

December 17, 2015

# MINUTES

The meeting was called to order by Genevieve Singleton at 9 am.

## **In attendance**

Meg Loop (CLT), Keith Lawrence, Ian Morrison, Lori Iannidinardo & Kerry Davis (CVRD), Paul Rickard & Ted Brookman (BCWF), Parker Jefferson (One Cowichan), Eric Marshall (CVNS), Ray Demarchi, Don Closson (BC Parks), Shaun Chadburn (North Cowichan), Genevieve Singleton (Nature interpreter), Joe Saysell (Friends of the Cowichan), Alistair MacGregor (Cow-Malahat-Langford MP), Jean Atkinson & Di Gunderson (CLRSS), Barry Hetschko (SMWS), Dave Lindsay (Timberwest), Ken Epps (Island Timberlands), Ken Clements & Claude Theirault (Sidney Anglers), Natalie Anderson (Cowichan Tribes), Tom Rutherford & Shawn Kerr (DFO).

Regrets: Cheri Ayers, Rebecca Warbitor, Christine Brophy, Jennifer Hermery, Ron Derdricks, Alison and Rodger Hunter.

## **Approval of Minutes**

The minutes from the November meeting were circulated and approved.

## **Roundtable updates**

Parker Jefferson – New group called Cowichan Solar, looking to install larger solar works in the valley. Working with Veridian Energy.

Paul Rickard – Presented to the CWB TAC meeting on Dinsdale Farm, another committee will be taking a deeper look in January. New information on fry and smolt survival. Perhaps could bring in a presenter for late spring.

Ian Morrison – Working with Bob Crandall, looking at Ashburnem dam and micro hydro and perhaps interesting solutions to fry salvage.

Lori Iannidinardo – Vessel Operation Restriction still ongoing, storms took down 6 boats this season. Cowichan Bay Rd still flooded. Purchased lot next to hotel in Cow Bay in conjunction with Fisherman's Wharf Society. Marine Zoning Bylaw, working towards previous industrial zones turned into conservation. Float Homes still not on sewage hook up. Design charrettes in January, February and March to tackle problem of parking in Cow Bay village. Japanese knotweed is being treated; we're working on by laws for invasive plants and concentrate on hogweed at the moment, but working towards including others.

Bob Crandall – all chum for salmon in the classroom program have been collected, want to get a few coho but they are a being elusive.

Morgan Kennah – Heavy weather have curtailed operations, public access is also limited due to hazards.

Geoff Strong – Working on the trail, looking to be in two phases: Next year do North side of the road to improve existing trail. Planning another Symposium next spring or fall to include climate concerns within the valley or Vancouver Island. Looking for volunteers to assist in the planning of this event, some funding in place.

Ray Demarchi – Dinsdale farm planted fall rye as a cover crop, bird counts are up from this!

Jean Atkinson – last Friday a workshop up at the lake. Peter Law and Craig Wightman, with many planning groups, trying to present environmental issues to understand what is at stake for the Lake.

Shawn Kerr – Couple proposals for the Valley. Ie) putting in 40k unfed chinook into Somenos Lake. Sidney Anglers wish to do a chinook net pen, looking at the details of this. We have a lot of data to look at to

determine what is the best course of action for the fish. Cowichan River Hatchery got full complement of eggs, working on a lot of DNA sampling.

Tom Rutherford – Work to support Community groups and restoration tech work. We have a regional meeting, will be hosting it this year in Cowichan Bay for 3 days in February (15<sup>th</sup>). Wishing to spend 1 of 3 days outside in the field, looking to contact a few key players to present. The Koksilah Stewardship Group is starting to form. Cowichan Chinook, the ones that spawn in the lake tributaries are the same as the ones that spawn in the main stem in the fall. Catalyst and DFO to work together as a regulatory partnership for reducing flow draws on the river.

- Kevin Pell has interesting report coming out of Sansom Narrows, 30% of the fish are Cowichan and the rest are a huge range. Report will be circulated.

Swarn Leung – Amidst Community planning process in the region for Koksilah watershed. Hoping to get more baseline data, similar to mapping down in Shawnigan Lake. Looking to host an information and education session in the spring.

