

News Release

FOR IMMEDIATE RELEASE

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Cowichan Lake Weir Operation Decision Upheld By Environmental Appeal Board

Duncan, BC – The Cowichan Valley Regional District is pleased with the recent Environmental Appeal Board (EAB) ruling to uphold the decision of the Deputy Water Comptroller to modify the rules regarding operation of the Cowichan Lake weir.

The CVRD requested the Ministry of Environment in 2012 to change the Operating Rule Curve that governs the storage and release of water from Cowichan Lake into the Cowichan River in order to ensure adequate river flows during periods of low water. This request was in response to an increasing frequency of low summer and fall water levels in the Cowichan River system that have put fish populations at risk, threatened closure of the Catalyst Paper mill and impacted other social and economic values of the river.

On May 30, 2013, the Deputy Water Comptroller approved an Order to change the Operating Rule Curve to hold back water on the lake earlier in the year, maintain minimum outflows at 7.08 cubic cm per second and maintain specified lake levels during the flow control period. Following issuance of the order, six lakeshore property owners filed an appeal of the Order on the grounds that the Deputy Comptroller lacked jurisdiction to make the Order, the process was unfair and that prolonged water storage resulted in loss of use of their property and loss of their property from erosion.

Following seven days of hearings in April and June of 2014 and consideration of written submissions, the EAB concluded that the Deputy Comptroller had jurisdiction to make the Order, undertook a fair process and that effects to lakeshore property owners were reasonable and did not constitute loss of use or loss of property.

“We are pleased that the EAB recognized the greater public benefit of enhancing the flexibility of water storage on Cowichan Lake” states CVRD Board Chair Jon Lefebure. “This decision allows lake outflows to be controlled in a more proactive manner which will help to maintain adequate river flows during the dry periods of late summer and fall.” The EAB decision is available online [here](#).

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