

Cowichan Watershed Board Meeting

DRAFT Minutes

Mon. November 27th 2017

9:15-11:30 am

Location: CVRD Board Room



Co-Chair: Chief William (Chip) Seymour

Participants: Co-Chair Jon Lefebure, D. Toporowski, Tim Kulchyski, Ross Forrest, Laura Brown, Ian Morrison, David Slade, David Anderson, Klaus Kuhn, David Froese.

Regrets: Darin George, Lori Iannidinardo

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| 1. | Welcome | | |
| 2. | Approval of Agenda | | Approved |
| 3. | Approval of Minutes of Oct 2 nd and July 31 st . Business arising from Minutes. | | Approved |
| 4. | Correspondence, announcements | <p>Sat Dec 2 9am – Sea Level Rise workshop with Dave Polster at Cowichan Estuary Nature Centre.</p> <p>Ian Morrison gave an update from the Sustainable Communities Conference in Kelowna.</p> | <p>For Information only.</p> <p>Ian to share more info by email.</p> |
| 5. | Update - Koksilah Ecosystem Analysis | <p>Emily Doyle Yamaguchi gave an update from the Koksilah Watershed Working Group (Cowichan Station Area Association). Project overview:</p> <ul style="list-style-type: none"> • A study that looks beyond property boundaries to understand the character and condition of the watershed as a whole. • Early support for project and need for info voiced by many people in the community who care about the watershed. • CSAA is project organizer, specifically the Koksilah Working Group of CSAA. Study being undertaken by Silva Ecosystem Consultants, led by Herb Hammond. • Will provide guidance on what is needed to protect and restore the watershed over the long term. • Field work planned for May to include both forested and non-forested parts of the watershed that are in a range of ecological (health) conditions, from "source to sea". • Final report and maps to be complete by August 2018, and presented to community in October 2018. <p>Community support / involvement:</p> <ul style="list-style-type: none"> • Early support for project and need for info voiced by many people in the community who care about the watershed | <p>For Information only.</p> <p>Questions or input welcome anytime. Ask Jill for contact information.</p> <p>(or email Koksilah@cowichanstation.org)</p> |

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| | | <p>including Naturalists, Roundtable, and CWB.</p> <ul style="list-style-type: none"> • Cowichan Tribes - Staff provided letter of support for grant application in March 2016. Several conversations over past year and a half with staff, councillors, community leaders and elders. Understanding is that information gathered will be welcome. • CVRD - Generous matching funds provided by Electoral Area B, C, D, E. Working closely with Area E Directory Alison Nicholson to integrate as much info as possible into Area E OCP development. Staff helping locate data and coordinate with regional watershed atlas. <p>Fundraising</p> <ul style="list-style-type: none"> • 85% of project costs raised so far from REFBC, CVRD Areas (as above), Shawnigan Basin Society, and community donations via CSAA. Additional fundraising and planned for the next year. <p>Discussion</p> <p>Tim Kulchyski offered “huge thanks” to group member Jason Slade who did a river swim of the Koksilah and observed adult Chinook, including 80 fish near Rodger Hunter’s house. The Didson counter only caught the early run during lower flows and it didn’t give us a good count at that spot.</p> | |
| 6. | Update – Lake Levels -Catalyst license application to drawdown lake levels | <p>Graham Kissack provided information and welcomed questions about Catalyst’s application to pump up to 5 m³/sec for up to 49 days, drawing down the lake by a maximum of 23”. There was a public open house on Nov 15 at the lake with 15 people attending.</p> <p>Discussion</p> <p>D. Toporowski inquired why there wasn’t an open house in Duncan and asked why the application is for such a long period (10 yrs), and what would happen if the mill closed in 6 years.</p> <p>G. Kissack replied</p> <ul style="list-style-type: none"> - likely minimum of 6 years until we have a permanent solution for water flows on the river. - pump-out is a last-ditch mechanism to keep the river running in very low water years. - Catalyst will set aside the pump out license if a long-term storage solution is in place earlier - there are protection measures in place to protect the lamprey, for example, that would mean all pumping activity would have to stop. <p>Co-Chair Jon Lefebure asked about plant life on the edge that is now covered by water.</p> <p>G. Kissack replied:</p> | For Information Only. |

- there would be an Environmental Monitor who would be sharing information with the First Nations and FLNRO.
- question will be whether the impacts on the lake balanced with the impacts on the river if it runs dry.
- hopes this decision would be a collaborative process.

