



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 69827

Application Status: Under LG Review

Applicant: The Nature Trust of British Columbia , Ducks Unlimited Canada

Agent: Ministry of Water, Land, and Resource Stewardship

Local Government: Cowichan Valley Regional District

Local Government Date of Receipt: 12/01/2023

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use

Proposal: To decommission 450m of Dike 49 (Dinsdale Dike) located within the ALR and make beneficial re-use of approximately 8,000m³ of the diking material on the land. The remaining portion of Dike 49 (1.1km) outside of the ALR will be decommissioned to support overall land revitalization goals.

Background:

In 2021-2023 the land owners commissioned Northwest Hydraulic Consultants Ltd. to do a detailed assessment of the provincially regulated Dinsdale Dike (Dike 49) and Koksilah River Dike (Dike 88). This assessment was done as part an overall engineering and modelling review of the physical processes occurring in the Cowichan/Koksilah River Estuary and opportunities to undertake habitat restoration work to build ecosystem resilience and continue to support food production in the area.

Assessment of Dikes

NHC concluded that the model and assessment results: clearly demonstrate that the existing Dinsdale and Koksilah dike structures do not provide adequate flood protection during either the 10-year or 200-year flood events, and clearly do not meet Provincial Standards for flood protection. NHC also concludes: both dikes are subject to overtopping during storm events with a higher frequency than 1 in 10 years. In addition, erosion protection along the Dinsdale Dike (and potentially the Koksilah Dike) appears to be limited. Given NHC's understanding of the current diking system, it is expected to be at risk of overtopping, erosion and potentially breaching during severe storm events unless repairs and upgrades are undertaken.

Review of Environmental Conditions in the Estuary

The Ministry of Water, Land and Resource Stewardship, The Nature Trust of BC, Ducks Unlimited Canada, Fisheries and Oceans Canada, Environment and Climate Change Canada along with Cowichan Tribes have been conducting extensive monitoring in the estuary. This monitoring has focused on the resilience of the estuary in the face of climate change along with migratory and breeding birds, salmonids and species at risk. Coupled with these analyses extensive elevation data has been collected throughout the current farm land that has indicated that it is subsiding and is at a lower elevation of the surrounding lands outside of the dike. Analysis of this monitoring information has determined that the estuary is at risk.

Recognizing the importance of the land to continue to support food production, the partners have worked to address the many challenges in the estuary by shifting the current land use of the subject parcels towards the revitalization of an Indigenous food system that will continue to see the land utilized for farming and food production supporting the overall resilience of the area. This is consistent with the ALC Act and ALR Use Regulations, CVRD OCP for Electoral Areas, the Cowichan Estuary Management Plan as designated via OIC under the Environmental Management Act and Environment and Land Use Act.

Applicant: The Nature Trust of British Columbia , Ducks Unlimited Canada

Approval process to date:

In April 2023, the Inspector of Dikes authorized the work to proceed in accordance with the Dike Maintenance Act (see attached letter of authorization).

Submission to the Cowichan Estuary Environmental Management Committee for review of the project in terms of the overall Environmental Management Plan as designed via Order-in-Council 1652 under the authority of the Environmental Management Act and the Environment and Land Use Act. The committee with delegated decision-making authority unanimously approved the project in September 2022 (see attached).

Review and approval by the partners of the West Coast Conservation Land Management Program Engagement with Cowichan Valley Regional District between May 2022 and May 2023 including the Cowichan Flood Management Working Group. CVRD provided a letter of support November 2022 Cowichan Tribes as a partner in the project also provided formal letters of support (see attached). Received permit under the Heritage Conservation Act.

Agent Information

Agent : Ministry of Water, Land, and Resource Stewardship

Mailing Address :

2080 Labieux Road

Nanaimo, BC

V9T 6J9

Canada

Primary Phone : (778) 974-6346

Email : jesse.patterson@gov.bc.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type :** Fee Simple

Parcel Identifier : 002-032-783

Legal Description : BLOCK 2, (DD 46279I) OF SECTION 10, RANGE 2, COWICHAN DISTRICT, PLAN 1725

Parcel Area : 16 ha

Civic Address : 2279 Cowichan Bay Road

Date of Purchase : 12/18/1990

Farm Classification : Yes

Owners

1. **Name :** The Nature Trust of British Columbia

Address :

888 Dunsmuir St #500

Vancouver, BC

V6C 3K4

Canada

Phone : (604) 924-9771

Email : treid@naturetrust.bc.ca

2. **Name :** Ducks Unlimited Canada

Address :

954A Laval Cres

Kamloops, BC

Applicant: The Nature Trust of British Columbia , Ducks Unlimited Canada

V2C 5P5
Canada
Phone : (800) 665-3825
Email : du_surrey@ducks.ca

2. Ownership Type : Fee Simple

Parcel Identifier : 002-032-767

Legal Description : LOT 1, BLOCK 4, SECTION 9, RANGES 2 AND 3, COWICHAN DISTRICT, PLAN 1725

Parcel Area : 35.1 ha

Civic Address : 2279 Cowichan Bay Road

Date of Purchase : 12/18/1990

Farm Classification : Yes

Owners

1. **Name :** The Nature Trust of British Columbia

Address :

500 888 Dunsmuir Street

Vancouver, BC

V6C 3K4

Canada

Phone : (604) 924-9771

Email : treid@naturetrust.bc.ca

2. **Name :** Ducks Unlimited Canada

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Phone : (800) 665-3825

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Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

See attached map.

