

**MINISTRY OF WATER, LAND AND AIR PROTECTION  
DECISION NOTE**

Date: July 13, 2004  
File: VI-04-021  
CLIFF/tracking #: 78987  
Xreference: 78990

**I. PREPARED FOR:**

This briefing note is prepared as background for a decision by the Deputy Minister. A decision prior to July 26, 2004, is required due to low tide timing windows.

**II. ISSUE:**

Doman Forest Products Limited (Domans) has submitted a proposal to the Cowichan Estuary Environmental Management Committee (CEEMC) to dredge the log access channel in Cowichan Bay.

**III. RECOMMENDATION:**

s.13

**IV. BACKGROUND:**

In 1986, the Cowichan Estuary Environment Management Plan (the Plan) was established through a Provincial OIC 1652 *"to provide a framework for environmental decisions and to balance environmental priorities and concerns with those other interests and organizations."* Day-to-day administration of the Plan takes place through the interagency Cowichan Estuary Environmental Management Committee (CEEMC), but any significant changes or developments within the Plan area require ministerial approval.

In 1991, nearly all foreshore lands within the Plan area were transferred to the Ministry of Water, Land and Air Protection (MWLAP), to permit habitat preservation and restoration. This area is referred to as the OIC reserve. Excluded from the reserve was the foreshore occupied by *Land Act* tenures that were issued to cover all existing commercial, industrial and other activities.

There has been persistent infilling of gravel in Doman's log access channel in Cowichan Bay that has required annual dredging programs since the mid-1990's. In 2003, studies were undertaken by the company to determine if gravel inflows and dredging requirements could be reduced by redirecting river flows through the area. Their consultant concluded that such an approach may cause more environmental harm than the annual dredging.

## **V. DISCUSSION:**

During the past four years, Domans has worked with a consultant team to generate a practical and effective strategy for gravel removal in the inter-tidal access channel. The strategy involves delaying dredge operations until summer low tides, assessment and monitoring to ensure minimal impact to fish, and attempting to contain 90% of the sediments. Although dredging is necessary to allow this sawmill to maintain access to logs (no logs are delivered by land), the strategy employed to date has been effective in minimizing environmental impacts.

Ministry staff have engaged members of the CEEMC to seek their support for updating the management plan or putting the most sensitive estuary lands into a Wildlife Management Area and then disbanding the committee. The intent of either option is to allow operational and management decisions to be made in a more efficient manner without compromising critical conservation values.

## **VI. OPTIONS:**

## VI. RECOMMENDATION OPTION:

s.13

Gordon Macatee

July 26, 2004

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Approved/Not Approved  
Gordon Macatee, Deputy Minister

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Date

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Approved	Initials	Date
DM	GM	July 26/04
ADM		
A/Dir./Mgr.	WS	July 22/04
Author		



July 26, 2004

File: 280-30/MO78990

Xreference: 78987

Al Cavanagh, Manager  
Doman Forest Products Limited  
435 Trunk Rd  
Duncan BC V9L 2P9

Dear Mr. Cavanagh:

I am writing pursuant to Order in Council 1652 which requires written approval of the Minister of Water, Land and Air Protection for all project proposals to be undertaken in the area covered by the Cowichan Estuary Environmental Management Plan approved in 1986.

Staff in Nanaimo has received the (2003) Environmental Monitoring Report on Channel Dredging at Doman's Forest Products Cowichan Bay Sawmill by Nova Pacific Environmental. We are generally pleased with the efforts made by the company and contractors in recent years to remove the gravel bar in a timely manner and minimize the dispersion of sediment laden water into the estuary. Unfortunately, gravel bar development is an ongoing issue that your operation will have to contend with for the foreseeable future.

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s.13 Staff has consulted with the Fisheries and Oceans, Canada (FOC) concerning this more complex project. FOC biologist Scott Northrup has indicated that the lower gravel bar site is very sensitive, and will require a more extensive review. He recommends this portion of the project be subject to a review by all federal environmental agencies under the *Canadian Environmental Assessment Act*. The review will be lead by the FOC, and can take at least 3 months to complete (for more information refer to [http://www.ceaa-acee.gc.ca/010/basics\\_e.htm#screening](http://www.ceaa-acee.gc.ca/010/basics_e.htm#screening)).

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However I will authorize you to undertake the dredging and removal of the upper gravel bar that has reformed at the top of the access channel leading to the millsite in Cowichan Bay.

Domans may undertake this portion of the project subject to all of the following conditions being met:

1. The work plan for the dredge operation, including how the excavator gains access to the site and removes gravel should follow the methods used in the previous years (2001/02/03). The control of silt during dredging operations is very important. I request that you deploy the silt curtain method again this year and implement a plan similar to that used in previous years to monitor silt levels in the water column in the immediate area, 200 meters away and 400 meters away from the operation.
2. I will approve the removal of approximately 500 cubic meters of gravel from the log access channel to an elevation of .8 meters (Canadian Hydrographic Chart Datum). This material is to be removed from the work area to an upland location.
3. Dredging operations are to take place during low tide windows of July 27 to August 3, 2004, inclusive. Use of this window is contingent upon fish absence in the area during that time.
4. Domans shall retain the services of a qualified environmental monitor to supervise all activities. The monitor shall have prior experience in conducting monitoring activities in near shore estuarine habitats.
5. The holder of the approval shall notify Scott Northrup, Fisheries and Oceans, Canada at 250 756-7275 and Peter Law of the Cowichan Estuary Environmental Management Committee (CEEMC) at 250 751-3229, prior to commencement and upon completion of the dredging operations.
6. Dredging may be terminated by the CEEMC or FOC if, at any time, the operations are considered to be detrimental to the fisheries resource.
7. A post-operation monitoring report must be submitted to the CEEMC after completion of the work. The report will include: volume of material removed from the navigational channel; number and species of fish captured during fry salvage; problems encountered during the operation; and photographs taken during operation. The report is to be submitted to Scott Northrup, Fisheries and Oceans, Canada and the CEEMC by October 31, 2005.