Ross Forrest thanked Graham, Harold (Norland) and Brian (Houle) for the meeting in Lake Cowichan. While it was a small turnout, the people who came left more knowledgeable about the issues.

T. Rutherford asked who the decision maker would be in this license.

G. Kissack clarified that while FLNRO gives the permit, the 'hammer' is held by DFO.

David Froese expressed concerns that a 10 year back up plan will weaken the urgency to raise the weir and prevent us from moving forward.

Ray Dimarchi expressed concern that a lake managed this way will seem like a reservoir rather than a natural lake. He asked whether there will be an Environmental Impact Assessment before any pumping instead of afterwards, and thinks that even at 23", that is a tremendous impact. He suggested a model could be built to show what the impacts would be. He shared David Froese' concern that it will fetter the opportunity to raise the weir.

G. Kissack replied:

- it is not Catalyst's intent to use negative storage. It cost \$1/2 million in 2016 to use pumps. They would only do it in years like 2015 when it's obvious that we are going to run dry if we don't.
- the question is what might happen if we don't do this. We can submit an emergency application to FLNRO to pump out then. There are no other options.
- Catalyst is committed to the Water Use Plan process to find the best combination of solutions and invested \$36,000 into that process to find the best long-term solution.
- we need to be realistic about the time that will be needed before we have a permanent solution, and we should be prepared for things to be appealed, which will delay things by 2 more years.

R. Dimarchi thanked Graham for the reassurance that Catalyst is committed to a long term solution.

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| <p>Update - Lake Levels - Water Use Plan (WUP) process</p> | <p>Kate Miller, CVRD Manager, Environmental Services gave an update on the WUP process.</p> <ul style="list-style-type: none"> • Started from a big-picture understanding that our climate has changed, as has our understanding of base level water needs. • WUP seeks to answer “How much water do we need? When do we need it? What is the associated lake level?” • Study must be robust enough to pass the test of both public approval and any legal challenges. • Consultant Compass Resource Management looking at all the uses and all the impacts. • Started with public meeting and invitation for public participation, public webpage and reaching out • Public Advisory Group (PAG) • Side technical groups examining things like fish and flow, impact on property owners • Need metrics to make decisions which involve trade-offs between the impacts. Looking at all options • Hopefully by April/May – recommended storage volume. • Next step would be engineering and after that comes the question of who would hold that water license <p>Discussion</p> <p>T. Rutherford thanked Kate and CVRD for their work on this and acknowledged the impatience that many are feeling with how long it’s taking us. Believes this process is worthwhile because the product will be a Water Use Plan which the province is comfortable seeing attached to a water license. The more info we do up front before we apply the better. This puts us in a better position than we’ve ever been to apply for a license. Tom clarified that his role as rep for CWB is to advocate for positive storage and adequate flow.</p> <p>David Froese expressed that he is not in support of public money being spent on more studies and believes we are going backwards, and that sufficient studies are in place.</p> <p>G. Kissack commented that this study will be required by FLNRO before we would be granted a water license. We need to show the technical work and there needs to be public consultation. If we try to bypass that, the approval could be appealed.</p> <p>D. Toporowski indicated comfort with the process because a chart shown to the CT Fishing Committee indicated that</p> | <p>For Information Only.</p> <p>D. Toporowski requested a copy of the list of people involved</p> |
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Cowichan Tribes and CWB have final say after the process is complete. (Note that this understanding was corrected to state that only Cowichan Tribes will be consulted on the final decision, by FLNRO – see Kate’s comments below.)

D. Toporowski requested a copy of the list of people involved

Klaus Kuhn commented that since Catalyst owns the weir and has a vested interest in permanent flow, why wouldn’t Catalyst put in the application? If FLNRO requests more info, Catalyst would lead that process and asks for help. Klaus doesn’t support taxpayers being in charge of the process and believes Catalyst should apply to keep it simple.

G. Kissack replied that

-Catalyst does have an interest in the security of water in the river. If the group is not able to move forward with this, Catalyst could have.

