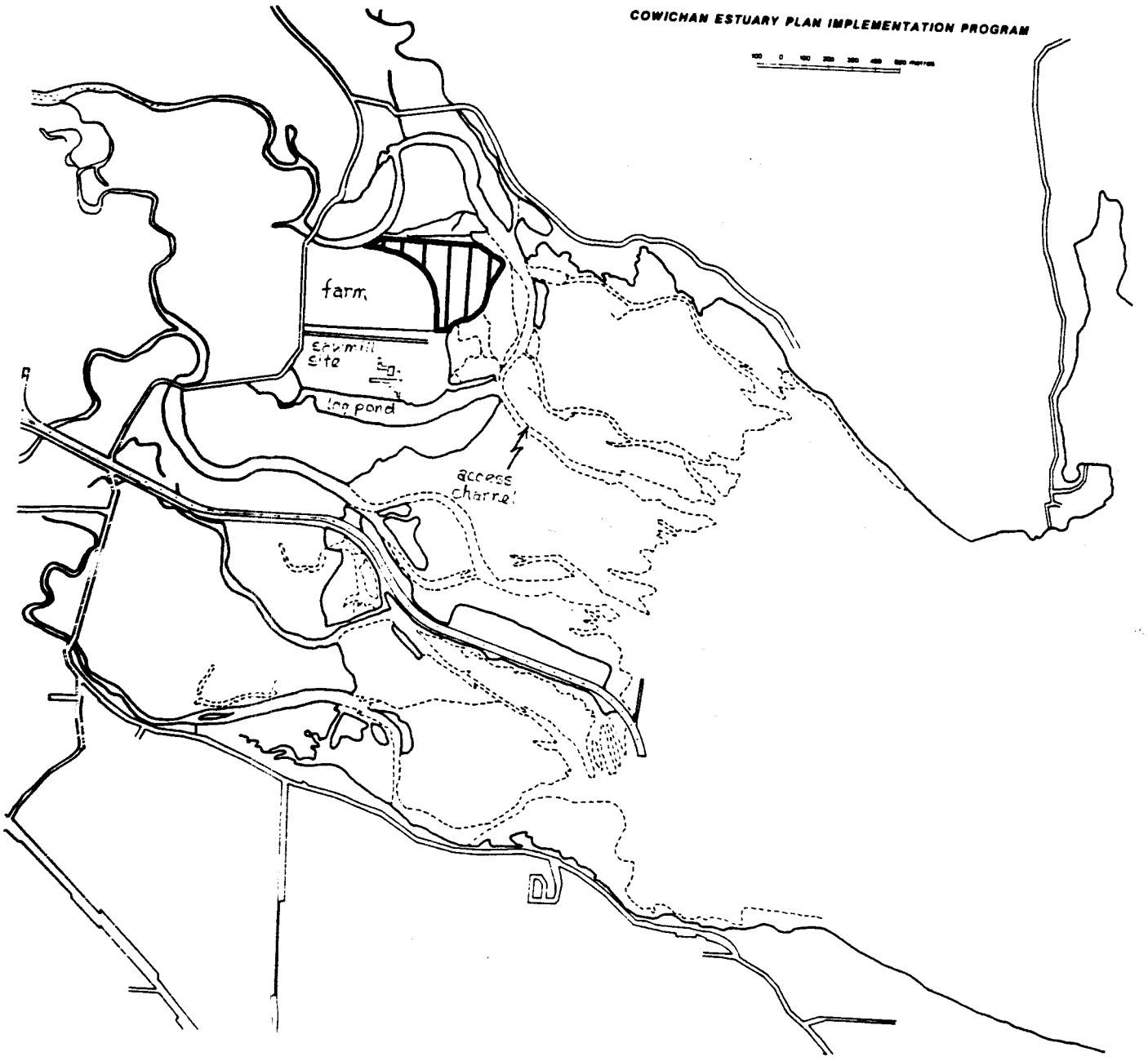


FOI 24.11 responsive records Page 67 of 227

APPENDIX 2


COWICHAN ESTUARY PLAN IMPLEMENTATION PROGRAM
farm
log pond
access channel

APPENDIX 3


COWICHAN ESTUARY PLAN IMPLEMENTATION PROGRAM
farm
sawmill site
log pond
access channel

APPENDIX 4


COWICHAN ESTUARY PLAN IMPLEMENTATION PROGRAM
farm
sawmill site
log pond
access channel

THIS AGREEMENT made the 8th day of March, 1984

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA represented by the Minister of Environment

(herein called the "Province")

OF THE FIRST PART

AND:

BRITISH COLUMBIA FOREST PRODUCTS LIMITED, a body corporate incorporated under the laws of the Province of British Columbia (Certificate of Incorporation No. 105483) and having a place of business at 22nd Floor, 1050 West Pender, in the City of Vancouver, in the Province aforesaid

(herein called the "Company")

OF THE SECOND PART

AND:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA represented by the Minister of Fisheries and Oceans

(herein called "Canada")

OF THE THIRD PART

W H E R E A S:

A. The Company operates a log dump (as hereinafter defined) in Cowichan Bay in the Province of British Columbia and has been storing logs in the Intertidal (as hereinafter defined) portion of Cowichan Bay, known as the Cowichan Estuary (herein called the "Estuary"), which storage is

shown outlined in red on the attached map marked as Appendix "1" to this Agreement; and

B. The Province and Canada seek to limit the detrimental environmental impacts that are, or potentially are, associated with use of the resources of the Estuary for industrial or other purposes, pursuant to the Environment Management Act, S.B.C. 1981 ch. 14, and the Fisheries Act, R.S.C. 1970, ch. 119.

WITNESSETH THAT in consideration of the premises, the amount of ONE HUNDRED DOLLARS ($100) of lawful money of Canada and other good and valuable consideration now jointly paid by Canada and the Province to the Company (the receipt and sufficiency whereof is hereby acknowledged by the Company):

DEFINITIONS

1. (a) "Deep Water" means those waters below the low limits of tide;

(b) "Intertidal" means that area of inundated land between the high and low limits of tide;

(c) "Log Dump" means the log dump facility and the sorting, booming and storage grounds operated by the Company at Cowichan Bay in the Province of British Columbia.

FOI 24.11 responsive records Page 72 of 227

LOG STORAGE

2. The Company will confine its Intertidal log storage on the south side of the Estuary, in conjunction with the Company's log dump, to the 16.3 acres presently leased from Canadian National Railway (CN 10135 and CN 9114), as outlined in red on the attached map marked as Appendix "2".

3. The Minister of Environment and the Minister of Fisheries and Oceans will undertake to use their best efforts to seek approval and issuance of a foreshore lease to the Company from the Province for the area outlined in red and hatch-marks on the attached map marked as Appendix "2".

4. Upon receiving the foreshore lease from the Province referred to in paragraph 3, the Company will adjust its lease area from Canadian National Railway on the north side of the Estuary, as shown outlined in red and hatch-marks on the attached map marked as Appendix "1", in order to conform with paragraph 5.

5. The Company will, upon the adjustment of the lease area referred to in paragraph 4, relocate and adjust its present Intertidal log storage area on the north side of the Estuary to the area seaward of and including the

existing row of dolphons comprised of approximately 30 acres as outlined in red on the attached map marked as Appendix "2". The adjusted log storage area will include approximately 22 acres of land owned by Canadian National Railway and approximately 8 acres of provincial Crown foreshore.

REFERENCES

6. Every reference to the Minister of Environment in this Agreement will include the Minister, the Deputy Minister of Environment and any person designated by either of them to act for or on their respective behalf with respect to any provision or provisions of this Agreement.

MISCELLANEOUS

7. This Agreement will be governed by and construed in accordance with the laws of the Province of British Columbia.

8. The Appendices to this Agreement are an integral part of this Agreement as if set out at length in the body of this Agreement.

9. The headings appearing in this Agreement have been inserted for reference and as a matter of convenience

and in no way define, limit or enlarge the scope of any provision of this Agreement.

10. In this Agreement wherever the singular or masculine is used it will be construed as if the plural or feminine or body corporate, as the case may be, had been used where the context or the parties hereto so require.

IN WITNESS WHEREOF the parties hereto executed this Agreement the day and year first above written.

SIGNED on behalf of Her Majesty the Queen in Right of the Province of British Columbia by the Minister of Environment in the presence of:

J. O'Riordan
(Witness)

Minister of Environment

The common seal of British Columbia Forest Products Limited was hereunto affixed in the presence of:

(Title) VICE PRESIDENT

TREASURER

C/S

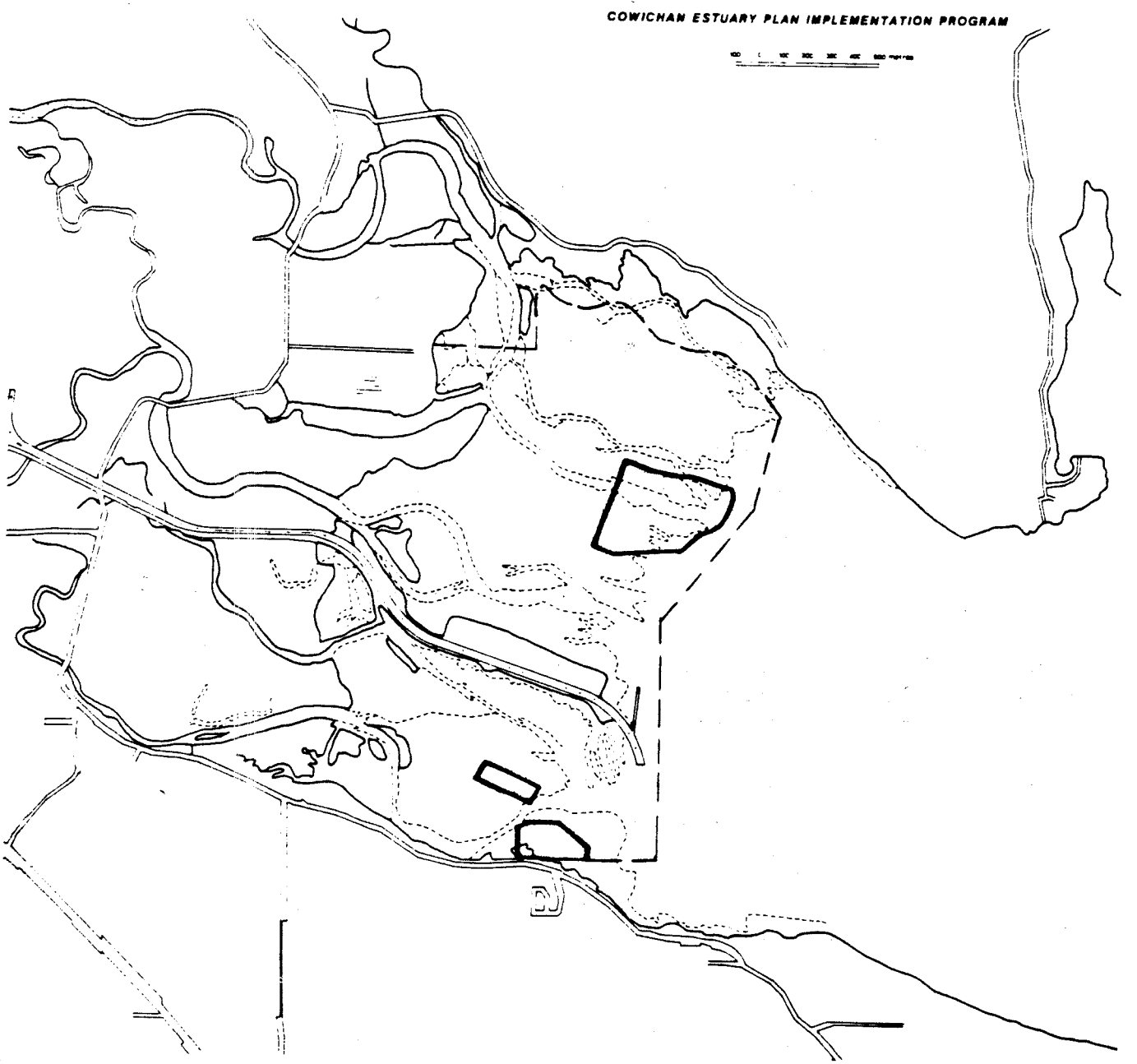
SIGNED on behalf of Her Majesty the Queen in Right of Canada by the Minister of Fisheries and Oceans in the presence of:

(Witness)

Minister of Fisheries and Oceans

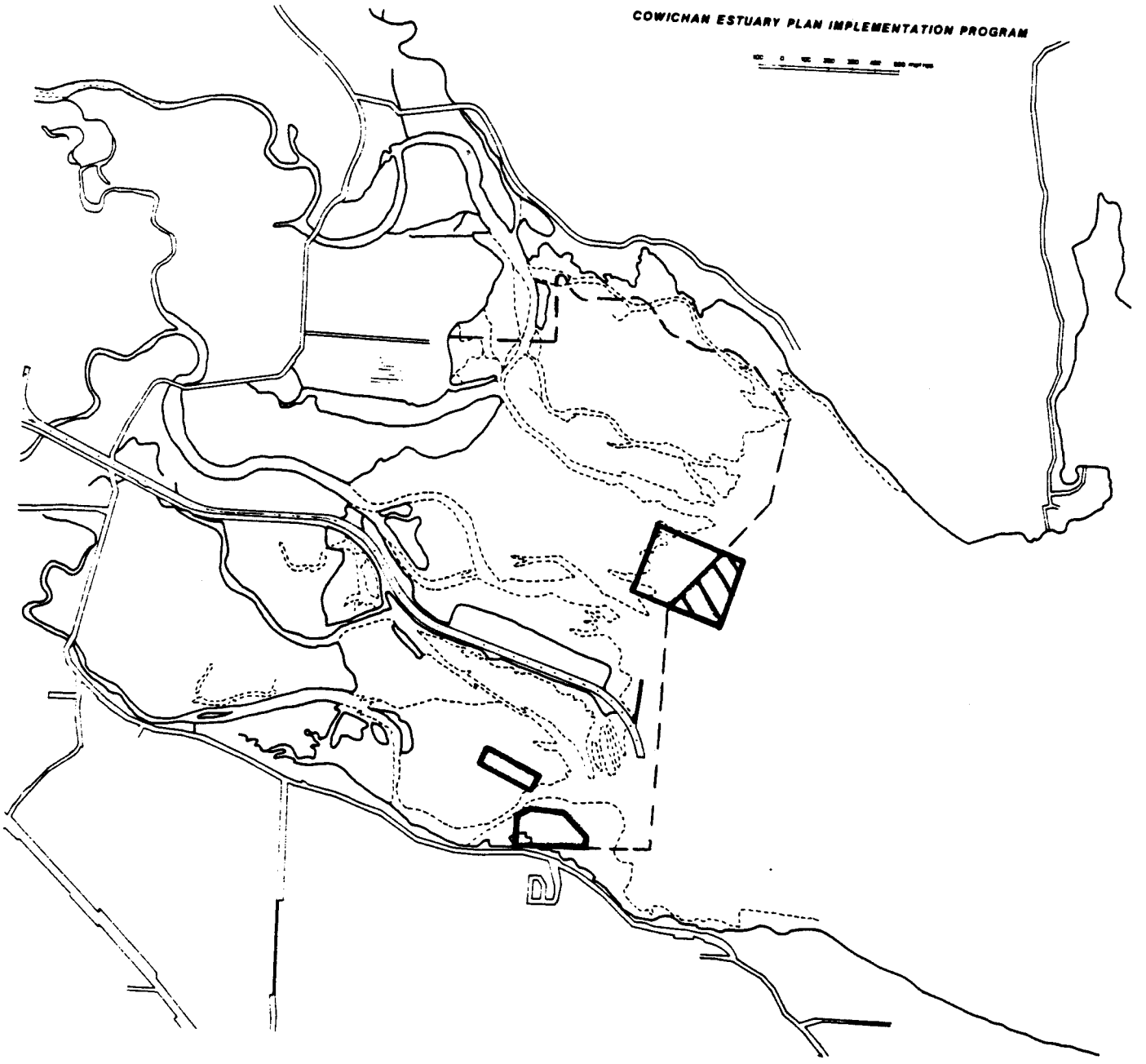
FOI 24.11 responsive records Page 75 of 227

APPENDIX 1



FOI 24.11 responsive records Page 76 of 227

APPENDIX 2



FOI 24.11 responsive records Page 77 of 227

Company's log dump, to the two areas presently leased from Canadian National Railway, as outlined in red on the attached map marked as Appendix "1", comprised of approximately 67.42 acres (CN8884) and 2.25 acres (CN 10644).

3. The Minister of Environment and the Minister of Fisheries and Oceans will undertake to use their best efforts to seek approval of the Company's proposed haul road and bridge crossing of the Koksilah River, as shown outlined in green on the attached map marked as Appendix "2", such approval being subject to the construction schedule and final design of the proposed facility by the Company satisfying the environmental requirements of the Province and Canada.

4. The Minister of Environment and the Minister of Fisheries and Oceans will undertake to use their best efforts to seek approval of the Company's proposed log storage lease comprised of approximately 2.1 acres and shown outlined in red on the attached map marked as Appendix "2", the period of this lease to be 30 years.

5. Upon receiving the approvals referred to in paragraph 3 hereof, and further upon the Company obtaining the lease from the Province referred to in paragraph 4, the Company will, subject to the Province and Canada paying any and

FOI 24.11 responsive records Page 78 of 227

all cost, expenses, penalties, damages, or other financial penalties in connection therewith and subject to the consent of the Canadian National Railway, cancel its lease area comprised of approximately 48.7 acres from Canadian National Railway on the north side of the Estuary, as shown outlined in red on the attached map marked as Appendix "1", and will reclassify approximately 10 acres of its lease area on the south side of the Estuary from log storage to barge loading access, as shown outlined and hatched in red on the attached map marked as Appendix "2", such that the storing of logs in the reclassified barge loading access area will not occur thereafter.

6. REFERENCES

Every reference to the Minister in this Agreement will include the Minister, Deputy Minister of Environment and any person designated by either of them to act for or on their respective behalf with respect to any provision or provisions of this Agreement.

7. MISCELLANEOUS

This Agreement will be governed by and construed in accordance with the laws of the Province of British Columbia.

8. The Schedules to this Agreement are an integral part of this Agreement as if set out at length in the body of this Agreement.

FOI 24.11 responsive records Page 79 of 227

9. The headings appearing in this Agreement have been inserted for reference and as a matter of convenience and in no way define, limit or enlarge the scope of any provision of this Agreement.

10. In this Agreement wherever the singular or masculine is used it will construe as if the plural or feminine or body corporate, as the case may be, had been used where the context or the parties hereto so require.

IN WITNESS WHEREOF the parties hereto executed this Agreement the day and year first above written.

SIGNED on behalf of HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA by the Minister of Environment in the presence of:

J. O'Riordan
(Witness)

Deputy Minister of Environment

The Common Seal of MacMILLAN BLOEDEL LIMITED was hereunto affixed in the presence of:

(Title) SENIOR VICE-PRESIDENT

ASSISTANT SECRETARY

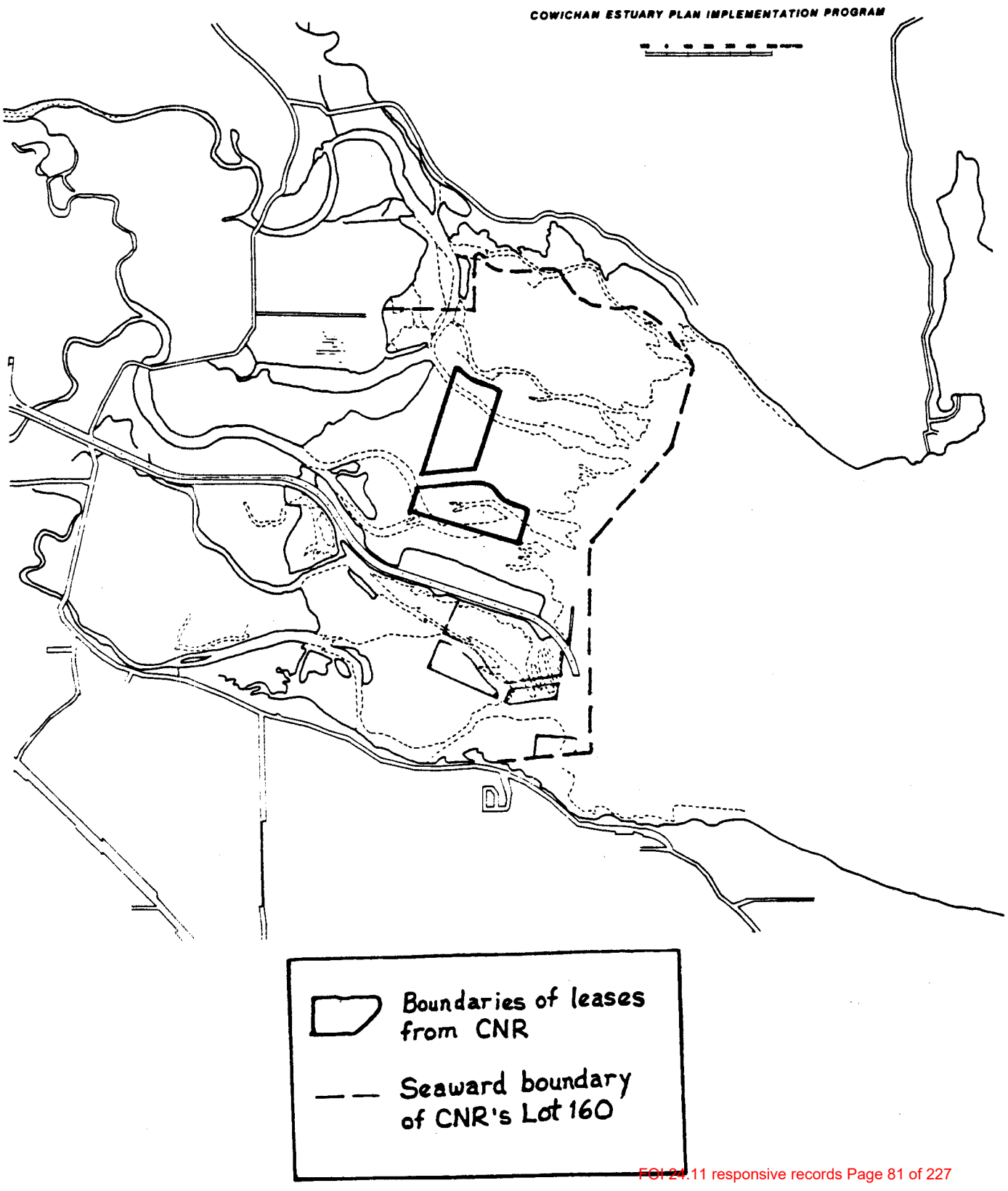
SIGNED on behalf of HER MAJESTY THE QUEEN IN RIGHT OF CANADA by the Minister of Fisheries and Oceans in the presence of:

(Witness)

Minister of Fisheries and Oceans

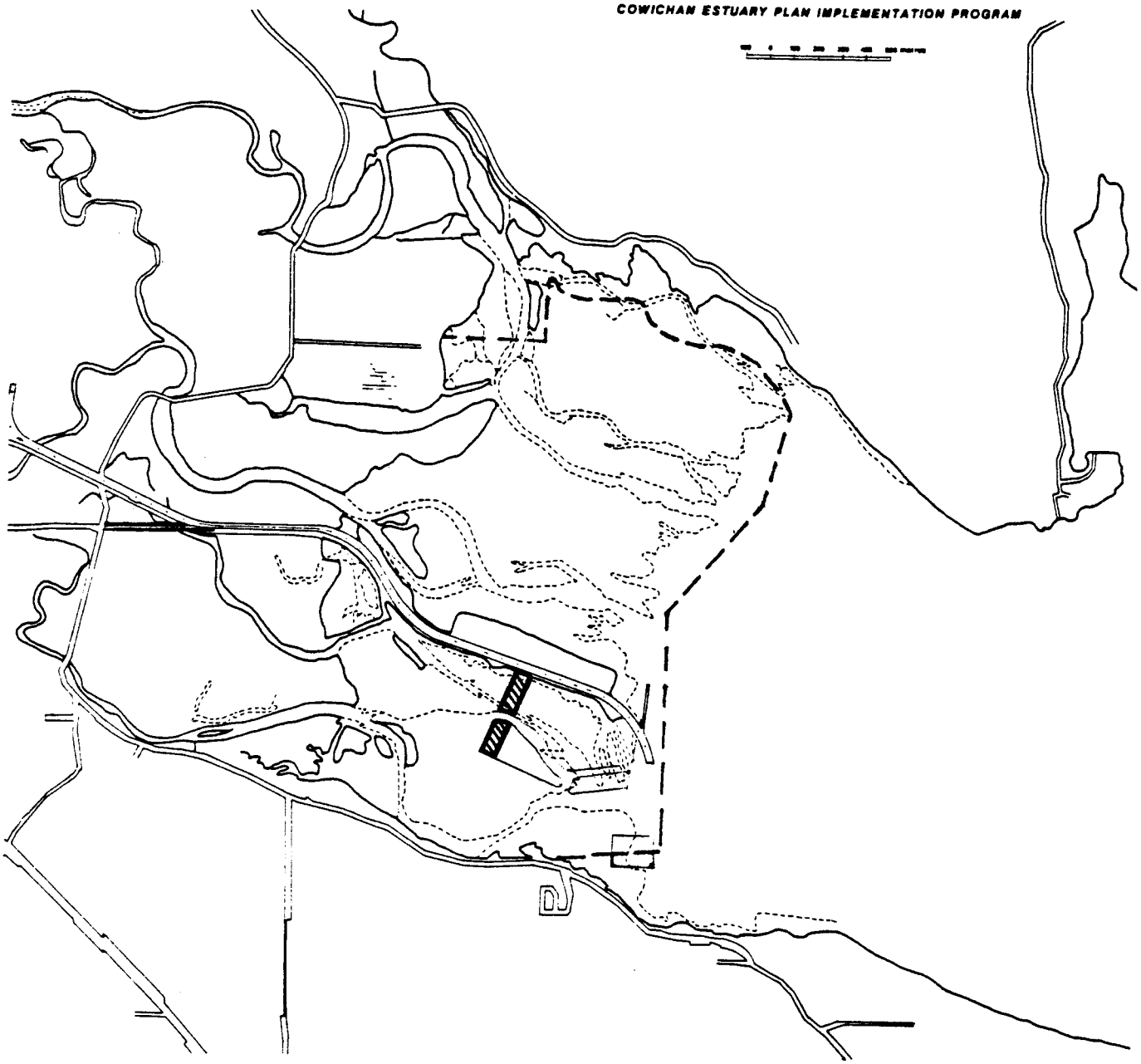
FOI 24.11 responsive records Page 80 of 227

APPENDIX 1



FOI 24.11 responsive records Page 81 of 227

APPENDIX 2



FOI 24.11 responsive records Page 82 of 227

THIS AGREEMENT made the 28th day of May , 1984

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, represented by the Minister of Environment

(herein called the "Province")

OF THE FIRST PART

AND:

MacMILLAN BLOEDEL LIMITED, a body corporate incorporated under the laws of the Province of British Columbia (Certificate of Incorporation No. 247324) and having a place of business at 1075 West Georgia Street, Vancouver, in the Province aforesaid

(herein called the "Company")

OF THE SECOND PART

AND:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA represented by the Minister of Fisheries and Oceans

(herein called "Canada")

OF THE THIRD PART

WHEREAS:

A. The Company operates a log dump (as hereinafter defined) in Cowichan Bay in the Province of British Columbia and has been storing logs in the Intertidal (as hereinafter defined) portion of Cowichan Bay, known as the Cowichan Estuary (herein called the "Estuary"), such storage is shown outlined in red on the attached map marked as Appendix "1" to this Agreement; and

B. The Province and Canada seek to limit the detrimental environmental impacts that are, or potentially are, associated with use of the resources of the Estuary for industrial or other purposes, pursuant to the Environment Management Act, S.B.C. 1981 ch. 14, and the Fisheries Act, R.S.C. 1970 ch. 119.

WITNESSETH THAT in consideration of the premises, the amount of ONE HUNDRED DOLLARS ($100) of lawful money of Canada and other good and valuable consideration now jointly paid by Canada and the Province to the Company (the receipt and sufficiency whereof is hereby acknowledged by the Company):

1. DEFINITIONS

In this Agreement:

a) "intertidal" means that area of inundated land between the high and low limits of tide;

b) "deep water" means those waters below the low limits of tide;

c) "log dump" means the log dump facility and the sorting, booming and storage grounds operated by the Company at Cowichan Bay in the Province of British Columbia.

2. LOG STORAGE

The Company will confine its Intertidal log storage on the south side of the Estuary, in conjunction with the

COWICHAN ESTUARY

ENVIRONMENTAL MANAGEMENT PLAN

APPENDIX 2

REPORT ON THE COWICHAN ESTUARY PLAN IMPLEMENTATION PROGRAM, MARCH 1984

FOI 24.11 responsive records Page 85 of 227

REPORT ON THE COWICHAN ESTUARY PLAN IMPLEMENTATION PROGRAM



Province of British Columbia

Ministry of Environment

FOI 24.11 responsive records Page 86 of 227

AN ENVIRONMENTAL MANAGEMENT PLAN
FOR THE COWICHAN ESTUARY

REPORT ON THE
COWICHAN ESTUARY PLAN IMPLEMENTATION PROGRAM

By G. K. Lambertsen
Coordinator
Cowichan Estuary Plan Implementation
Ministry of Environment

March, 1984

FOI 24.11 responsive records Page 87 of 227

TABLE OF CONTENTS

	Page
Table of Contents	ii
List of Figures and Tables	iv
Acknowledgements	v
1.0 Introduction	1
2.0 Industrial/Commercial Activity	4
2.1 Forest Industrial	4
2.1.1 British Columbia Forest Products	9
2.1.2 MacMillan Bloedel	10
2.1.3 Doman Industries	12
2.1.4 L&K Lumber	20
2.1.5 Falt Towing	21
2.2 Port Industrial	25
2.3 Agriculture	28
2.4 Commercial	30
3.0 Habitat Management	31
3.1 Doman Dedicated Land	33
3.2 Mariners Island	34
3.3 CN Marsh	36
3.4 Monitoring, Research and Future Considerations	39
4.0 Flood Control	40
4.1 Cowichan River	41
4.2 Koksilah River	45

FOI 24.11 responsive records Page 88 of 227

TABLE OF CONTENTS (Cont.)

		Page
5.0	Environmental Management Plan	47
5.1	Designations	47
5.2	Implementation	49
5.3	Proposal Review Process	51
5.4	Plan Amendment	53
Additional Background Information		56

FOI 24.11 responsive records Page 89 of 227

LIST OF FIGURES AND TABLES

		Page
Figure 2.1	Generalized Existing Uses	5
Figure 2.2	Present Log Storage Leases	7
Figure 2.3	New Log Storage Leases	13
Figure 2.4	Potential Port Expansion	27
Figure 3.1	Habitat Management Proposals	32
Figure 4.1	Flood Control Proposals	42
Figure 5.1	Area Designations	48
Table 2.1	Cowichan Estuary - Intertidal Log Storage Leases	23

FOI 24.11 responsive records Page 90 of 227

ACKNOWLEDGEMENTS.

