



Cowichan Watershed Board

Submission to Private Managed Forest Lands Review

Who we are

The Cowichan Watershed Board (CWB) is a local governance entity created in 2010 to promote water and watershed sustainability in the Cowichan/Koksilah watersheds, ancestral home of the Quw'utsun First Nation. Co-chaired by Cowichan Tribes and the Cowichan Valley Regional District, the CWB 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.

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.

Why we care

It is widely acknowledged that land use practices are integrally linked to the hydrology of a watershed and resulting water supply and water quality issues. While the Cowichan and Koksilah watersheds are within the territory of the Quw'utsun peoples, currently the majority of the Cowichan and Koksilah watersheds fall 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 we have partnerships with forest companies in the watersheds, who have efforts underway to improve forest practices, concern persists about the impacts of forest operations on the river and watershed. It is an undeniable fact that activities undertaken on private forest land have significant effects on a very important public resource – water.

When taking into account the effects of climate change, which are increasingly evident in the Cowichan Valley and expected to worsen in the near future, and British Columbia's commitment to support the United Nations Declaration on the Rights of Indigenous Peoples, it is becoming evident that "status quo" is no longer adequate in terms of managing our forests to ensure sustainable water supply, adequate water quality and demonstration of a true commitment to reconciliation. For these reasons, the CWB welcomes the opportunity to provide recommendations to the Private Managed Forest Land Program Review Process.

Climate Change and Indigenous Rights – Overarching Concerns

When conducting a review of the Private Managed Forest Land Program – or indeed any natural resource management program, two overarching principles should be taken into account:

- Recognition of unceded Indigenous lands should be acknowledged and brought to the forefront of the PMFL review process and any further discussions on land management practices in our watersheds.

- The importance of recognizing and planning for the impacts and effects of climate change cannot be overemphasized. Simply put, status quo is not good enough to ensure a sustainable future for the generations to come. In the Cowichan Valley we are already feeling significant impacts: Inflows to Cowichan Lake have dropped by over 30% over the past few decades (reference); drought conditions have necessitated dropping Cowichan River flows below licensed minimums 5 out of the past 6 years; recent work by FLNRORD operational staff has revealed critical flows in the Koksilah river necessitating water withdrawal restrictions from agricultural users; cedars and salal are dying from repeated summer droughts. In these circumstances, with critically low surface water flows and static levels in test wells at unprecedented lows, land use practices – including forestry practices on privately held lands which comprise well over 60% of both the Cowichan and Koksilah watersheds must be reviewed, and we are taking this opportunity to provide input to that process.

Recommendations by Review Topic

In order to comply with the “Guidelines for Formal Submissions to the PMFL program review process”, we have structured our input to address the 5 *Recommended Review Topics* and provided some overarching guidance in our “Summary of Recommendations”.

1) Program goals:

- With the onset of climate change and other pressures on our environmental (water in particular), goals should be updated to support landowners who are willing to restore their land to protect environmental values. Tax incentives should apply to reflect the value of this ecosystem service.
 - Sustainable forest management practice goals should be updated to reflect the challenge of managing under unpredictable ecological change associated with a rapidly changing climate –monitoring and reporting is key to learning and adapting. Goals need to reflect the requirement of “whole of watershed” thinking and true ecosystem management at all scales - watershed, sub-basin and site.

2) Management objectives for public environmental values:

Water quality and Fish

- Water quantity is not included as a public environmental value in the Act yet is a significant concern affecting domestic water and fish habitat on (southern) Vancouver Island. In the 2012 PMFL audit report, results suggest that large landowners are already conducting watershed assessments, which include indicators for water quantity (e.g., equivalent clear-cut area, road density, riparian condition), therefore no additional data collection would be required if water quantity was included as a public environmental value.
 - *Recommendation: Include water quantity as a public environmental value.*
- Audits have only looked at fish streams and waterworks intake locations for fish and water quality; however, *all* streams connected to these watercourses contribute to these two public environmental values as recognized in the *Riparian Areas Act*. (Note: domestic intakes will be included in future audits due to regulation change July 1st 2019.) Changes in water quality were reported in 2017 survey and it was reported that private managed forest land was suspected of contributing to this change.
 - *Recommendation: Include all streams connected to fish streams and streams with domestic water intakes in audits.*

- *Revise regulation to ensure notification is provided to downstream water users prior to operations (according to audit reports this is typically done therefore put into regulation).*
- Windthrow in riparian areas has been observed since the earliest audit reports (2006) yet no changes to regulations have occurred. Also, no riparian protection is required on non-fish bearing and small streams though this may impact down stream water values (e.g., increase in sediment and/or water temperature) impacting domestic water and fish and wildlife habitat.
 - *Recommendation: Revise riparian protection regulations to account for windthrow and connectedness of small streams to downstream water values (e.g., fish habitat, domestic water).*

Wildlife:

- No critical wildlife areas have been established yet 35 species at risk have been identified in Schedule C of the Private Managed Forest Land Regulation. As a result, efforts to protect wildlife and wildlife habitat have not been assessed or reported on (through an audit process) although wildlife has been recognized as a public environmental value. Although species at risk on private land were to be covered by the proposed *BC Species at Risk Act*, this provincial initiative has stalled leaving wildlife and their habitat vulnerable.

