

Cowichan Stewardship Roundtable



November 21, 2013

MINUTES

The meeting was called to order by Paul Rickard at 9 am.

In attendance

Keith Lawrence (CVRD0, Kerry Davis (Green Party of BC), Ted Brookman (BCWF/Rec Fisher), Bill Routley (Cowichan Valley MLA), Doug Morgon (MLA Office), Brian Tutty (Consultant), Ian Morrison (CVRD Area F Dr), Helen Reid (Cowichan Tribes), Gerald Thom (CLRSS), Eric Marshall (CVNS), Parker Jefferson (One Cowichan), Genevieve Singleton (Nature Interpreter), Shona Smith & Tom Rutherford (DFO), Paul Rickard (BCWF), Dave Lindsay (Timberwest), Ken Epps (Island Timberlands), James Craig (BC Conservation Foundation), Don Closson (BC Parks), Ken Clements & Claude Theriault (Sidney Anglers), Derek Haupt (Western Forest Products), Rob Hutchins (CVRD/CWB), Wayne Haddow (BC MA), Shari Willmott (Island GIS), Bob Crandall (CLSES), Rodger Hunter (CWB), Meg Loop (CLT).

Regrets: Craig Whiteman, Jean Crowder, Ray Demarchi

Approval of Minutes

The minutes from the October meeting were circulated and approved.

Roundtable updates

Lindsey – Facilitate a few programs working with BCCF to get access into Broadway Run, working to get to Heather Mountain to put a snow course station.

James Craig– Five Projects: 1) Broadway Run slope stabilization, things are progressing. KWL has finalized designs, set back trench was suggested as the most appropriate year 1 is finalize/access/policy/funds, year 2 is construction, lots of local stakeholder support (parks, Tribes, Timberwest, WFP). 2) Stolz Bluff Maintenance, HCTF proposal to maintain terrace and drainage. 3) Identify Chinook juvenile habitat distribution in lower river and estuary (snorkels, seines in the coming spring). 4) Flood Management Compensation, BCCF tasked to create the mitigation projects, 2 are at the top of the list. Put a culvert in the south side spur dyke to kick start the flows into side channels. Causeway, putting a culvert from the south arm of Cowichan River to flow to the Koksilah flood channel, working with the 3 landowners to identify concerns and what needs to be done for mitigation. 5) Proposal in for restoration of the lake and river shoreline. Could look at Somenos creek outflow to the river, improving flows to coho habitat.

Closson – Conservation specialist to look at the access management issues to Broadway Run, invite the local governments to introduce the project and get the process started. We are required to do First Nations referrals, usually try to go for a 5 year permit term. Cowichan Tribes has asked us to go for one year permit approval, entered into a conversation over what they would like to see. Most permits are recreation based, so concerned about the carrying capacity of the system. BC Parks is committed to a broader management planning process. The Cowichan River Park doesn't really have a Management Plan, partly in due to the demands put on the planning staff - now a commitment as a high priority for the coming year. CSRT is an excellent venue for vetting management plans.

Sidney Anglers – \$25,000 projects funding will be decided on Monday night.

Haupt – Working on the loan of the bridge/liabilities.

Hutchinson - Thank you to all who came on Monday, next step is to have a consultant come in and help write up a final RFP by the New Year. A national watershed governance workshop by tribes at the end of January.

Haddow – Still working on Climate Adaptation group for water quality/water management plans for farms in the region - pleased with the cooperation from farmers.

Crandall – 300,000 chum eggs into the tanks, looking at the coho take into December. Beaver Lake Dam project is going through the trials to get it in, there is lots of support, just need to go through the red tape. Ongoing project to chase down the chinook, 6 adults holding in Shaw Creek and two redds, next step to get a DNA samples. There are other streams that have fish wanting to get up the stream but the gravel overburden and they can't get up. Plan to budget for next year to have a boat to get to all the mouths of the tributaries.

- Bernie Elliot they used to fish last week of May/early June in the estuary, the fish may be spring run chinook that spent the summer in the lake. Get DNA samples from the spear fishers in the spring.

Rodger Hunter – Review of the Water Act. For Shaw Creek we are still trying to get more folk interested in purchasing it. Raising the weir 20 cm, resolution at the meeting approved seeking license from Tribes and CVRD. Need to break down all the statistics for what 20cms look like. Is there interest to have a Water Conservation meeting? Richard Hebda will be up to talk in the new year to speak on climate change pertaining to the Cowichan.

Singleton – David Cluff and Halalt Nation, chief Thomas Robert in interested in attending the roundtable meetings to represent Chemainus. Echo Heights, 20% of will be developed. Somenos Marsh good response with the Wings Festival Event. Dave Pollster's concern is Eagle Heights, pristine grasslands area, 25 years of trying to protect it, try to have another run to get it protected.

Jefferson - Hosting a Community Leadership and organization training this weekend, focusses on sharing your story and creating awareness from the ground up. Turn attention to the municipal election.