There are very many people who through their individual views and talents have contributed to the author's understanding of the problems facing the Cowichan Estuary, as well as the possible solution, and thereby have enabled the preparation of this report. To those who gave the time and effort out of their personal activities and their other corporate or government business to participate in the task that has been required, the author is grateful to have had the benefit of your association and the experience.

The author wishes to especially acknowledge the instrumental advice, assistance and support of: Margaret Bolitho, Office Secretary; Ted Burns, Consulting Biologist; Dennis Brock, Fisheries and Oceans Canada; Ron Smith, Cowichan Valley Regional District; and Ben Marr, Deputy Minister of Environment.

FOI 24.11 responsive records Page 91 of 227

AN ENVIRONMENTAL MANAGEMENT PLAN FOR THE COWICHAN ESTUARY

1.0 INTRODUCTION

The Province of British Columbia's Environment Management Act empowers the Minister of Environment to prepare and publish environmental management plans for specified areas within British Columbia. Environmental management plans are intended to provide a framework for environmental decisions and to balance environmental priorities and concerns with those of other organizations and interests. The Cowichan Estuary is one area where such a plan is particularly needed. For several years, the demand for industrial use of the estuary has conflicted with the deep concern for adequate conservation of the estuary's resources expressed by both local citizens and environmental agencies.

In the early 1970's, Cowichan Bay was identified as a potential major industrial port. This prompted growing concern that further expansion of industrial use would cause unacceptable losses of the specialized fish and wildlife habitat the estuary provides. An intergovernmental task force was established in 1974 by the provincial government to address the issue. Four land use options were identified by the task force, ranging from complete preservation to full industrial dedication. The provincial government selected a status quo option which stipulated no further industrial expansion should occur in the estuary. It did allow for the re-establishment of an existing sawmill site by Doman Industries Limited.

Although development of the new sawmill in 1975 proceeded largely in accordance with government requirements, the company did not confine log storage for the mill to the 20 acre limit that had been mutually agreed upon in correspondence between the company and government. The

FOI 24.11 responsive records Page 92 of 227

limit on the sawmill's log storage in the estuary was more than just slightly exceeded, often by many times the allotted acreage. This, combined with a number of new development proposals for the estuary, led to renewed debate over the scale of industrial use in the estuary and generated considerable distrust by the concerned public of government/ industry commitments in this regard.

The Cowichan Estuary Task Force was reconvened in 1978 to examine the issues involving various activities in the area and to recommend a land use plan for the estuary. The Task Force's report, released in late 1980, contained several key recommendations relating to flood control, log management and overall land use. Acknowledging the high values placed on the estuary for both fish and wildlife habitat and forest industrial activity, the task force report recommended a precautionary approach to dealing with technical uncertainties and future use of the estuary's resources.

In May, 1981, the British Columbia Ministry of Environment initiated a program to coordinate implementation of the task force's recommendations. From the outset, it was recognized that extensive negotiations with several key government agencies, the forest companies, and landowners would be required, together with public consultation. A Coordinator was appointed to lead the negotiations and an office was opened in Duncan to provide contact for the concerned public.

The Task Force presented four log management concepts which were felt to accommodate the respective needs of industry and habitat conservation in varying proportions. Nearly all the estuary is owned by Canadian National Railway and log storage areas are leased by CNR to each forest company. Therefore, it has been necessary to negotiate agreement with each leaseholder and the landowner on how their respective requirements can be appropriately balanced with the environmental objectives of relevant government agencies and the concerned public.

FOI 24.11 responsive records Page 93 of 227

Much time and effort has been dedicated through the Cowichan Estuary Plan Implementation Program to negotiating agreement between the present industrial users of the estuary and the key government agencies responsible for regulating land and resource use. Efforts to consult and inform the general public and concerned groups and individuals have been made periodically. However, this did not include direct participation in negotiations and the details of the negotiations have been withheld to ensure their continuation.

The scale and nature of industrial activity in the estuary has remained a sharply divided issue and the views of each side have become firmly entrenched over the years. Despite its obvious necessity, the resistance to compromise has been a major barrier to reaching a broadly acceptable solution to the problem.

Fortunately, the negotiations have produced consensus. It is now possible to start fresh with an agreeable approach to present use of the Cowichan Estuary and a flexible framework for reaching future land use decisions. The needs of industry and other forms of economic activity in the estuary can be balanced with the conservation measures required to adequately safeguard the estuary's environmental resources and productive capacity. This report sets forth an environmental management plan designed to achieve the goal of balanced resource use in the Cowichan Estuary.

FOI 24.11 responsive records Page 94 of 227

2.0 INDUSTRIAL/COMMERCIAL ACTIVITY

Forest industrial activity is predominant in the Cowichan Estuary with agriculture ranking second in terms of spatial use. Transportation and port activity are linked almost exclusively to the forest industry. Although the forest industry clearly dominates economic activity in the Cowichan Estuary, activity associated with agriculture, recreation, commercial fishing and marina services, hospitality and tourism, and residential development provides moderate diversification of the local economic base.

A great deal of local support exists for focussing further economic development in the estuary on tourism. This is partly out of the desire to reduce local reliance on the forest industry and partly in recognition of the promising opportunities provided by the estuary's natural attributes and its close proximity to major population centres. While provision must be made to ensure the continued viability of forest industrial activity in the estuary, concern has been expressed that this not preclude or unduly hinder the growth of tourism and recreation. In this respect, it is important to maintain sufficient open space in the estuary and enhance its natural attributes, as well as to improve and develop attractive tourist and recreational facilities. Figure 2.1 illustrates the existing spatial distribution of various industrial/ commercial activities in the Cowichan Estuary.

2.1 FOREST INDUSTRIAL/LOG STORAGE

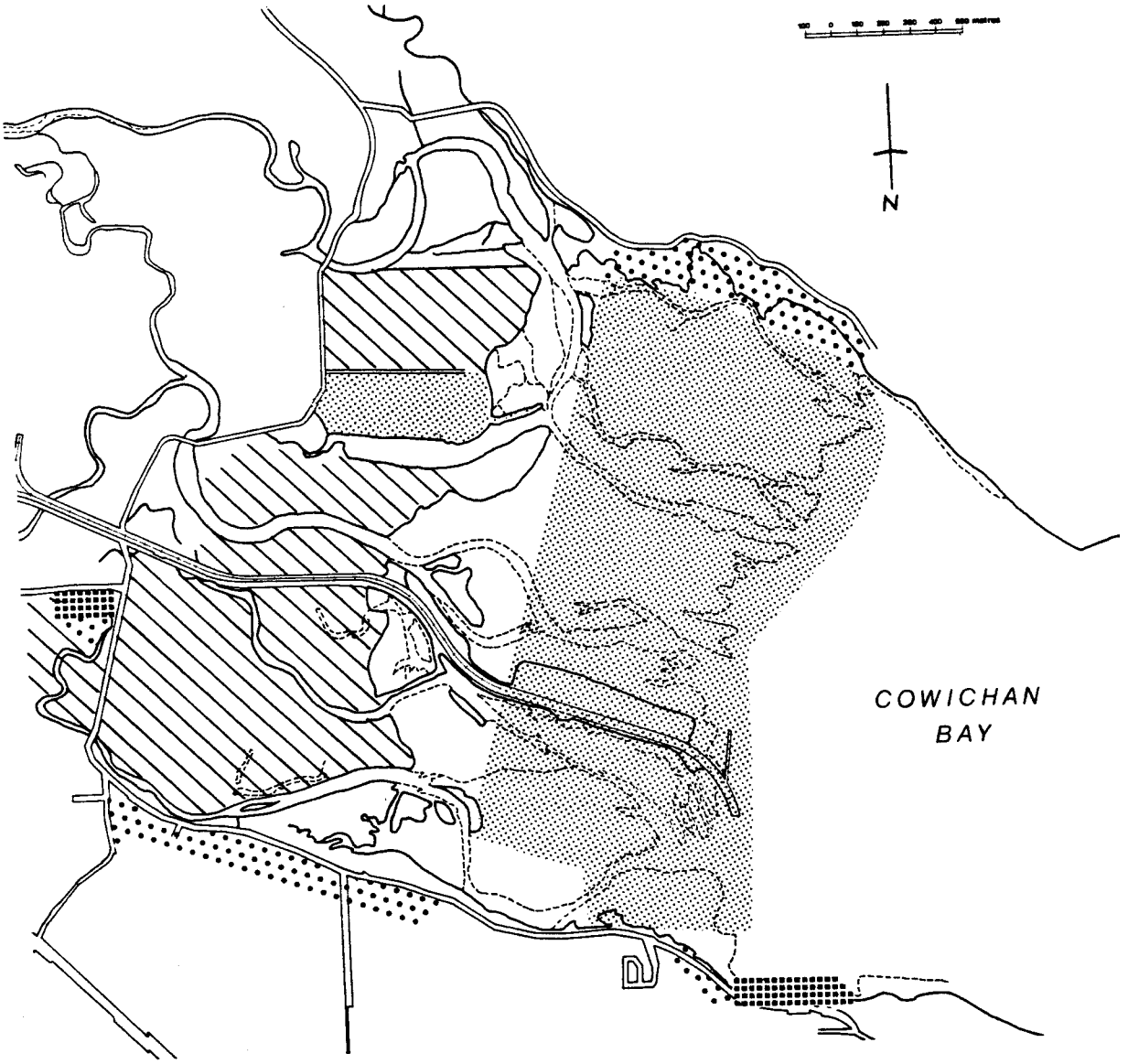
The key forest companies presently operating in the estuary are British Columbia Forest Products (BCFP), Doman Industries (Doman), and MacMillan Bloedel (M-B). Canadian National Railway (CNR), which owns almost all of the intertidal portion of the estuary, leases log handling and storage area to each company. Westcan Terminals (Westcan) operates the lumber loading port facility which is accessed by truck along the private industrial haul road constructed by M-B, and by CNR's railway. While a variety of commodities are delivered at the Westcan/CNR dock,

FOI 24.11 responsive records Page 95 of 227

FIGURE 2.1

Generalized Existing Uses

COWICHAN ESTUARY PLAN IMPLEMENTATION PROGRAM



- Industrial
- Agricultural
- Commercial
- Residential

FOI 24.11 responsive records Page 96 of 227

the port facility operates chiefly for the storage and transhipment of lumber out of Cowichan Bay to other domestic and foreign destinations. A small specialty log sort and storage area is operated by Falt Towing on a sub-lease from Westcan. A small log dump, adjacent to BCFP's log-dump, has been leased to L & K Lumber and is used periodically by small companies or independent loggers.

Under present arrangements, almost half (49%) of the intertidal portion of the estuary is leased for log storage purposes. The operations of both BCFP and M-B involve dumping and sorting of bundled logs, assembly of log booms, and storage until the booms can be towed elsewhere. In contrast, logs are towed into Cowichan Bay and stored on the estuary to provide a sufficient inventory for supplying the Doman Sawmill. Figure 2.2 shows the various areas presently leased to each company for log storage.

Due to the unpredictable influences that variations in the forest product market and weather can exert on timber cutting and log transportation operations, the amount of the estuary used for log storage fluctuates widely. The need to account for fluctuating log storage requirements has been an important factor in determining the amount of area to be used by each forest company for log storage.

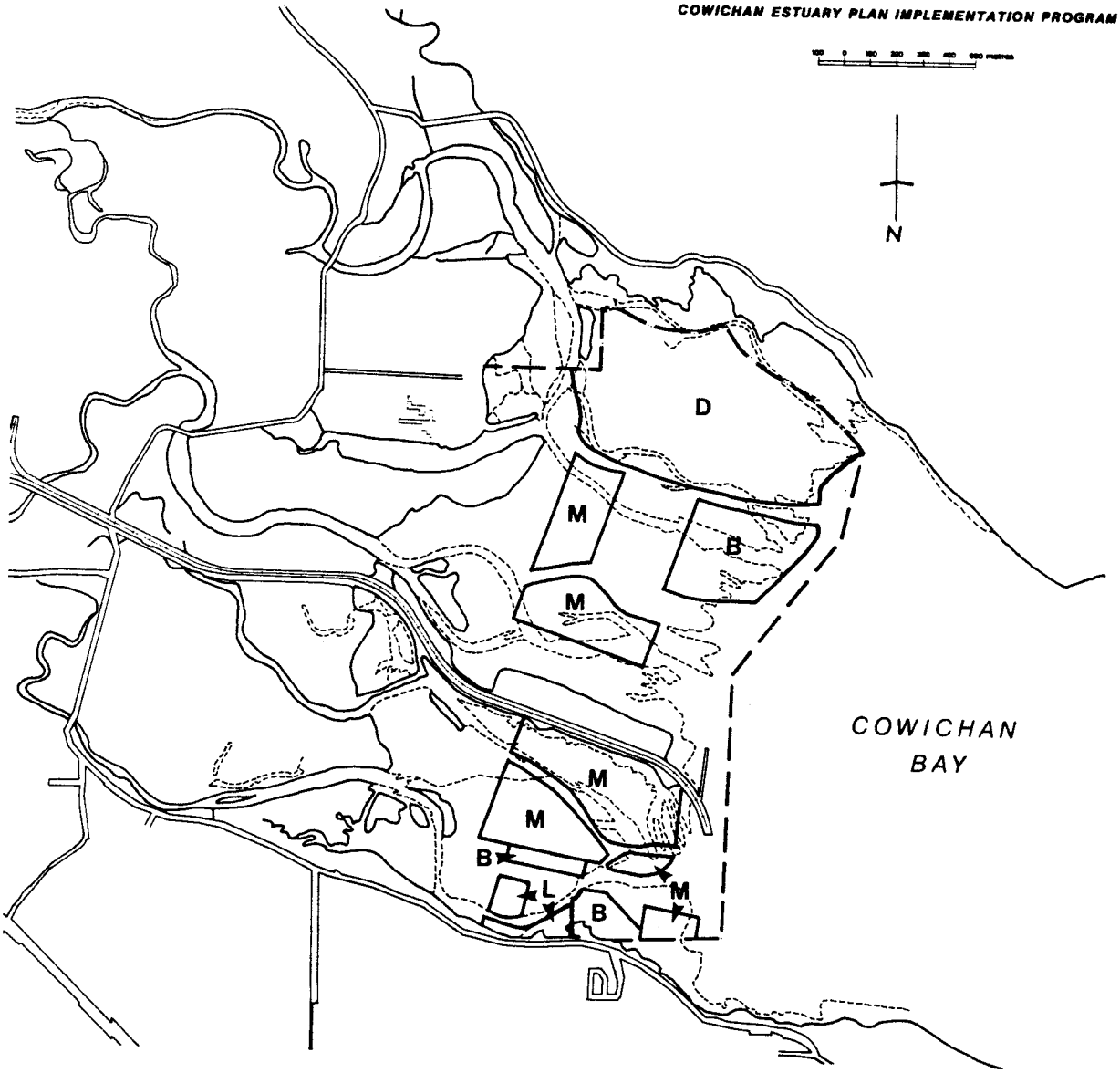
Another factor which relates to the need to use intertidal areas for storing logs concerns the damage to logs that can result from prolonged marine borer infestation. Storing logs which have become infested en route to Cowichan Bay in the intertidal area can reduce the rate of further damage by marine borers. Periodic exposure to air and significantly lower salinity occurring in intertidal areas reduces the feeding and reproductive rates of marine borers. Because the selling price of lumber showing damage by borers is substantially less than that of undamaged lumber, many forest companies are reluctant to give up intertidal log storage sites.

FOI 24.11 responsive records Page 97 of 227

FIGURE 2.2

Present Log Storage Leases

COWICHAN ESTUARY PLAN IMPLEMENTATION PROGRAM



Log Storage

D Doman

M MB

B BCFP

L L&K

Lot 160 Boundary

FOI 24.11 responsive records Page 98 of 227

When negotiations on reducing intertidal log storage commenced under the Cowichan Estuary Plan Implementation program, the forest companies were critical of the log management concepts presented in the Task Force report. Although each company had criticisms specific to its own circumstances, there were some faults in the log management concepts which all found in common. Each maintained that the amount of storage area allocated in the log management concepts would have been more realistic if the forest companies had been given the opportunity to participate directly in formulating the concepts. It was also felt that the areas assigned to each approximated the average needs of each company, but did not adequately take into account periods of peak storage caused by the weather and market variations mentioned previously. Another very significant concern related to questions the companies had about the severity of environmental impacts attributed to intertidal log storage and used to justify the scale of reduction in log storage called for in the Task Force report.

All of the above factors, especially the very basic issue relating to the environmental impacts of intertidal log storage, have had to be addressed in negotiating acceptable log management arrangements for the Cowichan Estuary. The approach taken by the Implementation Coordinator was to ask each forest company to produce its own figures for log storage requirements, based on peak storage needs rather than average needs. Using the companies' figures, the next step was to determine how much of the total storage required could be shifted from intertidal to deep water sites. The reasoning involved is that substantial reduction of intertidal log storage can be accomplished, while still providing sufficient storage area for each company's needs, by shifting a proportion of the overall log storage into suitable deep water sites. The difficulty with this approach has been finding suitable deep water sites, and especially, reaching agreement on what proportion of required storage area will remain located on the intertidal zone of the Cowichan Estuary. Finally, specific agreements have been reached with each company and are described in the following sections.

FOI 24.11 responsive records Page 99 of 227

2.1.1 British Columbia Forest Products

BCFP's main objection to the Task Force report was the proposed elimination of its in-transit log storage area on the north side of the estuary. This area of approximately 50 acres has been used by BCFP to store logs destined for the company's mills in the Lower Mainland and Victoria. Some of the logs stored there have been dumped and boomed in Cowichan Bay, while others have been towed from other log dumps to Cowichan Bay en route to one of BCFP's mills. This is why the term, in-transit, has been used to describe the storage area. Figure 2.2 shows BCFP's existing log storage lease areas.

The Task Force felt that in-transit storage should not occupy intertidal areas. Accordingly, the Task Force proposed that BCFP's intertidal log storage be restricted to the area surrounding its log dump on the south side, and to a small (5.8 ac.) area north of the causeway, as these were viewed by the Task Force as being vital to BCFP's continued operations in the estuary. However, BCFP also considered the in-transit storage to be vital to its overall operations and, with this in mind, together with the objectives presented in the Task Force report, BCFP suggested an alternative approach.

Even before the Task Force report had been released in 1980, BCFP recognized that reduction of log storage in the estuary would be required. To reduce the total area needed for storage, BCFP converted entirely to bundle boom dumping and storage, which requires about half as much area as the flat raft storage method for the same volume of logs. BCFP also shifted its in-transit storage area on the north side seaward and reduced it from 67.2 acres to 43.9 acres. They also cancelled an additional 15.7 acres of seldomly used log storage leases in the upper intertidal area on the south side of the estuary. All of these measures resulted in BCFP's log storage areas in the estuary being reduced from roughly 105 acres to 65 acres.

FOI 24.11 responsive records Page 100 of 227

Having already made the changes described, BCFP suggested that further reduction of its intertidal log storage area could be achieved, without eliminating its in-transit storage, by "flipping" the present storage area on the north side into deep water. This proposal entailed use of the existing row of dolphins as the new landward edge of the storage area with the deep water end secured by a system of can buoys and anchors.

BCFP's proposal was found to be acceptable. It has been agreed that BCFP will shift its in-transit storage into a 30 acre area of deep water immediately adjacent to its present storage area. The new log storage site is shown in Figure 2.3 which displays all of the new log storage areas that have been agreed upon through the Implementation Program.

As a result, BCFP's intertidal log storage area in the Cowichan Estuary will be reduced further by nearly 50 acres. As soon as a lease is issued for the portion of the storage area that would extend into Crown foreshore (by about 8 acres), BCFP will relocate its log booms to the new site. The company has indicated that it may not be able to make the necessary capital expenditures to fully utilize the new site immediately. Until then, BCFP intends to use only that area of the new site adjacent to the dolphins.

2.1.2 MacMillan Bloedel

Some of the assumptions used by the Task Force to derive the log storage reductions for M-B were challenged by the company. M-B felt that the effects of large market swings and the need for above average capacity during periods of peak demand had not been sufficiently recognized in the Task Force's recommendations. Rather than the 45 acres of intertidal storage recommended by the Task Force, M-B proposed to retain an area of 67 acres. M-B presently leases about 122 acres as shown in Figure 2.2.

FOI 24.11 responsive records Page 101 of 227

Another major point raised by the company was that reduction of log storage in the Cowichan Estuary should not be considered in isolation, as the effects of the reduction would be felt in other operating sites where there also has been pressure to reduce log storage. Consequently, M-B has been willing to negotiate reduction in Cowichan log storage only in context with its broader operational requirements.

Although it has seldomly used a 48.7 acre log storage lease on the north side of the causeway, M-B has wished to retain the area pending the outcome of log storage reduction negotiations at other M-B operations along the coast. As a hedge against possible future need for additional storage in the Cowichan Estuary to offset losses of storage areas elsewhere, M-B has been unwilling to relinquish the 48.7 acre area outright, without some compensating measures in return.

Several different approaches have been taken with M-B in the negotiations under the Implementation Program. At one point, attempts were made to link reduction of M-B's Cowichan log storage with settlement of log storage disputes M-B was having with government environmental agencies at Kelsey Bay, Buckley Bay and Namu Bay. This approach proved to be far too complicated to produce any reasonable progress. Consideration was also given to a scheme whereby M-B could use a number of temporary log dump sites along the northern coast of Galiano Island. However, further action on the scheme was suspended by the company.

Agreement eventually was reached with M-B under the Implementation Program for cancellation of their 48.7 acre lease on the north side of the estuary. Intertidal log storage for M-B will remain located within their present lease area of 67.4 acres on the south side of the estuary, of which a 10 acre strip along the landward edge of the lease will be set aside exclusively for barge access . A small (4.3 acres) boom storage area located in deep water at the southeast corner of the estuary will continue to be used by M-B as a storage site for log booms

imminently due for shipment elsewhere. As a result, M-B's intertidal log storage in the Cowichan Estuary will be reduced to 57.4 acres, as shown in Figure 2.3.

M-B's agreement to reduce its intertidal log storage has been contingent upon federal and provincial approval-in-principle of its proposed alternative haul road to Cowichan Bay. Of the 4.3 acres holding area just described, 2.1 acres occupy provincial Crown foreshore for which federal and provincial approval of the necessary lease also was a condition of M-B's agreement. At this time, M-B does not have any immediate plans to proceed with construction of the road, nor has a bridge yet been designed for the crossing of the Koksilah River. The location of the proposed haul road is indicated in Figure 2.3.

When submitted, final approval for the proposal will be subject to the bridge design and road construction plans meeting government environmental requirements. Concerns have been identified respecting possible impacts on the Koksilah River associated with bridge construction, complications to existing flooding problems, and the possible loss of two large maple trees. Nevertheless, it is expected that M-B could construct the road without significant environmental impact using appropriate precautions.

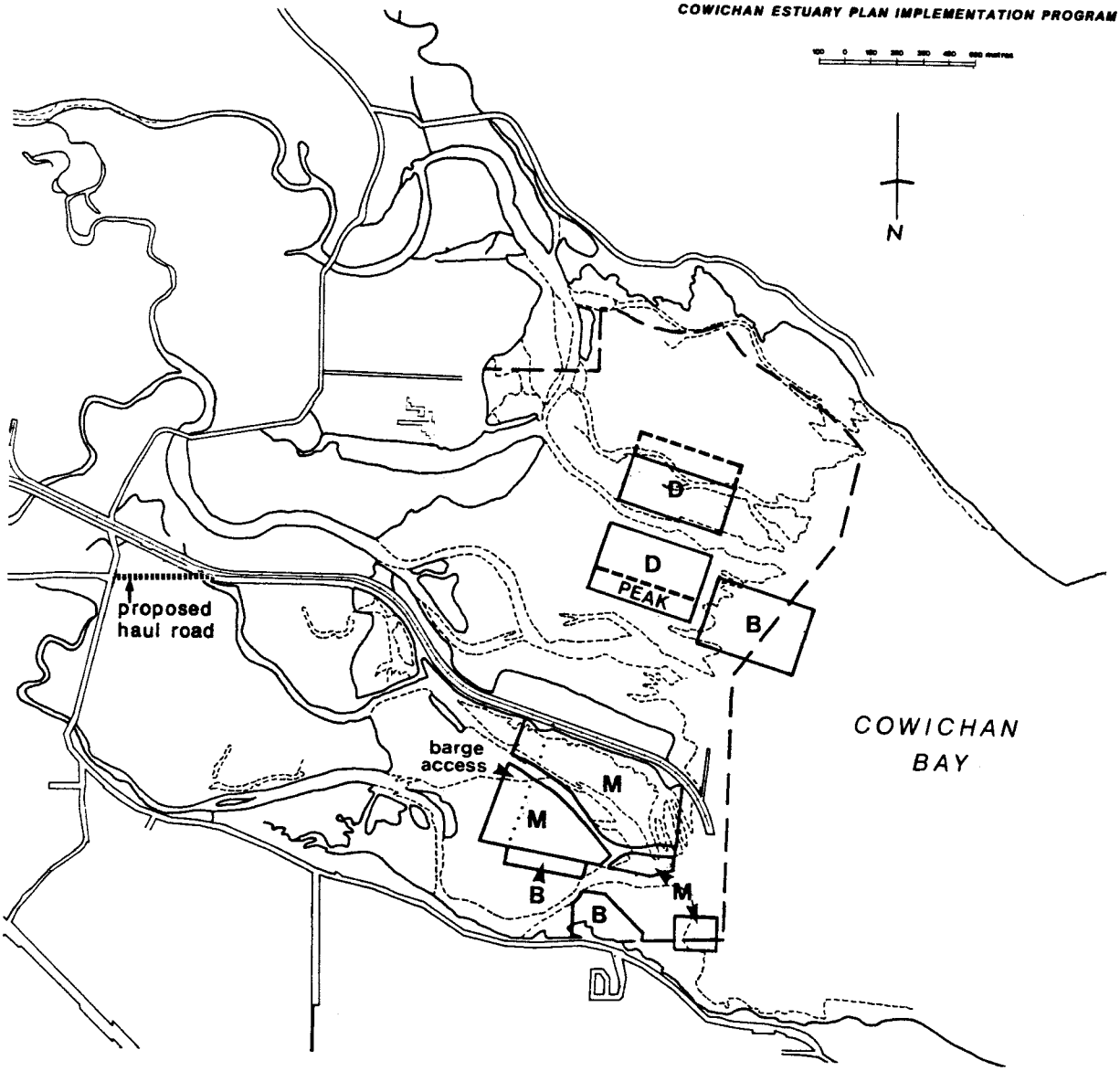
2.1.3 Doman Industries

Doman has been the focus of most of the controversy concerning log storage in the Cowichan Estuary. As the most recent industrial user to locate in the estuary, the attention of the local public concerned over the issue of industrial use in the estuary has been directed at Doman much more than at M-B or BCFP. However, the most significant factor

FIGURE 2.3

New Log Storage Leases

COWICHAN ESTUARY PLAN IMPLEMENTATION PROGRAM



Log Storage

D Doman

M MB

B BCFP

Potential Expansion

Lot 160 Boundary

FOI 24.11 responsive records Page 104 of 227

contributing to Doman's apparent notoriety locally has been the company's continuous defiance of what it feels have been onerous and unworkable government requirements to confine its log storage to the 20 acres stipulated when government approval was given in 1975 for the sawmill to operate in the Cowichan Estuary. Consequently, the conflict over log storage in the estuary has become as much an issue of how much retribution Doman deserves for such past actions as how much Doman's log storage should be limited for environmental protection reasons. Together with governments' seeming reluctance to answer the call for swift and full enforcement of the original 20-acre log storage restriction for Doman, this has deeply disturbed and frustrated the Cowichan Estuary Preservation Society, a well-organized public group which apparently represents a significant number of likewise concerned citizens.

The four Log Management Concepts presented in the Task Force report differ primarily in relation to proposed modifications to Doman's existing operations. Concepts 2, 3 and 4 all called for a limit of 20 acres of intertidal log storage supplemented with 15 acres of dryland log storage at the mill site. As this arrangement essentially matches the original government restrictions on Doman's log storage set forth in 1975, the Task Force's log management analysis and recommendations served to reinforce the initial government decision on the opening of Doman's sawmill in the estuary.

The federal Minister of Fisheries and Oceans and the provincial Minister of Environment announced their approval-in-principle of the Task Force's proposed land use plan and endorsed pursuing negotiations to implement Log Management Concept 2. Accordingly, negotiations under the Implementation Program started by aiming to achieve the objective of limiting intertidal log storage for the Doman sawmill to 20 acres.

Doman discounted Concept 4 as being economically and operationally impractical, and also had problems accepting Concept 2. The Company felt that its own projected cost of $2.3 million for installing dryland

storage could not be afforded due to the recession in the forest industry. Moreover, even if dryland storage could be installed, Doman found 20 acres of intertidal storage to be unacceptable in view of its operational needs for sufficient storage to protect a portion of its log inventory that may be unmarketable for extended periods of time. There are numerous and complicated variables which can affect log supply for the Doman sawmill. Rather than attempting to convince Doman that the log storage figures and operational methods proposed for its mill by the Task Force were more sound than its own, the Implementation Coordinator suggested any log storage additional to 20 acres be located in deep water.

Together with an explanation of its log storage requirements, Doman submitted a proposal for reducing intertidal log storage based on use of deep water storage sites. The proposal was phased to allow for the advent of dryland storage, once sufficient financial resources become available to the company. As the first phase, Doman proposed 50 acres of intertidal storage, which included an allowance of 10 acres for peak storage periods, with the additionally required 85 acres to be located in deep water. Upon installing dryland storage, which would eliminate the need for 30 acres of "wet" storage, Doman proposed to reduce intertidal storage to 40 acres and deep water storage to 65 acres. The reason given by the company for not reducing intertidal storage to 20 acres was that such a limit would not provide sufficient flexibility either against large or sudden swings in market demand for certain kinds of lumber or for protection against marine borers under conditions requiring abnormally prolonged storage of certain logs.

At this point in the negotiations, a two-day Open House was held at the local community centre to invite public comment and suggestions on the proposals received from Doman, MB and BCFP. A full spectrum of opinion was expressed, ranging from the desire for all industry to be phased out of the estuary to calls for more industry to create more

FOI 24.11 responsive records Page 106 of 227

jobs. Along with the Cowichan Estuary Preservation Society, some individuals felt that any arrangement short of enforcing the original 20-acre log storage limit for Doman would be unacceptable. The majority favoured some level of reduction in log storage on the estuary from the current situation.

However, there was unanimous opposition to the proposal that the 120 acres of deep water storage needed for both Doman and BCFP be located in the immediate vicinity of Cowichan Bay. The opposition was based on the adverse effect people perceived the proposed sites would have on present and future recreation and tourism in the Bay, although some were also opposed on environmental grounds. Considerable opposition to dryland storage at the Doman mill site also was expressed by some Cowichan Bay residents who are already disturbed by the existing noise levels generated by industrial activity in the estuary.

As a result of the Open House and public opinion received prior to it and since, it became clear that any reductions of intertidal log storage through relocation into deep water would require a location outside of Cowichan Bay. Likewise, relying on the eventual use of dryland log storage by Doman to offset present intertidal log storage needs appeared to pose more problems than solutions.

It was several months before a deep water log storage site acceptable to Doman could be found outside of Cowichan Bay and within reasonable towing distance. Doman has been pursuing acquisition of the site independently. In the meantime, certain improvements to its mill operations have been undertaken by Doman.