If the dredged gravel to be removed is sold, a royalty payment must be made to Land and Water British Columbia Inc. Any questions relating to this matter should be addressed to Senior Land Officer, Land and Water British Columbia Inc. at Suite 501 – 345 Wallace Street, Nanaimo, British Columbia V9R 5B6, telephone 250 741-5650.

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Mr. Cavanagh  
Doman Forest Products Limited

- 3 -

July 26, 2004

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This letter does not constitute or prejudice approval by any other agency which may have jurisdiction in this matter. If you require further information please contact Peter Law, Ecosystem Biologist, at 2080-A Labieux Road, Nanaimo British Columbia, V9T 6J9, 250 751-3229.

Yours truly,

R. H. Heath, R.P. Bio., R.P.F.  
Regional Environmental Stewardship Manager  
Vancouver Island Region

cc: Bruce Wright, Nova Pacific Environmental (fax: 604 253-5264)  
Peter Law, Vancouver Island Region  
Scott Northrup, Fisheries and Oceans, Canada, South Coast Division  
Land and Water British Columbia Inc., Nanaimo  
Regional Office, Nanaimo

**MINISTRY OF WATER, LAND AND AIR PROTECTION  
DECISION NOTE**

Date: December 7, 2004  
Date of previous note:  
File: 280-20 BN, VI-04-041  
CLIFF/tracking #: 81326

**I. PREPARED FOR:**

This note is prepared as background for a decision by the Deputy Minister, Ministry of Water, Land and Air Protection (MWLAP). A decision is requested as soon as possible, as the Department of Fisheries and Oceans, Small Craft Harbour engineers want to begin final work on the breakwater project this month (December 2004).

**II. ISSUE:**

**This decision note deals with the proposed extension of a Small Craft Harbour (SCH) land tenure in the Cowichan Bay, owned by the Government of Canada. Land and Water British Columbia Inc. received the new application on October 1, 2004. The extension is required to accommodate a set of anchors for a floating breakwater device. In December 2002, Minister Murray approved a 70 meter extension to the lease to allow for expansion of harbour and breakwater project. Land and Water British Columbia Inc. has advised the applicant they will not issue tenure in this area without the approval of the MWLAP.**

**III. RECOMMENDATION OPTION:**

s.13

**IV. BACKGROUND:**

The estuary of the Cowichan and Koksilah rivers is situated in the Cowichan Bay near the City of Duncan. In the 1970's and 1980's, the demand for industrial use of the estuary conflicted with concerns for protecting the special environmental resources the estuary provides. In 1986, the Cowichan Estuary Environmental Management Plan (the plan) was established. The objective of OIC 1652 is "to provide a framework for environmental decisions and to balance environmental priorities and concerns with those other interests and organizations".

Area designations are a key feature of the Plan (fig 1.) These area designations indicate the general type of activity that is acceptable under the Plan for various parts of the estuary. The small craft harbour, along with the many marinas, private docks and buildings within the village area are designated as commercial/industrial in the Plan (fig 2).

In the fall of 2002, the Government of Canada (SCH) applied to LWBC for an extension to an existing lease of 70 meters. In December of that year, the Minister approved the extension with a number of conditions (CLIFF 70581).

Canada (SCH) is requesting an additional 30 meters of tenure, so that an anchoring system for a floating breakwater can be accommodated.

The application is within the Plan area, and requires *Land Act* tenure. LWBC have advised they will not issue tenure in the Plan area without the approval of the MWLAP. The ministry must decide whether the approval of a new lease is in conformity with the Plan and whether the project will have a significant environmental impact on the area.

## V. DISCUSSION:

The primary focus of the Plan is the preservation of environmental values of the estuary, while at the same time, recognizing uses and providing sufficient flexibility to accommodate new uses should they be shown to be benign. To approve new land tenure as requested by the Government of Canada, the ministry must have confidence that "...the issuance or exercise will have no significant environmental impact upon the area, and is in conformity with the Plan's (area designations)."

The Cowichan Estuary Environmental Management Committee (CEEMC) met with Small Craft Harbour engineers and local harbour authority personnel on November 19, 2004. The project has involved an environmental *Canadian Environmental Assessment Act (CEAA)* review by biological consultants. We received a report from the consultants, who have assessed the new expanded lease area, and determined there would be no significant impact to fish or fish habitat from the proposed floating breakwater anchoring.

Figures 1 and 2 are relevant to the issue of how the project conforms to the f "Area Designations". Figure 2 is a layout of the Cowichan Bay (Village) Local Area Plan. The water leases are located above Cowichan Bay Road (which transects the map from left to right). District Lot 218 is the existing land tenure lease for SCH. The boundary for the "Industrial/Commercial" designation is the deep water (north) end of the water leases. North of these leases (towards deeper water) is the boundary designating "Recreation/Conservation". The request to approve a 30 meter extension to Lot 218 is a modification from the original area designation.



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The Minister's letter of

December 2002 provides guidance in that she approved the expansion of the harbour lease by 70 meters.

