

## **About us**

The Koksilah Watershed Working Group (KWG) operates as a subcommittee of the non-profit Cowichan Station Area Association in the Koksilah watershed, in the un-ceded territory of the Quw'utsun people.

The volunteer group is made up of Koksilah watershed residents with varying backgrounds, including forestry and fisheries professionals and academics, landowners, farmers, and local government representatives. The committee consults closely with Cowichan Tribes as well as Quw'utsun elders, chiefs and knowledge holders.

Our most recent endeavor has been to complete an independent ecosystem-based assessment (EBA) of the Koksilah Watershed. The findings of the report, as well as the experience and expertise of our group and community members inform the following submission.

The Koksilah Working group has decided to reject the scope of the Private Forest Lands Management Act (PFLMA) review process in order to ensure our concerns and recommendations are heard in full.

## **Concerns**

### *Indigenous Rights*

The entirety of the Koksilah Watershed was illegally confiscated without treaty in 1884 and granted to Robert Dunsmuir in return for his company building a railway and coal corridor from the military harbour in Esquimalt to the coal mines in Nanaimo. The Esquimalt and Nanaimo (E&N) railway and coal supply was essential to fuel the warships that would violently enforce the continued colonization and dispossession of the coastal lands of modern-day British Columbia from Indigenous peoples.

Cowichan Tribes asserts their inherent Aboriginal rights, title and interest over their unceded traditional territory, inclusive of the entirety of the Koksilah watershed. To this day, Quw'utsun people are denied decision-making power over their own lands and watersheds, much of which is now currently held as fee-simple private forest land under one owner. Most of the E&N grant lands are subject to the PFLM Act, and the lack of recognition of this conflict over title in the Act is of grave concern. The privatization of Quw'utsun lands effectively inhibits the ability of the Quw'utsun people to access Traditional Use (TU) sites for subsistence, cultural, and spiritual purposes. Subsistence activities tied to TU sites include hunting, trapping, fishing, medicinal and edible plant gathering, berry picking, and resource

procurement, all of which make up the seasonal round of the Quw'utsun people. Cultural and spiritual TU sites include but are not limited to burials, dwellings, campsites, legendary sites, mythological sites, placenames, teaching and cultural transmission areas, and ceremonial sites. All TU sites represent connectivity, and do not exist in isolation. Rather, TU sites co-exist throughout time and space, and together weave the cultural fabric of Indigenous lifeways. The privatization of traditional Quw'utsun lands and waters denies the Quw'utsun people the ability to access TU sites, consequently impacting their ability to practice subsistence patterns, the seasonal round, cultural and ceremonial rituals and intergenerational knowledge transmission, all of which are critical to maintaining the integrity of Quw'utsun livelihoods and lifeways. Access to all areas within Quw'utsun territory is critical to Quw'utsun peoples' ability to assert their inherent aboriginal rights, which are recognized under Canadian law, and upheld by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

The BC Government's commitment to reconciliation and to the implementation of the UNDRIP necessitates recognition of this illegal E&N land seizure, and the taking of steps towards the return of lands and resource management decision-making power to the Quw'utsun people.

### *Climate Change and Hydrology*

Southeastern Vancouver Island, and the Koksilah Watershed in particular, is experiencing severe drought conditions on an annual basis, with significantly reduced winter snowpack, intense winter storms, and low summer rainfall. Low summer water levels in the Koksilah River continue to break records for low flows, and worsening winter/spring flooding in the lower river is causing road closures and property damage.

Landscape-wide clearcut logging and road building have had an immense effect on our watershed's ability to withstand the continuing drought, as well as to regulate flooding. Average road density in the Koksilah watershed is estimated to be 4.5 km/km<sup>2</sup>, or more than double the recommended limit for the protection of sensitive wildlife. Extensive cross-slope road-building on a landscape-wide scale concentrates and accelerates overland flow from rain and rain-on-snow events. This, combined with extensive harvest of old forests, has resulted in less water being stored at high elevations in the watershed to replenish Koksilah River flows during dry spells. In addition, flash-flood type events occur even during moderate rainfalls. This partially explains the decline in annual stream flow despite an increase in precipitation since the early 1900's, increased runoff and reduced water storage caused by short-rotation clearcutting, extensive road building, and even-age tree-farming in the entire upper watershed depletes the moisture-retention ability of our soils and destroys communities of understory and canopy plants, further reducing the water cooling and storage abilities in the entire landscape.

### *Lack of Representation/Lack of Accountability*

Currently there are few mechanisms to hold private forest landowners in the Koksilah Watershed, or elsewhere the province, accountable to the communities affected by their forest management activities and the spillover effects of these activities. Examples include major flood events, extreme low water flows, reduction in tourism and recreational opportunities, impacts on commercial and subsistence fishing interests, loss of wildlife habitat, and impact on cultural activities.

The health of our watersheds directly and indirectly affects the physical, mental, spiritual, economic, and cultural health and wellbeing of our community, and as such, the principles of democracy require that we are represented in the decision-making processes governing the private forest lands, in particular with respect to public environmental values, in our watershed. Fee-simple private forest land ownership rights do not preclude rights to ecological services, such as biodiversity, ecological integrity and stable hydrological functioning, necessary for the fulfillment of human rights.