In addition, the limitations in Section Sec. 42(2)(c) of the Act restrict the area that can be established as critical habitat area to 1% and only for 1 year. However, this does not adequately protect breeding territories as they are commonly used for multiple years and in some cases (e.g., Northern Goshawk) require large areas.

- *Recommendation: Develop a new legislative tool that can be readily applied to protect species at risk on private forest managed lands.*
- *Recommendation: Ensure that revised legislative tool reflects breeding requirements for all Schedule C species.*

3) Regulatory framework for environmental values:

- There is no mechanism requiring public access to information or studies conducted relevant to public environmental values therefore transparency with respect to protecting public environmental values is weak. Examples of relevant studies include:
 - Watershed assessments
 - Wildlife inventories that identify Schedule B species at risk
 - Fish inventories
 - Water quality results
- *Recommendation: Include in regulation the requirement for public access to relevant information and/or studies relevant to public environmental values.*
- Audit frequency and basic reporting requirements are not regulated and at the discretion of the Council. The last audit was completed in 2012. This puts public environmental values at risk over large areas of Vancouver Island where private land forestry dominates the landscape.
 - *Recommendation: Include audit frequency and basic reporting requirements in regulation.*
- Audits provide many qualitative estimates or visual impressions of potential impact of operations on values where quantitative results would provide the public with greater confidence that environmental values are

being protected. Examples include water temperature and sediment deposit into streams. Single visual inspections have been used to conclude that sediment entering a stream had “no material adverse impact” on water values. Quantitative assessments (e.g., water quality results, measurements of erosion site) would provide a more complete picture of actual impact.

- *Recommendation: Revise audit process to include reporting of quantitative results of relevant assessments (e.g. water quality assessments).*
- Audits focus on blocks 4 or 5 years post-harvest, yet sediment flushes occur in early post harvest years affecting water quality and fish habitat. Immediate sediment inputs can be more harmful than long term sediment inputs and require some level of monitoring.
 - *Recommendation: Include new blocks in audits to assess surface erosion and sediment potential during this critical time period.*
- In addition to the cutblock scale, some audit metrics are more informative at the landscape scale (e.g., identifying % road by watershed (versus cutblock) provides an informative metric for the public to estimate potential impacts to water quality and quantity as well as wildlife habitat for sensitive species).
 - *Recommendation: Revise guidelines and audit process to add landscape level metrics related to public environmental values for large landowners.*
- **Other general recommendations:**
 - *Have different protection and reporting requirements (in regulation) for large and small landowners (i.e., comparable to approach on Crown land for small Woodlots versus large TFLs and TLs) to reflect potential impacts to public environmental values (e.g., when a large landowner manages a significant portion of a watershed, protection measures and public reporting requirements need to be more stringent due to the greater potential for impacts).*
 - *Large landowners jointly establish (and make publically available) a landscape level, ecosystem-based plan for harvest over time (age-class distribution targets and sensitive areas)*

4) Incentives for participation in program:

- Incentives encourage private forest land owners to join the program which promotes sustainable forest harvesting. Meanwhile, climate change science supports retention of mature and old forests.
 - *Recommendation: Private forest land owners should also receive incentives for restoration practices and retaining forests.*

5) Disincentives for exit from the program:

- No comments.

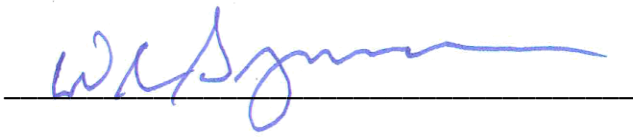
In Summary

The Cowichan Watershed Board welcomes this review and appreciates the opportunity to contribute to it. We feel an increasing sense of urgency to respond in meaningful and significant ways to the challenges we are facing as a result of climate change and increased demand for finite or dwindling resources – including freshwater. We believe

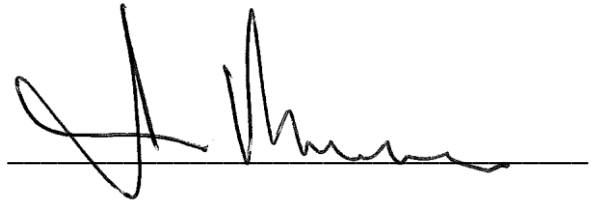
that to be a healthy, resilient, and sustainable community moving forward we need to fundamentally change the way we engage in resource management – including the management of private forest lands.

We believe we can manage for a sustainable ecosystem while still realizing economic benefits to our community – but that this will require significant systemic change. We look forward to working with our partners in the forest industry and the Government of BC to make sure that we implement the required changes before it is too late – and sincerely hope that this review is the first step in a path that leads us towards reconciliation, effective climate change adaptation, and a positive future.

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 all of us. We urge the PMFL program review board to realize that the decisions we are making right now – or failing to make – will have possibly irreversible effects on future generations.



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Chief, Cowichan Tribes



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