

**A REVIEW OF THE COWICHAN ESTUARY ENVIRONMENTAL
MANAGEMENT PLAN**

Final Report

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Vis-à-vis Management Resources Inc.

EXECUTIVE SUMMARY

The Cowichan estuary is located on the east coast of Vancouver Island near Duncan British Columbia where the Cowichan and Koksilah rivers join the Strait of Georgia. The estuary is important both nationally and internationally. From an ecological perspective it is among the province's top ten estuaries.

In 1986, following two land use studies and considerable conflict between environmental and development interests, the Cowichan Estuary Environmental Management Plan (CEEMP) was established by Order in Council 1652.

In April 2005, the Ministry of Environment contracted Vis-à-vis Management Resources Inc. to conduct a review of the CEEMP to: assess the effectiveness of the plan from environmental and stakeholder perspectives; determine whether there are effective linkages with other land-use initiatives; examine whether the plan is consistent with the Ministry's current approach to doing business; and, propose options to address issues identified during the review.

We reviewed the CEEMP and background documents, other estuary and related plans and conducted a general internet search. Subsequently we discussed the CEEMP with key stakeholders and discussed other estuary plans with people who were involved in their development and implementation. We also conducted a cursory review of recent files in the Ministry's regional office to determine the nature of projects and activities submitted for review and the time requirements for reviews.

We found that the CEEMP contributed directly and indirectly to substantial habitat protection and restoration within the estuary through: an initial reduction in log handling and storage and during its early stages through acquisition of lands for conservation purposes and restoration activities associated with those lands. The ongoing assessment of proposed projects through the plan's project review process has also served to protect the environment. The CEEMP however has had little impact on water quality issues.

The CEEMP has provided certainty for industry and there is a general belief among stakeholders that an estuary plan is needed. However, there are concerns among stakeholders about the plan's success in protecting the environment of the estuary and, there is considerable concern among interests in the Village of Cowichan Bay regarding the appropriateness of the Village remaining in the plan area and the utility of the plan's project review process. That said, other stakeholders expressed concern that exempting the Village from the plan would open the door to inappropriate development.

Stakeholders raised issues related to the capacity and readiness of the Cowichan Valley Regional District (CVRD) to deliver on environmental protection objectives in the Village of Cowichan Bay. Concerns were also raised about the Department of Fisheries and Ocean's (DFO) effectiveness and presence in enforcing best practices in the Village area if it were removed from under the Order in Council.

Cowichan Tribes has a strong interest in the estuary and are becoming increasingly involved in watershed planning. Sustenance, cultural, fisheries habitat and water quality

issues in the estuary are of particular interest to them. They recently commissioned a comprehensive recovery plan for the watershed that should be built upon. It appears that after the early 1990's the CEEMP became more reactive and inward looking. We also found that the plan is not coordinated or linked to other planning initiatives in the local area. This is a serious issue because the CEEMP can not be successful in conserving and enhancing the ecological values and economic potential of the estuary if it is not integrated with other planning/management initiatives for the watershed and the immediate coastal environment.

The plan's project review process was intended to provide a one window approach to assessing the environmental impacts of projects that are proposed in the plan area. Issues have been: the need to notify the Ministry regarding minor projects; the type of projects that require review; lack of information about the process; the amount of time required for reviews; and the need for deputy minister approval of proposals.

There is clearly a lack of knowledge regarding the notification and review process. It is complicated but efforts have been made to clarify and simplify it. In most cases proponents do not experience long delays although we found two instances both in the Village of Cowichan Bay area where major projects took literally years to move through the process. Both cases however involved extenuating circumstances. Well organized proponents that do their homework appear to be able to get approvals, which include deputy minister review, within two months. Nevertheless there are a number of ways to improve the process.

A fundamental question that needs to be considered is the appropriateness of the Ministry versus the DFO leading the project review process. Most project proposals that are reviewed fall within the mandate of DFO e.g., impacts on fish habitat. This raises the question of whether as coordinator of the project review process the Ministry is simply standing in DFO's shoes.

The CEEMP, as it has been implemented, is inconsistent with the Ministry's current approach to environmental management whereby it is increasingly attempting to conduct business based on: establishing clear, science-informed objectives; holding those who use the environment accountable for achieving those objectives; encouraging involvement of others and sharing of stewardship and responsibility for a healthy sustainable environment; measuring and reporting progress performance towards objectives; and, acting transparently.

Based on our assessment of key success factors for estuary plans, the CEEMP should not have enjoyed much success, i.e., it lacked citizen involvement, champions, transparency, public education, dedicated funding etc. However, its' provincial regulatory authority contributed to providing certainty and benefits related to certainty, reducing conflict and establishing a process to limit further environmental degradation.

Three options are presented for moving forward with the CEEMP. Deciding how to proceed is made difficult by issues involving readiness and trust within the stakeholder community and because so much local energy is currently being devoted to development of a water use plan for the Cowichan Basin.

We recommend that the ministry take a phased approach to addressing issues raised in this review. In the short term the focus should be on improving implementation of the

plan. Then, as community capacity to lead an integrated watershed management plan becomes more certain, a transition secretariat should be put in place to facilitate the development of a new estuary plan. Leadership of that plan should be shared with local interests. In the longer term the new plan should be fine-tuned and managed as an integrated sub-component of a Cowichan/Koksilah Watershed Management Plan under a community-based governance model.

ACKNOWLEDGEMENTS

We began this project knowing that people have more and more demands on their time and that it would be difficult to contact and discuss the CEEMP with all of the stakeholders on our contact list. As it turned out we met and discussed the plan and the estuary with even more people than we had intended. We would like to thank all of the people who took time out of busy lives and generously offered us their knowledge, views and thoughtful ideas to this review. A list of people that we talked to as part of this project is included in Appendix 1.

We would like to offer special thanks to Councilor Charlie Cornfield, Michael Roth and Jim vanTyne of Campbell River for generously taking the time to share their experiences with the Campbell River Estuary Plan with us.

Finally we would like to thank Peter Law of the Ministry of Environment for his constructive ideas, cooperation and valuable assistance providing reading materials, opening the Ministry's files to us and offering his knowledge of the estuary and the plan.

TABLE OF CONTENTS

1.	INTRODUCTION	7
2.	TERMS OF REFERENCE OF REVIEW	8
3.	APPROACH.....	9
4.	DESCRIPTION OF THE PLAN.....	10
4.1	BACKGROUND	10
4.2	SUMMARY OF THE PLAN.....	10
5	FINDINGS.....	13
5.1	EFFECTIVENESS OF THE PLAN.....	13
5.1.1	<i>Environmental benefits</i>	13
5.1.2	<i>Environmental shortcomings of the plan</i>	15
5.1.3	<i>Achieving balance and meeting stakeholder needs</i>	15
5.1.4	<i>Adequate linkages</i>	18
5.1.5	<i>Project review process</i>	20
5.2	STAKEHOLDER SATISFACTION AND CAPACITY FOR INVOLVEMENT.....	22
5.3	CONSISTENCY WITH THE MINISTRY’S CURRENT OPERATING PRINCIPLES.....	24
5.3.1	<i>Clear objectives, performance measurement and reporting</i>	24
5.3.2	<i>Shared stewardship</i>	25
5.3.3	<i>Transparency</i>	25
5.3.4	<i>Accountability and responsibility</i>	26
5.4	OTHER ASSESSMENTS AND FINDINGS.....	26
5.4.1	<i>CEEMP in the context of other estuary plans</i>	26
5.4.2	<i>A brief history of CEEMP implementation (How did we get here from there?)</i> 30	
6.	SUMMARY AND CONCLUSIONS.....	32
7.	OPTIONS.....	35
7.1	OPTION 1 – STATUS QUO	35
7.2	OPTION 2 – IMPROVE PLAN IMPLEMENTATION IN SHORT TERM WITH A TRANSITION OVER THE LONGER TERM TO A NEW ESTUARY MANAGEMENT PLAN AND GOVERNANCE MODEL	36
7.3	OPTIONS 3 – AMEND THE CEEMP TO REMOVE VILLAGE, STREAMLINE RESPONSIBILITIES, AND IMPROVE MANAGEMENT PROCESSES	39
8.	RECOMMENDATIONS.....	41
	APPENDIX 1 – STAKEHOLDERS CONTACTED.....	42
	APPENDIX 2 - TOPICS COVERED WITH STAKEHOLDERS	44
	APPENDIX 3 – ORDER IN COUNCIL 1652	45
	APPENDIX 5 – PROJECT REVIEW PROCESS FLOW DIAGRAM.....	47
	APPENDIX 6 – COWICHAN ESTUARY CONSERVATION LANDS ACQUISITION SUMMARY	48
	APPENDIX 7 - SUMMARY OF CROWN LAND LEASES/LICENSES IN CEEMP AREA.....	49
	APPENDIX 8 - REVIEW OF CEEMP PROPOSAL FILES	51

REFERENCES54

1. INTRODUCTION

Estuaries are special places where rivers meet the sea. These ecosystems are generally considered to be the most biologically productive areas on earth providing disproportionately high economic values in the form of ecosystem goods and services (Costanza et al 1997). They are vital for their roles in absorbing and dissipating flood waters, cycling nutrients and filtering water, providing habitat for resident and transient populations of birds, mammals, fish and other wildlife, as well as nursery grounds for many marine organisms including commercially valuable fish species. Estuaries are also highly valued for cultural and recreational reasons.

Recently Ducks Unlimited in cooperation with the Canadian Wildlife Service ranked the 442 estuaries that occur along the province's 27,000 km of coast according to their environmental value. Based on their approach the Cowichan Estuary, where the Cowichan and Koksilah rivers join the Strait of Georgia, ranks as the 8th most important estuary on the coast excluding the Fraser River Estuary. The Cowichan potentially would have ranked even higher except the ranking scheme emphasized herring spawn. It is expected that with reintroduction of eel grass beds the Cowichan would receive a much higher ranking for herring and rise to 5th most important. The Cowichan, as befits a Canadian Heritage River, has an extensive lowland floodplain which historically enabled it to produce some of Vancouver Island's largest stocks of chinook, coho, and chum salmon and steelhead trout. In association with Somenos marsh and the Chemainus estuary it serves as one of the province's top coastal areas for wintering and migrant water birds.

Located in the Cowichan Valley roughly 70, 50 and 45 km respectively from the cities of Vancouver, Nanaimo and Victoria the estuary has felt intensive development pressures over the past 150 years. The mid 1970s to 1986 was a period of intense dispute between environmental and development interests on the estuary. There were a number of proposals for further development of the estuary. The Federal Fisheries and Oceans Canada (DFO) was threatening to lay charges related to habitat destruction and degradation. Well organized and vocal environmentalists waged a high profile campaign stemming from environmental practices. As part of one dispute, a developer successfully challenged local government's zoning authority in the BC Supreme Court.

In 1986 a plan for the estuary - the Cowichan Estuary Environmental Management Plan (CEEMP) - was put in place to address the conflict. It was intended to balance demands on the estuary and ensure the environment was protected. It was the first of roughly 10 estuary plans in the province and the only one to be established by Order in Council (OIC.)

