



Making a difference...together

SAANICH PENINSULA WASTEWATER COMMISSION

Notice of Special Meeting on **Tuesday, November 10, 2020 at 9 a.m.**

Meeting Room #6 Greenglade Community Centre, 2151 Lannon Way, Sidney BC

For members of the public who wish to listen to the meeting via telephone please call 1-833-353-8610 and enter the Participant Code 1911461 followed by #. You will not be heard in the meeting room but will be able to listen to the proceedings.

P. Wainwright (Chair)	D. Kelbert	G. Orr	R. Windsor
R. Barnhart (Vice Chair)	Z. King	M. Weisenberger	
M. Doehnel	C. McNeil-Smith	M. Williams	

SPECIAL MEETING AGENDA

1. TERRITORIAL ACKNOWLEDGEMENT

2. APPROVAL OF AGENDA

3. PRESENTATIONS/DELEGATIONS

Presentations and delegations requests can be made online [here](#), a printable form is also available. Requests must be received no later than 4:30 p.m. two calendar days prior to the meeting.

4. SPECIAL MEETING BUSINESS

4.1. CRD Bylaw No. 4391 - Establishment of a New Harbours Environmental Action Service for Saanich Peninsula

Recommendation: *The Saanich Peninsula Wastewater Commission recommends to the Capital Regional District Board:*

- That CRD Bylaw No. 4391 "Saanich Peninsula Waterways Environmental Action Service Establishment Bylaw No. 1, 2020" be introduced and read a first, second time and third time; and*
- That Bylaw No. 4391 be referred to the municipal councils of the participants for approval, and if two-thirds of approval is received, to the Inspector of Municipalities.*

5. ADJOURNMENT

To ensure a quorum, advise Denise at 250.360.3087 if you or your alternate cannot attend.

IWSS-297445977-6504



Making a difference...together

EEP 20-53

**REPORT TO SAANICH PENINSULA WASTEWATER COMMISSION
MEETING OF TUESDAY, NOVEMBER 10, 2020**

SUBJECT **CRD Bylaw No. 4391 - Establishment of a New Harbours Environmental Action Service for Saanich Peninsula**

ISSUE SUMMARY

The Saanich Peninsula local governments requested a new service to support environmental stewardship on the Peninsula in response to increasing stressors on the marine environment.

BACKGROUND

Local government staff approached Capital Regional District (CRD) staff in the summer of 2020 to explore the potential for a CRD service to address increasing challenges in harbours and marine waters on the Saanich Peninsula. Further conversation at the Chief Administrative Office level indicated an interest in the use of regulatory approaches (e.g., a licence of occupation model) to control the presence and behaviours of boat owners in the near shore waters. The local governments have now made a formal request for the CRD to consider a new service (see appendices A, B and C).

The CRD currently provides a “Harbours Environmental Action” service for the core area local governments and First Nations, with an emphasis on environmental stewardship through education and outreach efforts, as well as facilitation and coordination between local government staff and community groups. This service meets a commitment under the core area’s Liquid Waste Management Plan and the service was expanded slightly in 2010 to include broader environmental stressors on the watersheds beyond liquid waste management.

Given the different authorities responsible for harbours oversight, the appropriate focus for a new regional service would include education and outreach, and coordination of efforts by various stakeholders (Appendix D).

ALTERNATIVES

The Saanich Peninsula Wastewater Commission recommends to the Capital Regional District Board:

Alternative 1

1. That CRD Bylaw No. 4391 "Saanich Peninsula Waterways Environmental Action Service Establishment Bylaw No. 1, 2020" be introduced and read a first, second time and third time; and
2. That Bylaw No. 4391 be referred to the municipal councils of the participants for approval, and if two-thirds of approval is received, to the Inspector of Municipalities.

Alternative 2

That Bylaw No. 4391 be referred back to staff for further review.

IMPLICATIONS

Environmental Implications

There are multiple environmental risks associated with near shore waters, including contaminant runoff, bilge discharges, habitat alteration and illegal dumping. Local government actions to address these issues range from education and outreach, advocacy to senior levels of government for action, and the pursuit of new regulatory and enforcement options for local governments.

