

**DRAFT BOARD
MEETING
MINUTES**

**Mon. January 31, 2022
9:30-11:30 am
Online / Phone Zoom Link
(See invitation)**



Meeting Chair: CWB co-chair Lori Iannidinardo **Expected Participants:** CWB Co-Chair Chief William (Chip) Seymour, Debra Toporowski, Tim Kulchyski, Alison Nicholson, Linda Higgins, Shannon Waters, David Anderson, David Slade, David Froese, Kristine Sandhu. **Staff:** Tom Rutherford, Jill Thompson, Heather Pritchard. **Regrets:** Stuart Pagaduan. **Guests:** Larry George and Pat Lapcevic, Koksilah Watershed Plan Scoping Steering Committee Co-Chairs; Natasha Overduin, Darryl Tunnecliffe, Kate Miller, Rosie Simms, Matt McDonald - Cowichan Weir Licensing and Ownership Working Group. **Audience members:** Leroy Van Wieren, Genevieve Singleton, Karen Deck, Edmond Duggan, Rick Bryan, Dave Preikshot, Ken Taylor, Murray Ball, Roger Wiles (possibly others). **Minutes:** Jill

1.	Welcome	Lori opened the meeting with a territorial acknowledgement.	
2.	Agenda Review / Revisions	No opposition or changes were voiced for the agenda.	Approved
3.	Review minutes of the November 2021 meeting	No errors or omissions were raised about the minutes.	Approved
4.	Announcements and Correspondence	<ul style="list-style-type: none"> ● Lori explained that starting next month, Board members are encouraged to bring forward watershed relevant announcements from their organizations. ● Shannon stated that Sophia Iliopolas BC AFN is planning a dialogue series and has requested a CWB presentation. Shannon offered to do this. Approved. ● Tom reviewed correspondence as per agenda package. <ul style="list-style-type: none"> ○ Watershed Security Fund -March 18 deadline. Tom asked whether the Board wanted to make a submission. Decision that staff and Shannon would craft a draft for the next meeting. ● Lori and Alison added that CVRD is seeking public input on: <ul style="list-style-type: none"> ○ Budgets ○ Active transportation plan ○ Modernized OCP starting soon. ● Audience member Holly Yee wrote: Thank you for considering my thesis on the collaboration of First Nations and local governments for flood mitigation, and I welcome any 	<p>-Starting next month, time will be incorporated into monthly agendas so that Board members can also share their watershed relevant announcements.</p> <p>-Shannon will present to BC AFN on behalf of CWB.</p> <p>- Tom and Shannon to draft letter RE Watershed Security Fund to bring to next meeting.</p> <p>-Request for Board members interested in research into flooding and indigenous co-governance to contact student Holly Yee.</p>

		<p>opportunities to include your input. My apologies for leaving early due to class. Please feel free to reach out to me at holly.yee18@gmail.com or 250-812-2916. All the best for the rest of your day.</p> <ul style="list-style-type: none"> Rosie Simms clarified that she and Tim will be presenting to the Salish Sea conference. 	
5.	Public Input	None	
6.	Staff updates	<p>Tom advised that staff are working on the 2021 Annual Report and 2022 Business Plan. He shared the main areas of work planned for 2022.</p> <p>The draft Business Plan will be available for CWB review before the next meeting – would appreciate CWB members reviewing.</p>	Staff to circulate draft 2022 CWB Business Plan before next meeting for review and discussion.
7.	<p>CWB Target Review - Working Group Proposals for Updated <u>Targets for Watershed Health</u>.</p> <ul style="list-style-type: none"> Water Quality Target 	<p>Heather presented proposed minor changes to the WQ target based on Working Group review and discussion.</p> <p>The WG wants to clarify in target that ‘clean water’ means different things to different people. They recommend a change to “We want “swimmable, fishable, drinkable” water.”</p> <p>The WG also recommends adding “Koksilah”.</p> <p>The WG also discussed adding other indicators, but most were dismissed as impractical within our resources. The WG does want to work on a new indicator for phosphorus.</p> <p>See discussion notes below.</p>	Heather will take the suggestion of the Board back to the Water Quality Working Group that the target change fishable to “fish-friendly” or a similar term that reflects fish health beyond human interests.
8.	Announcement: Koksilah Watershed Sustainability Plan (WSP) Scoping Steering Committee	<p>Pat Lapcevic, (Koksilah WSP Scoping Steering Committee CoChair, FLRORD Director of Resource Management, West Coast Region) joined the meeting to share the news that the Koksilah WSP is going forward. Co-Chair Larry George sent regrets that he could not attend.</p> <p>Cowichan Tribes Chief and Council and the BC Gov’t FLNRORD Minister have both officially agreed to undertake a WSP for the entire Koksilah watershed. This will be the first in BC. Pat acknowledged Cowichan Tribes’ leadership for making this possible. This is the first WSP to get started under the new Water Sustainability Act, and will be undertaken on a whole of watershed basis.</p> <p>See further discussion below.</p>	For information only.
9.	Input: CWB role in Cowichan Weir	Natasha Overduin introduced herself as a Compass Resource Management Facilitator formerly associated with POLIS; happy to be working on the	Tim, David, Tom, Jill, and Natasha will meet to summarize