### *Fisheries and Forests*

The value of the formerly strong salmon and steelhead fishery to Quw'utsun people is immeasurable. Where there was formerly a commercial fishery (valued in the high hundreds of thousands of dollars) targeting Koksilah Spring, Chum, and Pink salmon, there is now none. The formerly strong sport fishery for Steelhead salmon is now non-existent, as sport fishing in the river is now disallowed in the summer due to low flows and high temperatures. Members of our group and consulting elders recall with bittersweet stories of fish caught and enjoyed by friends and family, given that current trends will ensure that future generations will never again experience sport or sustenance-fishing from the Koksilah River as formerly.

The best buffer against hydrological instability (low flows, flooding) in forested landscapes is the presence of healthy wetlands and riparian areas as well as adequate areas of unroaded, mature forest stands throughout the watershed. As a community, we have a poor understanding of the historical condition of wetlands and riparian areas in the watershed due to a lack of reporting requirements of the PMFL Act; however, we do know that there are almost no remaining unroaded, mature forest stands in the Koksilah Watershed. Further, less than 1% of the old forest that existed in the Koksilah watershed prior to European settlement remains today.

Quality of freshwater habitat is one of the only factors besides fishing pressure that human communities can manage to affect the health of wild salmon populations. As residents of a salmon-producing watershed, we have a responsibility to manage freshwater quality, quantity, and timing of flow to the best of our abilities for the benefit of current and future generations. The lack of accountability of private forest landowners to their surrounding communities, as noted above, compromises our ability to fulfill this important responsibility.

### *Wildlife*

Hunters and harvesters in the community have expressed concerns over the precarious recovery of the once-mighty populations of Roosevelt elk in the Koksilah Valley and across Southeastern Vancouver Island, as well as concerns over the lack of mule deer in forested lands in the upper watershed. There are concerns that deer and elk winter range in (mature Coastal Douglas-fir forests) have been severely depleted to the point that much of the population survives by wintering near agricultural lands, and that upper watershed populations of these native ungulates are dwindling.

### *Recreational Access*

The Act does not make adequate provisions for preservation of recreational values. Given that our local forest lands are almost exclusively privately owned, opportunities for locals to camp, fish, kayak, hunt, hike, etc are all subject to the whims of private forest landowners. This results in restricted access to rivers, wetlands, and forest lands which are essential for the physical, mental, spiritual, economic, and cultural health and wellbeing of our community.

### *Cumulative Impacts*

The Act does not require private forest landowners to undertake cumulative impact assessments. Forest companies in the Koksilah watershed have been moving towards shorter and shorter clearcut rotations; very little land is spared the effects of logging and road-building. These land-scape scale processes have been taking place for over a century now. Elders have advised us that the acceleration of impacts, such as flooding, were increasingly noticeable dating back to the 1970's. Change in forest age and forest cover mapping shows that by the early 1970's almost three-quarters of the old forest that existed prior to European settlement has been logged.

Downstream, we are experiencing increasing violence and frequency of flood events in the fall, winter, and spring, and increasing record-breaking low flow events for unnerving durations in the summer.

We believe that it is irresponsible to continue with business-as-usual with forest practices in the watershed, as those of us watching the river downstream feel that things are beginning to look frighteningly unusual.

### *Groundwater*

Although most drinking water in the Koksilah watershed comes from groundwater little is currently known about the health of the aquifers, how forestry is affecting groundwater recharge and the connections between groundwater and surface water. Climate projections prepared for the Cowichan Valley Regional District by the Pacific Climate Impacts Consortium and summarized in a 2017 CVRD publication indicate that as climate change proceeds “regional watershed and supply management will be necessary to balance competing water needs with diminishing surface and groundwater supplies” (pg. 40.) The Act does not currently require comprehensive, integrated watershed planning and management.

## **Recommendations**

### *Indigenous Rights, Local Representation and Accountability*

KWG recommends first and foremost, following the Province of British Columbia’s commitment to reconciliation and to the principles of UNDRIP, that a new or revised PFLMA lays out intentions to transition the illegally confiscated E&N lands to the management of the Quw’utsun people. We strongly recommend continuous direct and meaningful consultation with Cowichan Tribes and other nations throughout the duration of the Act revision process.

KWG recommends that both Quw’utsun and settler community members are involved in monitoring and decision-making processes involving Private Forest Lands in the interim, and that enforcement of decisions made regarding local forestry practices is community based.

### *Cumulative Impacts*

We recommend that cumulative impact assessments for cultural, hydrological, fisheries, wildlife and recreational values be undertaken immediately, funded by the Province of BC or by private forest landowners on an annual basis. These assessments should be guided by the community affected.

### *Hydrology, Fisheries and Wildlife*

We recommend that the following targets are established and monitored by the community, and that this work is funded by Private Forest landowners whose activities adversely affect these resources;

1. Minimum summer stream flows and temperatures, frequency of flood events and maximum height of river during flood events, and water quality.
2. Minimum population targets for Steelhead, Chinook, Coho, Chums, and Pinks
3. Culturally and recreationally harvested populations of plants and animals such as mule deer, Roosevelt elk, red cedar bark, devils club, etc

We recommend that forestry plans are developed to be dynamic to account for changing conditions and community needs, and that the plans are enforceable by community mechanisms when targets are not being met.

#### Cultural and Recreational Access

We recommend that a map of currently used harvesting and recreation sites on private forest lands be made by the community, and that steps are immediately taken to preserve the condition of these sites and public access to these sites. This work should be undertaken independently by the community but funded by government and/or Private Forest Landowners.

Thank you for considering our submission.

Sincerely,

Koksilah Watershed Working Group