## **VI. OPTIONS:**

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## VII. RECOMMENDATION OPTION:

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**Approved- Gordon Macatee**

**January 4, 2005**

\_\_\_\_\_  
Approved/Not Approved  
Gordon Macatee, Deputy Minister

\_\_\_\_\_  
Date

**Contact:**

*ADM: Nancy Wilkin*

*Div: ESD*

*Phone: 250-356-0121*

**Alternate Contact:**

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**Prepared by:**

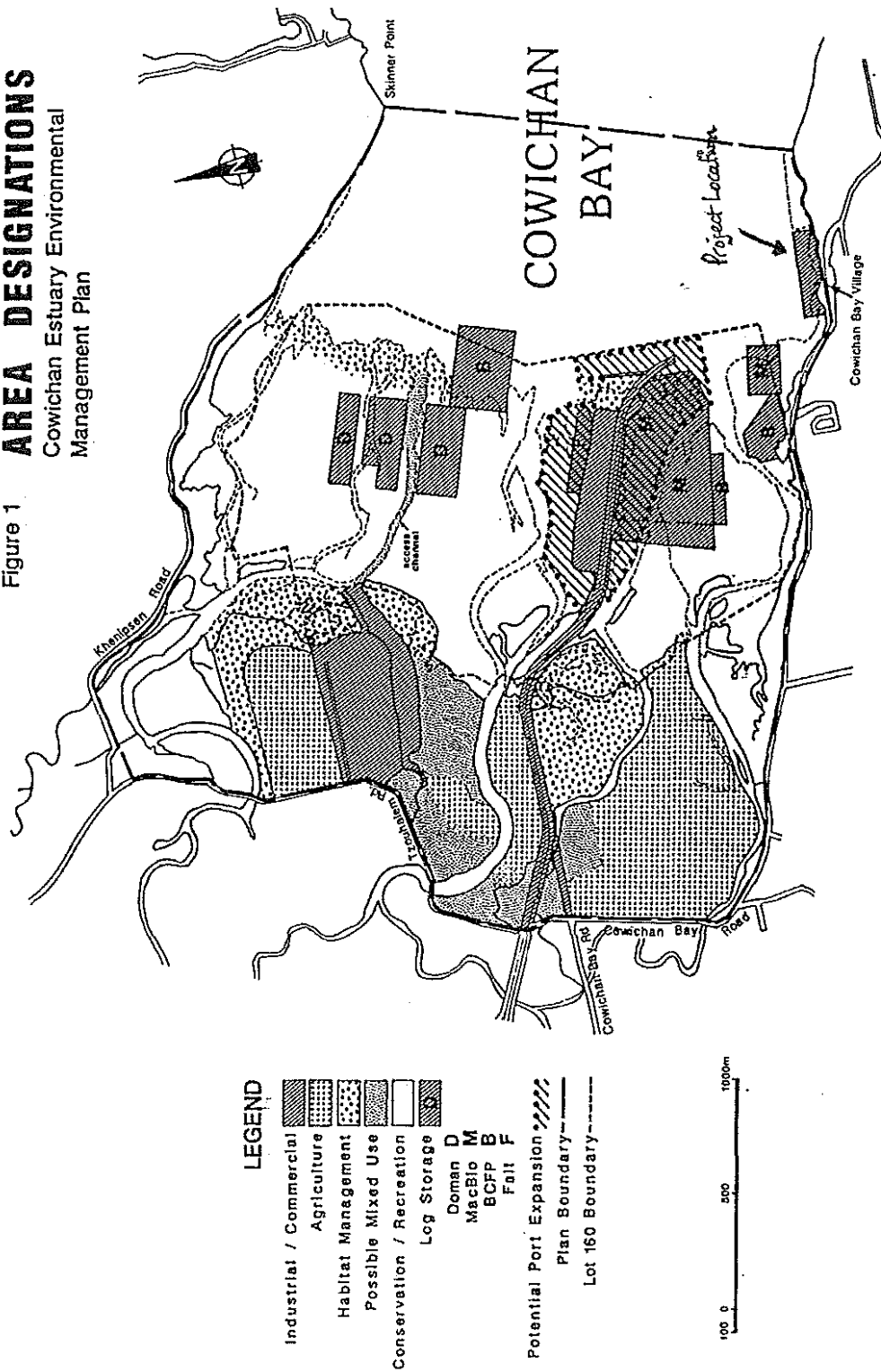
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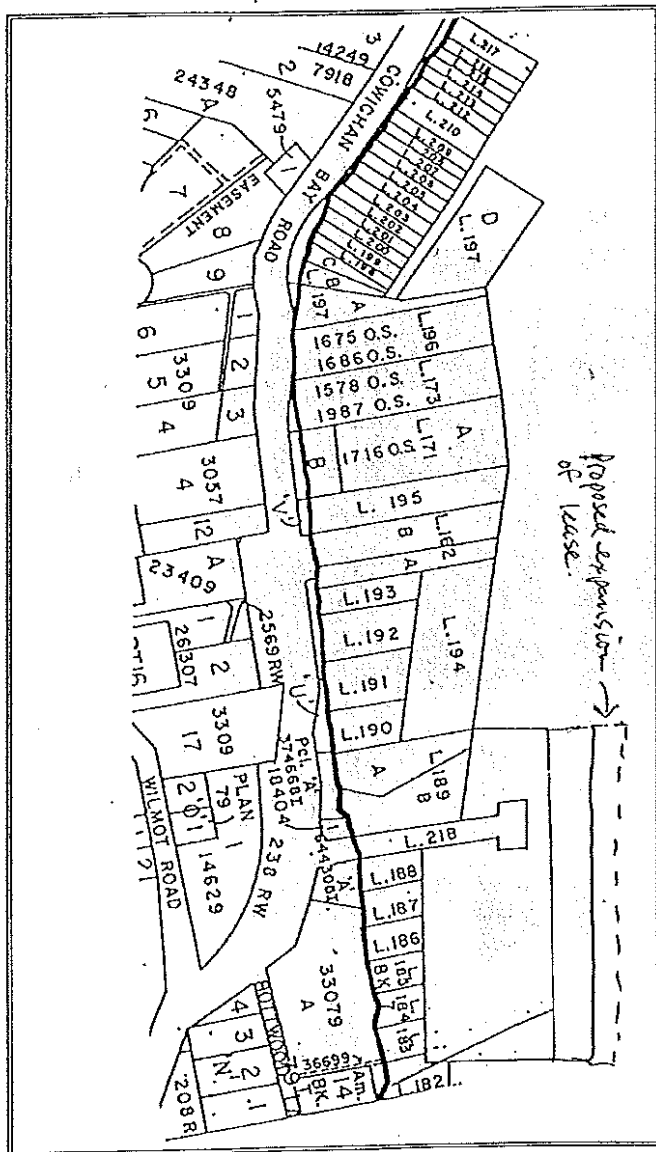
Approved	Initials	Date
DM	JG	Jan 4/05
ADM	NW	Dec 22/04
Dir./Mgr.	SB	Dec. 17/04
Author		

**Figure 1**



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Lot 218. Small Craft Harbour - Canada.



