

SURVEY OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS SUPPORTING WETLAND CONSERVATION IN BC

Prepared for the Wetland Working Group*

February 1, 2003

* Members include Ducks Unlimited Canada, Ministry of Sustainable Resource Management, Ministry of Water, Land and Air Protection, Federation of BC Naturalists, BC Wildlife Federation – Wetland Education Project, West Coast Environmental Law Foundation and Canadian Wildlife Service

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INTRODUCTION

The following survey was commissioned by the Wetland Working Group (WWG) whose members include: Ducks Unlimited Canada, Canadian Wildlife Service, Ministry of Water, Land and Air Protection, Ministry of Sustainable Resource Management, West Coast Environmental Law Foundation, Federation of BC Naturalists, and the BC Wildlife Federation – Wetland Education Project.

The project goal was to highlight the significant work being done by individuals, organizations and government to protect wetlands in BC and to ascertain the location and kinds of projects that are being undertaken.

The survey is structured such that each organization listed those activities they had recently or were currently undertaking in each of the following five categories:

1. Legislation/regulation – lists efforts to make amendments to legislation/regulations or create new regulations.
2. Influencing planning and management decisions –lists projects that affect policies/guidelines, incentives, Impact Assessments (IA), Best Management Practices (BMP), or Memoranda of Understanding (MOUs).
3. Information to inform decision makers – lists projects that are of an inventory, assessment, evaluation, indicators, or monitoring nature.
4. Securing land –lists existing or proposed wetland protected areas including those that have conservation covenants.
5. Stewardship and restoration - includes landowner partnerships, model projects and activities that involve education dissemination.

Some organizations are listed two or three times as they maybe doing inventory work, management planning and conservation covenants all at the same time.

There are roughly 150 initiatives listed in the survey and it is by no means complete – there are many more organizations and

projects that could have been listed. But it is believed that the main point in undertaking this project, to ascertain where most of the energy is being placed, was successful. As is revealed, stewardship and restoration is the most common activity undertaken with the least being initiatives to change legislation or regulations to protect wetlands.

As would be expected, there is strong interest in wetlands wherever there are high concentrations of people such as the Lower Mainland, Okanagan and Southern Vancouver Island, but some places, like the Courteney Comox area or Parksville/Qualicum area, seem to have a higher than average interest judging by the number of active groups and projects listed.

The survey reveals some degree of inconsistency and/or duplication of effort taking place. For instance, there are many kinds of inventory work being done, sometimes more than one kind being done in the same geographic area and yet, it is questionable whether the results will be used in land use planning or for making management decisions.

The survey also describes innovative projects to address issues as varied as septic tank pollution to agriculture impacts to invasive species control, and it is hoped that by sharing the results of this survey, members of the various groups will be encouraged to contact each other and share information.

Many projects could have been featured in the following section but the two that were chosen were done so because they are unique and reveal a level of creativity that could possibly be applied to other parts of the province.

Your feedback and interest in the survey are appreciated. If you have any comments, please make them to Susanne Rautio at slrautio@raptortech.net

CASE STUDY 1 – VILLAGE OF CUMBERLAND

In 1998 the Village of Cumberland established Environmental Sensitive Areas in its Official Community Plan for the first time. These areas were based upon the federal/provincial Sensitive Ecosystem Inventory (SEI) and were given the designation of Natural Environment. The majority of these areas are wetlands and are a function of the Village of Cumberland not yet expanding off of the original town site on a hill. This designation lowered development density to the absolute minimum and coupled with provincial aquatic habitat protections the potential for development was all but eliminated.

The Village then initiated negotiations with the dominant owner of undeveloped land in the municipality with the result of a donation of over 150 acres under the federal Ecological Gift program. This program allowed the provision of a tax receipt of 100% for the fair market appraisal of the donation rather than the traditional 50% of the property assessment.

Cumberland is now proceeding with the creation of a Constructed Treatment Wetland on part of the lands to provide enhanced municipal sanitary sewer treatment, stormwater management, flow augmentation to a stressed salmon bearing river, bird habitat enhancement and new greenways and outdoor educational venues.

Treatment will be achieved through the biota uptake of nutrients in the waste stream that would otherwise be discharged to a nearby creek. The net result will be a site similar to Sir Peter Scott's Slimbridge bird watching project or the Arcata Marsh and Wildlife Sanctuary in northern California. Like Cumberland, Arcata came into existence to address a sewage treatment requirement and now attracts over 100,000 bird watchers a year. With imminent federal and provincial financial support, the Village of Cumberland is about to create a multi-beneficial project that will address practical

municipal waste management issues while contributing important habitat to the coastal fly-way and salmonid preservation efforts.

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CASE STUDY 2 – CITY OF KELOWNA

The Central Okanagan Naturalists Club (CONC) was established in Kelowna in 1961. In the 1980's it became increasingly obvious that popular bird watching areas were disappearing to urban, suburban and industrial development. The process came to a head in the mid-1980's when a bulldozer commenced work on an Okanagan Lake delta marsh which had been assumed by most people to be a bird sanctuary, as there was a sign posted to that effect nearby. The attitude of the city council of the day was simple: "Ducks don't pay taxes." But the marsh was actually unclaimed Crown land. Through the cooperation of CONC, the Ministry of Environment, and the City of Kelowna, the Wildlife Branch received the land in a land transfer. CONC signed a 20-year agreement with the Wildlife Branch to manage the site as Sibell Maude-Roxby Bird Sanctuary, named after a previous adjacent landholder who had put up the Bird Sanctuary sign originally in the 1940's. The process necessary to establish the bird sanctuary and boardwalks, and to co-manage it with the City of Kelowna fostered a spirit of cooperation between CONC, the Wildlife Branch and the City of Kelowna.