Dave Lindsey – Initiated rainfall shut down guidelines.

Ted Brookman – Bob Crandall's report on the SIA work is exemplary. Current Provincial Government is not able to do any checks against industry to follow good environmental practices. It is citizens that must do this. Nile Creek has a proposal for hemp farm under the power lines using herbicides and fertilizers right next to creek, but a community member followed up with a file number to determine this. Building a little cable car to dump gravel into the Campbell River and to be removed.

Denis Popplestone – Excellent communications on how we can work on reducing water use in the mill. We use a lot of water in the cooling, how we can properly adjust those. Working on turning the flows down in cooling down to conserve. A careful balance of too much warm water, if it's too high it poses a challenge. 1.5 cms use is the goal, we are getting close to it. Catalyst is the largest user of power in BC, working on reducing consumption or increasing onsite power production.

Brian Houle – Lake is up above normal level at 164m above, river flow exceeding 200cms, over 300cms. Some snow pack happening.

Barry Hetchko – Parrot feather invasive species confirmed in Somenos creek. Very difficult to remove.

Eric Marshall – CVNS putting together grant proposal to remove parrot feather. 170 swans, 1400 geese about half of total population in valley. 200+ bald eagles at beginning of Dec, now dropping and about 80 yesterday. Monthly shorebird count, lots of golden eye, bufflehead. Southern Railway planning on spraying herbicide on railway and open to comment. Suggesting a steam car treatment as it kills seeds and weeds, not just the weeds from. Got a letter back saying they will continue spraying following Provincial regulations around fishways. Letter to ministry around Walbran logging. Chambers of Commerce in Port Renfrew, the economy value is higher than the logs being removed. Sea Lions have probably left, but max of 50-60 in Nov.

Kerry Davis – Forwarded Eric's letter on to Phil Kent. Mill Bay somebody dumped 70 or so bags of asbestos, properly bagged but removed at property owner's expense. Steelhead LNG are trying to get operation off the ground, opening storefront in Mill Bay.

Shaun Chadburn – given approval to convert 650 streetlights to LEDs next year.

Meg Loop – Deferred planting into Avril and Bings until February.

Keith Lawrence – Invasive Species by-law piloting with Giant Hogweed as it has severe health risks and limited distribution so easier to tackle, trying out best practice to remove. Airshed Protection Strategy in place, can link into others Flood Protection bylaw went was passed at the board, gives the CVRD authority to undertake and build flood protection structures as well as flood alert monitoring and modeling. Will be doing mapping along eastern coast to understand watersheds in that region. Airshed Stewardship table is starting and using the CSRT collective framework.

Genevieve Singleton – Still a few bluebirds overwintering, if you see a bluebird let Genevieve know. Salmon walks are a hit with kids, could perhaps collaborate to have more interpretive walks in the short season. Steam Machine, Dave Polster helped develop the machine in Revelstoke to travel along the rails because the herbicides are a bigger lobbyist and the machine was destroyed even though more effective.

## **Business**

### **Shawnigan Lake Updates – Bob Crandall**

By Stebbings road, Lot 21 stockpile material in enormous quantities, lot 22 has the filter system. Covenant for protection around Shawnigan Creek, which is salmon bearing stream. Lot 50 is Malahat Tribes land. Flow down through lot 21 and into Shawnigan Creek, slide with aerial imagery shows flow in orange, failed silt fencing. Soils coming from Port Moody dredging and some from Victoria. Flows are orange, can indicate a

variety of compounds, sheen of hydrocarbons. Issues with putting soils into quarry, so they are stockpiling soils with no containment.

Copy of Report available on website.

- Environmental monitor did testing and lab results show 5 contaminants (after many days of rain and high dilution). The Federal Government have no guidelines around thresholds for contaminants of what can flow into freshwater fishbearing streams. Same with province.
  - o Health related Aquatic contaminate standards are applicable. CCME Guidelines. Separate ones for soil, water, aquatic organism.

## **Bruce Fraiser**

Two large scale issues going on in Shawnigan. Urgent one involving SIA contaminated site, but there is a long term one with all of the smaller ongoing human footprint around the Shawnigan Watershed.

