

**MEMORANDUM OF UNDERSTANDING**  
Intergovernmental Co-operative Agreement for  
the Protection of the Environment  
Within the District of Campbell River

**BETWEEN:**

The District of Campbell River  
301 St. Ann's Road  
Campbell River, BC  
V9W 4C7

*(the "DCR");*

**AND:**

Manager, Environmental Stewardship,  
Vancouver Island Regional Operations,  
Ministry of Water Land and Air Protection

*(the "MWLAP");*

**AND:**

Regional Manager Planning,  
Vancouver Island/ Queen Charlottes,  
Ministry of Sustainable Resource Management

*(the "MSRM");*

**AND:**

The Area Chief  
Regulatory Affairs Program  
Central Coast Division  
Fisheries and Oceans Canada

*(the "DFO")*

## **1. Purpose**

- 1.1 This cooperative agreement is intended to establish a streamlined and more cost efficient process for dealing with land use planning and development applications as they affect the natural environment within the boundaries of the District of Campbell River.

## **2. Process Framework**

### **2.1 Development Application Reviews**

- 2.1.1 The DCR will utilize a ‘one window ’ approach to development applications. This approach will pertain to environmental values that form part of any development application and will be reviewed by the Habitat Steward under the conditions set out in Schedule C “Referral of Land Development Applications in the District of Campbell River to BC Environment (MWLAP & MSRM) and Fisheries and Oceans Canada.” Where the Habitat Steward requires further input the DFO Habitat Management Technician in Campbell River and the MWLAP Habitat Protection Officer (HPO) will provide technical support.
- 2.1.2 When reviewing development applications, the DCR will consider those applications in relation to standards and criteria, as set out in Schedule “A”, the District’s guidelines, policies and existing bylaws as identified in the Official Community Plan (OCP) which are specifically necessary for environmental protection, and as set out in Schedule “B”.
- 2.1.3 Guidelines are considered minimum average requirements. The DCR may approve variances where considered in relation to the criteria outlined in Schedule C.

### **2.2 DCR Engineering Services**

- 2.2.1 The parties agree to undertake an annual review of projects to be undertaken by the DCR Engineering Services Department, or as required.
- 2.2.2 DFO and MWLAP agree to provide the Engineering Services Department and Planning Services Department with technical input on their review of the District’s standards, specifications & guidelines.

## 2.3 DCR Public Works

- 2.3.1 The parties agree to complete an annual review of projects to be maintained by the DCR Public Works, or as required.
- 2.3.2 Projects to be reviewed will include works that have the potential for impacts to sensitive aquatic and terrestrial habitats. The DCR agrees to maintain projects and works in accordance with specified and agreed upon guidelines as per Schedule A.

## 2.4 Land Use Planning

- 2.4.1 DCR agrees to refer proposed land use bylaws and bylaw amendments that may affect environmental protection practices to MWLAP and DFO.
- 2.4.2 MWLAP and DFO agree to consult the DCR on proposed legislation, regulations and policies that may affect land use planning and development in the DCR.

## 3. Co-Operative Initiatives

### 3.1 Environmental Strategy

- 3.1.1 MWLAP and DFO will review and provide advice on the District's Draft Environmental Action Plan.
- 3.1.2 MWLAP and DFO will assist the DCR in the implementation of and provide technical resources for, the tasks identified in the Environmental Action Plan. Initially the Plan will include 20 goals identified as priorities within the Strategy, which are to be implemented within a five-year time frame.

### 3.2 Streamside Protection Regulation

- 3.2.1 The DCR in developing its Greenways Water Development Permit Guidelines, designed to replace the current water development permit guidelines, has recognized the importance of the riparian area on the aquatic habitat. Once adopted the greenways guidelines will incorporate aquatic and terrestrial habitat protection measures that will continue to move the DCR closer to the legislated policy guidelines.

3.2.2 The Parties agree to work cooperatively on implementation of the following:

- to adopt the Streamside Regulation in accordance with the timeline specified by the Province.
- to provide resources, as the opportunity arises, and
- to assist the DCR in developing a means to assess riparian areas in a quantifiable and cost effective way.

3.3 Watercourse Mapping

3.3.1 The DCR is proposing to identify and map roadside drainages that currently exist within the municipal boundaries. The District will identify those drainages according to their value to the fisheries resource and prepare the appropriate maintenance protocols for the Public Works Department.

