

# PATHWAYS AND PARTNERSHIPS:

## FRAMEWORK FOR COLLABORATION AND RECONCILIATION IN THE COWICHAN WATERSHED

**ALT: "COWICHAN WATERSHED CO-GOVERNANCE FRAMEWORK: PATHWAYS TO RECONCILIATION AND WATERSHED HEALTH"**



Cowichan Watershed Board leaders and volunteers look over route maps before the annual river cleanup. August 2015.

**DRAFT for DISCUSSION**  
**June 2018**

[PLACEHOLDER]

**STATEMENTS AND SIGNATURES FROM CWB CO-CHAIRS, COWICHAN TRIBES, AND CVRD, REFLECTING THE SUPPORT OF THEIR COUNCILS FOR THE APPROACH IN THIS DOCUMENT.**



Co-Chairs Mayor Jon Lefebure, CVRD Chair and Chief William Seymour, Cowichan Tribes

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## Abstract

The Cowichan Watershed Board (CWB) is a local governance model created in 2010 to promote water and watershed sustainability in the Cowichan/Koksilah watersheds, ancestral home of the Quw'utsun First Nation. The CWB is co-chaired by Cowichan Tribes and the Cowichan Valley Regional District and represents a unique partnership between First Nations and local government. Through this model, Cowichan Tribes and the CVRD work together to advance whole-of- watershed health, demonstrating a commitment to moving down the path of reconciliation.

Water has provided the critical vehicle to support this partnership and the opportunity to learn from each other respectfully while working towards improving the health of the watershed. The Board has an enviable track record of planning and implementing technical work, creating a culture of water conservation, promoting science-based advocacy and implementing respectful community-based solutions.

This Framework was created to guide the next steps in the evolution of the Cowichan Watershed Board. The Cowichan watershed (including the Koksilah sub-basin) faces a number of challenges to water sustainability including threats to water quality, water supply and cumulative impacts to habitat. The CWB is seeking ways to become more effective in addressing these challenges, promote reconciliation and take advantage of opportunities associated with the Water Sustainability Act. Recently, through the support of the BC Freshwater Legacy Initiative and the POLIS Water Sustainability Project, CWB hosted a series of workshops that: i) re-confirmed and added to its Principles, ii) identified three “Core Strategies” to direct its evolution, and iii) defined three “Pathways to Watershed Health” that outline directions for future growth.

i) The CWB's principles guide the Board's work. Through the workshop series, an additional principle has been added to the previously endorsed principles of Representation, Transparency, Partnerships and “Whole of watershed thinking”.

*“Nutsamat kws yaay'us tth qa'”: We come together as a whole to work together to be stronger as partners for the watershed.”*

ii) Core Strategies developed to inform how the CWB can evolve to be more effective in addressing watershed challenges are:

- 1) Improving the CWB governance model and strengthening its partnerships
- 2) Using Watershed Management tools more effectively
- 3) Increasing the CWB's role in watershed decision making

iii) Three main directions or pathways to enable the CWB to maximize its potential are:

- 1) Recognizing and supporting Indigenous Authority;
- 2) Strengthening Partnerships to implement programs and processes under the current governance framework
- 3) Building readiness to act on opportunities in the Water Sustainability Act

The Cowichan Watershed Board is committed to moving forward down each of the pathways as opportunities emerge, partnerships grow, and political and institutional contexts evolve.

# 1. Introduction

From the headwaters of Cowichan Lake to the estuary at Cowichan Bay, and including the large Koksilah sub-basin, the Cowichan watershed<sup>1</sup> is world-renowned and designated as both a federal and provincial Heritage River. It is the heart of the Cowichan Tribes First Nation's territory, and vital to the culture and economy of the entire Cowichan Region. It is treasured for fishing and recreational opportunities and its aquifer provides some of the best drinking water in Canada. As is the case in many watersheds across B.C., however, the Cowichan watershed is also facing increasing threats from a changing climate and a growing population.

Since 2010, the Cowichan Watershed Board (CWB) has played a critical and collaborative leadership role in watershed sustainability. In today's context—with increasingly urgent water challenges at hand, and a growing recognition of the role of indigenous authority and stewardship in sustainable watershed governance—the CWB's leadership is more important than ever<sup>1</sup>.

This Framework is intended to provide guidance to the CWB and others on how to be the best stewards we can be for this valuable watershed in the years to come. It presents pathways for improving partnerships and reconciliation for the long term health of the watershed and its communities. Specifically, it consolidates the thoughts, discussions, supporting research and decisions emerging from a series of recent workshops attended by local elected leaders and senior staff of Cowichan Tribes and CVRD, as well as provincial water policy advisors. The paper examines the changing role of the CWB and is intended to welcome and catalyze further discussion both internally and with existing and new partners.

*“Fundamentally, watershed governance involves reorganizing our decision-making approaches to align with the ecological boundaries associated with watersheds, instead of political or jurisdictional boundaries.”*

(The Cowichan Watershed Board: An Evolution of Collaborative Watershed Governance.  
By Rodger Hunter with Oliver M. Brandes, Michele-Lee Moore, and Laura Brandes.  
POLIS Project on Ecological Governance. August 2014)

## 1.1 Co-Governance in the Cowichan Watershed

Early on in the evolution of the CWB, it was recognized that the distant and/or compartmentalized governance bodies that made decisions for the watershed were part of the problem. Calls for “local control” resonated throughout the watershed<sup>2</sup>, giving voice to the widely held belief that the people

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<sup>1</sup> For more on the history and critical role of the CWB, see <https://poliswaterproject.org/polis-research-publication/cowichan-watershed-board-evolution-collaborative-watershed-governance/>

<sup>2</sup> The non-profit citizens' group One Cowichan documented support for local control of watersheds in 2013 here. <http://www.onecowichan.ca/supporters> and [http://www.onecowichan.ca/candidates\\_positions](http://www.onecowichan.ca/candidates_positions)

who live in an area know it best and benefit most from good management, and therefore should have more involvement in and responsibility for watershed decisions.

In 2014, the B.C. Ministry of Environment provided a grant for the CWB to develop a pilot proposal exploring its potential role in watershed governance under the anticipated *Water Sustainability Act* (WSA). The CWB was already recognized as a provincial leader in engaging local people and First Nations in decision-making for better watershed outcomes. The purpose of the grant was to explore how the CWB model could be enhanced to include a larger role in watershed governance through a collaborative relationship with the province. The proposal was developed over the next two years with input and advice from key partners, advisors and members of the Board.<sup>3</sup>

In 2016, supported by Cowichan Tribes and the CVRD, the CWB brought its Pilot Proposal<sup>4</sup> before the Ministers of Environment and Forests, Lands, and Natural Resource Operations. The Board invited the Province to partner on a governance pilot using an incremental approach to increasing its role in management and governance in the watershed, via implementing key WSA tools (including setting water objectives and environmental flows standards, a water sustainability plan, and a role as a formal advisory board).

