



**REPORT TO CORE AREA LIQUID WASTE MANAGEMENT COMMITTEE
MEETING OF WEDNESDAY 24 NOVEMBER 2010**

SUBJECT HARBOURS ENVIRONMENTAL ACTION PLAN – ESTABLISHING BYLAW

ISSUE

The Harbours Environmental Action Program, a commitment of the Core Area Liquid Waste Management Plan, requires a new bylaw to establish its authority and cost-sharing formula.

BACKGROUND

The Capital Regional District (CRD) Core Area Liquid Waste Management Plan (LWMP) contains commitments to coordinate environmental protection of the harbours through a harbours environmental action program. Implementation is carried out through the Victoria and Esquimalt Harbours Environmental Action Program (VEHEAP).

VEHEAP is an intergovernmental initiative, established through a memorandum of understanding in 1994, to protect and improve environmental quality in Victoria and Esquimalt harbours, Portage Inlet, Gorge Waterway and Esquimalt Lagoon. VEHEAP partners are the CRD, Ministry of Environment, Department of National Defence, Environment Canada, Fisheries and Oceans Canada, Transport Canada and Public Works and Government Services Canada.

The service provides coordination and facilitation of more than 25 stewardship groups, regulatory and non-regulatory agencies focused on environmental protection, habitat enhancement and environmental quality of the above-mentioned harbours and waterways. Staff coordinate more than 1,200 volunteer hours on shoreline reclamation projects, oversee monitoring efforts and overall fish health in Esquimalt Lagoon, conduct vegetation and beach profile surveys, and conduct outreach and education through numerous community events. Staff also provide input to municipal Official Community Plan reviews to ensure environmentally protective land use practices are considered in the watersheds and along the foreshore.

Following an internal administrative review of Liquid Waste Management Plan (LWMP) services, staff identified the need for a new establishing bylaw and a review of the cost-sharing formula amongst the participating municipalities. While the establishing bylaw was being prepared, the participating municipalities funded the service for two years by direct agreements. As background, an arbitration decision in advance of implementing the Core Area LWMP determined that the District of Oak Bay would not participate in the harbours service.

With this in mind, the Core Area Liquid Waste Management Committee (CALWMC) established a harbours cost-sharing subcommittee to recommend a new cost-sharing formula for the harbours service. The subcommittee met and has forwarded the following motion to the CALWMC:

That the subcommittee recommend to the Core Area Liquid Waste Management Committee that:

- 1. the harbours funding formula be determined on a per capita basis, excluding Oak Bay; and*
- 2. the formula be valid for 2011 and 2012 only.*

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The subcommittee requested that the bylaw be valid only for the years 2011 and 2012 to ensure there is a review of the service, which is supported by their motion as follows:

That the Core Area Liquid Waste Management Committee be requested to clarify the program for VEHEAP with a prescribed budget with measurable goals and set costs within a five-year plan and seek input from the member municipalities.

A copy of the establishing bylaw is attached as Appendix A. The bylaw is written to meet the commitments in the Core Area Liquid Waste Management Plan (Chapter 11) and includes a cost-sharing formula based on the populations for the participating municipalities taken from CRD Regional Planning Services population estimates.

The service is a defined component of an LWMP and, based on legal advice, does not require the consent of municipal councils in order to establish the service. As such, the Board can approve the establishing bylaw directly. The bylaw will still require approval by the provincial Inspector of Municipalities. In order for the service to be included in the 2011 budget requisition, the bylaw must be submitted and approved by the Province by 01 April 2011.

ALTERNATIVES

1. That the Core Area Liquid Waste Management Committee recommend to the Board that Bylaw No. 3743, *Harbours Environmental Action Service Establishment Bylaw No. 1, 2010*, be introduced and read a first and second time, and read a third time.
2. That the Core Area Liquid Waste Management Committee recommend that Bylaw No. 3743, *Harbours Environmental Action Service Establishment Bylaw No. 1, 2010*, be presented to all participating councils to seek review and approval prior to coming back to the CALWMC and the Board for final direction.

FINANCIAL IMPLICATIONS

The revised cost-sharing formula is summarized in Appendix B. Changes in municipal costs from 2010 to 2011 (proposed) are shown. The service will have an approximate 2011 requisition of \$252,000.

INTERGOVERNMENTAL IMPLICATIONS

The service is a component of the CRD's overall commitments under the Core Area LWMP, which was negotiated with the regulator (BC Ministry of Environment) through extensive discussions. If the bylaw is not approved, the CRD will have to notify the regulator and begin negotiations around an amendment to the LWMP. If the bylaw is approved, but the committee recommends substantive changes to the service, the CRD will also have to notify and begin discussions with the Province to ensure that the service continues to meet regulatory expectations. This could open up broader discussions regarding CRD commitments made under the LWMP.

Staff will bring back to the committee a plan to conduct the review of the service including timelines, process and involvement of municipalities by February 2011.

CONCLUSION

The Harbours Environmental Action Program is a current commitment made under the Core Area Liquid Waste Management Plan. A new establishing bylaw and cost-sharing formula are required for 2011 and the administration of the new service needs to be in place by 01 April 2011. The bylaw supports the delivery of the service for the next two years only, before which time staff will conduct a review of the service, including consultation with participating municipalities. An implementation plan for the review will be presented to committee in February 2011.

