



# Cowichan Water Use Plan

## Public Advisory Group

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## Terms of Reference<sup>1</sup>

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Prepared by Compass Resource Management  
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*A community planning initiative in partnership with:*



**Cowichan  
Watershed  
BOARD**



<sup>1</sup> As reviewed and accepted by the Cowichan WUP Public Advisory Group at their November 22, 2017 meeting





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# Cowichan Water Use Plan

## Public Advisory Group Terms of Reference

### 1 Introduction

The Cowichan Valley Regional District (CVRD), Cowichan Tribes, the Cowichan Watershed Board, and Catalyst Paper have partnered together to initiate a community planning process that will explore future water use needs alongside a range of different potential water supply and storage options. The goal is to seek agreement on a long-term solution to ensure water resources are sustainable and available to meet the region's current and future water use requirements. This community planning initiative is referred to as the Cowichan Water Use Plan (WUP) and it will follow a structured process as outlined in a separate Process Guidelines document that was based on BC's provincial [WUP Guidelines](#).

To ensure a Water Use Plan is reflective of the diverse interests and priorities of the residents and businesses of the region, a public advisory group (PAG) will be formed to work collaboratively through the planning process.

These terms of reference (TOR) outline the roles and responsibilities of the PAG (and any Technical Sub-Committee members) to ensure participants are aware of their mandate, expectations, and how the PAG and TSG will function, and the advisory nature of these committees.

### 2 Cowichan WUP Public Advisory Group

#### 2.1 Mandate and Purpose

The mandate of the PAG is to work through the planning steps as outlined in the Cowichan WUP Process Guidelines (a separate document). Central to this mandate is for the PAG to identify and explore different water use alternatives<sup>1</sup> for the Cowichan Lake system and collaboratively develop recommendations for consideration to the Partner Organizations<sup>2</sup> which may lead to submission a WUP to the provincial government. The water control facilities to be included in the WUP are located at the outlet of Cowichan Lake (i.e., the weir and pumping system).

To develop recommendations, the PAG will:

- consider the needs and interests of all different water uses, including drinking water supply, fisheries, wildlife, lake front property owners, the environment, recreation, culture and heritage, flooding and erosion, water management costs, energy self-sufficiency, and other uses identified during the planning process;
- take into account the best available information about the consequences of proposed alternatives relative to current conditions;
- identify a preferred alternative and other considerations seen to be within the scope of the WUP;

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<sup>1</sup> Water use alternatives include potential changes to minimum flow requirements for the Cowichan River, rule curve and water levels for Cowichan Lake, water storage capacity in Cowichan Lake, and potential enhancement projects to mitigate adverse effects.

<sup>2</sup> Cowichan Valley Regional District (CVRD), Catalyst Paper, Cowichan Tribes and Cowichan Watershed Board.

- outline criteria for any ongoing monitoring and assessment program, where required and appropriate; and
- establish timing for periodic review of a future WUP.

## 2.2 Role

The role of the PAG is advisory. The PAG will report to the Partner Organizations on the content of the WUP. Should the Partner Organizations move forward with an application of a WUP, the PAG recommendations will be included with the submission to the provincial and federal agencies.

The provincial Comptroller of Water Rights reviews water use plans under the provisions of British Columbia's *Water Sustainability Act*, and involves Fisheries and Oceans Canada, other provincial agencies, First Nations, and holders of water licences who might be affected by the plans.

The PAG may form Technical Sub-Groups as described later in this document.

## 2.3 Structure and Membership

Membership on the PAG consists of a diverse range of water use interests and include representatives from the CVRD, First Nations, Catalyst Paper, residents, local community and interest groups (e.g., lakefront property owners, environmental, recreation, agriculture, etc.), provincial and federal governments, and the Cowichan Watershed Board. The work of the PAG will be managed by an independent consulting team that has been hired to run and facilitate the community planning process (and their specific roles are described later in this document).

Members of the PAG do not receive remuneration.

Membership of the PAG has been established in accordance with Steps 2 and 3 of the Provincial WUP Guidelines. PAG members have been invited to participate based on:

- Their constituency, agency, organization or group being considered a key interest group by the Cowichan WUP Steering Committee (which includes Partner Organizations and federal and provincial regulatory agencies);
- Their ability to represent their constituency, agency, organization or group;
- Their knowledge and experience on these systems;
- Their commitment to participate in an open, inclusive and engaged manner with the goal of working collaboratively toward mutually acceptable solutions;
- Their commitment to attend all PAG meetings, and read all pre-meeting materials, understanding that the process is likely to involve approximately about four full day meetings over the course of about 8 months; and
- Acceptance of the organizational structure of the PAG.

## 2.4 Alternate Members

Continuity is important. It is expected that PAG members will attend all meetings. In the event that a designated PAG member is unable to attend a meeting, it is their responsibility to arrange for an alternate to attend on their behalf. Members are responsible for ensuring that their alternate is familiar with these

Terms of Reference and is fully up-to-date on the issues being discussed. Designation of an alternate must be communicated to the Facilitator at least one week in advance of the meeting in question.