Although the proposal was not formally accepted in 2016, people familiar with the work of the CWB recognized the promise and success of its unique partnership approach and the CWB was encouraged to continue exploring potential governance improvements. Before re-engaging with the Province, the CWB sought the support of the BC Freshwater Legacy Initiative and the POLIS Water Sustainability Project<sup>5</sup> to host a series of workshops focused on strengthening its internal partnerships and reviewing its priorities and options.

## **1.2 Cowichan Watershed Co-Governance Conversations Workshop Series**

A series of three workshops were hosted in the Cowichan valley over two and a half days between October 2017 and May 2018, involving CWB members and staff, senior staff from Cowichan Tribes and CVRD, and provincial water policy advisors. The objectives of the workshop series were:

1. Identify opportunities to strengthen the local governance model for the CWB, by clarifying the roles and responsibilities of the partners and through other improvements in structure and operations;
2. Explore options for expanding the mandate of the CWB so that the Board can fulfill an increased role in governance and decision-making; and
3. Build readiness for CWB to engage in discussions with the Cowichan Tribes, the Province, the CVRD and others as needed, to explore opportunities for advancing co-governance in the watershed.

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<sup>3</sup> This work and the framing of the eventual proposal was supported by the University of Victoria's POLIS Water Sustainability Project as part of their Future of Water Law and Governance program.

<sup>4</sup> <http://www.cowichanwatershedboard.ca/content/co-governance>

<sup>5</sup> The BC Freshwater Legacy Initiative is a project of Tides Canada ([www.bcwaterlegacy.ca](http://www.bcwaterlegacy.ca))





Cowichan Watershed Co-Governance Conversations – Workshop #2. Cowichan Bay, January 2018

This report is a reflection of this co-governance work, and particularly the workshop series. It captures the rich ideas, expertise, and knowledge shared by all workshop participants. It was guided by a Project Steering Committee including senior representation by Cowichan Tribes, CVRD, CWB, POLIS and the BC Freshwater Legacy Initiative. Appendix A provides a list of the Steering Committee members, workshop participants, and Cowichan Watershed Board members.



River Cleanup 2017: Cowichan Watershed Board members representing (L-R) Cowichan Valley Regional District, Director Lori Iannidinardo, Cowichan Tribes Councillors Debra Toporowski, Darrin George, Fisheries and Oceans Canada Area Director, Dr. Laura Brown. Photo by Jenni Capps

## Box 1: History and Strength of Cowichan Watershed Board

Stewardship of the Cowichan River is one of the success stories in British Columbia, with a well-documented history of community-based collaboration. The Cowichan Watershed Board traces its roots to a drought crisis in 2003, when extremely low flows in the river prevented Chinook salmon from migrating upstream, and Catalyst Paper faced imminent shutdown. The response to this crisis was to create a plan for the watershed: the *Cowichan Basin Water Management Plan* (CBWMP). This award-winning (2007) plan includes goals, objectives and actions concerning water conservation, supply management, quality, habitat and biodiversity, governance, and communications.

A plan, however, does not go far without an ability to implement it. The CWB was explicitly formed in 2010 to fulfill this critical implementation role. The CWB's mandate is to provide leadership for sustainable water management to protect and enhance environmental quality and the quality of life in the Cowichan watershed and adjoining areas. Early on, the CWB drafted a set of its own "plain language" aspiration targets derived from the Plan to give better focus and inspiration to the work (See Appendix E). In 2016, the CWB passed a motion to include the Koksilah sub-basin in its geographic mandate even though it was excluded from the Plan.

Right from the outset, the Board was a co-governed entity based on partnership between Cowichan Tribes and the CVRD. The inaugural co-chairs were Lydia Hwitsum, Chief of Cowichan Tribes and Gerry Giles, Chair of the CVRD, with Rodger Hunter, a coastal and wetland biologist and senior manager in the BC Government, hired as Coordinator. Other elected representatives from the partners also serve as Board members<sup>6</sup>, along with community representatives appointed by the co-chairs or senior levels of government. (See photo.) The Board is also supported by a strong Technical Advisory Committee that provides both local knowledge and scientific expertise.

Since its inception in 2010, the CWB has been active in the watershed building a range of programs (See 2.3) and growing into a unique and leading example of collaborative watershed governance in B.C., building capacity through partnerships and embracing a wide array of supporters and community-based collaborators.



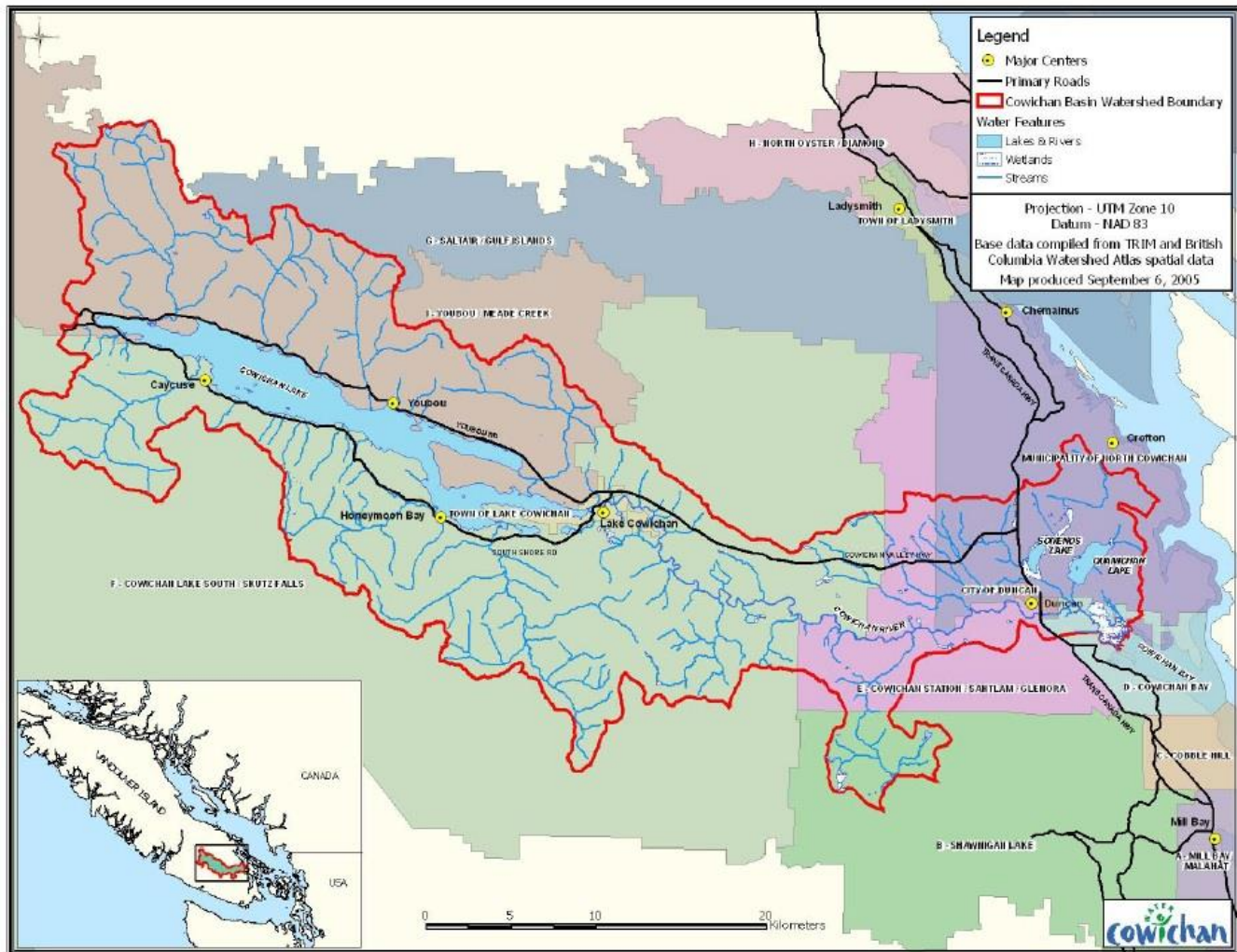
2017 Cowichan Watershed Board members receive a visit from "Water Woman."

