

# OKANAGAN WATER STEWARDSHIP COUNCIL

*A Technical Advisory Body to the Okanagan Basin Water Board*

## MINUTES OF A MEETING HELD THURSDAY, October 1, 2015, AT OKANAGAN REGIONAL LIBRARY, 1430 KLO ROAD, KELOWNA, B.C.

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### COUNCIL MEMBERS:

#### Present

BC Agriculture Council  
BC Ground Water Association  
BC Water Supply Association  
BC Wildlife Federation – Region 8  
BC Wildlife Federation – Region 8  
Canadian Water Resources Association  
Canadian Water Resources Association  
City of Kelowna  
Interior Health Authority  
Okanagan College  
Okanagan Forest Sector  
Okanagan Nation Alliance  
Regional District of Central Okanagan  
Regional District of North Okanagan  
Regional District of Okanagan-Similkameen  
UBC Okanagan

Hans Buchler  
Marta Green  
Toby Pike  
Doug Flintoft  
Lorne Davies (alt)  
Brian Guy  
Rod MacLean (alt)  
Andrew Reeder  
Rob Birtles (Chair)  
Allison MacMillan  
Murray Wilson  
Natasha Lukey  
Margaret Bakelaar  
Renee Clark  
Zoe Kirk  
Bernie Bauer

#### Regrets

Agriculture & Agri-Food Canada, Research Branch  
Assoc. of Professional Engineers & Geoscientists of B.C.  
BC Cattlemen's Association  
BC Fruit Growers Association  
BC Ministry of Agriculture  
BC Min. Forests, Lands, Natural Res. Ops. (OSNR)  
BC Min. Forests, Lands, Natural Res. Ops. (Resource Mgmt)  
City of Kelowna  
City of Penticton  
City of Vernon  
Environment Canada – West and North  
Fisheries and Oceans Canada  
Kelowna Chamber of Commerce  
Okanagan Collaborative Conservation Program  
Okanagan College  
Okanagan Mainline Real Estate Board  
Okanagan Nation Alliance

Denise Neilsen  
Don Dobson/Ehren Lee  
Lee Hesketh/Linda Allison  
Denise MacDonald  
Andrew Petersen  
Robert Warner/Ray Crampton  
Grant Furness/Lora Nield  
Andrew Reader/Jason Ough  
Andrew Martin  
Ed Stranks/Rob Miles  
Ian Rogalski  
Doug Edwards  
Jeff Robinson  
Carol Luttmmer  
Leif Burge  
David O'Keefe/Howard Newfeld  
Zoe Masters/Elinor McGrath

### STAFF

OBWB, Executive Director  
OBWB, Water Stewardship Director

Anna Warwick Sears  
Nelson Jatel

### GUESTS

BC Min. Forests, Lands, Natural Res. Ops. (OSNR)  
Irrigation Association of BC  
Steeves Consulting  
Watt Environmental  
  
Westcoast CED Consulting

Ray Reilly  
Bruce Naka  
Judy Steeves  
Mark Watt  
Nancy Fuller  
Karol Hansma

1. **CALL MEETING TO ORDER**

Rob Birtles called the meeting to order at 1:05 p.m. and welcomed members and guests.

2. **APPROVE AGENDA**

**Moved by Bernie Bauer  
Seconded by Marta Green**

***“That the agenda for the October 1, 2015 meeting of the Okanagan Water Stewardship Council be approved.”  
CARRIED***

3. **ADOPTION OF MINUTES**

One error was noted in the spelling of Craig Nichol’s name (was spelled Nicol). This has been corrected in the minutes. There was some discussion regarding the amount of detail in the minutes. It was suggested that while the meeting notes are good, perhaps they could be a little less detailed. This discussion was tabled at this time and will be revisited during the round table discussion.

**Moved by Brian Guy  
Seconded by Bernie Bauer**

***“That the minutes from the September 10, 2015 meeting of the Okanagan Water Stewardship Council be approved.”  
CARRIED***

4. **BOARD REPORT—Dr. Anna Warwick Sears**

Due to this meeting of OWSC being earlier in the month, the OBWB has not yet met so there is not Board report.

**Okanagan Drought Status:** As of September 30<sup>th</sup>, we are still at a drought level 3. However, the drought crisis is wrapping up as the irrigation season is nearing an end. Reminder that there is a drought section on the OBWB website which contains the drought updates as well as notes from any workshops that there have been. Anna is keeping it up to date.