The contribution to the erosion of Mariners Island caused by the towing of log booms into the mill pond has concerned the Cowichan Estuary Preservation Society (CEPS) for some time. Mariners Island is situated on the south side of the mill pond. It is provincial Crown land accessible only by water as there is private property landward of

FOI 24.11 responsive records Page 107 of 227

the island. Piling was installed around the tip of the island as well as along the south side of the mill pond and for a distance along the access channel approaching the mill pond entrance. The piling has since served to prevent log booms from grounding on the island or scraping against the tip of the island as they are towed into the mill. It also has made it easier for tow boats to navigate up the access channel during adverse conditions.

Early in the Implementation Program, Doman dedicated to the Ministry of Environment 17 acres of intertidal marsh the company owned seaward of the mill site and the adjacent farm. Through this dedication, Doman demonstrated to all concerned that there were not any plans or intentions to develop the dedicated lands for industrial purposes.

The farm immediately north of the sawmill is also owned by Doman and for the past several years has been operated as a dairy farm by A. Blackley on a lease from Doman. The seaward end of the farm is poorly drained and often has been subject to salt water intrusion. Although in its present state this area of the farm has some agricultural capability, it does offer considerable potential for developing intertidal habitat. Consequently, negotiations were undertaken with both Doman and the farmer on possible options for also acquiring portions of the farm for habitat management purposes. Acknowledging the potential habitat values, and to fulfill a 1975 commitment to replace marsh area used for constructing the sawmill, Doman offered to dedicate approximately 7 acres of the farm.

Habitat capability analyses conducted by the Ministry of Environment in cooperation with associated organizations indicated that the acquisition of approximately 25 acres of the lower portion of farm offered the highest potential for developing and managing habitat. However, as the habitat development potential is based on breaching the existing seaward dyke to allow for the influx of tidal water, flood protection to the remainder of the farm has been included in the proposal.

FOI 24.11 responsive records Page 108 of 227

The existing dyking system around the farm is in poor condition and along the seaward end has been breached by winter storms for the last few years. The dyke along the north edge of the property providing protection from river flooding also is susceptable to failure unless extensive restorative work is undertaken. Ministry of Environment engineers identified a possible new dyke alignment which would afford a high standard of flood protection to the farm on all sides while still allowing for approximately 23 acres to be available for habitat management.

Doman eventually agreed to dedicate a total of 23 acres of the farm to the Ministry of Environment provided the costs of the dyke protection and other necessary surveys and works are borne by the Province. The two key habitat agencies involved, Ministry of Environment and Fisheries and Oceans Canada, have supported the negotiations with Doman to acquire the land and anticipate many worthwhile benefits to result from the estimated $200,000 cost of dyke protection.

The proposed dyke is consistent with the overall flood control plans for the Cowichan River. In order to maintain the farm as a viable unit, it is probable that similar flood protection would have to be undertaken in the future. Moreover, the creation of about 23 acres more intertidal marsh habitat for fish and wildlife can offset much of the damage to the intertidal mudflat area which will continue to be used for log storage by Doman. This and other habitat management projects also can offset some of the past loss of estuarine habitat from development in the estuary.

The land dedication and the location of deep water storage outside of Cowichan Bay have been instrumental in leading to agreement between the involved federal and provincial government agencies and Doman on a final arrangement for that company's log storage and continued operation in the Cowichan Estuary. The arrangement that has been accepted is for

FOI 24.11 responsive records Page 109 of 227

40 acres of intertidal log storage, with an additional 10 acres to be set aside for periodic use during peak log storage conditions. The log storage areas will be located on both sides of the existing access channel to the Doman sawmill as shown in Figure 2.3.

It has also been agreed that, in the event Doman installs new facilities at the mill site to increase the capacity of the sawmill above the present 595,000 cubic meters of wood per year, there will be a proportional increase in intertidal log storage by a maximum of 10 acres. This accounts for unforeseen factors that may come into play in the future, and also establishes an upper limit of 60 acres intertidal log storage for the Doman sawmill. However, the above acreages do not account for the installation of dryland log storage at the mill site. If Doman installs dryland storage facilities, its intertidal log storage will be reduced by 10 acres and its deep water storage will be reduced by 20 acres.

For the time being, Doman's log storage in the estuary will be limited to 50 acres, which includes the 10 acres reserved for peak log storage. This change is to be brought into affect by the company by the end of 1984. It remains to be seen whether the company will take the necessary measures to increase the sawmill's lumber production capacity. As mentioned previously, the high capital costs of installing dryland storage, combined with the anticipated opposition to the attendant noise impacts that can be expected from other local property owners, may forestall indefinitely such a modification to the sawmill's operations.

Doman has indicated that installation of a bundle-lift may be proposed to improve the flow of logs into the sawmill from the mill pond. A small lumber loading dock was recently constructed within the mill pond to permit the periodic shipment of lumber by barge directly from the sawmill to the Lower Mainland. However, Doman maintains there are no longer any plans to undertake the scale of expansion of its industrial facilities in the Cowichan Estuary that at one time had been

FOI 24.11 responsive records Page 110 of 227

considered, such as developing a pulp mill. Any structural improvements to the present sawmill will be situated within the present sawmill site.

Maintaining the existing access channel is a particular aspect of Doman's operation requiring further attention by the company. Doman has agreed to maintain access via the channel based on tidal aid. However, shoaling is presently occurring on the opposite side of the tip of Mariners Island making the entrance to the mill pond rather narrow. The upstream orientation of the Cowichan River points directly at the tip of the island. As flow shifts at nearly right angles away from the island toward deep water at that point, the deposition of sediments carried by the river's flow occurs along the inside curve of the bend in the channel.

This pattern can be expected to continue as long as the channel remains in its present position. For this reason, spot excavation of material from the shoaling area might produce only short-term widening and deepening of the access channel at the entrance to the mill pond. It has been recommended to Doman that it consult a hydraulic engineering firm to examine various methods by which continued use of the existing access channel by tidal aid can best be ensured over the long term.

2.1.4 L&K Lumber

The L&K site, shown in Figure 2.2, has seldomly been used by the company. However, small contract logging firms and independent loggers have used the site periodically for dumping and storing logs. Available log dump sites which are not controlled by the major forest companies are very scarce in the region.

Last year, Inland Log Brokerage Ltd. proposed to develop the site as a dryland sorting area and log dump, which could partly satisfy the local demand for a site accessible to independent operators. The proposal was later withdrawn. The site itself is a poor location for

FOI 24.11 responsive records Page 111 of 227

such a facility. Its proximity to one of the Koksilah River channels and the limited periods when there would be deep enough water are examples of some of the operational and environmental constraints associated with the site. However, the demand for such facilities and the need to identify acceptable sites still remains.

Agreement between CNR and L&K to cancel the lease for the site has been reached. Future use of the area for industrial purposes should not be considered, as major modifications to the site would likely be necessary. The Cowichan Valley Regional District (CVRD) has indicated that the site could possibly be used as a road-side stopping area for visitors to Cowichan Bay. Other proposals for use of the site for purposes other than log storage might also be presented in the future. In the meantime, with the cancellation of the L&K log storage lease, 13.5 acres less of intertidal area are being used for log storage.

2.1.5 Falt Towing

Falt Towing provides towing services to Doman as well as to other clients. In conjunction with its towing business, Falt operates a small log sorting and storage area (6.0 acres) on a sublease from Westcan Terminals. The site is located immediately north of the existing terminal area. Falt periodically provides specialty log sorting services to Doman and other forest companies.

As long as activity is confined to the 6.0 acres area, continued use of the area for sorting and storing logs is considered to be acceptable. However, as discussed in the following section, any future expansion of the present terminal area may preclude the continuation of the Falt log storage area.

FOI 24.11 responsive records Page 112 of 227

Summary

Negotiations under the Implementation Program have achieved a substantial reduction in log storage on the Cowichan Estuary. While it has not been possible to obtain agreements on implementing the log management concepts recommended by the Task Force, the agreements that have been reached come very close to the objectives set by the Task Force. Table 2.1 provides a comparison of the reductions from present log storage acreages called for by the Task Force with those achieved under the Implementation Program. The negotiated agreements will result in the amount of intertidal area in the estuary occupied for log storage being reduced from 49% to 19%. This does not include the 23 acres of habitat to be created from the land dedicated by Doman. This amounts to a 61% reduction in available log storage area on the estuary, as compared with the 68% reduction that would have resulted had it been possible to implement the Task Force's Concept 2.

There is one element of the negotiations which has only been alluded to thus far, but has been central to the issue concerning use of the estuary for log storage. There still remains a significant question relating to the degree or severity of adverse impacts on estuarine resources that can be attributed to log storage on the Cowichan Estuary. Research has shown that log storage does physically damage estuarine habitat. Areas where logs have compacted sediment or smothered vegetation can be easily observed. However, the severity of the consequences resulting from such damage depends upon specific circumstances.

There is the question of whether the reduction of certain invertebrate prey species that might otherwise dwell in areas undisturbed by log storage will significantly impair the likelihood and ability of juvenile fish to rear and develop in the estuary. This can depend on the availability of other prey species upon which these fish may also feed and which drift around the estuary with the tide or river flows. These alternative feed sources are not affected adversely by log storage. Similarly, the problems that can result from the accumulation of wood fibre and debris are far less significant in areas well-flushed

FOI 24.11 responsive records Page 113 of 227

TABLE 2.1
COWICHAN ESTUARY - INTERTIDAL LOG STORAGE LEASES[1]

LESSEE	PRESENT	AGREEMENTS	TASK FORCE CONCEPT 2
Doman Industries	128.0 acres (north of causeway)	50.0 acres[2] (80.0 in deep water) (23 acres of intertidal to be created)[3]	20.0 acres (15 acres dryland storage)
B.C. Forest Products	16.3 (11.7 + 4.6) (south side) 49.7 (43.9 + 5.8) (north side)	16.3 0 (30.0 in deep water)	22.1
MacMillan-Bloedel	73.0 (67.4 + 5.6) (south side) 48.7 (north side)	57.4 0	44.6
L&K Lumber	13.5 (south side)	0	13.5
Falt Towing (sublet by Westcan)	6.0	6.0	6.0
TOTALS	335.2	129.7 (61% reduction)	106.2 (68% reduction)
% Intertidal Occupied	49%	19%[3]	16%

[1] Total acreage <u>available</u> by lease; not always in use.

[2] 40 acres plus 10 acres of periodic peak storage. May increase to a maximum of 60 acres if company increases mill capacity.

[3] Intertidal area of estuary estimated at 685 acres. To obtain % occupied after agreements, 129.7 is divided by 708 (685 + 23) = 18%.

FOI 24.11 responsive records Page 114 of 227

by river or tidal currents than in areas where water circulation is low or infrequent.

Information relating to the above factors affecting estuarine ecology which is presently available for the Cowichan Estuary provides cause for concern but cannot be considered to be conclusive. More particularly, a definitive answer as to how much loss in fish production in the estuary can be directly attributed to each acre of log storage does not exist and is extremely difficult, if not impossible to provide. One cannot yet prove, for example, that 40 acres of log storage would cause unacceptable loss of fish productivity and that 20 acres would not. In the absence of an irrefutable technical solution to uncertainties relating to the environmental impacts of log storage in the Cowichan Estuary, careful and reasoned judgment has been called for in determining continued and future land use of the estuary.

The Cowichan Estuary Task Force recommended a precautionary approach in presenting its proposals for use of the estuary. Industry and landowners of the estuary have now indicated their preferences in light of the Task Force's objectives, as have members of the public. There being both common ground and disagreement among all of these views on use of the estuary, the only positive approach to reaching a lasting solution which most people can generally accept has been through cooperation, flexibility and negotiation. The log storage agreements achieved through negotiations under the Implementation Program have produced an acceptable blend of measures that ensure sufficient conservation of the estuary's environmental resources as well as the continued viability of economic activities occurring in the estuary.

Certainly there has been cause in the past to doubt the level of commitment on the part of industry and government alike to resolving the conflict over use of the estuary, or even a willingness to try resolving the conflict; if the amount of time it has taken is any measure. Therefore, it may be natural for some people to wonder how long those in government and industry will remain committed to the agreements reached under the Implementation Program. The fact that steps to resolve past conflicts have been negotiated and mutually derived, rather than

FOI 24.11 responsive records Page 115 of 227

imposed, should do much to ensure continued commitment. The fact that the objectives and needs of both sides of the past dispute have been accommodated with reasonable satisfaction also should help.

However, to more tangibly demonstrate the commitment each party in the negotiations holds with respect to the resulting arrangements, written and formal agreements between each of the major forest companies, and the Ministry of Environment, and the Department of Fisheries and Oceans Canada have been prepared and duly executed. These are essentially agreements in perpetuity specifying the modifications to each company's operations in the estuary and fortifying each party's commitment to abide by the arrangements negotiated.

2.2 PORT INDUSTRIAL

Canadian National Railway (CNR) holds ownership of Lot 160, which contains approximately 731 acres and comprises nearly all of the Cowichan Estuary. CNR's main interest in the land since receiving Lot 160 by Crown grant has been its use for port activity relating to its railway line. The existing facility operated by Western Terminals is dedicated to serving the forest industry. CNR has also leased much of Lot 160 to forest companies for log storage.

CNR has indicated willingness to deal with the lessees with a view to cancelling or reducing the size of the various log storage leases, in keeping with reasonable consideration of environmental concerns. However, for whatever modification is being considered, CNR has sought assurances that the changes proposed have been mutually agreed upon by the companies and government agencies involved.

With a view to the long term, CNR believes that eventually there may be an increased demand for forest product shipping facilities in Cowichan Bay sufficient to warrant expansion of both the present dock

FOI 24.11 responsive records Page 116 of 227

and back-up land. CNR indicated to the Task Force that up to 250 acres of the estuary would be reserved for possible port-related development in the future. For the Implementation Program, CNR has more specifically indicated the area which might be required for port expansion. Figure 2.4 shows the present port facility and a possible expansion area of approximately 175 acres. Not all of this area would necessarily be filled for additional back-up land as some would be required to provide expanded berthing and ship loading facilities. It also is conceivable that the increased demand required to stimulate expansion of the Cowichan Bay port facilities may not occur for many years, if at all.

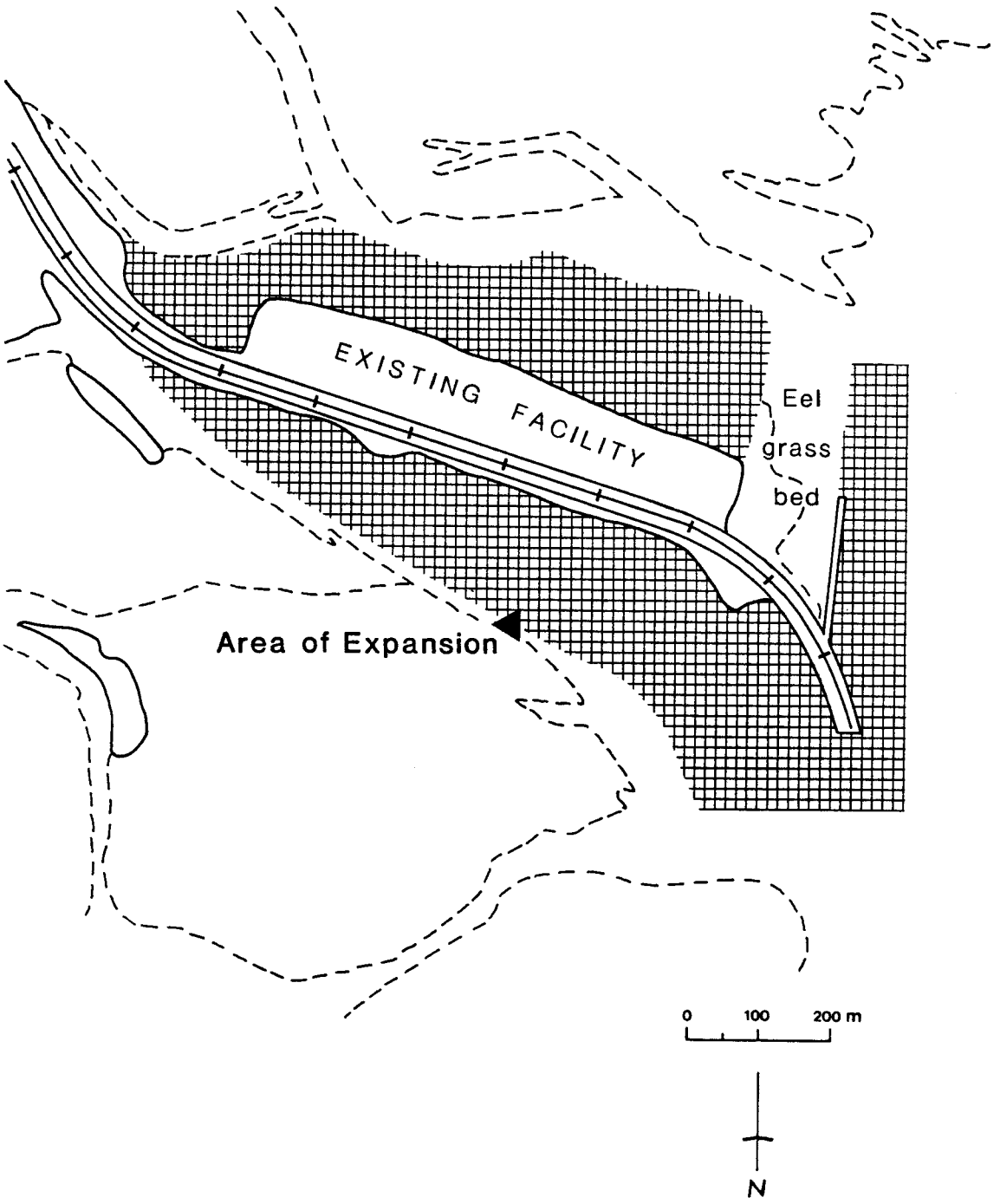
If expansion of the present port facilities is required, CNR expects that the construction of expanded facilities can proceed in such a way as to avoid substantial loss of the estuary's environmental resource values. CNR anticipates that through the guidance of government environmental agencies, the expanded port could be designed and construction scheduled so as to minimize environmental impacts, as well as offset some of the residual habitat losses resulting from expansion of the port area. As an example, CNR has pointed to the growth of eelgrass which has occurred immediately between the present back-up land and the northern end of the ship berthing dock. The absence of disturbance to the area has resulted in the site becoming the best area of eelgrass growth in the estuary at present.

CNR has sought approval by the responsible government agencies of their plans to proceed with port expansion when needed, subject to CNR meeting appropriate environmental requirements. In return, CNR has offered to set aside the remaining area of Lot 160 not leased for industrial purposes to support conservation of fish and wildlife habitat and compatible recreation. Although this would mean that initially CNR would not lease out the vacant portions of Lot 160, the company is willing to consider requests for leasing or providing other forms of tenure to habitat agencies or organizations having specific habitat management plans. For example, this could be in recognition of the need for sufficiently secure tenure in situations where the allocation of efforts and funding to undertake habitat enhancement projects is proposed.

FOI 24.11 responsive records Page 117 of 227

FIGURE 2.4

Potential Port Expansion



FOI 24.11 responsive records Page 118 of 227

Being the most directly involved major landowner in the estuary, CNR's agreement to modify existing industrial leases and its acceptance of the land use arrangements negotiated under the Implementation Program have been essential. Accordingly, a written agreement between CNR, the Ministry of Environment and Fisheries and Oceans Canada also has been prepared. The agreement signifies each party's acceptance of the present plans for use of the estuary, as well as commitment to continued cooperation in reaching decisions relating to possible changes in the future that cannot be foreseen at this time.

2.3 AGRICULTURE

Large tracts of the former floodplain and intertidal zone of the Cowichan Estuary have been dyked, drained and cultivated for agriculture. In the area seaward of Tzouhalem Road (Figure 2.1), agricultural activity has been primarily associated with beef and dairy cattle production. There also has been a small amount of mixed fruit and vegetable production.

Although there is potential for more intensive agricultural use of these areas, agricultural activity in this part of Cowichan Bay has declined in recent years. The soils and climate in the area are well suited for agriculture. Sufficient drainage and flood protection are the most significant factors affecting the viability of agriculture in Cowichan Bay, apart from the economic factors relating to production and marketing.

One of the most immediate threats to the existing farms is the hazard of river flooding and salt water inundation. While some of the flood hazard can be attributed to the overall flood control problems upstream of the Cowichan Bay farms, the dykes surrounding the farms are quite old and substandard in many locations along their length. Unless extensive upgrading and improved maintenance of much of the existing

FOI 24.11 responsive records Page 119 of 227

dyking system at these farms is undertaken, the dykes will remain prone to failure in several spots and the farms will continue to be susceptible to periodic flood damage. These natural hazards will always exist for buildings and structures situated in such close proximity to the ocean and in the lower floodplain of a river.

Presently completed and future flood control projects sponsored largely by government flood protection agencies will do much to alleviate and possibly eliminate part of the present river flooding problems faced by the farms in Cowichan Bay. These projects are discussed in more detail in Section 4. Generally, however, each farmer owns and is directly responsible for maintaining their dykes in order to provide sufficient flood protection.

Unfortunately, there recently have been breaches of seaward dykes at two of the major Cowichan Bay farms: the large Dinsdale farm to the south and the Doman farm north of the sawmill operated by A. Blackley. In both cases, dyke failure has occurred during severe winter storms at high tide and considerable damage from salt water inundation has resulted.

The portion of the Dinsdale farm affected was for sale at the time and still is. Non-government habitat management organizations at one time expressed interest in acquiring the acreage (43.5 acres) for sale for possible habitat creation projects in the future. However, the present purchase price exceeds the range to which such organizations have restricted themselves in acquiring properties elsewhere for habitat purposes. Although this prospect might be given further consideration, apart from the remnant drainage channel, most of the acreage for sale has good agricultural capability. However, upgrading the existing seaward dyke, particularly at the site where the recent breach was repaired, would have to be undertaken first.

In the case of the Doman/Blackley farm, the seaward portion which received most of the salt water damage from recent dyke failures has been dedicated as a habitat area by Doman. With construction of the new

dyke along the landward edge of the dedicated land, the hazard of either river or tidal flooding to the remaining portion of the farm will be greatly reduced. The land dedication by Doman, being an integral part of the negotiations relating to log storage, has led to the additional benefit of improved flood protection for the remainder of the farm in the process of allowing for creation of more intertidal habitat in the estuary.

Continued and intensified use of existing farms in the Cowichan Bay area would be desirable. In addition to the two farms just discussed, limited agricultural activity continues on land owned by the Hagar's and by Rooke and Rodenbush, as well as on adjacent land within the Cowichan Indian Reserve.

The Rooke and Rodenbush property at one point was a proposed site for a shake and shingle mill but in 1982 was offered for sale. There has been some interest in acquiring the property for habitat purposes, as much of the property is outside the dyking system. However, purchase price also has been an obstacle. Although there might be further consideration given to acquiring some of the present agricultural areas for habitat purposes, it would appear that the majority of these areas can and probably should remain dedicated to agriculture.

2.4 COMMERCIAL

The south side of Cowichan Bay is the focal point for most commercial activity in the area. The major form of commercial activity is associated with either marina and fishing related services or tourist accommodation and hospitality services. A number of residences constructed on piling also form part of the village area of Cowichan Bay. It is anticipated that much of the effort to enhance tourism and expand private or public recreational opportunities in Cowichan Bay will be targeted in the Village area to supplement the charm that already exists there.

FOI 24.11 responsive records Page 121 of 227

3.0 HABITAT MANAGEMENT

Through removal of habitat or by direct and indirect damage to habitat, each of the various land use activities described in the preceeding section have, to some degree, diminished the original potential and capacity of the estuary to produce or support the various species of fish and wildlife that rely on the existence of quality estuarine habitat at some point in their respective life histories. Being one of the largest estuaries on the British Columbia coast, it has been postulated that there may have been and still could be excess capacity for biological productivity in the estuary. Much more related research would be needed to prove or refute this. Habitat management agencies, in the face of such doubt, often feel it is prudent to err in favour of conserving environmental resources as much as possible.

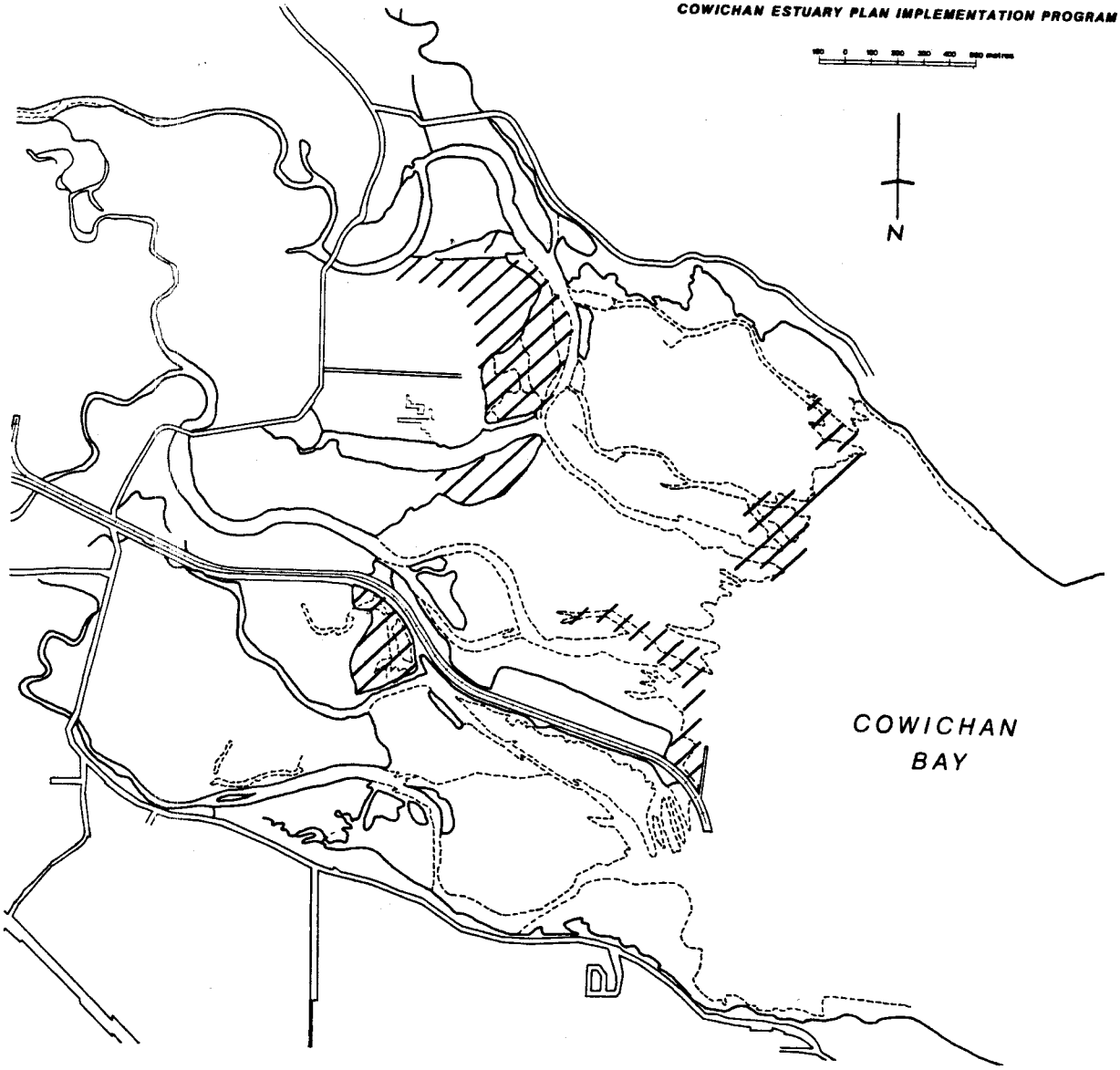
Modifications to some of the present activities which have been negotiated through the Implementation program, particularly for forest industrial activities, will reduce substantially the amount of previously damaged habitat in the area. Monitoring of the rehabilitation of the disturbed areas and continued research to improve present understanding of the functional relationships between estuarine habitat and certain fish and wildlife species should permit greater certainty in dealing with future land use decisions in the Cowichan Estuary, as well as in other coastal areas. Also, significant potential exists for offsetting some of the past and possible future losses in the estuary's overall biological productivity through habitat enhancement programs. Present habitat management proposals as well as some options for future proposals are discussed in this section and are identified in Figure 3.1.

FOI 24.11 responsive records Page 122 of 227

FIGURE 3.1

Habitat Management Proposals

COWICHAN ESTUARY PLAN IMPLEMENTATION PROGRAM



Habitat Management

FOI 24.11 responsive records Page 123 of 227

3.1 DOMAN DEDICATED LAND

Initial habitat enhancement and management efforts will be focussed on approximately 23 acres of land dedicated from the Doman/Blackley farm. As previously mentioned, the basis of habitat management effort at this site will be controlled inundation of the acquired area by both fresh and saline water once dyke protection for the remainder of the farm has been completed. This could be accomplished by creating breaches in the old dykes at selected points and installing a series of removable weirs at each breach to permit manipulation of fresh water and tidal flows into the area to achieve desired levels of inundation and salinity. Combining this with a network of channels and ponds should promote the development of highly productive habitat for both waterfowl and fish.

It is expected that by increasing water levels and decreasing salinity, growth of marsh vegetation valued as feed for waterfowl (eg. Carex, Scirpus, Ruppia) will be enhanced while less desirable vegetation (eg. Distichylis) will be reduced. Channels to the marine environment will be constructed to increase tidal inundation and provide access to the site for juvenile or small fish. Ponds will be excavated to provide refuge and feeding area for both fish and waterfowl. High ground or mounded areas also will be provided for resting, wintering waterfowl.

These modifications and other habitat enhancement options which may yet be identified for the site have been devised by habitat management personnel in federal and provincial government agencies in cooperation with non-government habitat organizations. In addition to exchanging technical expertise in designing and implementing desired habitat improvements, cost-sharing possibilities have been under consideration by the involved agencies and organizations. Therefore, it can be expected that transformation of the land dedicated by Doman would follow soon after completion of the landward flood protection dyke.

FOI 24.11 responsive records Page 124 of 227

Baseline vegetation studies have been completed which will enable monitoring of the changes resulting from the proposed modifications to the site. A spring bird count also has been completed to permit determination of any increases in waterfowl and other migratory waterfowl use. Wintering bird counts remain to be done. Also a literature search of available research conducted in British Columbia and Washington State will be completed in order to decide on the depths and configurations to be used in constructing the channels and ponds for the site. Once these have been constructed, a program to monitor fish utilization of the new channels and ponds will be undertaken.

In planning the habitat enhancement program for the site, consideration also will be given to allowing for limited access for agricultural purposes. Some of the landward portions of the dedicated land is relatively high ground in close proximity to the new dyke. Certain vegetation suitable for grazing cattle might be cultivated at such spots as shared use of such areas for cattle and waterfowl feeding has been possible elsewhere. This scheme could be adapted at this site providing appropriate measures for containing the movement of cattle is included. Consideration also has been given to relocating some of the soil to be removed for channel and pond excavation to the remaining farm area in order that it can be used to fill in some of the low lying spots in that portion of the farm.

A decision on possible modifications to the existing marsh area outside the present dykes which was dedicated by Doman will probably await completion of the work on the dedicated farm area. The results of fish and bird utilization monitoring and the availability of necessary funding will be important factors in reaching such decisions.

