

# Xwulqw'selu Watershed Planning Process Guidance

June 2023



Photo: Bryant DeRoy

This set of Guidelines summarizes the drivers and purpose for a Xwulqw'selu Watershed Plan and describes the planning process.

**Table of Contents**

<b>Why a Xwulqw'selu Watershed Plan?</b>	<b>3</b>
<b>Purpose of the Watershed Plan</b>	<b>4</b>
<b>Guiding Quw'utsun Principles</b>	<b>5</b>
<b>Who Does What and Who Decides</b>	<b>6</b>
<b>Process Stages and Planning Steps</b>	<b>7</b>
<b>Appendix: Other Planning Process Documents</b>	<b>11</b>

## Why a Xwulqw'selu Watershed Plan?

The Xwulqw'selu Watershed is central to the identity of the Quw'utsun (Cowichan) Peoples. Hwsalu-utsum—a prominent ridge in the watershed — is the spiritual birthplace of the Quw'utsun, where the first man, Syalutsa, fell from the sky. Hwsalu-utsum is the origin or headwaters of several tributaries that flow into the Xwulqw'selu Sta'lo' (Koksilah River). There are many sacred places and cultural stories across the entire watershed.

The Xwulqw'selu Watershed is essential to Quw'utsun not only culturally and spiritually, but also as an important area for fishing, harvesting plants, and hunting. The Watershed supports regionally significant aquatic ecosystems and their fish species, including steelhead, coho salmon, and resident trout.

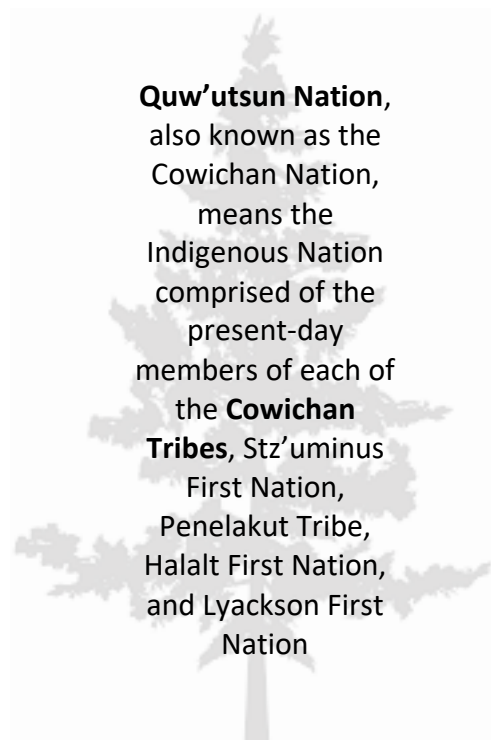
The Watershed also supports an estimated 1,100 distinct water users, including irrigators, dairies, vineyards, and domestic households. These users are dependent on stream water and groundwater. Together, they use more than 32,000 cubic meters of water per day. Land use in the watershed includes agriculture mixed with urban development in the lower watershed, and forestry in the middle to upper watershed.

In recent years, summer flow rates in the Watershed have fallen below the Critical Environmental Flow Need Threshold, threatening the survival of aquatic species and habitats and Cowichan Tribes practices and rights associated with these ecosystems and species. This is not a new problem: serious threats to salmon production due to water use pressures have been documented since the 1980s. Though water availability in the Koksilah River and its tributaries were noted by the Government of BC as “fully recorded” in 1980, groundwater development and use continue – and demand continues to grow, with new applications for groundwater licences still being received. Accelerating groundwater use has corresponded with continued declines in stream flows and fisheries stocks in those streams, as surface water and groundwater are connected throughout the watershed. This is a serious environmental conservation concern.

Simultaneously, climate change is causing more extreme hydrological events of flooding and drought. Fluctuating extremes and low flow periods are elevating conflict and concern between water users over water availability. Short-term measures to respond to low flows are being taken (e.g., development of an irrigation schedule, issuance of Temporary Fish Protection Orders during 2019 and 2021, public outreach). These actions demonstrate that the people care and actions are being taken, but in the face of climate change, these are not sustainable long-term solutions.