3.3.2 The Parties agree to work cooperatively on this project to ensure that it is successfully implemented and that the fisheries values for these drainages are identified and agreed upon.

3.4 Community Stewardship

3.4.1 The Parties agree to work together, in cooperation with non-governmental organizations (e.g. stream stewardship and watershed planning societies and committees) to increase long-term resource rebuilding, habitat protection, environmental awareness and to implement ecosystem monitoring programs.

3.5 Liquid Waste Management

3.5.1 MWLAP will work with the DCR to implement its Liquid Waste Management Plan.

3.5.2 MWLAP will work with the District to ensure that its Liquid Waste Management Plan is current, cost efficient and uses environmentally sound practices.

### 3.6 Campbell River Integrated Watershed Plan

3.6.1 DCR is undertaking a planning exercise to protect its drinking water source. In doing so both MWLAP and DFO agree to support the process by:

- a. participating in stakeholder meetings;
- b. providing technical assistance as needed, and
- c. working with other government agencies that may have a jurisdiction over various watershed resources.

### 3.7 Air Quality Monitoring

3.7.1 The DCR has identified the need for environmental monitoring of its air quality and has established an Air and Water Quality Select Committee.

3.7.2 The DCR agrees to provide MWLAP with copies of minutes from the Committee meetings.

3.7.3 MWLAP agrees to provide technical input to the Committee as required. MWLAP also agrees to supply any air quality data collected from area monitoring stations.

3.7.4 MWLAP will also work with the Select Committee to develop a strategy for long term air quality monitoring within the DCR boundaries, for the establishment of air quality trends.

### 3.8 Campbell River Estuary

3.8.1 The DCR recognizes the environmental sensitivity of the Campbell River Estuary and will continue to follow the recommendations as defined within the OCP. DFO and MWLAP will work in partnership with DCR to conserve, manage and protect this ecosystem by participating on the Campbell River Estuary Management Commission.

3.8.2 To ensure that the environmental values of the estuary and surrounding environmentally sensitive lands are managed for the benefit of future generations, the Parties agree to pursue options for long term planning strategies. Priority options to be addressed during the course of this MOU should include:

- a review and update of the current Campbell River Estuary Management Plan (February 1996);
- the establishment of a Wildlife Management Plan, and
- a comprehensive Habitat Restoration Plan.

#### **4. Information and Data Sharing**

- 4.1 The Parties, including the Ministry of Sustainable Resource Management (MSRM), MWLAP and DFO will work on a Data Sharing Agreement to be completed on or before December 2003. The Agreements will include the following:
- a. definitions of the roles and responsibilities of all parties;
  - b. sub-agreements with any other agencies or organizations responsible for providing resource information;
  - c. an outline of the way in which the Parties can use and distribute the information;
  - d. identification of the training opportunities for staff responsible for managing the information;
  - e. definition of the database management tools needed to store the information, and
  - f. anticipated costs and potential funding sources for the establishment of hardware and software applications needed to maintain the information databases.
  - g. respect confidentiality and proprietorship requirements of information exchange.

#### **5. Training**

- 5.1 For the purposes of having consistent/common understanding of the protection of ESA's (Environmentally Sensitive Areas), the Parties will provide DCR with advice and training requirements and assist with training program delivery. Wherever possible training opportunities will include in-house workshops that utilize local examples. Field trips may be arranged to provide workshop participants with hands on knowledge of the various attributes that are considered essential to the BMP's (Best Management Practices) and guidelines being used to manage ESA's.

## **6. Meeting Schedule**

- 6.1 Where the DCR must bring a development permit application to the senior agencies for review and referral as outlined in Table 1 of Schedule C, the Parties agree to endeavor to meet in a timely manner. The timing of these review meetings should be arranged so as not to unnecessarily delay the processing of a development permit application by the DCR.
- 6.2 At least every three months the Parties identified will meet to review selected development proposals which have been processed as per Schedule C, or issues dealing with the implementation of the MOU that are of concern to any party.
- 6.3 The meetings will be held at the DCR and chaired by a DCR representative.
- 6.4 The Parties agree to have the appropriate staff present to discuss topics that are to be reviewed at each meeting.
- 6.5 Based on the full agreement of the Parties, review meetings may be canceled or postponed if there are no priority issues.