### Soil Dumping:

This began 15 years ago as a convenience for dumping by developers from Victoria. Butterfield up above Mill Bay in that drainage, down through into Bamberton. There was a dump dredged from a contaminated site in Victoria that contained hazardous waste, MoE and a lawsuit from the CVRD to invite them to remove the material inducing the waste to be removed. Industrial waste was left and is still there, the proponents have ignored all requests to remove. Legal action threats last year, decided to prosecute, Conservation Officers put on it, and the issue died there.

2011, maybe a little earlier from proponents. In Shawnigan the permit proposal surfaced to residents, Area directors have been fighting it since. Minister at the time said the 13 illegal sites in Shawnigan will get tested, so they took a shovel and tested the first few inches of each dump. Even that eroded soil proved to be contaminated enough for a removal permit, but only letters were written. Those 13 superficial sampled piles still remain. No deep samplings have happened, including site 21. At least 250 foot pile, any engineer will say the slope to the creek is not at an angle of repose so there will be slumping. Previous employees have reported during his tenure there was a hole dug in lot 21, a deep one, and illegal materials supposed to dump, this employee refused and was fired. During testing in rainstorms you are dealing with a lot of dilution during the rain event, but those contaminants accumulate later. As soon as they get into the sediment, they start to build up and are of high concern. The material leaving lot 21 has been tested but under these dilute conditions.

The Shawnigan Residents Association and the CVRD opposed the permit and the site. What was supposed to be impervious bedrock of the site proved to be fractured, but did not appease the Environmental Appeal Board, but convinced by "engineering design" was supposed to compensate. This engineering approach failed the very first time tested with the rainfall events. The engineering firm had not done this design before and probably why it isn't working now. The regional district opposed this from the very beginning, the community opposed, the qualified professionals deeming the project faulty, the MoE proceeded without sway.

During the hearings of the Environmental Appeal Board, Active Earth was not called to testify. Active Earth was a corporate partner of SIA and would only be paid if the permit went through. The independent qualified professional was not an unbiased perspective but an invested partner to receive financial gain. Second lawsuit is the zoning in Area B does not allow landfills and contravenes land use by laws, and the site is acting as a landfill. The question is in the case of concurrent jurisdiction, can the Province override the municipal district. Meaning the Province can sweep aside all local bylaws, thus this will be an important case. Concluded before the Supreme Court now and in Judge deliberation.

Situation now with a decision by government for a contaminated soil dump is being contested in court and by citizens in the street. Will it take enough poison in the water to technically cause a halt? Will it fail in court? Will it become civil disobedience? We have been taking tests, the MoE have been taking tests, and independent environmental professionals are taking tests.

### Questions:

- Ted: From personal experience when writing MLA and MP get an acknowledgement. 7 letters to all ministers, not one response in 3 months. To me that has never happened to be ignored.
  - o Bruce wrote letters and got a form letter back. Doesn't seem to matter who you speak to, you get a standard form back.

- Paul: Interested in all the layers of bylaws. Burnaby created a bylaw to prevent pipeline. They were told by court that the fed government superseded bylaw and it held sway.
  - o The court case of the CVRD lost because the eco depot was not explicitly stated in by law. So perhaps the province will say we have jurisdiction over contaminated soils and supersede local gov. This has allowed MoE to legally create a contaminated site in a drinking watershed. The Provincial government is so desperate for revenue that almost anything will pass. The controls on environmental damages you're facing the same issues across the Province.
  - o Sampling above and below the site showed some elements were above the Health guidelines. The sampling done is at dilution and so superficial.
- The Federal Environmental monitor did not rule out returning to the site. If the Province wants to keep the lead, the Federal side will allow that to a certain point. They are not completely out.
- Every morning at 7 am the Community is standing talking to the drivers, providing education, and making a stand until the police arrive. The police have been concerned and considerate.
  - o Everyone is focused on the water quality. But there is a huge social consideration, social angst, property values falling, people being sued and harassed, even one person physically attacked. This is a substantial impact upon the safety and wellbeing of a community. This is an assault on the integrity of an entire community that is hidden but very severe. The RCMP have been acting very responsibly, and enforcing the lack of obstruction of the road (as is the law) and doing it very gently.

