

DATE: October 30, 2019**FILE:** 5600-01/CVRWS**TO:** Chair and Directors
Comox Valley Water Committee**FROM:** Russell Dyson
Chief Administrative OfficerSupported by Russell Dyson
Chief Administrative Officer***R. Dyson*****RE: Management Planning Process for Comox Lake Land Acquisition**

Purpose

The purpose of this report is to provide information to the Comox Valley Water Committee regarding the management planning process for the 113-acre parcel of land purchased in October 2018 at the east end of Comox Lake by the Comox Valley Regional District (CVRD) for watershed protection purposes.

Recommendation from the Chief Administrative Officer:

This report is presented for information only.

Executive Summary

The CVRD has engaged Urban Systems in a management planning process for how to best manage the 113-acre parcel of land at the east end of Comox Lake purchased by the CVRD in October 2018. Historic and existing land use practices present complex management challenges. These historical uses may no longer be acceptable considering the lands were purchased with an objective towards watershed protection.

- In August 2019 staff presented to the Comox Valley Water Advisory Committee (Advisory Committee) a report regarding a management planning process. A recommendation was made to obtain input from the Watershed Advisory Group Subcommittee (WAGS) on the process prior to presenting to the Comox Valley Water Committee.
- The WAGS will serve as an advisory group for the planning process moving forward. This group met on September 17, 2019 and provided input towards development of a planning process. CVRD staff and Urban Systems subsequently worked together to develop the approach described in this report.
- A briefing note regarding this approach was presented to K'ómoks First Nation (KFN) Chief and Council on September 25th and KFN has a desire to participate in the management planning process.
- The process is designed around the recognition that the property was acquired for the primary purpose of watershed protection and initial tasks involve completing an inventory of biological, cultural, heritage and land/water use and access points.
- A risk assessment will then identify and quantify current and potential risks arising to and from the items identified in the inventory with emphasis on liability to CVRD and impact to the drinking watershed.
- It is recognized that public involvement in the process is important in terms of historical use and community buy-in to the management/stewardship plan.

Input will be synthesized into a draft management plan, including guiding statements, management strategies and implementation strategies to be brought back to the water committee for review in early spring 2020

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Background/Current Situation

Land Acquisition

In December, 2015, the CLLC approached the CVRD with the offer to begin negotiations to sell a significant portion of their property at the east end of Comox Lake to the CVRD for watershed protection purposes. This proposal was brought forward to the Comox Valley Water Committee on January 26, 2016 and a recommendation was passed to complete an appraisal of the land.

On May 31, 2016, the property appraisal was brought back to the Comox Valley Water Committee for consideration. At that time, one of the main advantages identified in support of the acquisition was the ability for the CVRD to work with cabin owners in ensuring a minimum standard for septic field performance and maintenance. This was identified as a significant benefit in terms of watershed protection. Potential risks highlighted in the assessment such as undersurface rights and geotechnical conditions of old mining land and infrastructure were identified for further investigation as part of purchase negotiations, but were considered insignificant considering the proposed use of the property for watershed protection.

In June 2018, a contract of purchase and sale was approved by the CVRD Board. The contract included a holdback of \$25,000 per cabin, totaling \$625,000, to be released upon submission of a certification from a Registered Onsite Wastewater Practitioner from each individual cabin owner to the CVRD. In October 2018, the CVRD completed purchase of the 113-acre parcel of land for the price of \$2,020,000. The land purchased includes approximately 6,800 feet of Comox Lake shoreline and is one of the last remaining, large, intact waterfront parcels in the most densely populated area of the watershed. See Appendix A for property map. An important watershed protection related benefit of CVRD ownership of this parcel is the ability to designate the parcel for conservation, thereby removing the potential for other forms of development that were previously allowed on the property.

Historic Land Use

The acquisition of this lakefront parcel addresses a key recommendation of the WPP to strategically purchase land in the watershed for protection purposes. While the property is undeveloped, it is the site of historic coal mining operations. Starting in 1891 the No. 4 Coal Mine operated on a portion of the property. The mine was closed in 1935 when a severe storm flooded the mine.

Despite its status as private property, over the last few decades the beach has been a popular, though unauthorized, recreation destination for pedestrians, cyclists and off-road vehicles. Coal mining tailings left in heaps on the property have served as an attractive recreation feature for dirt bikes and off-road vehicles, which are also frequently driven on the beach. The vehicular traffic has impeded the regrowth of the understory in the forest adjacent to the beach, in addition to presenting a risk to water quality from disturbance of the tailings and the presence of fuels. Illegal camping on this site

also presents risks related to water quality and wildfires. These challenges highlight the need to prepare a management plan for the property.

