



## Summary Report

### **Cowichan Watershed Co-Governance Conversations: Phase 1 - Internal Governance Review, Workshop #2 (January 25, 2018)**

#### **Background**

With the support of the BC Freshwater Legacy Initiative, delivered through the TIDES Canada Platform, the Cowichan Watershed Board (CWB) is engaging in an internal governance review to identify and address barriers and challenges to the ability of the board to effectively play a greater role in water and watershed management issues, and potentially increase that role in the future. As the CWB considers increasing its governance capacity, it has become clear that work is needed to define the cross-jurisdictional rules and policies that govern watershed board members in their decisions and activities, and the relationship of the Board to the organizations represented within it. In this context, Cowichan Watershed Board members are participating in an internal workshop series that will explore and clarify how authority could be shared between the key local decision makers and the Board. These workshops will help to define and enhance existing relationships in order to advance co-governance in the watershed.

The workshop series is also based on the assumption that the preferred approach for expanding CWB governance responsibilities is incremental, with limited delegation and a “learn by doing” philosophy that would include ongoing assessment and evaluation by the CWB, its foundational partners and the Province of BC.

#### **Workshop #2**

##### **Objectives**

1. Ensure all participants are familiar with the current status of discussions related to CWB governance, including the following outcomes from Workshop #1 (October 12, 2017):
2. Review the priority challenges and issues related to CWB governance and operations and consider:
  - a. Recommendations for improvements to the CWB's governance and operating policies with its current mandate, to be reflected in an updated Governance Manual (pending approval by the CWB and its founding partners).
  - b. Options for the CWB to contribute more fully to addressing priorities in the watershed, under existing mandate and/or with an expanded governance mandate; and,
  - c. Suggestions for further research, consultation or information gathering, as needed.
3. Confirm timelines for next steps.

#### **Proceedings**

##### **Opening Prayer and Introductory Comments**

- The workshop began with opening comments and a poem from Cowichan Elder, Philomena Williams.

- Introductory comments were provided by the two Co-Chairs of the CWB, CVRD Chair Jon Lefebure and Chief William ('Chip') Seymour.

### **Project Update**

Tom Rutherford provided an update on the work of the Project Steering Committee (SC) since the last workshop (October 12, 2017), which included the following:

- Governance Design Parameters Table: This document lists in detail the various issues discussed in Workshop #1. (A copy of this table was provided to all workshop participants).
- Incremental Responsibility Diagram: This Venn diagram illustrates how the Project SC is framing discussions related to governance and the ongoing efforts of the CWB to improve management in the watershed. The diagram suggests that governance is a continuum.
- Suggested Approach for Discussion: It was suggested that discussion at the workshop be organized in a manner to reflect the diagram, so as to focus on the following:
  - Proposed revisions to the Governance Manual;
  - A discussion of the management issues in the watershed (water supply, water quality, and the protection of habitats and ecosystems) and options for the CWB to address these more effectively, either by accepting a wider range of responsibilities under the CWB's existing mandate, or by seeking an expanded mandate.

### **Proposed Changes to Governance Manual**

Representatives from the Project SC presented a summary of the proposed changes to the CWB Governance Manual, many of which had been identified through Workshop #1. For convenience, the proposed revisions were organized into two categories:

- 'Administrative changes,' including those needed to improve effectiveness and efficiency of CWB operations, or minor edits to the wording of the Governance Manual to ensure accuracy;
- More substantive changes, with strategic implications.

6 "administrative changes" were proposed, discussed and supported by workshop participants.

4 more substantive "strategic" changes were proposed and discussed as follows:

### **Authority**

The Project SC is suggesting the inclusion of a broad statement to better reflect the foundational partnership between Cowichan Tribes and the CVRD. The statement will clarify the authority both governments bring to the board, including words acknowledging Cowichan Tribes' history on the land and inherent rights. It was noted that this statement is consistent with ongoing reconciliation efforts and the CWB's emphasis on partnership.

