



Cowichan Watershed Board

LOCAL CO-GOVERNANCE PILOT PROPOSAL—SUMMARY

October 2016

BACKGROUND AND KEY STEPS TO ADVANCE WATERSHED GOVERNANCE

In February 2016, British Columbia's new *Water Sustainability Act* came into effect. While several of its provisions are now in force, many of the Act's most critical and innovative features have yet to be developed. The Cowichan Watershed Board is well-positioned to be among the early pilot watershed governance initiatives to implement several of the freshwater protection tools and to inform the development and implementation of key watershed sustainability oriented regulations.

In 2014, the B.C. Ministry of Environment signaled its interest in supporting a watershed governance pilot when it provided a grant to the Regional District for the Cowichan Watershed Board (CWB) to develop a pilot proposal exploring its potential role in watershed governance under the new *Act*. This proposal offers a unique opportunity for the Cowichan Watershed Board to continue its evolution as a leading example of innovative watershed governance in the province and also better prepare the region to improve watershed protection by strengthening the partnership between all 4 levels of government (First Nations, Federal, Provincial, Local) as well as community and local stakeholders. Cowichan Tribe's participation in the proposed pilot would be on a "without prejudice to rights and title" basis.

WHY THE COWICHAN WATERSHED BOARD?

Stewardship of the Cowichan River is a leading success story in British Columbia with a well-documented history of community collaboration including groundbreaking water management and watershed governance initiatives.¹ The Cowichan Watershed Board is a regional leader driving important changes and developing programs to better address water issues and challenges such as the recurrent drought, persistent environmental flow concerns in the river and adapting to increased flooding and is well positioned to assume greater authority and influence over local water management.

¹ For a comprehensive review of the Board's activities see *Cowichan Watershed Board: An Evolution of Collaborative Watershed Governance* (2014) by Rodger Hunter with Oliver Brandes, Laura Brandes & Michelle-Lee Moore (CWB Case Study); Evaluation of CWB's success and readiness is based on the framework provided in *A Blueprint for Watershed Governance in B.C.*, Brandes and O'Riordan (2014) which identified nine winning conditions considered foundational to the success of an ecologically-based watershed governance regime in British Columbia.

Canadian Heritage River	The Cowichan River is a river of provincial and national importance designated as a Heritage River in 1996 by the province and in 2003 by the federal government based on its outstanding natural, cultural and recreational values. ²
Threats to the Watershed	The Cowichan watershed is threatened by increasingly frequent extremes (drought and flooding) and cumulative impacts causing immediate concerns with water quantity, quality, and environmental flows that degrade the natural capital, impact watershed function and infringe on First Nations use/rights.
Innovative Co-Governance Model	The CVRD and Cowichan Tribes are full partners and jointly lead the Board, with the chair of the CVRD and Chief of Cowichan Tribes serving as co-chairs.
Industry Engagement	Key industry participants such as Catalyst Paper have been directly involved in the development of the Cowichan Basin Water Management Plan and regularly engage and partner with the Board. They recognize the financial implications of failing to manage freshwater effectively.
Local Support	The majority of local community members agree that innovative watershed governance and management is essential to ensure the Cowichan watershed continues to thrive.
Water Management Plan	In 2004, a water management plan was commissioned by the Cowichan Valley Regional District (CVRD), Cowichan Tribes, the B.C. Ministry of Water, Land and Air Protection (Environment), Fisheries and Oceans Canada, Catalyst Paper, and the Pacific Salmon Commission, who collectively recognized that a more formal and proactive approach to water management was necessary. The Plan, completed in 2007, won the Planning Institute of B.C.'s 2008 Planning Excellence Award, and includes 89 recommended actions for improving local water management to the year 2031.
Governance Success Story	The Cowichan Watershed Board, which was formed to implement the Plan, is one of the leading examples in BC regarding collaborative and innovative watershed governance and is an active leader in supporting peer-to-peer learning throughout the province.

SUMMARY OF PILOT PROPOSAL OPPORTUNITIES

- 1. Development and Deployment of *Water Sustainability Act* Tools:** The primary purpose of the pilot proposal is to pursue the opportunity to partner with the provincial government as it develops and deploys the new tools in the *Water Sustainability Act*. In the process of making the new tools operational “on the ground”, the Cowichan’s experience and feedback will inform the development of the regulations and ensure that the tools are operational and relevant to local initiatives throughout the province. The Cowichan Watershed Board is in a unique position to explore the following interconnected *Water Sustainability Act* tools:

² *The Cowichan: A Canadian Heritage River 10 Year Monitoring Report (2003-2013)*
http://www.env.gov.bc.ca/bcparks/heritage_rivers_program/reports/cowichan-rv-monitoring-report.pdf

- i. Prepare for and address drought through comprehensive **drought planning** and use of key tools such as **area based regulations**, support **groundwater licensing** and managing and amending existing licenses related to the weir on Cowichan Lake.
 - ii. Increase **measurement and reporting** of watershed health indicators to assess progress and inform decision making
 - iii. Develop a provincially-approved, enforceable **Water Sustainability Plan**
 - iv. Codify locally established water management plan targets into **Water Objectives** for the Cowichan/Koksilah watershed regarding water quality and quantity
 - v. Develop **critical and environmental flow** thresholds and triggers to ensure the protection of fish populations and watershed function especially during drought
 - vi. Seek **Delegated Authority** to make decisions affecting local watersheds
2. **Advisory Role and Delegated Authority:** Section 115 of the *Act* allows for the establishment of formal advisory boards appointed by the Minister to specifically inform statutory decision makers on critical sustainability aspects of the *Act*. Section 126 of the *Act* goes further and empowers the Ministry to delegate a range of authorities and decision-making functions associated with the *Act* to local watershed entities.

OPTIONS FOR PILOT PROPOSAL

OPTION 1: Pilot Full Delegation	<ul style="list-style-type: none"> ● Seek delegated decision making power (Section 126) related to ground and surface water licensing, including designation of the Cowichan River as a Sensitive Stream under the <i>Act</i> ● Establish, implement and enforce a new Water Sustainability Plan (WSP) under the <i>Water Sustainability Act</i> including specific planning priorities associated with water quality and habitat protection ● Set local water objectives (consistent with Water Sustainability Plan) and critical and environmental flow triggers and thresholds ● Develop a drought management plan as a component of the Water Sustainability Plan that: <ul style="list-style-type: none"> - sets initial critical flow thresholds, - deals with responsibility for amending and managing the water license associated with head water storage and the weir - ensure measurement and reporting (monitoring) systems are in place for water flows and water consumption to enable level 3 risk assessment under the current provincial flows policy ● Implement compliance and enforcement initiatives ● Seek full authority over the implementation of the Cowichan Estuary Environmental Management Plan consistent with the Water Sustainability Plan
OPTION 2: Pilot	<ul style="list-style-type: none"> ● Seek designation as a s. 115 Advisory Board appointed by the Minister ● Seek designation of Cowichan River as a Sensitive Stream under the <i>Act</i>

Limited Delegation	<ul style="list-style-type: none"> • Seek endorsement and support of the Province for CWB to develop a Cowichan/Koksilah State of the Watershed Report • Develop and implement a legally enforceable Water Sustainability Plan that sets Water Objectives based on the updating of the 2007 Cowichan Basin Water Management Plan • Set local water objectives (consistent with WSP) and critical and environmental flow triggers and thresholds • Develop a drought management plan as a component of the Water Sustainability Plan that would proactively: <ul style="list-style-type: none"> - set initial critical flow thresholds, - deal with responsibility for amending and managing the water license on the weir at Lake Cowichan - ensure measurement and reporting (monitoring) systems are in place for water flows and water consumption to enable level 3 risk assessment under the current provincial flows policy • Initiate structured discussion about possible areas of decision making delegation under s. 126 of the Act • Formalize requirements for CWB endorsement over decisions regarding provincial ground and surface water licensing and works in and about a stream in accordance with the Plan • Advise on compliance and enforcement initiatives • Oversee the implementation of the Cowichan Estuary Management Plan and make recommendations to the Minister (currently fulfilled by MFLNRO)
OPTION 3: Status quo	Subject to support of Cowichan Tribes and the CVRD, the Cowichan Watershed Board would review its priorities and program focus to continue in its informal advisory role with no legal recognition or authority.

