

# Cowichan Stewardship Roundtable



January 16, 2013

## MINUTES

The meeting was called to order by Paul Rickard at 9 am.

### In attendance

Meg Loop (CLT), Parker Jefferson & Jane Kilthei (One Cowichan), Brian Tutty, Tom Rutherford, Shona Smith, Al Magnan & Bonnie Antcliffe (DFO), Catharine Macey (Jean Crowder, MP), Justin Lange & Dave Preikshot (Madrone Environmental), Ian Morrison, Keith Lawrence, Loren Duncan, Tanya Soroka, Lori Iannidinaro, Rob Hutchins, Norm Olive, Warren Jones & Kate Miller (CVRD), Ray Demarchi (CERCA), Klaus Kuhn (CLRSS), Kerry Davis (Green Party of BC), Molly Hudson & Chris Cole (Timerbwest), Aaron Hamilton (Lake Cowichan FN), Bob Crandall (CLSES), Genevieve Singleton (Nature Interpreter), Claude Theriault & Ken Clements (Sidney Anglers), Elizabeth Bailey (SMWS), Eric Marshall (CVNS), Derek Haupt (WFP), Paul Rickard (BCWF), Tim Kulchyski (Cowichan Tribes), Shaun Chadburn, Brigid Reynold, Clay Reitsma (North Cowichan), Mike McCulloch (M. FLNRO)

Regrets: Don Closson,

### Approval of Minutes

The minutes from the December meeting were circulated and approved.

### Roundtable updates

Madrone Environmental, Dave – Will be doing work on chinook and working on setting up local research and small programs with PSF funding.

Loop – Beer & Burger fundraiser Sunday Feb 16<sup>th</sup> 5 – 8 pm at the Cow Bay Pub, \$20 tickets. Received \$4,000 from TD FEF towards the watershed exhibit.

Jefferson – Jan 23<sup>rd</sup> film night, 6:30 pm, White Water Black Gold movie showing at the Cowichan Estuary Nature Centre. Followed by a discussion afterwards.

Rutherford – Steve Bailey has been doing a coho stock assessment project. Good example of DFO partnering with locals to get things done that would not be done otherwise. PSF's next funding deadline is Feb 15<sup>th</sup>. Looking forward to getting proposals as there is a big budget.

Nikki Wright - Had their first Saanich Islet Roundtable Meeting. 40 - 45 people representing local gov, First nations, Coast Guard, etc. We invite people to our next meeting March 6<sup>th</sup>. We are doing eelgrass restoration in Cowichan Feb & March.

Fletcher - Working on a wetland restoration initiative for Somenos, trying to get a new viewing platform.

Singleton – Eagle Heights awareness. Has a phone call with the deputy minister of parks at the end of the month.

Sidney Anglers - 10 members working on taking DNA samples of the fish to determine the origins of local fish. Preparing for the spring derby, May 3. 93% of the fish caught in last year's derby caught US hatchery fish.

MoE - Number of fisheries restoration projects underway, working on new initiatives around fish passage.

Crandall – Busy taking in brood stock, met all of the quota with chum and coho. Able to have students in to do the egg and milt take. Received a \$4,000 grant from TD FEF to develop a native plant nursery for Paulson Elementary.

Aaron - Chief and Counselors goal to increase fish values. In the middle of doing a land-use plan that should be completed by the end of March. Had 2 dedicated youth out helping the Salmon Enhancement Society last summer on fry salvage, together they saved 15,000 fry.

Molly Hudson Timberwest - if you have anything you are working on anything with Dave Lindsey, please connect with Molly for the time being.

Marshall - Christmas Bird Count record number of folk participating, 48 people and 8 people reporting home. Average total number of birds seen, but low for diversity of birds. Low numbers of ducks due to low rain levels. Eurasian ducks increase, Anna's humming birds increasing. Monthly shorebird counts ongoing, swan and goose count, first time had swans and geese by Richards Trail since it was the first time the area has flooded. Geese population going up. The number of eagles increased, saw more bald eagles than swan; 200 eagles and now down to 20.