Intergovernmental Implications

Current jurisdiction for overseeing boat owners and their respective actions lies with senior levels of government. Issues relating to vessel pollution rest with the federal government, under environmental legislation (*Fisheries Act, Migratory Birds Protection Act, etc.*), navigation legislation (*Canada Shipping Act, Small Vessel Regulations, Collision Regulations*), and compensation legislation (e.g., the Ship Source Oil Pollution Fund). Enforcement is performed by the relevant federal enforcement office, the Coast Guard, and in quasi-criminal areas, by police. Issues associated with contaminant run-off (e.g., stormwater, septage, spills) from land may lie with the local governments, health authorities, the Province (through environment and public health powers), or on the federal government (such as where spills and discharges impact wildlife).

In general, local governments may not regulate vessel liquid waste discharges, engine size, noise (if related to navigation), or short-term moorage. Vessel pollution is enforced by Transport Canada and the Coast Guard, via the *Vessel Pollution and Dangerous Chemicals Regulation*, which requires all vessels to: have a marine sanitation device or discharge three nautical miles from shore; use a holding tank and a pump out station; or use temporary storage and dispose of safely elsewhere.

Regulation of navigation and shipping, which includes temporary moorage, is within the exclusive jurisdiction of the federal government. Local governments have only been successful at regulation of moorage where they utilize their zoning powers in an area within the “jaws of the land”, such as an inlet, bay, or inland waterway, that they also have a licence of occupation over.¹ While the CRD could be contracted by the participating local governments to enforce zoning bylaws and share costs (for example, vessel and enforcement proceeding costs), the CRD cannot restrict moorage.

Initially, a new service would be similar to the efforts in the core area that provide a forum to bring senior levels of government together with local government staff and First Nations, along with community groups to discuss the issue and coordinate roles and responsibilities for action. The service would not likely achieve any regulatory powers but could dedicate effort and attention through public outreach and engagement, advocacy, pursuit of specific projects and coordination of any local government actions.

¹ *City of Victoria v Zimmerman*, 2018 BCSC 321; *West Kelowna (District) v. Newcomb*, 2013 BCSC 1411, aff'd 2015 BCCA 5

Financial Implications

Staff have based potential service costs (staff time, overhead, operating budget) on the existing core area Harbours Environmental Action service (which provides a similar function for the core area municipalities). Under that service, the annual cost for the service is apportioned on the basis of the population (as determined annually by the Regional Planning Service of the CRD) of the participating areas.

Staff time is based on a proposal of starting with one day/week with some supervisory support. Staff labour costs are based on one seven-hour day per week and are approximately \$42,000. Estimated operating costs are based on support for potential campaigns, stakeholder engagement, advertising, in-kind support for grant applications, etc. A range of \$15,000-\$20,000 is consistent with efforts in the core area but would be refined as staff discuss service levels and tasks with the local governments. The proposed cost apportionment for the District of Central Saanich, District of North Saanich and Township of Sidney is presented in Appendix E.

CONCLUSION

The Saanich Peninsula local governments have asked the CRD to consider a new service to support ongoing issues with nearshore marine waters. Local and regional governments have limited jurisdiction and authority over the range of issues associated with these waters. The CRD could play a facilitating role that brings stakeholders together to coordinate actions and address environmental issues.

RECOMMENDATION

The Saanich Peninsula Wastewater Commission recommends to the Capital Regional District Board:

1. That CRD Bylaw No. 4391 "Saanich Peninsula Waterways Environmental Action Service Establishment Bylaw No. 1, 2020" be introduced and read a first, second time and third time; and
2. That Bylaw No. 4391 be referred to the municipal councils of the participants for approval, and if two-thirds of approval is received, to the Inspector of Municipalities.

Submitted by:	Glenn Harris, Ph.D., R.P.Bio., Senior Manager, Environmental Protection
Concurrence:	Larisa Hutcheson, P.Eng., General Manager, Parks & Environmental Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENTS

- Appendix A: Saanich Peninsula Harbour Initiative – Letter from Central Saanich (August 6, 2020)
- Appendix B: Saanich Peninsula Harbour Initiative – Letter from the District of North Saanich (September 8, 2020)
- Appendix C: Saanich Peninsula Harbour Initiative – Letter from Town of Sidney (September 15, 2020)
- Appendix D: Bylaw No. 4391 "Saanich Peninsula Waterways Environmental Action Service Establishment Bylaw No. 1, 2020"
- Appendix E: Proposed Cost-Share for Participating Municipalities and Apportion of Expenditures for Proposed Saanich Peninsula Harbours Service



