

MINUTES
SPECIAL MEETING ENVIRONMENT AND NATURAL AREAS ADVISORY COMMITTEE
Held at Saanich Municipal Hall, Committee Room #2
July 2, 2019 at 6:04 p.m.

Present: Chair: Councillor Rebecca Mersereau

Members: Kevin Brown, Al-Nashir Charania, Kyle Empringham, George Klima, Ryan Senechal and Carmel Thomson.

Staff: Adriane Pollard, Manager Environmental Services; and, Jeff Keays, Committee Clerk

Guest: Mayor Haynes, Ex-Officio

Regrets: Alfred Birch; and, Emily Truman

MINUTES

MOVED by A. Charania and Seconded by K. Brown “That the minutes of the Environmental and Natural Areas Advisory Committee meeting held May 15, 2019, be adopted as amended.”

CARRIED

CHAIR’S REMARKS

The Chair acknowledged the committees participation in the two joint site-visits with members of the Parks, Trails & Recreation Advisory Committee on June 19 (Mt. Doug), and June 27 (Cuthbert Holmes Park).

The Chair thanked both committee members & staff for making time to attend the special meeting, which has been called to facilitate a more thoughtful and detailed discussion on the proposed Environmental Policy Framework. The following was highlighted:

- After surveying committee members to confirm interest, the Chair called the special meeting in recognition of the following:
 - There is new information (the full report wasn’t brought to the committee) for the committee to consider that will enable a more in depth review of the proposed framework.
 - Staff recommended additional interim measures to Council, that weren’t identified in the presentation received by the committee in April.
 - The Chair had shared some candid comments and concerns at the June 10, 2019 Committee of the Whole meeting that a member of the committee expressed concern about – this meeting will provide an opportunity for clarification.
 - Council’s decision to postpone consideration of the Environmental Policy Framework Proposed Work Plan to the July 8, 2019 Committee of the Whole meeting provides the committee with an opportunity to provide additional feedback (should they wish).

- The special meeting has been called to give the committee an opportunity for further discussion & deliberation, so allocating time for questions and discussion within this two-hour meeting block is the priority.
- The proposed meeting format is a deviation to the regular procedure in that it would grant committee members up to 10 minutes each for questions and comments (questions may be directed to staff or other committee members), which will afford everyone adequate speaking time.
- The speaking order will be determined by the seating order, rotating clockwise. In the event a member is not ready to speak when called upon, the Chair would return to them later in the meeting.
- After consulting the committee about their preferences and clarifying that it is not an expectation of advisory committee's to hear or take into consideration public comments, the Chair indicated that members of the public in attendance would not have an opportunity to address the committee or ask questions.
- Saanich has an obligation to provide a safe work environment that is free of bullying and harassment; accordingly, the Chair reminded everyone in attendance of these expectations.

Committee discussion ensued, the following was noted:

- It was noted that the Chair may have inconsistent views from the Committee; however, the view of the Committee should be presented.
- The Chair may present their views in a public meeting (i.e. Council), but the unanimous recommendation need also be presented.
- There will be no presentation, The Manager of Environmental Services is here in a resource capacity to answer any questions arising from committee's consideration of the June 10 report.
- Committee is not obligated to hear from the public. This is at the discretion of the Chair, and by extension the committee.
- Should the committee make a recommendation to Council tonight, it would rise and be tabled as late correspondence at the July 8 meeting for Council's consideration.
- The members of the committee were appointed by Council to consider and make recommendations from a community perspective. Noting that the previous meeting afforded the general public with an opportunity to speak to the matter, it would be more appropriate that tonight's discussion be limited only to committee members.
- The discussion will be captured in the minutes and (after adoption) will form a permanent public record.
- Any recommendations put to a vote of the committee will be recorded in accordance with the District's standard recording procedures.
- The minutes will remain as draft minutes until they are adopted by the committee at the September 18, 2019 meeting.
- Committee may make recommendation for Council's consideration; however, the committee does not have the authority to give direction to Council.
- The committee reached consensus that discussion on the matter would be limited to committee members, as the public will have numerous opportunities to engage with Council in the future.

MOTION

Moved by A. Charania, and Seconded by K. Empringham, "That the Environment and

Natural Areas Advisory Committee suspend the rules of procedure to allow the meeting to be conducted in the proposed format.”

CARRIED

ENVIRONMENTAL POLICY FRAMEWORK DISCUSSION

Committee discussion ensued, the following was noted:

Member A. Charania, stated:

- Thank you to Saanich staff on their important work to date.
- The framework should be solution-focused, not just a reaction to criticisms of the previous plan.
- If the desired outcome is a focused policy solution for matters relating to biodiversity conservation, climate change and environmental stewardship, then it is incumbent to improve, refine and enhance those policies and programs already in place, or were previously recommended.
- Need to work with our First Nations partners, including the Lekwungen peoples, or the Songhees and Esquimalt Nations, and the W̱SÁNEĆ peoples, to ensure that they are at the table and help co-create the policy framework.
- We have to get this right.