Demarchi - Arrangements are being made to get charitable status for CERCA. One project awaiting funding approval by the Pacific Salmon Commission is the breaching of the WesCan Causeway to restore hydrological function in the Cowichan Estuary. (Built beginning in 1925 and extending 1.5 kms, the CNR causeway bisected the estuary and cut off part of the Cowichan River flow on the north side from the Koksilah Estuary on the south side). Interest and support is building for CERCA's Estuary Event Day which is now set for June 13 and 14, 2014.

## **Business**

### **Sandy Pools – Keith Lawrence**

Held a Stakeholder Event at Sandy Pools, 18 participants discussed options and issues within the restoration area. The 3 primary objectives 1) to reduce erosion on the near bed of the river as it has lost about 15 feet of land in the last 10-20 years. 2) Redevelopment of the boatlaunch area to increase safety and minimize impact to the environment and the fish habitat that is there. 3) Restore the function of the deep pools on the other side of the river. 10 - 20 years ago there were 30-40 feet deep. The thalweg (main current) shifted in the river. Loss of trees and human use has accelerated the erosion (old boat launch site, trailers, traffic and use of anchors). The plan involves installing underwater weirs to slow down the force of the water and move the thalweg over, this would help to carve the deep pool. Willow and red osier bioengineering to stabilize bank.

Wanted to know what are the conflicts of use for the site? Seems to be no conflict due to differing seasons of use, main conflicts between the boaters themselves and using the site appropriately without damage to the rest of the habitat. An excellent lily habitat was lost with the new boat launch site. River tubers use the site, and there is several salmon redds in the area. There is also a valuable cottonwood patch, the largest cottonwood in BC came down in that area a few years ago. Want to minimize impacts to vegetation and to protect and preserve the knowledge, offer increased educational opportunities.

### **Administration/Updates & BCWF – Paul Rickard**

The website is live, it will take a few days for the updates to process; the Cowichan Valley Naturalists will pay for the hosting/domain name for 1 year. Expiry Jan 2015, Please send all presentations in a pdf format to Meg at [meg@cowichanlandtrust.ca](mailto:meg@cowichanlandtrust.ca) for upload to the website. When correcting minutes, please either send back a track changes copy, or copy-past your changes into an email. Current site is

The strength of a brood year happens within the first 3 months of life for the fish. Paul volunteered to lead stock assessment of keen anglers, 15 or so keeping detailed logbooks up the whole island. Establishing a good DNA picture of what fish are using the area for rearing and where are the adult fish coming.

Still pursuing a meeting with the Minister of Parks over Eagle Heights to make sure the idea it is alive and well.

Meeting on January 30<sup>th</sup> with Minister Thompson of FLNRO, prominent is the Cowichan Estuary Management Committee, pursuing having this committee passed onto the Cowichan Watershed Board.

The number of drift boats on the river is quietly escalating, as many as 30 a day drifting the river, this many must be hang an impact on the geography of the river. 50lbs or so anchors, inexperienced or ignorant folk drop onto or drag through existing redds. A group comprised of BCWF, Steelhead Society, Fly Fishers of BC came together and created 2x3 foot signs at launch signs to build awareness around redd damage.

### **Economic Impact and Contribution of Sport Fishing to BC - Paul Rickard**

Sport fishing is a significant economic resource for British Columbia and Canada. More adults in Canada fish than play hockey and golf combined. \$5.6 billion anglers expenditures (1.5 times the sales for Tim Hortons). 193 million fish were caught, but only 63 million retained. All wild trout in region 1 are released, in many areas only fin clipped (hatchery raised) trout can be kept. This leads to 936 million dollars of revenue from sport revenue, 3x the commercial revenue of fisheries.

More than 400,00 people fished 3.8 million rod days for both fresh and salt water fishing. Out of the total salmon harvest take 10%; halibut take 15% of the quota yet generate much more revenue.

\$3.2 million from freshwater anglers goes to the Habitat Conservation Trust fund. \$1.3 million of tidal license goes to PSF. 8,400 jobs from sport fishing, especially important in small rural towns such as Port Renfrew and Ucluelet.