## **7. Annual Review**

- 7.1 The parties agree to meet once a year to review the MOU and determine its effectiveness.
- 7.2 The review will provide an opportunity for the parties to exam areas of the MOU that can be improved upon and provide opportunities for refining the criteria for referral of applications. The measures of success that can be used to evaluate the MOU process may include:
  - a. an audit of a representative portion of the Development Referrals received annually by the DCR;
  - b. the effectiveness of the resource and technical support provided by MWLAP and DFO to the DCR in meeting it's environmental objectives.
- 7.3 The parties agree to work cooperatively when exploring issues that are recognized as requiring refinement or clarification.

## **8. Amendments**

- 8.1 Amendments can be made at any time during the life of this MOU and will require agreement from all parties.
- 8.2 Amendments to the MOU document must be made in writing and signed by each of the parties.

## **9. Term**

- 9.1 This cooperative agreement will run for three (3) years from the date of signing. Any party to this memorandum may terminate its participation in this agreement by providing six (6) weeks notice in writing to the other parties.
- 9.2 This Agreement may be renewed upon the agreement of the parties.

## **10. Liability**

- 10.1 Nothing in this MOU alters the legislatively mandated roles, responsibilities, and duties of any of the parties.
- 10.2 In agreeing to work cooperatively in environmental stewardship and the promotion of sustainable development, the District of Campbell River assumes no liability or responsibility in addition to that normally assumed through the application referral process and other matters under the Local Government Act, Land act, Land Title Act and other applicable legislation, the DCR is not acting as agent for the other parties to the MOU.

## **11. Enforcement**

- 11.1 While the parties cannot fetter their enforcement responsibilities, they may collaborate in and coordinate any agreed upon enforcement actions.

## **12. Dispute Resolution**

- 12.1 The parties agree to pursue methods of dispute resolution that will ensure the timely resolution of disagreements before negative impacts on the environment or the economy occur.
- 12.2 Where resolution cannot be reached amongst the appropriate staff, the issue will be brought forward to a committee comprised of senior management representatives of each of the parties. The recommendations of this committee will be communicated to all relevant staff members.

The Parties to this MOU confirm agreement to the terms of this MOU by signing here under:

\_\_\_\_\_  
Mayor  
District of Campbell River

Date \_\_\_\_\_

\_\_\_\_\_  
Municipal Clerk  
District of Campbell River

Date \_\_\_\_\_

\_\_\_\_\_  
The Area Chief  
Regulatory Affairs Program  
Central Coast Division  
Fisheries and Oceans Canada

Date \_\_\_\_\_

\_\_\_\_\_  
Manager, Environmental Stewardship,  
Vancouver Island Regional Operations,  
Ministry of Water Land and Air Protection

Date \_\_\_\_\_

\_\_\_\_\_  
Regional Manager Planning,  
Vancouver Island/ Queen Charlottes,  
Ministry of Sustainable Resource Management

Date \_\_\_\_\_

## Schedule “A” Agreed Upon Guidelines, Standards & Criteria

Department of Fisheries & Oceans and Ministry of Environment, Lands & Parks; Land Development Guidelines for the Protection of Aquatic Habitat, Victoria, B.C., May 1992.

Department of Fisheries & Oceans, Ministry of Environment, Lands & Parks and the Ministry of Municipal Affairs; The Stewardship Series, “Stream Stewardship: A Guide for Planners and Developers”; Vancouver, B.C., 1994.

Department of Fisheries & Oceans, et al; The Stewardship Series, “Community Greenways: Linking Communities to Country, and People to Nature”; Vancouver, B.C., 1996.  
Department of Fisheries & Oceans, et al; The Stewardship Series, “Stewardship Bylaws: A Guide for Local Government”; Vancouver, B.C., 1997.

Department of Fisheries & Oceans, et al; The Stewardship Series, “Watershed Stewardship: A Guide for Agriculture”; Vancouver, B.C., 1997.

Department of Fisheries & Oceans, et al; The Stewardship Series, Draft “Coastal Shore Stewardship”; Vancouver, B.C., 2002.

Department of Fisheries & Oceans, et al; “Access Near Aquatic Areas: A Guide to Sensitive Planning, Design and Management”; Vancouver, B.C.

Department of Fisheries & Oceans, et al; “Marina Development Guidelines for the Protection of Fish and Fish Habitat”; Vancouver, B.C.

Environment Canada, et al; Sensitive Ecosystem Inventory: East Coast Vancouver Island 1993-1997. Volume 2. Conservation Manual.

Ministry of Environment, Lands and Parks – BC Environment, Vancouver Island Region; “Environmental Objectives, Best Management Practices And Requirements for Land Developments” Nanaimo, B.C. March 2001.