Option 2 -an incremental approach to seeking authority - is recommended. The CWB believes it is the most tenable for a pilot initiative because it will allow a learn-by-doing approach complemented by an opportunity to deepen relationships with the Province and develop sustainable funding options for regional water management and decision making. Furthermore, Option 2 will effectively begin the process of addressing the substantive planning, water supply, water quality and habitat issues at a scale that can be cost effective and successful at reducing significant economic, ecosystem and public health risks.

OTHER CONSIDERATIONS TO ADVANCE THE PILOT PROPOSAL

Reporting & Communications: Participation in a provincial pilot will require ongoing evaluation, reporting and communications with all levels of government as well as Cowichan Watershed Board’s ongoing participation in peer-to-peer learning and capacity building in other regions. The CWB will work with provincial staff to examine transferability of lessons learned, models and processes to benefit other regions in the province.

Resourcing Strategy: Cowichan Watershed Board basic operations are currently funded through contributions from Cowichan Tribes and the Cowichan Valley Regional District totaling \$70,000 annually. Project work undertaken to date has been through grants including Community Works (gas tax) and the Real Estate Foundation of BC funding, and through local community donations (e.g., CUPE, Timberwest, Catalyst) and in-kind resources provided through Board members and partners.

Additional funding will be required to implement the objectives of a pilot including develop the WSA tools, watershed planning, advice/responsibility for decision making and reporting and communications. Specifically, additional resources will be required for:

- i. Initial catalyzing Project Funding over 5-year period (i.e. WSP, Water Objectives, Area Based Regulations, EFlows regulations, phased advisory and delegated Authority)
- ii. Organizational Costs (i.e. staff costs, facilitation/conveners, data management, watershed planning, administration)
- iii. Reporting & Communications (i.e. communications with all 4 levels of gov't and community, ongoing participation in peer-to-peer learning)

This early in the process cost estimates are difficult. However, it is anticipated that the initial proposed five-year pilot will require investment in the range of \$2 million in funding. A possible cost sharing arrangement might include all four levels of government in partnership (federal, provincial, Cowichan Tribes and CVRD) with significant potential to leverage additional external funding sources given the innovative nature of this proposal.

Cowichan Watershed Board

LOCAL CO-GOVERNANCE PILOT PROPOSAL

October, 2016

INTRODUCTION

In the Cowichan Valley on eastern Vancouver Island, a remarkable story has been unfolding over the past decade. This story is about communities that have organized to lead and advocate for better management of this heritage watershed. Community opinion leaders have recognized that the cumulative impacts of a variety of factors are combining to push the Cowichan/Koksilah watershed towards a tipping point. These factors include:

- Past uncoordinated land and water use decisions;
- Increased frequency and intensity of droughts and flooding related to climate change;
- Continued population growth and related water use pressures;
- Declining on the ground presence and capacity of provincial and federal governments due to fiscal constraints;
- The historical failure to consult and accommodate Cowichan Tribes aboriginal rights;
- Unresolved issues with respect to the exercising of aboriginal rights, including the erosion of the ability to exercise those rights; and
- Other issues related to property rights, and rights to clean water.

Local community leaders and key stakeholders understand that a different model of watershed governance and management is essential to ensure the Cowichan/Koksilah watershed continues to thrive. In 2010 they established the Cowichan Watershed Board, a partnership between Cowichan Tribes and local government, founded on a philosophy of “whole watershed thinking”, use of the best available information (including traditional knowledge), cooperation, community collaboration and consensus. The Cowichan Watershed Board has brought more detailed local knowledge to decision making, increased public understanding of water management issues and responsibilities, more timely and better supported local decisions, and greater awareness of aboriginal rights and title. It has begun to reduce conflict among users and to reduce economic, environmental and health risks.

At this point in time the Cowichan Watershed Board, with its First Nation/local government co-governance model, strong working relationships and high local credibility as well as knowledge and expertise, is well positioned to assume greater authority and influence over local water management. To that end the Board assessed three governance pilot options for addressing the chronic sustainability issues in the watershed – a full delegation model, a partial delegation model and the status quo.

In the co-governance pilot outlined here, we propose a partial delegation model that includes developing and implementing a formal Water Sustainability Plan for the Cowichan/Koksilah watershed and using the established capacity and momentum of the Cowichan Watershed Board to “test drive” enhanced local influence and authority for water management under the new *Water Sustainability Act*. Specifically we propose the Cowichan Watershed Board be initially appointed as a Section 115 Advisory Board under the *Act* and through the pilot pursue a structured discussion/negotiation with the Province about areas of decision-making delegation under Section 126 of the *Act*. We assume that sufficient resources for the pilot will be available through cost sharing among all parties for the pilot. During the pilot and its evaluation a longer

term model of sustainable financing to support increased local influence and decision making authority will be considered and determined. Appendix 1 provides a synopsis of the Board's key points of discussion that occurred during the final stage of developing this pilot proposal.

The Cowichan Tribes, as part of the Cowichan Nation, asserts Aboriginal rights – e.g., Aboriginal title to the Cowichan/Koksilah watershed and Aboriginal rights to fish and manage the Cowichan/Koksilah watershed fisheries. Aboriginal rights are constitutionally protected rights in accordance with Sec. 35 of the *Constitution Act, 1982*. While Cowichan Tribes continues to engage in the process of reconciliation with the Crown, the Cowichan Tribes recognizes that interim mitigation measures must be taken to preserve the health of the Cowichan/Koksilah watershed and its fisheries. The Cowichan Tribe's support of the proposed pilot project is given without prejudice to the Cowichan Nation's Sec. 35 Aboriginal rights, including title. The Cowichan Tribes reserves the right to claim that this pilot project violates the Cowichan Nation's Aboriginal rights, including the Cowichan Nation's exclusive right to manage its fisheries.

Because Board members are appointed “to serve the best interests of Cowichan Basin citizens and the region as a whole”, the Cowichan Tribes retains the right to judicially review any decision of the Board, notwithstanding the participation of a Cowichan Tribes appointee in the Board decision. The Cowichan Tribes' participation in any Board decision-making process does not constitute adequate consultation and accommodation of the Cowichan Tribes' Aboriginal rights.