August 6, 2020

File No. 0400-60/20

CONFIDENTIAL

Capital Regional District
625 Fisgard Street, PO Box 1000
Victoria, BC V8W 2S6

Attention: Kristen Morley, Corporate Officer

Dear Ms. Morley:

Re: Request for Service: Saanich Peninsula Harbours Initiative

At their July 27, 2020 Closed meeting, the Municipal Council of the District of Central Saanich passed the motion that the Capital Regional District (CRD) Board consider the following resolution:

That Council endorse the Saanich Peninsula Harbour Initiative in principle and formally request support from the Capital Regional District for the establishment of a Saanich Peninsula (Central Saanich, Sidney, North Saanich, Willis Point) Harbours Initiative.

It is our understanding that a similar resolution will be forthcoming from the Town of Sidney and the District of North Saanich.

Following staff discussions between the Town of Sidney, the District of North Saanich and the CRD, Council wishes to pursue the establishment of a CRD service similar to the Gorge Waterway Initiative (GWI), for the 2021 budget year. The primary goals of the Saanich Peninsula Harbour Initiative (SPHI) would be similar to the GWI: a forum for the exchange of sharing of information, the promotion of education and awareness programs on appropriate land and water use; to establish and encourage activities that show care and concern for the natural environment. Other stakeholders including First Nations, Coast Guard and Provincial and Federal agencies would be included.

A more formal structure, funding and support would provide clear direction, coordinated effort, defined outcomes and accountability through coordination and logistical assistance from the CRD.

...../2

August 6, 2020

Re: Request for Service: Saanich Peninsula Harbours Initiative

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As this matter was discussed by Council at a closed meeting under Section 90(1) (k) of the *Community Charter*, we ask that the CRD Board of Directors consider this request at a closed meeting.

As well, the Town of Sidney and District of North Saanich have not yet but will soon be considering the matter.

Sincerely,



Liz Cornwell,
Corporate Officer



APPENDIX B

September 8, 2020

File: 6630-50

Capital Regional District
625 Fisgard Street
PO Box 1000
Victoria, BC
V8W 2S6

Attention: Glenn Harris, Senior Manager Environmental Protection

Dear Glenn,

RE: Request for Service: Saanich Peninsula Harbours Initiative

On August 17, 2020 at closed meeting of Council, the District of North Saanich passed the motion that the Capital Regional District (CRD) Board consider the following resolution:

That Council endorse the Saanich Peninsula Harbour Initiative in principle and formally request support from the Capital Regional District for the establishment of a Saanich Peninsula (Central Saanich, Sidney, North Saanich, Willis Point) Harbours Initiative.

A similar request has already been made by the District of Central Saanich is also expected from the Town of Sidney.

Following staff discussions between the Town of Sidney, the District of Central Saanich and the CRD, Council wishes to pursue the establishment of a CRD service similar to the Gorge Waterway Initiative (GWI), for the 2021 budget year. The primary goals of the Saanich Peninsula Harbour Initiative (SPHI) would be similar to the GWI: a forum for the exchange of sharing of information, the promotion of education and awareness programs on appropriate land and water use; to establish and encourage activities that show care and concern for the natural environment. Other stakeholders including First Nations, Coast Guard and Provincial and Federal agencies would be included.

A more formal structure, funding and support would provide clear direction, coordinated effort, defined outcomes and accountability through coordination and logistical assistance from the CRD.

As this matter was discussed by Council at a closed meeting under Section 90(1) (k) of the Community Charter, we ask that the CRD Board of Directors consider this request at a closed meeting.

Sincerely,

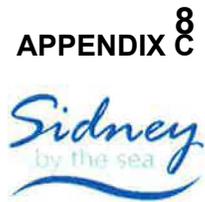
A handwritten signature in blue ink, appearing to read "Tim Tanton".