Comments made regarding the drought and what is happening in the region. RDNO is seeing above average levels. Irrigation was turned off on September 15 in their area and they have had seen some agriculturists coming in to request an extension. Okanagan Lake is lower than the target

for this time of year. It is 15 cm below the target for September 30<sup>th</sup> and it was 15 cm below the August target; so, the rate of decline hasn’t accelerated or decelerated. There was a question put forth about whether it would be worthwhile to deconstruct this year in terms of the supply/demand model; for example, was what happened this year predicted or can it be modeled? Maybe this year could be tested against the model. There was another comment made about the level of drought awareness at the community level. It was felt that the base awareness in the community has increased as a result of what has happened this year. The demand for water in April/May/June/July was up but by August there was a lot of noise being generated and demand decreased.

Corinne Jackson was acknowledged for her efforts in making sure communication was happening. With very little information coming out at the provincial level, she drove the communication process here and made a huge press of public awareness.

There were some comments made regarding the need for discussions between the government and water purveyors. Feedback coming from the water purveyors is that the government should be consulting with them. There has been no response from the government on this.

Further discussion lead to comments on how the drought messaging could have been more specific; for example, perhaps targeted to water licensees on creeks. Also, this year’s drought shows why creeks with storage on them need water use plans.

5. **PROTOCOLS & COLLABORATION (Okanagan Nation Alliance)**

Lauren Terbasket is from the Okanagan Nation and is a member of the Lower Similkameen Community. She has extensive experience in aboriginal education including curriculum development and teaching, cultural community development, and environmental conservation. She is the Executive Director for the En’owkin Centre in Penticton and is serving her second term as a Band Council member for the Lower Similkameen Band. Ms. Terbasket presented to the OWSC about First Nations in the Okanagan and their relationship with government and the

risks they face when dealing with groups such as OBWB/OWSC. She spoke about why First Nations' take the stance they do and spoke about some of the key issues and concerns that people have in dealing with First Nations. She first provided some background information.

From the perspective of the First Nations, First Nation people are the first people. They hold title to the land. In the absence of treaty or surrender during war, that title remains with the original first holder and their laws, FN laws, remain intact. The Okanagan Tribal group has laws that govern them. Their laws are codified in their stories, language, land. Three stories that are integral to their belief system are: 1) Little Brother/Earth Diver Story—speaks to the creation of land and defines the relationship with other nations and their responsibility of working with them. Provides a strong indication of how they interact with various government nations on the land. 2) The story of how food was given—defines their relationship to the natural world and the rights of the natural world. When they fight legally for the rights of the natural world and the people within that, this is the law it is derived from. This story also provides for laws of equality and sustainability. 3) Land Laws/Pillar Rocks story—describes the responsibility of the Okanagan people to the Natural World and the consequences of not upholding those responsibilities. This law is about the people looking after the land and the natural world and having respect and honor for the natural world.

First Nations' have a powerful belief system that they adhere to and uphold. They speak of their responsibility to the land and they fight for that because it is what they believe in. It forms an integral part of how they deal with governments and organizations or take on initiatives.

Their relationship with BC and Canada is not a good one. In 1867, Canada confederated under the BNA Act. BC did not join confederation at the time because BC had not concluded their Treaties. In 1871, to get BC to join confederation, the Federal government took over the concluding of treaties but treaties were never settled thus First Nations, according to law, still hold title to the land. Throughout the years attempts have been made to deal with the problem of non-treaty by using legal

means but BC made laws outlawing Aboriginals from going to court. Attempts on the government side were made to force the assimilation of Aboriginals. All of this has met with push back and created frustration, resistance and distrust and an adversarial relationship with Governments. Aboriginals have spent the last 100 years fighting court cases and legislation that looked to strip Aboriginals of their rights and title. It has taken them 200 years to get to the position they are in now with an economic system that allows them a place of standing in society. Every court case that they take on, they chose carefully. Some of the court decisions have been about cultural based rights but later decisions have been about defining Aboriginal title and rights as existing in a modern context. In terms of the treaty process, the Okanagan Nation long ago took the political stand that they would remain non-treaty as signing a treaty was of no benefit to their people. This has been their stance for the last 100 years and each successive court case dealing with Aboriginals gives the Okanagan Nation massive research with which to claim title over their lands. However, if not treaty then what? The Okanagan Nation is about: FN Management Regimes, Co-management Agreements, Revenue Sharing, Taxation Systems, and Protocol Agreements for protection.