OVERVIEW OF THE WATERSHED AND MANAGEMENT CONTEXT

The Cowichan watershed including the Koksilah River and its tributaries covers approximately 1,250 square kilometres of the eastern slopes and coastal plain of southeastern Vancouver Island. The area includes some of the most productive forest lands in Canada, a significant portion of the breadbasket of Vancouver Island and world renowned sport fishing opportunities. Within the Cowichan/Koksilah watershed are contrasting environments. Climate change is exacerbating these contrasts as deepening summer droughts and intense winter storms are increasingly becoming the norm.

The mountainous headwaters in the west of the Cowichan watershed receive five metres of precipitation a year which feeds Cowichan Lake. At 32 kilometres in length, Cowichan Lake is the second largest lake on Vancouver Island. Almost all of that precipitation comes in the form of rain during a six month period (October to March). Snowpack and spring and summer rainfall have been lessening resulting in reduced inflows into Cowichan Lake and the world renowned Cowichan River which it feeds. This Provincial and Canadian Heritage River is known for its beauty, salmon runs, and cultural significance. It flows about 50 kilometres into Cowichan's hot and dry wine country, and eventually empties into the Strait of Georgia at Cowichan Bay. South of the Cowichan River, the much smaller Koksilah River begins on the slopes of Waterloo Mountain and flows northeast for about 44 km joining the Cowichan watershed in the estuary. Without a large lake for headwater storage, Koksilah River flows are naturally variable and extremely sensitive to precipitation.

For thousands of years the watershed was home to forests of massive Douglas fir and Western Red Cedar; numerous deer, elk, and bear; clean and plentiful lakes and streams rich with salmon; tidal flats abundant with shellfish; and great villages of the historic Cowichan Nation which include the present Cowichan Tribe, a successor of the Cowichan Nation. Before European contact, the rich watershed resources supported a population of roughly 8,000 Cowichan people. Over the past 150 years, however, there have been dramatic changes. At one point, due to the introduction of smallpox, measles, and other diseases, only 1,000 Cowichan people survived. Today, clear cuts, young forests and agricultural fields dominate the landscape, salmon runs are threatened by land use/urbanization and habitat degradation, shellfish beds are polluted, and the total population of the watershed has increased to over 82,000 (including approximately 4,700 Cowichan Tribes members) and continues to rise.

Effective, sustainable water management in the Cowichan/Koksilah watershed has been hampered by the fact that legislative authority and responsibility for water and water resources is complex and spread among federal, provincial and local governments and numerous agencies/departments within them. Legislation associated with water lies in at least seven federal and 12 provincial *Acts* as well as at the local government level through powers delegated by the province through the *Community Charter, Local Government Act and other Acts*. In British Columbia the situation is further complicated by the fact that in much of the province including the Cowichan/ Koksilah watershed there are no treaties and/or reconciliation of First Nations' rights and title related to water. Consequently leadership and coordinated decision making among the many bodies responsible for water and related resources have been challenging. Locally, crisis management became the default approach. The challenges and issues faced in the Cowichan/Koksilah led a grassroots advocacy group to call for more local control of water management. That call has been championed in the media, locally, provincially and nationally.

In 2003 summer drought resulted in critically low river levels. Faced with the need to truck salmon to spawning grounds, an imminent shutdown of Catalyst Paper Inc. (which pumps roughly 2 cubic metres of water per second from the Cowichan River to its mill site in Crofton), and issues related to insufficient water to dilute pollution discharged to the easternmost portion of the Cowichan River, the 2003 drought was a wakeup call for the community and regulatory agencies. The management situation of the day was not working and the resultant risks were and continue to be great.

In 2004 the response was the development of the Cowichan Basin Water Management Plan (the Plan) (http://www.cvrld.bc.ca/water_cowichan/index.htm). That Plan was commissioned by the Cowichan Valley Regional District (CVRD), Cowichan Tribes, The BC Ministry of Water, Land and Air Protection (Environment), Fisheries and Oceans Canada, Catalyst Paper, and the Pacific Salmon Commission who recognized that a more formal and proactive approach to water management was needed in the face of continued population growth, climate change and the cumulative impacts of uncoordinated decision-making on the watershed.

The Plan was completed in 2007 and provided a framework for:

- learning more about the Cowichan basin hydrologic system and water issues;

- protecting the ecological function of the system;
- balancing water supply and use; and,
- building broad public understanding and support for a collaborative approach to watershed management.

The award winning Plan was comprehensive, however, three years after its completion, implementation was minimal. Given the diverse and conflicting mandates of agencies responsible for water management and their lack of connection to the watershed it was clear to stakeholders that some form of local leadership was essential if sustainable water management was to be achieved. The resultant Cowichan Watershed Board was established in 2010 to undertake that role and guide implementation of the Plan.

THE COWICHAN WATERSHED BOARD

The governance model adopted for the Cowichan Watershed Board was a result of a comprehensive review of watershed governance in other jurisdictions and an assessment of federal, provincial and local capacity to fulfill their management mandates. It was designed to support collaborative local decision making at the sub-regional/watershed-scale and to function with variable degrees of legal authority within the existing institutional and legal framework.

The Board is jointly established by Cowichan Tribes and the Cowichan Valley Regional District and operates with the support of the federal and provincial governments and community partners. The Cowichan Watershed Board's mandate is to provide leadership for sustainable watershed management, to protect and enhance environmental quality and the quality of life in the Cowichan watershed and adjoining areas.

The Cowichan Watershed Board is committed to the following principles:

- *Partnership and Respect:* The Board is built on a collaborative partnership among Cowichan Tribes, the CVRD, the Ministry of Environment, and the Department of Fisheries and Oceans, Catalyst Paper and the Living Rivers Trust Fund (the partners). The CWB seeks to reconcile the aboriginal rights of Cowichan Tribes and engage and bridge the interests of regulatory agencies, local water stakeholders and citizens. An indicator of the deep respect the Cowichan Watershed Board is founded on is the fact that it has successfully implemented decision-making by consensus.
- *Representation:* The Board members are appointed to serve the best interests of Cowichan Basin citizens and the wider region in a manner that is consistent with federal, provincial and First Nations' interests that support watershed management. Members selected are, to the greatest extent possible, local community leaders and/or known water management related champions/experts.

- *Watershed Emphasis*: The Board’s priorities and activities are guided by a vision for the watershed as a whole that is based on ecological sustainability and balancing local needs (i.e., “whole of watershed thinking”).
- *Transparency*: To the greatest extent possible, the actions and decisions of the Cowichan Watershed Board are transparent and open.

The Board is structured to represent and be accountable to the community. Board membership includes elected members of Cowichan Tribes and the Cowichan Valley Regional District including one member from each who serves as co-chair of the Board, community members with specific local watershed knowledge and nominees of the federal and provincial governments. The Board has established a Technical Advisory Committee composed of technical representatives of stakeholder organizations. The Technical Advisory Committee provides advice on technical matters pertaining to watershed management, and contributes to the legitimacy, credibility and implementation of priority projects and programs. In 2013 the Cowichan Watershed Society was incorporated under the BC *Society Act* to serve as the operational arm of the Cowichan Watershed Board receiving and administering resources to implement Board priorities. Documentation for the governance framework can be found at <http://www.cowichanwatershedboard.ca/topcat/about> . With the exception of possible adjustments that may be agreed to by the partners in response to legal advice on the structure of the Board and/or Society, it is anticipated that the governance framework will remain unchanged during the period of the pilot.