Member G. Klima stated:

- Thank you to staff for their efforts on this important work.
- The opportunity for the committee to provide feedback on the Proposed Work Plan is greatly appreciated.
- The development of the framework is a significant undertaking and a massive body of work in a short time.
- Meaningful and effective public engagement processes remain a concern.
 - Staff need to flesh out what this means, and how it will be undertaken.
 - Town Halls alone can no longer be considered an accurate representation of the community as whole as Town Halls are not accessible (for a myriad of reasons) to large segments of the community.
 - These segments need to be engaged in an equally meaningful manner.

Member K. Brown, stated:

- Proposed framework is a sincere attempt by staff address in a meaningful way the shortcomings of the previous process.
- Significant focus on developing a robust public engagement process is paramount.
- The interim options as presented in Table 4 of the May 30, 2019 report are vital to protecting the natural environment while the full “Natural Saanich” framework is being developed.
- Significant concern with opportunity cost of rescinding the EDPA, specifically with regard to environmental protection, will the proposed interim measures and tools effectively mitigate these gaps?
- What are the significance of the colours and check marks?

In response to questions from the member, the Manager of Environmental Services stated:

- The interim measures were not included in the original direction from Council.
- They are a result of subsequent Council discussions on the matter.

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- Table 4 outlines a number of tools available to the District.
 - The colour coding pertains to the specific measures effectiveness.
 - Green = Effective
 - Yellow = Potentially or conditionally effective
 - Red = Ineffective
 - There are limitations to each tool or interim measure
 - A Development Permit Area – Category A, (DPA) protects biodiversity in the natural environment and is considered the most effective (green in all categories) measure.
 - Protections pertaining to matters such as fill, blasting, sub-division are relative to the DPA guidelines.
 - A Streamside Development Permit Area (existing) protects natural environment prior to development permit process.
 - A Natural State Covenant is not effective in the pre-development stage.
 - An Enhanced Zoning Bylaw would be development oriented, and wouldn't protect natural environment in the pre-development or in a land alteration phases.
 - Enhanced Tree, Fill and Development Applications should be considered as low-hanging fruit as they are easily achievable and relatively effective, as example:
 - Enhanced Fill Bylaw = stop wetland infill
 - Enhanced Tree Bylaw = protect other at-risk species
 - Additional environmental protection can be achieved by tweaking provisions of existing policies and programs.

In response to the questions from the Chair, the Manager of Environmental Services stated:

- The interim measures would be applicable District wide.
- Inter-departmental feedback will be considered after Council provides direction.
- The question before Council, if approved, would direct staff to “implement interim measures, as recommended in [the] report.”

Member C. Thomson, stated:

- Impressed with the comprehensive nature of the proposed work plan.
- Every step or milestone of the proposed plan provides opportunities for check-in with Council and/or to solicit feedback/input from the public.
- The time frame remains a concern as the final decision may be passed onto the next iteration of Council, where the outcome is an even greater relative unknown.
- Bringing this forward sooner, rather than later, would be beneficial.
- It is important that the three pillars of sustainability (triple bottom line: environmental, social and economic sustainability) as outlined in the Official Community Plan were included highlighted, and further that they recognize, and recommend integration with other factors of influence.
- The proposed Stewardship Program correctly acknowledges that more can be done to actively assist landowners with major stewardship responsibilities.
- There are an abundance of community groups, organizations and agencies that can help to inform and augment the education and awareness aspects of any proposed stewardship initiatives.
- The Province by way of edict, have a significant role to play in this initiative as well.
- Pleased that staff have recommended the inclusion of scientist led, volunteer “citizen science” as it presents the public with a meaningful opportunity to participate in ground-truth data collection and long-term monitoring.

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- The Technical Advisory Committee, in addition to scientists, should also include persons with experiential and localized knowledge.
 - The interim measures are vitally important; accordingly, Council’s consideration is appreciated.
 - The recommendations from the Diamond Head report should be clearly listed for review, and Council’s consideration as they were intended as interim in the previous iteration.
 - The addition of a part time staff person could help to expedite implementation.

Member, K. Empringham stated:

- Engagement opportunities are clearly identified throughout the proposed work plan.
- Public engagement should be more holistic than a Town Hall.
- The precautionary principle should be used a guideline.
- Low-hanging fruit, or easy policies should be implemented.
- There is a bulk of credible and valuable information to draw from.
- It is strongly cautioned that this not be kicked down the road.