When dealing with the various organizations or people looking to work in their nation, they ask themselves important questions like: How do we jointly protect the lands from outside individuals and industry that would destroy its value? How do we ensure the people who live here (all the people) have access to drinking water and the use of water for their survival? First Nations have a unique status and have the ability to protect rights because of their special status but they are cautious and careful when dealing with lower level government agencies and stakeholders.

The question put to her and which she in turn asked of the Chiefs' was how do organization's work with First Nations? How do we work together for the betterment of all? 1) Respect their time. 2) Understand what it is you want from the First Nation (band/organization), i.e., support, decision, backing, to support the FN. 3) Think about what the FN will want in return from you, i.e., what is the relevance to future relationship building.

They do not have a lot of time and resources. There is a history of distrust and betrayal and FN are always looking to see how requests will impact their title and rights and when approaching FN on issues of importance the following should be considered: 1) recognition and support of Aboriginal Title and Rights in their jurisdiction; 2) consideration of the fees involved in a request; 3) understanding the concept of declarations; 4) education on the specific issues being brought forth to the FN; 5) understanding the time and resources it takes to make any decisions; 6) knowing the law and policy considerations ahead of time; 7) being prepared to accommodate to address any issues that arise; 8) seeing protocols or agreements as beneficial to all—think about what can be done together.

Lauren's presentation generated a good deal of discussion around the table in terms of gaining a better understanding of Okanagan First Nations and how groups like the OWSC can jointly work and collaborate with FNs to solve issues.

Nelson thanked Lauren for her time in coming to address the Council. It was enlightening and interesting and the first of what is hoped will be an ongoing initiative with guest speakers addressing Council.

## **6. AGENDA CHANGES – discussion**

Due to time constraints, the Council was asked to postpone the Roundtable discussion and Council Work Plan discussion until next meeting as more time is required to properly address these agenda items.

**Moved by Margaret Bakelaar  
Seconded by Toby Pike**

***“That the Roundtable Discussion and Council Work Plan Discussion be tabled until the November 12, 2015 meeting of the Okanagan Water Stewardship Council.”***

**CARRIED**

## **7. ROUNDTABLE DISCUSSION**

This item on the agenda was tabled.

## **8. COUNCIL WORK PLAN: Committees and Comments**

This item on the agenda was tabled until the next meeting.

## **9. ROUNDTABLE – MEMBER UPDATES**

Council members and guests were invited to provide an update:

- Mr. Guy (CWRA): Oct 7<sup>th</sup> is the one-day CRT workshop being held in Osoyoos (go to [crtworkshop.ca](http://crtworkshop.ca) for more information) the day before the Osoyoos Lake Water Science Forum. Check the CWRA website for information on the upcoming CWRA BC Branch conference being held Nov. 18-19, 2015 in Vancouver.
- Mr. MacLean (CWRA): working with Brian on the CRT workshop which will feature 12 speakers, including First Nations. It promises to be very interesting.
- Mr. Buchler (BCAC): spoke about what is happening in the grape world. For his own harvest, it has been a record year (last 30 years or so) but he used more water than ever before which is a concern for him: Is this a pattern that is being established? Nothing from the BCAC.
- Ms. Lukey (ONA): ONA is hosting a water conference October 14, 2015. David Suzuki is the keynote speaker. It has not been a great year for fisheries because of the low water and high temperatures. The Penticton channel spawning bed #3 is complete for instream and there has been lots of Kokanee on it and some Sockeye as well. They are continuing on with the Weir project. The hatchery is getting ready for their 2<sup>nd</sup> operational year.
- Ms. MacMillian (OC): they partnered with RDCO and took a number of students (41) to complete vegetation surveys and transects of the Joe Rich Creek that was restored.
- Mr. Reilly (FLNRO): the Ministry is through the drought work that they were dealing with over the summer. The water allocation team was heavily involved in that aspect and is now getting back to regular allocation duties. He spoke about a post drought download of information. They are conducting an internal look at how they did at the District, Regional, and Provincial level; and asking out to the community as well. The hope is that this will feed into an updated Provincial level drought response plan. Ray Crampton will be speaking at the Water Supply Association AGM. They have increased staffing in anticipation of the WSA in January.