## 2.5 New Members

Following adoption of these Terms of Reference, only under rare conditions will any individual or organization be considered to apply for membership on the PAG. New members may however, be considered through written requests to the Facilitator to be discussed by the PAG at their next meeting. Members of the PAG will consider new applications based on the principle of an equitable, open and inclusive process, and the merits and drawbacks of expanding membership to the PAG.

Any new PAG member will be required to:

- a. abide by the Terms of Reference;
- b. inform themselves with the past deliberations and work of the PAG; and
- c. accept previous decisions of the PAG.

## 2.6 Technical Sub-Groups (TSGs)

Technical Sub-Groups may be established by the PAG to undertake specified technical work between PAG meetings. Technical Sub-Groups will:

- Be open to all PAG members;
- Include non-PAG members, such as technical or scientific experts, as appropriate;
- Include a Facilitator from the consulting team to support their meetings and work;
- Abide by Terms of Reference established by the PAG; and
- Undertake work and make recommendations as defined through PAG instructions.

## 2.7 Observers and Guests

Observers may attend meetings but may not participate in PAG and TSG discussions unless called upon. If an Observer wishes to attend an upcoming meeting, they must inform the Facilitator in advance and permission may be dependent on meeting room logistics.

Guests may be invited to attend meetings to provide technical presentations or respond to questions on a subject relevant to the PAG. Any invitation to a guest must be coordinated through the Facilitator in advance of the meeting.

# 3 PAG Scope

## 3.1 Deliberations

Deliberations by the PAG will include those issues that are related to a water use issues that are affected by water control facilities at the outlet of Cowichan Lake. The PAG will consider:

- a) alternatives to how water is stored and released from Cowichan Lake and this includes consideration of flow releases down the Cowichan River, lake levels and the rule curve for Cowichan Lake, and potential new storage options (e.g., weir modifications, pumps, etc.);

- b) potentially new mitigation measures or programs (in lieu of flow alterations), such as habitat enhancement;
- c) monitoring or research studies to address any critical datagaps during the implementation of any new recommended changes.

The PAG will also be asked to provide advice on the preferred methods of communication between members, including meeting dates/times, and agenda topics.

New scope issues that arise during the consultative process that cannot be resolved by the PAG may be referred to the Steering Committee for direction.

Issues determined to be outside the scope of the process will be documented and, where applicable, referred to the appropriate agency. It needs to be emphasized that issues involving broader topics such as watershed management issues (e.g., forestry and land use practices, development applications, environmental management) that are beyond the scope of what can be addressed through the *Water Sustainability Act*, will be documented during the process but otherwise will be considered outside the scope to be discussed during the meetings.

### 3.2 Deliverable

The PAG will sign off on a report that summarizes their deliberations. The report will both summarize the process followed and outline the final recommendations of the PAG, noting areas of agreement and disagreement. The report will also document water use interests, objectives and performance measures considered, information collected, operating alternatives reviewed, and the trade-offs identified and considered. Recommendations in the final PAG Summary Report will be made available to the public and submitted to the Partner Organizations at the end of the process.

The PAG Summary Report will be written by the consulting team Facilitator on behalf of the PAG.

## 4 PAG Member Responsibilities

### 4.1 Member Responsibility

Members of the PAG are responsible for:

- a) attending each meeting of the PAG and any meetings of subcommittees or working groups to which they belong, or assigning an alternate to do so. Members of the PAG who are absent, or do not assign an alternate, for **two meetings may be moved to observer status**;
- b) providing comments in advance or appropriate information to the Facilitator in the event of an expected absence;
- c) preparing for each meeting by reading meeting minutes, studies, subcommittee reports and other material distributed as part of this consultative process. Every effort will be made to distribute pre-reading materials at least seven days prior to PAG meetings;
- d) regularly updating members of their constituency, agency, organization or group regarding the deliberations, progress and decisions of the PAG;
- e) being accountable to other PAG members and the general public; and
- f) abiding by the code of conduct during the process (as outlined below).

## **4.2 PAG Operating Guidelines**

Members of the PAG have the task of listening to and understanding the various interests around the table. The PAG will collaboratively develop recommendations that best meets the needs of all those interests. Specifically, PAG members will:

- a) follow the planning steps as described by the Facilitator (and consistent with the Process Guidelines);
- b) express the concerns and interests of their organization;
- c) establish Technical Sub-Groups and provide direction on the scope of their work;
- d) engage in deliberations in an equitable, open and transparent manner with a view to developing a consensus recommendation;
- e) communicate and engage with their constituents / organization, including distribution of minutes and materials after they have been approved;
- f) sign-off on the final summary report, provided it is an accurate representation of the process.

The PAG will be disbanded following their submission of the final report to the Partner Organizations.