The loss of wetlands did not stop at that point. The CONC participated in a Natural Features inventory with the Regional District of the Central Okanagan, which included the area of the City of Kelowna, but continued to see some of these natural features disappear. Wetlands were still open for development.

However, filling in wetlands started to be a more messy process as the club started vociferously protesting the continuing loss. With the club's input, the proposed 1995 Official Community Plan (OCP) made provisions for some protection for wetlands. These were all dropped a week before the OCP came to a council vote, on what was called legal grounds. The OCP contained streambank protection with 5-m to 30-m leave strips depending on the type of development, the level of previous development and whether fish were present or not. These were based on the Land Development Guidelines for the Protection of Aquatic Habitat of the Department of Fisheries and Oceans (1992). However there was no protection for wetlands.

In 1997 a development was proposed--right across the road from the house of CONC's president at the time. This process was even messier, because the Environmental Assessment denied there were wetlands when the club president could see Yellow-headed Blackbirds singing in the bulrushes from his front window. The development went ahead but city council now saw it as an opportunity to make peace between sections of the community. In 1997, the CONC was invited to make a presentation to City Council requesting a Wetlands Bylaw. The city planning department struck a committee of interest groups and citizens, with support contracted out to a biological consultant for a wetland inventory and for technical advice, and to urban planning consultants to guide the process and draft a strategy or bylaw.

Part of what made the drafting of a wetlands protection bylaw possible was that the Municipal Act had changed. Environmental conditions not necessarily related to hazardous conditions were now an acceptable reason for establishing Development Permit (DP) areas. The DP is a stage in the development process below zoning, but is required in these designated areas before alteration of land, before subdivision or before building permits can be issued.

The committee met six times between September, 1997, and October, 1998. A wetland rating system was developed that was applicable to the wetlands of Kelowna. This was based on fish presence, presence of Red or Blue-listed species, degree of modification from natural (all wetlands in the city had been modified, but some were in worse shape than others), pH (alkalinity) of the wetland, and whether the site was used for environmental education. 145 potential wetlands were identified, of which 82 were assessed. 74 were rated as High or Moderate value wetlands which were defined as Protected Wetlands. Low value wetlands received no protection. Protected Wetlands included the wetlands and buffer zones around them. The Protected Wetlands were to be grouped in the OCP with streams and the same methods used to determine leave strip widths of between 5 and 30 m around the wetlands.

By November 1998, the Wetland Habitat Management Strategy had been completed and was presented to Kelowna City Council for consideration as an amendment to the OCP. The bylaw went through the public hearing process. On April 12, 1999, Bylaw 8327, the Wetlands Management Strategy, was added as Appendix 16 to the OCP. The Bylaw also changed wording in the body of the OCP to add Protected Wetlands to the stream definition so that wetlands would receive the same consideration as streams, and added that Protected Wetlands were to be managed through the Development Permit process as per the guidelines in Appendix 16, the Wetland Strategy. The responsibilities of denying development opportunity on portions of private land were to be shared between city and landowners. The city would contribute primarily by variances from existing policies or bylaws.

In one of the first rezoning applications to come forward to council after the bylaw was passed, the developers simply derived their own wetland rating system, redefined which wetlands were protected or not, and then proceeded on that basis. This developer

had written a submission in 1999 to City Council supporting the Wetlands Strategy but didn't seem to support it when applied to their properties. Even though technically this was not a development permit request, which would have required the municipality to adhere to the bylaw, it seems reasonable to expect that it would have been considered prior to the rezoning to be approved.

A few weeks later, the OCP was rewritten (Bylaw 8600, General Text Amendments to the OCP, March 5, 2002). The current text can be found at www.city.kelowna.bc.ca. The Wetlands Strategy was dropped as an Appendix of the OCP and wording changed in the Environment chapter. There are no more "Protected Wetlands" but rather "high and moderate" wetlands which are subject to DP guidelines. Chapter 7, Environment, establishes guidelines for conservation of wetlands that are in Natural Environment DP areas as defined on the map contained in the OCP. All the previously protected wetlands were included in these DP areas. The first guideline is to "Protect unique or special natural features such as

land forms, rock outcroppings, mature trees and vegetation, drainage courses, wetlands, hilltops and ridge lines." Non-fish-bearing wetlands have a 7.5-m Riparian Management Area (RMA) around them while fish-bearing wetlands have a 15-m RMA. The RMA is intended to remain free of development. Development will be encouraged outside wetlands by density transfers, but the entire property will still be considered in computing allowable densities. The DP is the document that can specify which wetlands may be "preserved, protected, restored or enhanced", and the conditions, requirements or standards necessary for that to happen.

The legal mechanisms are still in place to protect wetlands in the City of Kelowna, albeit not as stringent as they were before, so time will tell how closely they are adhered to.

**Prepared by Les Gyug, Cec Dillabough, and Don Wilson
For the Conservation Committee, Central Okanagan Naturalists
Club**