-Catalyst went into bankruptcy in 2012, and is in danger of returning. Two mills were shut down. The mill may be gone someday so it is short sighted for the community to rely on Catalyst to sustain the river.

-Financially, Catalyst can’t do it alone. Catalyst’s total annual capital budget for 5 mills is only \$20 mil.

K.Kuhn reiterated his view that the owner of the weir should lead the process.

G. Kissack replied:

- Fundamentally we are all trying to get to the same place but it’s a chicken and egg situation. We will know by May what the solution looks like. The next step will be to engineer that solution to create a project design. Then either Catalyst or a collaborative would build the project.

-One issue is that there is Federal funding for climate adaptation but Catalyst can’t access those funds. It has to be a public-private partnership.

- First step is to figure out what the solution is going to be.

T. Rutherford agreed this is the quickest way to get there.

K. Miller clarified that:

- the license holder will have to stand up to scrutiny. The cost of the appeal was \$600,000 last time, CVRD had staff costs as well. If CWB is a joint applicant, they will have to fund that too.

- WUP table decision will not come back to the CWB table. Application will go to FLNRO. FLNRO will refer it to Cowichan Tribes. This is the time to collaborate on need vs impact to

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| | | <p>determine the number. This Board is not the decision maker of that process.</p> <p>Ian Morrison expressed that complex scenarios can't be solved with a simple approach. There are up sides and down sides to different scenarios. He questioned whether a corporation should be in charge of holding a conservation license.</p> <p>K. Miller confirmed that by identifying the key water uses, the process will also identify who the key interests are which might feed into potential license holders.</p> | |
| | <p>Presentation – The Collaborative Consent model and the CWB</p> | <p>Rosie Simms presented for POLIS Project on Ecological Governance. See slide presentation here. She clarified that these are ideas that have been in evolution for a while and continue to evolve. It's not a prescription but a discussion paper about one pathway under which UNDRIP commitments might be realized</p> <p>Discussion</p> <ul style="list-style-type: none"> - T. Rutherford questioned whether anyone has used the report in practice. <ul style="list-style-type: none"> o R. Simms replied that its early days but some communities are in talks with the province. There is new receptiveness, especially regarding the challenge of meeting UNDRIP - Loren Duncan asked about the connection to Constitution S. 35. <ul style="list-style-type: none"> o R. Simms clarified that this is an alternative to S35 which doesn't really advance reconciliation or trust or better relationships. o Lydia Hwitsum added that S35 is not just a Federal law – that's a narrow interpretation. She stated that it affects us all as human beings in Canada - David Anderson cautioned that it can lead to discomfort when some indigenous groups work in this way and others aren't included but consulted later. <ul style="list-style-type: none"> o R. Simms agreed that this is an issue, and that scale matters. NWT did it at a territorial level to draft laws. BC needs to come to the table and Nations need to decide who could come to the table on their behalf. Needs to be a workable number of people. For example, NWT has a representative committee of 14 speaking on their behalf. - Ian asked whether provincial contacts are receptive and about relative costs of this way of reaching agreements. | <p>For Information Only.</p> |

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| | | <ul style="list-style-type: none"> ○ R. Simms replied that NWT process might have been less expensive this way. There is a need to look at better ways to resource sustainable water – e.g. licensing fees etc. The provincial response is largely that it is new. | |
| 7. | Co-Governance Conversations – Workshop #1 summary. Objectives for #2. | <p>Lydia Hwitsum, former Cowichan Watershed Board co-Chair, and Tom Rutherford, CWB Executive Director, gave a brief recap of the workshop.</p> <ul style="list-style-type: none"> ● A key question the workshops seek to address is “Could we be more effective if we work with province to draw down some powers. ● Lydia introduced the ancient Cowichan Tribes principal of Nutsamaat that was presented at the workshop. The suggestion being considered is that CWB bring our collective responsibilities into a Nutsamaat relationship. ● Nutsamaat means “Working as one” and “Qua” means water, so Nutsamaat Qua asks us to consider: “How would we work as one for sustainable management of the watershed?” ● This is an existing indigenous standard we can bring in to demonstrate how we work together. The proposal is to incorporate it as a new CWB Principal in the CWB manual. ● This speaks to the question of how we incorporate indigenous rights and interests in a practical way. It will help us recognize each other’s roles, responsibilities and jurisdictions. It is reflective of reconciliation. ● Lydia offered to provide a better explanation at a later date of how we could use this principal to approach the provincial government. | Suggestion to invite L. Hwitsum to do a full presentation on this topic at a later date. |
| 8. | Working Group Updates: | All presentations below delivered by Tom Rutherford unless otherwise indicated: | |
| 9. | a) Watershed Ed/IQ | <ul style="list-style-type: none"> - meet 3 times/yr - Co-chair is Christy Wilson, DFO - creating a new database of what educational programs all the partners are offering so we can assess gaps and opportunities. - working on sharing resources and coordinating in-class experiences. - Important mandate of CWB; how we’re going to change things. | |
| | b) Water Quality & Estuary - WQ testing | <ul style="list-style-type: none"> - testing for E.coli, phosphorous and turbidity - 1000 water quality samples - acknowledged Cam, student with Land Trust, for detailed | See slide presentation |