Parcel 1: From 1990- October 1st 2023, 33 acres has been utilized for industrial crop production including growing corn and other forage crops under license to various local dairy farms.

Parcel 2: From 1990- October 1st 2023, 80 acres has been utilized for industrial crop production including growing corn and other forage crops under license to various local dairy farms. This 80 acres includes the land outside of the ALR.

The licensee operated from March 15th to October 31st annually.

Both parcels are currently sitting fallow.

Moving forward the current Farm Use will be transitioning to a farm use focused on Indigenous Food Systems to support the overall food security and sovereignty of Cowichan Tribes and the region while

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continuing to support resilient habitat for fish, wildlife and shellfish.

The Indigenous food system that we are seeking to re-establish on the site with the support of Cowichan Tribes and Dr. Jennifer Grenz is the production of camas (Camassia spp). Historical and ethnographic evidence indicates that camas was one of the most important food staples for Quwutsun, and that it formed an essential commodity of Quwutsun economies and trade relationships with other Coast Salish groups. Camas is a bulb-forming plant and well-maintained camas fields could produce approximately 10,000 bulbs per family, per year. There is historical and ethnographic evidence that camas was grown extensively in the Project area. Camas was traditionally grown in marked, cultivated fields that were meticulously hoed, weeded, and periodically replenished with bulbs collected from wild camas populations. Camas cultivation is an indication of the agricultural aspect of pre-Contact Coast Salish societies.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

Since 1990 the following improvements have been made to the parcels:

Field levelling

Construction of water control structure to improve drainage during farming season but to also hold water outside of farming season for migratory birds

Maintenance of dike system

Culverts on farm access road

Excavation of small irrigation pond

Fencing along Cowichan Bay Road and Lochmanetz Road

Farm gates along Cowichan Bay Road and off of Lochmanetz

Signage

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

Parcel 1:

Community Recreation: 5 acre Cowichan Valley Regional District Maple Grove Community Park a popular location for parking to access the Dinsdale Dike Trail.

Walking: The start of the 1.6km long Dinsdale Dike walking trail is located adjacent to the Maple Grove Community Park. Approximately 650m is located on Parcel 1 and within the ALR.

Hunting: This parcel is also open to hunting by permission only for Canada Goose hunting in accordance to Provincial Hunting Regulations.

Parcel 2:

Walking: Continuation of Dinsdale Dike walking trail. Approximately 200m is located within the ALR and the remaining portion outside. There is a viewing platform located along the trail outside of the ALR.

Hunting: This parcel is also open for hunting by permission only for Canada Goose hunting in accordance to Provincial Hunting Regulations.

Adjacent Land Uses

North

Land Use Type: Residential

Specify Activity : Residential Private property in ALR (Lot 2 Lochmanetz Road PID 024-681-814) non-conforming Ag use; several buildings; RV campground

East

Land Use Type: Other

Specify Activity : Estuary

South

Land Use Type: Other

Specify Activity : Estuary/Koksilah River distributary channel; non-ALR conservation lands owned by NTBC/DUC

West

Land Use Type: Recreational

Specify Activity : South Cowichan Lawn Tennis Club (PID 003-748-405; zoned ALR)

Proposal

1. How many hectares are proposed for non-farm use?

0.45 ha

2. What is the purpose of the proposal?

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address the many challenges in the estuary by shifting the current land use of the subject parcels towards the revitalization of an Indigenous food system that will continue to see the land utilized for farming and food production supporting the overall resilience of the area. This is consistent with the ALC Act and ALR Use Regulations, CVRD OCP for Electoral Areas, the Cowichan Estuary Management Plan as designated via OIC under the Environmental Management Act and Environment and Land Use Act.

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3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

No. The dike is located on the subject parcels.

4. Does the proposal support agriculture in the short or long term? Please explain.

Yes. The area currently occupied by the dike will be revitalized to support the revitalization of Indigenous Food Systems and the resilience of the estuary for fish and wildlife.

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Although not necessarily an objective of this project, the land could continue to support the production of other halophytic (salt tolerate) crops in the absence of the dike, such as oats, rye, asparagus, sugar beet, millet, quinoa, salicornia, and triticale, although a feasibility study would be required should the landowner wish to pursue these options. Salicornia has particularly intriguing potential: cultivation of salicornia dates back nearly a thousand years to fishing families along the coasts of the Netherlands, Northern France and Great Britain, where it grows in tidal marshes.

Cowichan Tribes and the landowner are also contemplating an aquaculture license from Fisheries and Oceans Canada in order to grow and harvest shellfish.

5. Do you need to import any fill to construct or conduct the proposed Non-farm use?

No

Applicant Attachments

- Agent Agreement - Ministry of Water, Land, and Resource Stewardship
- Other correspondence or file information - CVRD Letter
- Other correspondence or file information - DMA Approval
- Other correspondence or file information - Letter of Support
- Other correspondence or file information - EMA/ELUA Approval
- Proposal Sketch - 69827
- Certificate of Title - 002-032-783
- Certificate of Title - 002-032-767

ALC Attachments

None.

Decisions

None.