Cowichan weir water conservation license

How to get from here to there….

(Creating a recipe for success!!)

July 27, 2020
Background

- Cowichan Weir project expect to be “shovel ready” by early spring 2022

- Need to identify Conservation license holder to secure resources for construction phase

- 4 Partners involved to date
  - Cowichan tribes, CVRD, Catalyst paper and CWB

- To date agreement amongst local players that Province of BC should hold license but they have expressed their reluctance to do so

- Partners currently have engaged legal council to advise on potential of some kind of joint license application

- Very limited progress over the last year
Need to Develop a Game plan...

- Need a clear understanding of who the players are, what their roles will be, what the work is

- What things do we need to do?

- What steps must be taken to complete them?

- Who should do them by when
Steps along the road to success…

- Want to share some of the steps we’ve been thinking about and then go around the table and get your thoughts on:
  - Does any of this make sense?
  - What have we forgotten?
  - What’s on our straw dog list that isn’t important?
  - What would be a better way of doing this?
  - Are you supportive of CWB staff playing this role moving forward????
Things to do….

- **Steering Committee**
  - Confirmation and Commitment of steering Committee participants
  - Meeting schedule

- **Legal Advice**
  - Outputs and analysis of advice by partners’ legal council

- **Clarification of partners Roles and Mandates**

  **Catalyst Paper**
  - Confirmation of intention to continue to hold industrial license on new structure
  - Interest, or not, of involvement with new conservation license
  - Confirmation of intention and ability to assume operations and maintenance costs of new weir
Clarification of partners Roles and Mandates

CVRD
- Clarify Mandate: To what extent can CVRD and CVRD staff lead or partner in future steps RE weir construction and licensing without another referendum

Cowichan Tribes
- What processes/decisions would be required before Cowichan Tribes would be able to engage in licensing discussions, or hold a license.

CWB
- Clarify role of CWB in this process. Do other partners support CWB playing a coordination role?
- Could CWB “hold” a conservation license. What changes in relationship with foundational partners have to take place in order for this to happen
Things to do (cont.)

- Understand the barriers to the Province holding the license; address if possible
  - Meetings with provincial staff and ministers to clarify reasons and rationale for inability to hold conservation license. What steps could be taken to address these barriers?

- Clarify other First Nations interests
  - What is needed here? Defer to Cowichan Tribes?

- Options Paper – UVIC Environmental Law Centre
  - Summary of precedents and options
Things to do (cont.)

- Clear understanding of potential property impact liabilities.
  - BCSRIF funded shoreline impact assessment completed. Clarity to partners, FLNRORD Water Authorizations and potential license holder around liabilities to be considered.

- Establish hierarchy of options
  - Create mutually agreed upon decision matrix with support from all parties outlining best choice, potential alternates, and what is unacceptable.
Example of a “Critical Path” Plan

Draft Critical Path for CWB Workshop Series: 2017-2018

<table>
<thead>
<tr>
<th>October</th>
<th>November</th>
<th>December</th>
<th>January</th>
<th>February</th>
<th>March</th>
<th>April</th>
<th>May</th>
</tr>
</thead>
<tbody>
<tr>
<td>SC Call Nov 7</td>
<td>SC Call Nov 26</td>
<td>SC Call TBD</td>
<td>SC Mgmt Jan 18</td>
<td>SC Call TBD</td>
<td>SC Call TBD</td>
<td>SC Call TBD</td>
<td>SC Call TBD</td>
</tr>
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- Cowichan Tribes representation on SC confirmed.

Workshop:
- Oct 12 Workshop
  - Summary Notes
  - Objectives for Workshop #2 confirmed
  - Save the Date’ notice distributed

Research:
- Clarify design parameters
- ID and confirm research priorities
- Background research on selected topic areas, under direction of SC
- Research products approved by SC for circulation prior to workshop
- ID any further areas for research
- Additional research products approved by SC for circulation prior to workshop

Products:
- CURRENT MANDATE (Refinements to Governance Manual)
  - Clarification of scope of priority management issues, and key management functions that the CWB might contribute to more fully
  - Summary of potential options for expanded mandate; draft TOS for Proposal Discussion paper
  - Draft Proposal(s) or Discussion Paper?
  - Final Proposal(s) or Discussion Paper

External Communications:
- Summary of workshop #2 outcomes posted on CWB website
- Selected briefings to interested parties by SC representatives
  - Scheduled update to FNPRO Dec 19
  - Informal meeting prior to Workshop #2
  - Written update?
  - Meeting in advance of workshop #3?

Presentation of Proposal(s) or Discussion Paper to BC and other interested parties

Secure endorsements?

Revised Governance Manual

Secure endorsements?
What do you think?

- Quick roundtable
  - Are we on the right track or off in the weeds?
  - Is this work we should be doing? (if supported by other partners....)
  - What are we missing....

- Note: there is a deadline for submission to UVIC Environmental Law Centre for ‘Options Paper” so need decision on that today.....