## **4.3 Code of Conduct**

All PAG members will endeavour to:

- a) work constructively and collaboratively to address areas of mutual concern;
- b) support an open and inclusive process;
- c) treat others with courtesy and respect;
- d) listen attentively with an aim to understand;
- e) be concise in making a point;
- f) speak in terms of interests instead of positions;
- g) be open to a range of outcomes (as opposed to being attached to certain outcomes in advance of the process);
- h) let opposing views co-exist;
- i) avoid disruption of meetings (e.g., cell phones, caucusing at the table, etc.);
- j) allow issues that fall outside the meeting agenda to be addressed at a later time; and
- k) deliberate with a view to arriving at consensus.

## **5 Consensus Decision-Making**

### **5.1 Consensus**

Consensus is a goal but not a requirement of the WUP process. The Provincial Water Use Guidelines define consensus as a decision that participants can accept, without having to agree on all the details of

the recommendations put forward. Meeting documentation will identify areas of agreement, areas of discord, and underlying trade-offs between alternative water uses.

The decision making process to determine the PAG's position on a particular issue or when making a recommendation will not be by majority votes. In fact, there will be no voting per se, but there will be ranking exercises carried out at various points to gain insight of where broad agreement may lie.

Throughout the planning process, the PAG may decide to re-visit areas of agreement if:

1. significant new information becomes available that is relevant to a past decision
2. by consensus, the PAG decides it needs to review specific agreements that are part of a larger, final package of agreements.

When the PAG cannot identify a preferred final recommendation (non-consensus), the final summary report will record and indicate differences of opinion and reasons for non-consensus. Members in disagreement with a 'preferred option(s)' will be responsible for describing what part(s) of the agreement do not meet their needs and possible alternative and acceptable solutions.

## **5.2 Openness and Criticism**

If left unaddressed, dissatisfaction can become destructive and undermine the effectiveness of the PAG. Members agree to raise criticisms of the process or the emerging results as agenda items for discussion by the PAG in an open manner rather than taking them behind the scenes and talking negatively about the process. PAG members will bring issues of dissatisfaction or criticism to the attention of the Facilitator to be addressed in between meetings or raised at upcoming meetings.

## **6 PAG Support**

### **6.1 Consulting Team – Process and Facilitation**

The consulting team serves as an independent resource and support to the PAG throughout the planning process. The consulting team plays the dual role of providing technical support and managing and facilitating the public process. The consulting team consists of staff from Compass Resource Management, Ecofish Research, and Kerr Wood Liedal. Compass is responsible for the overall project and they will serve as the Facilitators for the PAG meetings.

The Facilitator will assist the PAG's deliberations through:

- a) coordinating and managing the overall planning process;
- b) structuring the meetings to encourage free and open discussion of relevant issues;
- c) remaining impartial and objective throughout the process;
- d) ensuring that the Code of Conduct is followed;
- e) ensuring that all parties are heard and that differences are adequately addressed;
- f) creating a collaborative problem-solving environment for the PAG, and promoting creative thinking to overcome road blocks and obstacles;
- g) being respectful of participants' time and making the best use of PAG meeting time;
- h) preparing draft meeting summaries within a timely fashion after each meeting;

- i) preparing and coordinating pre-reading packages for PAG members to come to meetings prepared; and
- j) preparing a final PAG Summary Report for sign off by members.

## **6.2 Cowichan WUP Steering Committee**

A steering committee was established to initiate the Cowichan WUP planning process and to provide direction on matters of the scope of the planning process. As mentioned previously, the membership on the Steering Committee consists of representatives from the Partner Organizations and provincial and federal regulatory agencies.

The Steering Committee will support the PAG through:

- Initiating a selection process for membership on the PAG that is diverse and representative of the water use interests in the region;
- Provide advice and direction on matters of scope, process, and future regulatory requirements related to a water use plan;
- Clarifying the scope of the water use alternatives that can be considered during the public planning process;
- Moderating conflicts around process issues and/or personality differences between stakeholders or PAG members that can not be fully addressed during meetings by the Facilitator or consulting team;

## **7 Public Communication**

The public planning process is intended to be an open, transparent process.

The consulting team will manage external communications about the PAG process with the public. They will prepare materials and updates and manage the dissemination of materials for public consumption as appropriate. Final summary meeting notes will be posted on the Cowichan WUP public website.

No member should speak to the media on behalf of the PAG. All media requests will be directed to Compass who will in turn address them and report back to the PAG.

## **8 Changes to this Terms of Reference**

The Terms of Reference presented in this document may be amended from time to time by the facilitator with input from the SC members.

## **9 Confidentiality**

Unless otherwise indicated, all material provided directly to PAG members should be considered confidential and draft until they have been discussed in person at the next meeting. Any requests to distribute materials beyond the PAG will be made on a case by case basis by the Facilitator until such time as they are discussed by the full PAG. This will ensure open and frank discussions and sharing of information.