Marshall - Started the weekly Swan and Goose counts, things this year are very different than the previous 3 years. 3 times as many swans than at this time, and usually most are up at the North end, but there are 150 in the fields by Cowichan Bay. 1 Sandhill crane too! 100 sea lions in Cowichan Bay, most are Stellar and only 10% are California (each consume up to 20-35lbs of fish per day). Over 100 seals on the booms too (12 - 15 lbs of fish).

Gerald Thom - Sawywell Park project 200 m of uplands planting still to go in. Have 23 volunteers, 10 high school students. Active water sampling and the high school students accompany. Started a few plants at the nursery (the school wishes to make a native plant nursery). Applying for just over a third of a million dollars, so over 3 years rehabilitate 1 km shoreline and permanently protect 15km protection of intact shoreline.

Shaw Creek, the Parks voted to sell two parcels of property with low-ecological value, and that will go to the CVRD for approval. If those properties sell then there is 300-400,000 towards buying Shaw.

Helen Reid - Eagle Heights cultural values are high in the area. Met with Bill Wa, there is a road in above Eagle Heights and harvesting will start in spring 2015, and in 2015 plans to harvest old growth (need to harvest due to taxes). Neither CVRD nor the Province can acquire the area as park, trying to contact the minister. The water Sustainability Act, stating Cowichan Tribes concerns with lack of consultation. Lots of concerns about jurisdiction, supporting the CWB letter to the minister, letter will be in by Dec 2.

Morrison - So much interest in our regional park acquisition, but it is fully prescribed. There are provisions to increase every 5 years leading to increase in taxes. The request is in to have that happen for the 2014 budget year

Routley MLA - Studying the water issues locally. On any given day in Canada, there are 15,000 drinking water advisories. BC is only now working on an act that is over 100 years old and has a lot of problems with it. Communities across BC are asking for the local control like the Cowichan. Price of water for fracking in BC is incredibly low. The companies pay \$2.50 for an Olympic sized swimming pool (once contaminated it is forever unavailable). Nestle can get water almost free, now charge .85 for 1 million liters. Communities could do a lot with funding. In NB, the same pool is \$400. How are we going to fund groups to take more action? Need to hear from local groups, will have very limited access at amending legislation, happy to bring local concerns forward.

- Long term the community needs to be the pilot for BC, and the long term potential for how local community can take it long term.

Ted Brookman - Environmental Law group from Uvic, can circulate information from meetings around the water sustainability act at a high level. BCCF suggested to the group to bring a proposal collectively supported to get some funding for the Shaw Project. If we give money for park or any use and the holding body, if they ever sell that property the BCCF gets the money back.

Keith Lawrence - The CVRD staff put through comments on the proposed modernization act. To add administrative comments to the water management and governance study, that is a study that will include the broader Cowichan region, and the Cowichan watershed is an important one within the larger valley. In the New Year have another gathering of the stakeholders and focused on the planning of the study with help from a consultant and looking at input from the various stakeholder groups. There are a couple of workshops being planned for the end of January, related to the Water Balance Models (express, more user

friendly to gauge stewardship groups. The Primer would be more technical and for the muni engineers. Any dates that need to be worked around.

Rickard - Island Timberlands has the old growth in Eagle Heights, perhaps can engage more with Cowichan Tribes and Al Martin to talk to the minister. We have a Sport Fisherman Association, for the South Coast the person who sits on the harvest committee reported out that Cowichan Chinook are rebuilding but nothing is being done to help them. This is not true. PSF had 70 project applications; everyone else in the province is starting to look at the issues we have been looking at for a decade. Getting to the point where it is going to take more money and planning than what volunteers can do. \$1.4 million available so think bigger and really focus on restoration and enhancement directly hands on in the rivers to get them working again.

Business

Minute taking

Western Forest Products can donate the \$1100 cost for one year of minute taking.

Introduce new acting CA – Thom Rutherford

Shona Smith will be the new acting CA until the end of the fiscal year. 250.746.5137 email

shona.smith@dfo.gc.ca

The Hatchery has had a tough year for catching brood; the Sayward and Sooke facilities didn't get any stock. Cowichan, like others, were short on targets. 100,000 instead of 800,000. We have 250,000 and 150,000 were caught in a dipnet. Since such a small number of fry will be released, we have asked to mark them all so we know with absolute certainty if the fish in the estuary came from then hatchery.

Want to do more work around the summer and fall run chinook. Trying to get some DNA samples, Ruth Whitler DNA scientist says even two fish would be helpful. Bob found 2 redds, and 6 chinook instream holding on Shaw creek. 1.5 months of struggle and Bob found the fish! Try to connect with the summer run fisherman to get some DNA from them for comparison.

There is a thought to stock unfed chinook fry into Somenos Lake. If it gets the go ahead, the strategy has to be put into the production plan for 2014. Unfed fry pick up natural stream feeding and survive much better; however, DFO needs to mark the fish and assess the fish (otolith marking). Fish overwinter in Somenos as they are getting flushed out of the river system. If the egg take has exceeded capacity, why not release into a viable system? The bullfrog population in the Somenos system needs to be dealt with prior to fish release (Stan Orchard).