During the past five years the Board has largely focused on building collaborative working relationships with Board and Technical Advisory Committee members, regulatory agencies and stakeholders, while building the capacity to undertake a broader role of influence over and responsibility for decisions affecting the watershed. Building strong collaborative relationships has required a considerable investment of time to support a common understanding of the watershed and issues affecting it.

Notable accomplishments include: working with the province to shift the Cowichan Lake weir management full supply date from July 9th to July 31st to increase the likelihood of adequate Cowichan River flows in some years and to defend this decision on environmental appeal; working cooperatively with water purveyors in the watershed and region on a water conservation program; partnering with regional Ministry of Environment water quality experts to determine the causes of serious pollution issues threatening public health and the rights of Cowichan Tribes to harvest shellfish; and significantly raising public understanding of their water resources and water-related issues. It is also noteworthy that although the Plan does not mention public health the Cowichan Watershed Board recognized the significance of that omission and sought public health representation on the Board and Technical Advisory Committee. This has added significantly to the Plan’s credibility and relevance among local people³. There remain however, three intractable and interrelated “water” issues that are difficult to address without a more up-to-date,

³ The Cowichan Watershed Board is grateful to the Ministry of Environment Water Stewardship Division for recommending regionally recognized health professionals as Cowichan Watershed Board members.

comprehensive plan and more legal authority to ensure its implementation. These are discussed below and include water supply, water quality and protection of habitats and ecosystem services.

SIGNIFICANT WATER SUSTAINABILITY ISSUES IN THE COWICHAN/KOKSILAH

The Cowichan/Koksilah watershed is currently faced with three increasingly significant water sustainability issues. They are:

1. **Water Supply** - Maintaining an adequate water supply through the dry summer months for ecosystem functioning, fisheries, drinking water, First Nations culture, agriculture and other industrial/commercial/recreational uses is becoming an increasing concern within the watershed as population pressures increase and climate change increasingly limits supply. Although Cowichan Lake and Catalyst's existing weir offers an important water storage and flow management opportunity for the Cowichan River it is clear that they will not be adequate to meet environmental flows needs as well as the needs of users into the future. There are also grave concerns about the aquatic health of the Koksilah River and its tributaries. Unlike the Cowichan, the Koksilah River does not have a natural storage option and water licenses, many for agriculture, have been considered fully committed since 1980. Surface flow issues are further complicated by gaps in our knowledge of the state of groundwater and its connectivity with surface water.
2. **Water Quality** - Concern expressed by the Cowichan Watershed Board about water quality including shellfish contamination in Cowichan Bay was the catalyst for a recent (2012-2014) BC Ministry of Environment study of water quality of both the water entering the Bay and in the Bay itself. Bacterial source tracking identified that cow manure was likely one significant source of fecal coliforms and other contaminants in the Koksilah River, and smaller streams that flow into Cowichan Bay and Cowichan Bay itself. The Cowichan Watershed Board is working with farmers to encourage better manure management practices, however, it is clear that ongoing monitoring, education and enforcement will be necessary to resolve pollution issues.
3. **Protection of Habitats and Ecosystem Services** - Very much interrelated with the previous two issues, this issue relates to the growing loss of life sustaining services that intact, healthy ecosystems provide. For example, the Town of Lake Cowichan has experienced four boil water advisories in the past 18 months as a result of high water turbidity pointing to the need to attend to the cumulative impacts of land use practices on riparian and other ecosystems that are endangering human health and imposing significant costs on water purveyors. Strengthening our understanding of habitat loss impacts and protection requirements for sustainable water requires a more powerful, coordinated local effort.

COWICHAN WATERSHED BOARD PILOT PRIORITIES

Our communities recognized that much more needs to be done locally to resolve the declining public confidence in government's capacity to manage water and address the growing pressures and risks to

aquatic health and water quality posed by water users and land uses practices. Furthermore, the Cowichan Watershed Board, with its co-governance model, strong working relationships and high local credibility as well as knowledge and expertise, is well positioned to assume greater authority and influence over local water management. Appendix 2 provides an assessment of the Cowichan Watershed Board's readiness in relation to the nine winning conditions for a successful watershed governance regime identified by Brandes and O'Riordan's in their 2014 seminal paper on collaborative watershed governance (<http://poliswaterproject.org/sites/default/files/POLIS-Blueprint-web.pdf>).

The Cowichan Watershed Board considers the new *Water Sustainability Act* to be a major opportunity to continue to build on its' progress to date and therefore proposes a local co-governance pilot with two specific priorities.

The Cowichan Watershed Board's highest priority for the co-governance pilot is sustainable water planning pursuant to the *Water Sustainability Act*. This involves working collaboratively with the province to develop and implement a robust, legally enforceable Water Sustainability Plan building on the Cowichan Basin Water Management Plan to address water flows, water quality and the protection of habitats and ecosystem services. Such a plan including legal objectives developed under the *Water Sustainability Act* is viewed as key to achieving local water sustainability. A prerequisite to the development of a Water Sustainability Plan is adequate detailed baseline information on the current state of the Cowichan/Koksilah watershed. A state of the watershed report would establish a baseline or benchmark account of what is known about the current health of the aquatic systems and water resources and the key knowledge gaps and issues that need to be addressed.

The Cowichan Watershed Board's second priority is for the Cowichan Watershed Board to be temporarily designated as an advisory board under Section 115 of the *Water Sustainability Act* and subsequently as a formal governance entity under Section 126 of the *Act* with specific delegated responsibilities for planning, plan implementation, monitoring and reporting.

The two priorities are described below and Appendix 3 summarizes the framework proposed for the local co-governance pilot.

Priority # 1 – Sustainable Water Planning and Reporting

Water Sustainability Plans enable the development of innovative solutions that respond directly and uniquely to the socio-ecological and economic realities of water in a region and have the potential to be more responsive than the current provincial scale of water management. The Cowichan Watershed Board thinks that a Water Sustainability Plan can be key to the long term well-being of the Cowichan/Koksilah watershed by:

- addressing and preventing conflicts between the needs of water users and environmental flow needs,
- reducing risks to water quality, aquatic ecosystem and public health,
- identifying restoration measures in relation to damaged aquatic ecosystems, and
- proactively creating drought plans.

A Cowichan/Koksilah Water Sustainability Plan

The Cowichan Watershed Board proposes the development of a Water Sustainability Plan for the Cowichan/Koksilah watershed area to address the following issues:

1. Environmental Flows:
 - a. Ensuring flows for healthy, sustainable aquatic ecosystems and fisheries;
 - b. Understanding surface/groundwater connections and the cumulative impacts of existing groundwater and surface water extraction on aquifers and environmental flows;
 - c. Ensuring a timely and appropriate response to significant drought.
2. Water Quality:
 - a. Ensuring clean water for drinking and swimming;
 - b. Addressing shellfish contamination in the estuary.
3. Habitats and Ecological Services:
 - a. Protecting and restoring riparian, wetland, stream, estuarine and upland ecosystems to provide key services including:
 - i. regulating (e.g., water storage, release, filtration/purification),
 - ii. provisioning (e.g., drinking water, fish),
 - iii. supporting (e.g., wildlife habitats, soil formation), and
 - iv. cultural (e.g., protecting aboriginal cultural practices, recreation, spiritual).