Between 2019-2023, Cowichan Tribes and the Government of BC worked as equal partners to build a common understanding of the watershed impacts and problems, learn about what community members and interest holders value, and prepare to launch and co-lead a planning process that they hope achieves lasting change.

In May 2023, Cowichan Tribes and the Province signed a government-to-government agreement, *S-xats-thut tst*, that sets out a commitment, vision, principles, and priorities for a watershed planning process – the first of its kind in BC.



**Quw'utsun Nation**, also known as the Cowichan Nation, means the Indigenous Nation comprised of the present-day members of each of the **Cowichan Tribes**, Stz'uminus First Nation, Penelakut Tribe, Halalt First Nation, and Lyackson First Nation

## Purpose of the Watershed Plan

The purpose of the watershed plan is to help Cowichan Tribes and the Province of BC realize their vision and priorities for a healthy watershed and climate-resilient future, as articulated in *S-xats-thut tst*, their government-to-government agreement (see below, and find the Agreement on [Koksilahwater.ca](http://Koksilahwater.ca)).

Community members, interested parties and stakeholders, and all levels of government will be involved in the process of in developing specific watershed management goals, and exploring issues and options related to:

- **Water:** water management measures (supply and demand) across all sectors (including domestic, agricultural, industrial) to achieve sustainable in-stream flows (quantity and quality);
- **Forests and Land:** changes to existing or future forest and land management practices, and restoration, conservation and protection that help achieve sustainable instream flows (quantity and quality) and support cultural and ecological integrity;
- **Regional Development:** actions available to local and regional governments that support watershed goals;
- **Laws, Policy, Governance:** approaches and tools to implement the plan recommendations, and recommendations to support ongoing adaptive management and co-governance.

A range of legal and non-legal tools – drawing on Crown law and Cowichan Tribes law – may be needed to implement the Watershed Plan. The Watershed Plan includes the development and recommendation of a Water Sustainability Plan under the *Water Sustainability Act* (the first in BC) as well as recommendations for other Cowichan Tribes and Provincial management, policy, and regulatory actions.

### Core Priorities in the Xwulqw'selu Watershed Planning Agreement (*S-xats-thut tst*)

- Protection and restoration of ecological communities
- Sustainability of environmental flows and water extraction
- Protection and restoration of fish populations
- Protection of cultural resources and Cowichan Tribes' ways of being
- Protection of Cowichan Tribes' Title and Rights and Indigenous rights recognized in UNDRIP
- Supporting the well-being of Cowichan Tribes members and the Xwulqw'selu Watershed
- Supporting the well-being of groups and communities who use and rely on the Xwulqw'selu
- Protection of Indigenous and local food security

## Guiding Quw'utsun Teachings

Cowichan Tribes' **snuw'uy'ulh** (teachings) and **syuw'entst** (proper ways of being) guide **they'tal'** (relationship-building) between Cowichan Tribes and the Province of BC, and the Watershed Plan planning process. Cowichan Elders share that it can take a lifetime to understand and live these teachings. The Watershed Plan process offers all involved opportunities to learn – through reflection, discussion, practice, and seeking guidance – about how **snuw'uy'ulh** and **syuw'entst** can be applied.

Deliberate steps taken to learn and grow a shared understanding of Cowichan laws may include:

- Meeting on the land regularly; participating in ceremony and protocol
- Seeking advice, wisdom, stories, and guidance from Elders
- Spending time in meetings discussing and reflecting on Quw'utsun culture and teachings
- Exploring creative ways to express Quw'utsun culture and build understanding (including use of music, visual arts, poetry, story-telling, etc.)
- Encouraging individuals to do their own internal work, to arrive informed of the truth necessary for reconciliation, with an open heart and mind
- Having frank, honest conversations; speaking up against harmful attitudes or ideas

### **snuw'uy'ulh and syuw'entst**

**Nuts'amat kws yaay'us 'utu qa'**

We come together as a whole to work together to be stronger as partners for the watershed.