Member R. Senechal, stated:

- Preference should be given to performance based approaches, as prescriptive approaches can be onerous, and labour intensive to measure success.
- Staff resources will however be required to measure success.

Councillor Mersereau inquired if there were any additional comments or questions from the committee members, before offering her summary comments; being none, the Chair stated the following:

- Planning/Environmental Services staff have delivered on what they were asked to do.
- It is evident that lessons were learned after the rescindment of the previous EDPA.
- Public engagement drives the process and is paramount to its success; however, concern remains that there may be too much engagement/public input encumbering the process.
- How do we develop a program that considers, and is shaped by common elements?
- In the absence of commonality, subsequent discussions become increasingly difficult.
- The open-endedness of this process coupled with the absence of practical applications and examples makes this process challenging.
- As example, Milestone 2 – Assess, what does this look like in practice?
 - Assessment, as presented is seemingly endless with regard to scope.
 - What does this endlessness mean with regard to data collection?
 - There is ambiguity as to how it would play out in practice.
 - In this context prudent fiscal responsibility proves difficulty, particularly when faced with so many unknowns.
 - The absence of clearly defined goals and objectives remains a barrier to meaningful public engagement and consultation.
- Numerous Environmental Stewardship objectives from the 2015—2018 Strategic Plan remain incomplete. This needs to be addressed honestly vis á vis the proposed work plan.
- Difficult decision lie ahead, particularly when considering the priorities and competing interests for municipal resources.
- Climate adaption can serve as a lens for the development programs and initiatives aimed at mitigating, and protecting the natural environment against its deleterious effects.

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- In addition to this process there is a demonstrated need to overhaul Saanich's Tree Bylaw in a manner that assists the community in their efforts to maintain our biodiversity.
 - The development of regulatory, financial and stewardship tools should be undertaken in a systematic, and transparent manner.
 - A tool with which to measure the success of the framework has been seemingly overlooked.
 - In the absence of a measurement tool, objectively reviewing the success of various programs, tools or initiatives on their own merit is very difficult.
 - Any proposed framework should be developed in accordance to the following criteria: effectiveness; cost; practicality and existing programs/resources.
 - The repeal of the EDPA has shaken the confidence of some residents.
 - Existing municipal programs and tools could have been resourced appropriately, thus increasing their effectiveness, if the previous iteration of EDPA wasn't so focused on regulations.
 - Will the proposed interim measures help achieve goals, and more importantly what are the goals, or objectives of these measures?
 - What is the opportunity cost vis á vis other municipal programs and initiatives, and is it ultimately worth it if the outcome results in the reallocation of resources away from other municipal programs and initiatives.
 - This isn't an ideological debate, rather, we're attempting to balance effectiveness and value within the context of resource scarcity, jurisdictional authority (limitations), and the ongoing impacts of climate change.

The Chair concluded their remarks with the following question: How do we capture, articulate and incorporate the valuable comments and suggestions from the preceding roundtable, into a coherent and appropriate recommendation for Council's consideration? Committee discussion ensued. The following was highlighted:

- It would be appropriate to use the staff recommendation as a starting point, amendments and revisions can be suggested and implemented.
- Not supporting a framework at this time is akin to the previous Council's thinking, and subsequent re-consideration of the matter.
- It is clear that the community needs to come together in order to move forward; accordingly, it is incumbent upon Council to ensure that any recommendation

In response to a question from a committee member the Clerk stated:

- In the event that there is a motion/recommendation arising from this committee it would be considered as late correspondence at the July 8, 2019 Committee of the Whole Meeting.
- It would be provided to Council for their information and consideration as appropriate.
- With no formal motion on the floor at this time, it is impossible to determine if the motion would be considered as an amendment.
- Council Procedure Bylaw, 2015, No. 9231, Section 35 lays out the rules for secondary motions allowed during debate.
- Section 37 of Bylaw 9231 states that amendments must be strictly relevant to the main motion and not alter in a material way, or be contrary to the principle embodied in the main motion.
- It is the prerogative of the Chair to determine and rule any proposed amendment in order or otherwise.

