

AGREEMENT

For Cooperation on Marine Foreshore Management in the City of Campbell River

City of Campbell River Marine Foreshore Habitat and Restoration Activities

BETWEEN: THE CITY OF CAMPBELL RIVER (THE CITY)

AND: FISHERIES AND OCEANS CANADA (DFO)

PURPOSE

- 1) This Agreement serves as a statement of intent on the part of the signatories to implement a process focused on collaborative foreshore management, (as a requirement of the City to maintain & protect municipal infrastructure, and to help restore damaged or degraded foreshore areas).
- 2) The City wishes to maintain its infrastructure while undertaking sustainable management of the foreshore environment for the benefit of The City and its residents. DFO supports sustainable management of the foreshore environment for the benefit of fish and fish habitat protection.
- 3) This Agreement applies to the *Fisheries Act* review process for marine foreshore erosion control and boat launch maintenance activities under the jurisdiction of The City's Parks Department located on or adjacent to City owned land, and which fall under the City of Campbell River Marine Foreshore Habitat Assessment and Restoration Plan. Northwest Hydraulic Consultants. December, 2011 (Appendix A). This Agreement will inform the signatories of the review process required according to the nature of the project.
- 4) To foster improved understanding and coordination amongst the Signatories for municipal marine foreshore management consistent with the principles of strategic planning, adaptation and response to Climate Change; and consideration of coastal natural processes in project planning and design.

OBJECTIVES

- 5)
 - a) To replace the use of hard surface erosion control structures along the foreshore where possible with the use of soft shore management processes to control erosion and maintain natural foreshore function.
 - b) To provide DFO support and direction for the types of activities used by The City to implement the use of soft shore management techniques.
 - c) To clarify activities, conditions and responsibilities by which City Parks erosion control projects are reviewed by The City and DFO.
 - d) To provide an efficient, effective and timely review process for City proposals including boat launch maintenance.
 - e) To maintain effective communication and awareness regarding City erosion control project activity between the General Manager of Parks, Recreation and Culture and the Department of Fisheries and Oceans.

Fisheries & Oceans Canada
South Coast Area

SEP 17 2012

NANAIMO, B.C.

ROLES AND RESPONSIBILITIES

- 6) The responsibilities of the referral process are coordinated by:
 - a) City of Campbell River Parks Manager (PM) or designate; and
 - b) South Coast Area Chief or designate, Fisheries and Oceans Canada (DFO), Ecosystem Management Branch
- 7) The PM will consult with a City technical team that includes a professional Biologist (includes liaison with the Sustainability Manager), a Senior GIS Analyst and contracted Qualified Environmental Professionals (QEPs) as required.
- 8) The PM will be the initial point of contact and referral ("single window") for all City Parks projects initiated under the City of Campbell River Marine Foreshore Habitat Assessment and Restoration Plan (the Plan). Prior to all referrals, the PM shall ensure that the City's technical team is consulted to ensure consistency with the Plan's priorities and to initiate Environmental Management Planning (key assignments and considerations) according to the Plan. The review and referral of the City marine foreshore erosion control projects will be based on guidance provided in the documents listed in Appendix B of this Agreement, in their most current edition.

ACTIVITIES AND CONDITIONS

- 9) Boat Launch Maintenance - The City may remove intertidal sediment and small woody debris from the Big Rock and Ken Forde boat launches as needed to maintain the function of these boat launches provided the following conditions are met:
 - a) The City will side cast down drift at least 25% of the sediment removed from these boat launches annually and the remainder of the sediment will be stored at an appropriate upland site no longer than 365 days until transported directly to beach nourishment sites.
 - b) Sediments removed from boat launches will only be used for beach nourishment.
- 10) Beach Nourishment – The City may deposit sediments removed from the Big Rock and Ken Forde boat launches onto the upper intertidal zone at beach nourishment locations within the City of Campbell River provided the following conditions are met:
 - a) The City will provide an updated description of completed and proposed priority beach nourishment sites including an Action Plan Map (see Appendix A) to show high priority protection sites in order to reflect completed projects and potential new sites. The updated Action Plan Map will be provided to DFO for review on an annual basis and prior to implementation of projects.
 - b) Sediment placement sites remain subject to the approval of Fisheries and Oceans Canada.
 - c) Prior to sediment placement below the natural boundary the City will conduct a forage fish spawning and habitat assessment following the protocol described in Appendix B of the Plan to ensure that sites are free of forage fish eggs and that no serious harm will occur to fish or fish habitat that support a fishery.
 - d) The City agrees to establish a beach nourishment monitoring program that will assess and characterize the condition of sediments down-drift of nourishment sites. This will include observation of colonization by plant and animal organisms, physical measurements of sediment location, depth and type, as well as photo documentation and qualitative analysis. The results of the monitoring program will be reported to DFO

on an annual basis while this Agreement is in effect and used to inform future management decisions.