At the conclusion of the discussion, workshop participants supported the proposal to move ahead with the development of a statement about Cowichan Tribes and encouraged the CVRD to develop a parallel statement for inclusion in the Governance Manual. The CWB has the final authority for approval of the revised Governance Manual.

### **Nutsamaat Principle**

The Project Steering Committee is proposing that the Governance Manual include the guiding principle of Nutsamaat. Training, cultural education/ceremony, designed and guided by Cowichan Tribes, would be included for all Board members.

In the discussion that followed, several points were raised:

- A Cowichan Tribes community member noted that there is a deeper meaning to the principle of Nutsamaat, which deserves careful consideration.

- One participant stressed the importance of training for CWB members, so that they fully understand the meaning of the word and its implications.
- It was noted that other G2G Agreements, or Terms of Reference for management boards, have included core concepts in indigenous language. In those instances, these concepts provide a point of reference to return to for all involved and can provide a useful platform for on-going discussions that help with the understanding of different worldviews.

At the conclusion of the discussion, workshop participants supported the suggestion to incorporate the principle into the Governance Manual, subject to CWB approval.

### Decision Making

The Project Steering Committee is proposing that the Governance Manual include a more robust model of consensus, including steps to take when consensus is not achieved. Various alternatives are to be researched by staff and presented to the CWB for discussion and decision.

- Several points and perspectives were raised in the following discussion, at the conclusion of which workshop participants supported the proposal for staff to research approaches for the use of consensus, for potential inclusion in the Governance Manual.

### Accountability Measures

The Project Steering Committee is proposing to include within the Governance Manual a new section outlining the various accountability mechanisms among those involved in the management of the Cowichan watershed, for example:

- CWB accountability to whole of watershed;
- CWB accountability to public;
- CWB accountability to funding partners;
- Board members' accountability to CWB.

It was noted that the Project SC would be developing a detailed text description related to accountability, for review by the CWB.

At the conclusion of the discussion, workshop participants supported the proposal for staff to develop more detailed text on the issue of accountability, for potential inclusion in the Governance Manual.

### **Working Group Discussion: Issues in the Watershed, Functions and Potential Role for CWB**

For the afternoon session, workshop participants were invited to join one of three concurrent working groups to explore the various mechanisms and tools available for tackling issues in the watershed, and to consider how the CWB might assume greater responsibilities over time.

Three major issues – areas where there is consensus that we “need to do better” were identified

- Water Supply
- Water Quality
- Impacts to habitats and ecosystems.

Reference material included problem statements for each of the broad issues categories, recommended tools (or functions) to address the problems, the potential role of the CWB and the responsibilities that would be associated with that role.

The results of working group discussions are summarized in the sections that follow.

## 1) Water Supply

This working group considered several topics and themes including the following:

- The information presented in workshop package may frame authority too narrowly. There is likely a wider range of opportunities for the CWB to partner or collaborate with others.
- A phased approach to Watershed Sustainability Planning is needed
- WSPs should include drought management, flooding and functional hydrology/Critical E-Flows (including land use).

The following themes and points were discussed in relation to water supply opportunities:

*Authority* – Roles of various partners need to be more defined; extensive discussion of water storage/management; Private Managed Forest Lands identified as critical part of any WSP

*Scope and Timelines – Sequencing* – “There are a number of actions that the CWB could take now, in the shorter term, to set the stage for WSP planning over the longer term”. WSP could be developed in incremental pieces; other statues and opportunities exist in addition to WSP and WSA

*Flooding* - The lack of overarching dike authority is not the problem; it’s just one tool; Hydrology has been altered in the watershed, exacerbating flooding; The CWB should advocate for infiltration, in an effort to restore watershed balance – we need a 0 hydrological impact watershed plan.

*Drought Management* – Discussion of various aspects of drought management and potential roles/responsibilities of CWB and partners.

*Monitoring and Communication* - Monitoring is a technical piece that is key to everything. This becomes more possible with effective partnerships in place. It is something that the CWB has the capacity to take on. Resourcing is needed, however.

