

Regional Surface and Ground Water Management and Governance Study

Existing Framework

Table 1a. Water governance and management framework in the Cowichan Region: Available under today's authority

Organization	Mandate	Applicable Water-Related Legislation	Jurisdiction	Legislated Rights and Authority	Primary Water-related Interests	Primary Water-Related Responsibilities	Representation and Accountability	Potential Sources of Funding
<p>First Nations</p> <ul style="list-style-type: none"> Cowichan Tribes Ditidaht Halalt Lake Cowichan Lyackson Malahat Penelakut Stz'uminus 	<ul style="list-style-type: none"> Use and protect water, land and ecosystems in traditional territories Assert Aboriginal and Treaty rights 	<ul style="list-style-type: none"> <i>Indian Act</i> <i>First Nations Land Management Act</i> Douglas Treaty and associated modern-day treaties Case law 	<ul style="list-style-type: none"> Indian Reserve Asserted traditional territory Treaty territory 	<ul style="list-style-type: none"> Aboriginal Rights Treaty rights 	<ul style="list-style-type: none"> Health of fisheries, water and ecosystems Ability to carry out traditional seasonal rounds 	<ul style="list-style-type: none"> Operate community water systems on reserves 	<ul style="list-style-type: none"> Elected Chief and Council Accountable to band members AANDC supports services on reserve and administers the land management component of the <i>Indian Act</i>. AANDC is also responsible for negotiating and implementing self-government agreements and treaties. 	<ul style="list-style-type: none"> Transfers from the Federal government (through contribution agreements) for basic services Occasionally contributions from other levels of government for specific projects Agreements established through senior government Authority exists to self-generate revenues (e.g., through taxation)
<p>Regional Districts</p> <ul style="list-style-type: none"> Cowichan Valley Regional District <p>Neighbouring:</p> <ul style="list-style-type: none"> Regional District of Nanaimo Alberni-Clayoquot Regional District Capital Regional District 	<ul style="list-style-type: none"> Provide a vehicle for cooperation among local governments to provide primarily voluntary services on a variety of scales (e.g. regional, sub-regional, local) Function as local government for electoral areas 	<ul style="list-style-type: none"> <i>Local Government Act</i> and regulations (including the Cowichan Valley Regional District Approval Exemption Regulation) <i>Community Charter</i> 	<ul style="list-style-type: none"> Land and public assets within regional district boundaries, including unincorporated electoral areas 	<ul style="list-style-type: none"> Provide mandated functions (e.g. general government, solid waste management planning) May establish any voluntary service that the board considers necessary for all or part of the regional district May lead the development of a Regional Growth Strategy Regulate public and private land use in electoral areas Corporate powers to make agreements, acquire and manage land, delegate authority to other bodies 	<ul style="list-style-type: none"> Public interests Sufficient surface and ground water quality and quantity for drinking water 	<ul style="list-style-type: none"> Land use planning and regulation Community water supply and treatment Community liquid waste management (sanitary and drainage) Floodplain mapping Public asset management 	<ul style="list-style-type: none"> Governed by a board of directors composed of appointees from municipalities and an elected director from each electoral area Officials are accountable to the public Provincial oversight 	<ul style="list-style-type: none"> Property tax requisitions in rural areas Municipal requisitions/Grants in lieu of taxes Service fees Rentals Franchise fees Transfers from other governments Developer contributions License and permit fees Fines Earnings on reserve funds Sale of assets
<p>Municipalities</p> <ul style="list-style-type: none"> City of Duncan Municipality of North Cowichan Town of Ladysmith Town of Lake Cowichan 	<ul style="list-style-type: none"> Provide good government for the community Provide services, laws and other matters for community benefit Provide stewardship of the public assets of the community Foster the current and future economic, social and environmental well-being of the community 	<ul style="list-style-type: none"> <i>Local Government Act</i> and regulations <i>Community Charter</i> 	<ul style="list-style-type: none"> Land and public assets within municipal boundaries (incorporated areas) 	<ul style="list-style-type: none"> Establish any service that council considers necessary or desirable Generate revenues through taxation, user fees and other charges Regulate municipal services, public and private land use, etc. May establish bylaws in "spheres of concurrent authority" such as protection of the natural environment and protection of public health 	<ul style="list-style-type: none"> Public interests Sufficient surface and ground water quality and quantity for drinking water 	<ul style="list-style-type: none"> Land use planning and regulation Community water supply and treatment Community liquid waste management (sanitary and drainage) Floodplain mapping Public asset management 	<ul style="list-style-type: none"> Governed by a council of democratically elected officials Officials are accountable to the public Provincial oversight 	<ul style="list-style-type: none"> Local property tax Grants in lieu of taxes Service fees Rentals Franchise fees Transfers from other governments Developer contributions License and permit fees Fines Earnings on reserve funds Sale of assets