It is envisioned that the Water Sustainability Plan will include recommended measures to address those issues including:

- Setting (and updating as needed on an ongoing basis) environmental flow thresholds for minimum flow levels that must be considered when allocating water.
- Setting allocation priorities,
- Setting drought response thresholds,
- Setting water quality objectives,
- Setting protection targets for habitats and ecological services.

In addition, as a proactive measure the Cowichan Watershed Board envisions setting thresholds for critical flows, essentially drought response priorities, within the water sustainability planning process.

A Cowichan/Koksilah State of the Watershed Report

A set of environmental indicators can individually and collectively paint a picture of a watershed's environmental health. Monitoring and regularly reporting on each indicator is considered to be important for planning as well as accountability by identifying environmental changes, measuring the success of management actions, identifying emerging issues, and helping to set priorities.

Based on the 2007 Cowichan Water Basin Plan, the Cowichan Watershed Board has developed a set of practical, relevant and publically supported targets for and indicators of watershed health which can provide the framework for a State of the Watershed report. Those targets cover key factors including: minimum summer flows, water quality, water conservation, protecting and restoring riparian habitats, public education and sustainable fish populations. A draft table of contents for the proposed Cowichan/Koksilah State of the Watershed Report is provided in Appendix 4.

Priority #2– Advisory Role Evolving to Delegated Authority

Under Section 115 of the *Water Sustainability Act* the Minister may appoint formal advisory boards to specifically inform statutory decisions makers on critical sustainability aspects of the *Act*. Section 126 of the *Water Sustainability Act* goes further and empowers the Minister to delegate specific powers and duties to a local watershed governance entity thus allowing for a more decentralized approach to water governance. The Cowichan Watershed Board understands that there is a spectrum or degrees of possible local decision making authority that could include a local entity having the right:

- to be informed about potential decisions with an opportunity to provide advice and local expertise, and/or
- to have a formal opportunity to provide input, and/or
- to have a formal opportunity to provide input with the requirement that it be considered with a formal response back, and/or
- to endorse a decision, (i.e., local endorsement of a decision required)
- to take the lead in the making a decision and having accountability for the decision.

As a governance entity, it is proposed that the Cowichan Watershed Board have three major roles in support of decentralized governance of the designated watershed area:

1. Local advisory role and limited decision-making

- a. Act as a formal advisor to the provincial government by developing and recommending a Cowichan/Koksilah Watershed Sustainability Plan to the Minister for approval.
- b. Work with the province to identify the key areas for delegated local decision making under Section 126
- c. Providing formal endorsement over decisions regarding permitting and surface and groundwater licensing under the *Water Sustainability Act*.
- d. Providing formal advice and receiving consideration and response regarding compliance and enforcement under the *Water Sustainability Act* and *Water Sustainability Plan*.
- e. Triggering need for sub-basin water plans.

2. Leadership and Oversight of Water Sustainability Plan Implementation:

- a. Facilitating coordination and communication among stakeholders (e.g., government agencies, stewardship groups) undertaking plan-related activities (but not directing these activities.)
- b. Overseeing development and implementation of monitoring and auditing plans.

- c. Reporting noncompliance to the Province for enforcement.
- 3. Reinforce accountability in the watershed through regular State of the Watershed reporting.**

ALIGNMENT WITH COWICHAN TRIBES AND COWICHAN VALLEY REGIONAL DISTRICT INITIATIVES

Integrating and aligning watershed management and governance initiatives in a region is essential to ensure:

- Decisions and solutions are designed to address cumulative impacts and watershed-wide issues,
- Decision-making is coordinated and effective and avoids duplication,
- Resources are used efficiently,
- Accountability for decision-making (i.e., it is clear who is responsible for decisions, how decisions are made, and who is measuring the performance and outcomes of decisions).

In the greater Cowichan Valley Region, the CVRD, Cowichan Tribes, watershed stewardship groups (e.g., Shawnigan Basin Society), and municipalities (e.g., Ladysmith) are exploring water management improvement strategies, as well as considering how water-related challenges may be addressed by reforming underlying governance structures and processes.

Current initiatives and responsibilities for water management of the Cowichan Regional District include:

- Land use zoning, development permitting and enforcement,
- Making referrals to First Nations regarding developments and decision that would potentially impact rights and title,
- Flood protection planning and management including diking authorities,
- Riparian area approvals, management and enforcement,
- Drinking water systems and sewer utilities management,
- Management of Cowichan Valley Regional District parks and greenbelt areas,
- Providing information and support (e.g., watershed atlas) for watershed planning, and
- Providing information and support to residents on watershed sensitive developments.

In addition to their regular business, working in partnership to protect water resources is a strategic focus of the Cowichan Valley Regional District. The Regional District has three goals:

1. Supporting the development of watershed management plans,
2. Supporting the pursuit of local watershed governance under the new *Water Sustainability Act*, and
3. Supporting the pursuit of funding and licensing for increased water storage in Cowichan Lake.

The proposed governance pilot will focus on development and deployment of Water Sustainability Act tools that will complement the achievement of these goals by the CVRD.

Recently CVRD undertook a study across the region, including talks with individual First Nations, to explore their own role in water governance and how a regional governance model might work.⁴ While interest remains in understanding for the long term how the water management activities of different sub-regional watershed scale organizations, like the Cowichan Watershed Board, can be integrated across the region, the Regional District has turned its attention to supporting this pilot proposal and the lessons that can be learned from it. A CVRD Board resolution endorsing and supporting the Pilot Project is in Appendix 5.

Cowichan Tribes provides many of the same water management services on reserve lands as do local governments on private land and the pilot will compliment Cowichan Tribes involvement in:

- Managing fisheries directly and in concert with the federal government (including hatchery management),
- Community and watershed planning,
- Water and land management on First Nation reserve lands,
- Water and sewer utilities on reserve lands and off reserve through partnerships,
- Government to government water use referrals,
- Government to government processes re rights and title, and
- Preservation of special areas.

Letters in support of the proposal from both Cowichan Tribes Council and the Cowichan Valley Regional District Board are attached.

RESOURCE REQUIREMENTS

Cowichan Watershed Board basic operations are currently funded through contributions from Cowichan Tribes and the Cowichan Valley Regional District totaling \$70,000 annually. Project work undertaken to date has been through grants including Community Works (gas tax) and the Real Estate of BC funding, local community donations (e.g., CUPE, Timberwest, Catalyst) and in-kind resources provided through partners.

Developing and implementing a Water Sustainability Plan for the Cowichan/Koksiah watershed will demand significant added effort on the part of the Cowichan Watershed Board staff and technical advisors, and will therefore require supplementary resources. A successful pilot project will require senior government support as well as additional support from the local community and partners and through grants.

This early in the process cost estimates are difficult. It is anticipated that the proposed five year pilot will require investment in the range of \$2 million as shown below. The State of the Watershed Report is estimated to require \$100,000 and the Water Sustainability Plan an additional \$700,000 over two years. Plan

⁴ <http://www.cvrld.bc.ca/documentcenter/view/67890>

implementation support and monitoring and reporting are estimated to require approximately \$200,000 per year with other initiatives estimated to require \$100,000 per year with additional resources for reporting in year 5. It is proposed that this be equally cost shared among the federal and provincial governments and local funding sources (i.e., Cowichan Tribes, CVRD and other contributors). A draft budget is provided in Appendix 5.