**Hwialasmut tu Tumuhw**

Take care of the Earth (this includes the watershed).

**Mukw' stem 'i 'utunu Tumuhw, 'o' huliitun tst, mukw' stem 'i 'utunu Tumuhw 'o' slhiilhukw 'tul'**

Everything on this Earth is what sustains us; everything on this Earth is connected together.

**Stl'atl'um stuhw tun kwunmun**

Take only what you need.

**Stsielhstuhw tu mukw stem ('i 'u tuna Tumuhw)**

Respect for all things; Respect for all beings; Respect for what is around you.

**'Uw-wu ha'kwush 'uhw, 'i 'o' shtes ch 'ul'**

Leave it the way we found it.

**Hulitun ts-t tu qa'**

Water is life.

**Stsielh stum tu Sqwutsun'a'lh sh-saay' 'i' tu sniw's kwa 'e' 'luhwutss**

Cowichan rights and laws are respected.

**Yaay'usme't kws mukwe' stem 'itunnu Tumuhw 'o' sul'iq'tul, 'Uw-wute'kw'u suhiim**

Work to bring everything in our environment into balance.

**Hiiye'yutul tst'u to' mukw' stem 'i 'u tun'a Tumuhw 'i' tu qa'**

Everything in the natural world is connected as part of our family; we are all relatives.

**Ts'i'ts'uwatul' eluhwut tu Xwulqw'selu qa' Tumuhw, 'i' Mukw'stem 'ukw'o' yath**

Work together for the health and wellbeing of the Xwulqw'selu Watershed, generation to generation.

# Who Does What and Who Decides

The organizational structure – who participates, who does what, and who makes decisions in the planning process – is summarized in Figure 1. The structure includes four main tables:

- **A Government-to-Government (G2G) Table** with senior staff from Cowichan Tribes and the Government of BC, makes shared decisions about what the Watershed Plan should include, along with other interim water co-management recommendations, and provides overall oversight and strategic direction to the planning process.
- **A Planning Team**, led by a jointly appointed **Executive Director**, with Cowichan Tribes and Province of BC Planning Leads and support staff/roles, manages and oversees the planning process. The Team is responsible for gathering input and advice, communicating publicly about the process, managing workstreams, iteratively drafting the Plan, and bringing recommendations, evidence, and draft plan content to the G2G Table.
- **Cowichan Tribes Advisory Table**. Cowichan Tribes members reflect and discuss key planning issues, provide input that helps form the direction to the Planning process, and celebrate the rich Quw'utsun traditions that the Xwulqw'selu watershed supports. Elders and knowledge holders as well as members from the broader Cowichan community, provide guidance.
- **A Collaborative Community Advisory Table (CCAT)**, established by the G2G Table in the Fall of 2023, the CCAT represents a diverse range of watershed interests and rights holders (including both local community members and government representatives), as well as technical advisors. It meets through a series of workshops between 2023-2026 to work through the steps of the planning process and provide recommendations to the G2G Table.

In addition to these tables, **topic-specific workstreams** organized by the Planning Team **do the technical and engagement work to develop and evaluate water and land options**. Community involvement is tailored to the issue at hand. **Finally, general communications** includes a website, social media, open house and other events. Communication and engagement is guided by living communication and engagement plans. More detailed roles and responsibilities can be found in supporting documents.