L to R: Klaus Kuhn CVRD Director; Ross Forrest, Mayor of Lake Cowichan; Dr. David Froese, GP; Mayor Jon Lefebure, CVRD Chair; [Water Woman]; Chief William Seymour, Cowichan Tribes Chief; David Slade, groundwater specialist; Dr. Laura Brown, Fisheries and Oceans Canada South Coast Area Director; Right Honourable David Anderson, former Federal Minister of Environment and Minister of Fisheries; Tim Kulchyski, Cowichan Tribes Natural Resources Consultant. [Absent: Ian Morrison, Lori Iannidinardo, Debra Toporowski, Darin George]

<sup>6</sup> <http://cowichanwatershedboard.ca/cowichan-watershed-board>



## 2. Context: Crisis, Cooperation, and Community



Jill is looking for a map that includes the Koksilah – we don't seem to have one.

*"The elders talk about salmon runs being so numerous that there were runs all year round and you could fish all year round."* Tim Kulchyski, Cowichan Tribes Fisheries Consultant

The Cowichan watershed, like most in BC, has changed dramatically in recent decades. Recent climate modelling commissioned by the CVRD<sup>7</sup> predicts warmer wetter winters and longer drier summers. The extreme droughts and flooding of the past decade are expected to be the 'new 'normal'<sup>8</sup> of the future, with extremes surpassing conditions already considered a crisis. There is a strong likelihood that in many years the Cowichan and Koksilah Rivers would be too dry to support fall salmon returns if we do nothing.

In this changing context, it becomes more apparent every season that watershed governance must change too, not only for ecological reasons but for the health and economy of local communities.<sup>9</sup> A

<sup>7</sup> <https://www.cvr.bc.ca/2101/Climate-Change>

<sup>8</sup> <http://cvrdnewnormalcowichan.ca>

<sup>9</sup> See 2012 study with economic breakdown including water dependent industries like tourism, agriculture, etc - <https://www.cvr.bc.ca/DocumentCenter/Home/View/9888>

collaborative approach that respects and engages local expertise, knowledge, and wisdom, in partnership with senior government, is needed more than ever.

*“If the people who live in a watershed are more involved in decision making, better outcomes might be achieved.”* (Workshop 1 participant – summary p6).

## 2.1 Reconciliation in Action

Through the Cowichan Watershed Board’s Co-Chair model, Cowichan Tribes and the CVRD have developed strong partnerships to advance whole-of-watershed health, demonstrating a deep commitment to moving down the path of reconciliation. Water, a vital shared resource, has provided a critical vehicle to work together and learn from each other respectfully for the health of the Cowichan watershed and all of its residents, now and into the future.

*“We do this because it’s the right thing to do. It’s not because we’re mandated by the Province – that’s not what drives reconciliation. It’s local relationships.”* (Brian Carruthers, CVRD Chief Administrative Officer)

Some of the ways in which the CWB manifests local steps towards reconciliation include:

- Recognition of territory: demonstrated in the Cowichan Recognition statement, which was supported unanimously for inclusion in the CWB’s Governance Manual and verbally by CVRD and CWB leaders during public meetings. (See Box 2 below.)
- Active inclusion of Cowichan Tribes culture and language in CWB events and meetings. Both the CVRD Chair and CWB Executive Director have taken Hul’q’umi’num’ language classes to be able to open a meeting in both languages. Important meetings begin with a welcome from a Cowichan elder or representative.
- Recognition of the inherent authority of Cowichan Tribes that manifests through the Watershed Board: demonstrated by the acceptance of Cowichan Statement into the Governance Manual.
- Adoption of the new principle: *Nutsamat kws yaay’us tth qa’*: We come together as a whole to work together to be stronger as partners for the watershed. . This Cowichan Tribes principle is now accepted to be included in the updated 2018 CWB Governance Manual, with recognition that significant training will be required so that Board members fully understand the meaning of this principle and its implications for the Board’s operations and decision-making.<sup>10</sup>
- Indigenous voice in decision-making on matters that affect Cowichan Tribes and their territory is evident at the CWB table. Cowichan Tribes’ authority and responsibilities are not limited to on-Reserve lands, but encompass the whole watershed.
- Inclusion of Indigenous Traditional Knowledge is built into the CWB membership and technical working groups that generate recommendations to the CWB.

The CWB’s partnership approach to water can serve as a model of how Indigenous nations can move forward with governments at all levels. The benefits of working together are particularly valuable as communities face the stresses of climate change, population growth, and other pressures. “We are stronger together in terms of where we are going.” (Workshop 3 participant)

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<sup>10</sup> See discussion p 9 of workshop 2 summary

## Box 2: Cowichan Recognition Statement

In March 2018, the CWB unanimously approved incorporating the following statement into the CWB Governance Manual, to acknowledge Cowichan Tribes' history on the land and inherent rights:

*Quw'utsun mustmuhw, ni' 'o' ni' tthu sht'esulh kws 'i tst 'u tun'a tumuhw, 'i 'o' hwun st'e. Nilh 'o' thu-'it syuw'entst, tun ni' 'u kwthu hwun'a mustimuhw 'i wutl'uts' 'i 'u tun'a tumuhwtst. Ni' yuxtse'tum tthu Quw'utsun 'u tthu-i tumuhw, qa', kw'atl'kwa tthu ni' spupin' 'u tthu tumuhw, ttho' mukw' stem ni' hakw ni' 'u tthu stl'ulnuptst. Kwuthu shtun-ni' 'iws tst ni' yuxtse'tum 'u ttho' mukw' stem ni' ha'kw kws sthuthi's kws huli-s. O' nilh tthu Quw'utsun mustumuhw, ni lemuxutunstum 'u tthu ni' snuwuntewut 'u tthu shtunaalhtun, tst. Uwu tumtem-us 'i' ni' tst tsmem't 'aanlh kws kwun-etewut, hwayum tun'a s'aalh stl'ulnup. Quw'utsun Mustimuhw, ha'kwush tst kw' stutul'na'mut sxetsul's kw' shtuhims tthu stl'ulnuptst. Mukw' stem 'o' shilukw'tul 'i' nilh ni' shkw'akw'ums tthu sulsuli'tst.*

Cowichan Peoples have existing inherent rights. Cowichan as the original Peoples of this territory within which the Cowichan Watershed is included continue the right and responsibility to make informed decisions to manage and organize based on our history and continued connections. As told through time by our ancestors, the lands, waters, seas, minerals, air and all elements interconnected within the territories provided for and can provide a good sustainable life for Cowichan Peoples. Cowichan has never given away this right and continue to govern and make decisions to support the well-being and sustainability of our Peoples and territories.