- Mr. Naka (IABC): has been asked to put together something for the newsletter that references the drought and how it was responded to in the Okanagan.
- Mr. Pike (BCWSA): discussed the issue of watering and spoke on the odd/even sequence (residential) of watering not being very efficient and resulting in people that don't comply. Need to look at other options, i.e., every other day. October 22-23, 2015 is the WSA AGM in Nelson. There is a strong list of presenters. Concurrent with the AGM will be operator training sessions.
- Ms. Kirk (RDOS): have been working through water regulation by-law changes and this summer's drought may give cause to rethink what that looks like. They are getting agriculture requests to extend the irrigation dates.
- Mr. Bauer (UBCO): nothing to report at this time.
- Ms. Bakelaar (RDCO): the Joe Rich Creek restoration monitoring was an opportunity for RDCO to show that the restoration work they have been doing the past 10 years is working, and providing an educational opportunity. They hope this is something that can be done on an annual basis. They are working on some park management planning. They are moving ahead with Flood Hazard Management Planning. Part of the funding for this is from OBWB and part is from the Gas Tax. The Mission Creek Restoration initiative has received funding and is now moving into the 'doing' stage. They received a referral from the Provincial government for a Marina at the Oyama end of Kal Lake which has raised the issue of what is the capacity for boating on Kal Lake. People from the North Okanagan, Central Okanagan, Lake Country, Coldstream are talking about getting together to investigate the issue.
- Mr. Flintoft (BCWLF): nothing at this time.
- Mr. Davies (BCWF): the Wetland Conservation in the Okanagan Workshop for municipal and regional stakeholders is complete. There were three presenters: Don Gayton provided an update on wetlands and discussion on what to do with the database; Josie Symonds from FLNRO presented on Wetlands and Rare Native Species (publication); and Jim Doumont (engineer) provided a different perspective on wetlands exploring the difference between a water quality pond and a wetland. The BC Wetland Institute is on right now and they are constructing two wetlands; one in Kelowna and one in Vernon.
- Ms. Clark (RDNO): have had a long discussion with Valerie Cameron, FLNRO Water Stewardship Manager, regarding drought management plans. Valerie is reaching out to communities with drought management plans to see how effective their plans were this year and also asking communities what the province could do to assist them. RDNO put forth a couple of recommendations: more hydrometric stations (supply) and people using meters as a tool for managing the demand. Comment from Brian Guy—at the OBWB AGM, he spoke with the Minister regarding a couple of things that would improve their ability to respond: 1) more information, better data on water supply and more accurate, up-to-date data on flows; 2) look at opportunities to work with those that are on the ground.
- Ms. Green (BCGWA): there is a regional meeting on November 13<sup>th</sup> in Vernon. They have responded to the four policy papers released by the Ministry of Environment regarding the WSA. This is the last chance to provide comments to the Ministry. One of their main comments dealt with the fact that there is no requirement information on how they are going to do the sustainable part of the WSA.
- Mr. Jatel (OBWB): met with some of the people from the Climate Change Ag Group who are bringing a project (Climate Adaptation for Agriculture in the NO) into the Okanagan (has a \$300,000 implementation budget). An advisory committee is being formed. The environmental flow needs project is close to being awarded. The Wetlands work continues and the leadership team and technical advisory committee met on September 24<sup>th</sup> and there are a number of projects that are in the works.
- Mr. Birtles (IHA): nothing at this time.
- Ms. Warwick Sears (OBWB): following the December OWSC meeting, she will be hosting her annual Christmas party. The Osoyoos Water Science Forum is October 7-11<sup>th</sup>. As part of this, there is a public meeting of the Osoyoos Lake Board of Control which has been expanded to include locals and Anna is now on the Board with nine others. The International Joint

Commission would like to see the local Board do more (not just dam management). The Real Estate Foundation of BC is expanding the Board to have new appointments including one from UBCM (local government elected official).

**10. NEXT MEETING**

The next meeting of the Okanagan Water Stewardship Council will be a joint meeting with the Okanagan Basin Water Board on Thursday, November 12, 2015 from 12:30 to 4:30 at Okanagan Regional Library, 1430 KLO Road Kelowna.

**11. ADJOURNMENT**

The meeting was adjourned at 4:30 p.m.

**Moved by Lorne Davies**

*"That there being no further business, the meeting of the Okanagan Water Stewardship Council of October 1, 2015 be adjourned."*

**CARRIED**

**CERTIFIED CORRECT:**

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**Chair**

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**Executive Director**