Regional Surface and Ground Water Management and Governance Study

Existing Framework

Organization	Mandate	Applicable Water-Related Legislation	Jurisdiction	Legislated Rights and Authority	Primary Water-related Interests	Primary Water-Related Responsibilities	Representation and Accountability	Potential Sources of Funding
<p>Improvement Districts</p> <ul style="list-style-type: none"> Braithwaite Estates Improvement District Cowichan Bay Waterworks District Diamond Improvement District Mill Bay Waterworks 	<ul style="list-style-type: none"> Provide and manage local public services such as water, diking, and drainage 	<ul style="list-style-type: none"> <i>Local Government Act</i> 	<ul style="list-style-type: none"> Defined service area 	<ul style="list-style-type: none"> As defined in Letters Patent No standard set of powers, as improvement districts exist to provide services for which they were incorporated 	<ul style="list-style-type: none"> Public interests Sufficient surface and ground water quality and quantity for drinking water and/or irrigation 	<ul style="list-style-type: none"> Community water supply and treatment 	<ul style="list-style-type: none"> Elected board of trustees Officials are accountable to the public (must hold annual general meeting) Provincial oversight – bylaws are only effective once registered with Inspector of Municipalities 	<ul style="list-style-type: none"> Property tax Service fees
<p>Private Managed Forest Landowners</p> <ul style="list-style-type: none"> Island Timberlands Timberwest Private Forest Landowners Association (NGO) 	<ul style="list-style-type: none"> Manage and harvest privately owned forests 	<ul style="list-style-type: none"> <i>Private Managed Forest Land Act</i> <i>Forest Practices Code of British Columbia Act</i> 	<ul style="list-style-type: none"> Privately owned forests 	<ul style="list-style-type: none"> Harvest of private forests (and where applicable, Crown forests) 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Conduct forest management practices responsibly and in accordance with the law Ensure downstream water users are not impacted by forest management practices Protect water quality, fish habitat, soil productivity and critical wildlife habitat 	<ul style="list-style-type: none"> Various forms of oversight provided by the province (FLNRO), the Private Managed Forest Land Council, and the Forest Practices Board (FPB) 	<ul style="list-style-type: none"> Product sales
<p>Other Industry</p> <ul style="list-style-type: none"> Catalyst Paper Corporation 	<ul style="list-style-type: none"> Manufacture specialty printing papers, newsprint and pulp for retailers, publishers and commercial printers 	<ul style="list-style-type: none"> <i>Water Act (Water Sustainability Act)</i> 	<ul style="list-style-type: none"> Cowichan Lake weir Paper mill 	<ul style="list-style-type: none"> Store water in Cowichan Lake 	<ul style="list-style-type: none"> Sufficient river flow to maintain mill operations 	<ul style="list-style-type: none"> Holder of two water licenses for storage of water in Cowichan Lake Operation of the Cowichan Lake weir 	<ul style="list-style-type: none"> Oversight provided by the province (FLNRO) Advisory input from local technical specialists and politicians 	<ul style="list-style-type: none"> Product sales
<p>Environmental Non-Governmental Organizations (ENGOS)</p> <ul style="list-style-type: none"> Cowichan Lake and River Stewardship Society Cowichan Stewardship Roundtable Mill Bay and District Conservation Society One Cowichan Quamichan Lake Watershed Stewardship Society Shawnigan Watershed Roundtable Somenos Marsh Wildlife Society 	<ul style="list-style-type: none"> Varies: <ul style="list-style-type: none"> Educate the public Monitor watershed health Inform policy / advise government Protect and improve watershed health 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Varies Public and private interests 	<ul style="list-style-type: none"> Varies: <ul style="list-style-type: none"> Stewardship of water and environmental resources Public education and outreach Water and environmental health monitoring Advising government Implement environmental programs and projects 	<ul style="list-style-type: none"> Typically appointed board of directors Typically accountable to the board Typically no external oversight provided 	<ul style="list-style-type: none"> Public and private grants Private donations