Management Challenges

The land at Comox Lake was acquired for watershed protection purposes. The improvements that have been made to the septic systems on the CLLC property are a significant first step toward this objective. With the challenges related to historic use and existing unauthorized uses on the property, there are a number of approaches that could be taken toward the goal of watershed protection. In the short term, to address risks of unauthorized use, temporary signage identifying CVRD ownership and that Comox Lake is our drinking water source will be installed. Moving forward, management decisions for this property should strive to minimize risks to drinking water quality. Determining what this management plan entails will require careful consideration.

CVRD staff have had numerous informal conversations regarding the management challenges on this property with neighboring landowners, including Mosaic Forest Management, Hancock Forest Management, Courtenay and District Fish and Game Protective Association, CLLC, BC Parks, and the Village of Cumberland, as well as the CVRD Parks managers, Comox Valley Land Trust, Comox Valley Conservation Partnership, Cumberland Community Forest Society, and two local security firms. Consensus among these groups is that it is virtually impossible to keep out all off-road vehicles, especially where there is established use. Fencing gets torn down, boulders moved, and signage vandalized. Landowners indicated that the presence of security/enforcement personnel can be helpful in decreasing unauthorized use. Local community groups indicated that the presence of low-impact, responsible use is effective in decreasing the presence of higher-impact use. For instance, responsible trail use in the Cumberland Community Forest has all but eliminated unauthorized off-road vehicle use in those areas.

CVRD has retained Catherine Berris of Urban Systems Ltd. to guide the process of preparing a management plan for the Comox Lake parcel. Ms. Berris is a community planner and landscape architect with extensive relevant experience working with communities and multiple stakeholder groups to develop management strategies for land with a complex range of issues and she comes highly recommended by municipalities across BC. Urban Systems is undertaking a consultative process to prepare a management plan for the property. During the initial stages of this planning process, workshops and meetings were held with the Advisory Committee, KFN, and WAGS. A site tour was also held with the Comox Valley Water Committee, Advisory Committee, KFN, and local experts. The Advisory Committee recommended that the WAGS be engaged to establish a process for planning.

The following is the planned process, based on input from WAGS.

Process Objectives

The following are the objectives of the planning process:

- Provide information about the project and the site that builds on the fact that the property was acquired for the primary purpose of watershed protection.
- Consider the context of use at a broader scale than this site, including the east end of Comox Lake.
- Gather information from the public on existing use.
- Build support for stewardship of the property.
- Seek input in cases where there may be management options.
- Conduct a staged communication and implementation process to avoid a long wait prior to any implementation.

TASKS	METHODS
Inventory	
Bio-inventory <ul style="list-style-type: none"> Establish ecological units with the following information for each unit. Describe habitat type including forest age. Identify values. Describe condition. 	<ul style="list-style-type: none"> Collect data from any previous environmental mapping. Define values and condition consistent with broader ecosystem valuation study in the valley. KFN input.
Land/Water Use <ul style="list-style-type: none"> Map recreation use including access points (land and water), unsanctioned trails, tank traps/barricades/go-arounds, beaches, swimming and boating locations in broader area – east end of Comox Lake. Map other lands uses with the potential to affect the site and watershed, e.g., industrial. 	<ul style="list-style-type: none"> Use WAGS knowledge as a first draft. Supplement with input from the public, through invitation to share or open house/workshop? Use CVRD and Cumberland data for land uses from OCPs and zoning. KFN input.
Heritage and Culture <ul style="list-style-type: none"> Identify mining points of interest and opportunities for education. Identify Aboriginal values, traditional uses, place names. 	<ul style="list-style-type: none"> Information from museum and local experts. Data from Cumberland's student study (currently underway). KFN input.
Analysis	
Opportunities and Challenges <ul style="list-style-type: none"> Synthesis of opportunities and challenges related to management. 	<ul style="list-style-type: none"> Collect data from all meetings and background information.
Risk Assessment <ul style="list-style-type: none"> Quantify risks to and from assets identified in the inventory stage of this work. Further quantify impacts on water quality (environmental and health risks) of disturbing coal slag and swimming. Assess relative risks of no use vs responsible day use. 	<ul style="list-style-type: none"> Assess current and potential risks to biological, cultural, historical assets on the property. Assess current and potential risks presented by biological, cultural, historical assets on the property. Assess risks in terms of human health and safety. Assess risk of activity occurring at the east end of Comox Lake, whether on this site or not. Present draft of risk assessment to WAGS for input.

TASKS	METHODS
Management Plan	
Guiding Statements <ul style="list-style-type: none"> Relationship to WPP. Vision and goals. 	<ul style="list-style-type: none"> Synthesis of input.
Management Strategies <ul style="list-style-type: none"> Identify management units. Define strategies for each unit, including primary purpose, permitted uses, restoration methods, site amenities, e.g., signs. Identify relationships and implications for management of surrounding areas. 	<ul style="list-style-type: none"> Synthesis of input from all meetings and information.
Implementation Strategies <ul style="list-style-type: none"> Identify phased steps to implement the management plan including quick wins. Identify collaborative and stewardship approaches, roles and responsibilities of governments, other organizations, public. Identify potential funding sources. 	<ul style="list-style-type: none"> Input from WAGS and others.