Ministry of Environment, Lands and Parks, et al; “Naturescape British Columbia; Caring for Wildlife at Home.”

## Schedule “B” Applicable Bylaws, Guidelines & Management Plans

Official Community Plan Bylaw 2555, “Winds of Change”. May 13,1997. as amended

District of Campbell River Zoning Bylaw 2700, 1998. as amended

District of Campbell River Engineering Design Standards & Specifications, Appendix A & B in Subdivision Bylaw 1340, 1998. as amended

Frontage Improvement Bylaw 2709, 1998. as amended

Building Bylaw 597, 1974. as amended

Environmental Strategy –Draft December 22, 1998. as finalized and amended

District of Campbell River Watershed Management Plan – Dayton & knight Ltd, 2001.

Master Drainage Plans for:

Nunns Creek Master Drainage Plan – Kerr Wood Leidal Associates Ltd, 1995.

Willow Creek Master Drainage Plan – KPA Engineering, 1996.

Simms Creek Stormwater Management Plan - Kerr Wood Leidal Associates Ltd, 1995.

## SCHEDULE C

### **REFERRAL OF LAND DEVELOPMENT APPLICATIONS IN THE DISTRICT OF CAMPBELL RIVER TO WATER LAND AND AIR PROTECTION AND FISHERIES & OCEANS CANADA**

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This sub-agreement is made the 2nd day of August, 2002 and forms an integral part of the Memorandum of Understanding on environmental matters in the District Of Campbell River

**BETWEEN:** District Of Campbell River (DCR)

**AND:** BC Ministry of Water Land and Air Protection, Vancouver Island Region (MWALP)

**AND:** Fisheries & Oceans Canada (DFO)

Application:

This Sub agreement applies to the review of all applications for development in the proximity of a watercourse or any other Environmentally Sensitive Area (ESA) in the DCR as indicated in Schedule B in the DCR Official Community Plan (OCP) Bylaw 2555 and Zoning Bylaw 2700. Such development applications include, but are not limited to: subdivision, rezoning, Development Permits, Building Permits (where applicable), stream restoration and enhancement.

Objective:

The objective of this Sub agreement is to clarify and streamline the processes by which development applications are reviewed by the DCR and referred to MWALP and DFO in the interests of environmental protection.

Coordination Responsibilities:

DCR:

- Habitat Steward (HS), Engineering Services Department

Water Land and Air, Vancouver Island Region:

- Ecosystem Officer

Fisheries & Oceans Canada, Regulatory Affairs Program, Central Coast Division Campbell River:

- Habitat Technologist

Review Framework - One-window Approach:

1. The parties recognize that the HS is a Registered Professional Biologist or equivalent.
2. The HS will be the initial point of contact and referral (“one window”) for all development applications in the DCR having or potentially having a harmful impact on a watercourse or ESA. The HS will provide a preliminary review of such applications, make initial comments to the applicant and/or DCR staff, and set forth information requirements based on the guidelines set forth below (see “Basis for Development Review and Approval”).
3. The parties recognize that only Fisheries and Oceans Canada can authorize a Harmful Alteration, Disruption or Destruction (HADD) of fish habitat as defined in the Fisheries Act. The HS can recommend mitigation measures, but cannot authorize or approve activities that cause a HADD of fish habitat.
4. MWLAP and DFO agree to forward all development inquires to the HS prior to considering any form of review or approval by their respective agencies, to ensure consistency, efficient use of resources, and to take advantage of the benefits of collaboration.

Basis for Development Review and Approval:

5. The DCR review, approval, modification or rejection of development applications will be based on the bylaws, guidelines and management plans identified in Schedule A & B of the MOU dated August 2, 2002:
6. In addition, the documents noted in Schedule A & B, as revised or updated from time to time, will be used in the review of development applications. Where appropriate, the DCR will attempt to achieve any guidelines that exceed those stipulated in the Bylaws listed in the previous paragraph as noted in Schedule A & B of the MOU dated August 2, 2002
7. All parties understand that the DCR may approve development that varies from the above guidelines in consultation with MWALP and DFO, as per the process set forth in the following paragraphs, where:
  - the variations are consistent with its bylaws;
  - strict application of the guidelines is impractical and a variance will neither damage nor destroy existing sensitive habitats; or
  - positive conservation and land development goals may be achieved through the approval of a variance.