3.2 MARINERS ISLAND

Mariners Island is a small island of public land surrounded by private land. As such, it is only accessible by boat. In order to gain

FOI 24.11 responsive records Page 125 of 227

access from Tzouhalem Road, it is necessary to get permission to cross land in the Cowichan Indian Reserve or land belonging to Doman and also land owned by Rooke and Rodenbush and by CNR. Although some interest has been expressed for developing Mariners Island as a public wildlife viewing area, there are obvious obstacles to such a proposition.

Measures taken by Doman to protect the side of the island abutting on the mill pond and the tip of the island from activities related to operating the sawmill have been described previously. The gradual accumulation of logs along the higher limits of tide on the island has affected the quality of intertidal marsh habitat existing there. Some of the older drift logs have settled into their own depressions in the marsh and can be used by birds for nesting. Others still float and compact or smother marsh vegetation when they come aground. The accumulation of drift logs has become large enough to consider measures for removing all but those that should remain as bird nesting habitat.

Previous log salvage proposals by various firms to recover merchantible logs washed up on the island following storms have been confounded with the problems of removing the wanted logs without causing more damage to the marsh areas than would result by having the logs there and by arranging for acceptable access. Also, either out of concern over possible habitat damage or the desire for all logs to be removed rather than just the merchantible logs, strong local public opposition has been expressed over previous log salvage proposals. Consequently, the proposals have been abandoned.

Further consideration will be given to the habitat management benefits of removing most of the logs accumulated on Mariners Island and to how this might best be achieved. However, it is expected that this will not receive high priority in comparison to other habitat management options for the estuary. For the time being, Doman's commitment to maintain piling protecting the island from log movement and storage for the sawmill has been arranged through the negotiations under the

FOI 24.11 responsive records Page 126 of 227

Implementation Program. Opportunities remain for proposals that may be presented in the future which could serve to enhance the habitat values of Mariners Island.

3.3 CN MARSH

There are approximately 18.5 acres of marsh situated along the southerly bend in the causeway to the Westcan terminal area and contiguous with a portion of the Dinsdale farm. For lack of a better name, the site which is part of Lot 160 has been referred to as the "CN Marsh".

Until recently, the marsh was separated from the intertidal portion of the estuary by a gravel berm dyke. It is believed the dyke was constructed around 1968, but by whom is unknown. During the intervening years, the area developed vegetation characteristic of fresh water marsh habitat and has been used by waterfowl when the water surface is not frozen. In its report, the Cowichan Estuary Task Force recommended that the gravel dyke separating the marsh from the rest of the estuary be breached to restore tidal influx of brackish water and access to marsh by fish. In December, 1982, during a strong winter storm at high tide, wave action produced a large breach in the dyke.

Unfortunately, the desired results of the dyke failure for habitat enhancement also led to dyke failure at one point along the old Dinsdale farm dyke. The resulting inundation of brackish water produced considerable damage to the feed crop and soil in that portion of the Dinsdale farm, as mentioned previously in section 2.3. The Dinsdales requested government assistance to restore the seaward dyke that had previously protected their farm dyke from high tides and wave action. Under the circumstances, there is not any individual or organization responsible for replacing the gravel berm dyke. Replacement of that dyke would also conflict with the habitat management objectives that recently had been met as a result of its failure.

FOI 24.11 responsive records Page 127 of 227

Being owner of a narrow strip of land along the seaward side of the Dinsdale farm dyke, MacMillan Bloedel offered its assistance by providing temporary repairs to the breach in the Dinsdale dyke. The repair work is not considered to be adequate to provide long term protection from further leaks at high tide. It appears that some salt water seepage is still occuring, but it is unknown if this is a pervasive problem along the entire length of the farm dyke or is confined to the repaired section.

Efforts were undertaken through the Implementation Program to investigate the possibility of replacing the seaward gravel berm dyke by including some type of flow control structure which would allow continued tidal inundation only to the point where the Dinsdale farm dyke would not be threatened. The flow control structure would provide the additional benefit of permitting experimental manipulation of water levels and salinity in the marsh area.

The feasibility and costs of such an undertaking were examined by habitat and water management agencies along with other interested organizations. However, the investigation determined that the cost of dyke repair with the flow control structure could be estimated at $100,000. The alternative cost of upgrading the Dinsdale farm dyke would be as much and probably greater. The benefits to habitat enhancement resulting from the project would not be significantly improved over the present situation caused naturally, and may detract from the renewed accessibility of the site for fish. In view of this, the proposal has been abandoned.

In conjunction with the work proposed for the land dedicated by Doman, further research might be conducted to determine the benefits and utilization of low tide refuge areas by fish in locations along the edge of the delta and nearing existing tidal channels. While recent research on Sturgeon Bank in the Fraser River Estuary suggests low tide refuge areas may be very important to rearing salmon, site-specific research is

FOI 24.11 responsive records Page 128 of 227

needed in the Cowichan Estuary to identify possibilities for creating or enhancing existing low tide refuge areas. Such research may also be beneficial to determining possible projects for enhancing eelgrass growth in estuary and other biota associated with eelgrass communities, such as crabs.

Increasing the abundance of shellfish in the estuary and improving shellfish growing conditions could also be considered in the future. The Cowichan Estuary has been closed to shellfish harvesting for public health reasons for many years as a result of excessive levels of fecal contamination. The potentially harmful bacteria that are absorbed into the tissue of shellfish can originate from a variety of sources, including sewage disposal areas and runoff from agricultural areas where livestock are raised. More study will be required relating to the feasibility of mariculture in the estuary and the appropriate measures for reducing and eliminated sources of fecal contamination.

Investigations aimed at improving sewage treatment and disposal in the Duncan-Cowichan Bay area have been continuing with involved local governments and the Cowichan Indian Band for the past several years. Difficulty in deciding what should be done, who is responsible for what and finding necessary funding have hampered progress in this area.

As previously mentioned, future consideration might be given to acquiring additional habitat areas at the Dinsdale farm area and the Rooke and Rodenbush farm which presently are for sale. Restoring tidal flow in the old drainage channel blocked by Khenipsen Road also has been suggested for future consideration. Over the next several years, habitat management and enhancement proposals may be presented by interested public groups, volunteer programs, or educational organizations; as well as by established habitat organizations and government agencies.

Habitat management activity at the CN Marsh site in the short term will be limited to monitoring the evolution of the site's ecology from a

FOI 24.11 responsive records Page 129 of 227

fresh water marsh back to a brackish water marsh. This should add valuable knowledge about the ecological processes occurring under such circumstances. Depending on the results of the work undertaken on the land dedicated by Doman, similar habitat enhancement modifications might be considered for the CN Marsh site. In that event, given the funding and effort involved, it is anticipated that a request will be made to CNR by the sponsoring organization to obtain tenure over the habitat area.

3.4 MONITORING, RESEARCH AND FUTURE CONSIDERATIONS

Fisheries and Oceans Canada has indicated commitment to monitoring the rehabilitation of the habitat areas which will no longer be used for log storage in the estuary. More site-specific data on the conditions occurring at remaining log storage sites which may be affecting fish productivity in the estuary also will be obtained. Combined with the work proposed for the land dedicated by Doman, these activities have high priority. Arrangements for obtaining and sharing the necessary funding and workload are being explored among habitat management agencies and interested non-government organizations, in order that these activities can commence as the negotiated changes in log storage on the estuary take place.

More specifically, Fisheries and Oceans Canada has proposed that over a three year period, a monitoring program to measure changes in benthic invertebrate populations be conducted in sites on the estuary where log storage will remain intensive, where it has been rare, and where intensive log storage will be eliminated. Over the same three year period, sediment quality will be sampled at each of the sites. Changes to eelgrass growth in the estuary also will be monitored over this period, although such changes may not be detectable until somewhat later. Succession in marsh habitat and eelgrass communities can be followed through regular air photography and by estuarine habitat mapping and classification. The latter habitat mapping project has already been planned by the Ministry of Environment.

FOI 24.11 responsive records Page 130 of 227

4.0 FLOOD CONTROL

A series of proposals for a major flood control program along the Cowichan and Koksilah Rivers were presented in the 1980 Cowichan Estuary Task Force report. The flood control proposals were developed over several years in consultation with a large number of concerned government agencies before they were presented in the Task Force report. Even after such consultation, there have been disagreements over some of the proposals ranging from disputes over dyke alignments to measures required to mitigate environmental impacts.

The overall flood control program is ambitious in scale and financially will be very costly. Clearly, implementation of the flood control proposals must be phased over many years. Before each proposal can be implemented, negotiations with affected landowners and involved local, provincial and federal government agencies have to be completed. Following this, specific engineering design work and tendering of contracts can proceed, assuming the funds for the estimated cost of construction can be made available. As the most experienced agency to perform these tasks, the Ministry of Environment's Water Management Branch was designated as the lead agency for flood control at the beginning of the Implementation Program.

Negotiations to determine final alignments, design and construction schedules for flood control dyking often can be laborious and time-consuming. Each individual property owner may have special requirements they want met before they will agree to have a dyke located within their property. Similarly, other government agencies may have conflicting priorities respecting the location and timing for flood control works. Often the need for engineering efficiency and cost control can clash severely with habitat protection requirements or land use plans.

Despite all this, substantial progress has been achieved in implementing the flood control proposals presented in the Task Force report.

FOI 24.11 responsive records Page 131 of 227

A great deal more remains to be done before the flood control program is completed. It can be expected that implementation of the flood control program will be on-going for several more years, with coordination remaining the responsibility of the Rivers Section of the Water Management Branch.

4.1 COWICHAN RIVER

Most of the flood control proposals pertain to the Cowichan River. Aside from the Water Management Branch, the key parties involved are the Cowichan Indian Band, District of North Cowichan, City of Duncan, Fish and Wildlife Branch and Fisheries and Oceans Canada. The following flood control projects have been completed or are expected to be completed in the near future. Figure 4.1 displays the Task Force proposals.

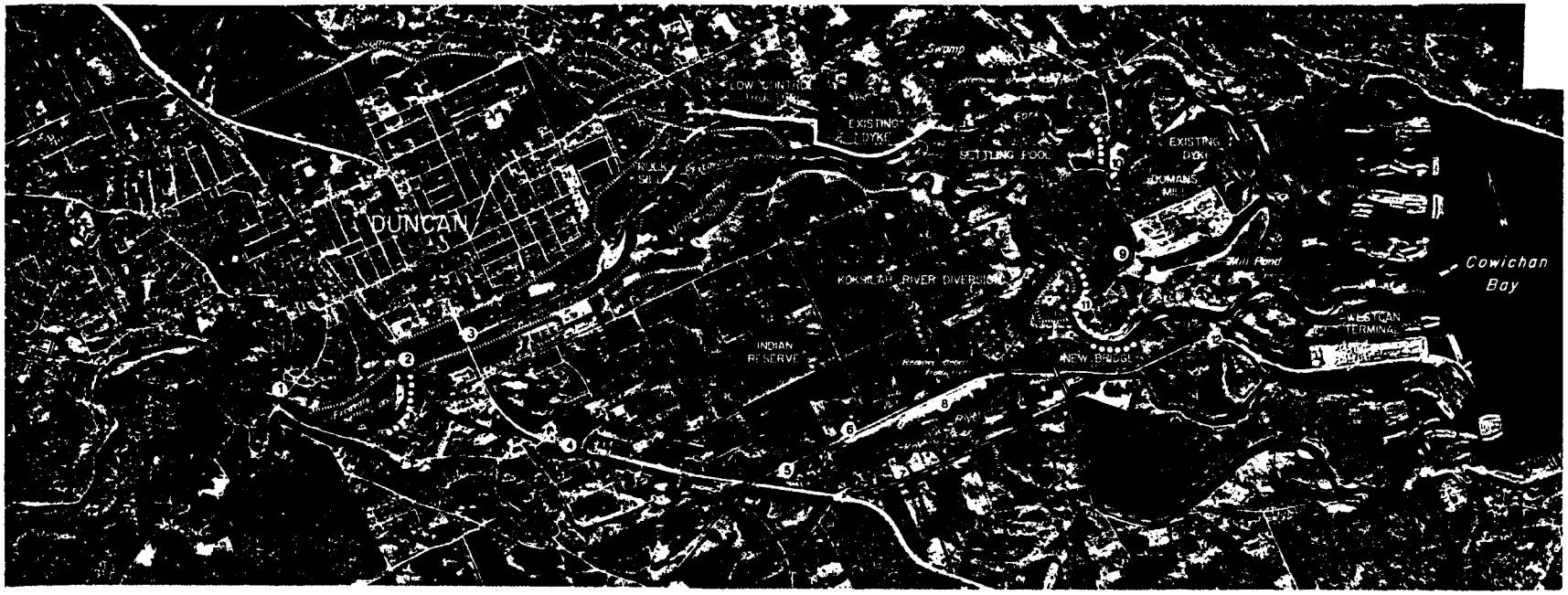
In early 1983, the Ministry of Environment allocated a total of $1 million over two years for flood protection works on both sides of the Cowichan River near the Island Highway Bridge (Silver Bridge). The funding was to be split between the District of North Cowichan and the City of Duncan, each of which were to put up 25% of the provin-cial funds. The District of North Cowichan was first to accept the offer. By the end of the 1983 construction season, upgrading and extension of the existing dyke along the south side of the Cowichan River had been completed up to the boundary of the Cowichan Indian Reserve.

In designing and constructing the dyking project, efforts were made to retain or replant as much streamside vegetation as practical along with other habitat management recommendations. Not all the recommendations could be implemented; however, many were. These measures had been developed in consultation with the federal and provincial habitat agencies. Despite periodic differences, such consultations eventually have produced positive results through mutual compromise.

FOI 24.11 responsive records Page 132 of 227

FIGURE 4.1

FLOOD CONTROL PROPOSALS



2 E&N BRIDGE 4 ISLAND HWY. 6 RAILWAY 8 LANDING STRIP 10 PIMBURY BRIDGE 12 C.N.R. CAUSEWAY

1 WHITE BRIDGE 3 SILVER BRIDGE 5 LOGGING RD. 7 COWICHAN BAY RD. 9 TZOUHALEM RD. 11 CLEMCLEMULITZ BRIDGE

0 1 2 Km

COWICHAN ESTUARY TASK FORCE

LEGEND

Raise Roadway
Existing Dyke
Proposed Dyke
Excavate New Channel
Bank Protection

FOI 24.11 responsive records Page 133 of 227

To assist in this process, a report was prepared by J. E. Burns of the Implementation Program during 1982 on habitat management measures that could be considered in designing and implementing the Cowichan River flood control proposals. The report, entitled "Some Habitat Management Suggestions for Possible Integration With Lower Cowichan River Flood Control", September, 1982, incorporated several fish habitat enhancement proposals developed by Mr. Burns and discussed with habitat and dyking agencies and the Cowichan Indian Band. While it may not be possible to obtain agreement on all of the habitat management suggestions, the report has served as a useful guide. The report should aid in the design of future flood control works by pointing to habitat concerns and possible means for accounting for them in project construction.

The flood control works on the north side of the Cowichan River within the City of Duncan will be undertaken during 1984, provided funding is available from the Ministry of Environment and the City of Duncan agrees to proceed. However, problems have been encountered in finalizing arrangements for the project. The City of Duncan has some uncertainty about finding its share of the necessary funding. Moreover, difficult conflicts have developed in relation to alignment of the dyke. The City of Duncan disagrees with the set-back dyke alignment proposed in the Task Force report and supported by habitat agencies because the City has several private and public property concerns. The habitat agencies oppose Duncan's preference for the existing dyke alignment because this would cut off many important side-channels and fish habitat areas. The Water Management Branch has been attempting to obtain agreement on the alignment.

Implementation of set-back dyking proposed by the Task Force by Somenos Creek is not possible yet due to lack of funding. Some improvements to flooding problems around the Somenos Creek area have occurred as a result of ARDSA funding provided to improve agricultural drainage in the area. The funding has been used for dredging a deeper

channel for Somenos Creek. Because gravel has gradually built up the bottom of the Cowichan River at the confluence with Somenos Creek, the excavation of a new channel through the lower end of Major Jimmy's Slough was proposed by the Task Force which would result in a lower streambed elevation at the Somenos confluence. Despite the dredging of Somenos Creek and recent gravel removal from the Cowichan River for dyke construction in the Cowichan Indian Reserve, the need for implementing the channel excavation proposal or some alternative still remains. This will permit more time for solving some of the problems associated with the proposal, including further consideration of possible alternatives.

The Task Force was unable to complete the development of specific proposals with the Cowichan Indian Band for flood control along the lower reaches of the river passing through the Indian Reserve. However, the Water Management Branch has frequently consulted with the Indian Band and offered advice relating to Band Council proposals for flood control. During 1982 and 1983 construction seasons, the Cowichan Indian Band constructed an important set-back dyke to provide protection from flooding of the North Fork of the Cowichan River. In using gravel from the streambed of North Fork, part of the gravel accumulation problem and its contribution to annual flooding in the area also was alleviated.

A flow control structure to ensure a 2:1 flow ratio between the North and South Forks, respectively, has been suggested to the Indian Band by the Water Management Branch. The Band needs to acquire additional funding to construct the flow control structure at the North and South Forks bifurcation. The bifurcation structure and settling pond should resolve much of the flooding problem in this area.

It is anticipated that the fruitful consultations between the Cowichan Indian Band and Water Management Branch will continue for other flood control works being considered within the Indian Reserve.

FOI 24.11 responsive records Page 135 of 227

Completion of the bifurcation flow control structure and excavation of a gravel settling basin in the North Fork have been given priority attention.

Another high priority is the construction of the new dyke along the landward edge of the farm area dedicated by Doman. Until necessary funding can be found for the dyke construction, the habitat management proposals for the site described in section 3.1 cannot proceed.

More work and additional funding will be required over several years to complete implementing the other Task Force proposals for flood control along the Cowichan River system. As some of the proposals are constructed, the determination of priorities for implementing other remaining proposals or reconsidering their necessity should become easier.

4.2 KOKSILAH RIVER

The additional engineering analysis required to reach a decision regarding implementation of the Koksilah River diversion proposal by the Task Force or the alternative proposal for deepening the existing channel south of the CN railway line has not been completed. With the completion of the Island Highway widening and construction of the new bridge, greater attention may be given to raising the elevation of the Cowichan Bay Road proposed by the Task Force. It might be easier to alleviate flooding problems in areas south of Cowichan Bay Road by pursuing this proposal more immediately than the others proposed by the Task Force.

Since release of the Task Force report, increased rip-rap protection has been provided along the Koksilah River near the Cowichan Bay Lawn Tennis Club property and the Dinsdale farm. However, most dyke work along the river has been in response to repair needs. The proposed dyke surrounding the Clemclemulitz Village area has been partially

FOI 24.11 responsive records Page 136 of 227

constructed along the Koksilah River channel draining into the South Fork of the Cowichan River.

The Task Force recommended measures aimed at increasing fresh water flow and distribution to the estuary area south of the causeway to the Westcan terminal. Flow diversion structures to direct greater flow down the middle and south forks of the Koksilah have been viewed by Water Management Branch engineers as presenting other flood problem possibilities. Also, if it is decided to proceed with the proposal, it is expected that acquiring necessary funding for the proposed diversions, will take several years. Propositions for placing a large culvert under the causeway to direct flow from the north side to the south side were greeted with considerable resistance from CNR and MacMillan Bloedel. Investigations by Fisheries and Oceans Canada concluded that diverting greater fresh water flow to the south side of the estuary would be of questionable benefit. Further consideration of the proposal has not been pursued.

For the most part, little progress in implementing flood control proposals for the Koksilah River has occurred compared with advances made along the Cowichan River. The fact that flood control works along the Cowichan River are providing protection for more densely populated areas is one factor supporting the allocation of funding for those projects ahead of pro-posals for the Koksilah River. However, it is recommended that increased effort be given to alleviating some of the flooding problems along the Koksilah River system.

FOI 24.11 responsive records Page 137 of 227

5.0 ENVIRONMENTAL MANAGEMENT PLAN

The preceeding sections of this report have described at length the negotiations, effort and rationale involved in developing a broadly acceptable plan for use of the Cowichan Estuary. This section presents an overview plan of land use activities which will continue for various portions of the estuary and further steps to be taken for implementing the plan are described as follows. A flexible process for reviewing future proposals or changes in land use activities and procedures for re-evaluating and amending the plan also are described.

5.1 AREA DESIGNATIONS

Figure 5.1 distinguishes the various types of continued activities in the estuary and their locations. These have been divided into four general categories or area designations: Industrial/Commercial, Agriculture, Habitat Management and Conservation/Recreation.

INDUSTRIAL/COMMERCIAL designation signifies those activities that have been described in Section 2.0 as Forest Industrial, Port Industrial and Commercial. Subject to necessary regulation, such as waste management regulations, it is intended that areas of the estuary so designated will be dedicated to the full or optimal development of each of these activities. This also will be the case for activities associated with each other designation.

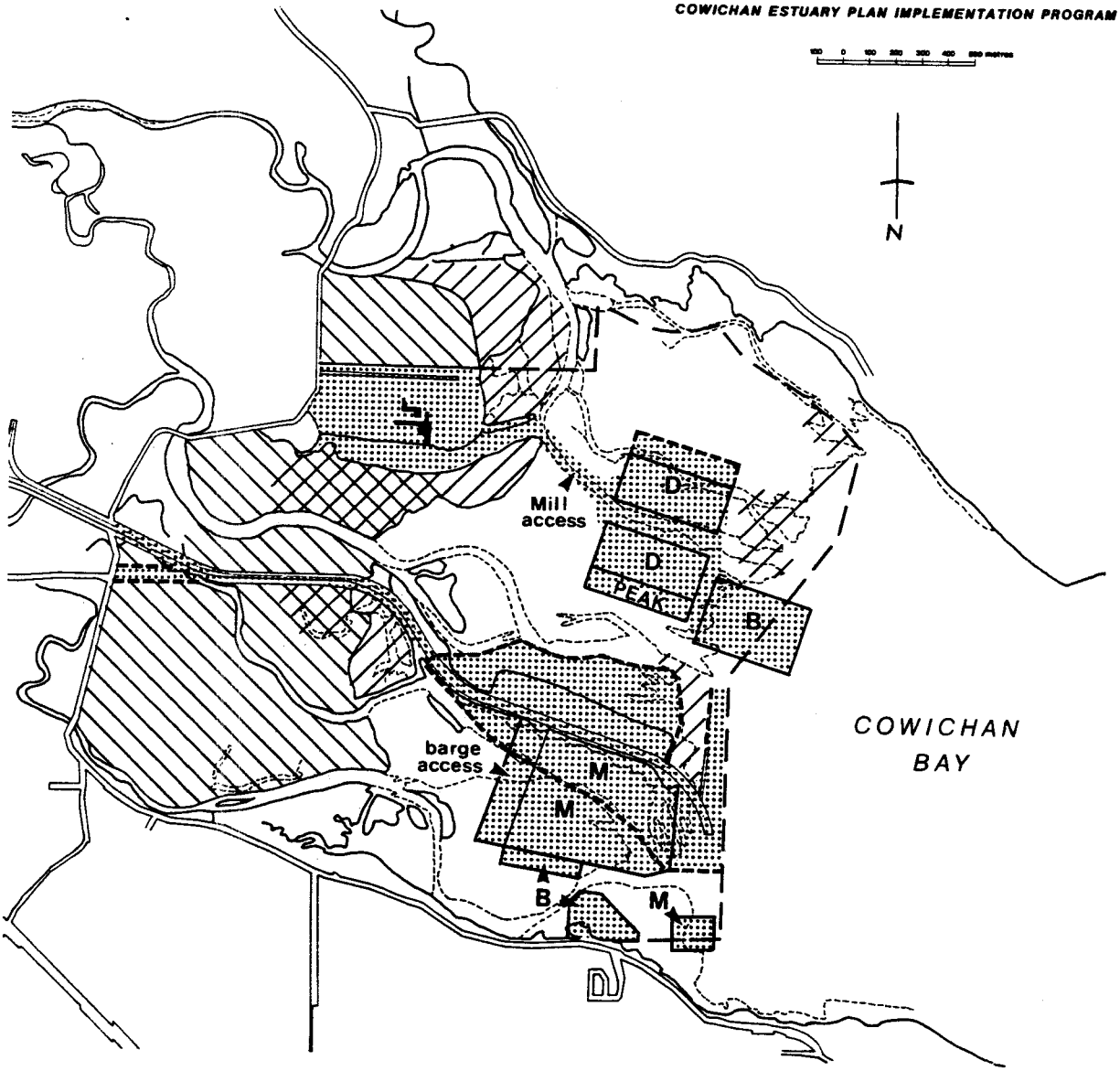
HABITAT MANAGEMENT designation indicates the areas where major undertakings relating to habitat enhancement have been proposed. However, some of the other habitat management activities described in Section 3 may occur in areas designated as CONSERVATION/RECREATION or overlap with areas designated as AGRICULTURE. Clearly, some overlap of the various activities from different designations will occur. In the case of industrial activity, such overlap will be infrequent, whereas activities associated with Habitat Management and Conservation/ Recreation will constantly overlap.

FOI 24.11 responsive records Page 138 of 227

FIGURE 5.1

Area Designations

COWICHAN ESTUARY PLAN IMPLEMENTATION PROGRAM



- Industrial / Commercial
- Agriculture
- Habitat Management
- Possible Mixed Use
- Conservation / Recreation
- Log Storage
  - D Doman
  - M MB
  - B BCFP
- Potential Expansion
- Lot 160 Boundary

FOI 24.11 responsive records Page 139 of 227

5.2 IMPLEMENTATION

1. AGREEMENTS

The first steps for implementing the plan will entail those actions specified in the negotiated agreements with each of the major companies. In some cases, this will require the expenditure of capital to relocate present log storage areas or modify existing operations. By contrast, modification of the present CNR leases should be readily accomplished. Other changes, such as port expansion, might remain pending indefinitely. However, most of these changes are expected to be implemented by the end of 1984.

2. PLANS AND BY-LAWS

Another stage in the plan implementation will involve the application of plans and by-laws by the Cowichan Valley Regional District and the District of North Cowichan as empowered under the Municipal Act. CVRD and North Cowichan have been cooperating with each other in preparing their respective plans and the Cowichan Bay Settlement Plan. It is anticipated that the Cowichan Bay Settlement Plan will reflect and support the activities described in this environmental management plan, although there may be more detailed discussion of various activities in the Settlement Plan involving the estuary as with other areas included in the Settlement Plan. Similarly, this environmental management plan should facilitate enactment of zoning by-laws, where required, by resolving past disputes or uncertainties that have precluded the application of zoning by-laws.

3. SENIOR GOVERNMENT RESPONSIBILITIES

As with local and regional governments, this environmental management plan will be implemented and supported by cooperating senior government agencies in the administration of their respective regulatory

FOI 24.11 responsive records Page 140 of 227

responsibilities or the provision of government services. Conflicts may occur periodically. However, the plan should provide the necessary context within which to resolve any future conflicts satisfactorily.

4. COWICHAN INDIAN RESERVE

This plan may, in some respects, directly or indirectly affect land and activities within the Cowichan Indian Reserve. The Band Council has been consulted at times throughout the Implementation Program. There never has been any intention to regulate or pre-empt activities within the Indian Reserve. However, it is hoped that existing and future cooperation between the various government agencies and the Cowichan Indian Band will result in their respective activities remaining compatible.

5. ENVIRONMENT MANAGEMENT ACT

In order to ensure consistency and coordination of actions by provincial agencies, it is proposed that a Cabinet Order be issued under the Environment Management Act requiring compliance with the plan and with various modifications of activities specified in the negotiated agreements. The Environment Management Act empowers the Minister of Environment to prepare an environmental management plan to be submitted for approval by the Provincial Cabinet. As this environmental management plan essentially reflects measures achieved through negotiation and committed under written agreements, it is reasonable to expect that Cabinet may consider approval of the plan. In order to provide formal approval and for the purposes of implementing the environmental management plan, Cabinet is empowered to issue an Order-in-Council requiring compliance with the approved plan and nullifying the effect of any contrary action taken under or empowered by other provincial statutes. Therefore, a Cabinet Order will enforce compliance with the plan by provincial agencies or provincially empowered authorities.

FOI 24.11 responsive records Page 141 of 227

In cases involving substantial contravention of the approved environmental management plan by a particular individual or organization, and if the actions involved can be reasonably expected to produce significant detrimental environmental impacts, the Ministry of Environment may issue an Environmental Protection Order. However, the use of an Environmental Protection Order, which can be extended as long as needed by Cabinet, should not be necessary in the Cowichan Estuary.

5.3 PROPOSAL REVIEW PROCESS

Occasionally, new projects will be proposed in the future. While some proposals might be anticipated in relation to present activities in the estuary, other proposals may be presented for undertakings or activities which cannot be foreseen at this time or in the near future. A process is needed whereby such proposals can be reviewed to determine if there will be adverse environmental impacts and to evaluate any consequences relating to the plan and land use in the estuary.

A process for reviewing proposals has been in place for the Cowichan Estuary since 1977 under Order-in-Council 3339. The Order requires that every proposed project be subject to environmental impact assessment (EIA) and be approved by the Ministry of Environment before it can proceed. The EIA process under the Order has worked well in ensuring that adequate provisions for environmental protection have been incorporated before proposed activities proceed. However, the mandatory nature of the process has meant that even minor activities as replacing existing piling have had to be submitted and reviewed. With implementation of the negotiated agreements and other elements of the plan for the estuary, a mandatory EIA process, such as Order-in-Council 3339, is no longer appropriate.

Rather, it is proposed that Order-in-Council 3339 be replaced with a new review process which is linked with the plan. It also is recommended that the new review process be included in the proposed Cabinet

FOI 24.11 responsive records Page 142 of 227

Order under the Environment Management Act and be put into effect along with the environmental management plan.

The new review process will be quite similar to the existing process under Order-in-Council 3339, except that it will be applied only when necessary instead of being automatically applicable to everything. As long as activities are occurring in a manner consistent with the relevant designations, new proposals within those designations may not require review under the process. It is only when a proposal would appear to involve significant environmental impact or is not consistent with the plan that the new review process would be applied.

The following examples illustrate the manner in which the criteria of potential environmental impact and consistency with plan designations can be applied to determine which proposal would require review. Installation by BCFP of the can buoys and anchor system for full use of its deep water storage area would not require review under the new process. Similarly, installation of the bundle-lift system at the Doman sawmill, being consistent with the activities under the Industrial/ Commercial designation, also would not require review under the new process. On the other hand, substantial modifications to the Doman access channel would be subject to review under the new process, even though channel modifications would be consistent with the Industrial/ Commercial designation. This is because modifications to the access channel may produce significant changes elsewhere in the estuary, perhaps adversely affecting habitat enhancement areas nearby.

In order for it to work effectively, it will be necessary that notification of a proposal be provided even if it is unlikely review would be required. Therefore, a regular point of contact will be established to receive notification and enquiries and to generally administer the review process. Since there is statutory authority for such a process under the Environment Management Act, it is intended that the proposed review process will be carried out under the auspices of the Deputy Minister of Environment, as has been the case for Order-in-Council 3339.