In March 2005, the Ministry of Environment (MOE) (formerly the Ministry of Water, Land and Air Protection) commissioned Vis-à-vis Management Resources Inc. to conduct a review of the CEEMP to provide information about its successes and shortcomings and assess the adequacy and appropriateness of the plan for addressing contemporary issues including: protection and enhancement of the environmental values and addressing stakeholder needs.

2. TERMS OF REFERENCE OF REVIEW

The objectives of the review of the Cowichan Estuary Management Plan were to:

- Determine the effectiveness of the plan for protecting, restoring and enhancing the environment of the estuary.
- Determine the effectiveness of the plan in addressing the needs of industrial, recreational, commercial, First Nations, agricultural and other users.
- Determine whether there are adequate linkages with other related land-use initiatives in the area.
- Determine the level of stakeholder satisfaction with the plan and willingness and capacity to be involved in plan implementation.
- Determine the consistency of the plan with the Ministry's current approach to doing business and the resources that it is able allocate to the management of the estuary.
- Propose options for addressing issues identified in the review.

3. APPROACH

The review was divided into five components:

1. A review of the CEEMP and related background documents.
2. Discussions with key stakeholders who had had some involvement with the plan. A list of stakeholders consulted is provided in Appendix 1. The topics covered in the discussions are summarized in Appendix 2. A large scale ortho-photo aided the face-to-face discussions.
3. Discussions with key individuals with specialized expertise or knowledge regarding some aspects of the review (identified separately in Appendix 1). In most instances we initiated specific discussions to address issues or knowledge gaps related to the topics shown in Appendix 2.
4. A cursory review of recent files in the MOE regional office to determine the nature of projects and activities submitted for review and the time requirements for reviews.
5. A review of selected publications regarding estuary plans in British Columbia and a review and assessment of other estuary plans to identify key determinants of success/failure associated with those plans.

4. DESCRIPTION OF THE PLAN

4.1 Background

The CEEMP was largely based on the findings of Cowichan Estuary Management 'Task Forces' that were convened in 1974 and 1978. The latter reported out in 1980. Subsequently a Cowichan Estuary coordinator was appointed to negotiate the plan. As part of that process individual agreements were negotiated with the Canadian National Railway (CNR), the major land owner in the estuary at the time, and with three forest companies that held log handling and storage leases in the estuary. Those agreements underpinned the plan which was established 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."

4.2 Summary of the Plan

The CEEMP was established in 1986 by OIC 1652 (see Appendix 3) under authority of the *Environment Management Act (EMA.)* OIC 1652 rescinded an earlier OIC and ordered the approval of the CEEMP without modification.

OIC 1652 also directed that provincial or local governments must not issue or exercise a license, permit or power regarding a matter in the area affected by the plan unless the project receives written approval from the Minister of Environment indicating that:

- the project will not be a significant detrimental environmental impact, and,
- it is in conformity with the plan.

The CEEMP itself includes the following:

Introduction -This section is important because it provides the context and intention of the plan. That intention is summarized as follows:

- balance environmental priorities and concerns with those of other interests and organizations,
- acknowledge the presence of industry and other activities that have become established in the estuary but limit their detrimental environmental impacts and avoid further habitat losses, and
- support rehabilitation of degraded habitat in the estuary.

Agreements -This section summarizes the four individual agreements that were entered into by the Department of Fisheries and Oceans (DFO) and the Ministry of Environment and Parks (MOE) with:

- CNR
- Doman Industries Ltd.,
- MacMillan Bloedel Ltd., and
- British Columbia Forest Products Ltd.

Unlike the majority of British Columbia's estuaries the majority of the inter-tidal portion of the Cowichan was privately owned. At the time of the agreement the largest land owner was the CNR which owned Lot 160, a 296 ha parcel.

Prior to the agreements 135 ha of the CNR lands were leased to forest companies for log storage. As a precursor to the plan, CNR agreed to administer its land in accordance with the plan. The company entered into an agreement with MOE and DFO to adjust its leases with the forest companies in accordance with a lease rationalization initiative that had been negotiated with the forest companies. The agreements reduced log storage leases by 61 per cent to 52.6 ha. As part of the overall negotiations MOE and DFO agreed to cooperate with CNR in determining an environmentally acceptable future expansion of port facilities. The agreements are included with the plan as an Appendix to aid in its interpretation.

Area Designations -The plan includes a map (see Appendix 4) which identifies and locates five general types of land-use activities for the estuary including:

- Industrial/Commercial
- Agriculture
- Habitat Management
- Possible Mixed Use
- Conservation and Recreation

In addition, in accordance with the CNR agreement, the plan includes an area for Potential Port Expansion.

Activities within each area are to be conducted within the laws of the day. They are also to be compatible with the assigned designation. Uses other than the primary designated use may be permitted in an area as long as the use is temporary and does not adversely affect the area's usefulness for its primary purpose.

Because much of the Cowichan estuary was private land, most of designated area boundaries follow property boundaries. As a result the designated areas are generally well defined and workable. Area designations like these would be difficult to establish and enforce in most estuaries where unsurveyed crown land is the norm.

Project Review Process (see Appendix 5 for flow diagram) - Proponents of activities or projects within the plan boundaries must inform MOE in writing well in advance of their proposed start date. At this stage the MOE contact may consult with agencies and interested public groups regarding the proposal to determine whether it would potentially:

- a) involve significant detrimental environmental impacts, or,
- b) not conform with the plan.

If there is concern about a proposed project regarding a. or b. above, then the proposal is referred to the project review process which requires that the proponent prepare a report for review by the Environmental Assessment Committee (EAC). The plan states that the EAC must be chaired by MOE and that agencies such as DFO and the Cowichan Valley Regional District (CVRD) would serve as EAC members providing technical advice. The EAC makes recommendations to the MOE Chair who in turn submits a report the Deputy Minister of MOE for consideration. The Ministry then sends a written decision to the proponent including terms of approval or reasons for non approval.

The CEEMP is clear that approval under the project review process does not absolve a proponent from responsibility to obtain approvals from the Agricultural Land Commission or under federal legislation. It also notes that “Federal Fisheries legislation may also be applied separately” inferring that approval under that legislation may occur through the EAC process.

Management Activities -Specific management related activities for the estuary referenced in the plan include: ongoing monitoring, new research, habitat restoration/enhancement projects and water quality initiatives.

Environment Management Act -The plan includes a reminder that it was prepared for implementation under the *Environment Management Act* and that the OIC requires compliance with the plan and confers precedence over other provincial statutes. It also notes that if a deliberate action takes place that contravenes the plan an Environmental Protection Order could be issued to restrict, modify or prohibit any activity or use and potentially prescribe interim or permanent remedial actions.

Amendment -Because it was established by OIC, amendment of the plan requires Cabinet approval. When a situation requiring a plan amendment arises, the Ministry is to coordinate an evaluation of all the options and their implications in consultation with the public, affected land owners and various government agencies prior to seeking Cabinet approval of the proposed amendment.

5 FINDINGS

5.1 Effectiveness of the Plan

5.1.1 Environmental benefits

Environmental benefits are divided into three categories: habitat protection, habitat restoration and enhancement, and water quality. Below we summarize the benefits of the plan according to those categories. Subsequently we summarize some of the shortcomings of the plan from an environmental effectiveness perspective.

Habitat protection

The CEEMP has directly and indirectly resulted in significant habitat protection benefits. Those benefits include:

- The establishment of the area designations that limited further industrial development and associated habitat impacts and losses.
- The immediate reduction of log storage leases and log storage by 61%.
- The interagency referral and review process that has prevented and/or reduced the impacts of activities in the estuary. As an example, each year the sawmill that is located on the estuary needs to dredge out its log handling channel. Over the years the review process has resulted in improved dredging practices.
- Acquisition of most of the upland/higher inter-tidal marsh areas in the estuary that were available for purchase. These lands totaling roughly 85 ha were acquired for habitat protection purposes by the Pacific Estuary Conservation Program¹.
- Transfer of title to the province of a) 9.3 ha of Doman marsh lands and b) the 296 ha Lot 160 from the CNR through the actions of the Pacific Estuary Conservation Program. 202.5 ha of those lands are administered by MOE for habitat protection. The remainder is administered by the Land and Water BC.

Areas acquired are identified in Appendix 4 and itemized in Appendix 6.

Habitat restoration and enhancement

A number of rehabilitation/enhancement projects have been undertaken in the estuary that can be attributed directly or indirectly to the plan. Again many of these were undertaken by Pacific Estuary Conservation Program members. Projects include:

- Westcan Access Road
 - Buried 3000 ft. of overhead wire and marked other wire to prevent bird strikes and electrical failures.

¹ The Pacific Estuary Conservation Program is a partnership of government, and non government conservation organizations working together to provide long-term protection of BC's estuaries. Current members include Environment Canada, DFO, MOE, Habitat Conservation Trust Fund, Ducks Unlimited Canada, Nature Conservancy of Canada, The Nature Trust of British Columbia and The Land Conservancy of British Columbia.

- Cowichan Estuary Farm property
 - Removed livestock.
 - Removed fencing.
 - Created swales.
 - Established stop log control structure.
- Koksilah Marsh property
 - Created new breach in dyke and adjoining swale.
 - Enhanced 2 natural breaches in dyke.
- Rooke Rodenbush property
 - Removed hog fuel and reestablished back channel.
 - Beefed up dyke to prevent flooding of adjacent parcel.
- Doman property
 - Created 4 breaches in dyke.
- Other initiatives
 - Various vegetation and bird surveys in attempt to assess impacts of dyke breaching.
 - Removal (for scrap) of an abandoned barge.
 - Eel grass inventory completed in preparation for Cowichan Land Trust's 2005 eel grass transplant trial. As a trial a total of 400 eel grass plants were transplanted at selected locations within the estuary. If successful more will be planted over a larger area next year.

Water quality

The highest profile water quality issues in the estuary in the past 20 years have been:

- Discovery of dioxins in crab tissue which resulted in a crab fishing closure from August 1989 to January 1996. Dioxin contamination was attributed to the use of anti-sap stains containing pentachlorophenols. Use of the chemical was stopped and levels in crabs dropped significantly.
- The Cowichan Bay sewage treatment plant which lacked adequate capacity and discharged raw sewage into the bay when rainfall was heavy.
- Continuation of the 1973 shellfish harvesting closure due to fecal coliform contamination. The closure remains in effect today.

The CEEMP had no effect on the dioxin issue which was managed by DFO. The sewage treatment plant has been closed. Sewage is now pumped to the main Joint Utilities Board site which has adequate capacity. Most people that we talked to indicated that the plan had limited influence on the sewage treatment plant closure. Nor has the plan significantly affected the shellfish closure as fecal coliform levels remain high.

The plan has resulted in removing livestock, a potential source of fecal coliforms, from lands that were acquired for conservation purposes. However, this benefit may be negated by the spreading of manure on some of those lands. In addition, as part of the project review process, approvals are now normally conditional upon proponents following best management practices and guidelines related to habitat and water quality and they have been required to provide pump out facilities to address the issue of boats and float homes discharging waste into the estuary.

Other water quality benefits have occurred through continuous improvement of dredging procedures arising from EAC review of annual dredging proposals.