Review and Response Process

8. The HS will determine if a development application needs to be referred to MWLAP and DFO based on the criteria listed in Tables 1 & 2.
9. Based on the criteria set forth in Tables 1 & 2, some applications may be reviewed at regularly scheduled MOU Coordination Meeting (*see* MOU Section 6 Meeting Schedule). Those applications will be provided to MWLAP and DFO at least one week prior to the appropriate meeting.
10. Discussion at the Coordination Meeting will determine:
  - a) Conditions of approval by all parties; OR
  - b) More information is needed, which the HS will seek from the applicant and then bring back to a later meeting; AND
  - c) Whether written responses from senior agencies are needed, or whether verbal agreement and minutes from the meeting will suffice in relaying approval, as indicated in Tables 1 & 2.
11. If a written response is required, MWLAP and/or DFO, as required, will attempt to provide correspondence outlining conditions of approvals or further information needs (as applicable) to the HS within five (5) but not more than ten (10) working days after the meeting.
12. Special meetings outside the regular Coordination Meetings may be requested by any of the Parties, if circumstances require an urgent review (*see* MOU Section 6.1 Meeting Schedule).
13. Applications that require authorizations or approvals from MWLAP and/or DFO will not be brought before DCR Council for final approval until such authorizations or approvals have been received.

Table 1. **Schedule C. GENERAL CRITERIA FOR REVIEW AND REFERRAL OF DEVELOPMENT APPLICATIONS**

TYPE OF IMPACT		WATERCOURSE TYPE			
		FISH BEARING	NON-FISH BEARING; TRIBUTARY TO FISH BEARING	NON FISH BEARING AND NOT TRIBUTARY	MARINE
<b>RIPARIAN</b>	<b>MINOR</b> Riparian Ecosystem Features and Functions not compromised	Habitat Steward (HS) handles**			
	<b>MODERATE</b> Potential impact to some Riparian Ecosystem Features and Functions (Requires mitigation measures)	HS confirms senior agencies requirements are addressed		HS handles **	Same as for Fish Bearing
	<b>MAJOR</b> Potential loss of most or all Riparian Ecosystem Features and Functions (Requires mitigation and compensation measures)	HS brings to CM: <ul style="list-style-type: none"> <li>• parties review and determine requirements</li> <li>• written response from senior agencies required</li> </ul>		HS handles **	Same as for Fish Bearing
<b>N-STREAM (below High-water-mark)</b>	<b>MINOR</b> Potential impact to aquatic habitat (Requires mitigation measures)	HS brings to CM: parties review and determine requirements and response format from senior agencies. HS assist applicant with Sec. 9. Applicant submits Sec. 9 with letter of support from HS.	HS confirms senior agencies requirements are addressed. HS assist applicant with Sec. 9. Applicant submits Sec. 9 with letter of support from HS.	HS handles **; HS assist applicant with Sec. 9. Applicant submits Sec. 9 with letter of support from HS.	Applicant sent directly to DFO  (Activities below HWM are not in City jurisdiction)
	<b>MAJOR</b> Potential loss of aquatic habitat (Requires mitigation and compensation measures)	HS brings to CM: parties review and determine requirements written approval from senior agencies required. HS assist applicant with Sec. 9. Applicant submits Sec. 9 with letter of support from HS.		HS handles **; HS assist applicant with Sec. 9. Applicant submits Sec. 9 with letter of support from HS.	Applicant sent directly to DFO

(\*\*May bring to Coordination Meeting (CM) for information purposes or suggestions)

**Schedule C. GENERAL CRITERIA FOR REVIEW AND REFERRAL OF DEVELOPMENT APPLICATIONS**

**Table 2.**

OTHER ENVIRONMENTAL MATTERS	
1. Impact to nest or habitat of any birds protected under the <i>Wildlife Act</i> . *	Referred* to MWLAP for conditions for protection under the Act
2. Impacts to ESA’s other than watercourses. May include but t not limited to steep slopes, estuarine habitat and environmentally significant trees as identified in the OCP, Bylaw 2700.*	HS may refer* to MWLAP for comment
3. Development of land subject to flooding.*	Referred* to MWLAP for approval under Sec.82 of the <i>Land Title Act</i>
4. Emissions to air, water or land.*	Applicant sent directly to MWLAP for review under <i>Waste Management Act</i>
*Referral may be by bringing forward at a Coordination Meeting or by direct communication with appropriate staff.	