FOI 24.11 responsive records Page 143 of 227

It also will be necessary that the process provide adequate consultation with other government agencies and with those who are accountable for the results of decisions reached through the review process. The Environmental Assessment Committee approach used for Order-in-Council 3339 has been largely successful in this respect. Agencies such as Fisheries and Oceans Canada and the Cowichan Valley Regional District have in the past provided a high standard of technical expertise and advice through representation on the Environmental Assessment Committee. However, each was unrestricted by such participation in subsequently setting out more specific actions required under their respective jurisdiction but not included in Order-in-Council 3339 decisions.

It is anticipated that such an arrangement would continue to be effective and satisfactory under the new review process. Also, it has been suggested that CNR participate with review committee established for proposals requiring use of CNR land in Lot 160. Likewise, other representation as appropriate would be arranged to suit the particular elements of each given proposal.

Discretion will be required in the application of the review process. The basis for deciding whether or not a proposal should be subject to review may not always be as clear as the examples presented above. In such situations, the judgement of the Ministry of Environment official administering the process and that of the agencies regularly consulted in the review process would be required. This might include consultation with interested public groups, such as the Cowichan Estuary Preservation Society. If a dispute should arise, it should be possible to resolve it in the context of the plan. However, existing recourse to appeals at the political level of government would still be available, under the rare circumstance that such action becomes necessary.

5.4 PLAN AMENDMENT

It is expected that amendment of the environmental management plan for the Cowichan Estuary will not be required in the foreseeable future.

FOI 24.11 responsive records Page 144 of 227

All of the effort to date in developing the plan and the measures proposed for implementing and administering the plan should limit the likelihood of circumstances arising which require plan amendment. However, there must be flexibility to account for unforeseen changes in the future and to ensure that a rational and broadly acceptable approach to use of the estuary can continue.

To provide a hypothetical example, consider the possibility that one of the forest companies chooses to modify its present operations and thereby would no longer require its log dump and storage facilities in the estuary. It could be that several other forest companies or a group of independent loggers will be lined up for the opportunity to occupy the vacated site. Continued use of the site for log storage and dumping would be consistent with the plan and, given a demand for such facilities, should be encouraged. Conversely, the company's departure from the estuary might be linked to larger trends in the forest industry and the demand for continued use of the vacated site for log handling might not exist as a result. If so, consideration should be given to alternative use of the site.

There also is the possibility that the results of the proposed monitoring program or future research will lead to the need for additional habitat management proposals in order to provide greater enhancement of the estuary's productivity.

If a situation such as these examples should develop, a procedure for amending the plan will be required. Assuming that the Cabinet Order is issued for implementing the plan, amending the plan would require Cabinet approval. Such an arrangement should not be viewed as unwieldly, given a commitment to the principles underlying the environmental management plan.

FOI 24.11 responsive records Page 145 of 227

In the event that a situation requiring plan amendment does arise, it is proposed that an evaluation of all the options and consequences involved be coordinated by the Ministry of Environment, in close consultation with the concerned public, affected landowners, and the various government agencies. Following the development of either an acceptable plan amendment proposal or a number of options for plan amendment as a result of the consultation and evaluation period, the proposed amendment would be submitted to Cabinet for approval and issuance of the necessary Cabinet Order.

FOI 24.11 responsive records Page 146 of 227

ADDITIONAL BACKGROUND INFORMATION

The following references may be helpful to those readers seeking additional historical, background or technical information:

1. Cowichan Estuary Task Force Report, 1980. Environment and Land Use Committee Secretariat. (This report is now out of print. The main report and three volumes of appendices have been distributed to public libraries in Duncan, Victoria, Vancouver, to B.C. Universities, and also may be viewed at the Ministry of Environment library in Victoria).

2. Effects of Estuarine Log Storage on Juvenile Salmon, 1983. D.A. Levy, T.G. Northcote, R.M. Barr. Westwater Research Centre Technical Report No. 26 ($6.95. May be found at some libraries).

3. Some Habitat Management Suggestions for Possible Integration with Lower Cowichan River Flood Control, 1982. J.E. Burns, Cowichan Estuary Plan Implementation, Ministry of Environment. (Limited availability upon written request to: Planning and Assessment Branch, Ministry of Environment, Parliament Buildings, Victoria, V8V 1X5).

4. Cowichan Estuary Doman Property Land Acquisition Options: A Discussion Paper, 1983. D. Morrison, M. Wayne, A. MCKenzie, R. Hunter, Ministry of Environment. (Limited availability upon written request to above address).

5. Update (newsletter), Cowichan Estuary Plan Implementation, Number I (1981) and Number 2 (1982). Ministry of Environment. (Limited availability upon written request to above address).

FOI 24.11 responsive records Page 147 of 227

From: Rob Douglas
Sent: Sunday, April 2, 2023 8:20 PM
To: Terri Brennan
Subject: RE: draft - Support request email
Attachments: 2023-03-13rd_ltb_Cowichan Estuary Environmental Management Plan - Mar 22 2023.docx; Letter to Cowichan Tribes.docx

Importance: High

Hi Terri,

I had been working with John on finalizing the letter regarding the Cowichan estuary plan (see attached).

We were planning to attach the requests for support letters to the main letter. I took what John drafted below and made some tweaks (see attached). Do you think this looks okay?

Thanks,
Rob

From: John Steenkamp <John.Steenkamp@northcowichan.ca>
Sent: Monday, March 27, 2023 1:11 PM
To: Rob Douglas <rob.douglas@northcowichan.ca>
Subject: RE: draft - Support request email

Hi Rob,

The attached watermark will be removed and I will add the your signature and PDF it before sending out.

The below to and Dear Lydia Hwitsum is only an example, the other names will be put in for each separate email.

Please let me know of any changes you would like made before I send out.

--

To: Chief, Cowichan Tribes
Subject: Request to update the Cowichan Estuary Environmental Management Plan

Dear Lydia Hwitsum,

At our March 1, 2023, Council meeting, the following motion was passed:

> *THAT the Mayor write a letter to the Province requesting that the Province, in consultation with affected stakeholders, amend the 1987 Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and uses, and climate change; AND to request support from Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, Cowichan Estuary and Restoration and Conservation Association (CERCA).*

We are writing to request a letter of support for our request of the Minister of Water, Land and Resource Stewardship to update the Cowichan Estuary Environmental Management Plan.

FOI 24.11 responsive records Page 148 of 227

The Cowichan River Estuary has changed dramatically since 1987 due to human activities in the marine environment, the surrounding shores and intertidal flats, and the watershed. The management plan area encompasses multiple jurisdictions and land uses, including the village of Cowichan Bay, First Nations traditional lands, industrial leases of Crown lands and parcels under the management of the Municipality of North Cowichan, the Cowichan Valley Regional District, national and international conservation organizations, and private landholders. This multiplicity of tenure, jurisdictions and interests means community and stakeholder participation is essential for sound environmental management.

We are encouraging the Province to update the CEEMP and renew the vision established by the Minister in 1987 and respectfully request your support.

Sincerely

Rob Douglas
Mayor

mayor@northcowichan.ca

FOI 24.11 responsive records Page 149 of 227

MUNICIPALITY OF
NORTH
Cowichan

7030 Trans-Canada Highway
T 250.746.3100
F 250.746.3133

March 24, 2023

Honourable Nathan Cullen
Minister of Water, Land and Resource Stewardship
PO Box 9012 Stn Prov Govt
Victoria BC V8W 9L6 Via email: WLRS.minister@gov.bc.ca

Dear Minister:

Re: Request to update the Cowichan Estuary Environmental Management Plan

On behalf of the Municipality of North Cowichan, I am writing to ask that the Province, in consultation with affected stakeholders, amend Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and uses, and climate change.

The estuary of the Cowichan River and Koksilah River is situated in Cowichan Bay which is about 40 kilometres north of Victoria. Among the largest of British Columbia estuaries, the high quality of fish and wildlife habitat in the Cowichan estuary is especially valued for rearing salmon and overwintering waterbirds.

In 1987 the Province responded to conflicting demand for industrial use of the estuary with concerns for protecting the special environmental resources the estuary provides, by adopting the Cowichan Estuary Environmental Management Plan as an Order-in-Council under the *Environment Management Act*, with the stated goal of providing "...guidance and a focal point for pursuing the opportunities offered by the estuary, and for sustaining its environmental quality for the benefit of future generations."

However, in the more than three decades since the plan was adopted, the estuary has changed dramatically due to human activities in the marine environment, the surrounding shores and intertidal flats, and the watershed.

Recent work undertaken at the Municipality of North Cowichan speaks to the need to update the Cowichan Estuary Environmental Management Plan to reflect these changes. For instance, we have been working with environmental specialist Diamond Head Consulting to review our existing environmental policies and regulations, and they have recommended updating the existing management plan for the estuary, citing its references to old agreements and legislation, industrial parties that no longer exist, and the fact that it does not include new parties that have since become active in the estuary.

DRAFT

In addition, today we face new challenges with the Cowichan estuary not addressed in the existing management plan. For example:

- Sea level rise and precipitation and river discharge patterns are changing the physical boundaries and ecological community of the estuary;
- Nature of consultation with First Nations has changed; and,
- Use of the estuary as a moorage for Port Metro Vancouver has changed.

As the Province is aware, the area of the Cowichan Estuary Environmental Management Plan encompasses multiple jurisdictions and land uses, including Cowichan Tribes traditional lands, the Village of Cowichan Bay which falls within the Cowichan Valley Regional District, industrial leases of Crown lands, and parcels under the management of the Municipality of North Cowichan, national and international conservation organizations and private landholders. This multiplicity of tenure, jurisdictions and interests means community and stakeholder participation is essential for sound environmental management.

North Cowichan staff are available to assist in identifying relevant stakeholders to engage in amending the Cowichan Estuary Environmental Management Plan, including industry, environmental groups, and other government representatives.

Thank you for taking the time to consider our request.

Sincerely,

Rob Douglas, Mayor
Municipality of North Cowichan

mayor@northcowichan.ca

cc: Lydia Hwitsum, Chief, Cowichan Tribes
Jesse Patterson, Ecosystems Section Head, Ministry of Water, Land & Resource Stewardship
Cassandra Caunce, Director South Operations, Ministry of Environment & Climate Change Strategy
North Cowichan Council
Ted Swabey, CAO, North Cowichan
Michelle Staples, Mayor, City of Duncan
Aaron Stone, Chair, Cowichan Valley Regional District
Dr. Goetz Schuerholz, Chair, Cowichan Estuary Restoration & Conservation Association

DRAFT

To: Chief, Cowichan Tribes
Subject: Request to update the Cowichan Estuary Environmental Management Plan

Dear Chief Lydia Hwitsum:

I am writing to you with regards to the Cowichan Estuary Environmental Management Plan.

At our March 1, 2023 meeting, North Cowichan Council passed the following motion:

> *THAT the Mayor write a letter to the Province requesting that the Province, in consultation with affected stakeholders, amend the 1987 Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and uses, and climate change; AND to request support from Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, Cowichan Estuary and Restoration and Conservation Association (CERCA).*

To follow up on this motion, I am writing to respectfully ask that Cowichan Tribes consider providing a letter of support for our request to the Honourable Nathan Cullen, Minister of Water, Land and Resource Stewardship, to update the Cowichan Estuary Environmental Management Plan that was originally adopted in 1987.

As Cowichan Tribes knows well, in the more than three decades since the Cowichan Estuary Environmental Management Plan was adopted, the estuary has changed dramatically due to human activities in the marine environment, the surrounding shores and intertidal flats, and the watershed. In addition, today we face new challenges and opportunities with the estuary not addressed in the existing management plan, including sea level rise and precipitation and river discharge patterns that are changing the physical boundaries and ecological community of the estuary, and a rapidly changing environment and expectations with regards to government consultation with local First Nations.

We hope Cowichan Tribes will consider supporting our request to the Province. If you or your staff have any questions regarding this request, please do not hesitate to contact me by email at: mayor@northcowichan.ca or by phone at: 250 710-0593.

Sincerely,

Rob Douglas, Mayor
Municipality of North Cowichan

mayor@northcowichan.ca

DRAFT

From: Terri Brennan
Sent: Monday, April 3, 2023 10:50 AM
To: 'wlrs.minister@gov.bc.ca'
Cc: 'chief@cowichantribes.com'; 'Jesse.Patterson@gov.bc.ca'; 'mayor@duncan.ca'; 'chairperson@cvrd.bc.ca'; 'cerca@shaw.ca'; Council
Subject: Cowichan Estuary Environmental Management Plan
Attachments: 2023-04-03rd_ltb_Cowichan Estuary Environmental Management Plan.pdf; Request for support letters to update the Cowichan Estuary Environmental Management Plan.pdf

Good morning.

Attached is a letter from Mayor Douglas, Municipality of North Cowichan, along with copies of emails sent to Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, Cowichan Estuary and Restoration and Conservation Association.

A hard copy will not follow in the mail.

Terri Brennan (she/her)
Executive Assistant
Office of the Mayor & CAO

Municipality of North Cowichan
terri.brennan@northcowichan.ca
T 250.746.3117

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca

This email and any attachments are only for the use of the intended recipient and must not be distributed, disclosed, used or copied by or to anyone else. If you receive this in error, please contact the sender by return email and delete all copies of this email and any attachments.

MUNICIPALITY OF
NORTH
Cowichan

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 Canada
www.northcowichan.ca
T 250.746.3100
F 250.746.3133

April 3, 2023

Honourable Nathan Cullen
Minister of Water, Land and Resource Stewardship
PO Box 9012 Stn Prov Govt
Victoria BC V8W 9L6

Via email: WLRS.minister@gov.bc.ca

Dear Minister:

Re: Request to update the Cowichan Estuary Environmental Management Plan

On behalf of the Municipality of North Cowichan, I am writing to ask that the Province, in consultation with affected stakeholders, amend Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and uses, and climate change.

The estuary of the Cowichan River and Koksilah River is situated in Cowichan Bay which is about 40 kilometres north of Victoria. Among the largest of British Columbia estuaries, the high quality of fish and wildlife habitat in the Cowichan estuary is especially valued for rearing salmon and overwintering waterbirds.

In 1987 the Province responded to conflicting demand for industrial use of the estuary with concerns for protecting the special environmental resources the estuary provides, by adopting the Cowichan Estuary Environmental Management Plan as an Order-in-Council under the *Environment Management Act*, with the stated goal of providing "...guidance and a focal point for pursuing the opportunities offered by the estuary, and for sustaining its environmental quality for the benefit of future generations."

However, in the more than three decades since the plan was adopted, the estuary has changed dramatically due to human activities in the marine environment, the surrounding shores and intertidal flats, and the watershed.

Recent work undertaken at the Municipality of North Cowichan speaks to the need to update the Cowichan Estuary Environmental Management Plan to reflect these changes. For instance, we have been working with environmental specialist Diamond Head Consulting to review our existing environmental policies and regulations, and they have recommended updating the existing management plan for the

estuary, citing its references to old agreements and legislation, industrial parties that no longer exist, and the fact that it does not include new parties that have since become active in the estuary.

In addition, today we face new challenges with the Cowichan estuary not addressed in the existing management plan. For example:

- Sea level rise and precipitation and river discharge patterns are changing the physical boundaries and ecological community of the estuary;
- Nature of consultation with First Nations has changed; and,
- Use of the estuary as a moorage for Port Metro Vancouver has changed.

As the Province is aware, the area of the Cowichan Estuary Environmental Management Plan encompasses multiple jurisdictions and land uses, including Cowichan Tribes traditional lands, the Village of Cowichan Bay which falls within the Cowichan Valley Regional District, industrial leases of Crown lands, and parcels under the management of the Municipality of North Cowichan, national and international conservation organizations, and private landholders. This multiplicity of tenure, jurisdictions and interests means community and stakeholder participation is essential for sound environmental management.

North Cowichan staff are available to assist in identifying relevant stakeholders to engage in amending the Cowichan Estuary Environmental Management Plan, including industry, environmental groups, and other government representatives.

Thank you for taking the time to consider our request.

Sincerely,

Rob Douglas, Mayor
Municipality of North Cowichan

mayor@northcowichan.ca

cc: Lydia Hwitsum, Chief, Cowichan Tribes
Jesse Patterson, Ecosystems Section Head, Ministry of Water, Land and Resource Stewardship
North Cowichan Council
Ted Swabey, CAO, North Cowichan
Michelle Staples, Mayor, City of Duncan
Aaron Stone, Chair, Cowichan Valley Regional District
Dr. Goetz Schuerholz, Chair, Cowichan Estuary and Restoration and Conservation Association

FOI 24.11 responsive records Page 155 of 227

From:	Rob Douglas
To:	"chief@cowichantribes.com"
Cc:	"Cindy Daniels"
Subject:	Request to update the Cowichan Estuary Environmental Management Plan
Date:	Monday, April 3, 2023 9:36:23 AM

Dear Chief,

I am writing to you with regard to the Cowichan Estuary Environmental Management Plan.

At our March 1, 2023 meeting, North Cowichan Council passed the following motion:

> *THAT the Mayor write a letter to the Province requesting that the Province, in consultation with affected stakeholders, amend the 1987 Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and uses, and climate change; AND to request support from Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, Cowichan Estuary and Restoration and Conservation Association (CERCA).*

To follow up on this motion, I respectfully ask that Cowichan Tribes consider providing a letter of support for our request to the Honourable Nathan Cullen, Minister of Water, Land and Resource Stewardship, to update the Cowichan Estuary Environmental Management Plan that was originally adopted in 1987.

As Cowichan Tribes knows well, in the more than three decades since the Cowichan Estuary Environmental Management Plan was adopted, the estuary has changed dramatically due to human activities in the marine environment, the surrounding shores and intertidal flats, and the watershed. In addition, today we face new challenges and opportunities with the estuary not addressed in the existing management plan, including sea level rise and precipitation and river discharge patterns that are changing the physical boundaries and ecological community of the estuary, the use of the estuary as moorage for Port Metro Vancouver, and a rapidly changing environment and expectations with regards to government consultation with local First Nations.

We hope Cowichan Tribes will consider supporting our request to the Province. If you or your staff have any questions regarding this request, please do not hesitate to contact me by email at: mayor@northcowichan.ca or by phone at: 250 710-0593.

Sincerely,

Rob Douglas, Mayor
Municipality of North Cowichan
250-710-0593
mayor@northcowichan.ca

-

From: Rob Douglas
To: "chairperson@cvrd.bc.ca"
Cc: "Allison Nelson (allison.nelson@cvrd.bc.ca)"
Subject: Request to update the Cowichan Estuary Environmental Management Plan
Date: Monday, April 3, 2023 9:32:23 AM

Dear Chair Stone,

I am writing to you with regard to the Cowichan Estuary Environmental Management Plan.

At our March 1, 2023 meeting, North Cowichan Council passed the following motion:

> *THAT the Mayor write a letter to the Province requesting that the Province, in consultation with affected stakeholders, amend the 1987 Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and uses, and climate change; AND to request support from Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, Cowichan Estuary and Restoration and Conservation Association (CERCA).*

To follow up on this motion, I respectfully ask that the CVRD consider providing a letter of support for our request to the Honourable Nathan Cullen, Minister of Water, Land and Resource Stewardship, to update the Cowichan Estuary Environmental Management Plan that was originally adopted in 1987.

As you know, in the more than three decades since the Cowichan Estuary Environmental Management Plan was adopted, the estuary has changed dramatically due to human activities in the marine environment, the surrounding shores and intertidal flats, and the watershed. In addition, today, we face new challenges and opportunities with the estuary not addressed in the existing management plan, including sea level rise and precipitation and river discharge patterns that are changing the physical boundaries and ecological community of the estuary, the use of the estuary as moorage for Port Metro Vancouver, and a rapidly changing environment and expectations with regards to government consultation with local First Nations,.

We hope the CVRD will consider supporting our request to the Province. If you or your staff have any questions regarding this request, please do not hesitate to contact me by email at: mayor@northcowichan.ca or by phone at: 250 710-0593.

Sincerely,

Rob Douglas, Mayor
Municipality of North Cowichan
mayor@northcowichan.ca

From: Rob Douglas
To: "mayor@duncan.ca"
Cc: "Peter de Verteuil"
Subject: Request to update the Cowichan Estuary Environmental Management Plan
Date: Monday, April 3, 2023 9:35:53 AM

Dear Mayor Staples,

I am writing to you with regard to the Cowichan Estuary Environmental Management Plan.

At our March 1, 2023 meeting, North Cowichan Council passed the following motion:

> *THAT the Mayor write a letter to the Province requesting that the Province, in consultation with affected stakeholders, amend the 1987 Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and uses, and climate change; AND to request support from Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, Cowichan Estuary and Restoration and Conservation Association (CERCA).*

To follow up on this motion, I respectfully ask that the City of Duncan consider providing a letter of support for our request to the Honourable Nathan Cullen, Minister of Water, Land and Resource Stewardship, to update the Cowichan Estuary Environmental Management Plan that was originally adopted in 1987.

As you know, in the more than three decades since the Cowichan Estuary Environmental Management Plan was adopted, the estuary has changed dramatically due to human activities in the marine environment, the surrounding shores and intertidal flats, and the watershed. In addition, today, we face new challenges and opportunities with the estuary not addressed in the existing management plan, including sea level rise and precipitation and river discharge patterns that are changing the physical boundaries and ecological community of the estuary, the use of the estuary as moorage for Port Metro Vancouver, and a rapidly changing environment and expectations with regards to government consultation with local First Nations.

We hope the City will consider supporting our request to the Province. If you or your staff have any questions regarding this request, please do not hesitate to contact me by email at: mayor@northcowichan.ca or by phone at: 250 710-0593.

Sincerely,

Rob Douglas, Mayor
Municipality of North Cowichan
250-710-0593
mayor@northcowichan.ca

From: Rob Douglas
To: "cerca@shaw.ca"
Subject: Request to update the Cowichan Estuary Environmental Management Plan
Date: Monday, April 3, 2023 9:36:23 AM

Dear Dr. Schuerholz,

I am writing to you with regard to the Cowichan Estuary Environmental Management Plan.

At our March 1, 2023 meeting, North Cowichan Council passed the following motion:

> *THAT the Mayor write a letter to the Province requesting that the Province, in consultation with affected stakeholders, amend the 1987 Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and uses, and climate change; AND to request support from Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, Cowichan Estuary and Restoration and Conservation Association (CERCA).*

To follow up on this motion, I respectfully ask that the Cowichan Estuary and Restoration and Conservation Association (CERCA) consider providing a letter of support for our request to the Honourable Nathan Cullen, Minister of Water, Land and Resource Stewardship, to update the Cowichan Estuary Environmental Management Plan that was originally adopted in 1987.

As you know, in the more than three decades since the Cowichan Estuary Environmental Management Plan was adopted, the estuary has changed dramatically due to human activities in the marine environment, the surrounding shores and intertidal flats, and the watershed. In addition, today, we face new challenges and opportunities with the estuary not addressed in the existing management plan, including sea level rise and precipitation and river discharge patterns that are changing the physical boundaries and ecological community of the estuary, the use of the estuary as moorage for Port Metro Vancouver, and a rapidly changing environment and expectations with regards to government consultation with local First Nations.

We hope CERCA will consider supporting our request to the Province. If you or your staff have any questions regarding this request, please do not hesitate to contact me by email at: mayor@northcowichan.ca or by phone at: 250 710-0593.

Sincerely,

Rob Douglas, Mayor
Municipality of North Cowichan
250-710-0593
mayor@northcowichan.ca

From: Terri Brennan
Sent: Monday, April 3, 2023 11:04 AM
To: 'cassandra.caunce@gov.bc.ca'
Cc: Rob Douglas
Subject: Cowichan Estuary Environmental Management Plan
Attachments: 2023-04-03rd_ltb_Cowichan Estuary Environmental Management Plan.pdf; Request for support letters to update the Cowichan Estuary Environmental Management Plan.pdf

Good morning, Cassandra

Mayor Rob Douglas asked that I share the following letters with you.

Terri Brennan (she/her)
Executive Assistant
Office of the Mayor & CAO

Municipality of North Cowichan
terri.brennan@northcowichan.ca
T 250.746.3117

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca

From: Terri Brennan
Sent: Monday, April 3, 2023 10:50 AM
To: 'wlrs.minister@gov.bc.ca' <wlrs.minister@gov.bc.ca>
Cc: 'chief@cowichantribes.com' <chief@cowichantribes.com>; 'Jesse.Patterson@gov.bc.ca' <Jesse.Patterson@gov.bc.ca>; 'mayor@duncan.ca' <mayor@duncan.ca>; 'chairperson@cvrd.bc.ca' <chairperson@cvrd.bc.ca>; 'cerca@shaw.ca' <cerca@shaw.ca>; Council <council@northcowichan.ca>
Subject: Cowichan Estuary Environmental Management Plan

Good morning.

Attached is a letter from Mayor Douglas, Municipality of North Cowichan, along with copies of emails sent to Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, Cowichan Estuary and Restoration and Conservation Association.

A hard copy will not follow in the mail.

Terri Brennan (she/her)
Executive Assistant
Office of the Mayor & CAO

Municipality of North Cowichan
terri.brennan@northcowichan.ca
T 250.746.3117

FOI 24.11 responsive records Page 160 of 227

From: Rob Douglas
Sent: Monday, April 3, 2023 9:33 AM
To: 'chief@cowichantribes.com'
Cc: 'Cindy Daniels'
Subject: Request to update the Cowichan Estuary Environmental Management Plan
Attachments: 2023-04-03rd_ltb_Cowichan Estuary Environmental Management Plan.pdf

Dear Chief,

I am writing to you with regard to the Cowichan Estuary Environmental Management Plan.

At our March 1, 2023 meeting, North Cowichan Council passed the following motion:

> *THAT the Mayor write a letter to the Province requesting that the Province, in consultation with affected stakeholders, amend the 1987 Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and uses, and climate change; AND to request support from Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, Cowichan Estuary and Restoration and Conservation Association (CERCA).*

To follow up on this motion, I respectfully ask that Cowichan Tribes consider providing a letter of support for our request to the Honourable Nathan Cullen, Minister of Water, Land and Resource Stewardship, to update the Cowichan Estuary Environmental Management Plan that was originally adopted in 1987.

As Cowichan Tribes knows well, in the more than three decades since the Cowichan Estuary Environmental Management Plan was adopted, the estuary has changed dramatically due to human activities in the marine environment, the surrounding shores and intertidal flats, and the watershed. In addition, today we face new challenges and opportunities with the estuary not addressed in the existing management plan, including sea level rise and precipitation and river discharge patterns that are changing the physical boundaries and ecological community of the estuary, the use of the estuary as moorage for Port Metro Vancouver, and a rapidly changing environment and expectations with regards to government consultation with local First Nations.

We hope Cowichan Tribes will consider supporting our request to the Province. If you or your staff have any questions regarding this request, please do not hesitate to contact me by email at: mayor@northcowichan.ca or by phone at: 250 710-0593.

Sincerely,

Rob Douglas, Mayor
Municipality of North Cowichan
250-710-0593
mayor@northcowichan.ca

FOI 24.11 responsive records Page 161 of 227

MUNICIPALITY OF
NORTH
Cowichan

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 Canada
www.northcowichan.ca
T 250.746.3100
F 250.746.3133

April 3, 2023

Honourable Nathan Cullen
Minister of Water, Land and Resource Stewardship
PO Box 9012 Stn Prov Govt
Victoria BC V8W 9L6

Via email: WLRS.minister@gov.bc.ca

Dear Minister:

Re: Request to update the Cowichan Estuary Environmental Management Plan

On behalf of the Municipality of North Cowichan, I am writing to ask that the Province, in consultation with affected stakeholders, amend Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and uses, and climate change.

The estuary of the Cowichan River and Koksilah River is situated in Cowichan Bay which is about 40 kilometres north of Victoria. Among the largest of British Columbia estuaries, the high quality of fish and wildlife habitat in the Cowichan estuary is especially valued for rearing salmon and overwintering waterbirds.

In 1987 the Province responded to conflicting demand for industrial use of the estuary with concerns for protecting the special environmental resources the estuary provides, by adopting the Cowichan Estuary Environmental Management Plan as an Order-in-Council under the *Environment Management Act*, with the stated goal of providing "...guidance and a focal point for pursuing the opportunities offered by the estuary, and for sustaining its environmental quality for the benefit of future generations."

However, in the more than three decades since the plan was adopted, the estuary has changed dramatically due to human activities in the marine environment, the surrounding shores and intertidal flats, and the watershed.

Recent work undertaken at the Municipality of North Cowichan speaks to the need to update the Cowichan Estuary Environmental Management Plan to reflect these changes. For instance, we have been working with environmental specialist Diamond Head Consulting to review our existing environmental policies and regulations, and they have recommended updating the existing management plan for the

estuary, citing its references to old agreements and legislation, industrial parties that no longer exist, and the fact that it does not include new parties that have since become active in the estuary.

In addition, today we face new challenges with the Cowichan estuary not addressed in the existing management plan. For example:

- Sea level rise and precipitation and river discharge patterns are changing the physical boundaries and ecological community of the estuary;
- Nature of consultation with First Nations has changed; and,
- Use of the estuary as a moorage for Port Metro Vancouver has changed.

As the Province is aware, the area of the Cowichan Estuary Environmental Management Plan encompasses multiple jurisdictions and land uses, including Cowichan Tribes traditional lands, the Village of Cowichan Bay which falls within the Cowichan Valley Regional District, industrial leases of Crown lands, and parcels under the management of the Municipality of North Cowichan, national and international conservation organizations, and private landholders. This multiplicity of tenure, jurisdictions and interests means community and stakeholder participation is essential for sound environmental management.

North Cowichan staff are available to assist in identifying relevant stakeholders to engage in amending the Cowichan Estuary Environmental Management Plan, including industry, environmental groups, and other government representatives.

Thank you for taking the time to consider our request.

Sincerely,

Rob Douglas, Mayor
Municipality of North Cowichan

mayor@northcowichan.ca

cc: Lydia Hwitsum, Chief, Cowichan Tribes
Jesse Patterson, Ecosystems Section Head, Ministry of Water, Land and Resource Stewardship
North Cowichan Council
Ted Swabey, CAO, North Cowichan
Michelle Staples, Mayor, City of Duncan
Aaron Stone, Chair, Cowichan Valley Regional District
Dr. Goetz Schuerholz, Chair, Cowichan Estuary and Restoration and Conservation Association

FOI 24.11 responsive records Page 163 of 227

From: Rob Douglas
Sent: Monday, April 3, 2023 9:33 AM
To: 'mayor@duncan.ca'
Cc: 'Peter de Verteuil'
Subject: Request to update the Cowichan Estuary Environmental Management Plan
Attachments: 2023-04-03rd_ltb_Cowichan Estuary Environmental Management Plan.pdf

Dear Mayor Staples,

I am writing to you with regard to the Cowichan Estuary Environmental Management Plan.

At our March 1, 2023 meeting, North Cowichan Council passed the following motion:

> *THAT the Mayor write a letter to the Province requesting that the Province, in consultation with affected stakeholders, amend the 1987 Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and uses, and climate change; AND to request support from Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, Cowichan Estuary and Restoration and Conservation Association (CERCA).*

To follow up on this motion, I respectfully ask that the City of Duncan consider providing a letter of support for our request to the Honourable Nathan Cullen, Minister of Water, Land and Resource Stewardship, to update the Cowichan Estuary Environmental Management Plan that was originally adopted in 1987.

As you know, in the more than three decades since the Cowichan Estuary Environmental Management Plan was adopted, the estuary has changed dramatically due to human activities in the marine environment, the surrounding shores and intertidal flats, and the watershed. In addition, today, we face new challenges and opportunities with the estuary not addressed in the existing management plan, including sea level rise and precipitation and river discharge patterns that are changing the physical boundaries and ecological community of the estuary, the use of the estuary as moorage for Port Metro Vancouver, and a rapidly changing environment and expectations with regards to government consultation with local First Nations.