Breaching of the Causeway: Two separate proposals to do that, next meeting we would like to have both parties at the table and have a discussion take place.

The tour Tom arranged with the two visiting regional managers, was very effective. DFO was able to visit with a good chunk of the local stewardship groups and project sites. The Regional Managers, who work out of Burrard St, were able to see the work in the community and it may help to maintain DFO resources for supporting these groups.

New Fisheries Act Habitat Provisions - Paul Rickard

See emailed information from Paul Rickard to the CSRT list.

Concerns:

1. It is based on a "trust me" approach. This is by and large a trust me document.
2. an awful lot of it allows good projects to go ahead with much less red tape. Stoltz Bluff was a major product that impacted fish in the river at the time, and may not have been able to go through had a full scale assessment been done. The new documents make it easier for good projects, can enable.
3. You cannot take people to court that charges as policy, need further amendments.

What Can We Do?

- Partnerships are important and stakeholder involvement. Organizations best positioned to look at the requirements of the fisheries protection? CVRD?
- Stakeholder organizations to facilitate information exchange and feedback

Comments:

- Would like to DFO habitat and harvest management both come to a meeting? Habitat is irrelevant if you don't get the fisheries managers to understand that fact. Have them talk about managing water locally, why can't we manage local terminal fisheries.
- This is downloading of authority, and to be successful needs huge investment in training and compliance enforcement. How much more money are they putting into DFO to implement this? Staff increase to support this?
- See a lot of conflicts with RAR that is still intact federally. No longer speaking of HAD
- So it is the developer or whatnot that indicates this is a major/minor impact? So a person with no training or knowledge can make these calls? Not a biologist? Scientific process.
- Encourages more local level involvement, so the CVRD Environmental Sector, that will have to take on that role?
- The province had zero warning or consultation over these changes. The DFO were also not informed.
- In our watershed it isn't going to be that devastating, but in other areas without the level of communication and community involvement it is going to be challenging.
- What is in the law exactly? The policy and guidelines are just that. Who does the compliance? The few

ACTION: Circulate the condensed and long versions of the law. Questions to go to Bonnie and Al at the January meeting.

Water Sustainability Act – Rodger Hunter

13 page brief to the Ministry from the CWB for the water act. BC's Water Act:

- Affirms crown ownership in water
- allocates water on a first-in time, first-in right (FITFIR) basis
- limited protection for water sources
- groundwater regulation is very limited
- Variety of "beneficial" uses defines eg) irrigation, storage, river-improvement (defined as helping to run logs down it), and conservation (fall 2012 there was no movement to use that power).
- Whole of watershed planning and management (eco services, f&w, not just based on water planning)
- A modern water act needs to account for climate change/growth/and capacity moving forward. Not planning on things getting worse and building in buffers, already outdated, nor manage for growth and the resources to achieve what one is putting in the legislation.
- FITFIR, continuing is worrying when using retroactive use with ground water.
- Water quality, you can still inject bad stuff into the well. Still loopholes.
- Governance and Public Process, vague language that might enable local government empowerment.
- Pricing and local access to revenues. Suggested to take a survey of water pricing and make it public so BC knows how cheap our water is and provide a basis to charge more for it.
- Consultation has not been adequate. Rights and title, and recognition of the cultural, resources, and more for first nation values.

Purposes:

- Leaves impression that this is a management/allocation perspective rather than resilient ecosystems and environmental flows
 - Ecosystems and environmental flows need to be primary purposes as they define all other aspects
- Protect Stream Health and Aquatic Ecosystems:
- Define Environmental Flow needs; what does it take to keep the ecosystem healthy?
 - Much is left to regulation
 - Applies to new water allocation decisions
 - o first in time, first in right - existing users have priority
 - o Review every 30 years in the face of climate change?

Land Use Decisions:

- We support Water Sustainability Plans and water objectives. Watershed would be more meaningful
- Who leads the planning? Better led locally by those who know and care and connected to the community, not the Province
- What objectives trump which? Too vague of language.

Groundwater

- New wells require a license.
- Regulation largely limited to 250m cubed/day (that is a lot!)

Regulating During Scarcity?

- How to protect critical environmental flow needs
- household use would trump, power to enforce would be good.

Recommendations:

- mandatory and strong environmental flows requirements, watershed objectives
- license review 30 years after license was issued, should consider environmental flows
- water should be managed for benefit of the public

Governance

- Local bodies should have to endorse WSPs
- offer participation in water and watershed management decisions - advisor to decisions maker.
- address funding for community watershed governance arrangements
- raises issues of provincial roles/capacity

Revenue Pricing

- In 2010, \$345 million water revenues (mostly hydro) and Ministry's \$15 million water management budget is inadequate
- complete and make public cross jurisdiction pricing review
- All the fees for the license could come to the local area. Put a surcharge on every water license.

Next Meeting

December 19th at the Fresh Water Eco Centre.

DRAFT