Factors affecting water quality occur upstream of the estuary in the form of nutrient and fecal coliform inputs from agricultural run off, other non point sources, and permitted discharges. A few people that we spoke with expressed concern about land use practices and potential sources of pollution on Indian Reserve lands in and around the estuary.

5.1.2 Environmental shortcomings of the plan

With few exceptions the habitat protection and habitat restoration/enhancement activities described above occurred before 1993. These exceptions are the ongoing project review/EAC process, the current eel grass transplant project and the Cowichan Tribe's recent Draft Cowichan Recovery Plan (April 2005) initiative. The draft recovery plan is described later in this section. On the water quality front the CEEMP has resulted in limited success.

In general the plan appears to have shifted from being proactive in the late 1980's and early 1990's to being reactive and environmental assessment process focused until the present. Reasons for this are discussed later in this review.

5.1.3 Achieving balance and meeting stakeholder needs

An immediate effect of the CEEMP was reduced conflict. All existing uses of the estuary were accommodated although not necessarily to the degree that each user wanted. One stakeholder commented that one of the strengths of the plan was that it "somewhat finds a balance between the historical working harbour and the under-recognized environmental values." Property acquisitions by conservation interests also served to reduce conflict by taking lands out of the hands of private interests.

Almost 19 years after the plan was put in place, discussions with each of the key stakeholder groups indicated general acceptance of the need for a plan. However, it is not clear whether the mix of uses designated in the plan achieves the right "balance" in today's world. Many stakeholders expressed frustration that the plan has been reactive rather than proactive in supporting their needs. Environmental interests for example, praised the plan for reducing the industrial foot print significantly from what it was in the 1970s and early 1980s. However, they feel that the plan has not done enough to rehabilitate habitat and restore water quality.

Below we provide a brief description of the current activities in the estuary and summarize the responses we received when stakeholders were asked how successful the plan has been in addressing their needs.

Industry– Currently Western Forest Products and Westcan Terminals Ltd. are the main industrial operators in the estuary. Hayes Forest Services Ltd. also has a presence through foreshore leases that it holds. Brief descriptions of the companies are provided below:

- 1) Western Forest Products, a subsidiary of Brascan, is now operating the sawmill known locally as Domans. In May 2004 the mill employed 263 people. The mill holds two log storage leases totaling 24.6 ha
- 2) Tidal Harmony Holdings Ltd. (Westcan Terminals) operates a deep sea port facility. We were told that it employs up to 160 people when a ship is in for loading. Its business appears to be closely tied to that of the sawmill whose products it ships. Westcan's six crown land leases in the estuary total 54.2 ha.
- 3) Hayes Forest Services holds four crown land foreshore licences totaling 12 ha. Some of those licenses appear to have limited use. One of the licenses is currently used to store barges.

Details regarding industrial foreshore leases/licenses as well as others in the CEEMP area are provided in Appendix 7. Log storage licenses were significantly reduced by the plan and industrial use particularly actual log handling and storage has declined. Industrial users indicated that the plan had brought a level of certainty for their ongoing operations in the estuary. *"We can work within it as long as we know the goal posts."*

Agriculture –The Blackley Farm continues to operate on land leased from Western Forest Products. The farm supports the only cattle remaining within the CEEMP area. The Cowichan Estuary Farm land is managed by the Nature Trust. The Nature Trust has an agreement with a farmer who uses the land for livestock forage production. The management regime also provides waterfowl habitat. The district agrologist reported that management of the flap gates in the dykes around the Cowichan Estuary Farm has improved agricultural productivity.

Small business/commercial - The commercial activities located within the village include several marinas, a hotel and a variety of shops and restaurants. There is also a maritime museum. Fishers, float home owners and resident recreational boaters use the marinas.

We were told that there is high demand for expanded boating facilities. Recently a new breakwater and wave attenuator were installed significantly improving protection from exposure/marinas and other enterprises in the Village of Cowichan Bay. A second wave attenuator that would provide further protection has received conditional approval from the EAC. Some upgrading of the marinas, including the installation of holding tanks for sewage, is underway. There is also an effort to rejuvenate the village and make it more attractive for tourists and local residents.

Stakeholders who have interests in the village told us that the plan is cumbersome, onerous and a cause of major delays. They indicated that the plan has discouraged investment in the village. Several people told us that unauthorized activities in the Village are often not observed by and not reported to the Ministry.

Recreation – Bird watching is a major recreational activity in the estuary. Bird watchers and dog walkers walk along the dykes although there are no loop trails. Kayaking occurs in the estuary supported by a burgeoning kayak rental company in the Village. There is a good boat launch on the outskirts of the Village in Hecate Park. Locals fish for crabs. A DFO official that we talked to expressed some optimism that soon there will be a major fall coho fishery in Cowichan Bay.

Waterfowl hunting occurs in season and we were told about dog trials that are held each March. There is some ongoing disagreement about the hunting in the estuary and there is a view that the dog trials in March should be discontinued to protect nesting birds. There is one longtime private campsite on the estuary and picnic tables have been placed along the main road in the grove of ancient maples.

There appears to be significant potential for eco-tourism or eco/cultural tourism in the area. A recreational corridor linking the estuary with Somenos marsh with further links to the Trans Canada and Cowichan River trails could be both an ecological and cultural showcase and would significantly enhance tourism potential and the quality of life in the Cowichan Valley.

First Nations – The plan includes little reference to First Nations people and issues. This likely reflects the prevailing thinking in the mid 1980's when the plan was written. Portions of two Cowichan Tribes' reserves are within the CEEMP area. They include homes, some agricultural land and some riparian and marsh habitats.

Cowichan Tribes' staff noted that the Tribes' overall objective of sustenance is not in the plan. It is clear from our discussions that the Tribes would like the traditional shell fishery restored. As noted earlier, shellfish harvesting has been closed since 1973 and continues to be closed due to water quality issues.

We were told that Cowichan Tribes were not originally EAC members and that it took some effort for them to become a member of the EAC. Although the Hul'q'mi'num' Treaty Group and Cowichan Tribes' staff expressed concerns about the project review process, they felt that it was important in controlling development and providing a forum for discussion.

We were told that the main focuses of First Nations interests regarding the estuary are restoration and rehabilitation of fisheries and fish habitat, water quality and economic opportunities. This is apparent from the Draft Cowichan Recovery Plan that was commissioned by Cowichan Tribes. That draft plan provides a systematic fisheries-based assessment of the Cowichan and Koksilah watersheds including the estuary. It includes a stock assessment, a habitat assessment, analysis of limiting factors, recovery goals, objectives and targets including time frames, population and habitat stewardship goals, as well as brief sections on benefits and linkages to other initiatives.

The draft recovery plan also includes a prioritized implementation plan that stratifies the watersheds into five geographic components:

- 1) Cowichan River and Tributaries;
- 2) Cowichan Lake and Tributaries;
- 3) Somenos Marsh;
- 4) Cowichan Estuary;
- 5) Koksilah River and Tributaries.

The draft plan includes species recovery priorities and identifies limiting factors and then establishes prioritized activities for addressing those limiting factors including the gathering of baseline biophysical inventory data to support management and serve as a base for measuring progress. The estuary is recognized as the second

most important area for recovery of priority species Chinook and chum salmon. Four high ranking recovery activities are identified for habitat in the estuary. Managing foreshore development to protect inter-tidal habitat is identified as a high priority stewardship and education activity for the estuary.

5.1.4 Adequate linkages

Unless it is implemented in concert with other planning initiatives for the watershed and adjacent coastal environment, the CEEMP can not be successful in conserving and enhancing the ecological values and economic potential of the estuary. There are a number of plans and planning initiatives within the CVRD that potentially affect water quality and quantity, fish and wildlife and their habitats, recreational potential, and cultural values. These and important linkages that should exist between CEEMP and other initiatives are discussed below.

Official Community Plans (OCPs)

OCPs present the long term vision for a community. They set out a vision for land use in the area and include policies, priorities and guidelines for land use consistent with that vision. OCPs can also designate development permit areas to achieve the following:

- protect the natural environment;
- protect development from hazardous conditions;
- protect farming;
- protect heritage areas;
- revitalize commercial use;
- establish guidelines for the form and character of commercial, industrial or multiple family residential development.

The plan falls within the jurisdictions of two local governments, the District of North Cowichan in the north and the CVRD's Electoral Area D in the south. The North Cowichan OCP was reviewed in the early 2000's and approved in 2002. The OCP references the CEEMP twice, once regarding flood hazard mitigation and the other as follows "The District of North Cowichan supports the management plan and will provide ongoing monitoring and representation on the Management Committee charged with administering the plan." The plan area designations, however, are not incorporated into the OCP. Linkage between CEEMP and the North Cowichan OCP is currently limited to District participation on the EAC. There are no joint actions involving the estuary.

Area D of the CVRD is strongly influenced by the CEEMP because the seaside Village of Cowichan Bay lies within the plan area. Based on a narrow interpretation of the plan this meant that no licenses, permits or exercise of power by a local or provincial government official could occur unless it was reported to the Ministry and assessed to determine if it would have a detrimental impact on the environment and conformed with the plan. This has been a source of irritation for the MOE, the CVRD and local people.

Area D has an Official Settlement Plan, the predecessor to OCPs. The Settlement Plan predates the CEEMP by four months. Until recently there was no integration between the two plans. Recently however the CVRD passed a by-law under the

Settlement Plan establishing a Cowichan Bay Village Development Permit Area. Simply stated the by-law provides the CVRD with building permitting power over development in the village where there is no chance of environmental degradation. We regard this as a positive attempt by the CVRD to ensure sensitive and controlled development and redevelopment in the village. In the longer term the CVRD would like to have the entire village area removed from the CEEMP.

The CVRD does not yet have a regional growth management strategy to which the CEEMP or other land use plans could be linked. It is hoped that the Cowichan River Basin Water Use Management Plan initiative will be the precursor to a regional growth management strategy.

Cowichan River Basin Water Use Management Plan

This initiative is in its early stages and is worth watching. It arose because of water shortages in the Cowichan River that threatened survival of fish and almost forced temporary shut down of the local Norske Canada pulp mill. Flow regimes and shortages also affect the hydrology and biology of the estuary. The water shortage problem and water use plan initiative have brought diverse interests to a planning table. If it truly addresses issues beyond fisheries and seasonal water flow problems as originally promised, this planning could form the basis of a much needed Cowichan/Koksilah watershed plan.

Currently there appear to be limited linkages between this plan and the CEEMP. A few of the EAC members represent their agencies at the water use planning table. As all land and water use activities that occur in the watershed potentially affect the estuary, we think the Ministry should invest resources to ensure that there are clear and strong linkages between the two plans.

Draft Cowichan Recovery Plan

This plan was described in some detail in Section 5.1.3 above under First Nations. It reflects Cowichan Tribes vision and focus regarding the watershed including the estuary and appears to provide an extremely solid base to work from. Linkages to this plan are provided through First Nations representatives on the CEEMP EAC. As indicated from our earlier description this draft planning initiative is taking a systematic watershed approach. It is beginning to lay down a thorough information base for planning activities and for measuring results. It is important that other land use plans including CEEMP link with it.