We hope the City will consider supporting our request to the Province. If you or your staff have any questions regarding this request, please do not hesitate to contact me by email at: mayor@northcowichan.ca or by phone
at: 250 710-0593.

Sincerely,

Rob Douglas, Mayor
Municipality of North Cowichan
250-710-0593
mayor@northcowichan.ca

FOI 24.11 responsive records Page 164 of 227

MUNICIPALITY OF
NORTH
Cowichan

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 Canada
www.northcowichan.ca
T 250.746.3100
F 250.746.3133

April 3, 2023

Honourable Nathan Cullen
Minister of Water, Land and Resource Stewardship
PO Box 9012 Stn Prov Govt
Victoria BC V8W 9L6

Via email: WLRS.minister@gov.bc.ca

Dear Minister:

Re: Request to update the Cowichan Estuary Environmental Management Plan

On behalf of the Municipality of North Cowichan, I am writing to ask that the Province, in consultation with affected stakeholders, amend Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and uses, and climate change.

The estuary of the Cowichan River and Koksilah River is situated in Cowichan Bay which is about 40 kilometres north of Victoria. Among the largest of British Columbia estuaries, the high quality of fish and wildlife habitat in the Cowichan estuary is especially valued for rearing salmon and overwintering waterbirds.

In 1987 the Province responded to conflicting demand for industrial use of the estuary with concerns for protecting the special environmental resources the estuary provides, by adopting the Cowichan Estuary Environmental Management Plan as an Order-in-Council under the *Environment Management Act*, with the stated goal of providing "...guidance and a focal point for pursuing the opportunities offered by the estuary, and for sustaining its environmental quality for the benefit of future generations."

However, in the more than three decades since the plan was adopted, the estuary has changed dramatically due to human activities in the marine environment, the surrounding shores and intertidal flats, and the watershed.

Recent work undertaken at the Municipality of North Cowichan speaks to the need to update the Cowichan Estuary Environmental Management Plan to reflect these changes. For instance, we have been working with environmental specialist Diamond Head Consulting to review our existing environmental policies and regulations, and they have recommended updating the existing management plan for the

estuary, citing its references to old agreements and legislation, industrial parties that no longer exist, and the fact that it does not include new parties that have since become active in the estuary.

In addition, today we face new challenges with the Cowichan estuary not addressed in the existing management plan. For example:

- Sea level rise and precipitation and river discharge patterns are changing the physical boundaries and ecological community of the estuary;
- Nature of consultation with First Nations has changed; and,
- Use of the estuary as a moorage for Port Metro Vancouver has changed.

As the Province is aware, the area of the Cowichan Estuary Environmental Management Plan encompasses multiple jurisdictions and land uses, including Cowichan Tribes traditional lands, the Village of Cowichan Bay which falls within the Cowichan Valley Regional District, industrial leases of Crown lands, and parcels under the management of the Municipality of North Cowichan, national and international conservation organizations, and private landholders. This multiplicity of tenure, jurisdictions and interests means community and stakeholder participation is essential for sound environmental management.

North Cowichan staff are available to assist in identifying relevant stakeholders to engage in amending the Cowichan Estuary Environmental Management Plan, including industry, environmental groups, and other government representatives.

Thank you for taking the time to consider our request.

Sincerely,

Rob Douglas, Mayor
Municipality of North Cowichan

mayor@northcowichan.ca

cc: Lydia Hwitsum, Chief, Cowichan Tribes
Jesse Patterson, Ecosystems Section Head, Ministry of Water, Land and Resource Stewardship
North Cowichan Council
Ted Swabey, CAO, North Cowichan
Michelle Staples, Mayor, City of Duncan
Aaron Stone, Chair, Cowichan Valley Regional District
Dr. Goetz Schuerholz, Chair, Cowichan Estuary and Restoration and Conservation Association

From: Rob Douglas
Sent: Monday, April 3, 2023 9:29 AM
To: 'chairperson@cvrd.bc.ca'
Cc: 'Allison Nelson (allison.nelson@cvrd.bc.ca)'
Subject: Request to update the Cowichan Estuary Environmental Management Plan
Attachments: 2023-04-03rd_ltb_Cowichan Estuary Environmental Management Plan.pdf

Dear Chair Stone,

I am writing to you with regard to the Cowichan Estuary Environmental Management Plan.

At our March 1, 2023 meeting, North Cowichan Council passed the following motion:

> *THAT the Mayor write a letter to the Province requesting that the Province, in consultation with affected stakeholders, amend the 1987 Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and uses, and climate change; AND to request support from Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, Cowichan Estuary and Restoration and Conservation Association (CERCA).*

To follow up on this motion, I respectfully ask that the CVRD consider providing a letter of support for our request to the Honourable Nathan Cullen, Minister of Water, Land and Resource Stewardship, to update the Cowichan Estuary Environmental Management Plan that was originally adopted in 1987.

As you know, in the more than three decades since the Cowichan Estuary Environmental Management Plan was adopted, the estuary has changed dramatically due to human activities in the marine environment, the surrounding shores and intertidal flats, and the watershed. In addition, today, we face new challenges and opportunities with the estuary not addressed in the existing management plan, including sea level rise and precipitation and river discharge patterns that are changing the physical boundaries and ecological community of the estuary, the use of the estuary as moorage for Port Metro Vancouver, and a rapidly changing environment and expectations with regards to government consultation with local First Nations,.

We hope the CVRD will consider supporting our request to the Province. If you or your staff have any questions regarding this request, please do not hesitate to contact me by email at: mayor@northcowichan.ca or by phone at: 250 710-0593.

Sincerely,

Rob Douglas, Mayor
Municipality of North Cowichan
mayor@northcowichan.ca

FOI 24.11 responsive records Page 167 of 227

MUNICIPALITY OF
NORTH
Cowichan

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 Canada
www.northcowichan.ca
T 250.746.3100
F 250.746.3133

April 3, 2023

Honourable Nathan Cullen
Minister of Water, Land and Resource Stewardship
PO Box 9012 Stn Prov Govt
Victoria BC V8W 9L6

Via email: WLRS.minister@gov.bc.ca

Dear Minister:

Re: Request to update the Cowichan Estuary Environmental Management Plan

On behalf of the Municipality of North Cowichan, I am writing to ask that the Province, in consultation with affected stakeholders, amend Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and uses, and climate change.

The estuary of the Cowichan River and Koksilah River is situated in Cowichan Bay which is about 40 kilometres north of Victoria. Among the largest of British Columbia estuaries, the high quality of fish and wildlife habitat in the Cowichan estuary is especially valued for rearing salmon and overwintering waterbirds.

In 1987 the Province responded to conflicting demand for industrial use of the estuary with concerns for protecting the special environmental resources the estuary provides, by adopting the Cowichan Estuary Environmental Management Plan as an Order-in-Council under the *Environment Management Act*, with the stated goal of providing "...guidance and a focal point for pursuing the opportunities offered by the estuary, and for sustaining its environmental quality for the benefit of future generations."

However, in the more than three decades since the plan was adopted, the estuary has changed dramatically due to human activities in the marine environment, the surrounding shores and intertidal flats, and the watershed.

Recent work undertaken at the Municipality of North Cowichan speaks to the need to update the Cowichan Estuary Environmental Management Plan to reflect these changes. For instance, we have been working with environmental specialist Diamond Head Consulting to review our existing environmental policies and regulations, and they have recommended updating the existing management plan for the

estuary, citing its references to old agreements and legislation, industrial parties that no longer exist, and the fact that it does not include new parties that have since become active in the estuary.

In addition, today we face new challenges with the Cowichan estuary not addressed in the existing management plan. For example:

- Sea level rise and precipitation and river discharge patterns are changing the physical boundaries and ecological community of the estuary;
- Nature of consultation with First Nations has changed; and,
- Use of the estuary as a moorage for Port Metro Vancouver has changed.

As the Province is aware, the area of the Cowichan Estuary Environmental Management Plan encompasses multiple jurisdictions and land uses, including Cowichan Tribes traditional lands, the Village of Cowichan Bay which falls within the Cowichan Valley Regional District, industrial leases of Crown lands, and parcels under the management of the Municipality of North Cowichan, national and international conservation organizations, and private landholders. This multiplicity of tenure, jurisdictions and interests means community and stakeholder participation is essential for sound environmental management.

North Cowichan staff are available to assist in identifying relevant stakeholders to engage in amending the Cowichan Estuary Environmental Management Plan, including industry, environmental groups, and other government representatives.

Thank you for taking the time to consider our request.

Sincerely,

Rob Douglas, Mayor
Municipality of North Cowichan

mayor@northcowichan.ca

cc: Lydia Hwitsum, Chief, Cowichan Tribes
Jesse Patterson, Ecosystems Section Head, Ministry of Water, Land and Resource Stewardship
North Cowichan Council
Ted Swabey, CAO, North Cowichan
Michelle Staples, Mayor, City of Duncan
Aaron Stone, Chair, Cowichan Valley Regional District
Dr. Goetz Schuerholz, Chair, Cowichan Estuary and Restoration and Conservation Association

From: Rob Douglas
Sent: Monday, April 3, 2023 9:33 AM
To: 'cerca@shaw.ca'
Subject: Request to update the Cowichan Estuary Environmental Management Plan
Attachments: 2023-04-03rd_ltb_Cowichan Estuary Environmental Management Plan.pdf

Dear Dr. Schuerholz,

I am writing to you with regard to the Cowichan Estuary Environmental Management Plan.

At our March 1, 2023 meeting, North Cowichan Council passed the following motion:

> *THAT the Mayor write a letter to the Province requesting that the Province, in consultation with affected stakeholders, amend the 1987 Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and uses, and climate change; AND to request support from Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, Cowichan Estuary and Restoration and Conservation Association (CERCA).*

To follow up on this motion, I respectfully ask that the Cowichan Estuary and Restoration and Conservation Association (CERCA) consider providing a letter of support for our request to the Honourable Nathan Cullen, Minister of Water, Land and Resource Stewardship, to update the Cowichan Estuary Environmental Management Plan that was originally adopted in 1987.

As you know, in the more than three decades since the Cowichan Estuary Environmental Management Plan was adopted, the estuary has changed dramatically due to human activities in the marine environment, the surrounding shores and intertidal flats, and the watershed. In addition, today, we face new challenges and opportunities with the estuary not addressed in the existing management plan, including sea level rise and precipitation and river discharge patterns that are changing the physical boundaries and ecological community of the estuary, the use of the estuary as moorage for Port Metro Vancouver, and a rapidly changing environment and expectations with regards to government consultation with local First Nations.

We hope CERCA will consider supporting our request to the Province. If you or your staff have any questions regarding this request, please do not hesitate to contact me by email at: mayor@northcowichan.ca or by phone
at: 250 710-0593.

Sincerely,

Rob Douglas, Mayor
Municipality of North Cowichan
250-710-0593
mayor@northcowichan.ca

FOI 24.11 responsive records Page 170 of 227

MUNICIPALITY OF
NORTH
Cowichan

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 Canada
www.northcowichan.ca
T 250.746.3100
F 250.746.3133

April 3, 2023

Honourable Nathan Cullen
Minister of Water, Land and Resource Stewardship
PO Box 9012 Stn Prov Govt
Victoria BC V8W 9L6

Via email: WLRS.minister@gov.bc.ca

Dear Minister:

Re: Request to update the Cowichan Estuary Environmental Management Plan

On behalf of the Municipality of North Cowichan, I am writing to ask that the Province, in consultation with affected stakeholders, amend Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and uses, and climate change.

The estuary of the Cowichan River and Koksilah River is situated in Cowichan Bay which is about 40 kilometres north of Victoria. Among the largest of British Columbia estuaries, the high quality of fish and wildlife habitat in the Cowichan estuary is especially valued for rearing salmon and overwintering waterbirds.

In 1987 the Province responded to conflicting demand for industrial use of the estuary with concerns for protecting the special environmental resources the estuary provides, by adopting the Cowichan Estuary Environmental Management Plan as an Order-in-Council under the *Environment Management Act*, with the stated goal of providing "...guidance and a focal point for pursuing the opportunities offered by the estuary, and for sustaining its environmental quality for the benefit of future generations."

However, in the more than three decades since the plan was adopted, the estuary has changed dramatically due to human activities in the marine environment, the surrounding shores and intertidal flats, and the watershed.

Recent work undertaken at the Municipality of North Cowichan speaks to the need to update the Cowichan Estuary Environmental Management Plan to reflect these changes. For instance, we have been working with environmental specialist Diamond Head Consulting to review our existing environmental policies and regulations, and they have recommended updating the existing management plan for the

estuary, citing its references to old agreements and legislation, industrial parties that no longer exist, and the fact that it does not include new parties that have since become active in the estuary.

In addition, today we face new challenges with the Cowichan estuary not addressed in the existing management plan. For example:

- Sea level rise and precipitation and river discharge patterns are changing the physical boundaries and ecological community of the estuary;
- Nature of consultation with First Nations has changed; and,
- Use of the estuary as a moorage for Port Metro Vancouver has changed.

As the Province is aware, the area of the Cowichan Estuary Environmental Management Plan encompasses multiple jurisdictions and land uses, including Cowichan Tribes traditional lands, the Village of Cowichan Bay which falls within the Cowichan Valley Regional District, industrial leases of Crown lands, and parcels under the management of the Municipality of North Cowichan, national and international conservation organizations, and private landholders. This multiplicity of tenure, jurisdictions and interests means community and stakeholder participation is essential for sound environmental management.

North Cowichan staff are available to assist in identifying relevant stakeholders to engage in amending the Cowichan Estuary Environmental Management Plan, including industry, environmental groups, and other government representatives.

Thank you for taking the time to consider our request.

Sincerely,

Rob Douglas, Mayor
Municipality of North Cowichan

mayor@northcowichan.ca

cc: Lydia Hwitsum, Chief, Cowichan Tribes
Jesse Patterson, Ecosystems Section Head, Ministry of Water, Land and Resource Stewardship
North Cowichan Council
Ted Swabey, CAO, North Cowichan
Michelle Staples, Mayor, City of Duncan
Aaron Stone, Chair, Cowichan Valley Regional District
Dr. Goetz Schuerholz, Chair, Cowichan Estuary and Restoration and Conservation Association

FOI 24.11 responsive records Page 172 of 227

From: Rob Douglas
Sent: Saturday, April 22, 2023 8:46 AM
To: Debra Toporowski; Ted Swabey; Terri Brennan; George Farkas; David Conway
Subject: FW: Letter of Support - Request to update the Cowichan Estuary Environmental Management Plan
Attachments: 2023-04-19 - Letter of Support - Cowichan Estuary.pdf

FYI

From: Allison Boyd <Allison@duncan.ca>
Sent: Wednesday, April 19, 2023 2:06 PM
To: WLRS.Minister@gov.bc.ca
Cc: Mayor <mayor@duncan.ca>; Rob Douglas <rob.douglas@northcowichan.ca>
Subject: Letter of Support - Request to update the Cowichan Estuary Environmental Management Plan

Good afternoon,

Please find attached a **Letter of Support – Request to update the Cowichan Estuary Environmental Management Plan**, from the City of Duncan.

Regards,

Allison C. Boyd,
Corporate Services Coordinator

DUNCAN

200 Craig Street
Duncan, BC V9L 1W3
Phone 250-746-6126 | www.duncan.ca

The information herein is confidential and may contain privileged information. It is intended solely for the person or entity to whom it is addressed. Any review, retransmission, dissemination, taking of any action in reliance upon, or other use of this information by persons or entities other than the intended recipient is prohibited. If you believe this message was not intended for you, please notify the sender and delete or destroy all digital and printed copies.

FOI 24.11 responsive records Page 173 of 227

April 19, 2023 File No: 0220-60

Minister of Water, Land and Resource Stewardship
The Honourable Nathan Cullen
PO Box 9012, STN PROV GOVT.
Victoria, BC V8W 9L6

VIA: **WLRS.Minister@gov.bc.ca**

Dear Minister Cullen:

RE: Letter of Support – Request to update the Cowichan Estuary Environmental Management Plan

The City of Duncan supports the Municipality of North Cowichan with their request to the Province to amend the 1987 Cowichan Estuary Environmental Management Plan, in consultation with interested parties, to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership, uses, and climate change.

It has been over three decades since the Cowichan Estuary Environmental Management Plan was adopted. The estuary has changed dramatically during that time, not only due to human activities, but also due to sea level rise, precipitation, and river discharge patterns. Furthermore, there are new and evolving challenges and opportunities that are not addressed in the current Cowichan Estuary Environmental Management Plan.

The City of Duncan recognizes the importance of this area for the region and encourages the Province to undertake consultation with interested parties to amend the Environmental Management Plan.

We thank you for your consideration.

Sincerely,

Michelle Staples,
Mayor

cc: Municipality of North Cowichan
Duncan City Council

From: Rob Douglas
Sent: Saturday, May 13, 2023 9:55 AM
To: Debra Toporowski; Ted Swabey; Terri Brennan
Subject: Fwd: Cowichan Estuary Environmental Management Plan
Attachments: 30119 - Douglas - Minister Response.pdf

Fyi

From: Minister, WLRS WLRS:EX <WLRS.Minister@gov.bc.ca>
Sent: Tuesday, May 9, 2023 9:05:27 AM
To: mayor@northcowichan.ca <mayor@northcowichan.ca>
Cc: Patterson, Jesse WLRS:EX <Jesse.Patterson@gov.bc.ca>
Subject: Cowichan Estuary Environmental Management Plan

Reference: 30119

VIA EMAIL: mayor@northcowichan.ca

Dear Mayor Douglas:

Please see attached letter regarding some of the current challenges in the Cowichan Estuary, and your request to amend the Cowichan Estuary Environmental Management Plan (CEEMP).

Sincerely,

Office of the Minister
Ministry of Water, Land and Resource Stewardship

pc: Jesse Patterson, Ecosystems Section Head, Land Use Policy, Planning and Ecosystems Division

Attachment (1)

From: Terri Brennan <terri.brennan@northcowichan.ca>
Sent: Monday, April 3, 2023 10:50 AM
To: Minister, WLRS WLRS:EX <WLRS.Minister@gov.bc.ca>
Cc: 'chief@cowichantribes.com' <chief@cowichantribes.com>; Patterson, Jesse WLRS:EX <Jesse.Patterson@gov.bc.ca>; 'mayor@duncan.ca' <mayor@duncan.ca>; 'chairperson@cvrd.bc.ca' <chairperson@cvrd.bc.ca>; 'cerca@shaw.ca' <cerca@shaw.ca>; Council <council@northcowichan.ca>
Subject: Cowichan Estuary Environmental Management Plan

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Good morning.

Attached is a letter from Mayor Douglas, Municipality of North Cowichan, along with copies of emails sent to Cowichan Tribes, Cowichan Valley Regional District, City of Duncan, Cowichan Estuary and Restoration and Conservation Association.

A hard copy will not follow in the mail.

Terri Brennan (she/her)
Executive Assistant
Office of the Mayor & CAO

Municipality of North Cowichan
terri.brennan@northcowichan.ca
T 250.746.3117

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca

This email and any attachments are only for the use of the intended recipient and must not be distributed, disclosed, used or copied by or to anyone else. If you receive this in error, please contact the sender by return email and delete all copies of this email and any attachments.

FOI 24.11 responsive records Page 176 of 227

Reference: 30119

May 8, 2023

VIA EMAIL: mayor@northcowichan.ca

Rob Douglas, Mayor
Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC V9L 6A1

Dear Mayor Douglas:

Thank you for your April 3, 2023, letter regarding some of the current challenges in the Cowichan Estuary and your request to amend the Cowichan Estuary Environmental Management Plan (CEEMP).

The Ministry of Water, Land and Resource Stewardship (WLRS) is responsible for working with other natural resource sector ministries and in partnership with First Nations to support the effective development of policy and planning for water, land and marine environments as well as biodiversity and ecosystem health. Over the years the province has worked with numerous partners on the Cowichan Estuary Environmental Management Committee (CEEMC) to administer the plan for the well-being of the estuary and those who live and work within it. Thank you for highlighting some of the new and emerging challenges in the estuary and the need to continue working collaboratively for successful outcomes.

I understand that prior reviews of the CEEMP in 2005 and 2010 highlighted several positive outcomes of the plan as well as some areas for improvement. As a starting point I will look to regional staff to review those prior reports and work with the CEEMC to evaluate the effectiveness of the existing plan. In the interim, please continue to work with Jesse Patterson, Ecosystems Section Head, Land Use Policy, Planning and Ecosystems Division, as the Chair of the CEEMC on any short-term process improvements at jesse.patterson@gov.bc.ca.

Again, thank you for writing and sharing your concerns.

Sincerely,

Nathan Cullen
Minister
Water, Land and Resource Stewardship

pc: Jesse Patterson, Ecosystems Section Head, Land Use Policy, Planning and Ecosystems Division

Ministry of Water, Land and Resource Stewardship
Office of the Minister
Mailing Address:
PO BOX 9012 Stn Prov Govt
Victoria, BC V8W 9L6
Tel: 778-405-3094
Website: www.gov.bc.ca/WLRS

From: Rob Douglas
Sent: Friday, May 19, 2023 10:11 AM
To: Ted Swabey
Cc: John Steenkamp
Subject: FW: Cowichan Estuary Environmental Management Plan
Attachments: 30119 - Douglas - Minister Response.pdf

Categories: Mayor

Hi Ted,

I meant to discuss this letter during our check in this morning.

In terms of next steps, I am thinking municipal staff should contact Jesse Paterson (chair of the estuary committee) to discuss timelines for provincial staff to review prior reports and to bring this topic forward as an future estuary committee meeting.

Thoughts?

Rob

From: Minister, WLRS WLRS:EX <WLRS.Minister@gov.bc.ca>
Sent: Tuesday, May 9, 2023 9:05 AM
To: Rob Douglas <rob.douglas@northcowichan.ca>
Cc: Patterson, Jesse WLRS:EX <Jesse.Patterson@gov.bc.ca>
Subject: Cowichan Estuary Environmental Management Plan

Reference: 30119

VIA EMAIL: mayor@northcowichan.ca

Dear Mayor Douglas:

Please see attached letter regarding some of the current challenges in the Cowichan Estuary, and your request to amend the Cowichan Estuary Environmental Management Plan (CEEMP).

Sincerely,

Office of the Minister
Ministry of Water, Land and Resource Stewardship

pc: Jesse Patterson, Ecosystems Section Head, Land Use Policy, Planning and Ecosystems Division

Attachment (1)

From: Terri Brennan <terri.brennan@northcowichan.ca>
Sent: Monday, April 3, 2023 10:50 AM
To: Minister, WLRS WLRS:EX <WLRS.Minister@gov.bc.ca>

From: Thomas Reid <treid@naturetrust.bc.ca>
Sent: Wednesday, May 24, 2023 8:18 AM
To: s.22 ; Cheri Ayers; Rosie Barlak; Piotr Cienciala; Lisa Fox; s.22 s.22 ; Tim Kulchyski; Dave Preikshot; Goetz Schuerholz; s.22 ; Vanessa Thomson; s.22
Cc: s.22 ; Elodie Roger (work)
Subject: RE: Water quality and estuarine health working group - Agenda

Hi everyone,

Thanks for the opportunity to present at the meeting last week.

The following website www.estuaryresilience.ca provides a good overview of the larger coast wide project we are undertaking that includes our efforts at the Cowichan. Pamela – on this website is a "video" tab that provides a link to the estuary series of videos we produced in cooperation with Hakai Communications. Let me know if these would be of benefit to the Nature Center and we can work to have the videos shared.

Also if anyone is interested in a much more detailed/in depth presentation on the resilience work please see https://vimeo.com/519685350/9d9c5e59f8 for a presentation Steve and I did for the Monitoring BC Nearshore Habitats Web Series.

The storymap that I showed during my presentation will be available in the coming weeks.

Cheers,
Tom

From: s.22
Sent: May 12, 2023 3:11 PM
To: Cheri Ayers <cheri@bioayerconsultants.com>; Rosie Barlak <Rosie.Barlak@gov.bc.ca>; Piotr Cienciala <Piotr.Cienciala@cvrd.bc.ca>; Lisa Fox <lisa@cowichanwatershedboard.ca>; s.22 s.22 s.22 Tim Kulchyski <tim.kulchyski@cowichantribes.com>; Dave Preikshot <dave.preikshot@northcowichan.ca>; Thomas Reid <treid@naturetrust.bc.ca>; Goetz Schuerholz <taesco@shaw.ca>; s.22 Vanessa Thomson <Vanessa.Thomson@cvrd.bc.ca>; s.22 s.22
Cc: s.22 ; Elodie Roger (work) <Elodie@originsenvironmental.com>
Subject: Water quality and estuarine health working group - Agenda

Hello Everyone,

Please find attached the agenda for next the upcoming working group meeting on **Thursday, May 18th and the Maritime Center** in Cowichan Bay. There will be 2 presentations, followed by discussion. One on 2022 preliminary water quality results, the other on restoration planning in the estuary.

I'm looking forward to seeing you all there!

s.22

FOI 24.11 responsive records Page 179 of 227

From: Terri Brennan
Sent: Monday, May 29, 2023 5:30 PM
To: Rob Douglas
Subject: FW: Cowichan Estuary Environmental Management Plan
Attachments: 30119 - Douglas - Minister Response.pdf

Okay to share with Council? They were on the original cc list.

Terri

From: Rob Douglas <rob.douglas@northcowichan.ca>
Sent: Saturday, May 13, 2023 9:54 AM
To: Debra Toporowski <debra.toporowski@northcowichan.ca>; Ted Swabey <Ted.Swabey@northcowichan.ca>; Terri Brennan <terri.brennan@northcowichan.ca>
Subject: Fwd: Cowichan Estuary Environmental Management Plan

Fyi

From: Minister, WLRS WLRS:EX <WLRS.Minister@gov.bc.ca>
Sent: Tuesday, May 9, 2023 9:05:27 AM
To: mayor@northcowichan.ca <mayor@northcowichan.ca>
Cc: Patterson, Jesse WLRS:EX <Jesse.Patterson@gov.bc.ca>
Subject: Cowichan Estuary Environmental Management Plan

Reference: 30119

VIA EMAIL: mayor@northcowichan.ca

Dear Mayor Douglas:

Please see attached letter regarding some of the current challenges in the Cowichan Estuary, and your request to amend the Cowichan Estuary Environmental Management Plan (CEEMP).

Sincerely,

Office of the Minister
Ministry of Water, Land and Resource Stewardship

pc: Jesse Patterson, Ecosystems Section Head, Land Use Policy, Planning and Ecosystems Division

Attachment (1)

From: Terri Brennan <terri.brennan@northcowichan.ca>
Sent: Monday, April 3, 2023 10:50 AM
To: Minister, WLRS WLRS:EX <WLRS.Minister@gov.bc.ca>
Cc: 'chief@cowichantribes.com' <chief@cowichantribes.com>; Patterson, Jesse WLRS:EX <Jesse.Patterson@gov.bc.ca>; 'mayor@duncan.ca' <mayor@duncan.ca>; 'chairperson@cvrd.bc.ca' <chairperson@cvrd.bc.ca>; 'cerca@shaw.ca'

FOI 24.11 responsive records Page 180 of 227

Reference: 30119

May 8, 2023

VIA EMAIL: mayor@northcowichan.ca

Rob Douglas, Mayor
Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC V9L 6A1

Dear Mayor Douglas:

Thank you for your April 3, 2023, letter regarding some of the current challenges in the Cowichan Estuary and your request to amend the Cowichan Estuary Environmental Management Plan (CEEMP).

The Ministry of Water, Land and Resource Stewardship (WLRS) is responsible for working with other natural resource sector ministries and in partnership with First Nations to support the effective development of policy and planning for water, land and marine environments as well as biodiversity and ecosystem health. Over the years the province has worked with numerous partners on the Cowichan Estuary Environmental Management Committee (CEEMC) to administer the plan for the well-being of the estuary and those who live and work within it. Thank you for highlighting some of the new and emerging challenges in the estuary and the need to continue working collaboratively for successful outcomes.

I understand that prior reviews of the CEEMP in 2005 and 2010 highlighted several positive outcomes of the plan as well as some areas for improvement. As a starting point I will look to regional staff to review those prior reports and work with the CEEMC to evaluate the effectiveness of the existing plan. In the interim, please continue to work with Jesse Patterson, Ecosystems Section Head, Land Use Policy, Planning and Ecosystems Division, as the Chair of the CEEMC on any short-term process improvements at jesse.patterson@gov.bc.ca.

Again, thank you for writing and sharing your concerns.

Sincerely,

Nathan Cullen
Minister
Water, Land and Resource Stewardship

pc: Jesse Patterson, Ecosystems Section Head, Land Use Policy, Planning and Ecosystems Division

Ministry of Water, Land and Resource Stewardship
Office of the Minister
Mailing Address:
PO BOX 9012 Stn Prov Govt
Victoria, BC V8W 9L6
Tel: 778-405-3094
Website: www.gov.bc.ca/WLRS

From: Terri Brennan
Sent: Thursday, June 1, 2023 9:40 AM
To: John Steenkamp
Subject: FW: Cowichan Estuary Environmental Management Plan
Attachments: 30119 - Douglas - Minister Response.pdf

Can you forward me the email you sent to Dave P; when you provided him with this letter?

Terri

From: Rob Douglas <rob.douglas@northcowichan.ca>
Sent: Friday, May 19, 2023 10:11 AM
To: Ted Swabey <Ted.Swabey@northcowichan.ca>
Cc: John Steenkamp <John.Steenkamp@northcowichan.ca>
Subject: FW: Cowichan Estuary Environmental Management Plan

Hi Ted,

I meant to discuss this letter during our check in this morning.

In terms of next steps, I am thinking municipal staff should contact Jesse Paterson (chair of the estuary committee) to discuss timelines for provincial staff to review prior reports and to bring this topic forward as an future estuary committee meeting.

Thoughts?

Rob

From: Minister, WLRS WLRS:EX <WLRS.Minister@gov.bc.ca>
Sent: Tuesday, May 9, 2023 9:05 AM
To: Rob Douglas <rob.douglas@northcowichan.ca>
Cc: Patterson, Jesse WLRS:EX <Jesse.Patterson@gov.bc.ca>
Subject: Cowichan Estuary Environmental Management Plan

Reference: 30119

VIA EMAIL: mayor@northcowichan.ca

Dear Mayor Douglas:

Please see attached letter regarding some of the current challenges in the Cowichan Estuary, and your request to amend the Cowichan Estuary Environmental Management Plan (CEEMP).

Sincerely,

Office of the Minister
Ministry of Water, Land and Resource Stewardship

FOI 24.11 responsive records Page 182 of 227

From: Shaun Chadburn
Sent: Tuesday, June 6, 2023 4:08 PM
To: David Conway
Cc: Dave Preikshot
Subject: RE: cowichan estuary

First I've heard of it ! Looks like its Tom Reid's group.

Maybe Dave P was aware, but this is the first ive heard of it from anyone.

Shaun Chadburn, PAg
Environmental Programs Coordinator
Development and Engineering Services | Engineering

Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
Email: shaun.chadburn@northcowichan.ca
T 250.746.3138
C 250.709.5111

This email and any attachments are only for the use of the intended recipient and must not be distributed, disclosed, used or copied by or to anyone else. If you receive this in error please contact the sender by return email and delete all copies of this email and any attachments.