Map 2 - Cowichan Bay Village/Harbour Local Planning Area

# COWICHAN BAY LOCAL AREA PLAN

Fig. 2. The Water Lot Leases in the Village of Cowichan Bay. The SCH extension is for the lot 218 in the right corner of the map. This is the second request to expand this lease area.

**MINISTRY OF WATER, LAND AND AIR PROTECTION  
DECISION NOTE**

Date: December 7, 2004  
Date of previous note:  
File: 280-20 BN, VI-04-042  
CLIFF/tracking #: 81331

**I. PREPARED FOR:**

This note is prepared as background for a decision by the Deputy Minister, Ministry of Water, Land and Air Protection (MWLAP). A decision is requested by early January 2005, as the proponent is seeking a funding from an outside agency for the project, and the window for applications is closing.

**II. ISSUE:**

**This decision note deals with the proposed construction of a floating dock by the Cowichan Wooden Boat Society. The proposed dock is located at the Cowichan Bay Maritime Centre, and requires an extension of the existing lease area. Land and Water British Columbia Inc. (LWBC) received the application for land tenure on September 29, 2004. LWBC have advised the proponent they will not issue tenure in this area without the approval of the MWLAP.**

**III. RECOMMENDATION OPTION:**

s.13

**IV. BACKGROUND:**

The estuary of the Cowichan and Koksilah rivers is situated in the Cowichan Bay near the City of Duncan. In the 1970's and 1980's, the demand for industrial use of the estuary conflicted with concerns for protecting the special environmental resources the estuary provides. In 1986, the Cowichan Estuary Environment Management Plan (the Plan) was established. The objective of OIC 1652 is "to provide a framework for environmental decisions and to balance environmental priorities and concerns with those other interests and organizations".

Area designations are a key feature of the Plan (fig 1.) These area designations indicate the general type of activity that is acceptable under the Plan for various parts of the estuary. The many marinas, private docks and buildings within the village area are designated as commercial/industrial in the Plan (fig 2).

The Cowichan Wooden Boat Society operates a museum and wooden boat restoration warehouse within the Cowichan Bay Maritime Centre. It is a non-profit Society that runs the Centre and conducts community and regional maritime events. The proposal is to build a 50 ft x 15 ft concrete mooring float at the pier head of the Maritime Centre, The intended use is to provide mooring for visiting tall ships and heritage vessels. The new dock requires a 20 meter extension of the existing lease.

The proposed tenure is within the Plan area, and requires a *Land Act* tenure. LWBC have advised the proponent they will not issue tenure in the Plan area without the approval of the MWLP. The ministry must decide whether the approval of a new lease is in conformity with the Plan and whether the project will have a significant environmental impact on the area.

## V. DISCUSSION:

The primary focus of the Plan is the preservation of environmental values of the estuary, while at the same time providing sufficient flexibility to accommodate new uses should they be shown to be benign. To approve new land tenure as requested by the Cowichan Wooden Boat Society, the ministry must have confidence that "...the issuance or exercise will have no significant environmental impact upon the area, and is in conformity with the Plan's (area designations)."

The Cowichan Estuary Environmental Management Committee (CEEMC) reviewed the LWBC application for tenure, and requested the proponent acquire the services of a qualified professional, who could assess the new lease area, and determine if there would be significant impact to fish or fish habitat from the proposed dock construction. On November 17, 2004, this assessment was completed. The report concludes that there will be no significant environmental impact from the installation and operation of a new dock.

Figure 1 and figure 2 will assist in understanding how the project conforms to the issue of "Area Designations". Figure 2 is a layout of the Cowichan Bay (Village) Local Area Plan. The water leases are located above Cowichan Bay Road (which transects the map from left to right). District Lot 173 is the existing land tenure lease by the Wooden Boat Society. The boundary for the "Industrial/Commercial" designation is the deep water (north) end of the water leases. Immediately on the north side of these leases is the boundary designating "Recreation/Conservation". The request to approve a 20 meter extension to Lot 173 is a modification from the original area designation.

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**VI. OPTIONS:**

s.13, s.14

**VII. RECOMMENDATION OPTION:**

**Approved – Gordon Macatee**

**January 5, 2004**

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Approved/Not Approved  
Gordon Macatee, Deputy Minister

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Date

**Contact:**

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Approved	Initials	Date
DM	JG	Jan 4/05
ADM	NW	Dec 22/04
Dir./Mgr.	SB	Dec. 17/04
Author		