The Somenos Plan

The management plan for the Somenos management area was agreed to in 2001 by key stakeholders including MOE, The Nature Trust, Ducks Unlimited, The District of North Cowichan, Cowichan Tribes and other stakeholders. The Somenos Plan identifies management objectives for the Somenos wetlands and adjacent uplands. There are important opportunities for linkages between that plan and the CEEMP. The two plans have some common committee members. However the MOE representative is not one of them. Again, we think the Ministry should invest resources to ensure that there are clear and strong linkages between the two plans. If the CEEMP was revitalized and became more proactive, joint

members could play an important role in taking an integrated approach to wetland management. Although there has been no action to date, the Somenos Plan recommends that a waterfowl management plan for the Somenos marsh/Cowichan estuary/Chemainus estuary complex be developed. As noted earlier we think that a physical link or corridor between the two complexes would benefit recreation in the area and lead to better integration of stakeholder perspectives and management activities. Cowichan Tribes would be a key participant in any such venture.

The CEEMP does not have a good history of coordination with other planning initiatives in the watershed yet most land and water use practices in the watershed end up affecting the estuary. There are also a lack of formal linkages between the CEEMP, higher level land use planning initiatives and sector specific planning initiatives such as the Marine Tourism Strategy. Given the importance of the estuary and the potential opportunities presented through the other planning initiatives in, and affecting the watershed, there appear to be significant environmental benefits to building and maintaining linkages to other plans and initiatives.

5.1.5 Project review process

Almost everyone with whom we had detailed discussions expressed concerns about the project review process. These included:

- a general lack of clarity about the process including requirements and timelines etc.
- lack of regularly scheduled meetings making attendance difficult.
- time pressures associated with reviewing projects.
- length of time to obtain approvals and delays caused by requirement for deputy minister approval.
- minor nature of some projects that require approvals.
- lack of transparency and inclusiveness.
- lack of follow up, audit and enforcement after the process.

Our assessment is that the majority of these concerns are legitimate. We have placed the concerns into six categories. They are discussed below.

Communication about the process - The CEEMP is somewhat unclear and difficult to interpret. Many people that we spoke with did not really understand the plan or the project review process and its implications.

There does not appear to be an easy to access pamphlet, bulletin or internet posting describing the plan in general, types of projects requiring approval, the project review process or proposal submission requirements. Some EAC members indicated that it would be helpful if there was material available for their orientation as well. Communication materials would be beneficial.

Process transparency and inclusiveness - The EAC is composed of the DFO, the Ministry, CVRD, District of North Cowichan and Cowichan Tribes. Other stakeholders are normally not consulted nor included in the process. Meetings are on an as required basis. Agendas and minutes are not made public.

Timelines – Local folklore surrounding the project review process is that it takes years to get a project approved. To assess the issue of timelines of project reviews we reviewed two of the general CEEMP project files and a proponent specific project file (Doman Industries' recent dredging applications). The review was done in the Ministry's Nanaimo office. Details of this search are in Appendix 8. We found that the average time required for MOE to issue an approval or rejection to a proponent in response to an application or to LWBC in response to a referral was 78 days. The average time for the four most recent Doman Industries dredging request was 50 days. The time added as a result of Deputy Minister approval appears to be approximately 2 to 8 weeks.

It is of interest to note that two of the projects in Appendix 8 took prolonged periods of time from first application to final approval. The Small Craft Harbours' (SCH) breakwater request (a federal project) took roughly 2 years and 4 months to obtain approval. This is primarily because the project was required to go through a federal environmental review process which caused a major delay. SCH prudently chose to seek preliminary review from CEEMP prior to proceeding with the federal review. Time required for CEEMP's role in the process appears to have been reasonable.

The Cowichan Bay Improvement Association's wave attenuator proposal was a project that had another extremely long approval period, a remarkable 3 years and 4 months. This is because the proposal was initially rejected. The rejection appears to have occurred in a reasonable period of time (74 days). The proponent subsequently received a legal opinion supporting the original request and that opinion was supported by Legal Services Branch. The proponent subsequently reapplied for approval but modified its proposal during the review process and as a result the CEEMP approval process took 130 days.

In contrast to the two proposals described above, Doman Industries annual dredging request obtain approval in a relatively short time period roughly 50 days. It appears that regular more generic requests like the Doman request are easier than others for the EAC to assess. The dredging request appears to occur annually and the company has used the same consultant for many years. As the consultant has become used to the process questions are anticipated and information required by the EAC is prepared in advance leading to a more efficient approval process.

To our knowledge, there are no performance measures associated with the CEEMP process timelines.

Types of projects requiring approval – This has been a long standing concern and arises from notification and approval requirements that exist for projects in the plan area but most notably in Cowichan Bay Village. For years there was a lack of clarity around this issue. The result was ongoing frustration for proponents proposing projects in the village area and for the CVRD. In 2000, the Ministry clarified which types of projects required CEEMP approval and which did not. (Essentially projects that had potential to have incremental impacts on the foreshore were to be directed to be referred to CEEMP; those that did not could be addressed by the CVRD.) This clarification was important because it appears to

have served as the basis for the CVRD to pass a by-law under the Official Settlement Plan establishing a Development Permit Area by-law for the village.

Monitoring/auditing – A number of people complained about lack of follow up, audit etc. after projects were approved. Ministry and DFO staff stated that unfortunately there was a lack of capacity to audit or follow up on projects subsequent to granting of approvals.

A noteworthy issue that we became aware of as we conducted our file review was the fact that in most instances issues reviewed by the EAC were subjected to environmental review because of concerns falling within DFO's mandate. The Chair of the EAC indicated that over 75% of the proposals reviewed by the EAC, including Doman Industries' annual dredging application, fall within the mandate of DFO e.g., impacts on fish habitat. This raises the question of whether as coordinator of the project review process the Ministry is simply standing in DFO's shoes. In estuaries without a plan presumably DFO would address these issues on its own. If the CEEMP EAC did not review such requests its project workload could be reduced to one or two requests per year.

The strengths of the process

In addition to concerns several individuals identified strengths and benefits of the project review process. These are:

- Provides one window for proponents.
- Ensures that potential negative environmental impacts are limited.
- Provides a forum for discussion and shared stewardship among EAC members.
- Ensures First Nations involvement.
- Limits the likelihood of cumulative environmental impacts from occurring.

One person that we discussed the CEEMP with even noted that an unintended but positive result has been that the plan and its process delayed development in the Village of Cowichan Bay preventing "uncoordinated, ad hoc development" until the community was ready for more "orderly and beneficial development".

5.2 Stakeholder Satisfaction and Capacity for Involvement

Stakeholder satisfaction varied among groups and was based on very different perspectives of the plan. Environmentalists generally believed that the plan was not effectively protecting and restoring the environment. Representatives of the Cowichan Bay Village area that we spoke to generally indicated that the plan was too cumbersome and restrictive. Industry valued the certainty that the plan provided and seems to have accepted its requirements and learned to live with them. Environmental groups that purchased land in the estuary recognized that the plan has weaknesses but appreciate the certainty that the plan brought.

When stakeholders were asked what would happen if there was no plan tomorrow we heard three points of view:

- 1) The most prevalent view was that it wouldn't work- that there needs to be a plan of some sort or there would be unacceptable development and damage to the environment. Examples of stakeholder comments include:
 - *It would be a disaster to take it away – there would not be an effective backstop.*
 - *There would be grub staking for leases*
 - *If there was no plan then who do you deal with –just DFO – there is more to plan for than fish*
 - *Expanded industry although the community would be very upset*
 - *First Nations would head to court to tie everything up which would replace everyone at the table with lawyers*
 - *Each regulatory agency on their own could not stop development*
 - *Regional district is weak – you'd see increased impacts on the environment, better for individuals doing their own thing*
- 2) A few stakeholders felt that the plan would not be needed if the existing regulatory agencies were more effective.
 - *Still have the referral process but Cowichan Tribes would be harder pressed to keep their concerns on the table.*
 - *DFO would have to be more of a presence*
 - *Probably would work if other processes in place – DFO etc.*
- 3) A few other stakeholders felt that the plan was not needed and that the existing regulatory agencies would be sufficient to look after the environment.
 - *Local government zoning and regular regulations could look after it*
 - *Historically we needed it but probably don't need it now because we have a greater understanding of the environment*

We think that there is significant knowledge and capacity among Cowichan Tribes, local government, DFO and local stakeholders to play a much more significant role in a revised estuary plan. Trust, confidence and readiness will need to be addressed and the Water Use Plan is a pivotal project that will determine whether some basic philosophical differences among stakeholders can be overcome. So far that project appears to have garnered considerable commitment and good faith. However it has the advantage of being driven by a pending emergency.

Rejuvenating the CEEMP only offers the opportunity to do something better, albeit a lot better. If the Water Use Plan is successful the participants may be more willing to bring the CEEMP under a comprehensive watershed plan. Until then, the ministry may be hard pressed to obtain the commitment required to revamp and re-energize an estuary management plan. It may be prudent in the short term to focus efforts on improving implementation of the existing plan.

5.3 Consistency with the Ministry's Current Operating Principles

In early 2002 the ministry began a transition to shift its approach to embrace several operating principles including:

- clear objectives based on/informed by science,
- measuring and reporting on results,
- transparency,
- shared stewardship,
- clear and appropriate accountability and responsibility.

For the sake of convenience we have combined the first two principles. We discuss consistency of the CEEMP and its implementation below.

5.3.1 Clear objectives, performance measurement and reporting

Three general intentions underlie the CEEMP: balancing interests; habitat protection; and habitat rehabilitation/enhancement (see 4.2 above.)

Those that we talked to including EAC members generally did not believe that the plan was based on clear objectives nor that the objectives were informed by science. This situation likely stems from the fact that the plan began as a compromise. It was imposed by regulation. It did not have a champion. The plan is difficult to interpret emphasizing area designations and process. It seems to focus on what should not happen in the estuary rather than the opportunities.

Under the plan significant habitat protection and restoration opportunities were taken advantage of early on. However clear objectives were not formalized and, little measurement or reporting of achievements occurred. In effect, the potential offered by the plan was under-developed. As a result there has been no:

- ongoing review of estuarine research or support for research in the estuary,
- systematic collection of baseline data to serve as a basis for measuring improvement and developing management priorities,
- setting of specific objectives and implementation of a prioritized list of management activities to achieve those objectives,
- monitoring, measuring or reporting of results.

That said recently the ministry has fostered an important first step toward establishing a clear set of management objectives for the estuary and associated performance measures that are based on/informed by science. And, independently Cowichan Tribes has initiated another. These are:

- 1) The 2003 Ecological Strategies for the Cowichan Estuary workshop that was funded by MOE and coordinated by the Cowichan Land Conservancy.

That workshop identified six environmental priorities for the estuary including:

- water quality,
- eel grass health, location and quantity,
- wood waste from log booming,
- whole watershed focus,
- reduction of industrial users,
- biophysical inventory and monitoring.

A number of specific activities were also identified under the heading of Restoration and Monitoring including issues and priorities related to water quality, inter-tidal and the marine environments, and water and land-based human activities.

The workshop report represented a good start to rethinking the plan and moving toward a more proactive approach that includes objectives and activities to achieve them.

