


DRAFT Meeting Minutes	Mon. July 27 2020 9:30-11:00 am Online / Phone Zoom Link (250-709-0492 for help with zoom)	
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Co-Chair: Chief William (Chip) Seymour **Participants:** CVRD Chair Aaron Stone (co-Chair), Shannon Waters (after 10:30) Alison Nicholson, David Anderson, David Slade, Debra Toporowski, Lori Iannidinardo, Kristine Sandhu, Dale Desrochers, Stuart Pagaduan, Tim Kulchyski, Tom Rutherford, **Regrets/Absent:** David Froese **Guests:** Leroy Van Wieren (CVRD), Deborah Curran and Murray Ball (UVic Law – see bios below), Barry Hetschko **Minutes:** Jill Thompson

1	Welcome.	Chief Seymour welcomed everyone and opened the meeting.
2	Approve agenda.	Motion to approve agenda by Aaron, 2 nd by Debra. Carried.
3	Review and approve June meeting minutes.	Motion to approve June minutes by Debra, 2 nd by Aaron. Carried.
4	Correspondence / announcements	<p>Tom reviewed correspondence and announcements</p> <ul style="list-style-type: none"> •OurWaterBC – please let us know if any Board member would like to attend that meeting to represent CWB. •BC Agriculture & Climate Change Regional Adaptation Strategies series - Vancouver Island Adaptation Strategies report circulated. Lori gave an overview as a member of that committee. Agriculture impacts 50,000 ha and over 7000 workers in Cowichan Valley, with diverse production. Read report •New report from Deborah Curran – Incorporating Indigenous Interests into, or Operating in Parallel with Decision Making under WSA. Read report. •Linda Higgins has been announced as the new DFO South Coast Area Director. Decision to follow RE DFO rep to the CWB (currently Dale Derochers).
5	Updates from Executive Director. New BC Salmon Restoration Innovation Fund	<p>See presentation.</p> <p>Tom proposed a partnership with Halalt for a Koksilah-Chemainus BCSRIF-funded research project. Working with Cowichan Tribes on this. The research would support the WSP work in Koksilah</p>

	<p>application Koksilah Water Sustainability Plan engagement update</p>	<ul style="list-style-type: none"> ○ Concerns were discussed about focusing on these two rivers when other rivers also need more research. “Never enough money.” ○ Tim added that Q’ul-Ihanumutsun Aquatic Resources Society (QARS) would facilitate the technical partnership between nations and build capacity to work together over shared resources. Would add focus to cumulative issues that are impacting Chemainus River which would be positive. <p>.Tom described the Koksilah WSP scoping outreach approach and expected outcomes.</p> <p style="padding-left: 40px;">⇒ Tom to ask consultant whether he can invite Board members to attend the final presentation.</p>
6	Presentation –UVic	•Skipped – see below.
7	<p>Presentation – Update on Cowichan Weir Engineering and Shoreline Assessment Project</p>	<p>See presentation by Leroy Van Wieren [note - photos were reformatted after the meeting and are now visible in the document]</p> <p>Engineering</p> <ul style="list-style-type: none"> •Geology / bathymetry work to assess lake bed is underway to support weir design. •Moving into site selection and decisions about the shape/type and then preliminary design. •Meeting planned with Stantec, DFO, Cowichan Tribes, CVRD, CWB, about flow regime / rule curve. •Incorporating recent public survey •Next phase (2) of public input will be in November •Uncertainty remains RE who will pay for the weir, who will operate and maintain. <p>Shoreline Assessment Project</p> <ul style="list-style-type: none"> •A consultant has been selected; •2 months behind but still expect to finish on time. <ul style="list-style-type: none"> ○ What are the implications from the geology findings for the design of weir? <ul style="list-style-type: none"> ⇒ It was critical to know where the bedrock is but at this point, we don’t believe it’s a significant factor. ○ Are options to reduce river water temperature being considered? <ul style="list-style-type: none"> ⇒ Options are being considered, such as gates opening at bottom vs top.
6	Presentation – Update from UVic	Murray Ball provided an update on his research and volunteer projects as per 2018 presentation to this Board (read 2018 proposal).