Objective 1 - Increase funding to return all license fees from rec fish to support management of rec fisheries.

Objective 2 - Increased opportunity, limited by commercial fishery to appear to own a lot of that resource.

### **Fisheries Protection Program: An Overview – Al Magnin & Bonnie Antcliff**

#### 1. Fisheries Act Changes and Timing

All amendments effective as of November 25, 2013. 4 key themes changes, most of them are related to habitat protection.

- a) change is focused on fishers and significant threats
- b) Penalties have increased ability to enforce compliance with conditions on authorizations. Need to work on getting the authorizations and conditions right to be enforceable and clear.
- c) 13 different regulations that could be enabled and developed to be more coherent in how we operate. Looking to promote standards and guidelines so we are clear about what needs to be done, the best practices, and how to go about doing those. We can develop clear regularity tools if we want/need to. The act could have a regulation, process, and criteria about certain areas that are environmentally sensitive area and anything happening in this area would require intensive review not the significant harm. Consistent and clear.
- d) Enhanced partnerships, new delivery model has us agreeing to specific partnerships. Who is best placed to enhance and deliver.

The new Prohibition combines section 32 and 35 and is only applied to commercial, recreational or Aboriginal fishers (CRA) and is designed to protect those fisheries and the fish and fish habitat that support these fisheries. There are fisheries everywhere in BC and to do almost anything require a license. We have the Oceans Act and Species at Risk; we are going to focus on managing threats to fisheries (habitat, overfishing, and water quality. Not out of the habitat protection side of things, now must be linked to fisheries.

The Purpose section 6.1: To provide for the sustainability and ongoing productivity of CRA fisheries. A New section 6 guide's decision making related to the Fisheries Protection Provisions:

- a) contribution of the relevant fish to the productivity of the fisheries
- b) fisheries management objectives
- c) measures and standards to avoid, mitigate, or offset serious harm to fisheries

#### 2. Policy

We have a new mandate and we have a new legislation. The former habitat program was a geographic focused model. The new model is focused on partnerships, so the first thing is to separate the partners and moved away from a geographic delivery to an industry sector (ie mining, etc) delivery. How to develop and implement the new legislation while the entire of the organization got cut and re-organized.

The essence of the new policy is the same idea as the old,

- a) It will set out how DFO and partners will apply the fisheries protection provisions.
- b) Guidance to proponents of projects on the application.

CRA Fisheries fall within the scope of applicable federal or provincial fisheries regulations (do you need a provincial license to fish then it is recreational. Federal license for that fish, then it is commercial). Even if it

is a catch-and-release, if you needed a license then it is a recreational fish. If the water course does not have fish it does not require authorization.

#### Serious Harm to Fish

- the death of fish (other than fishing)
- Permanent alteration of habitat that limits or diminishes the ability to use habitats. DFO looks at it "if you destroying spawning habitat even for one year that is permanent alteration to habitat because the salmon only get one shot at spawning". DFO looks at it from a lifecycle rather than geographic.
- Is there going to be a localized effect to fish pops or habitat in the vicinity?

#### 3. Offsetting

Replaces Habitat Conservation, and is now considered as a part of offsetting. It is a legal requirement to mitigate and offset impacts to the CRA fisheries.

Principle 1: Support fisheries management objectives or local restoration priorities

Principle 2: Benefits from offsetting measures should balance project impacts

Principle 3: Offsetting measures should provide additional benefits to the fishery

Principle 4: Offsetting measures should generate self-sustaining benefits over the long term (limit maintenance requirements, such as side channels, so that if no maintenance happens the project is ok).

#### 4. Regulation

##### Authorization Process:

- When someone submits an application for authorization, has minimal information requirements. The onus is to submit a full application (60 days to make sure it is a complete application, then 90 days to make a decision to authorize or not the project) - letters of credit, etc
- There are also measures for transitional authorizations (still in construction or maintenance) you are not required to come to DFO. For these transitions DFO can approve the authorization, amend it for the Serious Harm, or deny it based on serious harm. Proponents have until Feb 27 to submit authorizations for review.