From: David Conway <david.conway@northcowichan.ca>
Sent: Tuesday, June 6, 2023 3:54 PM
To: Shaun Chadburn <shaun.chadburn@northcowichan.ca>; Dave Preikshot <dave.preikshot@northcowichan.ca>
Subject: cowichan estuary

Will you look at this!!! where is the communication.

- **A major project to restore the health of the Cowichan estuary will begin this summer.** It's the biggest estuary restoration project on Vancouver Island, and will seek to remove two kilometres of dikes and restore 70 hectares of marsh habitat. Estuaries make up just 2.3 per cent of B.C.'s coastline but support 80 per cent of its coastal plants and wildlife. The Nature Trust of British Columbia, Cowichan Tribes and others are leading the project. Learn more at www.estuaryresilience.ca

David Conway PEng
Director, Subdivision and Environmental Services | Approving Officer
ENGINEERING SERVICES
Municipality of North Cowichan

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 Canada
www.northcowichan.ca
david.conway@northcowichan.ca
T 250.746.3136
C 250.715.6175

This email and any attachments are only for the use of the intended recipient and must not be distributed, disclosed, used or copied by or to anyone else. If you receive this in error please contact the sender by return email and delete all copies of this email and any attachments.

FOI 24.11 responsive records Page 184 of 227

Reference: 30119

May 8, 2023

VIA EMAIL: mayor@northcowichan.ca

Rob Douglas, Mayor
Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC V9L 6A1

Dear Mayor Douglas:

Thank you for your April 3, 2023, letter regarding some of the current challenges in the Cowichan Estuary and your request to amend the Cowichan Estuary Environmental Management Plan (CEEMP).

The Ministry of Water, Land and Resource Stewardship (WLRS) is responsible for working with other natural resource sector ministries and in partnership with First Nations to support the effective development of policy and planning for water, land and marine environments as well as biodiversity and ecosystem health. Over the years the province has worked with numerous partners on the Cowichan Estuary Environmental Management Committee (CEEMC) to administer the plan for the well-being of the estuary and those who live and work within it. Thank you for highlighting some of the new and emerging challenges in the estuary and the need to continue working collaboratively for successful outcomes.

I understand that prior reviews of the CEEMP in 2005 and 2010 highlighted several positive outcomes of the plan as well as some areas for improvement. As a starting point I will look to regional staff to review those prior reports and work with the CEEMC to evaluate the effectiveness of the existing plan. In the interim, please continue to work with Jesse Patterson, Ecosystems Section Head, Land Use Policy, Planning and Ecosystems Division, as the Chair of the CEEMC on any short-term process improvements at jesse.patterson@gov.bc.ca.

Again, thank you for writing and sharing your concerns.

Sincerely,

Nathan Cullen
Minister
Water, Land and Resource Stewardship

pc: Jesse Patterson, Ecosystems Section Head, Land Use Policy, Planning and Ecosystems Division

Ministry of Water, Land and Resource Stewardship
Office of the Minister
Mailing Address:
PO BOX 9012 Stn Prov Govt
Victoria, BC V8W 9L6
Tel: 778-405-3094
Website: www.gov.bc.ca/WLRS

From: Jennifer Aldcroft
Sent: Wednesday, June 7, 2023 12:15 PM
To: David Conway; Dave Preikshot; Shaun Chadburn; Sarah Grieves
Subject: Cowichan Estuary Restoration Project in the news

The Cowichan Estuary Restoration Project led by Nature Trust was in the news this week.

- https://www.cheknews.ca/threat-from-rising-sea-levels-leads-to-vital-intervention-in-cowichan-estuary-1155136/
- https://www.mycowichanvalleynow.com/75628/news/cowichan-valley/new-project-will-see-complete-reimagining-of-the-cowichan-estuary/
- https://globalnews.ca/news/9749914/cowichan-estuary-restoration/

Jennifer Aldcroft
Climate Change Specialist
Environmental Services | Engineering

Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca
jennifer.aldcroft@northcowichan.ca
T 250.746.3283
C 250.252.9919

This email and any attachments are only for the use of the intended recipient and must not be distributed, disclosed, used or copied by or to anyone else. If you receive this in error please contact the sender by return email and delete all copies of this email and any attachments.

From: Council Support
Sent: Monday, June 12, 2023 5:06 PM
To: s.22
Subject: RE: Follow up: Vancouver Island's largest estuary restoration project begins work to revitalize vital habitat and ecosystems

This email confirms that your correspondence has been received by Mayor & Council. Thank you for taking the time to write to us.

Please be advised that if your correspondence is included in a Consent Agenda, your name will be disclosed for transparency purposes and will be published in the agenda on North Cowichan's website under the Agendas, Minutes and Video webpage. All other personal information, such as residential addresses or email addresses, will be redacted from the correspondence prior to inclusion in the Consent Agenda, in accordance with the *Freedom of Information and Protection of Privacy Act*. For more information on how correspondence is added to the Consent Agenda please visit the Addressing Council in Person or in Writing webpage or contact Legislative Services at legislativeservices@northcowichan.ca.

Kind regards,

Terri Brennan (she/her)
Council Support and Executive Assistant
Office of the Mayor & CAO

Municipality of North Cowichan
terri.brennan@northcowichan.ca
T 250.746.3117

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca

From: alicia.arruda@ s.22
Sent: Wednesday, June 7, 2023 11:02 AM
To: Council <council@northcowichan.ca>
Subject: Follow up: Vancouver Island's largest estuary restoration project begins work to revitalize vital habitat and ecosystems

Hi there,

I hope you are well! I wanted to follow up to see if you would be interested in covering this story or connecting with Thomas Reid, **West Coast Conservation Land Management Program** for **The Nature Trust of B.C.** to discuss this project further?

The Cowichan Estuary Restoration Project is the largest estuary restoration project to ever take place on Vancouver Island and will work to revitalize 70 hectares of crucial estuarine habitat and marshlands.

Is this one for you?

Have a great day and please let us know if you have any questions.

Many thanks,
Alicia
--
We have some news for you. Today, the **Cowichan Estuary Restoration Project**, the largest estuary restoration project to take place on Vancouver Island, was announced by its project partners - The Nature Trust of B.C., Cowichan Tribes, Ducks Unlimited Canada (DUC), Ministry of Water, Land and Resource Stewardship, Ministry of Forests, Fisheries and Oceans Canada (DFO), Environment and Climate Change Canada, and Habitat Conservation Trust Foundation. The project will work to restore 70 hectares of vital habitat and estuarine marshlands along the Cowichan River Estuary.

Located in the traditional territory of the Quw'utsun people (Cowichan Tribes), the Cowichan River Estuary is ranked as a Class 1 estuary in terms of its biological significance in British Columbia. It contains crucial wildlife habitat and provides sanctuary **to up to 230 bird species.** Estuaries are some of the most productive ecosystems on earth, yet the climate crisis and human activity are threatening natural estuary processes.

Over the course of the project, its partners will restore essential estuary habitat and improve estuary resilience against rising sea levels. The project will be phased over two years and will involve the creation of intertidal channels and salt marsh habitat, and the restoration of marine riparian and flood fringe forests.

Significance:

- Estuaries make up **only 2.4% of BC's coastline but support over 80%** of BC's coastal fish and wildlife.
- The Cowichan River Estuary provides habitat, feeding, and breeding grounds for a diverse range of species, including Pacific Salmon, Shorebirds, Waterfowl, Short-eared owls and Bald Eagles.
- Estuaries provide important ecological services, including pollutant and sediment filtration, flood water absorption, storm surge mitigation, climate change moderation and carbon sequestration.
- The balance of freshwater and saltwater in estuaries creates an ideal rearing environment for juvenile salmonids.

Thomas Reid, West Coast Conservation Land Management Program for The Nature Trust of B.C., is available to discuss the importance of this project, the ecological and environmental impact of estuaries, and what steps will be taken to ensure the Cowichan River Estuary is able to flourish for generations to come. Please also let us know if you would be interested to speaking to any of the partners on the project.

Please let us know if you would like to coordinate an interview.

You can view the digital media kit here.

Thanks,
Ali
--

Largest Estuary Restoration Project on Vancouver Island starts work to revitalize crucial estuarine habitat

The project will restore over 70 hectares of natural estuarine marshlands, a vitally important habitat for wild Pacific salmon and the interconnected ecosystems that rely on them.

June 6 2023, Cowichan BC, Canada - Today, The Nature Trust of British Columbia (NTBC), in partnership with Cowichan Tribes, Ducks Unlimited Canada (DUC), Ministry of Water, Land and Resource Stewardship, Ministry of Forests, Fisheries and Oceans Canada (DFO), Environment and Climate Change Canada, and Habitat Conservation Trust Foundation announced plans to restore and revitalize 70 hectares of estuarine marshlands along the Cowichan River Estuary on Vancouver Island.

The Cowichan Estuary Restoration Project is the largest estuary restoration project to ever occur on Vancouver Island, aiming to restore vitally important estuary habitat and enhance estuary resilience against rising sea-levels. The project will rejuvenate habitat crucial for the survival of key fish and wildlife species, including wild Pacific Salmon, migratory and breeding birds as well as species-at-risk.

The project will involve the combined removal of over 2 km of dikes at Dinsdale Farm and Koksilah Marsh, the creation of intertidal channels and salt marsh habitat, the restoration of marine riparian and flood fringe forests, and the reconnection of areas that have been historically cut off from tidal influence.

Estuaries are incredibly diverse ecosystems that thrive in a narrow band of elevation and represent the critical areas where the nutrients from the marine and terrestrial environments mix. This nutrient rich environment plays a crucial role in the life cycle of fish, crabs, shellfish, migratory and breeding birds. Estuaries are also powerful carbon sinks with sediments capable of capturing carbon ten times as quickly as forest soils. Local communities benefit from ecosystem services that estuaries provide, such as pollutant filtration and storm surge mitigation.

This project is the culmination of a rich legacy of partnerships amongst conservation agencies and Cowichan Tribes. Beginning in 1985, NTBC, DUC, and partners in the Pacific Estuary Conservation Program, began a campaign to set aside, manage and restore as much of the estuary landscape as possible and have worked closely with Cowichan Tribes and other community partners in stewarding these lands and implementing several restoration and monitoring projects.

Since 2018, the partners have collaborated in implementing an in-depth monitoring program to assess the resilience of the Cowichan/Koksilah estuary to sea level rise, and have worked with consultants on extensive modeling and assessments of the impacts of the historic dike and river training within the estuary. Based on the results of this work, a decision was made by all of the partners to implement the Cowichan Estuary Restoration Project to focus on overall ecosystem health and resilience of the estuary.

The Cowichan Estuary Restoration Project is funded by the BC Salmon Restoration and Innovation Fund (BC SRIF), a contribution program funded jointly by DFO and the Province of BC, DFO’s Aquatic Ecosystems Restoration Fund (AERF), and Cowichan Tribes through the Aquatic Habitat Restoration Fund (AHRF). Thank you to our funders and partners for their dedication and commitment to conservation. We are honoured and grateful for your collaboration and support. The project's development has also included a Technical/Scientific Advisory Committee composed of leading nearshore scientists from British Columbia and the United States National Estuary Research Reserve System (NERRS).

For more information on the project, visit EstuaryResilience.ca to learn more.

– – – –

QUOTES

Thomas Reid, West Coast Conservation Land Management Program Manager shares, “Estuaries are the heart of our coastal landscape and are among the most productive ecosystems on earth. Although they only make up 2.3% of B.C.’s coastline, they support more than 80% of our wildlife, birds, and fish. Sadly, the climate crisis and human activities are threatening their vital processes putting habitat and surrounding communities at risk. This project is an essential step towards restoration of the Cowichan Estuary to conserve biodiversity and protect local communities, now and in the future.”

Partner Quotes

Larry George (Smaalthun) Director Lulumexun - Lands and Self Governance Department, Cowichan Tribes shares,“The Quw'utsun Mustimuhw (Cowichan People) have long been stewards of the lands and waters. We have witnessed the changes in our estuary over time, which have had a dramatic impact on our resources. Cowichan Tribes aims to contribute to the management of our traditional territory through habitat

FOI 24.11 responsive records Page 189 of 227

restoration and monitoring of this important ecosystem. We look forward to seeing this important work continue, and to keep our territory thriving for future generations."

Dr. Jasper Lament, Chief Executive Officer at The Nature Trust of BC shares, "We are grateful to be working with our partners on this crucial restoration project. Estuaries are environmental and ecological powerhouses and the wellbeing of our coastal ecosystems and wildlife depend on them. Our collective work will restore salt marsh habitats and estuarine processes which will not only benefit the species within the estuary, but nearby communities. Collaboration is key and together we can revitalize the Cowichan Estuary to ensure that it is able to flourish in perpetuity, for the benefit of fish, wildlife, and people.

Nathan Cullen, Minister of Water, Land and Resource Stewardship shares, "We are delighted to collaborate on this project to restore the natural estuarine marshlands in the Cowichan Estuary. Our government is committed to the sustainable management and protection of water resources in B.C., , and this project aligns perfectly with our goals. By restoring the natural marshland, we are enhancing the ecological health of this important ecosystem and improving the water quality of the surrounding areas. This project will set an excellent example for the preservation of Canada's aquatic ecosystems, and we are proud to be a part of it. We look forward to continuing our collaborative efforts and seeing the positive impact of this project on the Cowichan Estuary and the communities that rely on it."

Sarah Nathan, Manager, Provincial Operations, B.C. at Ducks Unlimited shares, "At Ducks Unlimited Canada we have been conserving wetlands and other natural spaces for waterfowl, wildlife, and people for 85 years. The restoration efforts at the Cowichan Estuary will ensure vital habitat can continue to support waterfowl as they rest over winter on their migratory path, a large range of fish and other wildlife for generations to come, while also advancing local climate resilience against rising sea-levels. We are proud to work with our partners to protect these essential ecosystems and the species that depend on them."

Linda Higgins, South Coast Area Director Fisheries and Oceans Canada shares, "The importance of estuaries for the health of our oceans cannot be overstated. We are thrilled to partner with local organizations and communities to restore over 70 hectares of natural estuarine marshlands in the Cowichan Estuary. This project aligns with our commitment to protect and restore Canada's aquatic ecosystems, and we are proud to contribute to the preservation of this vital habitat for a diverse range of marine species. Through collaborative efforts, we believe this project will not only restore the estuary's ecological balance but also provide long-lasting benefits for the communities that rely on it. We look forward to seeing the positive impact of this project on the Cowichan Estuary and the surrounding areas."

Darcy C. Henderson PhD, Head, Stewardship Unit Canadian Wildlife Service Environment & Climate Change Canada shares, "Climate change and environmental degradation are some of the greatest challenges of our time, and it is essential that we work together to protect our natural habitats and the biodiversity they support. The revitalization of estuaries in British Columbia is critical to providing a habitat for animals, aiding in climate change adaptation, and offering environmental benefits. Climate change and biodiversity loss are tightly entwined and by restoring these essential ecosystems, we are not only mitigating the effects of climate change but also protecting the region's diverse wildlife and ensuring their survival. We believe this project is a significant step towards a more sustainable future, and we are proud to be a part of it."

Dan Buffett, CEO, Habitat Conservation Trust Foundation shares, "At the Habitat Conservation Trust Foundation, we invest in the future of British Columbia's fish, wildlife, and their habitats. With over 80% of BC's coastal fish and wildlife dependent on estuaries for their survival, the protection and restoration of these vital ecosystems are critical. Through partnership and collaborative projects such as the Cowichan estuary, we support improving estuary resilience against climate change and other negative impacts."

Cowichan Valley Regional District Board shares, "The CVRD is excited to see this important restoration work commencing in the Cowichan Estuary. Not only will this project restore critical fish and wildlife habitat, it will also build resiliency to adapt to our changing climate and extreme weather events. This project is key to assisting the Cowichan region in meeting Cowichan Watershed Board targets for the health of this estuary and contributes to the overall regional vision of a vibrant economy and diverse natural environment. We recognize

FOI 24.11 responsive records Page 190 of 227

the efforts of Nature Trust, the Province of BC, Cowichan Tribes and partners who have worked diligently in the design and implementation of this project and will work closely with them to ensure its long term success."

– – – –

NOTE TO EDITORS:

History of the project

- Beginning in 1985, the Nature Trust of BC, Ducks Unlimited Canada, and partners in the Pacific Estuary Conservation Program launched a campaign to set aside and restore as much of the Cowichan Estuary landscape as possible. Through a combination of land purchases, donations, and covenants, and with the support of the Cowichan Estuary Environmental Management Plan, much of the estuary is now protected.
- The areas of the Cowichan Restoration Project (Dinsdale Farm, Koksilah Marsh) were acquired between 1985 and 1990. The management focus for these lands was to actively manage agriculture for the benefit of migratory waterfowl.
- Since 2018, the partners have collaborated in implementing an in-depth monitoring program to assess the resilience of the Cowichan/Koksilah estuary to sea level rise, and have worked with consultants on extensive modeling and assessments of the impacts of the historic dike and river training within the estuary. Based on the results of this work, a decision was made by all of the partners to implement the Cowichan Estuary Restoration Project to focus on overall ecosystem health and resilience of the estuary.

About partners

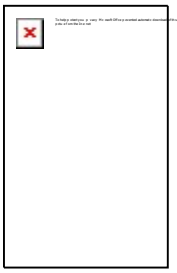
About The Nature Trust of British Columbia
The Nature Trust of British Columbia is a leading non-profit land conservation organization with over 50 years of success protecting and caring for B.C.'s most critical habitats. Since 1971, The Nature Trust of BC and its partners have acquired more than 73,000 hectares (180,000 acres) of ecologically significant land to save vulnerable wildlife, fish and plants.

Habitat Conservation Trust Foundation (HCTF)
For over 40 years, the Habitat Conservation Trust Foundation (HCTF) has provided grants to a large network of recipients who undertake conservation projects each year. With support from HCTF, a wide range of nonprofit organizations, First Nations and Indigenous communities, Provincial ministries, and community groups implement projects that protect and restore B.C.'s wildlife, freshwater fish, and their habitats. Since 1981, the HCTF has funded over 3,550 projects representing an investment of over $215 million for conservation in B.C.

Ducks Unlimited Canada (DUC)
Ducks Unlimited Canada (DUC) is a leading conservation organization committed to conserving wetlands and associated habitats across Canada. Founded in 1938, DUC has a rich history and a deep understanding of the vital role that wetlands play in maintaining biodiversity, mitigating climate change, and providing essential ecosystem services. With a science-based approach and a collaborative mindset, DUC works tirelessly to protect, restore, and manage wetlands, ensuring they continue to support waterfowl, wildlife, and communities. Through strategic land acquisition, habitat restoration projects, and partnerships with various stakeholders, DUC has conserved millions of acres of wetlands, contributing to the overall health and resilience of Canada's natural landscapes. With a strong emphasis on education, research, and community engagement, DUC strives to inspire and empower individuals to take action in conserving wetlands, making a lasting impact for generations to come.

CONTACT:
Cowichan Estuary Restoration Project
cowichanrestorationproject@yulupr.com
604-558-1656

--



Alicia Arruda (she/her) | Account Manager

Yulu Public Relations
O: 604.558.1656 | M: 778.836.8460
www.YuluPR.com | Vancouver // New York City

Named one of Canada's Top Small & Medium Emp

Check out our 2022 Benefit Report, here.



I acknowledge that where I live and work in Vancouver is on the unceded territories of the xʷməθkwəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and Səl̓ílwətaʔ/Selilwitulh (Tsleil-Waututh) Nations.

FOI 24.11 responsive records Page 192 of 227

From: Terri Brennan
Sent: Monday, July 31, 2023 12:08 PM
To: Council
Subject: FW: CVRD Request to update the Cowichan Estuary Environment Management Plan
Attachments: Ltr to Minister Cullen RE Request to update the Cowichan Estuary Environmental Management Plan.pdf

Mayor Douglas asked that I share this response with you. It is a copy of a letter from Minister Cullen's office supporting our request to update the Cowichan Estuary Environmental Management Plan.

Terri

Terri Brennan she/her
Executive Assistant
Office of the Mayor and CAO
T: 250-746-3117
E: terri.brennan@northcowichan.ca

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca

From: Amanda Ferguson <Amanda.Ferguson@cvrd.bc.ca>
Sent: Friday, July 14, 2023 1:11:15 PM
To: 'WLRS.Minister@gov.bc.ca' <WLRS.Minister@gov.bc.ca>
Cc: Rob Douglas <mayor@northcowichan.ca>
Subject: CVRD Request to update the Cowichan Estuary Environment Management Plan

Good afternoon,

Please see attached correspondence from our Board Chair.

Amanda Ferguson
Executive Coordinator
Office of the Chair & CAO
Cowichan Valley Regional District
175 Ingram Street, Duncan, BC V9L 1N8
Email: amanda.ferguson@cvrd.bc.ca
Tel: 250.746.2502 / Toll Free: 800.665.3955 / Fax: 250.746.2513

FOI 24.11 responsive records Page 193 of 227

I acknowledge that for thousands of years the Quw'utsun, Malahat, Ts'uubaa-asatx, Halalt, Penelakut, Stz'uminus, Lyackson, Pauquachin, Ditidaht & Pacheedaht Peoples have walked gently on the unceded territories where I now work.

We respectfully acknowledge that we live, work, and play on the traditional territories of the Quw'utsun First Nation, which includes the Cowichan Tribes, the Halalt First Nation, the Lyackson First Nation, the Penelakut Tribe, and the Stz'uminus First Nation. The Municipality also sits on the traditional territory of the Snuneymuxw First Nation.

This email and any attachments are only for the use of the intended recipient and must not be distributed, disclosed, used or copied by or to anyone else. If you receive this in error please contact the sender by return email and delete all copies of this email and any attachments.

FOI 24.11 responsive records Page 194 of 227

CVRD

175 Ingram Street
Duncan, BC V9L 1N8
www.cvrd.bc.ca

Office: 250.746.2500
Fax: 250.746.2513
Toll Free: 1.800.665.3955

July 6, 2023

Honourable Nathan Cullen
Minister of Water, Land and Resource Stewardship
PO Box 9012 Stn Prov Govt
Victoria BC V8W 9L6

Dear Minister:

Re: Request to update the Cowichan Estuary Environmental Management Plan

On behalf of the Cowichan Valley Regional District Board, I write in support of the Municipality of North Cowichan's letter to you of April 3, 2023.

We also ask that the Province, in consultation with First Nations and affected community and industry stakeholders, consider updating the Cowichan Estuary Environmental Management Plan (CEEMP) to address the emerging challenges we face within the Cowichan Estuary such as:

- Sea level rise, precipitation, and river discharge patterns that are changing physical boundaries and the ecological community of the estuary;
- The proximity and impacts of commercial vessel anchorages managed by the Port of Vancouver; and
- The importance of meaningful government to government engagement with First Nations.

The CVRD Board has adopted CVRD Bylaw No. 4270 - Cowichan Valley Regional District Official Community Plan for the Electoral Areas Bylaw, 2021, which includes marine land use designations and corresponding objectives and policies applicable to and consistent with the CEEMP. Please see https://www.cvrd.ca/DocumentCenter/View/102805/2021-10-13-Area-D-Cowichan-Bay-Local-Area-Plan (pages 18-22) for reference.

The CVRD would be pleased to provide supplemental information to aid in your consideration of this matter and would also welcome the opportunity to participate in an inclusive and collaborative process to review and update the CEEMP.

Regards,

Aaron Stone
Chair

Pc: Mayor, North Cowichan

From: Dave Preikshot
Sent: Friday, August 25, 2023 3:29 PM
To: s.22
Subject: RE: Nature Trust project

Hi s.22 ,

Thanks for writing. The Nature trust staff member leading this work is Tom Reid (treid@naturetrust.bc.ca), I am sure he would be happy to follow up on any questions you have regarding the estuary restoration project. I do not know if there are any immediate plans to present the project to the Cowichan Estuary Environmental Management Committee but the committee chair, Jesse Patterson (jesse.patterson@gov.bc.ca) might be able to answer that question for you.

Dave Preikshot PhD, RPBio (he/him)
Senior Environmental Specialist
Engineering
T: 250-746-3270
E: dave.preikshot@northcowichan.ca

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca

-----Original Message-----
From: s.22
Sent: 25-Aug-23 10:23
To: Dave Preikshot <dave.preikshot@northcowichan.ca>
Subject: Nature Trust project

Hi Dave
This is a followup to our conversation earlier this week about Nature Trust's project in the estuary. Do you have ideas for a broader discussion in the community or having the Cowichan Estuary Environmental Management group have a look at it? Who is the contact for that?

Always good to talk with you,
s.22

We respectfully acknowledge that we live, work, and play on the traditional territories of the Quw'utsun Nation, which includes the Cowichan Tribes, the Halalt First Nation, the Lyackson First Nation, the Penelakut Tribe, and the Stz'uminus First Nation. The Municipality also sits on the traditional territory of the Snuneymuxw First Nation.

This email and any attachments are only for the use of the intended recipient and must not be distributed, disclosed, used or copied by or to anyone else. If you receive this in error please contact the sender by return email and delete all copies of this email and any attachments.

FOI 24.11 responsive records Page 197 of 227

From: Jennifer Aldcroft
Sent: Wednesday, August 30, 2023 10:15 AM
To: Shaun Chadburn; Dave Preikshot; Sarah Grieves
Subject: FW: Water Restrictions , Estuary Project - excellent education

Jennifer Aldcroft (She/Her)
Climate Change Specialist
Engineering
T: 250-746-3283
E: Jennifer.Aldcroft@northcowichan.ca

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca

From: Barb Floden <Barb.Floden@northcowichan.ca>
Sent: Wednesday, August 30, 2023 9:34 AM
To: Jennifer Aldcroft <Jennifer.Aldcroft@northcowichan.ca>
Subject: FW: Water Restrictions , Estuary Project - excellent education

FYI

Barb Floden APR (she/her)
Manager, Communications and Public Engagement
Communications and Public Engagement
T: 250-746-3156
E: Barb.Floden@northcowichan.ca

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca

FOI 24.11 responsive records Page 198 of 227

From: Lorene Benoit, MHH <takethenaturalpath@gmail.com>
Sent: Wednesday, August 30, 2023 9:04 AM
To: John Elzinga CVRD GM <john.elzinga@cvrd.bc.ca>; CVRD <jmills@cvrd.bc.ca>; CVRD <ds@cvrd.bc.ca>; Mike Wilson, Area C CVRD <mike.wilson@cvrd.bc.ca>; CVRD <judymills@ s.22 Alison Nicholson <anicholson@cvrd.bc.ca>; Hilary Abbott <hilary.abbott@cvrd.bc.ca>; CVRD <legislativeservices@cvrd.bc.ca>; Alistair MacGregor <Alistair.MacGregor@parl.gc.ca>; Council <council@northcowichan.ca>
Cc: WestWard Independent <contact@coap.ca>; Cowichan Valley Citizen <editor@cowichanvalleycitizen.com>; Land Keepers Society <landkeepers23@gmail.com>; Sheila Valley Voice <editor@cowichanvalleyvoice.com>
Subject: Water Restrictions , Estuary Project - excellent education

Further to a publicly organized meeting at the Hub June 14th, about the Cowichan Bay "Restoration" Project, we thought this recently produced video would be great education for all politicians and NGO's (hoping you can share with those supposedly involved).
It is an excellent short presentation of many of the same issues we are facing in Cowichan Valley, as it also concerns the regulating of water to farms, which came up at this same meeting.
There are some differences to our situation, but far more similarities.

Different: part of BC, different river , different farmers

Same: same fish story as Cowichan and Koksilah River for Estuary project ;
same issues with government overreach, lack of communication with everyone affected

FOI 24.11 responsive records Page 199 of 227

same: where is the science versus projected models, which have proved to be wrong the last 50+ years
What one Farmer said: "Nature is going to do what nature is going to do".
Man is not God and we should quit trying to change Nature.

Let's REALLY think about "Food chain, food security, sustainable agriculture, etc, etc."

https://www.youtube.com/watch?v=9J5LuFijhBc

--
To order Quality Herbs or health supplements, call Benoit & Associates Health Education: **250-748-6802**

or order via this website:
TakeTheNaturalPath.myNSP.com Sponsor Ac# 1143615
Lorene Benoit, MHH, BEd, CHC, CRA, NSP #1143615

Websites: NaturalPathRemedies.com
TakeTheNaturalPath.myNSP.com

AUTHOR OF: ***The Paw Paw Program - A "Christopher Columbus" Approach to Cancer - The World IS Round and Cancer CAN Be Treated Naturally***

"You never change things by fighting the existing reality. To change something, build a new model that makes the existing model obsolete." **- R. Buckminster Fuller**

To understand current N.American and Global unrest, please look & listen to sources other than those creating the havoc. Thousands of reliable references on these sites:

https://www.naturalpathremedies.com/blog/category/covid-19/

Further to a publicly organized meeting at the Hub June 14th, about the Cowichan Bay "Restoration" Project, we thought this recently produced video would be great education for all politicians and NGO's (hoping you can share with those supposedly involved).

It is an excellent short presentation of many of the same issues we are facing in Cowichan Valley, as it also concerns the regulating of water to farms, which came up at this same meeting.

There are some differences to our situation, but far more similarities.

Different: part of BC, different river , different farmers

Same: same fish story as Cowichan and Koksilah River for Estuary project ;

same issues with government overreach, lack of communication with everyone affected

same: where is the science versus projected models, which have proved to be wrong the last 50+ years

FOI 24.11 responsive records Page 201 of 227

What one Farmer said: "Nature is going to do what nature is going to do".

Man is not God and we should quit trying to change Nature.

Let's REALLY think about "Food chain, food security, sustainable agriculture, etc, etc."

https://www.youtube.com/watch?v=9J5LuFijhBc

--

To order Quality Herbs or health supplements, call

Benoit & Associates Health Education: **250-748-6802**

or order via this website:

TakeTheNaturalPath.myNSP.com Sponsor Ac# 1143615

Lorene Benoit, MHH, BEd, CHC, CRA, NSP #1143615

Websites: NaturalPathRemedies.com

TakeTheNaturalPath.myNSP.com

FOI 24.11 responsive records Page 202 of 227

AUTHOR OF: ***The Paw Paw Program - A "Christopher Columbus" Approach to Cancer - The World IS Round and Cancer CAN Be Treated Naturally***

"You never change things by fighting the existing reality. To change something, build a new model that makes the existing model obsolete." **- R. Buckminster Fuller**

To understand current N.American and Global unrest, please look & listen to sources other than those creating the havoc. Thousands of reliable references on these sites:

https://www.naturalpathremedies.com/blog/category/covid-19/

CanadaHealthAlliance.org

FOI 24.11 responsive records Page 203 of 227

From: Terri Brennan
Sent: Thursday, October 5, 2023 12:17 PM
To: Rob Douglas
Subject: FW: Tour of Cowichan estuary restoration project

Terri Brennan she/her
Executive Coordinator
Office of the Mayor and CAO
T: 250-746-3117
E: terri.brennan@northcowichan.ca

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca

-----Original Appointment-----
From: Ted Swabey <Ted.Swabey@northcowichan.ca>
Sent: Thursday, October 5, 2023 10:20 AM
To: Terri Brennan
Subject: Declined: Tour of Cowichan estuary restoration project
When: Friday, October 6, 2023 10:00 AM-11:30 AM (UTC-08:00) Pacific Time (US & Canada).
Where: Westcan Terminal Road

Mayor, Ted is unable to attend due to another meeting.