	<p>Licensing and Ownership</p>	<p>Cowichan again. She has been hired by Cowichan Tribes to facilitate discussions between the parties to arrive at a solution to the weir licensing and ownership question.</p> <p>See Presentation here. [Inl]</p> <ul style="list-style-type: none"> - Natasha explained the committee is looking for CWB member input on three strategic questions, and next steps. - Natasha said that she “acknowledged that she was talking to the water champions of Vancouver Island” and summarized the situation: You all know weir needs to be higher. So many problems are unsolvable and replacing the weir is not one of those. It is not an option to do nothing. But despite that, clear leadership and commitment is needed to see the project through, including who will take the license and own the weir. - Natasha compared this question to considering whether to apply for a job. In that situation first you consider whether you want the job, and if so, you apply. Then you have an interview to learn more and see if you qualify. If you get the job, that is when you decide whether to take it, based on details of compensation, duties, etc. - The committee’s goal is to better understand the parties’ interests so that better options can be put forward. The aim is for openness. <p>See roundtable input and discussion notes below.</p>	<p>for Feb meeting, with a goal of seeking a consensus from the CWB on its role in this question to bring forward to the broader discussion.</p>
<p>10.</p>	<p>CWB Target Review (con’t) - Confirming first three revised Targets (Flows, Watershed Connections, Water Quality)</p>	<p>Tom gave a presentation on the discussion to date on these three targets.</p> <ul style="list-style-type: none"> • Tom sought a motion to approve the new Flows Target. <ul style="list-style-type: none"> ○ David Slade moved that we support the new targets and indicators. Seconded by Alison. No opposition. Approved. • Tom sought a motion to approve the new Watershed Connections Target. <ul style="list-style-type: none"> ○ Tim moved that we support these new targets and indicators. Seconded by Kristine. ○ Alison suggested Watersheds (plural) in the target. ○ No opposition. Approved with that change. 	<p>David Slade moved that we support the new Flows Target and Indicators. Seconded by Alison. No opposition.</p> <ul style="list-style-type: none"> • Approved. <p>Tim moved that we support the new Watershed Connection Target and Indicators. Seconded by Kristine.</p> <ul style="list-style-type: none"> • Alison suggested Watersheds

		<ul style="list-style-type: none"> As discussed in Item 7, the Water Quality target will be sent back to the Working Group for further review. Tom acknowledged the excellent work done by Heather and all the members of the Target Working Groups to get here. There have been many hours of work for these small but important changes. 	<p>(plural) in the target.</p> <ul style="list-style-type: none"> No opposition. Approved with that change.
11.	Other	<p>David Slade informed the Board that the Canadian Freshwater Alliance have asked us to sign on to a letter regarding licensing groundwater.</p> <ul style="list-style-type: none"> On March 1, groundwater licensing will come into effect, and 15,000 businesses and agricultural businesses will become criminal users of groundwater and will have forfeited their historical right to groundwater. Abandoning groundwater licensing would lead to a disastrous outcome but so will full implementation overnight. The proposed letter is therefore asking the Province to change course so this does not end badly on March 1st. Asking whether the Board would like to sign on to this letter. <p>David A asked when we might expect compliance if not March 1?</p> <ul style="list-style-type: none"> David S replied that BC Parliament would need to make a change for this not to become law on March 1. Large enterprises have mostly applied for their licenses; it's the smaller businesses that need more support and information about the consequences. <p>David A asked whether another 6 months be enough time? Are we asking to cancel the program?</p> <p>David S replied that if the deadline was extended, the province would need to put resources into that. It has been 6 years now with 2 extensions.</p> <p>Alison moved CWB sign on to the letter. Seconded by Tim. Approved.</p>	<p>Alison moved CWB sign on to the Freshwater Alliance letter.</p> <ul style="list-style-type: none"> Seconded by Tim. Approved.
12.	Adjourn.	<p>Lori asked for a motion to adjourn. Thanked the members for taking it easy on her first meeting as Chair. Motion to adjourn was made by Alison, 2nd by David S. Passed. Next meeting Mon. Feb. 28th</p>	<p>Adjourned at 11:30am</p>