Regional Surface and Ground Water Management and Governance Study

Existing Framework

Organization	Mandate	Applicable Water-Related Legislation	Jurisdiction	Legislated Rights and Authority	Primary Water-related Interests	Primary Water-Related Responsibilities	Representation and Accountability	Potential Sources of Funding
Local Watershed Boards and Authorities <ul style="list-style-type: none"> Cowichan Watershed Board Cowichan Watershed Society Shawnigan Basin Authority 	<ul style="list-style-type: none"> Educate the public Monitor watershed health Inform policy / advise government Protect and improve watershed health 	<ul style="list-style-type: none"> None Opportunities for transfer of authority to local watershed boards/authorities in the <i>Water Sustainability Act</i> 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Public and private interests 	<ul style="list-style-type: none"> Stewardship of water and environmental resources Public education and outreach Water and environmental health monitoring Advising government Implement environmental programs and projects 	<ul style="list-style-type: none"> Public and private representation Appointed board of directors Accountable to the board No external oversight 	<ul style="list-style-type: none"> Public and private grants
Private residents	<ul style="list-style-type: none"> Use and enjoy public and private spaces 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Privately owned land and assets 	<ul style="list-style-type: none"> Occupy and use privately owned land Access clean drinking water 	<ul style="list-style-type: none"> Private interests Sufficient river flow and quality for drinking water 	<ul style="list-style-type: none"> Operate and maintain private drinking water systems Operate and maintain private liquid waste management systems (sanitary and drainage) 	<ul style="list-style-type: none"> Some local government oversight Some provincial oversight 	<ul style="list-style-type: none"> n/a

Regional Surface and Ground Water Management and Governance Study

Existing Framework

Table 1b. Senior government agencies involved in water management and governance in the Cowichan region

Organization	Mandate	Legislated Authority and Responsibilities	Representation and Accountability
Forest Practices Board	<ul style="list-style-type: none"> Hold government and forestry industry publicly accountable for forestry practices 	<ul style="list-style-type: none"> Audit government and industry forestry practices Deal with public complaints regarding forestry practices and government enforcement May appeal enforcement decisions and penalties imposed by government Seek review of government decisions to approve forestry operations Carry out special investigations Make recommendations Conduct random, field-based audits Investigate complaints Carry out appeals of government decisions Report findings to the public 	<ul style="list-style-type: none"> Appointed board members Operates arms-length from the provincial government Issue reports to the public
Ministry of Forests, Lands and Natural Resource Operations	<ul style="list-style-type: none"> Deliver integrated natural resource management services across the province Develop policies, programs and legislation to promote economic prosperity and environmental sustainability Establish conditions for access to, and use of, Crown forests, land and natural resources 	<ul style="list-style-type: none"> Authority is articulated in 52 statutes and associated regulations Setting policy and standards for forest practices Setting policy and standards for water sustainability Water resource management Water use planning and authorizations Marine planning Resource management objectives and compliance Watershed restoration Crown land allocation and authorizations Forests and range authorizations Land use planning Independent power production Mines and minerals permitting and inspections (except for major mining projects) Aquaculture licensing and regulation Aboriginal consultation and coordination (natural resource operations) Fish, wildlife and habitat management Drought management Dam and dyke safety and regulation Flood plain management 	<ul style="list-style-type: none"> Appointed staff and senior Ministers Accountable to the public External oversight provided by the Forest Practices Board
Ministry of Environment	<ul style="list-style-type: none"> Encourage and maintain the effective protection, management and conservation of BC's water, land, air and living resources 	<ul style="list-style-type: none"> Administer water licenses Monitor, assess and report on environmental conditions Setting environmental and water sustainability policy and standards Administer community watersheds and drinking water plans Monitor and enforce compliance with environmental laws and regulations Administer parks, wilderness and protected areas Pollution prevention and waste management Conservation Framework and Species-at-Risk policy Species and ecosystem protection policy Oceans protection and sustainability Conservation and resource management enforcement Flood Management Environmental Emergency Response 	<ul style="list-style-type: none"> Appointed staff and senior Ministers Accountable to the public