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| | | <p>tracking of 1000 water samples.</p> <p>- Dave Preikshot will write up the report in January and CWB will follow up with landowners after we know what we found.</p> | |
| | - CRF estuary update | <p>Cheri Ayers gave a quick CRF update on Koksilah estuary restoration project.</p> <ul style="list-style-type: none"> • North-West Hydrolics was hired to help understand channels and shifting hydrolics. • The 1st breach of the causeway is currently connecting 27% of time – hoping to reach 80%. • Project is focussed on Chinook habitat but will benefit other species. • 1st technical committee meeting on Nov 22 – many groups represented (27 people). We will need a smaller group to be a functional table so we are hoping to dovetail and not duplicate work. A smaller working group has been tasked with how to proceed with the rest of the group as advisors. <p>Discussion</p> <ul style="list-style-type: none"> • D. Toporowski acknowledged the good work of Laurie Gourlay, who passed recently. Laurie was appreciated for all he did to help the Salish Sea and the UN Heritage Site project. His funeral was last Monday. • R. Dimarchi recommended people go to see breach of causeway, and offered that the 2nd breach project will be even better. These projects are reconnecting two rivers that have been disconnected for 75 years. | <p>Suggestion that people go to see the breach - Dock Road on the artificial causeway in Cowichan Bay.</p> <p>[also photo link here]</p> |
| | <p>c) Water Conservation</p> <p>- WG meeting update</p> <p>- Land based learning program</p> | <p>David Slade gave an update on the Cowichan Water Conservation Challenge</p> <ul style="list-style-type: none"> • Cowichan Water Challenge is entering its last year. Goal is to reduce per capita residential water consumption by 20% across the 7 major water purveyor areas in the Challenge (Lake Cowichan, Duncan, CVRD, North Cowichan, Ladysmith, Mill Bay and Cowichan Bay). • There was some confusion but a discussion with the water providers resulted in a decision to carry though for another year. • Some residents have been complaining about lack of restrictions instead of the opposite, which indicates good awareness and public engagement. However, more water consumption was also suggested as a way to pay for leaks in pipes, which doesn't seem like the | |

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| | | <p>right solution.</p> <ul style="list-style-type: none"> • David gave a presentation to Cowichan High Land Based Learning program. Jill working with them to teach younger grades where their tap water comes from. • Capture the Rain Campaign to run until March encouraging rainwater harvest (cisterns, rainbarrels, mulch, etc.) | |
| | d) Riparian - Lower Cowichan River Riparian restoration | T. Rutherford recommended people look at the photos from James Craig, BCCF, showing their work with Cowichan Tribes, Dave Polster and others to stabilize banks in the lower Cowichan River. They are using a live stake method. If the bank is stabilized, this might address bedload issues where the loss of river velocity causes the dropping of gravel in the river bed. They are working to narrow the river bed again so fish can use it as cover. | |
| 10 | Other. | Chief Seymour shared that Cowichan Tribes recently replaced a broken water line on the Koksilah River. They are also planning the removal of a log jam just below the bridge on the Koksilah, and another project to remove a log jam on the North fork. | Next meeting – Jan 29th |
| 11 | Adjourn | 11:30am | |