Water Woman gives a watershed cheer with Cowichan Tribes elementary students (2014).  
CWB Photo

## 2.2 The Need for Change

The Cowichan watershed is experiencing persistent and growing water challenges: water supply, water quality, and aquatic ecosystem and riparian habitat health are all increasingly at risk, with some of the most obvious evidence of impacts including:

- **Salmon Impacts:** Salmon are a keystone species in the watershed providing marine captured nutrients that support the entire ecosystem. Climate change impacts are already resulting in flow reductions that are having serious impacts to all life history stages of Cowichan Salmon: interfering with the ability of adult salmon to migrate upstream to spawn, stranding juvenile salmon as they attempt to rear or migrate to the ocean, reducing food and habitat availability and increasing vulnerability to predation. These impacts are expected to increase as climate change progresses<sup>11</sup>. Local people try to mitigate these impacts by controlling water flows with the Cowichan Lake weir (see below), salvaging fry, building more rearing habitat, and trucking salmon upstream in the fall.
- **Water Supply:**<sup>12</sup> Climate change and increased water demand have affected local ground water sources, causing wells to run dry in some years, and municipal watering restrictions annually. Summer droughts have also reduced surface water availability for agriculture, leading to voluntary withdrawal restrictions, and impacts to recreation and tourism.<sup>13 14</sup> The weir at Lake Cowichan is no longer sufficient to address low summer and fall supplies in the Cowichan (see below). Last year water license holders in the Koksilah watershed were asked to reduce irrigation due to critical low flow levels.
- **Winter Flooding:** Warmer winters are resulting in reduced “natural storage” in snowpack and increased flooding from Lake Cowichan all the way down to the Cowichan Tribes community near the estuary. Development and land use practices are also contributing to this problem. With no overarching dyke authority, coordinated planning and management of these events on a watershed scale is needed including attention to storm water infiltration and impermeable surfaces.
- **Water Quality:** Issues in the watershed range from shellfish toxicity in the estuary, to toxic algae in Quamichan Lake, to health risks associated with high E. Coli levels in some areas. ( footnote with Dave Preikshot’s report)



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<sup>12</sup> <http://www.timescolonist.com/news/local/lower-cowichan-river-closed-to-recreational-use-due-to-bacteria-1.1317360>

<sup>13</sup> In 2003: More than 530 licences issued to extract water from streams and lakes in the Basin, and more than 1,300 wells drilled to pump water from the aquifers – CBWMP p. 9

<sup>14</sup> <http://www.cowichanwatershedboard.ca/content/whats-your-water-worth>: “There is evidence that in some areas the aquifers have dropped more than 100 ft. and in others a drop of just 25 ft. has resulted in deep wells going completely dry. As well, the lowest water levels ever recorded were seen on several Ministry of Environment observation wells. These aquifers have dozens of private wells drilled into them, but they are also shared by several water utilities.”; see also <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/groundwater-wells/aquifers/groundwater-observation-well-network/groundwater-level-data-interactive-map>



- **Damaged Habitats and Ecosystems:** Land use practices have resulted in wide scale habitat degradation of aquatic and riparian habitats throughout the watershed. Incremental impacts are having significant cumulative effects in the watershed. Existing legislative tools (e.g. Riparian Areas Regulation, Fisheries Act) is not protecting habitats. Local organizations are helping with riparian restoration projects and landowner education but a comprehensive plan is needed.
- **Cumulative Impacts:** Growing recognition exists that “business as usual” when it comes to governance and management of the Cowichan watershed, or likely any BC watershed, is inadequate to address these challenges. Responsibility for water is divided between many levels of government with insufficient attention to cumulative impacts and long term planning, or incorporating local knowledge for better outcomes.



Cowichan Lake and River Stewardship volunteers restore riparian habitat along Lake Cowichan shoreline. Photo source unknown.

The Cowichan watershed is also unique from most other B.C. watersheds in two ways:

- **Privately Managed Forest Lands:** The majority of the watershed falls within privately managed forest lands, governed by the Private Managed Forest Land Act. As a result, significant resource management responsibilities are in the hands of forest companies. Local and Indigenous governments have limited ability to participate in and influence decision-making for these lands. Although various companies have efforts underway to improve forest practices, concern persists about the impacts of forest operations on the river and watershed.
- **Cowichan Lake Weir:** The weir at the outflow of Cowichan Lake has been in operation since 1957. It is licensed and operated by Catalyst Paper, and is used to control the outflow from the Lake into the Cowichan River, providing water for both environmental flows and industrial use. With changing weather patterns, decreased snowpack and longer drier summers, the current infrastructure has helped lessen those impacts but is now proving inadequate.<sup>15</sup>

<sup>15</sup> As this paper is being written, there is a formal Water Use Planning process underway employing a structured decision-making model to balance all interests (Environmental, cultural, domestic water and effluent treatment, industrial, private property rights, agricultural, recreational, etc.) in determining strategies to adapt to climate change pressures. This process is using Pacific Climate Impact Consortium (PCIC) forecast weather data and it is evident that trade-offs and compromises will be required from all interests in order to ensure both sustainable aquatic environments and sustainable communities in the Cowichan Valley

While the new *Water Sustainability Act* and a recent announcement by the Province to explore implementation of the Act's innovative watershed governance tools in the Nicola valley<sup>16</sup> are encouraging, the issues specified above require attention here and now and will not wait. The Cowichan Watershed Board is already playing a critical role in developing local solutions.



Cowichan Tribes' fisheries biologist Tim Kulchyski inspects a dried up section of the Cowichan River. Sept. 2012  
Photo by P. Jefferson

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<sup>16</sup> <https://news.gov.bc.ca/releases/2018ENV0012-00048>. Also see <http://www.cfjctoday.com/article/61382>



## 2.3 CWB Achievements: A Strong Foundation to Build Upon

*“Cowichan people are connected to, reliant on, and managing our resources as we have since time immemorial.” (Workshop 1 participant)*

The Cowichan Watershed Board, with the support and commitment of its foundational partners, is well-positioned to play an increasing leadership role in the watershed by improving coordination, and bringing local and traditional knowledge and expertise into decision-making. The CWB’s commitment to equal co-leadership by First Nations and Regional Government, along with the dual emphasis on both ecological and community sustainability, is critical to achieving long-term sustainability and reconciliation in the watershed, with positive ripple effects for other working relationships between the partners. Some of the significant achievements to date include:

### 1. **Local Knowledge and Science-based Advocacy:**

Through the work of the CWB Technical Advisory Board, 8 broadly scoped “watershed targets” have been developed based on the CBWMP. These cover issues with water quality, estuarine health, sustainable fish populations, healthy summer water flows, riparian habitats, watershed awareness, wise water use, and public health. Five active working groups, comprising over 50 local advisors, collaborate to address these targets with representation from all levels of government, First Nations, industry, academic institutions and non-profit organizations. **See Appendix E.** Through engagement in water planning processes, public meetings, one on one dialogue and local media, CWB members, staff and partners are advancing a factual and science-based understanding of the complex issues and trade-offs involved in water management in the Cowichan Watershed.