#### 5. FPP org and delivery

- Now have 5 locations of DFO offices, no longer regional based.
- Triage unit managed all applications for authorizations. This increased the consistency of reviews.
- Linear Dev is catch all for forestry, urban, etc
- Each unit are small (4-5 people) to handle all projects within the region to handle all projects within BC and Yukon.
- Standards are meant to be applicable nationally (ie) minimal levels of sediment, a guideline is how to achieve that standard).
- A lot of effort is to develop the tools to implement the legislation. Needing to focus internally then can have the set up to move externally.

#### DFO Role in EA (Environmental Assessment)

- DFO is not responsible for conduct of federal EAs
- CEA agency, National Energy Board, Canadian Nuclear Safety Counsel are responsible authorities under CEA
- DFO is no longer a decision-maker but provides expert advice on fish, fish habitat, and aquatic Species at Risk to the responsible authority

#### 6. FPP website

- There is one national website to outline standards, policy, etc.
- Self-assessment, there types of water bodies where DFO review is not required Project activities and criteria where DFO review is not required.
- Measures to avoid harm for all activities will help you comply with the Act.

#### 7. RFCPP

\$10 million over 2 years. 4 million 2013-2014, \$6 million in 2014-2015. Targeted to anglers and conservation groups.

- Ottawa has final say on approval.

- Pacific Region received 28 approved projects totaling \$1.83 million. Pacific region had 36 applications for \$1.75 billion for second round.

Comments and Questions:

- It would appear that the advice and recommendations from groups has not made its way into the RFCPP application process. Particularly around the restriction of calling all governments (including prov, muni) governments and reducing funding sources.
  - o These changes can't happen within the first 2 years. The recommendations will go to the treasury board for future rounds. These first 2 rounds we can't make these changes yet.
- Ray: what degree of disturbance triggers an EA? Who is monitoring, who is enforcing all of these?
  - o An EA (wildlife, air quality, etc) those are triggered by a list, each have a list that is very specific that will trigger an EA. Fisheries officers are still the monitors. It is a legal requirement to report a serious harm has occurred. Triage manages everything; even if it doesn't need a review doesn't mean it won't be monitored. The info will go into a database, even if not having an authorization it is still monitored.
- Klaus: Local Regulatory Partnerships do not include enforcement. You can have all the rules and regulations, but where is the enforcement? Plenty of infringements but no response.
  - o Local planning might be a better tool to deal with small harms.
  - o Who is best placed to be the regulatory body? Local municipalities? There is no list of these partnerships yet, it is very important though.
- Morrison: Death by a thousand cuts. This seems to target the big damages, but it is the cumulative small harms that add up. We don't have the tools to be able to respond as a local government to these small plentiful damages without support.
- Lorne Duncan: 1/3, 1/3, 1/3 funding requirements, not 50% for RFCPP. This seems to be even less functionality of DFO progressing across the last 50 years. This Provincial Government is no better than the Federal Government for eviscerating environmental measures. This local municipal governments have been very good at environmental measures RAR (Riparian Area Regulation)
  - o First Nations is no longer considered government funding for this current round
  - o RAR is still a useful tool, it follows the same process as before with authorizations
  - o Serious Harm provisions will allow restoration projects should be much easier to perform since you shouldn't need to request authorization from DFO.
- The onus is on the people about to do the harm to decide if it will cause harm and ask for a review.
- RAR is still in place as a compliment to these changes?
  - o HAD has changed to Harm, and when somebody goes to decide if it is harm, still prompts people to change with local governments. Triage will decide if it will cause serious harm, then that application is put onto the specific unit (marina, oil and gas, mining) for review.
- The local governments has been struggling and taking up slack to try and protest what is happening. Tax payers want to stop the drain on them, but no extra funding to support the extra work being downloaded on the muni level. Local government needs the support for those "death by a thousand cuts"
  - o DFO is a different organization, smaller program, decreased capacity. We appreciate these frustrations; we just don't have the resources anymore and now have a different mandate.
  - o These changes are happening on the Federal level, the government is changing all these aspects across national organizations.
- How are you actually going to build these strategic partnerships? How are these partnerships going to be built around regulations? How are you going to support these partnerships?
  - o All good questions, no clear answer. Trying to build the internal process. Trying to identify which groups are working in the field now, how can we connect with these groups and how can they help us implement these. This is a concept that needs development sooner rather than later.
- Nikki: the regional directors in the Cowichan are very progressive compared to other regions. In the marine environment the death by a thousand cuts means more docks, more chemical spills, more damage to the salmon lifecycle. Education must be hand in hand with enforcement because people will not pay more to do the right thing. If this offset functioning goes into place, how specific will the compensation after destruction be?
  - o Compensation was not specific beforehand. We have a requirement for more compensation than destruction.
- Kate: The changes to the RAR have had significant implications, part of the language around partnerships in a provincial region. It is an opportunity to meet the things that already do not work. Working to create a sediment management plan that deals with lower system sediment accumulation,