Estimated Budget	Prep.	Year 1	Year 2	Year 3	Year 4	Year 5	Total
	\$150,000	\$365,000	\$520,000	\$300,000	\$300,000	\$395,000	\$2.030 M

BENEFITS AND RISKS

The proposed co-governance pilot offers a number of important benefits for the Province and the local community by:

- Illustrating a comprehensive, whole of watershed approach to water management, as envisioned in the new *Water Sustainability Act*, for a watershed typifying the variety of challenges that will become increasingly prevalent in British Columbia’s future;
- Helping support provincial government capacity and mandate fulfillment in an area where it has been challenged to fulfill its mandate adequately in the face of widely acknowledged problems.;
- Jointly addressing environmental, economic and cultural risks;
- Building resilience for adaptation to climate change;
- Protecting and restoring significant ecosystem values for a healthier watershed;
- Providing a sustainable water supply for users , conflicts will be reduced and certainty increased;
- Nurturing positive relations with the federal government by investing in positive water management outcomes in an area that is a clear priority for federal Fisheries;
- Clear goals/targets that are easily understood by the public builds public confidence and accountability;
- Gain practical lessons that may be applied to *Water Sustainability Act* initiative and to other watersheds.

The risks associated with the proposed pilot and risk mitigation measures are summarized below.

Risk	Risk Mitigation
<p>Risks to the timely and satisfactory completion of a Cowichan/Koksilah Water Sustainability Plan:</p> <ul style="list-style-type: none"> • A “State of the Cowichan/Koksilah Watershed” report is an important foundation for developing the plan. There is a possibility of being unable to complete the baseline report in 2016 because of availability of qualified consultants. • There is a possible risk that the plan may not be endorsed by all partners (e.g., the 	<p>These risks will be mitigated by:</p> <ul style="list-style-type: none"> • The work already completed that sets out targets/indicators for watershed reporting serves as a powerful framework/foundation for watershed reporting. • Getting started first on addressing known knowledge gaps for the plan that are not contingent of the baseline report.

Risk	Risk Mitigation
<p>Cowichan Basin Water Management Plan was not fully endorsed by the Cowichan Valley Regional District).</p>	<ul style="list-style-type: none"> • The increased local support for local water management initiatives derived from the Cowichan Watershed Board’s positive reputation and successful track record. • The Cowichan Watershed Board operates inclusively and its partners are highly motivated. • Progress made locally over the past five years to ensure a much greater understanding of the water sustainability issues combined with strong relationships and inclusive planning processes provide reassurance that a new plan will be broadly endorsed.
<p>Risks associated with delaying implementation of a local co-governance pilot:</p> <ul style="list-style-type: none"> • Increased risks of watershed health deterioration and user conflicts. • Lack of timely progress may lead to loss of momentum and motivation to work cooperatively with senior government. 	<ul style="list-style-type: none"> • Timely approval of this pilot will mitigate these risks.
<p>Risk associated with raising the expectations of other local governments and First Nations:</p> <ul style="list-style-type: none"> • Other local governments and First Nations may not be ready from a capacity perspective to successfully draw down powers. 	<ul style="list-style-type: none"> • To mitigate this risk it will be important that the Province make it clear that further expansion to other watersheds will not occur until the pilot has been completed and fully evaluated.
<p>Risks associated with a lack of sustainable funding for plan implementation and monitoring/reporting roles:</p> <ul style="list-style-type: none"> • Buy-in to the Pilot and its success will require a stable and adequate source of funds. 	<ul style="list-style-type: none"> • This risk will be mitigated by developing a long term funding plan that all partners can commit to.

Appendix 1 - Key Cowichan Watershed Board Discussion Points

The June/July drafts of the Cowichan Watershed Board's pilot watershed co-governance proposal led the Board and Technical Advisory Committee members to raise a number of issues and concerns. We offer readers the opportunity to consider those issues and responses to them by including them in an issue and response below.

1. Issue: The pilot project must not diminish or be perceived to diminish Cowichan Tribes rights and title position.

Response: Several Cowichan Tribes members raised the issue that the pilot should not negatively affect Cowichan Tribes members' ability to exercise aboriginal rights. In response to this issue Cowichan Tribes has stated the following:

"The Cowichan Tribes, as part of the Cowichan Nation, asserts Aboriginal rights – e.g., Aboriginal title to the Cowichan/Koksilah watershed and Aboriginal rights to fish and manage the Cowichan/Koksilah watershed fisheries. Aboriginal rights are constitutionally protected rights in accordance with Sec. 35 of the Constitution Act, 1982. While Cowichan Tribes continues to engage in the process of reconciliation with the Crown, the Cowichan Tribes recognizes that interim mitigation measures must be taken to preserve the health of the Cowichan/Koksilah watershed and its fisheries. The Cowichan Tribe's support of the proposed pilot project is given without prejudice to the Cowichan Nation's Sec. 35 Aboriginal rights, including title. The Cowichan Tribes reserves the right to claim that this pilot project violates the Cowichan Nation's Aboriginal rights, including the Cowichan Nation's exclusive right to manage its fisheries. "

Furthermore it has been noted that in the case of rights and title issues there may be times when Cowichan Tribes members of the Cowichan Watershed Board will not be able to support initiatives because of potential impacts on rights and title and the ability to exercise their aboriginal rights.

2. Issue: The Province should not be offloading onto local communities. Provincial offloading should not be facilitated through the pilot. Furthermore the pilot project should not require (be funded through) more local government taxation.

Response: The Cowichan Watershed Board was established and indeed the pilot governance project is being proposed because business as usual and the status quo model of watershed management led by the Province has not been working. Provincially 4% of 439 watershed stakeholders surveyed by the Polis project in 2016⁵ reported that the current approach to management and decision making about water in BC is fine as is. Here in the Cowichan chronic problems associated with water supply, water quality and habitat loss make it clear that more collaborative and cooperative alternatives to business as usual are required. Provincial capacity is very limited and without enhanced collaboration, including local delegation, status quo approaches to watershed management are inherently insensitive to local conditions and needs particularly from the perspective of First Nations Issues and concerns. The fact that the new Water Sustainability Act offers an opportunity for local entities that have a deep understanding of watershed issues and the benefits of sustainable watershed management to voluntarily become more engaged in watershed management does not mean there is an invitation of off-loading. We believe that the ultimate goal is improved watershed management. The proposal focuses on the key areas of reporting and planning,

⁵ Brandes, O.M. and Morris, T. et al. 2016. Illumination: Insights and perspectives for building effective watershed governance in BC. Polis Project on Ecological Governance, University of Victoria

water supply, water quality and habitat protection all of which are expected to result in a healthier watershed and enhanced benefits to local residents and the local economy.

3. Issue: The CVRD can't participate without an expenditure function approved by taxpayers either through a referendum or an alternate approval process.

Response: We have been informed that it would be illegal for the CVRD to spend incremental money for the pilot without a function. As a government, the CVRD should act within the law. And therefore we expect that when the details of the pilot have been negotiated the CVRD would proceed to access an agreed to local government contribution. We expect that Cowichan Tribes will also have to arrange for an appropriate source of funds for any contribution that it agrees to make to the project.