2. **Respectful community-based solutions:** The CWB actively points to solutions instead of pointing fingers. An example is that when the CWB’s water quality monitoring team found high E. Coli levels, they gathered twelve Cowichan Valley dairy farmers and supported them to form a Group Environment Farm Plan to address (and help fund) better nutrient management on their farms.. The same group is now looking at water conservation solutions after CWB partnered with provincial representatives from Ministry of Forests, Lands, Natural Resource Operations and Rural Development and Ministry of Agriculture to examine the relationship between low summer flows and agricultural water use.

3. **Public Education and Engagement:** CWB hosts a variety of public education initiatives including a monthly “speaker series”, watershed tours, articles in local media, and water “super-hero’s”



Local watershed stewards dive in to show onlookers what lives in the river at the 2017 Quw’utsun Cowichan Heritage River Celebration organized by the Cowichan Stewardship Roundtable and Cowichan Tribes. Photo by B. Hetschko

who visit children and youth. A five year Cowichan Water Conservation Challenge is creating a culture of water conservation through ongoing public engagement and partnerships with the major water providers, and an annual River Cleanup brings people of all ages out to actively care for and connect with the Cowichan River.

4. **Fiscal Efficiency:** Through grants and partnerships, the CWB is leveraging the core funding it receives from the CVRD and Cowichan Tribes by a ratio of 4:1, investing resources into the community through activities such as those listed above. The CWB partnership model also helps other groups secure funding by working together, such as the recent Cowichan Tribes Coastal Restoration Fund proposal that secured \$2.7 million dollars over 5 years for watershed priorities. In addition, by attracting a wide range of interested professional and academic advisors and volunteers, the CWB is able to achieve a great deal on its modest budget.

## 2.4 The Bigger Picture: Shifting Political and Institutional Context

Beyond the specific Cowichan context, workshop participants emphasized the importance of understanding the goals, commitments and capacities of senior levels of government so that we can better tailor our work to create win-win scenarios through innovative governance arrangements.

In particular, B.C.'s provincial government has clearly stated its commitments to advancing true, lasting reconciliation with First Nations, and implementing the United Nations Declaration on the Rights of Indigenous Peoples (see Box 3). This shift in approach is expected to result in fundamentally different ways of making decisions about land and water.<sup>17</sup> B.C.'s strong commitments to reconciliation are echoed in federal government mandates and by local governments across the province.

### Box 3: UNDRIP in a Nutshell

- The UN General Assembly adopted the *United Nations Declaration on the Rights of Indigenous Peoples* in September 2007, after more than 20 years of drafting and negotiation by Indigenous peoples around the world.
- In May 2016, Canada announced its full support for UNDRIP. It also accepted all of the Truth and Reconciliation Commission's Calls to Action, including the call for all levels of government to adopt and fully implement UNDRIP as the framework for reconciliation.
- In 2017, B.C. followed suit: the Premier announced government's intention to implement the Declaration and to "govern" B.C. according to UNDRIP's principles, and directed all Ministers to review policies, programs and legislation to determine how to bring UNDRIP principles into action.
- UNDRIP's 46 provisions are wide ranging, but many have direct implications for watershed governance and management. In particular, a key tenet of UNDRIP is the requirement for the "free, prior, informed consent" of Indigenous peoples in numerous governance situations, including regarding land, water, and resource development.
- As an international instrument, UNDRIP is not legally binding in Canada, because it has not been incorporated into Canadian law. UNDRIP is, however, established Canadian and B.C. government policy, and bringing the Declaration to life is a clear stated priority for governments at all levels. UNDRIP applies to the Crown and all Indigenous nations in Canada, which includes the First Nations, Métis, and Inuit.

The Province has also committed to modernizing land use planning, bridging the rural-urban divide, implementing the 2016 *Water Sustainability Act*, and prioritizing source drinking water protection.<sup>18</sup> The *Water Sustainability Act*, in particular, provides key mechanisms through which to strengthen freshwater protection. However, the *Act* has only been partially implemented to-date; further work is required to develop policy and implement a robust suite of supporting regulations to ensure the *WSA* fulfills its potential for “sustainability” and a partnership-based approach (see Box 4).

#### *Box 4: B.C.’s Water Sustainability Act (WSA)*

The *WSA* came into force through an initial set of regulations in 2016. This new legislation offers significant potential to improve how water is managed and governed in B.C, but its effectiveness depends on follow-through in implementation of phase two regulations and regional application. See section 3.2.3 for ways that the CWB could support implementation of the *WSA* locally.<sup>1</sup>

In parallel to Provincial action, Indigenous nations are also leading new and innovative approaches to watershed management and governance—including Government-to-Government Agreements,<sup>19</sup> co-management models,<sup>20</sup> and Indigenous-led laws, declarations and policies.<sup>21</sup> Many different examples of such innovative approaches are emerging across B.C. and beyond, such as:

- The Okanagan Nation Alliance has created a *Syilx Water Declaration*<sup>22</sup> that sets out the Nation’s vision, principles, relationship, and responsibilities for fresh water.
- The Haida Gwaii Management Council, created under the 2009 *Kunst’aa Guu – Kunst’aayah Haida Reconciliation Protocol*, is permanent table to which both the Crown and the Haida Nation delegated their respective authorities to make joint, consensus decisions on strategic land and resource management issues.<sup>23</sup>
- Several nations, including Cowichan Tribes, are revitalizing Indigenous laws for lands and water. In 2016, the Nadleh Whut’en and Stellat’en First Nations formally established their water laws, declaring that no development would take place on their territories unless those laws were followed.<sup>24</sup> Tliá’amin First Nation Treaty (2016) includes a provision that the Province and First Nation will negotiate a Shared Decision-Making Agreement for the Theodosia Watershed.

Within this changing provincial and regional governance “waterscape”, the CWB has established a successful reconciliation-based partnership which presents an innovative and effective model for watershed governance throughout BC.