- 2) The comprehensive Cowichan Recovery Plan commissioned by the Cowichan Tribes in 2004/05. As noted earlier that draft recovery plan has a fisheries focus and may not consider other species but it is based on an extensive summary of available information and additional inventory to fill some information gaps. It also provides a high level stratification of the watershed and establishes objectives and analysis including materiality and do-ability. It also identifies activities and prioritizes them.

The foundation appears to have been laid to build a set of clear science informed objectives for the estuary.

5.3.2 Shared stewardship

Shared stewardship is the phenomenon whereby individual members of the public, private sector, public sector and not-for-profit organizations act as the dependents and caretakers of the environment and share responsibility for its present and future well being.

With the exception of two individuals all of those with whom we had detailed discussions regarding the plan stated that it had not fostered shared stewardship of the estuary. One EAC member noted that this was even reflected by attendance of government agencies at EAC meetings. For example the ministries of Transportation and Agriculture, Fisheries and Food generally have not attended EAC meetings nor does the Canadian Wildlife Service. Furthermore with the exception of the 2003 Ecological Strategies for the Cowichan Estuary workshop, the annual Low Tide (clean-up) Day, and the recent eel grass transplant initiative, public involvement in estuary-related initiatives has been very limited.

5.3.3 Transparency

Only one individual that we discussed the plan with indicated that it was operated in a transparent manner. There has been no regular reporting on the plan, - internal or external to the ministry. The public has not been informed of EAC

meetings, agendas or minutes, and notices of decisions and rationale for decisions is only provided to individual proponents.

We suspect that this lack of transparency is related to the time period when it was developed. In 1986 it was not the norm for government management bodies to publicize meeting agendas and meetings and solicit public attendance. From its inception the plan appears to have been inward looking.

Although times and attitudes about transparency changed CEEMP did not change. It appears that in the mid 1990's resources became too scarce to invest the time required to transform the process into a transparent one. This is of particular concern because transparency is critical to shared stewardship and effective accountability/responsibility.

5.3.4 Accountability and responsibility

One of the ministry's objectives is to ensure that accountabilities and responsibilities are clear and appropriate. Almost everyone we spoke with viewed the Ministry as being accountable and responsible for the plan and the estuary. It is interesting to note that Williams and Langer (2002) in a DFO publication view the plan as "making senior legislation (e.g., the Fisheries Act) subservient to the provincial process".

The plan characterizes an outdated paternalistic command and control approach to environmental management. Modern environmental management fosters shared stewardship and shared responsibility for a healthy sustainable environment. Those who use the environment are held accountable for ensuring that it is not damaged. The role of regulator is to establish clear environmental objectives and ensure that performance related to the achievement of those objectives is measured. This means having adequate baseline information to monitor performance against and checking to ensure that objectives are being achieved.

Unfortunately, people reported that although recently the ministry has had more of a presence both it and DFO in particular lack adequate presence to ensure that environmental outcomes are desirable.

5.4 Other Assessments and Findings

5.4.1 CEEMP in the context of other estuary plans

We reviewed Williams and Langer's (2002) comparison of a number of estuary plans and we discussed estuary plans with several people who have been involved in their development and or implementation. In addition, we reviewed several estuary planning documents and met with some key players involved in the Campbell River Estuary Management Plan.

The Squamish, Nanamio, and Courtney plans have had major difficulties getting off the ground. The Fraser River Estuary Management Plan dates back to 1994. It is funded through a number of agencies, has a full time secretariat and is

generally believed to be successful in management of estuary related issues within a very complex jurisdictional environment. The Campbell River Estuary Plan was established in 1996. It is also recognized as being very successful. It provides an example of a local government taking a leadership role in estuary management. The plan is supported by a Commission that is funded by and reports to the local government. It operates under direction of MOUs regarding habitat protection and resource management that were negotiated with DFO and MOE. An interesting aspect of this community based plan is its objectives which go so far as to include pursuing relocation of specific industries from the estuary to locations that are outside of the estuary.

Based on our own review of the other estuary plans, we identified a number of factors to be important determinants of the success of plans. Below we have rated the CEEMP on the basis of those factors. The rating scheme is as follows:

- 1 = Low
- 2 = Moderate
- 3 = High

Table 1 Evaluation of the Success of the CEEMP

Criteria	CEEMP	Rating
<i>Purpose</i>		
<i>Clear goals, principles and objectives</i>	The plan only includes high level statements of intent. Principles and objectives have not been formally articulated. As a result the plan has been under-developed and under-implemented.	1
<i>Prioritized activities</i>	The plan lacks clear objectives and specific prioritized activities to achieve them.	1
<i>Leadership</i>		
<i>Champions</i>	The plan is a compromise established by provincial regulatory power as opposed to champions. Cowichan Estuary Preservation Society has served as the conscience for the plan. If the current Cowichan River Water Use Planning initiative produces a basic watershed plan vs. a water quantity plan champions could emerge from that process.	1
<i>Representative, proactive steering</i>	The EAC (project review committee) - is the plan's only active committee. Because it	1

<i>committee</i>	focuses on the review of project referrals and it reinforces the reactive vs. proactive nature of the plan.	
Infrastructure and Process		
<i>Adequately funded and accountable administrative body</i>	Ultimately the ministry is accountable for the plan. The regional office fulfills the administrative/secretariat function for the CEEMP project review process with limited resources. Lack of dedicated resources appears to have resulted in the plan being risk managed rather than led.	2
<i>Project funding</i>	We estimate that over \$2 million was spent on habitat acquisition and management projects in the first 5 or 6 years of the plan. Since that time NGOs particularly the Nature Trust have funded some ongoing management activities. Few projects have been initiated in the past 10 years.	First 5 years 3 Subsequently 1
<i>Practical, ecologically-based area designations</i>	These provide a relatively objective framework for discussion and decision making. However they could be better defined from practical and ecological perspectives.	2
<i>Efficient and effective project review process</i>	The ministry has focused its limited resources on this part of the plan. There are concerns about process timeliness, inclusion of the Cowichan Bay Village area in the process and the need for deputy minister or ministerial approval of proposals. In addition it appears that the process results in the ministry at times standing in the shoes of DFO.	1.5

Performance Measurement, Reporting and Continuous Improvement		
<i>Baseline/benchmark biophysical and cultural inventory information</i>	The plan references inventory and research but it has not taken a leadership role in this area. There has not been a comprehensive inventory of the estuary. Most inventories and studies done in the estuary have been ad hoc, single purpose, and difficult to replicate.	1
<i>Annual progress reporting and five year comprehensive reviews.</i>	There has been no annual reporting. The ministry reviewed the plan in the early 1990s but the revised plan was not approved.	1
<i>Dynamic, flexible and responsive</i>	OIC 1652 gives the plan significant authority but has hampered flexibility. Resourcing issues also appear to have caused it to underachieve in this area.	1
Legitimization and Linkages		
<i>Community involvement and communications</i>	As implemented community involvement is limited to CVRD DNC and First Nation participation on the EAC. In recent years the only formal communication with the general public has been the 2003 Cowichan Land Trust workshop that MOE funded. Informal communications have improved recently.	1
<i>Strong linkages to related land use or planning Initiatives</i>	The plan's legal influence is limited to a defined area. Although staff and EAC members recognize the importance of linkages between the plan and other plans the CEEMP has operated in an inward looking manner	1

Momentum		
<i>Early wins and ongoing success</i>	The plan resulted in early wins. However since the early 1990's almost all of its success has involved limiting the impacts of development proposals.	Early wins 3 Ongoing 1

Our scoring was extremely consistent with that of two EAC members who we asked to rate the CEEMP based on the above criteria. It is interesting that although the CEEMP is rated low in most areas, compared to most other estuary plans it has enjoyed significant success. We attribute this to the authority that the plan derived for OIC 1652 and the certainty that the OIC provided.

We also used our rating scheme to assess the success of the Campbell River estuary. In contrast to the CEEMP our scores for the Campbell River estuary were predominantly 3s. The Campbell River estuary plan is regarded by most people who are familiar with it as being very successful.

5.4.2 A brief history of CEEMP implementation (How did we get here from there?)

The CEEMP predates other estuary plans in the province and is unique in that it operates under an OIC. The ministry is the coordinator and the predominant approving body within the estuary area. The plan appears to have supported significant success from a habitat protection and habitat restoration perspective.

By the early 1990s the Ministry's regional office, recognized the need to update the plan. As a result it conducted a review of the plan (MOE, 1995) "to improve integration of land uses with protection of the environment" and partly in response to "major changes in land ownership that had occurred since it (the plan) was first implemented." The updated plan produced by the region promised to examine the idea of removing the Village of Cowichan Bay and associated harbour area from under the CEEMP. The remainder of the area would have remained under the OIC but the plan was to be updated and revised. The review was completed in 1995.

We were told that there were three attempts to have the updated plan approved but in each case the proposal was rejected. The regional office interpreted these rejections as indicating that the plan was a low priority and with an increasingly constrained budget, particularly from 1996 on, it committed only those resources required to operate the project review process of the plan. At that point the plan's sole focus became a reactive one. It remained under-developed and under-implemented

In 2003 a new staff member became responsible for the CEEMP file. He was concerned about lack of public involvement, under-development of the plan, and its reactive nature. He began meeting with key players who had interests in the plan and funded a one day estuary workshop under the auspices of the Cowichan Land Trust. Several of the people that we spoke to throughout this

review told us that things had been improving regarding the plan and cited the ministry staff person as the reason.

6. SUMMARY AND CONCLUSIONS

1. The Cowichan Estuary is important locally for the ecological services it provides and the substantial economic benefits it offers. Provincially it is one of our top ten estuaries. Nationally it is the terminus of a designated heritage river and internationally it is recognized as being very important for waterfowl and fisheries.
2. The mid 1970s to mid 1980s was a period of intense dispute between environmental and development interests on the estuary. The CEEMP was put in place to resolve that conflict. It represents an old-style command and control, regulation-based approach to environmental and land use management.
3. Based on our assessment of the key success factors for estuary plans, the plan should not have enjoyed much success, i.e., it lacked citizen involvement, champions, transparency, public education etc. However, its provincial regulatory power contributed to providing certainty and benefits related to certainty, reducing conflict and establishing a process to limit further environmental degradation.
4. Overall however, the plan has been under-developed and under-implemented. Despite significant early success on the environmental protection and enhancement fronts, it has not empowered stakeholders to implement a proactive approach to restoration and continuous improvement of the estuarine environment. Instead it has been reactive, focusing on the project review process.
5. Administration of the project review process needs to be improved. Stakeholders particularly in the Village of Cowichan Bay expressed frustration and confusion with it.
6. Some stakeholders felt that the Village of Cowichan Bay should be taken right out of the plan. However, other stakeholders expressed concern that this would open the door to inappropriate development.
7. Stakeholders raised issues related to the capacity and readiness of the CVRD to deliver on environmental protection objectives in the Village of Cowichan Bay. Concerns were also raised about DFO's effectiveness and presence to enforce best practices in the Village area if it were removed from under the OIC.
8. The CEEMP, as it has been implemented, is inconsistent with the ministry's current approach to environmental management which includes:
 - clear, science-informed objectives;
 - holding those who use the environment accountable for achieving those objectives;
 - encouraging involvement of others and sharing of stewardship and responsibility for a healthy sustainable environment;
 - measuring and reporting progress performance towards objectives;
 - acting transparently.