	<p>PhD student on academic and volunteer projects</p>	<ul style="list-style-type: none"> •His research will compare current legal regimes to how things are really happening on the ground •He would like to consider Hul’qumi’num principals. He would only use information that has already been published on the Hul’qumi’num principals, and not any new or original research into these principals. •Murray is seeking permission to attend and take notes at CWB meetings, and to talk to CWB members about their observations on the Board. <p>In addition, in recognition that PhD projects are often not useful to the communities involved, Murray is also doing a volunteer project to contribute back in thanks for our time.</p> <ul style="list-style-type: none"> ○ Has drafted a policy history and how that played out in Cowichan watershed. Will work with CWB staff to make that useful for you. <ul style="list-style-type: none"> ⇒ no objections to Murray attending meeting – Jill and Tom to include Murray in meetings. ⇒ Chief clarified that quoting anything from published works still needs to come through Cowichan Tribes. <p>Deborah Curran added that she just completed a report that may be of interest. It is a decision making matrix for different kinds of collaborative governance models under Water Sustainability Act. Read report.</p>
8	<p>Cowichan weir water conservation license discussion.</p> <p>a) How will we get there? What are the steps / ingredients for success?</p> <p>b) Environmental Law Clinic student research proposal.</p>	<p>See presentation by Tom.</p> <p>a) A roundtable discussion of the Board members followed. See details of discussion below.</p> <ul style="list-style-type: none"> ⇒ Staff to draft a strategy to move this forward <p>b) We have been encouraged to submit a proposal for the fall intake of the Environmental Law Clinic to conduct research into potential governance models for the weir, and clarify other questions to help move this discussion forward.</p> <ul style="list-style-type: none"> •Several Board members expressed support for the options paper; need to answer questions; would have value for other watersheds in BC <ul style="list-style-type: none"> ⇒ Staff to submit proposal for ELC research project.
9	<p>Other</p>	<ul style="list-style-type: none"> •We lack a Board photo, and will not be able to gather to take one. In lieu: <ul style="list-style-type: none"> ⇒ each Board member to send a photo of themselves in the river (any river in Cowichan watershed) . Jill will combine into a Board Member image.

		<ul style="list-style-type: none"> •Kristine let us know that Mayor Peters has resigned as Mayor of Lake Cowichan for personal reasons.
10	Adjourn. Next meeting September 28 9:30am (No August Meeting)	11:28 adjourn

Meeting materials are all at: <https://cowichanwatershedboard.ca/meetings/>

(8) Details of Roundtable Discussion RE Weir License:

- Several Board members expressed support for Cowichan Tribes holding the license, but acknowledged that with liability and co-governance issues, this would take time to sort out properly. From a practical perspective and the speed at which we need this, province should hold the license.
- Suggestion to reiterate questions to the province, via Pat Lapcevic, as to why they can't hold the liability and the license and their assertion of conflict of interest. That can be handled through transparency, and it happens throughout government. Why is it a barrier?
- There are community concerns about what a partnership would look like, and whether community members will be charged for water. Community support would be needed. Need to communicate that we are not taking it over to make it a profit.
- Indigenous people should have First in Time rights; had weirs on Cowichan River way back.
- Having province take on the liability would help. The province has shown it is open to new ideas in so many ways. Political leadership is showing support for local decision making with first nations. Minister [Donaldson?] seems to be supportive of partnership approach.
- Keep advocating for province to hold liability, but license should be determined in an engaged process with all the partners.
- CVRD would likely support being part of it in tripartite way or just support it.
- Pay attention to balance between what is practical and what is best in long term.
- Cowichan Tribes has a lot of experience and expertise, and sooner or later we're going to have to confront this. We don't need to pass it off to the province. Why shouldn't Cowichan Tribes entertain that license? There is always going to be liability. The question is whether we have the capacity- right people in the right place? What are the liabilities and are we able to handle it?
- Rights and license should go to Cowichan Tribes.
- "Whatever is fastest" for the health of the river and salmon.
- Management could be local but province should be responsible for liability.
- This is an excellent opportunity for province to step up. Feds have responsibility for habitat. The proposed Options paper would help crystalize how Federal gov't shares liability with Province. It comes back to that - how will we get over that hurdle?
- We still don't have a formal indication of interest from Cowichan Tribes or Catalyst.
- Happy with CT taking on the role. If it's a partnership, we'd end up with something like CWB again.