<sup>18</sup> Link to: mandate letters; Service Plans; Hullcar Review; Throne speech

<sup>19</sup> See as [Step by step: Final report for the shared decision-making in B.C. project](#) for a summary of several such agreements

<sup>20</sup> See for example: Haida Gwaii Management Council; Clayoquot Sound Central Region Board; various Boards under Mackenzie Valley Natural Resource Management Act, etc (resources here: [http://bvcentre.ca/files/integrated/Who\\_Owns\\_Regional\\_Cumulative\\_Effects\\_Management\\_WCEL\\_October\\_2013.pdf](http://bvcentre.ca/files/integrated/Who_Owns_Regional_Cumulative_Effects_Management_WCEL_October_2013.pdf); <https://www.wcel.org/publication/paddling-together-co-governance-models-regional-cumulative-effects-management>; [https://docs.wixstatic.com/ugd/c3d5ce\\_b5d7609f5430425fae71c87dfb6b36c5.pdf](https://docs.wixstatic.com/ugd/c3d5ce_b5d7609f5430425fae71c87dfb6b36c5.pdf))

<sup>21</sup> See for ex: Yinka Dene Water Policy; Gitanyow Land Use Plan; Syilx water strategy; ILRU water laws project

<sup>22</sup> [https://www.syilx.org/wordpress/wp-content/uploads/2012/11/Okanagan-Nation-Water-Declaration\\_Final\\_CEC\\_Adopted\\_July\\_31\\_2014.pdf](https://www.syilx.org/wordpress/wp-content/uploads/2012/11/Okanagan-Nation-Water-Declaration_Final_CEC_Adopted_July_31_2014.pdf)

<sup>23</sup> <http://www.haidagwaiimanagementcouncil.ca/index.php/faqs/>

<sup>24</sup> <http://vancouversun.com/business/energy/nadleh-whuten-and-stellaten-hereditary-leaders-proclaim-b-c-s-first-aboriginal-water-laws>

### 3. Strategies and Pathways to Whole-of-Watershed Health

The CWB is committed to evolving to be more effective in addressing watershed challenges. The following assumptions, strategies and pathways forward were clarified during the workshops to guide that progress.

#### 3.1 Assumptions

The path forward is guided by these understandings.

- a) Cooperation, partnership, and collaboration are essential to any successful approach: the options pursued must be supported by Cowichan Tribes, the CVRD, and other core partners involved.
- b) Close cooperation with federal and provincial agencies—which hold statutory authority for resource management decision making under Canadian laws—will be essential for effective management and governance in the watershed.
- c) The CWB will take an *incremental approach* to increasing its role in the watershed to learn by doing, build capacity, and adjust roles and responsibilities.<sup>25</sup>
- d) Expanding the CWB's role and scope of responsibilities will require matching resources (financial and human) and institutional capacity.
- e) Many of the pathways described below are new and there is no 'blueprint' for how to proceed.
- f) This is not a comprehensive scan of the options available to address the challenges. Through dialogue and partnership, other options are likely to emerge.

#### 3.2 Core Strategies

Through the workshop series, three broad strategies emerged that capture *how* the CWB can progress. These cross-cutting strategies will inform any approach the Board takes.

##### 3.2.1 Improving its governance model and strengthening partnerships.

Concrete opportunities exist for the CWB to improve its governance and partnerships, including:

- Improving administrative and



CWB organized a bus tour with Timber West to discuss private forestry practices and impacts on hydrology in the watershed. Photo by T. Carnahan

<sup>25</sup> See intro and afternoon discussion group summary from Workshop 1. Also consistent with the approach set out in CWB 2016 pilot proposal (agreed-to by both Cowichan Tribes and CVRD).



operational effectiveness to ensure the Board operates smoothly and efficiently with clarity around roles, responsibilities, and decision-making.

- Strengthening mandates and partnerships. This includes: solidifying the foundational relationship between the CVRD and the Cowichan Tribes; improving coordination with the Province; improving communications between CVRD and Cowichan Tribes staff at all levels; and advancing the CVRD Watershed Services bylaw to improve local water management and secure sustainable funding to the CWB.
- Researching various models of enhanced collaborative decision-making.

### **3.2.2 Embracing new approaches to use existing watershed management tools more effectively.**

There is a suite of resource management tools that the CWB can use more effectively for better watershed outcomes. Key areas to develop include:

- A solid foundation of watershed assessment and science to support decision-making that draws on Cowichan Tribes' knowledge and existing monitoring and information systems
- Improvements to the Cowichan Basin Water Management Plan, or other watershed plans, to provide a comprehensive tool to improve land-water linkages, water quality and flow.
- Coordination of monitoring and assessment initiatives across jurisdictions to assess the "state of the watershed" and measure progress towards watershed goals and targets

#### **Multiple Scales of Watershed Decision Making**

There are a wide variety of ways that local watershed entities, like the Cowichan Watershed Board, can contribute to the governance of their watershed outside of the 'statutory decision making' powers enabled through Legislation. Essentially any activity that helps shift decision-making in an area to be based on ecological boundaries and functions, rather than political or jurisdictional boundaries, is part of watershed governance.

The following examples were suggested for CWB by workshop participant Deborah Curran, Associate Professor, Faculty of Law and School of Environmental Studies, Acting Executive Director, Environmental Law Centre, University of Victoria

- Developing an ecosystem-based management approach to science in the watershed;
- Generating ongoing, credible scientific data;
- Providing recommendations and advice to all levels of government on planning, law and application-driven decisions based on the ecosystem-based framework and scientific data;
- Undertaking cumulative impacts assessments of key areas over time or as significant applications come forward;
- Being consulted specifically by the province on water licensing decisions for both groundwater and surface water;
- Being consulted specifically by the local governments on the water implications of land use decisions;
- Developing municipal policy (OCP) and bylaw language based on the generated science (i.e. impermeability standards for areas within 0.5 km of the Cowichan and Koksilah Rivers);
- Developing metrics to undertake long-term evaluation of watershed health and reporting on progress on those metrics every three years.

### **3.2.3 *Increasing the CWB's role in decision-making.***

Given its proven effectiveness at bridging between different jurisdictions, improving coordination, and bringing local knowledge and expertise to bear on decision-making, workshop participants urged the CWB to play a more active role in collaborative decision-making about water and the watershed. A spectrum of expanded governance roles is possible, from a legally recognized advisory position to providing input to inform decision-making or veto powers on key issues like licensing.

## **3.3 Pathways to Watershed Health**

In addition to *how* the CWB will operate, three main directions or pathways were identified for the CWB to maximize its potential and readiness to improve watershed health and sustainability.

1. Recognizing Indigenous Authority;
2. Strengthening Partnerships
3. Building readiness to act on opportunities in the Water Sustainability Act

All three will be pursued as different issues and opportunities emerge, partnerships grow, and political and institutional contexts evolve.

### **3.3.1 *Recognizing Indigenous Authority***

The Cowichan Watershed Board acknowledges the inherent rights of the Cowichan Tribes people in their territory (see Recognition Statement on page 7) and is interested in supporting Cowichan Tribes wherever appropriate to explore how Indigenous water laws could improve outcomes for the watershed and Cowichan people.

Recognition of indigenous authority is an emerging priority in the Cowichan, across B.C., and beyond. Addressing Indigenous laws, authority, and co-governance are overarching considerations that weave throughout the other “pathways” described below.

Indigenous authority and governance are expressed as an inherent right. Indigenous Peoples are expressing that authority through a range of options. Collaboration and partnership opportunities strengthen local relationship-building through Indigenous reconciliation approaches. The strategic partnership with local government for the well-being and sustainability of the Cowichan Watershed can provide visible support for recognition and reconciliation. Indigenous law included in Cowichan traditional territory reflects our Indigenous values and the need sustainability.