9. Furthermore, the CEEMP cannot fully expect to be successful in conserving and enhancing the ecological values and economic potential of the estuary as long as it is not integrated with other planning/management initiatives for the watershed and the immediate coastal environment.
10. Based on the frailties of the plan and its implementation a number of questions arise:
- i. Is a plan necessary? What if there was no plan?
 - ii. If a plan is necessary, then what do MOE and others want to achieve through a plan?
 - iii. What is the best approach for achieving those objectives?
 - iv. What role should the MOE and others play? Should the ministry be leading a plan imposed by OIC under the *Environmental Management Act*?
 - v. How can a new approach to management of the estuary be achieved?
11. **Is a plan necessary?** We think that there is general agreement in the community that an estuary plan is needed. Among other things a plan can provide for objectives, operating principles, First Nation, local government and stakeholder involvement, allocation of resources based on agreed upon priorities, integration, balance and certainty.
12. **What should the plan achieve?** The review indicates that the original intentions of the CEEMP remain valid. A plan is needed to provide for a balance among evolving stakeholder needs while protecting and restoring dynamic ecosystem processes, fish and wildlife habitats and water quality.
13. **What is the best approach for achieving the desired objectives?** The review clearly indicates that the plan needs to change to incorporate the following:
- A vision for the estuary with goals, common principles, common objectives and prioritized activities that support a work plan to achieve those objectives. The work plan should embody early wins and ongoing success so that the plan will develop and maintain momentum.
 - Leadership that believes in the vision, shares power and is proactive.
 - The plan must be linked to and be consistent with goals and objectives for the rest of the watershed so benefits can be maximized and so that people are not working at cross purposes. Ideally there should be five planning areas within the watershed nested under an agreed upon overarching watershed plan.
 - A funding model should be established whereby those who benefit contribute to:
 - i. base funding required to support a secretariat, and
 - ii. project funding to support priority projects.

A secretariat is necessary to serve as a banker, to manage contracts, to support a project review process that is transparent and well understood, to support performance measurement and reporting functions, to reach out to stakeholders including the general public, etc.

Adequate project funding is required to establish baseline environmental and socio-economic information to identify areas where improvement is required and to measure results against.

14. **What role should the ministry play?** To be consistent with its stated principle of shared stewardship and responsibility, the ministry needs to move to a model whereby Cowichan Tribes, local government and other stakeholders have greater ownership and responsibility for the plan and a greater role in decision making.
15. **How can a new approach to management of the estuary be achieved?** The challenge in the short term is how to transition to a revitalized plan? There are a number of considerations:
 - i. Before changes can be made to the CEEMP, the community must be consulted on the proposed amendments to the OIC and the options. This would take time and resources.
 - ii. Before the ministry can expect to have a constructive consultative process, implementation of the existing plan should be improved to help address some of the current frustrations voiced by stakeholders. This would involve improving the administration of the plan and fostering support to move forward with the results of the Community Land Trust workshop.
 - iii. There are several initiatives underway that demonstrate a growing interest and capacity in the community to assume a leadership role with environmental land use issues. In particular the Cowichan Tribes has been hosting a community round table on the Cowichan Recovery Plan and the CVRD has been instrumental in leading the Cowichan River Basin Water Use Plan process. A successful and integrated outcome of these initiatives would be an important indicator of growing trust and community readiness to take a greater responsibility for the estuary. A successful Watershed Planning process would help to build confidence that a revised CEEMP planning initiative could also be successful.
 - iv. People who believe that the current command and control model is necessary will have to be convinced that an alternative approach offers results that will be as good or better. Achievements resulting from ii and iii above would help to convince them.

7. OPTIONS

7.1 Option 1 – Status Quo

The plan remains unchanged. Resources would continue to be focused on the project review process. This option keeps the plan alive and minimizes the resources required over the short term.

Option 1	Pros	Cons
Environment	Maintains environmental protection gains achieved through the plan and attempts to limit further environmental losses through project review process.	Does not address: <ul style="list-style-type: none"> • Need for objectives and a work plan of environmental protection/restoration activities • monitoring/reporting; • environmental issues outside the plan boundaries that affect the health of the estuary continue.
Consistency with MOE Principles: Transparency Accountability & Responsibility Shared Stewardship Science/Evidence-based Objectives Performance Measurement		Does not address accountability, transparency, shared stewardship science-based, performance measurement.
Stakeholder Satisfaction	Certainty/predictability continued. Minimizes conflict.	Outstanding issues of efficiency, stakeholder understanding and predictability of the project review process. Does not encourage stakeholder involvement.
First Nations and Local Government	Would probably support for short term.	
Timeline for Implementation/ Feasibility/Resources Required	Immediate (continuation of current model.) No consultative process required. Minimal resources required.	
Likelihood of Success – i.e., incorporates key factors of success for plans		Low – reactive not proactive.

7.2 Option 2 – Improve Plan Implementation in Short term with a Transition Over the Longer Term to a New Estuary Management Plan and Governance Model

Option 2 involves three phases:

- *Phase 1* –short term -focus on improving implementation of the plan.
- *Phase 2* -mid term -as community capacity to lead an integrated watershed management plan becomes certain, a transition secretariat would be put in place to facilitate the development of the new plan.
- *Phase 3* –longer term –establish a new plan whereby the estuary is managed as an integrated sub-component of a Cowichan/Koksilah Watershed Management Plan under a community-based governance model.

Phase 1 – Improved CEEMP Implementation

In the short term, in preparation for transition to a new plan and governance model, the ministry would focus on improving implementation of the existing plan.

More resources would be directed towards improving the management process so that it is aligned with ministry principles of transparency, accountability, shared stewardship, science/evidence-based, performance measurement. This would include:

- Streamlining the project review process -taking a single point of contact approach similar to government's Kamloops pilot, clearly indicating expected timelines and requirements and maintaining contact with the proponent through the process and providing useful feedback. For example, each year Western Forest Products seeks EAC approval to dredge. It would be helpful for the proponent to understand, well in advance, the date they need to apply by in order to ensure the review process is completed by the specific time when the tides are low enough to do the work. Setting an annual committee meeting schedule would also enable committee members to better plan for and meet their commitments. (Essential ad hoc meetings would have to be accommodated.)
- Regular, proactive communication with stakeholders about the plan and EAC business by publicizing agendas and meeting minutes, opening meetings to stakeholders, providing annual updates on projects undertaken in the estuary etc.
- Formally and actively supporting and encouraging linkages between the CEEMP and related Cowichan watershed management initiatives such as the Somenos Management Committee and the Cowichan Watershed Roundtable and the Cowichan River Basin Water Use Plan process.

MOE would also work proactively with stakeholders to build on the Community Land Trust workshop, dovetailing it and recommendations with Cowichan Tribes' Recovery Plan in order to:

- Develop goals and objectives that address the intent of the plan to protect and restore the environment;
- Establish prioritized activities, responsible individuals and timeline for completing environmental restoration and improvement projects,

- Work with industry and small businesses to put in place continuous improvement strategies that benefit the companies and the estuary.
- Support building on the initial work of Cowichan Tribes to develop an environmental and sustainability monitoring, indicator and reporting system.

Phase 2 – Transition Secretariat

Phase 2 entails the ground work for development of a new plan and governance structure. This is a longer term solution requiring a (2-3 year) transition period whereby a secretariat would work with the community to develop an appropriate governance model and commitment to the process. The secretariat's work would also involve carrying out a formal stakeholder consultation process as required to amend the OIC and finally negotiating a management agreement between the province, DFO, Cowichan Tribes, local government and other stakeholders.

Phase 2 would be initiated only when there are clear signs that key stakeholders (i.e., the CVRD, District of North Cowichan, Cowichan Tribes, DFO etc.) have the interest, commitment and capacity to lead an integrated watershed management plan. There is considerable optimism that current watershed planning initiatives will be successful. However, these appear to be heavily biased towards fish and water quantity. To be a real watershed management plan, the water use plan will have to consider broader land use issues, water quality, fauna/flora, biodiversity, groundwater, economic opportunities, recreation etc. It should also underlie a long over due regional growth management strategy.

Phase 3 – A New Estuary Plan

In Phase 3 a new estuary plan would be established and nested under a broader Cowichan/Koksilah watershed plan. In its draft Cowichan Recovery Plan, Cowichan Tribes have divided the watershed into 5 sub units:

- Cowichan lake and its Tributaries
- Cowichan River and its Tributaries
- Somenos
- Cowichan/Koksilah Estuary
- Koksilah River and its Estuary

These appear to be logical planning units to integrate under an overall watershed management plan.

The responsibility for the plan's implementation would lie with the community through management agreements with provincial and federal agencies. Possibly the CVRD and Cowichan Tribes would co-lead the estuary management plan with a steering committee including members of the overall watershed management committee.

Pros and cons of Option 2 are summarized on the following page.

Option 2	Pros	Cons
Environment	More proactive and targeted initiatives to protect and restore the environment including: <ul style="list-style-type: none"> • Objectives and prioritized activities • Monitoring and reporting • Linkages between components of the overall system. 	Would require significant investment of funds from a number of participants to be successful.
Consistency with MOE Principles: Transparency Accountability & Responsibility Shared Stewardship Science/Evidence-based Objectives Performance Measurement	Addresses accountability, transparency, shared stewardship science-based, performance measurement through improved implementation.	
Stakeholder Satisfaction	Increased satisfaction with improved implementation of existing plan and greater involvement of stakeholders in developing new plan.	
First Nations and Local Government	Likely to support if convinced that their objectives will be achieved.	
Timeline for Implementation/ Feasibility/Resources Required	Provides time for consultation. Provides time and opportunity to work with all interests to develop new proactive plan.	Long timeline (minimum 4 years.) Risk that community is not ready. Consultation required. Requires commitment of additional staff resources and funding to improve and deliver current plan and develop new plan and associated governance and funding model.
Likelihood of Success – i.e., incorporates key factors of success for plans	Phase 1 high.	Phases 2 and 3 depend on success of Water Use Plan.

7.3 Options 3 – Amend the CEEMP to Remove Village, Streamline Responsibilities, and Improve Management Processes

Under this option the plan boundaries would be amended so that the Village of Cowichan Bay would no longer be included, i.e., the boundary would be moved seaward to the breakwater. The area designations would remain the same and the governance would be modified to:

- allow delegation of material approvals to the regional manager; and
- clarify and streamline the roles and responsibilities of the regulatory agencies and the types of activities requiring MOE approval e.g., where an issue normally would only require DFO approval, other EAC members would be informed of the issue and not involved in the review unless they chose to be.

Because amending the plan requires a formal process of consultation with stakeholders on options and subsequent Cabinet approval, the timelines for potential implementation are not known. In the meantime, steps to improve the implementation of the existing plan should be undertaken as outlined in *Phase 1* of Option 2.