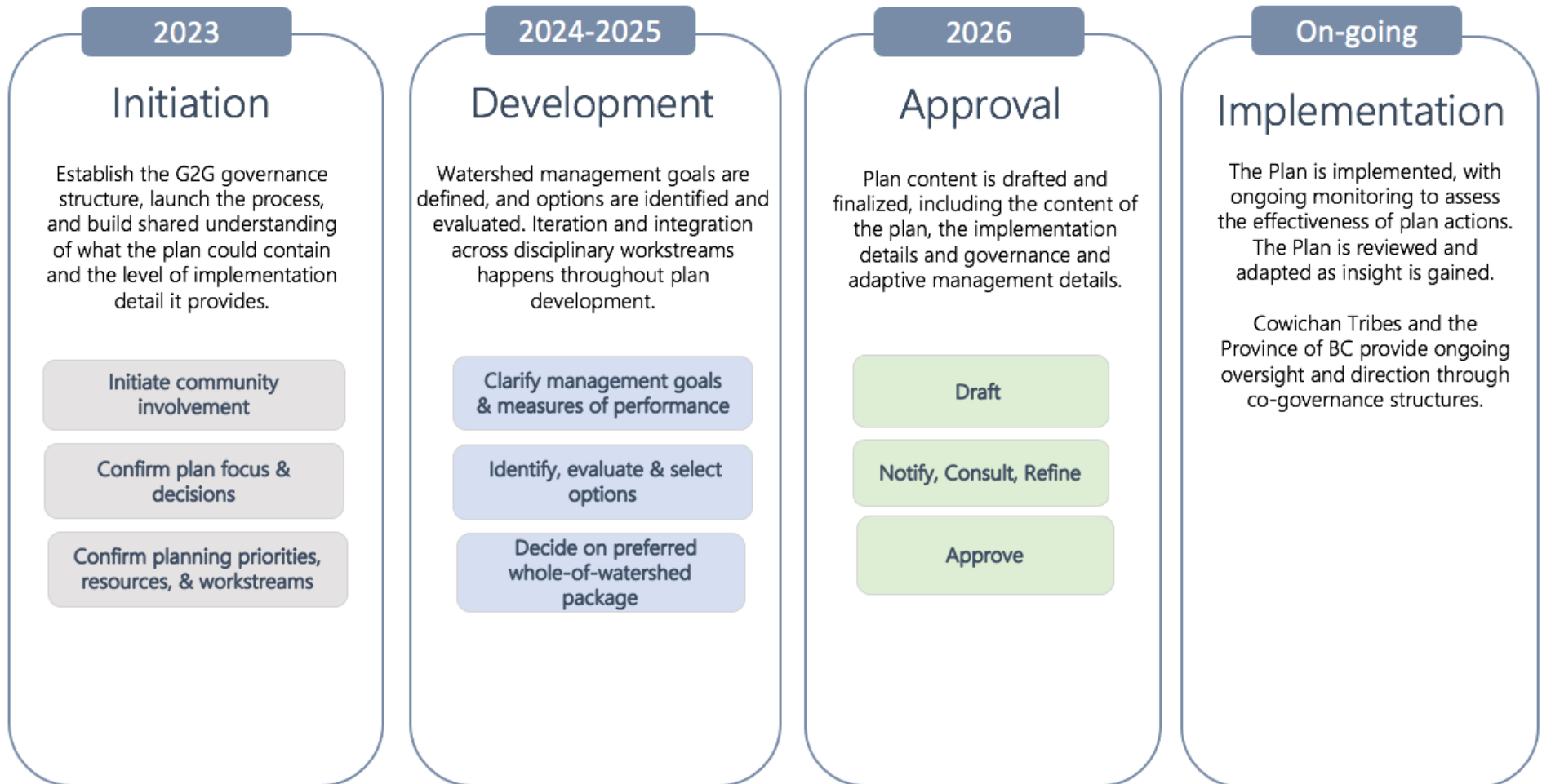
Figure 1. Organizational Structure



# Process Stages and Planning Steps

The Watershed Plan process occurs through the following four-stages - recognizing that planning is by nature dynamic, iterative and evolving.

Figure 2: Overview: Xwulqw’selu Watershed Planning Process



# Stage 1: Plan Initiation

## Step 1. Initiate Community Involvement

The planning process is announced, preliminary interviews are conducted, and initial communications and events are held (including a watershed tour and drop-in evening). Selection processes are launched to invite participants to the Cowichan Tribes Advisory Table and the CCAT.