Policy Analysis

The Comox Valley Regional Water Supply Strategy was received by the CVRD Board in May 2010. The first goal of the strategy is to “deliver safe, high quality drinking water” and listed as a key component of this first goal is an objective to “protect the water sources and watersheds within the region”.

Watershed protection planning for Comox Lake has been a requirement of the CVRD’s water system operating conditions permit from Island Health since 2013.

Financial Factors

Various management options are possible for this property. Most options will involve ongoing operational costs to manage the land that are currently not included in the financial plan. As the management options are identified, financial implications for the options will be better understood and will be considered in management plan decision making. Once a management plan is completed, costs associated with the plan will be included in financial planning.

Legal Factors

The CVRD is required to provide a safe, reliable drinking water supply to residents connected to the Comox Valley Water System. Implementation of a watershed protection plan reduces the risks to source drinking water quality.

As the private property owner, CVRD recognizes that there are challenges associated with established uses on this land. The management planning process will seek to understand CVRD’s obligations and liabilities, and will be required to address and/or mitigate these risks to the extent possible

Regional Growth Strategy Implications

Regional Growth Strategy (RGS) goal number two describes protection, stewardship and enhancement of the natural environment and ecological connections and systems. Emphasis is placed on viewing the region as an interconnected system where land use decisions have a long-term impact on the health of ecosystems. The following objectives and policies are relevant to the management of the Comox Lake land parcel:

Objective 2-A Outlines identifying and mapping areas for conservation. The Comox Lake watershed is identified as a critical watershed that provides wildlife corridors as well as drinking water sources. The objective states the goal of connecting parks and greenways to other conservation areas in order to form a network that balances human needs with biodiversity protection.

Objective 2A-1 Local governments should individually or jointly adopt regionally consistent terminology, as set out above, to create a policy framework to support protection of conservation, environmental features and watersheds in Official Community Plans (OCP).

Objective 2A-9 The RGS supports the implementation of local government parks and greenways plans and policies to establish a network of interconnected local and electoral area parks and greenways in order to protect recreational opportunities, wildlife habitat and natural ecosystem functions.

Objective 2-B Addresses the use of the principles of precaution, connectivity and restoration to address the loss and fragmentation of sensitive ecosystems, provide sustainable environmental services and maintain biodiversity.

Objective 2B-1 Local governments should work together to adopt consistent actions and policies for environmental and natural resource protection, through OCPs, zoning and other mechanisms, that promote the principles of precaution, connectivity and restoration.

Objective 2B-3 Explore and encourage the practice of restoration of urban and rural ecosystems to increase ecological functions.

Objective 2-D Addresses access to parks and recreation areas in terms of quality-of-life benefits, cultural heritage and eco-tourism.

Objective 2D-1 All local jurisdictions should work together to coordinate local and regional greenway network connections.

Intergovernmental Factors

CVRD staff and Urban Systems have met with KFN land management representatives to introduce the project and request feedback on KFN's desired level of involvement in this management planning process. Briefing notes were presented to Chief and Council in August and September, and KFN has indicated that they would like to be involved throughout the process, both as a member of the WAGS and in assisting with the inventories and risk assessments.

The City of Courtenay, Town of Comox and CVRD are represented on the Comox Valley Water Committee and Advisory Committee and as such have the opportunity to provide input on the management planning process and the plan.

The WAGS will serve as the advisory group for the planning process. They will attend meetings and workshops at key stages of the process and communicate with their respective members and

constituents. Some meetings with the political bodies of individual WAGS members, including KFN and the Village of Cumberland, will also be scheduled.

Interdepartmental Involvement

Engineering Services is taking the lead on managing this project, with assistance from Parks, Planning, Communications, and Legislative Services.

Citizen/Public Relations

The process needs to recognize that many members of the public, particularly residents of Cumberland, have been using this site for generations. They therefore need to be informed, and potentially involved, in the planning process. Some of those with a connection to the site are potential stewards.

The following are some potential communications and engagement activities for stakeholders and the public related to each stage of the process. The specifics of communication and engagement during the latter stages will be determined as the project evolves.

Inventory Stage
<ul style="list-style-type: none">• Initial communication regarding the overall process and invitation to the public to contact a WAGS member and/or submit information regarding the project.• Workshop with site users to invite them to share information - prepare large maps of the site and surrounding area and invite people to attend – open house format.
Analysis Stage
<ul style="list-style-type: none">• TBA.• Could have a communication on some of the findings of the analysis.
Management Plan Stage
<ul style="list-style-type: none">• TBA.• Would likely post the draft management plan for public information and comment.

Attachments: Appendix A – “Property Map”