# **AREA DESIGNATIONS** Cowichan Estuary Environmental Management Plan

Figure 1

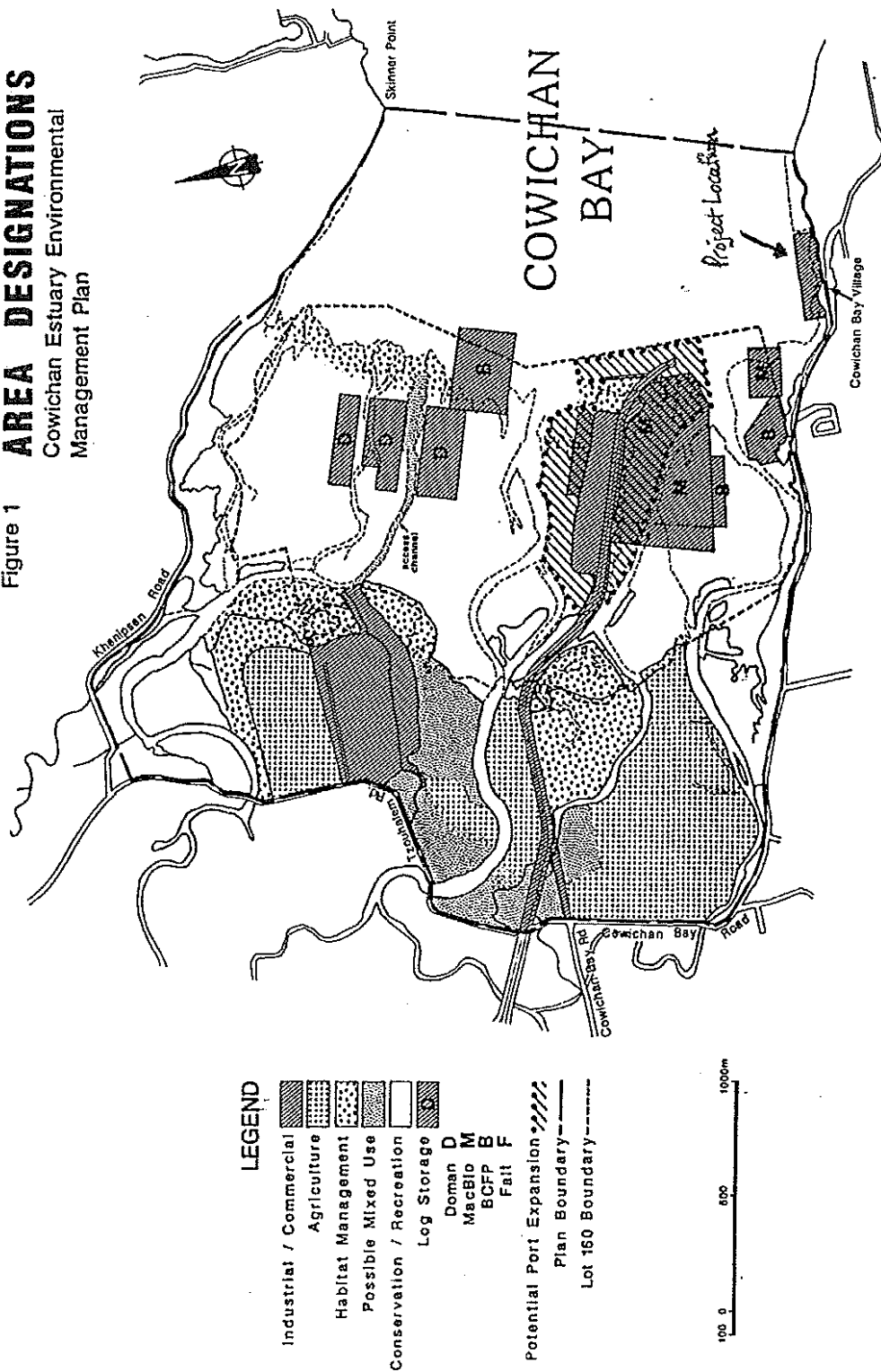


Fig 1. The Area Designations of the Cowichan Estuary Management Plan. The Maritime Centre project is located in Cowichan Bay Village.

Map 2 - Cowichan Bay Village/Harbour Local Planning Area

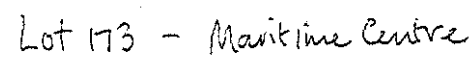


Fig 2. Location of Maritime Centre Lease expansion

**MINISTRY OF WATER, LAND AND AIR PROTECTION  
DECISION NOTE**

Date: December 7, 2004  
Date of previous note:  
File: 280-20 BN; VI-04-043  
CLIFF/tracking #: 81333

**I. PREPARED FOR:**

This note is prepared as background for a decision by the Deputy Minister of the Ministry of Water, Land and Air Protection. A decision is requested as soon as possible, as the owners of the marina want to begin work on re-configuring the marina's docks and pilings in the fisheries work window (January to February 2005).

**II. ISSUE:**

This decision note deals with the proposed extension of a land tenured marina in the Cowichan Bay, owned by Mr. and Mrs. Hokanson. Land and Water British Columbia Inc. (LWBC) received the new application on October 7, 2004. The extension is required to move the docks away from the shallow inter-tidal area along the shoreline. LWBC has advised the applicant they will not issue tenure in this area without a recommendation for approval by the Ministry of Water, Land and Air Protection (MWLAP).

**III. RECOMMENDATION OPTION:**

The ministry responds to the LWBC referral of October 7, 2004, recommending s.13

s.13

**IV. BACKGROUND:**

The estuary of the Cowichan and Koksilah rivers is situated in the Cowichan Bay near the City of Duncan. In the 1970's and 1980's, the demand for industrial use of the estuary conflicted with concerns for protecting the special environmental resources the estuary provides. In 1986, the Cowichan Estuary Environmental Management Plan (the Plan) was established. The objective of OIC 1652 is "to provide a framework for environmental decisions and to balance environmental priorities and concerns with those other interests and organizations".

Area designations are a key feature of the Plan (fig 1.) These area designations indicate the general type of activity that is acceptable under the Plan for various parts of the estuary. The Beachcomber Marina, along with other private docks and buildings within the village area are designated as commercial/industrial in the Plan (fig 2).

Beachcomber Marina is undergoing a significant renovation of the existing facility, including the following:

- Move the entire dock facility 20 meters from the shoreline, to reduce the grounding of floats on the mud flats during low tide.
- Reconfigure the docks and pilings.
- Install sewage pump-out facility.
- Require all live-a-boards to have sewage holding capability and hookups.
- Provide transient moorage.

The application is within the Plan area, and requires *Land Act* tenure. LWBC has advised they will not issue tenure in the Plan area without the approval of the MWLAP. The ministry must decide whether the approval of a new lease is in conformity with the Plan and whether the project will have a significant environmental impact on the area.