As noted above we think that those who benefit should be investing in the health of their most valuable local asset (the watershed that supports local health, jobs, recreation and the economy) To ensure that such investments come from those who benefit most, tax revenues would appear to be the most appropriate source of funds. Given the importance of the Cowichan/Koksilah watershed to the region and the concerns expressed by residents for the health of their watersheds locally, we suspect that public support and willingness to pay will be high.

4. Issue: The pilot project should not distract from raising the weir to sustain a healthy river. Should we not be focusing all resources on raising the weir?

Response: Much of the progress that has been made toward raising the weir that has been achieved to date has been done through the Cowichan Watershed Board and its Fish and Flows working group and that work continues today. Participating in the proposed pilot is expected to enhance those effects through: the development of a comprehensive, legally enforceable Water Sustainability Plan; building shared understanding; and enhancing existing relationships among partners and stakeholders and increasing public understanding for watersheds and support for solutions to address watershed related issues.

5. Issue: Need to ensure compliance and enforcement are problem addressed

Response: Compliance and enforcement were raised by CVRD members of the Cowichan Watershed Board who commented on the pilot proposal and this issue is clearly a sore thumb at the CVRD Board table. The issue was also frequently raised by many Technical Advisory Committee members based on the ground firsthand experience regarding the destruction of riparian habitat. It is in recognition of this compliance and enforcement issue that the pilot proposal includes a section on pursuing entry into a specific Memorandum of Understanding with the Province to ensure enhanced compliance and enforcement in the Cowichan/Koksilah watershed.

Appendix 2 – Assessment of the Cowichan Watershed Board’s Readiness to Assume Greater Local Authority

Winning Conditions for Governance Success ⁶	Status of Cowichan Watershed Board Governance	Readiness
1. Enabling Power in Legislation for Watershed Entities	Despite the absence of legislated authority, the Board has successfully created a valued coordinating role and institutional space for itself by establishing capacity, setting clear meaningful targets and by utilizing suasion, cooperation and collaboration to develop strong stakeholder engagement. It has positioned itself and established the capability, legitimacy and credibility to assume greater local authority.	H
2. Co-governance with First Nations	The Cowichan Watershed Board is a co-governance partnership between the CVRD and Cowichan Tribes. That partnership is based on trust, respect and consensus-based decision making.	H
3. Support from a Partnership with Local Government	The Cowichan Watershed Board is a co-governance partnership between the CVRD and Cowichan Tribes. That partnership is based on trust, respect and consensus-based decision making. Board members include elected officials from the local government as well as the First Nation.	H
4. Sustainable Long Term Funding	The Cowichan Watershed Board currently operates with \$70,000 annually provided by the CVRD and Cowichan Tribes. That funding is augmented with grant funding for projects. A successful pilot will require incremental investment from the Province, Canada and other partners to ensure success.	M
5. A Functional legal Framework for Sustainable Water and Watershed Management	The 2007 Cowichan Basin Water Management Plan is the current management framework that could be built upon and made legally enforceable under this proposal through the new <i>Water Sustainability Act</i> .	H
6. Availability of Data, Information and Monitoring	The Cowichan Watershed Board is committed to making decisions based on sound science guided by traditional knowledge. The Cowichan, as a heritage river with significant fisheries including an indicator chinook run for the Canada/US salmon treaty, has benefited from much fisheries and hydrological research and monitoring over the years. The CVRD is currently compiling a watershed atlas to improve data storage and availability. The Board has partnered with MOE and MFLNRO to establish and enhance water quality and groundwater databases so that going forward progress can be measured and decisions based on strong science.	H
7. Independent Oversight	Regular state of the watershed reporting and	H

⁶ Brandes & O’Riordan, 2014, <http://poliswaterproject.org/sites/default/files/POLIS-Blueprint-web.pdf>

Winning Conditions for Governance Success ⁶	Status of Cowichan Watershed Board Governance	Readiness
and Public reporting	reporting progress towards key Cowichan water management targets has been a focus of the Cowichan Watershed Board.	
8. Assessing Cumulative Impact	A key principle and approach of the Cowichan Watershed Board is “whole of watershed thinking”. This principle is deeply ingrained in the world view of Cowichan people and the issues addressed in the Board’s watershed targets are the product of cumulative impacts.	H
9. Continuous Peer-to-Peer Learning and Capacity Building	The Cowichan Watershed Board has focused its efforts on collaborative learning and is usually acknowledged for its extremely successful extension activities including tours, workshops, monthly seminars, superheroes and use of media. It has also learned much from participation in provincial and national watershed governance forums.	H

Appendix 3. Proposed local co-governance pilot framework

Main Issues Greater Authority Would Address	How Greater Local Authority Would Work	Degree of Local Authority
<p>Watershed Sustainability (WS) Plan:</p> <ul style="list-style-type: none"> • Adequate detailed baseline information to develop plan • Integrating water objectives into land use decision making. • Legal authority – ability to enforce the plan <p>Environmental Flows:</p> <ul style="list-style-type: none"> • Ensuring flows for healthy sustainable aquatic ecosystems and fisheries • Weir management and critical flow thresholds • Understanding surface groundwater connections and the cumulative impacts of existing groundwater and surface water extraction on aquifers and environmental flows • Timely response to drought based on local conditions including proactive identification of critical flows and mitigation measures 	<p>WS Plan development – Oversee (lead and coordinate) the compilation of baseline information and the development/updating of a comprehensive Cowichan/Koksilah Watershed Plan and recommend to province for approval. The plan to encompass decisions regarding:</p> <ol style="list-style-type: none"> 1. Environmental flows: <ol style="list-style-type: none"> a. Setting (and updating every 10 years) flow thresholds for flow levels that must be considered when allocating water. b. Setting thresholds for critical flows.⁷ c. Setting allocation priorities d. Setting drought response thresholds 2. Water quality: setting water quality objectives for drinking and swimming. 3. Protecting habitats and ecological services: setting protection targets for habitats and ecological services e.g.: <ol style="list-style-type: none"> a. Riparian b. Wetlands c. Streams d. Estuary 	<p>Take the lead in developing and advising re plan to be recommended to province</p>
<p>Water Quality</p> <ul style="list-style-type: none"> • Ensuring clean water for swimming and drinking • Addressing shellfish contamination in the estuary <p>Protecting Habitats and Ecological Services</p> <ul style="list-style-type: none"> • Maintain riparian habitats and ecological services • Maintain wetland habitats and ecological services • Protect stream habitats 	<p>Water Permits and Licenses The Province would consult the local authority and the local authority would endorse decisions as per the Water Sustainability Plan regarding:</p> <ul style="list-style-type: none"> • Authorization of surface licenses - purpose appurtenant, works • Authorization of amendments to surface licenses including operating procedures and special orders. • Authorization of ground water licenses (as they are phased in) • Authorization of amendments to ground water licenses including operating procedures and special orders. • Authorization of water quality permits and amendments to permits? 	<p>Endorsement process guided by Water Sustainability Plan</p>

⁷ This represents taking a more proactive approach to drought planning than contemplated in the *Water Sustainability Act*.