Committee discussion resumed, the following was noted:

- The previous comments, and clarification, by the Chair is appreciated.
- The process has been messy, and developed within the vacuum of the repealed EDPA.
- It is difficult to balance concrete actions/outcomes with those that are vague, or not fully articulated.
- Building upon the current recommendation is a good start.
- It would be beneficial for the program to employ a project manager to keep the program moving forward.
- No reference to Indigenous knowledge or engagement, the District should consider this particularly in light of the TRC and UNDRIP reports and directions.
- It is likely that some facets of the strategy will be carried over into the next term of Council for implementation.
- Resources associated to operationalization will need to be allocated regardless of financial impact.
- This would not be without precedent, with regard to common good, as seatbelts and bike helmets are overwhelmingly accepted as required, despite additional costs.
- Mapping, and groundtruthing will never be completely perfect; however, this isn't to suggest that it's not worthwhile, but rather what is scope and at what cost, and in light of previously mentioned competing priorities.
- The benefits of Change Management is often overlooked; however, using a Change Complexity Analysis to identify how difficult this proposed (change) framework will be.
- The more complex, the more carefully the project will need to be managed with regard to both people and tasks.
- Where will funding for new incentive programs be appropriated from? And at what will the impact be to proposed (new) or existing programs, in light of the oft referenced, competing priorities.
- The repealed EDPA was the genesis of this proposed work plan.
- It will be difficult to overcome the negative discourse associated with the previous EDPA. What can the District do to overcome this challenge?
- Developing an appeal process at the outset would not be appropriate, as this process would be contingent on the requirements of specific programs.
- Do we need to undertake additional data collection? What do we currently have, what might we require?
- Data collection should be prioritized and undertaken in order to support and inform framework programs and initiatives.
- Data regarding biodiversity can be never ending, and is likely to be a massive undertaking.
- Biodiversity data should be collected to inform what we don't know.

In response to questions from the committee the Manager of Environmental Services stated:

- Saanich is in developing government-to-government protocols with local indigenous governments and communities. These protocols, once enacted, will inform how they wish to be engaged by us going forward.
- First Nations are identified as Government and Stakeholders in the Terms of Reference.
- Consultations with local First Nations is included in the Terms of Reference.
- First Nation governments and community leaders will be included on the Technical Advisory Committee.

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- What maps will be used as a part of the framework has not been determined yet.
 - There is no prescriptive appeal process with regard to properties potentially captured by mapping exercises; however, this is matter that could be developed through public engagement.
 - Residents do have the ability to make a direct appeal to Council; however, Council only has the authority to act upon matters that are within their purview.
 - Environmental Services doesn't have the capacity to develop certain types of maps.
 - There is a significant amount of existing data that hasn't been analyzed, or used.
 - There are other sources of reported data available to the District.
 - There are countless examples of models from across the globe for further study and consideration.
 - The biodiversity throughout the District is incredibly diverse, and cannot be easily captured; accordingly, data collection will be focused on what we can study. New and existing data can be studied, with relevant data extrapolated and applied to modelling.
 - Milestone one will include a policy gap analysis, while milestone three will see new proposed bylaws, policies and stewardship incentives brought forward in the progress report for Council's consideration.

Committee discussion resumed, the following was noted:

- A technical advisory committee that would tasked with supporting the development of the draft plan (goals and objectives) would be of great benefit.
- Council would consider any recommendations put forward by the committee at the July 8, 2019 Committee of the Whole meeting.
- A technical advisory committee will require a Terms of Reference that will be approved by Council.

MOTION

MOVED by K. Empringham and Seconded by K. Brown “That the Environmental and Natural Areas Advisory recommend that Council consider the following recommendations as an alternate direction to staff:

- 1. Develop a terms of reference for a technical advisory committee to support staff in preparing the draft goals and objectives for the initiative, and subject to input from the public and Council; and**
- 2. As part of Milestone One work with the technical advisory committee to further refine the scope for the environmental policy framework and data collection, and develop an evaluation matrix for the selection of policy tools; and,**
- 3. Allocate resources for a temporary staff position to manage the environmental database mapping, and GIS production; and,**
- 4. Direct staff to identify implications, administrative costs and likely effectiveness of the proposed interim measures.”**

Committee discussion ensued, the following was noted:

- There is a potential that an alternate approach, such as the question on the floor, could result in delays. We must remain mindful and vigilant that this does not occur.

- Any process should avoid being overly prescriptive.
- The District is in the process of developing engagement protocols for Government to Government relations with local indigenous communities. These protocols will inform Saanich as to how these communities wish to be engaged with.
- Recommendation No. 4 would be implemented under the question currently on the floor of Council, accordingly there is no concerns with it being included as part of the recommendation currently before the committee.
- The intent of the analysis noted in recommendation No. 4 is to determine potential operational impacts on the various departments assigned to carry-out implementation and/or enforcement.

The MOTION was then PUT and CARRIED

ADJOURNMENT

The meeting adjourned at 9:15 p.m.

NEXT MEETING

Next meeting is scheduled for September 17, 2019

Councillor Mersereau, Chair

I hereby certify these Minutes are accurate.

Committee Secretary