Indigenous Peoples can bring inherent authority forward and look to collaborate or partner with other jurisdictions. The strategic collaboration and recognition of Cowichan Peoples and territory at the CWB level demonstrates building blocks for reconciliation in action. This building reconciliation approach adds strength to the overall strategic reconciliation approaches that Cowichan Tribes will continue to develop and apply.

Revitalization and implementation of Indigenous water laws is another important element of the work being done in the Cowichan. Cowichan Tribes is currently engaged in a water laws revitalization



process in partnership with the University of Victoria's Indigenous Law Research Unit.<sup>26</sup> How these Indigenous laws are implemented and interact with existing federal, provincial, and local authority is being explored.

The workshop series also highlighted many immediate projects the CWB can embark on to build more effective partnerships and deepen understanding, like training all CWB members in *Nutsamat kws yaay'us tth qa'* improving cross-cultural understanding and sensitivity, and raising awareness about the different roles and responsibilities key players like the CVRD and Cowichan Tribes currently exercise. Other immediate opportunities exist for enhanced collaboration, such as jointly developing key watershed management tools, including working with Cowichan Tribes to define appropriate water quality targets, flows objectives, or land use priorities. See 3.2.2 below.

### 3.3.2 Strengthening Partnerships

The CWB has opportunities through its partners, or through potential partnerships, that would allow it to achieve common goals with those organizations within the Cowichan-Koksilah watershed boundaries. Some promising examples include:

- With Cowichan Tribes
  - While CWB support for Cowichan Tribes engagement in Indigenous authority opportunities is described above, there are also opportunities for the CWB staff to work collaboratively with Cowichan Tribes managers and technical staff to plan and implement a variety of technical initiatives including **water quality monitoring, sediment management, eelgrass protection, clam garden development, habitat restoration works and other similar initiatives.**
- With Local Government
  - The CWB is ideally positioned to partner with the CVRD and other local government across a wide range of initiatives such as **monitoring, outreach/education, water use planning, water conservation, permeable landscaping, and understanding water sources.**
- With Provincial Government
  - Beyond the **WSA pilot project** proposed in 2016 (footnote the proposal), CWB could:
    - Plan and implement the **technical work** necessary to support the implementation of new watershed sustainability tools. The CWB can support planning of provincially lead technical initiatives through its established "target working groups" and implementation through coordination of community involvement. See Appendix E. This work could include a variety of planning and implementation tasks including:
      - **Establishing and monitoring critical flow thresholds**
      - **Drought preparation and response**
      - **Source water protection including monitoring and outreach**
      - **Cowichan Estuary Management Plan implementation.**

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<sup>26</sup> <https://www.uvic.ca/law/about/indigenous/indigenouslawresearchunit/index.php>

- The CWB can also act as an **information and outreach** conduit, assisting provincial government staff in communicating and consulting with Cowichan Valley Residents around watershed issues.
- With Federal Government
  - Acting in coordination with the Fisheries and Oceans Canada’s representative on the CWB, the CWB could be a valuable partner in:
    - Implementation of the **Cowichan Chinook Rebuilding Framework**
    - Assist and support **Wild Salmon Policy implementation** in the Cowichan Valley.
- With the Local Stewardship Community
  - The Cowichan Valley supports a robust and effective stewardship community with well-established organizations.
    - Through its five **Target Working Groups**, the CWB provides an opportunity for representatives from these organizations to work collaboratively with technical representatives from First Nations and all levels of government to address watershed issues.
    - The CWB can also facilitate access to **funding** to support this partnership work.
- With Industry
  - The CWB has worked hard to develop an effective working relationship with the major industrial players in the watershed –and sees real opportunities to expand the scope and scale of these relationships to include:
    - Working closely with Catalyst Paper in **water use planning**
    - Engaging with TimberWest forest management professionals, agency representatives and academic partners to develop a long term **hydrological monitoring program** in the watershed.
    - Continuing to support local farmers in acquiring the infrastructure and expertise required to meet mutual goals around **nutrient management and water conservation**.
- Through the CWB Technical Advisory Committee
  - There are also a number of “whole of watershed” technical processes and tasks that the CWB could potentially lead through its multi-partner Technical Advisory Committee including
    - **producing a “state of the watershed” report**
    - **creating a data “hub” for the watershed, in collaboration with provincial and regional data managers, to pool water data and information from multiple sources, and make it publicly accessible**
    - **expanding outreach and education outputs**
- With local residents
  - Individual residents can also prompt a partnership with the CWB by bringing concerns forward. Through the monthly Board meetings, at events, or via the website or Facebook pages, citizens raise concerns or share observations that can result in the CWB working with that resident to resolve or improve a situation.



Salmon feed the whole ecosystem. Cowichan–Koksilah estuary.  
Photo by B. Hetschko

### **3.3.3 Building readiness to act on opportunities in the BC Water Sustainability Act**

As noted previously (in section 2), the *Water Sustainability Act* (2016) provides a suite of very positive changes to address water challenges and promote sustainability. The WSA offers great improvements towards treating the land and water of a watershed as an integrated whole and involving local knowledge and expertise in decisions. The CWB believes its strong partnerships and track record offer an excellent opportunity to demonstrate and develop WSA implementation in partnership with the Province. However, implementation of the WSA is still in its infancy. There are currently very few tools that local communities can access until the Province further develops the regulations.

In the meantime, the CWB can ensure that its partners understand the WSA opportunities, and build readiness to leverage these new improvements as soon as the doors are open. This section identifies seven tools or opportunities under the WSA,<sup>27</sup> and very briefly describes: what the tool is; what watershed and governance issues it might be able to help resolve; and the spectrum of possible roles for the CWB in either deploying the tool or supporting its use in the context of local challenges. Further details (on triggering mechanisms, resource requirements, etc.) are found in the supporting appendix.

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<sup>27</sup> This encompasses all of the options laid out in the 2016 Pilot Proposal

*The CWB appreciates the support of the POLIS Project's Water Sustainability Project in providing the following overview of opportunities for the CWB to improve watershed health under the new Water Sustainability Act.*

#### 3.3.3.1 Water Sustainability Plan (sections 64-85)

Water sustainability plans can be developed to prevent or address conflicts between water users or between the needs of water users and environmental flow needs, or to address risks to water quality or aquatic ecosystem health. Cabinet can enact several different regulations to make these plans binding; for example, water sustainability plan regulations can change the amount of water that licensees may divert, change conditions of use, or even cancel ('claw back') water in over allocated systems. Just as importantly, these plans have the potential to articulate various levels of drought response and also change land uses that impact water systems, thus offering localized approaches to dealing with drought or changing water supply regimes.<sup>28</sup>

A wide spectrum of possible roles exists for the CWB in development of a water sustainability plan: from simply *encouraging* the Province to do a water sustainability plan, to providing advice throughout the process and helping adapt the key elements of the current *Water Management Plan* to fit as a water sustainability plan, all the way to CWB being designated as the entity responsible for developing the plan.<sup>29</sup>

#### 3.3.3.2 Advisory Board (section 115)

Advisory boards can be established to provide advice to the Province (and key statutory decision-makers) on several aspects of the Act, including (but not limited to): establishing water objectives; methods for determining environmental flow needs; and standards and best practices for diversion/water use. These Advisory Boards under the Act do not have decision-making authority, but allow for a formalized role to provide local expertise and input into statutory decision-making. Creation of Advisory Boards requires action by the Minister of Forests, Lands, Natural Resource Operations and Rural Development (FLNRD), who appoints the Board Chair and members.