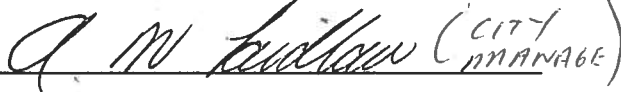
- 11) Marine Foreshore Vegetation Management – DFO recognizes The City manages marine foreshore vegetation to maintain existing City infrastructure. The City wishes to cut or remove vegetation for maintenance purposes, and to establish and manage vegetation to restore natural marine shoreline processes that prevent erosion. This includes removal of invasive plant species. The City agrees to the following:
 - a) The City will provide an updated description of completed and proposed priority vegetation management sites including an Action Plan Map (see Appendix A) to show high priority management sites in order to reflect completed projects and potential new sites. The updated Action Plan Map will be provided to DFO for review on an annual basis and prior to implementing the projects.
 - b) Only non-invasive species of plants will be used for marine foreshore restoration activities such that the establishment of native species is encouraged and preferred.
- 12) General Conditions
 - a) City of Campbell River will refer all marine foreshore erosion control projects identified in the Plan to the DFO Referral Management Coordinator through the “Notification to DFO” selection of the DFO Project Review Application Form (PRAF).
 - b) Shoreline protection works requiring hard surfaces (e.g. sea walls) made of large rocks, rip rap, lock blocks, gabion structures or cement, and projects involving the repair of existing hard surfaces will fall outside of this agreement. Therefore hard surface projects will follow the standard DFO PRAF application protocol with notification, request for project review and request for a *Fisheries Act* Authorization selection process as determined on a case by case basis. The signatories recognize that only DFO can authorize serious harm to fish that are part of a commercial, recreational or Aboriginal fishery, or to fish that support such a fishery, as defined under the *Fisheries Act*. Serious harm is defined as the death of fish or any permanent alteration to, or destruction of, fish habitat. Works required under emergency situations may require a *Fisheries Act* Authorization and should be referred to DFO for review.
 - c) The PM (under the umbrella of the City technical team) can recommend mitigation measures, but cannot authorize or approve activities that are within the jurisdiction of Fisheries and Oceans Canada.
 - d) The City is responsible to identify and address the requirements of other federal, provincial and local government departments and agencies having jurisdiction over marine foreshore activities.

MONITORING, TRAINING AND REVIEW


- 13) City projects subject to this process may be reviewed by the parties on an annual basis in order to monitor the effective application of regulatory requirements, assist the signatories in improving the environmental review process, and provide opportunities for refining the criteria for referral of applications and/or regulatory requirements. The review may include a tour of selected sites and should occur in spring.
- 14) Advice and occasional meetings may be requested by any of the parties if projects are complicated and require an urgent review. For instance, severe seasonal storm damage may alter the Plan’s priority action list. Required changes to identified Project Priorities should be discussed between the parties in advance of planning/implementation of works

- 15) The City will continue to train staff on the Environmental Management Plan and Environmental Best Management Practices. DFO will provide technical extension and information when required to assist the City in meeting the objectives of this agreement.

SIGNATORIES TO THE MEMORANDUM OF UNDERSTANDING

 (CITY MANAGER)

Date: SEP 11 / 2012
Ross Milnthorp
General Manager of Parks, Recreation and Culture
City of Campbell River



Date: SEP 17 / 12
Adam Silverstein
South Coast Area Chief
Ecosystem Management Branch
Fisheries and Oceans Canada

APPENDIX A

City of Campbell River Marine Foreshore Habitat Assessment and Restoration Plan. Northwest Hydraulic Consultants. December 2011 (including Action Plan Map 5 and subsequent annual updates)

Appendix B:

BEST MANAGEMENT PRACTICES AND DOCUMENTS UNDERPINNING CITY MARINE FORESHORE MANAGEMENT

Updates and additional Best Management Practices may be added to the list for routine operations performed by The City staff:

- a) City of Campbell River Marine Foreshore Habitat Assessment and Restoration Plan (December 2011);
- b) Campbell River Foreshore Atlas (2006);
- c) Campbell River Seawalk Shoreline Restoration Project (2003);
- d) Tyee Spit Long Range Plan (2002);
- e) Tyee Spit Lease Area Plan (2005);
- f) Campbell River Estuary Management Plan Update (2002);
- g) Mowing of Vegetation Seward of the Seawalk (DFO letter, 2000);
- h) Seawalk Trimming (DFO letter, 2001);
- i) A Cultural and Heritage Plan for the City of Campbell River (2007);
- j) Strategic Parks Plan, Phase 1: Backgrounder & Phase 2: Strategy (2006);
- k) Integrated Storm Water Management Plans (Foreshore ISMP, 2005);
- l) City of Campbell River Sustainable Official Community Plan (Bylaw XXXX, 2012);
- m) Erosion and Sediment Control, City of Campbell River 2010 Design Standards (Appendix A, Bylaw 3419, 2010);
- n) City of Campbell River Council Policy, Parks and Recreation, Integrated Pest Management (Council Resolution No 00-762, 2000);
- o) Wildlife Tree Stewardship Program (<http://www.wildlifetree.ca/>)
- p) Comox-Strathcona Sensitive Habitat Atlas (2004);
- q) A Users Guide to Working In and Around Water: Regulation Under British Columbia's Water Act (http://www.env.gov.bc.ca/wsd/water_rights/cabinet/working_around_water.pdf);
- r) Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia (MOE, March 2006) and any updates;

- s) Land Development Guidelines for the Protection of Aquatic Habitat and documents in The Stewardship Series as per www.stewardshipcentre.bc.ca (DFO, MOE); and
- t) Current DFO operational statements and BMP's.