## V. DISCUSSION:

The primary focus of the Plan is the preservation of environmental values of the estuary, while at the same time providing sufficient flexibility to accommodate new uses should they be shown to be benign. To approve new land tenure as requested by Beachcomber Marina, the ministry must have confidence that "...the issuance or exercise will have no significant environmental impact upon the area, and is in conformity with the Plan's (area designations)."

The Cowichan Estuary Environmental Management Committee (CEEMC) met on October 26, 2004 and requested the owners (Mr. and Mrs. Hokanson) hire a biological consultant to assess the proposal's environmental impact to fish and fish habitat. We received a report from the consultant on November 30th, who have assessed the new expanded lease area, and determined

s.13

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Figures 1 and 2 are relevant to the issue of how the project conforms to the "Area Designations" of the Plan. Figure 2 is a layout of the Cowichan Bay (Village) Local Area

Plan. The water leases are located above Cowichan Bay Road (which transects the map from left to right). District Lot 171 is the existing land tenure lease for Beachcomber Marina. The boundary for the "Industrial/Commercial" designation is the deep water (north) end of the water leases. North of the boundary is a designation of "Recreation/Conservation". The request to approve a 20 meter extension to Lot 171 is a modification from the original area designation.

Members of the CEEMC agree that there is a very positive biological benefit with the proposed reconfiguring of the marina so that the shoreline mud habitats are not subject to floats/docks grounding at low tide.

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## **VI. OPTIONS:**

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## **VII. RECOMMENDATION OPTION:**

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**Approved- Gordon Macatee**

**January 4, 2005**

Approved/Not Approved  
Gordon Macatee, Deputy Minister

Date

**Contact:**

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DM	JG	Jan 4/05
ADM	NW	Dec 22/04
Dir./Mgr.	SB	Dec. 17/04
Author		

Fig 1. The Area Designations of the Cowichan Estuary Management Plan. The Beachcomber marina project is located within the Commercial/Industrial area of Cowichan Bay Village.



## Map 2 - Cowichan Bay Village/Harbour Local Planning Area

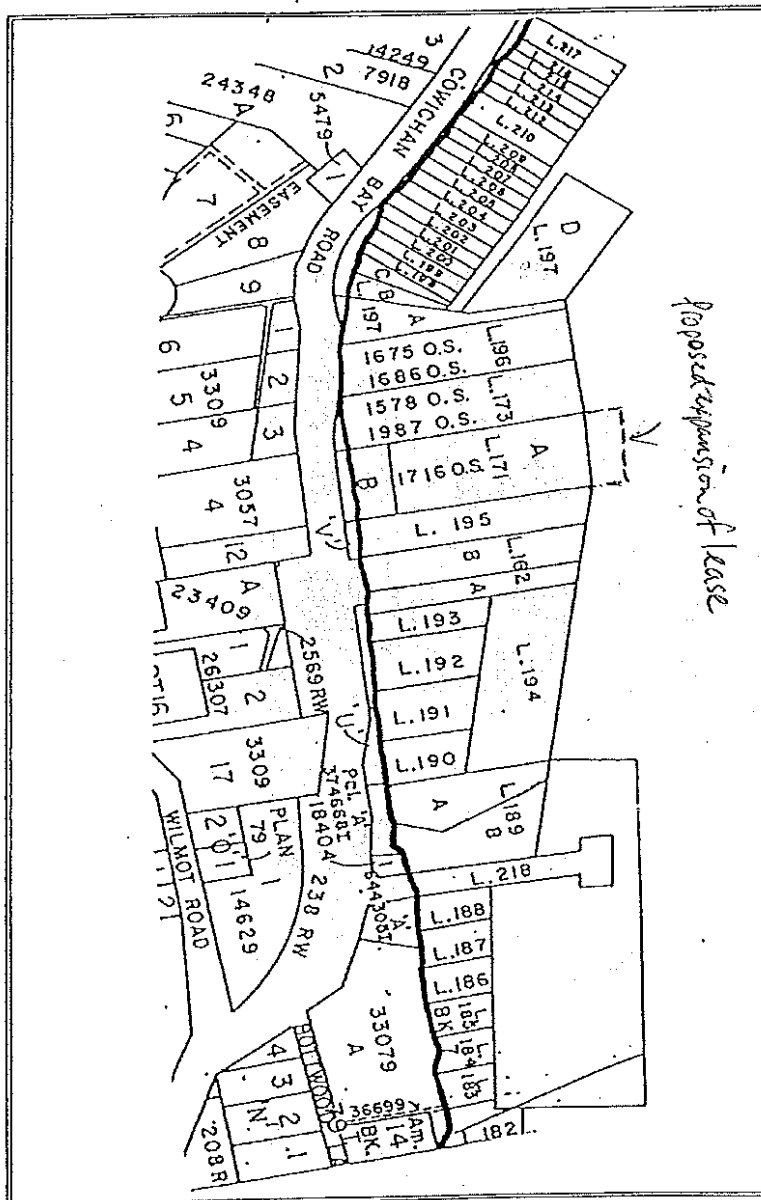


Fig. 2. The Water Lot Leases in the Village of Cowichan Bay. The Beachcomber Marina extension is for the lot 171.

# MINISTRY OF WATER, LAND AND AIR PROTECTION

## INFORMATION NOTE

Date: January 17, 2005

File: 280-20/DN

CLIFF/tracking #: 81744

### I. PREPARED FOR:

Deputy Minister Gordon Macatee of the Ministry of Water, Land & Air Protection.

### II. ISSUE:

Background on the Cowichan Estuary Environment Management Plan is provided for information to the Premier's Office.