Detailed Discussion Notes

Agenda Item 7:

- David Slade- suggested using a term like “fish friendly” instead of fishable to signify that is it the health of the fish we are targeting, not just human interests.
 - Heather responded that is consistent with the intent of the WG.
 - Shannon agreed that the wording has an anthropocentric lens and she would support “fish friendly”.
 - Decision: take this recommendation back to the WQ group for their consideration.
- Roger Wiles – commented that our Cowichan Watershed Board needs a target that recognizes the importance of basin-wide forest health and coverage.
 - Tom confirmed that idea was heard throughout the Target Review process and the plan is to put a working group together on this after the existing 7 targets are ratified.

Agenda Item 8 – Koksilah Watershed Sustainability Plan (WSP):

- Pat Lapcevic introduced herself and outlined her experience in water research in the Cowichan. She talked about the leadership of a lot of great people who have been working on a scoping process to determine how to address long term problems in the Koksilah watershed, particularly in relation to low flows. This has included Temporary Fish Protection Orders. The Province and Cowichan Tribes formed a dedicated group that met every 2 weeks with our advisors, and made a decision after 18 mo that a Water Sustainability Plan (a tool under the BC Water Sustainability Act) would be an appropriate tool to use. Cowichan Tribes Chief and Council accepted that recommendation, then FLNRO staff went to their Minister to request a Section 65 designation of the Koksilah watershed as the planning area for a WSP.
- Pat stated that it is unfortunate Larry George can't be here today. Without that leadership from Cowichan Tribes, we wouldn't be here today. This is a small step but significant.
- Tom acknowledged the leadership shown by both Larry and Pat. It has been a tremendous commitment from busy people, and difficult discussions. This is the first WSP to be initiated in the province. The fact that it is happening in our watershed gives me hope this could lead to a totally different way of managing watersheds - putting ecosystems first and working collaboratively between First Nations and the Province.
- Pat added that the group was kept small during this first stage to build the relationship and understanding. Going forward, there will be broader involvement.
- Alison added that as someone who lives in Kok and represents residents who are concerned, she is grateful to Pat and Cowichan Tribes, and just very hopeful.

Agenda item 9 -- Roundtable of Input on CWB's role in weir license:

David Anderson

- Offered compliments on this process.
- Sees no reason that the province can't hold license and assume all liability. There are many examples where the province accepts that final liability rests with the province (highways, BC hydro dams, etc.) It is a standard thing for a senior government to handle liability. There is liability today.
- Cowichan Tribes has an important role but not the same responsibility as the Provincial government on this.
 - Natasha clarified that there is straightforward liability around the dam itself; it's the liability around the shoreline that is complex. Naturally people want to know what that liability is before they apply but the process is that it gets decided during the licensing process.

David Froese

- CWB role should be an advisory role to encourage others to take on the license.
- It's not a CWB role to assume responsibility. We don't have enough money. We would need to have a different structure and funding model to do that.

- In order of preference, license should be held by BC, Tribes, CWB, or Paper Excellence.
- We have been advertising this job for 20 year and nobody has applied. Need a qualified applicant who won't bail once liability is worked out.

Chief Seymour

- Reviewed this history of this discussion. When he became chief in 2005, elders were angry because of low flows and losing fish while Catalyst was taking water. They demanded that Cowichan Tribes get that river back. It belongs to Cowichan Tribes.
- Catalyst and CVRD both said they would not hold the license so Chief offered that Cowichan Tribes would take it but want all the licenses (Catalyst owns 3 licenses). Not accepted.
- This will have to be brought forward to the new Council (Feb 25 election).
- Thinks that Cowichan Tribes still wants the license but shouldn't be holding the liability. In Nicola valley, BC holds the license on their weir. The gov't should hold the liability.

Linda Higgins

- Nothing to add. Wary to weigh in. Water and water management is a provincial authority.

Kristine Sandhu

- Asked for clarification whether the province has said they don't want to take the liability of the new weir.
 - Natasha confirmed that previously yes, but it's a live conversation. It's not only liability but also responsibility
- Just wants to listen to expertise of others on this.