## 2) Water Quality

Revised “Problem Statements”

- WQ objectives and targets need to be updated periodically and monitored regularly.
- Threats to Water Quality need to be identified and managed (i.e., enforced).
- Need for better coordination of existing data

Revised “Recommended Tools”

- Developing Water Objectives and targets under WSA and other authorities
- Increased measurement and reporting of watershed health indicators.
- Coordination of data from all sources

Revised “Responsibility”

- Water quality objectives to be developed and updated by CWB in partnership with MOE, IH, Cowichan Tribes and CVRD.
- CWB to implement and report on monitoring.
- Coordinate on State of the Watershed Report

Revised “CWB Role”

- Establish Water Quality objectives and targets to be included in a water sustainability plan
- Support/advocate for capacity to monitor water/watershed parameters (vital signs)
- Increase transparency and accessibility of reporting
- Advice solicited on enforcement of WQ aspects of WSP

Other Topic Areas

- The working group acknowledged that the CWB also has existing roles to play around education and outreach, which is relevant to WQ as well as Water supply and habitat impacts.

### 3) Protection of Habitats and Ecosystems

CWB Role The working group offered a number of comments about the appropriate role for the CWB:

- Accountability: The CWB has a key role in reinforcing accountability.
- Watershed Plan: A watershed plan is needed for the whole system:
- Working with Private Landowners: How can the CWB work effectively with private landowners?
- Managing Flows
- Harmonizing Agencies: How to encourage “whole of watershed approach” in all decision making
- Outreach & Education
- Referrals: It was suggested that the CWB should be established as a referral agency to the CVRD

Priorities: The working group tried to grapple with which role(s) should be a priority for the CWB.

- Watershed Planning: The working group discussed whether a watershed plan is a viable priority. Several different perspectives were offered
- State of the Watershed Report: The working group discussed whether a State of the Watershed Report is a priority, and if so how urgently? Would it have a strong impact? Does the CWB have the capacity to develop such a report? Is funding available?

Summary

Priority problems: cumulative impacts; lack of integration / coordination; lack of awareness

Recommended next steps to address impacts to habitats and ecosystems:

- Secure endorsement from the province for a Cowichan/ Koksilah State of the Watershed Report.
- Reinforce accountability through regular SWRs.
- Develop WSP based on CBWMP. Need to work with province to define scope, technical needs, role of CWB and funding
- provide leadership for the implementation of the WSP.

### Reflections on Implications – So What?

Following reports from the three working groups (the ‘What?’), workshop participants were invited to comment on the implications of what they had heard (the ‘So What?’).

Comments offered by workshop participants included the following:

- those most closely involved in the management of the watershed need to set out the terms of reference for their own involvement
- This workshop has provided valuable guidance for moving forward. A sense of urgency needs to be maintained however: “We should be getting on with this!”
- We are developing a vision of co-governance moving forward. “We are lucky as a group of people moving towards watershed sustainability; we have such great support from Cowichan Tribes—in spite of the fact that a lot of what we are trying to do is to mitigate the influence of colonial impact; we should consider ourselves blessed to have this partnership. If we can nurture and maintain it, we have a really good chance of making this work!”
- The limited resources available to the CWB should be used wisely
- One participant suggested that while the ideas explored at this workshop are promising, much will depend on funding, which needs to be provided by the Province. Others challenged this view however, suggesting that the Provincial Government is balancing multiple priorities. It was suggested, efforts are needed to get the work underway, and leverage funding

- Another participant suggested that the ‘Now What?’ needs to be informed and inspired by the purpose—the ‘For What?’ Maintaining a clear sense of purpose is important.
- Finally, another participant complimented the Project Steering Committee for their work and urged them to “keep moving along... with a sense of urgency

### **Next Steps – Now What?**

The three “next steps” to be taken after this workshop were articulated as follows”

- A revised CWB governance Manual reflecting changes discussed to be approved by CWB and foundational partners. “This will help us be more effective”
- A third summary workshop to review a Discussion/Options Paper to be approved by CWB and used as basis for engagement with external partners – “Taking the next step”
- Reporting out on this workshop through update to CWB, Workshop summary report for participants and workshop update posted on CWB site.