### III. BACKGROUND:

- The estuary of the Cowichan and the Koksilah rivers is situated in Cowichan Bay near the city of Duncan. In the 1970's and 1980's the demands for industrial use of the estuary conflicted with concerns for protecting the special environmental resources the estuary provides.
- The Cowichan Estuary Environment Management plan was built over a 10 year time frame (1978 to 1988) at which time industrial land use planning in the estuary was causing considerable local and agency concern about the future ecological viability of the estuary.
- Extensive analysis of the resource use problems by a Provincial task force in the early 1980's led to the Development in 1986 of the Cowichan Estuary Environment Management Plan (CEEMP). Using the powers conferred by the *Environmental Management Act*, the Minister of Environment, Lands and Parks, through Order in Council 1652 implemented the province's first environmental management plan of its kind for the Cowichan estuary.
- The administration of the Plan occurs through the interagency Cowichan Estuary Environmental Management Committee (CEEMC). CEEMC is composed of the representatives of the Cowichan Tribes, regional district, federal government, local stakeholder groups and provincial agencies who either have statutory or land interests within the plan area. The Ministry of Water Land and Air Protection, provides a staff person who chairs the meetings and administers the process.
- The Plan provides a framework for environmental decisions with a goal of balancing environmental concerns with land and resource use in the estuary. Order in Council 1652/86 reads as follows:

*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 Bay 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 impact upon that area and is in conformity with the plan; and*
  - 3. B.C. Reg. 486/77 is repealed.*
- The minister has delegated these authorities to the Deputy minister
  - Area designations are a key feature of the Plan (Fig. 1). The area designations indicate the general type of activity that is acceptable under the Plan for various parts of 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. 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.
  - The Plan includes a project review process to identify possible adverse environmental impacts and evaluate any consequences relating to land use under the Plan. Proposed activities which are consistent with the area designations do not require further review, however when a proposal is not consistent with the Plan, then a project review process is applied.
  - CEEMC reviews development projects and provides recommendations based upon how it conforms to the Plan's area designations and whether the project could result in a significant environmental impact.
  - The majority of projects reviewed are approved by CEEMC with conditions, provided the environmental impacts are small.

#### **IV. DISCUSSION:**

- There have been numerous project proposals reviewed by the CEEMC over the past three years relating to development in the estuary including; annual dredging of a log access channel to the Doman (Western Forest products) sawmill, redevelopment of the Small Craft Harbour breakwater, approval of a community breakwater in the Village area, connection of the village of Cowichan Bay to the Joint Utilities Board sewer system.
- The standard amount of time required for a project review usually requires three to four weeks. In recent months, many of the marina development proposals have involved potential changes to fish habitat adjacent to the Village of Cowichan Bay. The representative of the

Department of Fisheries and Oceans on the CEEMC often requests clarification about various development proposals from the proponent, to ensure that the project will cause minimal impact to fish habitat. This request for more information has lead to a delay in processing recent projects, as there was a need to have a qualified professional review the proposals and recommend strategies to mitigate those impacts.

- Timely review of development proposals can also be slowed when a development proponent requests an amendment to a land tenure that is not addressed in the existing Estuary Management Plan. Two marina applications were received in the fall of 2004 that requested enlarging existing tenures. After the environmental review of the project, the existing OIC requires the approval of the Deputy Minister of Water, Land, and Air Protection. This “approval process” can add up to a six to eight week delay in tenure approval. To fast-track future environmental issues in the Cowichan Bay village area, the Ministry will be participating in a Local Area Planning process being lead by the Cowichan Valley Regional District, with the goal of amending local government plans for this area to include environmental protection.
- A \$2.5m Small Craft Harbour project is proposed in the Village of Cowichan Bay this winter. The harbour redevelopment has involved extensive assessments of fish and fish habitat required by the Canadian Environmental Assessment Act (CEEA). DFO Small Craft Harbours have assessed the development of a breakwater and initiated engineering and biological studies over the past year in this area. The final project design has recently be completed. Fish habitat mitigation will be required for this project as stipulated by DFO Habitat. The CEEMC has facilitated a provincial role in this very large project, by recommending to LWBC land tenure lease extensions. Phase 1 of this project will be coming on line in the next few weeks, and the CEEMC will liase with DFO Small Craft Harbour engineers and local community interests to ensure effective environmental monitoring takes place.

**Contact:**

*ADM: Nancy Wilkin  
Div: Environmental  
Stewardship Division*

**Alternate Contact:**

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**Prepared by:**

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Approved	Initials	Date
DM	JG	Jan 17/05
ADM		
Dir./Mgr.	SB	Jan 17/05
Author	SB	Jan 17/05

**MINISTRY OF ENVIRONMENT  
DECISION NOTE**

Date: June 24, 2005  
File: 280-20/VI-05-17  
CLIFF/tracking #: 84090  
Xreference: 84091

**I. PREPARED FOR:**

This briefing note is prepared as background for a decision by the Deputy Minister. A decision prior to July 17, 2005, is required due to fisheries timing windows.

**II. ISSUE:**

Nova Pacific Environmental has submitted a proposal to the Cowichan Estuary Environmental Management Committee (CEEMC) to dredge the log access channel for Western Forest Products Limited sawmill (formerly Domans) in Cowichan Bay.

**III. RECOMMENDATION:**

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**IV. BACKGROUND:**

In the late 1970's a sawmill was constructed in the Cowichan River estuary. This project, along with a number of industrial development proposals for the area created a major public concern about the future environmental health of the estuary. A Provincial task force assessed the impacts of development on the estuary and provided a series of recommendations. In 1986, the Cowichan Estuary Environment Management Plan (the Plan) was established through a Provincial Order In Council 1652 *"to provide a framework for environmental decisions and to balance environmental priorities and concerns with those other interests and organizations."* Day-to-day administration of the Plan takes place through the interagency CEEMC, but any significant changes or developments within the Plan area require ministerial approval.

In 1991, nearly all foreshore lands within the Plan area were transferred this ministry, to permit habitat preservation and restoration. This area is referred to as the OIC reserve. Excluded from the reserve was the foreshore occupied by the *Land Act* tenures that were issued to cover all existing commercial, industrial and other activities.