## Step 2. Confirm Plan Focus and Decisions

Early G2G Table meetings and planning workshops focus on clarifying the plan scope and decisions. These workshops build a shared vision of what the Watershed Plan is (or is not) likely to focus on and contain, and the decisions to be made in developing the plan. They involve:

- Building a shared understanding of the **vision and desired outcomes** in *S-xats-thut tst*.
- Reviewing **existing information and analytical tools, and current understandings of issues and options**
- Exploring different ways to focus and bound the Watershed Plan, **clarifying the levels of implementation detail the Plan may contain** for different issues and how this plan interacts with other plans and initiatives in the watershed
- **Confirming links to decision makers**, and clarifying decision-makers' key information needs - including better defining how the Watershed Plan interacts with a Water Sustainability Plan
- Confirming the **nature and range of options to evaluate** in detail during the plan process
- **Understanding priorities and sequencing considerations** for the technical and engagement work (what technical work is needed, who needs to be involved, and how) to be done over the 3-year planning process, to inform detailed work planning.

## Step 3: Confirm Planning Priorities, Resources and Workplans

Following kick-off workshops, the Planning Team develops detailed **workplans and budgets** to carry out option assessments, and a detailed **Outreach and Engagement Plan**. How different workstreams are organized depends on who needs to be involved, and the timeline and target completion date. Some workstreams may start in 2023, others may be staggered to begin in 2024 or even 2025.

The Planning Team's role is to maintain a birds-eye view of the entire planning process, giving guidance and direction to the workstreams, gathering and incorporating advice, and iteratively draft the Watershed Plan.



## Stage 2: Plan Development

The **Cowichan Tribes Guidance Table** and **Collaborative Community Advisory Table** work through the following steps to make recommendations to the G2G Table, through the conduit of the Planning Team.

### Step 1. Clarify management goals and measures of performance

Management goals are drawn from community input and from the core priorities and vision outlined in the *S-xats-thut tst*. They are used to design and evaluate land and water management options. Specific measures (both qualitative and quantitative) will be developed to evaluate how well different options support the goals, and/or to facilitate tracking progress over time.

Goals are likely to be related to a **sustainable instream flow regime** (e.g., low flows, peak flows, and water quality), **ecological and cultural integrity** (e.g., healthy fish; culturally important habitats and species; access, connection to and safe use of the watershed by Cowichan Tribes), and **community well-being** (e.g., food security and sustainable farm livelihoods; water users security and adaptations; sustainable urban development patterns).

### Step 2. Identify, Evaluate, and Select Options

1. **Develop, evaluate, refine, and integrate options.** Options are the alternative actions, policies, regulatory measures, programs, and investments explored under the Watershed Plan. Early engagement and kick-off workshops provide initial direction on which options to explore, and establish initial workstreams. Once initial sets of options are understood at a sufficient level of detail, they are examined together, as holistic packages, to understand interactions. The process of exploring, refining, and combining options to reach an integrated whole-of-watershed plan is highly iterative (involving multiple rounds of analysis and evaluation).
2. **Characterize consequences ("what happens if...").** The goal in this step is to build a shared understanding of the *effectiveness and implications* of different options and their uncertainties, based on sound evidence, before deciding what to do. This step relies on Indigenous knowledge, local knowledge, statistics, data, and advice from experts; and uses both qualitative and quantitative (i.e., modelling, accounting) tools.
3. **Deliberate about trade-offs.** Decisions about scarce water resources inevitably involve trade-offs and uncertainties. While good information can inform choices, it is up to people to learn and deliberate together to make value-based judgments about what should be done to solve a problem. Initial deliberations about trade-offs may produce ideas about how to refine the options, leading to a subsequent round of evaluation. At each round of evaluation, the Planning Team led by the Joint ED is responsible for preparing briefing notes that give the G2G Table concise, meaningful information that enables them to understand the key trade-offs and uncertainties, the perspectives of Cowichan Tribes members and members of the CCAT, and implementation considerations. Uncertainty is a constant presence in planning and decision-making about water and land. A commitment to adaptive co-management – implementation specifically designed to reduce uncertainty, support learning over time, revisit and review decisions based on new information and learning can be one key to reaching agreement on a way forward..

