

PROVINCE OF BRITISH COLUMBIA


ORDER OF THE MINISTER OF FORESTS, LANDS, NATURAL  
RESOURCE OPERATIONS AND RURAL DEVELOPMENT

*Water Sustainability Act*

Ministerial Order No. M8

I, Katrine Conroy, Minister of Forests, Lands, Natural Resource Operations and Rural Development, order that the attached 2021 Xwulqw'selu – Koksilah River Watershed Order is made.

January 13th, 2022  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Minister of Forests, Lands, Natural Resource  
Operations and Rural Development  
(or authorized signatory)

Katrine Conroy  
\_\_\_\_\_  
Printed Name and Title (if authorized  
signatory)

\_\_\_\_\_  
(This part is for administrative purposes only and is not part of the Order.)

**Authority under which Order is made:**

Act and section: Water Sustainability Act, s. 65

Other: \_\_\_\_\_

## 2021 XWULQW'SELU – KOKSILAH RIVER WATERSHED ORDER

WHEREAS the Minister of Forests, Lands, Natural Resource Operations and Rural Development may, by order pursuant to section 65 of the Water Sustainability Act, designate an area of the Province for the purpose of developing a water sustainability plan, if the Minister considers that a plan will assist in preventing or addressing conflicts between water users, conflicts between the needs of water users and environmental flow needs, risks to water quality or risks to aquatic ecosystem health.

And WHEREAS the Minister of Forests, Lands, Natural Resource Operations and Rural Development, in considering the designation of an area for the purpose of developing a water sustainability plan, may also consider identifying restoration measures in relation to a damaged aquatic ecosystem.

And WHEREAS the Minister of Forests, Lands, Natural Resource Operations and Rural Development considers that, for the reasons outlined in this Order, a plan will assist in preventing or addressing conflicts between water users, conflicts between the needs of water users and environmental flow needs, risks to water quality or risks to aquatic ecosystem health within the boundaries of the Koksilah (Xwulqw'selu) River watershed (“the watershed”).

NOW THEREFORE, I, Katrine Conroy, Minister of Forests, Lands, Natural Resource Operations and Rural Development order that:

1. The watershed area described in Schedule A of this Order is hereby designated pursuant to section 65 of the Water Sustainability Act (the “Act”) as the area for the purpose of developing a water sustainability plan under Part 3, Division 4 of the Act (the “designated area”).
2. The reasons for making this Order to designate the watershed area, described in Schedule A, for the purpose of developing a water sustainability plan for the designated area, are as follows:
  - a. The watershed is the spiritual birthplace of the Quw'utsun (Cowichan) peoples and essential to their cultural identity and well-being.
  - b. The watershed, which comprises the designated area, has a drainage area of 312 square kilometers, consisting of underlying aquifers, the Koksilah River (“the River”) and three major sub-tributaries of the River: Patrolas, Glenora, and Kelvin Creeks (the “streams”). An estimated 1,100 distinct water users are dependent on stream water and groundwater in the watershed for a cumulative daily demand of more than 32,000 cubic meters. Agricultural, industrial, and residential uses are the primary uses of water.
  - c. The watershed also supports the streams' regionally significant aquatic ecosystems and their fish species, including steelhead, coho salmon, and resident trout. Serious threats to salmon production due to water use pressures in the watershed has been documented since the 1980s.

- d. In November 1980 a water allocation notation was placed on the “Koksilah River and tributaries” stating those streams have fully recorded status in recognition of water availability constraints for further stream water allocation (except for domestic purpose). Following placement of this notation, groundwater development accelerated, which also corresponded with continued declines in stream flows and fisheries stocks in those streams.
- e. Recent hydrological analysis confirms a declining trend of summertime streamflows in the watershed’s streams which is attributed to water demand, drought and climate change. This has led to impacts on the streams’ aquatic ecosystem habitats with consequent extreme conservation concerns for salmon populations in those streams. This has also elevated conflict and concern between water users over water availability.
- f. Long-term trends in groundwater levels in aquifers and their hydraulic connection to streams throughout the watershed are not well understood. However, recent studies indicate that within the watershed the aquifers are generally well-connected to the streams and those studies also suggest that groundwater pumping from aquifers hydraulically connected to the streams is contributing to low flows. Demand for groundwater continues to grow as new applications for groundwater licences are received.
- g. Short-term measures, such as the development of an irrigation schedule and issuance of Temporary Fish Protection Orders during 2019 and 2021, to respond to low flows in the watershed’s streams and corresponding elevated stream temperatures that threatened the survival of salmonid fish populations, have been taken. Considerable public outreach preceded curtailment of water use and is ongoing. These are not sustainable solutions in the long term.
- h. Opportunities for stream or off-stream water storage that might otherwise supplement baseflow are limited; however, a recent study identified several options of various scales to increase storage. The main constraints identified for the most feasible options include overall cost and undefined community interest. In the face of climate change more work needs to be done on adaptive solutions.
- i. Work under a 2020 Interim Agreement between the Province and Cowichan Tribes recommended the development and eventual implementation of a water sustainability plan for the watershed to prevent or address conflicts between water users, conflicts between the needs of water users and environmental flow needs, risks to water quality and risks to aquatic ecosystem health present in the watershed.
- j. The designation of the watershed as a water sustainability plan area is consistent with many of the Province’s service goals, including forming partnerships that support reconciliation with Indigenous peoples, sustainable resource management, and building resilient rural communities.

## SCHEDULE A

1. For the purposes of section 1 of the Order, the area designated under the Order for the purpose of developing a water sustainability plan (the “designated area”) is the Xwulqw’selu – Koksilah River watershed, the boundaries of which are shown in Figure 1. The location of the designated area is shown in the “Area of Detail” inset map of Figure 1.
2. For clarity, the designated area, described in section 1 of the Order and having the boundaries shown in Figure 1 of this Schedule, includes all aquifers or other subsurface geological formations, or parts of those aquifers or other subsurface geological formations, that are within the boundaries of the designated area.
3. For clarity, the designated area, described in section 1 of the Order and having the boundaries shown in Figure 1 of this Schedule, includes all watershed areas, or parts of them, that are within the boundaries of the designated area.

FIGURE 1