#### The Larger Picture in Shawnigan Lake:

Extensive forest removal, eroding, mud bogging, shooting galleries, dumping domestic garbage, habitation, eroding shorelines, septic leakage, and increasing draw of water for drinking water supply for about 7000 people and further implications for the users below Shawnigan Creek that have been heavily impacted.

In 2012 established a process of public engagement leading to a watershed master plan that would deal with all the issues to have a functional watershed in perpetuity from water supply, to recreation, to tourism. Water Quality studies that measured the ambient water quality in creeks, the lake, and the outflows. That work was finished in 2012 and compared against water quality objectives with 5 year interval testing to ensure meeting objectives. The MoE got the sampling done, but couldn't afford the report. \$7500 from CVRD and \$2500 from CRA went to MoE to provide the means to get the report finished. The MoE has one person (used to be 4) for these reports for this area, but the money put forward has been lost and that report person has gone on leave. It would be very good if we could we get this report providing a base level of health of the lake prior to the SIA dump.

Most of the land around Shawnigan was in the E & N Land grant, so is now privately owned. 70% of the watershed is in young-age class forest, studies suggest for intact hydrological function need a mixed forest well over 120 years before you get hydrological material. It is fragmented amongst many owners, logging companies, gravel, etc. There is no agency in Canada that can look at the integrated cumulative impacts and control behaviours of the various on-the-ground footprints.

With help from Couperdome (real estate arm of Timberwest), brought over a firm from Vancouver to do mapping and baseline studies. Basic landform, aspects, way the land lays in the basin, and also included the human footprint, locations of septic, parks, uses, legal land parcels. Result was a 3D model of the basin and accurate 1:10,000 3D model which helps to understand the basin and how water flows. Whole works cost about \$50,000. Basin Society followed up to determine the ecological aspect of the basin. That report has been filed about a month ago and will become part of the basis of future planning. Suggestion on how to go about where is development appropriate, where preservation and restoration is advisable, and conservation is demanded.

The Foreshore at the lake is the last filter for surface water, and where most of the habitation is. A study done that shows the ecological condition of the entire foreshore (intact vegetation or various stages of degradation) and ongoing efforts to identify and engage landowners. One restoration completed and one standing by. Applied to Aviva Foundation, got a small amount of funding, but were not able to receive the money since we were not a registered charity. Approached some groups in the areas, but Aviva wanted an illegal action. Cowichan Land Trust has partnered with Shawnigan Basin Society to receive funds and act out the activities. Shawnigan has a commercial forest base and needs to be maintained but considerate of the needs of a watershed. As a huge tourism part of the economy, aesthetic and health values need to be

maintained. A large amount of land is owned by Malahat Nation won by treaty and needs to be maintained in health for indigenous access. All forestry lands, and plan for social license and impact on water usage in the march of climate change. Social license will be in short supply and collaboration between all stakeholders is key for success.

All of this is eclipsed by the SIA soil dump.

Questions:

- Parker: We are still working with the updating of the Water Act to establish legal authority for local control of water. Hoping to have a proposal by May to go to the Province to pilot local authority over water.
  - o The current capacity of local government and peoples is way higher than the governmental bodies.
- Ray: There is a trend of offloading workload to local governments, but refuse to divest control with the increased workload. The Provincial Government maintaining control is at direct conflict with local social desire. Do you think there is something going on in the background, not transparent to us, why is this issue being pushed so hard by government?
  - o Many things should have killed the soil dump proposal. Sonya Furstenaeu asked what would it take to have stopped this? There is some corruption that will be put in front of the courts. The provincial government is stuck on two horns of dilemma. 1) The private sector is always right & the public sector needs to be diminished because private can do it. 2) The Province is desperate for money. Anything that generates revenue will push aside anything else. Ie LNG projects being seen across the Province.

In conclusion: Cowichan is probably the most complicated and has the most about of social investment of Vancouver Island. But the entire east coast is facing these issues. Because we are in a rain shadow and climate change playing out in this region, all of these regions are facing the same issues. Approaching collectively as an ecosystem complex, including all watersheds in concert, it will not go well for us.

**Next Meeting**  
**January 21st, 2016**