### Step 3. Decide on preferred whole-of-watershed package.

The G2G Table is ultimately responsible for recommending a Plan that fulfills the commitments in the *S-xats-thut tst*, thoughtfully and transparently considers all values, utilizes a range of Cowichan Tribes laws and approaches and Government of BC legal and policy tools, and strikes an acceptable balance across values that may sometimes be at odds. Uncertainty is a constant presence in planning and decision-making about water and land. A commitment to structured learning over time, and a formal review of decisions when new information is available, can be the key to reaching agreement on a way forward

## Stage 3: Plan Approvals

### Step 1. Draft

The Joint ED and Planning Team draft the plan content, including the implementation details and co-governance and adaptive management approach going forward. Extensive engagement and iteration occurs with internal Cowichan Tribes staff and committees of council, and Provincial ministries, as the Planning Team outlines roles and responsibilities for the future phases of monitoring, management, and decision-making, and, in some cases, works through steps of regulation development.

### Step 2. Notify, Consult, Refine

In addition to supporting the community engagement that occurs in the planning process, the Province of BC will ensure its legal obligations to consult First Nations and notify affected rights holders are met. The draft Plan may be refined based on results of this consultation.

### Step 3. Approve

The Watershed Plan is presented by the G2G Table as a recommendation to Cowichan Tribes Chief & Council and Provincial Ministers in 2026. These decision-makers make the final decision about its approval. Both parties will hold regular internal briefings to executive and/or senior officials as the Watershed Plan is developed.

## Stage 4: Implementation

Cowichan Tribes and the Government of BC are building an enduring Government-to-Government relationship, and supporting Cowichan Tribes in exercising its inherent rights to govern, as the original and continual stewards of the lands and waters within its territory. **The completion of the Watershed Plan therefore marks the continuation, rather than the conclusion, of a new approach to land and water stewardship.** As the planning process nears completion and prepares for implementation the G2G TOR will be revisited to reassess purpose, roles, and membership.

## Appendix. Other Planning Process Documents

DOCUMENT	PURPOSE
<b>Xwulqw'selu Watershed Planning Agreement</b> ( <i>S-xats-thut tst</i> )	This Agreement establishes the shared mandate, commitment, vision, and principles for the Watershed Plan. It broadly defines the scope and parameters for the process, and provides a process for dispute resolution.
<b>WSP Terms of Reference</b>	The Watershed Plan will include the development and recommendation of a Water Sustainability Plan under the <i>Water Sustainability Act</i> . A WSP Terms of Reference is a requirement under WSA s. 68. It outlines the governance of the G2G planning process and the scope for the WSP as one component of the Watershed Plan.
<b>Watershed Planning Process Guidance</b>	Describes how the planning process is envisioned to work, including the approach to communications and engagement.
<b>Governance and Operations Documents</b>	Located on the shared server, this folder contains documents that guide day-to-day operations and governance. These are living documents, and include: <ul style="list-style-type: none"> <li>• Details on roles and responsibilities to complement the WSP TOR (job descriptions, scopes of work, partner agreements, etc.)</li> <li>• Terms of References for the G2G Table, Collaborative Community Advisory Table, and the internal Cowichan Community Guidance Table</li> <li>• Operating protocols for file storage, financial administration, confidentiality, and communications</li> </ul>
<b>Workplans, Budgets, and Outreach &amp; Engagement Plan</b>	Describe the technical and engagement work that will be done to develop options, iteratively create the plan, and communicate with communities and interest holders (to be released Fall 2023)
<b>Preliminary Options Reports</b>	Reports based on research and community input that provide preliminary ideas of what can be done to achieve watershed goals. The planning process will involve a few rounds of iteratively exploring, refining and combining options to develop the integrated whole-of-watershed plan (to be released Spring 2024).