Option 3	Pros	Cons
Environment	Improvement of existing plan implementation would result in more proactive and targeted initiatives to protect and restore the estuary.	Still does not directly deal with environmental issues outside the plan boundaries that affect the health of the estuary.
Consistency with MOE Principles: Transparency Accountability & Responsibility Shared Stewardship Science/Evidence-based Objectives Performance Measurement	Improvement of existing plan implementation will help address accountability, transparency, shared stewardship science-based, performance measurement issues. Streamlining responsibilities will help ensure the accountability of the appropriate regulatory agency rather than MOE by default.	
Stakeholder Satisfaction	Increased satisfaction with improved implementation of existing plan. Industry retains certainty.	Consultative process required to amend OIC could be contentious – expect: <ul style="list-style-type: none"> • concern that CVRD does not yet have capacity to deliver on environmental protection in the village • to revisit stakeholder issues raised in this review particularly if time is not taken to improve implementation of the existing plan first.

First Nations and Local Government	Expect Local Government would support.	Removing Village from plan would not be supported by First Nations and could cause divisiveness.
Timeline for Implementation/ Feasibility/Resources Required	Medium timeframe (2-3 years.)	Medium timeframe (2-3 years.) Consultative process required to amend OIC could be contentious, lengthy and costly; expect to revisit stakeholder issues raised in this review.
Likelihood of Success – i.e., incorporates key factors of success for estuary plans		Low-moderate

8. RECOMMENDATIONS

Option 2 is recommended.

Whatever course of action is taken the ministry should request a comprehensive legal opinion regarding OIC 1652 and the plan. We suspect that there have been a number of issue driven opinions rendered as implementation of the plan has evolved. A comprehensive opinion based on a series of carefully thought out questions would be useful so that future actions can proceed from a clear legal basis.

The Campbell River Estuary Plan has much to offer as a model for other plans. A valuable step in moving forward would be to invite some of the champions of that plan to meet with key stakeholders in the Cowichan Valley to discuss the lessons that they have learned in developing and successfully implementing a community based estuary plan.

APPENDIX 1 – Stakeholders Contacted

Industrial

- Doman Industries
 - Al Cavanaugh
- Hayes Forest Services Ltd.
 - Jeffrey Hayes
- Tidal Harmony Holdings (Westcan Terminals Ltd.)
 - George Robbins
 - Lloyd Bingham

Small Business and Community

- Cowichan Bay Improvement Association:
 - Jeff Quinton
 - Garry Marshall
 - Richard Parker

First Nations

- Cowichan Tribes
 - Gudenaii La Boucan
 - Kate Miller
- Hul'q'mi'num' Treaty Group
 - Cheri Ayers

Government

- Fisheries and Oceans Canada
 - Scott Northrop
 - Rob Russell
 - Brian Tutty
- Canadian Wildlife Service
 - Neil Dawe
- Ministry of Agriculture
 - Wayne Haddow
- Ministry of Sustainable Resource Management
 - Lindsay Jones
- Land and Water British Columbia
 - Keith Alexander
- Ministry of Attorney General
 - Joe McBride
- Ministry of Environment
 - Peter Law
 - Dick Heath

- Municipality of North Cowichan
 - Chris Hall
 - Dave Conway
 - Ken Horton
- Cowichan Valley Regional
 - Mike Tansley Councilor Area D
 - Loren Duncan Councilor Area E
 - Frank Raimondo
 - Tom Anderson
 - Mike Tippett

Environmental Groups

- Ducks Unlimited Canada
 - Les Bogdan
 - Dan Buffett
- The Nature Trust
 - Tim Clermont
 - Jim Hope
- Cowichan Community Land Trust
 - Ann Archibald
 - John Scull
- Cowichan Estuary Preservation Society
 - Bob Holden
 - Ann Holden
 - Ray Demarchi
 - Carol Hartwig
- Cowichan Naturalists
 - Sid Watts
 - Jim van Barneveld
- Cowichan Watershed Council
 - David Groves
- Cowichan Fish and Game
 - Jack Bone

Others

- Bill Austin Consultant
- Charlie Cornfield Councilor, District of Campbell River
- Bill Hubbard Consultant
- Ken Lambertson Consultant
- Michael Roth Environmental Coordinator, District of Campbell River
- Jim vanTyne Consultant (Campbell River)
- Earl Warnock Consultant
- Bruce Wright Consultant

APPENDIX 2 - Topics Covered with Stakeholders

- Stakeholder involvement with the estuary and the plan.
- Stakeholder awareness and knowledge of the plan.
- Assessment of how successful the plan has been in addressing (his, her, their) interests and the interests of others.
- Strengths of the plan.
- General weaknesses of the plan.
- Stakeholder assessment of/satisfaction with the plan regarding:
 - Environmental protection and enhancement
 - Sustainable economic activity and development
 - Accountability
 - Transparency
 - Shared stewardship
 - Recreation issues
 - First Nation issues
 - Public/stakeholder involvement
 - Measurement of performance (results)
 - Decision-making processes
 - Linkages to other initiatives
 - Cost and affordability issues (selected stakeholders)
 - Other issues that are raised.

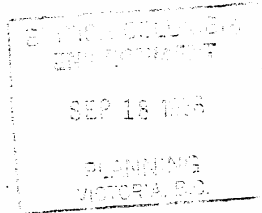
APPENDIX 3 – Order in Council 1652

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

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

*J. O. P. ...
Secretary*



[Signature]
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.

[Signature]
Minister of Environment

[Signature]
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:

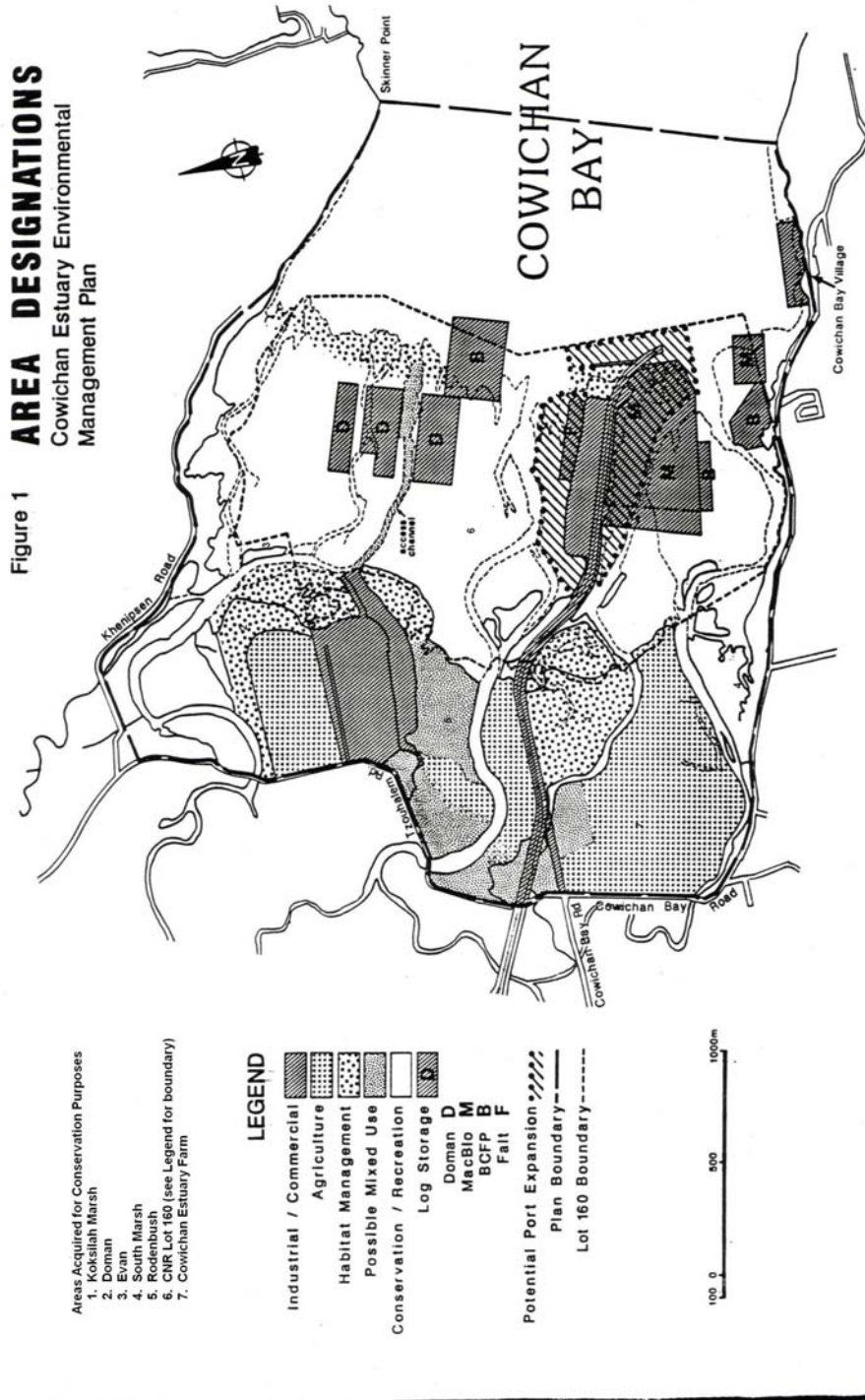
Act and section:- Environment Management Act, section 4 (9)

Other (specify):- Environment and Land Use Act, section 6 3331/77

Examined by: Clifford S. Watt (Attorney General examiner)

APPENDIX 4 – Cowichan Estuary Environmental Plan Area Designations and General Locations of Restoration Projects