Main Issues Greater Authority Would Address	How Greater Local Authority Would Work	Degree of Local Authority
	<p>Water Sustainability Plan Monitoring and Reporting</p> <ul style="list-style-type: none"> • Track progress towards objectives/targets • Oversee development of “state of watershed plan” reports • Make recommendations to province re plan progress and follow up. <p>Water Flows, Use and Quality - Monitoring and Reporting – As part of the plan, the local authority would:</p> <ul style="list-style-type: none"> • Oversee the development of monitoring/audit plans. • Oversee implementation of monitoring/audits. • Trigger, coordinate and lead education initiatives • Receive audit reports • Report and make recommendations to province and follow up. 	<p>Advise monitoring and auditing to be undertaken and reporting and recommendations to province</p>
	<p>Water Sustainability Plan enforcement – Monitor compliance and report noncompliance to Province for enforcement with Province reporting on action taken.</p>	<p>Advise on compliance issues to Province with consideration and response by the Province.</p>
	<p>Sub-basin water plans - Identify need for and trigger development of sub-basin water plans</p>	<p>Full decision making</p>
<p>Other Complimentary Local Initiatives (Separate from <i>Water Sustainability Act</i> authorization)</p>	<p>Drinking water source protection plans – Formal input through a protocol agreement with Island Health Authority</p>	<p>Formal input on need for plan or plan itself, with consideration and response by Island Health.</p>
	<p>Cowichan Estuary Environmental Management Plan (CEEMP) - Formal leadership of CEEMP Steering Committee through protocol agreements with ministries of Environment and of Forests, Lands and Natural Resource Operations.</p>	<p>Full decision making on recommendations to Minister</p>

Appendix 4. Draft Table of Contents for State of the Cowichan/Koksilah Watershed

Message from Co-Chairs Cowichan Watershed Board

Executive Summary

Introduction

- Purpose

- Key Questions

- The Targets

Cowichan/Koksilah Watershed Overview

- Historical

- Today

- Climate Change

State of the Watershed

- Surface Water

- Groundwater

- Water Quality

- Fish

- Habitats/Ecosystems

 - Forests

 - Riparian

 - Estuarine

 - Wetlands

Human Interaction with Watershed

- Water Use

- Waste Management

- Watershed IQ

Knowledge Gaps and Considerations for Water Sustainability Planning

Acknowledgements

Appendix 5. Draft Budget

Management Areas	2016	2017	2018	2019	2020	2021	Total
Water Sustainability Plan Development:							
<ul style="list-style-type: none"> State of Cowichan/Koksilah Watershed Report 	\$100,000						\$100,000
<ul style="list-style-type: none"> Development of Cowichan/Koksilah Plan 	\$50,000	\$350,000	\$300,000				\$700,000
Water Sustainability Plan Implementation Support:							
<ul style="list-style-type: none"> Licensing and Permit Decision Referrals 			\$70,000	\$50,000	\$50,000	\$50,000	\$220,000
<ul style="list-style-type: none"> Water flows, use and quality monitoring/auditing/reporting 			\$50,000	\$100,000	\$100,000	\$100,000	\$350,000
Water Sustainability Plan Monitoring and Reporting							
				\$50,000	\$50,000	\$100,000	\$200,000
Other:							
<ul style="list-style-type: none"> Cowichan Estuary Environmental Management Plan Sub-basin plans Project leadership (e.g., support raising the weir, clam gardens, public education etc.) 			\$100,000	\$100,000	\$100,000	\$100,000	\$400,000
Co-governance Pilot Evaluation		\$15,000				\$45,000	\$60,000
Total	\$150,000	\$365,000	\$520,000	\$300,000	\$300,000	\$395,000	\$2.03 M

Appendix 5. Letters of Support from Partners



Cowichan Tribes

5760 Allenby Road Duncan, BC V9L 5J1
Telephone (250) 748-3196 Fax: (250) 748-1233

September 13th, 2016

To Whom It May Concern,

I write to you regarding the local co-governance pilot proposal for the Cowichan/Koksilah watershed brought forward by the Cowichan Watershed Board, a board jointly established by Cowichan Tribes and the Cowichan Valley Regional District to guide implementation of the 2007 *Cowichan Basin Water Management Plan*. The Board seeks from the Province of British Columbia the full or partial delegation of decision-making authority under ss. 115/126 of the *Water Sustainability Act, 2016* in order to investigate the viability of a local co-governance framework for the Cowichan/Koksilah watershed.

Since the time of our First Ancestors, the Creator has entrusted the Cowichan people with the management, stewardship, and protection of our lands, waterways, and all creatures who swim or dwell within them. We have sustainably managed these resources for millennia. We believe that there is an immediate need for direct action to preserve the health and abundance of our fisheries in times of increasing urbanization, climate change and associated reduction in water flow and quality. We believe we have developed the beginnings of an effective and sustainable collaborative local governance framework with the Cowichan Valley Regional District, and believe it a worthwhile and necessary venture to explore how efficient and successful “on the ground” watershed governance can be.

Please consider this communication an offer of Cowichan Tribes’ support-in-principle for the Cowichan Watershed Board’s local co-governance pilot proposal.

Cowichan Tribes reiterates that our support of this pilot project does not in any way suspend nor reduce the legal obligation of the Crown to consult and is made without prejudice to Cowichan Tribes’ Aboriginal rights and title in accordance with Section 35 of the Constitution Act, 1982. We reserve the right to opt-out of or discontinue support for this project at any time.

Sincerely,

Chief William C. Seymour
Cowichan Tribes



175 Ingram Street
Duncan, BC V9L 1N8
www.cvrld.bc.ca

Office: 250.746.2500
Fax: 250.746.2513
Toll Free: 1.800.665.3955

September 22, 2016

Lynn Kriwoken
Director, Water Protection and Sustainability
Ministry of Environment
PO Box 9362 Stn Prov Govt
VICTORIA V8W 9M1

RE: Cowichan Watershed Board - Request to Act as Pilot Community

I am writing on behalf of the Cowichan Valley Regional District (CVRD) to support the Cowichan Watershed Board's (CWB) request to act as a pilot community under Section 115 of the *Water Sustainability Act* in order to test new regulatory tools. This support is made without prejudice.

The CVRD has been an active partner in the development of the overall Cowichan Watershed Plan, as well as the Cowichan Watershed Board, and has benefited from the tools, capacity development, and relationships developed to date. We have also identified a number of areas that still merit additional exploration by the CWB as it moves forward in demonstrating readiness to take on additional roles and responsibilities. These areas include:

Structure and Accountability – At this time there are a number of issues related to the current structure of the CWB that will require clarification if it is to become a public entity with decision making or advisory powers. This includes clarification of membership process, accountability for decisions (both internally within the CWB and of the members to their respective organizations), membership of the Technical Advisory Team, relationship between the CWB Board and Society, and long term accountability and liability for decisions made by the group.

Sustainable Funding – Funding is currently being requested for ongoing financial support by all levels of government. Financial support for the work of the CWB by local government will have to be approved via a public process undertaken by the CVRD. The outcomes of such a process cannot be assumed to be supported publicly at this time.

We urge you to consider supporting the Cowichan Watershed Board's request to act as a pilot community under the new legislative tools as well as providing funding for this important initiative.

Sincerely,

Jon Lefebure, Chair

JL/sc

pc: Jill Thompson, Board Assistant, Cowichan Watershed Board
Kate Miller, Manager, Environmental Initiatives

COWICHAN VALLEY REGIONAL DISTRICT