There has been persistent infilling of gravel in the sawmill's log access channel, requiring annual dredging since the mid-1990's. In 2003, studies were undertaken by the company to determine if gravel inflows and dredging requirements could be reduced by redirecting river flows through the area. Their consultant concluded that such an approach may cause more environmental harm than the annual dredging.

## **V. DISCUSSION:**

During the past five years, the company has worked with a consultant team to generate a practical and effective strategy for gravel removal in the inter-tidal log access channel. The strategy involves delaying dredge operations until summer low tides, assessment and monitoring to ensure minimal impact to fish, and attempting to contain 90% of the sediments. Although dredging is necessary to allow this sawmill to maintain access to logs (no logs are delivered by land), the strategy employed to date has been effective in minimizing environmental impacts.

In April 2005, the ministry engaged a consultant to review the Plan. The review will provide information about the plan's successes and shortcomings, and assess the ability of the eighteen year old plan to address contemporary issues. The report is expected in July and will provide options to allow operational and management decisions to be made in a more efficient manner without compromising critical conservation values.

## **VI. OPTIONS:**

**VI. RECOMMENDATION OPTION:**

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**Approved Chris Trumpy****July 8, 2005**


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 Approved/Not Approved  
 Deputy Minister

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 Date
**Contact**

Nancy Wilkin  
 Assistant Deputy Minister  
 Environmental Stewardship  
 Division  
 Phone: 250 387-9997

**Alternate Contact**

Scott Benton  
 Director  
 Regional Operations  
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Approved	Initials	Date
DM	JG	July 7/05
ADM	NW	July 5/05
Director	SB	June 27/05
Manager	DH	June 23/05
Author	PL	June 21/05

Reference: 84091

Bruce Wright  
Nova Pacific Environmental  
97 North Renfrew St  
Vancouver BC V5K 3N6

Dear Mr. Wright:

I am writing pursuant to Order in Council 1652 which requires written approval for all project proposals to be undertaken in the area covered by the Cowichan Estuary Environmental Management Plan approved in 1986.

It is my understanding that a small gravel bar has re-developed in the log access channel of the Western Forest Products sawmill. This seems to be an ongoing issue that will require maintenance for the foreseeable future. Ministry staff are pleased with the efforts you have made in past years in planning and implementing the removal of the gravel bar in a timely manner with minimal dispersion of sediment laden water into the estuary.

I understand that a second more significant gravel bar has developed downstream, and you are awaiting a review of the project Fisheries and Oceans Canada. If this larger project is approved, we have no concerns with your request to expand the timing window for works within the estuary management area.

I authorize you to undertake the dredging and removal of the upper gravel bar subject to the following conditions being met:

1. The work plan for the dredge operation, including how the excavator gains access to the site and removes gravel should follow the methods used in the previous years (2001-2004). The control of silt during dredging operations is very important. I request that you deploy the silt curtain method again this year and implement a plan similar to that used in previous years to monitor silt levels in the water column in the immediate area, 200 meters away and 400 meters away from the operation.
2. I will approve the removal of approximately 400 cubic meters of gravel from the log access channel to an elevation of .8 meters (Canadian Hydrographic Chart Datum). This material is to be removed from the work area to an upland location.
3. Dredging operations are to take place during low tide windows between July 2, 2005 to August 24, 2005. Use of this window is contingent upon fish absence in the area during that time.

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4. Nova Pacific Environmental shall retain the services of a qualified environmental monitor to supervise all activities. The monitor shall have prior experience in conducting monitoring activities in near shore estuarine habitats.
5. The holder of the approval shall notify Scott Northrup, Fisheries and Oceans Canada, at 250 756-7275 and Peter Law, Ministry of Environment at 250 751-3229, prior to commencement and upon completion of the dredging operations.
6. Dredging may be terminated if, at any time, the operations are considered to be detrimental to the fisheries resource.
7. A post-operation monitoring report must be submitted after completion of the work. The report will include: volume of material removed from the navigational channel; number and species of fish captured during fry salvage; problems encountered during the operation; and photographs taken during operation. The report is to be submitted to Scott Northrup, Fisheries and Oceans Canada, and Peter Law, Ministry of Environment, by October 31, 2006.

If the dredged gravel to be removed is sold, a royalty payment must be made to The Ministry of Energy and Mines. Any questions relating to this matter should be addressed to Keith Anderson, Senior Land Officer, Land and Water British Columbia Inc. at Suite 501 – 345 Wallace Street, Nanaimo BC V9R 5B6, telephone 250 741-5650.

This letter does not constitute or prejudice approval by any other agency which may have jurisdiction in this matter. If you require further information please contact Peter Law, Ministry of Environment, Ecosystem Biologist, at 2080-A Labieux Rd, Nanaimo BC, V9T 6J9, phone: 250 751- 3229.

Yours truly,

Chris Trumpy  
Deputy Minister

pc: Peter Law, Vancouver Island Region, Ministry of Environment  
Scott Northrup, Fisheries and Oceans, Canada, South Coast Division  
Keith Anderson, Land and Water British Columbia Inc.

LAW/dlm/jlk

Regional Office, Nanaimo

Reference: 91924

April 19, 2007

Tom Anderson, Manager  
Development Services  
Cowichan Valley Regional District  
175 Ingram Street  
Duncan BC V9L 1N8

Dear Mr. Anderson:

**Re: Funding to Support the Revitalization of the Cowichan Estuary  
Environmental Management Plan**

This letter confirms that the Ministry of Environment is pleased to provide funding in the amount of \$5,000 to the Cowichan Valley Regional District to hire a local land use consultant to interview stakeholders in preparation for a workshop, to facilitate the workshop, and to complete a final report on improving the implementation of the Cowichan Estuary Environmental Management Plan.

Sincerely

Barry Penner  
Minister

Enclosure