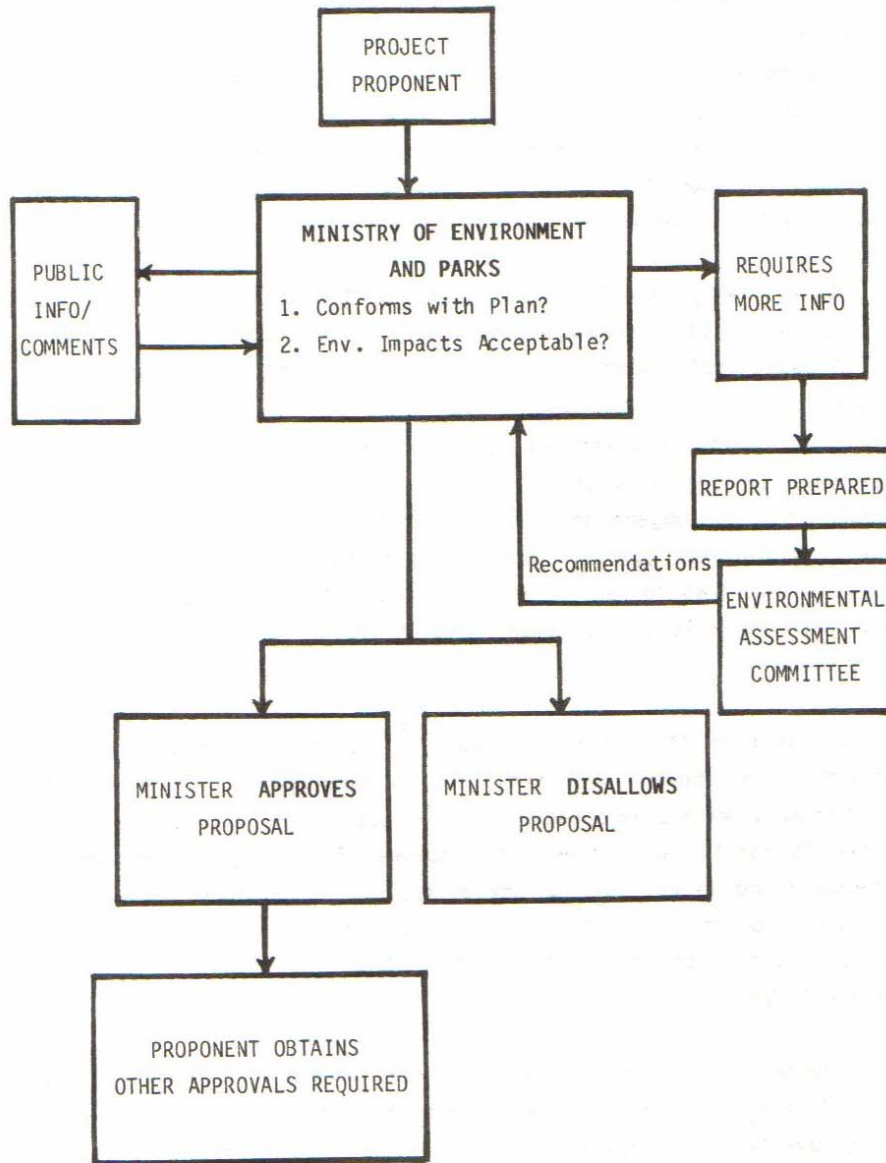
Figure 1
AREA DESIGNATIONS
Cowichan Estuary Environmental Management Plan



APPENDIX 5 – Project Review Process Flow Diagram

- 12 -

FIGURE 2. FLOW DIAGRAM OF THE PROJECT REVIEW PROCESS



APPENDIX 6 – Cowichan Estuary Conservation Lands Acquisition Summary

Property	Date Acquired	Hectares
Koksilah Marsh	1985	17.4
Koksilah Marsh	1985	2.5
Koksilah Marsh	1985	1.90
Doman	1986	9.3
Evan	1987	2.4
South Marsh	1987	5.8
South Marsh	1988	6.1
Rodenbush	1989	7.3
CNR Lot 160	1989	202.5
Cowichan Estuary Farm	1990	51

APPENDIX 7 - Summary of Crown Land Leases/Licenses in CEEMP Area

LICENCEE	MAP ID	TENURE TYPE	DESCRIPTION	EXPIRY	EST. AREA
Twi Distrib. Ltd.	0046500	Lease	Marina	5/19/2017	0.26
Robinson	0060477	Lease	Marina	4/19/2018	0.41
Robinson	0060477	Lease	Marina	4/19/2018	0.51
Marshall	0068360	Lease	Marina	2/18/2021	0.02
Shell Canada Prod. Ltd.	0080883	Lease	Commercial a	6/12/2020	0.23
Bluenose Ventures Ltd.	0089909	Lease	Marina	3/31/2015	0.88
Harper	0108667	Lease	Rural residential	3/31/2015	0.04
Wyman	0109790	Lease	Rural residential	3/31/2015	0.81
Balliet	0109813	Lease	Rural residential	5/1/2015	0.05
Edwards	0109815	Lease	Rural residential	3/31/2015	0.04
Harris	0110065	Lease	Rural residential	3/31/2015	0.11
Baylis	0110180	Lease	Rural residential	12/31/2015	0.08
Waibel	0111383	Lease	Rural residential	3/18/2015	0.07
Tansley	0111492	Lease	Rural residential	3/28/2015	0.04
Public Works Canada	0124305	Reserve/not'n	Public wharf	12/31/9999	4.29
Edwards	0124761	Lease	Rural residential	3/31/2015	0.04
Whittaker	0125595	Lease	Rural residential	3/31/2015	0.04
Abrams	0127189	Lease	Rural residential	7/5/2015	0.07
Bruce	0129130	Lease	Rural residential	4/10/2015	0.04
Higgins	0129846	Lease	Rural residential	3/31/2115	0.04
Mcguinness	0218866	Lease	Rural residential	3/31/2015	0.06
Cowichan Shipyard Ltd.	0248808	Lease	Marina	6/19/2016	0.30
457189 B.C. Ltd.	0256387	Lease	Commercial a	5/31/2028	0.41
Telus Comm. (B.C.) Inc.	1405556	Right-of-way	Telecomm line	1/1/9999	0.05
Telus Comm. (B.C.) Inc.	1405514	Right-of-way	Telecomm line	10/9/9999	17.53
CVRD	1400908	Lease	Local/reg. Park	10/17/2016	0.52
CVRD	1401104	Right-of-way	Sewer/eff. Line	7/15/2017	0.19
CVRD	1401317	Lease	Miscellaneous	1/15/2018	1.79
Cowichan Wooden Boat Soc.	1412597	License	Community facility	2/15/2007	0.06
Cowichan Wooden Boat Soc.	1404563	Lease	Community facility	3/12/2018	0.37
Cowichan Wooden Boat Soc.	1404563	Lease	Community facility	3/12/2018	0.43
Tidal Harmony Holdings Ltd.	1405503	Right-of-way	Roadway	3/31/9999	0.96
Tidal Harmony Holdings Ltd.	1405504	Lease	Log handling/storage	12/1/2039	19.90
Tidal Harmony Holdings Ltd.	1405505	Lease	Light industrial	12/1/2039	2.00
Tidal Harmony Holdings Ltd.	1405506	Lease	Commercial a	12/1/2039	15.78
Tidal Harmony Holdings Ltd.	1405507	Lease	Commercial wharf	12/1/2039	10.00
Tidal Harmony Holdings Ltd.	1405515	Lease	Light industrial Log	12/1/2039	6.50
Doman Industries Limited	1405508	License	handling/storage	1/1/2007	20.36

LICENCEE	MAP ID	TENURE TYPE	DESCRIPTION	EXPIRY	EST. AREA
Doman Industries Limited	1406547	License	Log handling/storage	2/1/2007	4.22
Hayes Forest Serv. Ltd	1406548	License	Log handling/storage	2/1/2007	4.22
Hayes Forest Serv. Ltd	1405509	License	Log handling/storage	3/31/2007	1.86
Hayes Forest Serv. Ltd	1405511	Lease	Log handling/storage	12/16/2013	4.09
Hayes Forest Serv. Ltd	1401042	License	Log handling/storage	12/1/2005	1.84
Public Works & Govt Serv.	1412161	Reserve/notation	Public wharf	6/20/2008	1.97

APPENDIX 8 - Review of CEEMP Proposal Files

Proponent	Nature of Request	Time Series		Days for MOE to Process
Cowichan Wooden Boat Society (CWBS)	30 foot extension of lease	July 5/04	➤ MOE receives heads up call from proponent re: request for 30' extension to lease	112
		Aug 14/04	➤ Formal letter to MOE from Land and Water BC (LWBC)	
		Aug 16/04	➤ DFO best management practices to CWBS	
		Aug 21/04	➤ CWBS provides amateur dive information to MOE	
		early Sept. 04	➤ MOE forwards dive information to DFO and arranges for lease extension form for CWBS from LWBC	
		Sept 10/04	➤ DFO requires better information (registered professional diver) ➤ EAC member express concerns and can't meet until mid Oct.	
		Sept 15/04	➤ MOE advises CWBS of need to request larger extension based on advice from LWBC	
		Sept 21/04*	➤ CWBS applies to LWBC	
		Sept 27/04	➤ LWBC approves in principle subject to CEEMP approval	
		Sept 29/04	➤ CWBS informs of difficulty retaining licensed professional – MOE provides some suggestions	
		Nov 17/04	➤ CWBS submits requested material	
		Jan 11/05*	➤ Letter of approval to LWBC	
		Bluenose Ventures	Premature lease renewal	
Oct 13/04*	➤ MOE receives application from LWBC			
Dec 10/04*	➤ Approval after review by EAC			

Proponent	Nature of Request	Time Series	Days for MOE to Process
Cowichan Bay Marina (Bay Shore Marina)	Premature lease renewal	Oct 12/04* Dec 10/04*	➤ MOE receives application from LWBC ➤ Approval after review by EAC 59
Pier 66 marina (TWI Distributors Ltd.)	Premature lease renewal	Sept 15/04 Nov 5/04* Dec 10/04*	➤ LWBC receives application ➤ MOE receives application from LWBC ➤ Approval after review by EAC 35
Beachcomber Marina, Carrie Hakanson Commercial Marina	Marina redevelopment including extending lease by 20 meters (modification from original area designation)	Sept 21/04* Oct 25/04 Jan 19/05*	➤ MOE receives application from LWBC ➤ MOE lines proponent up with CWBS ➤ EAC meets – requests consultant be engaged to do environment impact on fish habitat ➤ Letter of approval to LWBC with provisions related to best management practices regarding pile driving, constructing docks and floats and shoreline structures environmental design and the marina must provide pump out facilities for transient moorage and vessels used as live on boards. 120
Public Works Canada Small Craft Harbours (SCH)	Extend existing breakwater and change layout -Phase 1 -Phase 2	Oct 2/02* Oct 10/02 Dec 19/02* Jan 03 to Sept 04 Oct 2/04 Oct 21/04*	➤ Formal request to MOE ➤ EAC meets to discuss ➤ Letter of approval subject to conditions including federal CEAA review ➤ SCH does not communicate with MOE ➤ LWBC receives application ➤ MOE receives application from LWBC 68

Proponent	Nature of Request	Time Series	Days for MOE to Process
		Jan 19/05* ➤ Letter of approval to LWBC with provision that use limited to anchoring of wave attenuator.	90
Doman Forest Products	Annual dredge for sawmill access	June 29/01* ➤ Request received	45
		Aug 13/01* ➤ Request approved	
		May 31/02* ➤ Request received	60
		July 30/03 ➤ Request approved	
		June 2/03* ➤ Request received	41
		June 19/03 ➤ Reviewed by EAC	
		July 30/03* ➤ Request approved	
		June 4/04* ➤ Request received	52
		July 26/04* ➤ Approved with subject tos	
Beachcomber Marina	Clean-up/replace existing shipyard rails and install lift and settling basin	May 10/01* ➤ Application received May 14/01 ➤ Plans sent to EAC members for comment July 24/01 ➤ MOE pursues member who has not responded Sept 28/01* ➤ Approval letter	141
Cowichan Bay Improvement Association	Floating wave attenuator -Phase 1	Oct 6/00* ➤ MOE receives request	74
		Dec 19/00* ➤ MOE does not approve because in area zoned conservation/recreation	
	Phase 2	Sept 14/01 ➤ Legal opinion disputing ruling from CVRD	130
		April 16/02 ➤ Legal Services Branch agrees	
	Phase 3	Sept 17/02 ➤ Association reactivates request	130
		Oct 23/02* ➤ Association modifies request	
		Feb 21/03* ➤ Request approved	

* denotes dates MOE received and approved/rejected proposals. Intervening time represents days required for MOE to process (issue approval/rejection.)

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