if we go in during the fish window to do sediment removal, do we need authorization? Under the Federal Species at Risk, how does this policy affect everything other than fish? Will Ministry of Environment (Federal species at risk that required fed, prov, and local legislation), pick up the slack of loss in habitat protection?

- If there is no localized effect of serious harm, then you do not need authorization.
- MoE will need to put new provisions in place for everything other than fish.
- The death of a thousand cuts needs more creativity to deal with. DFO has the opportunity to reach out to these types of groups, the roundtable knows where the fish are, where they live, and work with local gov so much better. The little issues could be handled creatively through groups with a different regulatory framework.
  - We have been focused on getting the internal side of things. Now is time to build the strategic relationships and developing the vision for the partnerships.
- Tom Rutherford: A lot of commitment, emotion and concern in this Valley regarding fish and fish habitat –this is good thing for residents and the department. In terms of partnerships, . The Community Advisors have done good work in the past, and they will continue to do so. There may be some new opportunities here, not to download, but to form creative partnerships. The Watershed Board and etc are working hard with the governments towards getting power and authority over water. Perhaps we should also explore partnerships with DFO around protecting fish habitats. What could that look like under the new FPP framework?
- Tim: First Nations haven't really heard anything about where things are really going to go. These are uncertain times, but for some time First Nations have been building partnerships. We have been suggesting for years for partnerships, but there hasn't been any directive to change the current scenario to actually build up and build in a positive direction instead of taking these giant leaps backwards. For the Cowichan Community, the people and their interests are not going anywhere.
- We have no idea what the death of fish means; there is no quantification to that. Ie, coho populations are due to a large number of tributaries. The individual streams that have 20 pairs of coho are the are the bread basket of that stream. So if a person decides to do whatever harm to that stream, is that serious harm to fish? Is there enforcement?
  - Yes that would be under your description. You need to get an authorization, you don't do that, there are enforcement provisions.
- Self-sustaining provision for side challenges. We know that side channels are often not self-sustaining but nevertheless particularly important to fish. So what you view is critical habitat
  - Natural side channels, natural side eddies that provide habitat would be considered sustainable. This is addressing constructed side channels for intake (plugged or high and dry). Be smart about building side channels, such as ground water fed. We want to minimize the human effort involved.
- Sufficient water flow is critical for lifecycle. This key piece seems to not be included, and it appears that DFO walked away from an adequate supply of water within the river/stream etc in terms of flow and serious harm to flow. Is DFO prepared to stand up to the Province in terms of water management?
  - DFO is still reviewing water flows, and sufficient flow. So if enough water is taken OUT that falls under our mandate since water is required for all the lifecycle thus serious harm to fish.
- DFO is ready to build the relationship, we need help to monitor and maintain fish.
- Delegation of authority, has there been any specific intention to changes to the Wildlife Act?
  - DFO can use delegation, no decisions to use delegation. Enabling one regulation.
  - So it is about existing relationships. Many discussions, no decisions, but we want to go in this direction.
- Ref Fish program could go beyond this initial \$10 million. Could make "best practices" for fish be a part of the regulatory process (ie streambank stabilization).

### **Next Meeting**

**February 20<sup>th</sup> 2014.**