The CWB could provide recommendations on appointing Advisory Board members and developing the terms of reference or the CWB could be designated as an Advisory Board itself, building on the strength of its existing governance structure and partnerships.

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<sup>28</sup> Nicola as an example: <https://news.gov.bc.ca/releases/2018ENV0012-000484> (also cited above)

<sup>29</sup> Note that the 2016 Pilot Proposal suggested that the CWB should be designated as the entity responsible for leadership and oversight of WSP implementation. See page 15 of proposal

### 3.3.3.3 Environmental flows<sup>30</sup> and critical flows thresholds (sections 15; 86-88; 124(o))

No one single provision exists in the WSA related to environmental flows—instead, many different aspects of the Act can be used (in conjunction) to address water supply and environmental flow issues. The opportunities include:

- Section 15 requires decision-makers to consider the impacts of their decisions on environmental flows (but does not set out *what* the decision-maker must consider, or *how*).
- Section 127 enables the Province to create a regulation to prescribe methods for determining environmental flow needs.
- Sections 87-88 set out critical flow and fish population protection orders, which can require license holders to stop or reduce water during periods of drought to protect ecosystems and fish.
- Environmental flows are also implied as important considerations in any of the planning instruments (e.g. water sustainability plans, area based regulations, sensitive stream designations, etc.) and in construction of other “works” that might impact aquifers, rivers, streams and lakes.

Potential roles for the CWB in implementing the various environmental flows aspects under the new Act include:

- The CWB could help select the most appropriate method of determining environmental flows in the Cowichan and Koksilah—and then support regional staff to adopt this method as part of their s.15 obligations (and/or encourage the Minister of Environment and Climate Change Strategy and FLNROD to have this embedded in regulation).
- The CWB could determine the appropriate environmental flow and critical flow thresholds (drawing on Cowichan Tribes’ knowledge and the existing scientific base), and then support the Ministry of Environment and Climate Change Strategy and FLNROD to have these thresholds set in regulation for the Cowichan watershed.
- If the CWB positioned itself as an Advisory Board (see above) it could also have a direct conduit to provide advice on methods of determining locally-appropriate environmental flow needs.
- The CWB could play an increased role in flows monitoring.

### 3.3.3.4 Water objectives (section 43)

Water objectives are set in regulation for the purposes of sustaining water quality, quantity, and aquatic ecosystems. Water objectives set out criteria for water quality and quantity that land and resource use decision-makers (including local government) are required to consider when making their individual decisions or plans. Therefore, water objectives are a critical means to link land and water decision-making and can address water supply, quality, and habitat issues.

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<sup>30</sup> Environmental flow needs are defined in the WSA as: *the volume and timing of water flow required for the proper functioning of the aquatic ecosystem of the stream*. Critical environmental flow threshold is defined as *the volume of water flow below which significant or irreversible harm to the aquatic ecosystem of the stream is likely to occur*.

The CWB could help describe locally appropriate water objectives that fit with the identified targets associated with the existing CBWMP, and based on Indigenous and scientific knowledge. The CWB could then encourage FLNROD to implement these objectives as WSA water objectives. If the CWB was designated as an Advisory Board (as above), it could also provide advice on methods of determining water objectives. The CWB could also be involved in monitoring implementation of water objectives.

#### 3.3.3.5 Sensitive Stream Designation (section 128)

This section of the WSA enables the designation of streams and hydraulically connected aquifers as “sensitive” if this will contribute to the protection of a fish population whose sustainability is at risk because of ecosystem damage. Any new authorizations on sensitive streams may have additional protections including possible terms and conditions related to mitigation, water use, and monitoring and reporting. This designation offers an opportunity to address water supply/quantity issues.

The CWB can encourage FLNROD to have the Cowichan and Koksilah Rivers designated as “sensitive” due to ongoing concerns about fish populations and sustainability of the overall river system.

#### 3.3.3.6 Water Reservations (section 39)

A water reservation sets aside unrecorded water in a stream or aquifer for a specific purpose, like future or ongoing treaty negotiations and agreements; to accommodate future demand for municipal water supply; or for environmental protection. A water reservation therefore is an important tool to address water supply/flow issues. It could, for instance, retain water in the stream or aquifer for fish by prohibiting the diversion of that water for other purposes.<sup>31</sup>

The CWB could seek to have such a reservation created to protect flows for fish and for other important ecological, cultural and social water uses.

#### 3.3.3.7 Delegated Authority (section 126)

This section of the Act introduces the possibility to delegate certain statutory decision-making under the WSA to another “person or entity.” Decisions available for delegation include those otherwise made by the comptroller, water manager, engineer or officer, and could include things like water licensing decisions and amendments and enforcement related to key provisions or conditions, among other things. It is not yet clear how this delegated authority process would work. Clear criteria, resources, and accountability measures will be required.

S. 126 could provide (in the long run) an avenue through which the CWB could directly draw down Provincial authority for specific aspects of WSA decision-making. This process would

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<sup>31</sup>The Adams River is one example where a reserve keeps water in the stream for fish by preventing its diversion and use. See more details on water reserves here: <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/water-reservations>



involve further review and adaptation of the CWB’s governance structure, operations, and interactions with Indigenous authority.

## 4. Conclusion

The Cowichan Watershed Board is committed to moving forward over the coming years with its partners as opportunities arise to support a thriving Cowichan watershed now and into the future.

- The CWB will take every opportunity to support partnerships and efforts with Cowichan Tribes, recognizing their inherent authority and responsibility for the watershed.
- The CWB is committed to working with partners at federal, provincial, and local levels to pursue a range of immediate opportunities to address watershed issues. As opportunities present themselves, the Board is ready to engage with a diverse suite of partners to collaborate and build whole-of-watershed health.
- Finally, the CWB will continue to seek opportunities to partner with the Provincial government in bringing the WSA to life in the Cowichan. The CWB is well-positioned to do so based on its strong foundational partnerships and watershed expertise.

*“The living systems of this watershed are under tremendous pressure and the status quo is not good enough to safeguard them. The responsibility for stewardship of water and the watershed lies with us, the people who live here. The decisions we are making right now—or failing to make—will have possibly irreversible effects on future generations.” Tom Rutherford*

## 5. Appendices

- A. Placeholder: Workshop participants, Steering Committee Members, Cowichan Watershed Board Members
- B. Placeholder: Detailed WSA Opportunities Guide by POLIS
- C. Placeholder: Timeline of CWB Milestones and “Watershed Moments”
- D. Placeholder: CWB Structural Diagram
- E. Placeholder: CWB Targets Document (By Susan Down and Rodger Hunter)