Alison Nicholson

- CWB should continue to serve as champion and facilitator. We don't have the resources or mandate to do more. Licensing and ownership need to go together. Need ongoing resources to manage the structure.

Shannon Waters

- Agreed with Alison.
- CWB goals and indicators are beyond the weir. If we took this on, it would become all of our work. She doesn't believe the skills, experience, and knowledge of this group would be best used as weir licensee or owner. CWB needs to continue to advocate for the whole watershed.

Tim Kulchyski

- The reason we are where we are is because of CWB, facilitating relationships and conversations and relationships around the weir.
- This is not between 2 players – there is a whole set of variables. Complex. Not sure how this could happen without the board playing a role in the process and implementation. Reason for CWB was to get the weir.
- CWB role could be to facilitate maintenance and operations of weir.
- Need to determine liability around the lake.
- There is value in the Board being a platform to bring forward all the issues we are working through
- By 2022 we are seeing the benefits of the CWB. There are broader benefits than just the weir.
- The type of engagement/process that we have is important (how we do things). Our co-chairs demonstrate a new way of doing business. Recalled when people thought it was impossible to have co-chairs for the CWB - didn't think it would work.
- There needs to be a role for CWB, which is not well defined yet. Would need support.

[5 min break]

Debra Toporowski

- Also remembers the meeting when elders stood up and asked Chief Seymour to take back our river.
- Recalled all the changes that have happened since 13-year-old girl fishing.
- Weir is an older structure, coming to its life's end. There are already questions and concerns now about who is going to take liability if anything happens.
- Acknowledged history of our members living downstream, and erosion to our land. Farmer also lost land. I don't remember anything about giving compensation to those lands that were lost.
- Honoured to be sitting on this Board. It's a partnership as Chief always mentions – we're a partnership.

- With the community support and the members around the table, CWB has put this front and center that watershed is important.
- Province should have liability. We need leadership and commitment.
- Funding is always a question. Recognize we need funding for building, ongoing maintenance, and liability.
- Recognize PE has a weir license and ownership – they are the current owners. We will be making a partnership with them.
- Moving forward, for me, it needs to be a shared responsibility between everyone.
- Feels the same as elders – Cowichan wants to take back our river. What does that look like? A question to be answered moving forward. How do we ask that question – what do we want?
- A long time coming but we are getting there.

David Slade

- “No brainer” The power of the CWB is the power of suasion and cooperation.
- This is a conservation license. The province needs to step up and own liability and maintenance costs.
- Catalyst isn’t going to be there forever and it’s not appropriate for a corporation to take responsibility for critical environmental services.
- CWB is a tenuous organization, dependent on CVRD and Cowichan Tribes and grants to continue.
- BC needs to put money on the table to have someone else take on their responsibilities.

Lori Iannidinardo

- As CVRD Board Chair – open minded but feels she should remain neutral. No comment.

Additional Comments from Gallery [Chat]:

- Leroy Van Wieren: maintenance costs, operating costs and inspection costs need a reliable perpetual 'owner'.
- Roger Wiles: A public perspective. Situational and operational reporting on the Cowichan weir has been ongoing by PE over recent years. Depending on seasons and situations, these reports have been weekly or monthly. This is a valuable and transparent service to the public. Hopefully this practice will continue and be legally embedded in the new licensing/ownership arrangement. The public needs to be kept informed.
- Rick Bryan: In response to Chief Seymour's and Debra's comments about Indigenous people taking back their river: The paddlesport community would love to see an initiative whereby the Indigenous community construct and paddle a traditional canoe on their river. We stand ready to support!

Natasha thanked the members for the rich and productive conversation. She summarized that what she heard about the role of the CWB is that CWB doesn't have the mandate or resources to apply for the license, and that CWB has learned lessons about how to work together. The goal is for consensus on path forward.

- Tim and David volunteered to sit on a subcommittee to work with staff to further clarify CWB perspectives on this.
- Tom thanked Natasha, Kate, Darryl, and Matt (Frog Team) to bring us this far.
- Decision that Tom, Jill, Natasha, Tim, and David will meet to summarize for Feb meeting to seek a consensus from the CWB to bring forward.

Chief Seymour added the information that about 6 months ago, Tom, Chief, Graham Kissack and Brian Carruthers met to discuss ownership. They agreed to go away and have our legal teams draft a tripartite agreement. No further updates since then.

Meeting materials will be available at: <https://cowichanwatershedboard.ca/meetings/>