Tim Tanton
Chief Administrative Officer



TOWN OF SIDNEY

2440 Sidney Avenue, Sidney, British Columbia V8L 1Y7
Phone: 250-656-1184 Fax: 250-655-4508
Email: admin@sidney.ca Website: www.sidney.ca



September 15, 2020

VIA EMAIL: kmorley@crd.bc.ca

Kristen Morley
General Manager, Corporate Services
Capital Regional District
625 Fisgard Street
Victoria, BC V8W 1R7

Dear Ms. Morley:

Subject: Saanich Peninsula Harbour Initiative

This is to advise you that Town Council, at a closed meeting held on September 14, 2020, considered options for addressing the management of Tsehum Harbour and resolved as follows:

That Council endorse the Saanich Peninsula Harbour Initiative in principle and direct staff to formally request support from the Capital Regional District (CRD) for the establishment of a Saanich Peninsula (Central Saanich, Sidney, North Saanich, Willis Point) Harbours Initiative.

Please contact the undersigned should you have any questions regarding the above.

Yours truly,



Sandi Nelson
Corporate Officer

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4391

A BYLAW TO ESTABLISH THE SAANICH PENINSULA HARBOURS AND WATER
MONITORING AND COORDINATION SERVICE

WHEREAS:

- A. The Board of the Capital Regional District wishes to establish a waterways and waterbodies monitoring and coordination service on the Saanich Peninsula (the "Service"), and to coordinate the public authorities and groups sharing jurisdiction over these watercourses under s. 263(1)(a) of the *Local Government Act*;
- B. Participating area approval is required and assent of the electors has been obtained by municipal council consent on behalf pursuant to s. 342(2)(c) of the *Local Government Act*; and
- C. The approval of the Inspector of Municipalities has been obtained under s. 343(1)(a) of the *Local Government Act*.

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

Service

- 1. The Service established is a service for the purpose of coordinating and implementing harbours, waterbodies, and watercourses environmental protection and improvement initiatives on and surrounding the Saanich Peninsula, namely Sidney, North Saanich, and Central Saanich, 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.

Boundaries

- 2. The boundaries of the Service Area are the municipal boundaries of Sidney, North Saanich, and Central Saanich.

Participating Area

- 3. The participating area for this service are the whole of the Township of Sidney, the District of North Saanich, and the District of Central Saanich.

Cost Recovery

- 4. As provided in Section 378 of the *Local Government Act*, the annual costs of providing the Service may be recovered by one or more of the following:

Bylaw No. 4391
Page 2

- a. parcel taxes imposed in accordance with Division 2 of Part 11 of the Local Government Act;
- b. fees and charges imposed under Section 397 of the Local Government Act;
- c. revenues raised by other means authorized under the Local Government Act or another Act;
- d. revenues received by agreement, enterprise, gift, grant or otherwise.

Maximum Requisition

- 5. In accordance with Section 339(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned annually for the cost of the Service is the greater of:
 - a) Seventy five thousand (\$75,000); or
 - b) An amount equal to the amount that could be raised by a property value tax rate of \$0.0049 per One Thousand Dollars (\$1,000) that, when applied to the net taxable value of land and improvements in the Service Area, will yield the maximum amount that may be requisitioned for the Service.

Citation

- 6. This Bylaw may be cited as the "Saanich Peninsula Waterways Environmental Action Service Establishment Bylaw No. 1, 2020".

READ A FIRST TIME THIS _____ day of _____

READ A SECOND TIME THIS _____ day of _____

READ A THIRD TIME THIS _____ day of _____

APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS _____ day of _____

RECEIVED PARTICIPATING AREA
APPROVAL UNDER SECTION 342(2)
OF THE *LOCAL GOVERNMENT ACT* THIS _____ day of _____

ADOPTED THIS _____ day of _____

CHAIR

CORPORATE OFFICER

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS _____ day of _____

**PROPOSED COST-SHARE FOR PARTICIPATING MUNICIPALITIES
AND APPORTION OF EXPENDITURES FOR
PROPOSED SAANICH PENINSULA HARBOURS SERVICE
November 2020**

	Sidney	District of North Saanich	District of Central Saanich	Total
Cost Share Parameter				
Population (2019 Estimate)	12,235	11,876	18,089	42,195
% of population	29%	28%	43%	100%
Potential Expenditures				
Staffing (1 d/wk x 52 wk x \$115/hr)	\$12,140	\$11,720	\$18,000	\$41,860
Project Costs	\$5,800	\$5,600	\$8,600	\$20,000
Total Estimated Costs for 2021	\$17,940	\$17,320	\$26,600	\$61,860