North Cowichan is situated on the traditional territories of the Quw'utsun Nation, which includes the Cowichan Tribes, the Halalt First Nation, the Lyackson First Nation, the Penelakut Tribe, and the Stz'uminus First Nation. The Municipality also sits on the traditional territory of the Snuneymuxw First Nation.

This email and any attachments are only for the use of the intended recipient and must not be distributed, disclosed, used or copied by or to anyone else. If you receive this in error please contact the sender by return email and delete all copies of this email and any attachments.

From: s.22
Sent: Friday, October 20, 2023 11:24 AM
To: legislativeservices@cvrd.bc.ca
Subject: National Observer: Saving the Cowichan Estuary from drowning in a climate-fed 'coastal squeeze'

Dear CVRD Board of Directors:
Finally some factual light, thanks to the National Observer, regarding this controversial Cowichan Bay story that has arguably divided our community due to a lack of information and fear mongering. This is the type of information needed to help Cowichanians and all concerned understand what this project will do. Now, bring on our overdue public meetings — with all stakeholders and citizens invited — hosted by the CVRD, Ducks Unlimited and Nature Trust B.C.

Yours in ecology,
s.22
North Cowichan

Saving the Cowichan Estuary from drowning in a climate-fed 'coastal squeeze'

By Rochelle Baker | News, Island Insider | June 8th 2023
#28 of 36 articles from the Special Report: **Oceans, Waterways & Coastlines**

-
-
-
-
-



Previous story

Listen to article

FOI 24.11 responsive records Page 206 of 227

High atop a dike hemming the Koksilah River as its fresh waters meet salt, red-winged blackbirds call out as they patrol their territory.

Noisy heralds of spring, the blackbirds return to the Cowichan Estuary each year to nest and protest human intrusion with sharp signature trills from the brush along the riverbank.

Today the interloper is Tom Reid, conservation land management program manager with the Nature Trust of British Columbia (NTBC), who stands atop the 15-foot-high rock embankment he is working to destroy.

Get daily news from Canada's National Observer

Email *
[Sign up]

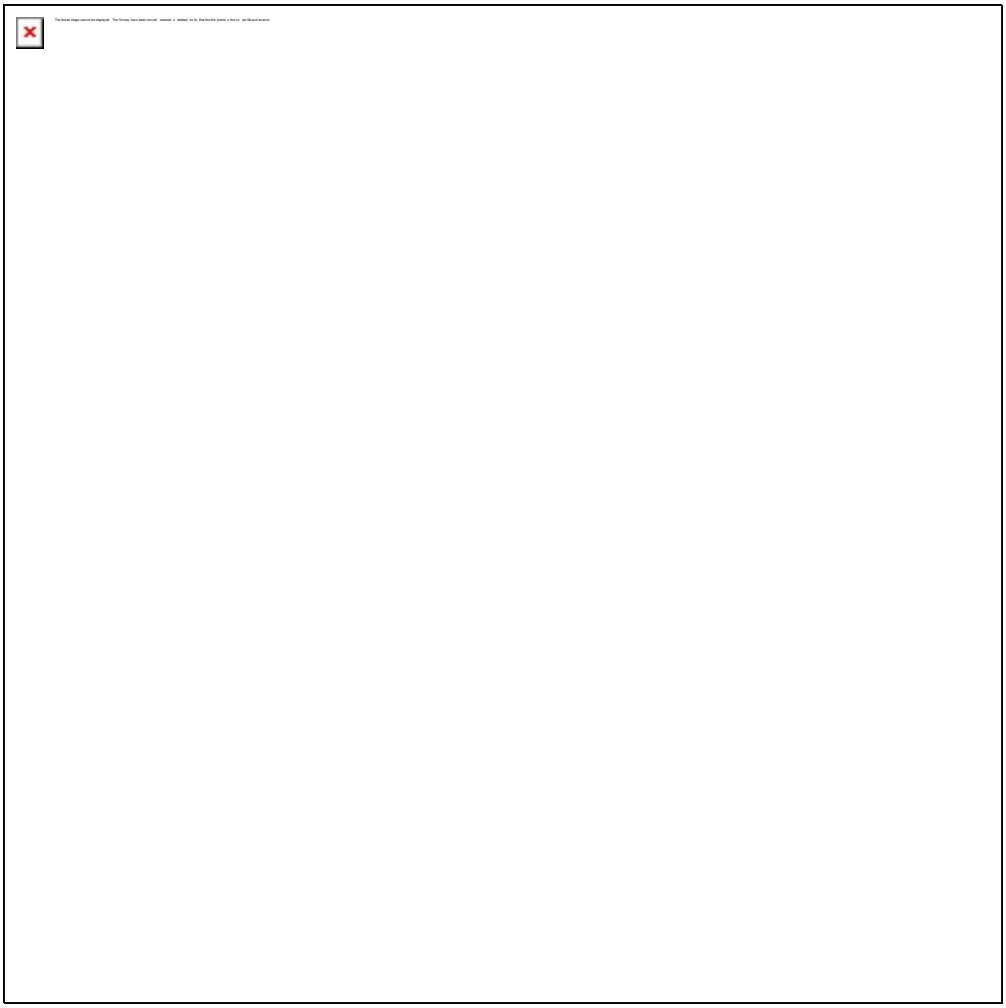
The dike, built to fortify farmland stolen from the estuary, is stifling the tidal marsh vital to the survival of a host of endangered salmon and bird species that rely on it for breeding, feeding and migration, he said.

Overhead, a turkey vulture circles, effortlessly riding rising warm air to reach greater and greater heights to scan the mudflats for carrion. But rising seas mean this rich feeding ground will be lost to vultures, and countless other kinds of wildlife, unless action is taken.

But after years of planning and co-ordination, the largest estuary restoration project on Vancouver Island gets underway this summer in a bid to preserve this vital marine and seabird habitat from being eroded by climate change, said Reid,

The scale and significance of the two-year project in Quw'utsun Peoples' (Cowichan Tribes) traditional territory is tremendously important for the estuary, wildlife and surrounding communities, Reid said.

What people are reading



Wave of billion-dollar oilpatch deals shows strength of Canada's energy sector

By Amanda Stephenson | News | October 17th 2023

The estimated $3-million project involves the removal of more than two kilometres of dike and shifting tens of thousands cubic metres of soil to restore and reconnect freshwater channels lost to human development, as well as increasing marshland and riparian habitat along the Koksilah River as it enters Cowichan Bay, he said.

The revitalization of 70 hectares of marsh in the estuary will make it more resilient to sea level rise. Located at the confluence of the Koksilah and Cowichan rivers, which share the same floodplain and tidal marshes, the estuary provides an ecologically rich transition zone between land and ocean.

> **A massive restoration project is getting underway this summer in a bid to save vital wildlife habitat in the @CowichanEstuary from drowning and disappearing as climate change spurs sea level rise. @NatureTrustofBC #CowichanTribes**

Estuaries typically rely on the buildup of sediment to maintain themselves, he said, but as global warming drives up sea levels but lowers river levels and the rate of deposits at their mouths, tidal marshes can’t keep pace, he said.

“In the Cowichan, we're seeing a projected sea level rise of about nine and a half millimetres a year, but the accretion is only four millimetres — so we're losing,” Reid said.

At current emissions scenarios, relative sea level rise in the Cowichan Estuary is projected to range from 75 centimetres to a metre by 2100, Reid said.

Swaths of valuable tidal habitat in the estuary could be submerged and lost to the ocean, especially if it can’t expand landward because it’s pinched against increasingly “hardened” shorelines — human development like dikes, seawalls, ports or even new climate construction projects to protect infrastructure and populations from storm surges and rising oceans.

“When it runs up against infrastructure and dikes, you start to drown out those important habitats,” Reid said.

“You get what they call the ‘coastal squeeze’ and you start losing estuaries.”

FOI 24.11 responsive records Page 209 of 227



Nature Trust BC and its partners are removing more than two kilometres of human-created dikes to boost Cowichan Estuary's resilience to climate change. Photo Submitted.

While estuaries and coastal wetlands comprise less than three per cent of B.C.'s coastline, they support more than 80 per cent of coastal fish and wildlife, Reid said.

Some of the largest and richest estuaries on the south coast have been lost to shoreline development, drained to create agricultural land or dredged to accommodate shipping or the forest industry and log transport, according to B.C. government reports.

Up to 70 per cent of the Fraser River Estuary, at the mouth of the province's most productive salmon watersheds, has been diked, drained or filled for development. And half of the Cowichan and Nanaimo rivers' wetlands on Vancouver Island have disappeared.

FOI 24.11 responsive records Page 210 of 227

The Westcan Terminal causeway — a long roadway built in the 1950s to reach a shipping terminal and wood mill — bisects the estuary, altering tidal processes and effectively blocking the southern portion of marsh from needed sediment buildup from the Cowichan River.

Climate change is also expected to stress estuary health, with rising ocean acidification and temperatures and changing salinity, freshwater and sediment levels, Reid said.

On the other hand, the restoration project will boost the region's resilience to climate impacts — by capturing CO2 and buffering the increasing instances of flood anddrought in the Cowichan watershed, he stressed.

Carbon captured and stored in 363 hectares of salt marsh sediment in the Cowichan Estuary is roughly double the amount sequestered by a 20-year-old second-growth forest of the same size, a 2021 University of Victoria study on blue carbon capture in the estuary showed.

Blue carbon — CO2 captured from the atmosphere by marine plants and algae — collects as organic debris in estuary sediments where low-oxygen conditions prevent decomposition and the release of carbon back into the atmosphere, which typically occurs as natural matter breaks down.

Organic carbon buried in the Cowichan Estuary each year, mostly in the top 20 centimetres of sediment, is estimated to be equal to the annual greenhouse gas emissions of 133 vehicles, the study found. Additionally, human activity has reduced the carbon capture and storage capacity of the estuary by about 30 per cent, with 100 hectares lost to farming and 129 hectares of eelgrass habitat disturbed by log-handling and sorting.

Fill removed from the dike removal will be used for natural sloped berms to create a flood fringe forest that will slow storm surges or floodwaters. This will also build up the sediment and add more vegetation and tidal habit, which will serve as a buffer for Cowichan Bay Road, nearby farms and planned trail systems from erosion and water damage, Reid said.

Such natured-based climate solutions also boost biological productivity and lower water temperatures in the estuary, which are particularly important as nurseries for salmon, other fish and Dungeness crab, he said.

Chinook, pink, coho and chum runs, along with steelhead and rainbow trout populations, rely on the health of the estuary, he said.

As many as 230 species, a lot of them migratory seabirds, count on the estuary during the winter or as an important rest stop and fuelling station on those long journeys south or north along the Pacific Flyway, a key migratory route stretching 15,000 kilometres from Alaska in the north to Patagonia in South America.

The estuary supports a sizable colony of great blue herons and other important species such as trumpeter swans and western grebes, at risk of extinction, which overwinter in the tidal zone and nearby surroundings.

The restoration project is a collective effort by the Nature Trust, Cowichan Tribes, Ducks Unlimited Canada, the B.C. and federal governments and the Habitat Conservation Trust, Reid said, noting efforts

FOI 24.11 responsive records Page 211 of 227

to protect the area began in the mid-1980s and ensuing land purchases, donations and covenants mean much of the estuary is now protected.

But climate change will completely erase those gains without restoration projects and a large collaborative effort like the one getting underway in August, Reid stressed.

“If we don't do this intervention, we're looking at losing 50 per cent of the marsh habitat in the Cowichan by 2050 and almost 100 per cent by 2100.”

Rochelle Baker / Local Journalism Initiative / Canada’s National Observer

FOI 24.11 responsive records Page 212 of 227

From: Terri Brennan
Sent: Wednesday, October 25, 2023 9:27 AM
To: Dave Preikshot
Cc: David Conway; Ted Swabey; George Farkas
Subject: RE: eSCRIBE Task Alert: CERCA re Obtaining a Permit to Improve the Trail Along the Cowichan Estuary
Attachments: CERCA LETTER - Request support to obtain a permit to improve the trail along the Cowichan Estuary _.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dave P, if you could write to Dr. Schuerholz it would be greatly appreciated. Then once we have answers to the questions, we can provide a formal response from the mayor.

Terri Brennan she/her
Executive Coordinator
Office of the Mayor and CAO
T: 250-746-3117
E: terri.brennan@northcowichan.ca

From: Dave Preikshot <dave.preikshot@northcowichan.ca>
Sent: Tuesday, October 24, 2023 5:18 PM
To: Terri Brennan terri.brennan@northcowichan.ca
Cc: David Conway <david.conway@northcowichan.ca>
Subject: RE: eSCRIBE Task Alert: CERCA re Obtaining a Permit to Improve the Trail Along the Cowichan Estuary

Hi Terri,

I am very uncomfortable with providing any comment or a draft letter without some geographic context. At the very least, we need to know where the work is occurring as indicated on a map that shows;

- The location of the path
- The extent of the path upon which the work will be done and
- A list of all species intended for removal/modification
- The nature of the removal/modification that will be done, e.g., pulling, cutting, trimming

Would you like me to write to Dr. Schuerholz and ask myself or would you prefer to do so?

Dave Preikshot PhD, RPBio (he/him)
Senior Environmental Specialist
Engineering
T: 250-746-3270
E: dave.preikshot@northcowichan.ca

7030 Trans-Canada Highway

Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca

From: David Conway david.conway@northcowichan.ca
Sent: Tuesday, October 24, 2023 10:42 AM
To: Terri Brennan terri.brennan@northcowichan.ca; Dave Preikshot dave.preikshot@northcowichan.ca
Subject: RE: eSCRIBE Task Alert: CERCA re Obtaining a Permit to Improve the Trail Along the Cowichan Estuary

Please ensure that you know where exactly they are talking about. I am not aware of Dock Road, and in looking over where I thought the trail might be, it doesn't jump out that it is overgrown in 2022 so maybe I have the wrong location.

David Conway
Director, Subdivision and Environmental Services
Engineering
T: 250-746-3136
E: david.conway@northcowichan.ca

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca

From: Terri Brennan <terri.brennan@northcowichan.ca>
Sent: 23-Oct-23 16:06
To: Dave Preikshot <dave.preikshot@northcowichan.ca>
Cc: David Conway <david.conway@northcowichan.ca>
Subject: FW: eSCRIBE Task Alert: CERCA re Obtaining a Permit to Improve the Trail Along the Cowichan Estuary
Importance: High

Dave, can you draft or give me some bullets so I can craft a letter under the mayor's signature? I have attached the original incoming.

Terri Brennan she/her
Executive Coordinator
Office of the Mayor and CAO
T: 250-746-3117
E: terri.brennan@northcowichan.ca

FOI 24.11 responsive records Page 214 of 227

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca

From: DoNotReply@escribemeetings.com <DoNotReply@escribemeetings.com>
Sent: Thursday, October 19, 2023 2:00 PM
To: Terri Brennan <terri.brennan@northcowichan.ca>
Subject: eSCRIBE Task Alert: CERCA re Obtaining a Permit to Improve the Trail Along the Cowichan Estuary

This is an automated task reminder from eSCRIBE.

A Task has been assigned to you does not have a due date.

Meeting: **Council - Regular_Oct18_2023**
Agenda Item: **CERCA re Obtaining a Permit to Improve the Trail Along the Cowichan Estuary**
Due Date: **None**

Task Description:

Draft letter under the Mayor's signature.

(Note: the letter stated that they "need a permit from the Ministry of Forests, Lands and Natural Resource Operations to work there")

To view the task, please click here.

Please complete the task as soon as possible. Thank you.

North Cowichan is situated on the traditional territories of the Quw'utsun Nation, which includes the Cowichan Tribes, the Halalt First Nation, the Lyackson First Nation, the Penelakut Tribe, and the Stz'uminus First Nation. The Municipality also sits on the traditional territory of the Snuneymuxw First Nation.

This email and any attachments are only for the use of the intended recipient and must not be distributed, disclosed, used or copied by or to anyone else. If you receive this in error please contact the sender by return email and delete all copies of this email and any attachments.

FOI 24.11 responsive records Page 215 of 227

CERCA
Cowichan Estuary Restoration
& Conservation Association

Cowichan Valley
Naturalists

August 29, 2023

Mayor and Council
Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC V9L 6A1
council@northcowichan.ca

Re: Request for support to obtain a permit to improve the trail along the Cowichan Estuary

Hello Mayor and Council,

Conservationists and ambassadors of the Cowichan Estuary welcome BC Nature Trust's recent announcement of the plan to rehabilitate 70 hectares of former farmland for restoration into a functional salt marsh. The planned removal of the dike will also remove a heavily used CVRD trail from Maple Grove Park in the estuary.

We expect the removal of this popular dike trail will significantly increase use of the trail along Dock Road that the Cowichan Estuary Restoration and Conservation Association (CERCA) created and maintains, and the trail along the Cowichan Estuary that leads to a spit at the Western Forest Products mill pond. The latter trail serves bird watchers, photographers and nature lovers as a wildlife viewing area and is heavily overgrown by invasive Scotch broom following years without maintenance, making access increasingly difficult. Also, areas of the side bank are eroding.

CERCA and the Cowichan Valley Naturalists' Society would like to improve the Cowichan Estuary trail by removing broom, replacing it with native plants and stabilizing the areas where the side bank is eroding.

Western Forest Products supports our efforts to enhance the trail and its recreational use, however, we need a permit from the Ministry of Forests, Lands and Natural Resource Operations to work there. Since the area is located within North Cowichan we suggest that it would be in North Cowichan's interest to assist our two organizations to obtain the permit so we can improve its trail system. Would you please add your voice to ours to aid us in obtaining a permit. With gratitude.

Dr. Goetz Schuerholz, Chair
CERCA
1069 Khenipsen Road, Duncan
V9L 5L3

Bruce Coates, President
Cowichan Valley Naturalists' Society
55 Station Street, Duncan
V9L1M2

From: Rob Douglas
Sent: Thursday, November 9, 2023 7:09 AM
To: Terri Brennan
Subject: Letter re: Cowichan Estuary trail

Hi Terri,

Would you be able to draft this letter?

Thanks,
Rob

11.2 CERCA re Obtaining a Permit to Improve the Trail Along the Cowichan Estuary [Consent Agenda Item 2.2.4]

IT WAS MOVED AND SECONDED:
THAT Council authorize the mayor write a letter to the Inspector of Dikes requesting tha the Cowichan Estuary Restoration & Conservation Association receive permission to remove Scotch Broom on a trail along the Cowichan Estuary. CARRIED

FOI 24.11 responsive records Page 217 of 227

From: Terri Brennan
Sent: Thursday, November 9, 2023 8:43 AM
To: Rob Douglas
Subject: Re: Letter re: Cowichan Estuary trail
Attachments: 2023-11-10rd_LoS CERCA Broom Removal.docx; 2023-11-10 LoS CERCA Broom Removal Enclosure.docx; CERCA LETTER - Request support to obtain a permit to improve the trail along the Cowichan Estuary _.pdf

Just had it approved by Ted yesterday. Here it is for your review.

Terri Brennan she/her
Executive Coordinator
Office of the Mayor and CAO
T: 250-746-3117
E: terri.brennan@northcowichan.ca

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca

From: Rob Douglas <rob.douglas@northcowichan.ca>
Sent: Thursday, November 9, 2023 7:08:48 AM
To: Terri Brennan <terri.brennan@northcowichan.ca>
Subject: Letter re: Cowichan Estuary trail

Hi Terri,

Would you be able to draft this letter?

Thanks,
Rob

FOI 24.11 responsive records Page 218 of 227

11.2 CERCA re Obtaining a Permit to Improve the Trail Along the Cowichan Estuary [Consent Agenda Item 2.2.4]

IT WAS MOVED AND SECONDED:
THAT Council authorize the mayor write a letter to the Inspector of Dikes requesting tha the Cowichan Estuary Restoration & Conservation Association receive permission to remove Scotch Broom on a trail along the Cowichan Estuary. CARRIED

North Cowichan is situated on the traditional territories of the Quw'utsun Nation, which includes the Cowichan Tribes, the Halalt First Nation, the Lyackson First Nation, the Penelakut Tribe, and the Stz'uminus First Nation. The Municipality also sits on the traditional territory of the Snuneymuxw First Nation.

This email and any attachments are only for the use of the intended recipient and must not be distributed, disclosed, used or copied by or to anyone else. If you receive this in error please contact the sender by return email and delete all copies of this email and any attachments.

FOI 24.11 responsive records Page 219 of 227

Enclosure 1: A map showing the location and route of the trail in the Cowichan Estuary. The trail is indicated by the red dashed line. The start point is near the Southern pier of the Tzouhalem Road bridge crossing of the Noorth Arm of the Cowichan River. The end of the path at the boundary of the Wester Forest Products Mill can be seen to the right of center near the bottom of the map.



CERCA
Cowichan Estuary Restoration
& Conservation Association

Cowichan Valley
Naturalists

August 29, 2023

Mayor and Council
Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC V9L 6A1
council@northcowichan.ca

Re: Request for support to obtain a permit to improve the trail along the Cowichan Estuary

Hello Mayor and Council,

Conservationists and ambassadors of the Cowichan Estuary welcome BC Nature Trust's recent announcement of the plan to rehabilitate 70 hectares of former farmland for restoration into a functional salt marsh. The planned removal of the dike will also remove a heavily used CVRD trail from Maple Grove Park in the estuary.

We expect the removal of this popular dike trail will significantly increase use of the trail along Dock Road that the Cowichan Estuary Restoration and Conservation Association (CERCA) created and maintains, and the trail along the Cowichan Estuary that leads to a spit at the Western Forest Products mill pond. The latter trail serves bird watchers, photographers and nature lovers as a wildlife viewing area and is heavily overgrown by invasive Scotch broom following years without maintenance, making access increasingly difficult. Also, areas of the side bank are eroding.

CERCA and the Cowichan Valley Naturalists' Society would like to improve the Cowichan Estuary trail by removing broom, replacing it with native plants and stabilizing the areas where the side bank is eroding.

Western Forest Products supports our efforts to enhance the trail and its recreational use, however, we need a permit from the Ministry of Forests, Lands and Natural Resource Operations to work there. Since the area is located within North Cowichan we suggest that it would be in North Cowichan's interest to assist our two organizations to obtain the permit so we can improve its trail system. Would you please add your voice to ours to aid us in obtaining a permit. With gratitude.

Dr. Goetz Schuerholz, Chair
CERCA
1069 Khenipsen Road, Duncan
V9L 5L3

Bruce Coates, President
Cowichan Valley Naturalists' Society
55 Station Street, Duncan
V9L1M2

From: Rob Douglas
Sent: Friday, November 10, 2023 2:43 PM
To: Terri Brennan
Subject: RE: Letter re: Cowichan Estuary trail
Attachments: 2023-11-10rd_LoS CERCA Broom Removal - RD edits.docx

Letter looks great. I had some very minor edits (in tracked changes – see attached).

From: Terri Brennan <terri.brennan@northcowichan.ca>
Sent: Thursday, November 9, 2023 8:43 AM
To: Rob Douglas <rob.douglas@northcowichan.ca>
Subject: Re: Letter re: Cowichan Estuary trail

Just had it approved by Ted yesterday. Here it is for your review.

Terri Brennan she/her
Executive Coordinator
Office of the Mayor and CAO
T: 250-746-3117
E: terri.brennan@northcowichan.ca

7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada
www.northcowichan.ca

From: Rob Douglas <rob.douglas@northcowichan.ca>
Sent: Thursday, November 9, 2023 7:08:48 AM
To: Terri Brennan <terri.brennan@northcowichan.ca>
Subject: Letter re: Cowichan Estuary trail

Hi Terri,

Would you be able to draft this letter?

Thanks,
Rob

MUNICIPALITY OF
NORTH
Cowichan

7030 Trans-Canada Highway
T 250.746.3100
F 250.746.3133

November 10, 2023

Ministry of Forests
2080 Labieux Rd
Nanaimo BC V9T 6J9

To whom this may concern

Re: Letter of Support for Scotch Broom Removal Work in the Cowichan River Estuary

North Cowichan Council would like to express our support for the Cowichan Estuary Restoration and Conservation Association's (CERCA), request to remove Scotch Broom from the trail in the Cowichan Estuary that extends from the Tzouhalem Road bridge on the north arm of the Cowichan River to the northeastern corner of the mill property owned by Western Forest Products (~~,~~see enclosed map). CERCA also proposes to place native plant species in places where Scotch Broom has been removed.

The proposed work by CERCA aligns with four actions recommended by North Cowichan's Official Community Plan update, adopted on August 17, 2022

- limit the introduction and spread of invasive species;
- promote and encourage environmental protection and restoration in land and water use decisions in marine areas;
- protect and restore the natural values of the Cowichan/Koksilah River estuary; and,
- support increased public access to the foreshore.

Removal of Scotch Broom will also support the restoration of native plant species in the estuary, which can be crowded and/or shaded out by invasive weeds. Native plant species are important contributors to bank stability and regeneration which will foster the estuary's resilience to climate change effects like sea level rise. Native plant species also serve as habitat and forage for native birds, mammals, and insects.

It has also been noted that this trail is anticipated to experience increased foot and bicycle traffic in the coming years due to proposed restoration work being done in nearby habitat in the estuary by the Nature Trust of British Columbia. Removal of Scotch Broom will allow these trail users to more easily enjoy the trail and its views.

North Cowichan understands that the restoration works proposed by CERCA would occur on Crown Land and on a structure that is identified as a dike. Given these conditions, North Cowichan's support is contingent on the work being done in such a fashion that both the removal of Scotch Broom and replanting with native species will not compromise the integrity of the dike. North Cowichan's support is also contingent on a management plan to remove cuttings of Scotch Broom in a responsible and controlled manner to an appropriate disposal facility.

DRAFT

Thank you for your consideration.

Sincerely,

Rob Douglas
Mayor

rob.douglas@northcowichan.ca

Enclosure: A map showing the location and route of the trail in the Cowichan Estuary

cc: North Cowichan Council
Dr. Goetz Schuerholz, Chair CERCA
Bruce Coates, President, Cowichan Valley Naturalists' Society

Formatted: Font: (Default) Segoe UI, English (United States)

DRAFT

To: Council <council@northcowichan.ca>
Cc: Ted Swabey <ted.swabey@northcowichan.ca>; George Farkas <george.farkas@northcowichan.ca>; David Conway <david.conway@northcowichan.ca>; Clay Reitsma <clay.reitsma@northcowichan.ca>; Rob Conway <rob.conway@northcowichan.ca>; s.22
Subject: CERCA- Committee of the Whole Mtg -Jan 9, 2024

Mayor and Council
North Cowichan

Re: Committee of the Whole Meeting Jan. 9, 2024

Agenda Item: 6.2
Grant-In-Aid CERCA - Cowichan Estuary Restoration Conservation Assoc.

Request $2,900. for Microplastics Project re: Cowichan River and
Cowichan-Koksilah Estuary.
Say NO !!!

This Project should fall under Federal/Provincial Governments as it relates to Sewage Lagoons and Outfall. SFU has already done studies on the impact of microplastics in laundry detergents sewage outfall affecting sea life a few years ago. It is already a proven fact !!

Sewage Outfall is the cause of shellfish **contamination** in Cowichan Bay Estuary.

North Cowichan's focus should be to: * *
*Replace the Sewage Lagoons and Outfall instead of using local WATERWAYS such as the designated 'Heritage' Cowichan River to Cowichan Bay out to Satellite Channel (for better 'flushing' action?!) of Sewage including pharmaceuticals, laundry fillers.....
JUB- Joint Utility Board
*To Build On Land Sewage Treatment Systems as they do effectively in other places. Sewage liquids and sludge are reuseable when properly treated.

CERCA Chair, **Goetz Schuerholz** is a resident of s.22 Rd
a 22 to Mayor Rob Douglas at s.22 Rd.

Goetz Schuerholz has been actively trying to eliminate Forestry and Marine Industry in Cowichan Bay for longer than ten years !! The Mill is there since 1976.
He presented as a delegation to North Cowichan complaining of WFP Cowichan Bay Mill making noise and lights !! His view. If He didn't like the Mill being there s.22 !

Chemainus and **Cowichan Bay Western Forest Products Mills**

FOI 24.11 responsive records Page 225 of 227

are second largest **Taxpayers** to Municipality of North Cowichan.

Goetz gave a presentation at VIU 2014.
subject: **COWICHAN BAY ESTUARY**
I attended by request of s.22 , the previous owner of WestCan Terminals along with s.22 , the Manager of first WestCan then Western Stevedoring.
Goetz told how a Mill up Island had shut down and that Estuary was/had been reclaimed somewhere near Courtenay, Comox, Campbell River.
That was his direction for Cowichan Bay Estuary !! ? s.22 and I were shocked!!
Goetz Schuerholz chose to ignore Taxes, well paid Jobs supporting local Families along with the Economy supporting other Businesses.

Goetz followed up his VIU presentation of Eliminating Industry with a walking 'tour' Sunday morning along the Dike by Blackley Farm now closed) which I attended.
It felt as if we were sneaking into the Mill site unannounced.
Goetz complained on about log booms and a few piles of wood byproduct at the Mill.
My father was a s.22 for 37 years !
I told Goetz so, that bugs like the logs - that Vancouver Island grew because of Forestry.
He wants it GONE ?!! CERCA >> CIRCUS

Who is He to try to Destroy Our Community ?! Someone who also lives in s.22

CVRD Area Director, Cowichan Bay Lori Iannidinardo referred to it as 'The Working Bay' !
(Four Terms of CVRD service)
Western Stevedoring- including PIM Pacific Industrial Marine- applied to CVRD 2016 for DOWNZONING, as there had not been Oil Fuel Storage Tanks there for many years.
CERCA went after the Marine Industry Company holding public meetings and media to have Industry Removed !!
Mayor Douglas' s.22 did the drone work for CERCA to show Industry as a problem in the media - which it was NOT !!! Goetz thanked s.22 publicly.

We live on an ISLAND where Marine Industry is essential - building docks, ferry projects, floating structures is an important part of Marine Infrastructure.

Pacific Industrial Marine are regarded as Stewards of Cowichan Bay.
The employees remove derelict boats, help with eel grass protection, rescuing people and even a dog when in trouble.
PIM assisted CERCA with the construction of the Estuary Nature Trail by Westcan Causeway.

CERCA held a public meeting at Cowichan Bay Maritime Museum May 2017
to attempt to get support to destroy Cowichan Bay Industries.
Longshoremen from around Vancouver Island showed up to stand in solidarity for Western Stevedoring Company and employees !!! I attended - it was awesome !!!
Employees spoke as to how Marine Jobs supported their Families.

FOI 24.11 responsive records Page 226 of 227

A worker emotionally told how their daughter was attending Nursing School because of his work with the local Marine Industry. Just one example of many shared that night.

Goetz Schuerholz' mission is for his personal reasons .
Mayor Rob Douglas could be seen as having a conflict of interest as he had been a candidate for the Provincial NDP Oct. 2020 with his photo shot at Cowichan Bay.
NDP claims to represent Workers and yet s.22 is doing his utmost to eliminate Industry and Jobs in Cowichan Bay !!

Perhaps CERCA"s Chair can move where s.22 is more pleasing to him.

CERCA does not need our tax dollars to attempt to Destroy Our Economy !!

Concerned Citizen

Sincerely,
s.22

FOI 24.11 responsive records Page 227 of 227