RECOMMENDATION

That the Core Area Liquid Waste Management Committee recommend to the Board that Bylaw No. 3743, *Harbours Environmental Action Service Establishment Bylaw No. 1, 2010*, be introduced and read a first and second time, and read a third time.

Glenn Harris, PhD, RPBio
Senior Manager, Environmental Protection

Larisa Hutcheson, PEng
General Manager, Environmental Sustainability
Concurrence

Kelly Daniels
CAO Concurrence

GH:km
Attachments: 2

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3743

**A BYLAW TO ESTABLISH A SERVICE FOR THE PURPOSE OF
HARBOURS ENVIRONMENTAL ACTION**

WHEREAS:

- A. The Regional Board of the Capital Regional District may establish a service the Board considers necessary or desirable for all or part of the Regional District;
- B. The Capital Regional District Core Area Liquid Waste Management Plan approved by the Minister of Environment contains a commitment by the Capital Regional District to coordinate harbour environmental protection and improvement efforts;
- C. The Board of the Capital Regional District wishes to establish a service to protect and improve the environmental quality of Portage Inlet, Gorge Waterway, Victoria Harbour, Esquimalt Harbour and Esquimalt Lagoon;
- D. The consent of the participants is not required under Section 24(7) of the *Environmental Management Act*; and
- E. The approval of the Inspector of Municipalities has been obtained under Section 801(1)(a) of the *Local Government Act*.

NOW THEREFORE the Regional Board of the Capital Regional District in open meeting assembled enacts as follows:

1. Service

The Service being established and to be operated is a service for the purpose of coordinating and implementing harbours environmental protection and improvement initiatives within Portage Inlet, Gorge Waterway, Victoria Harbour, Esquimalt Harbour and Esquimalt Lagoon, including:

- a. Monitoring, mapping, reporting and public education on issues relating to the marine and shore area environments;
- b. Coordination and collaboration with public authorities and other persons on issues relating to the marine and shore area environments; and
- c. Implementing programs related to rehabilitation and improvement of the marine and shore area environments.

2. Service Area Boundaries

The boundaries of the service area are coterminous with the boundaries with the combined areas of the City of Colwood, Township of Esquimalt, District of Langford, District of Saanich, City of Victoria and the Town of View Royal.

3. Participating Areas

The participating areas are the City of Colwood, Township of Esquimalt, District of Langford, District of Saanich, City of Victoria and the Town of View Royal.

4. Cost Recovery

As provided in Section 803 of the *Local Government Act*, the annual cost of providing the Service shall be recovered by one or more of the following:

- a. Property value taxes imposed in accordance with Division 4.3 of Part 24 of the *Local Government Act*;
- b. Fees and charges imposed under Section 363 of the *Local Government Act*;
- c. Revenues raised by other means authorized by the *Local Government Act* or another Act;
- d. Revenues received by way of agreement, enterprises, gift, grant or otherwise.

5. Cost Apportionment

- a. The annual costs for the service, net of grants and other revenues, shall be apportioned on the basis of the population of the participating areas; and
- b. Population, for the purpose of this section, is the population estimate as determined annually by the Regional Planning Services department of the Capital Regional District.

6. Maximum Requisition

The maximum amount that may be requisitioned under Section 803 for the Service will be the greater of:

- a. Two hundred and seventy-five thousand dollars (\$275,000); or
- b. An amount equal to the amount that could be raised by a property value tax rate of \$0.0053 per ONE THOUSAND DOLLARS (\$1000.00) which when applied to the net taxable value of the land and improvements within the Service Area, will yield the maximum amount that may be requisitioned for the Service.

7. Expiration Date of this Bylaw

This bylaw will be in force and effect from the date of its adoption until midnight on December 31, 2012.

8. Citation

This Bylaw may be cited as the *Harbours Environmental Action Service Establishment Bylaw No. 1, 2010*.

READ A FIRST TIME THIS	day of	2010
READ A SECOND TIME THIS	day of	2010
READ A THIRD TIME THIS	day of	2010
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	day of	2011
ADOPTED THIS	day of	2011

CHAIRPERSON

CORPORATE OFFICER

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS	day of	2011
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APPENDIX B

Table 1: Changes in municipal costs for the Harbours Environmental Action Plan service from 2010 (using the existing cost-sharing formula) to 2011 (using the revised cost-sharing formula based on population for the proposed budget).

	2010	2011 (proposed)	Change
City of Victoria	\$111,580	\$78,456	-\$33,124
District of Saanich	\$82,658	\$108,818	+\$26,160
Township of Esquimalt	\$14,194	\$16,926	+\$2,732
Town of View Royal	\$13,011	\$8,813	-\$4,198
City of Langford	\$14,310	\$22,574	+\$8,264
City of Colwood	\$14,729	\$14,762	+\$33
Songhees Band	\$2,120	\$1,651	-\$469
Esquimalt Band	\$910	\$0	-\$910
Total (nearest \$100)	\$253,500	\$252,000	