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September 8, 2015

File No.: 0420-20

Via e-mail: [livingwatersmart@gov.bc.ca](mailto:livingwatersmart@gov.bc.ca)

The Honourable Mary Polak, MLA  
Minister of Environment  
PO Box 9047, STN PROV GOVT.  
Victoria BC V8W 9E2

Dear Minister Polak:

**Re: Comment on proposed groundwater policies**

I am writing on behalf of the Islands Trust Council to comment on the policies that the provincial government is proposing regarding groundwater protection and licencing. After this summer's drought, I am especially appreciative of the Province's elevation of groundwater regulation as a provincial priority.

The Islands Trust Area is water-scarce and has long been identified as an area of groundwater concern. Since 1981, islanders and the Islands Trust Council have been asking for provincial support to address issues of water quality and quantity in the Islands Trust Area. As development pressures increase and as understanding grows about the current and future impacts of climate change on the islands, concerns about the quantity and quality of water supplies are increasing.

The Islands Trust Policy Statement, adopted in 1994, encourages "the Provincial government to adopt legislation that protects the sustainability and quality of the groundwater of the Trust Area."

**Licencing Groundwater Use**

- We request that the Province establish a referral process to seek local government comment prior to issuing licences. This would afford local governments the opportunity to advise whether the proposed use or processing of water is permitted by the local governments' bylaws.
- We request that water licences in the Islands Trust Area be subject to review every 5-10 years to allow for an adaptive management approach that can respond to new information about climate change impacts and new science about island aquifers.

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- We request that, as a priority, the province fund studies of Islands Trust Area aquifers to inform future regulatory decisions. The discussion paper notes that “the Water Sustainability Act enables the statutory decision maker to consider potential impacts on existing domestic use of an aquifer when reviewing licence application for existing non-domestic use of the same aquifer.” We are concerned, that in fractured bedrock aquifers, there may be insufficient science available to support informed decision-making about licences. In response to the BC Auditor General’s 2010 report, in 2012 the Ministry of Environment included the Gulf Islands in the 20 priority areas for more in depth aquifer characterization.
- We also request that the statutory decision-maker be required to assess water quality risks associated with licence applications (e.g. evaluating risk of saline intrusion).

### **New Groundwater Protection Regulation**

- When drafting the new Regulation we request that the Province consider imposing greater set-backs than 15 metres between an existing well and a new well in the Islands Trust Area, or at least require that the distance be determined on a case-by-case basis.
- We request that the Province examine how the new groundwater regulatory regime could support or conflict with local government groundwater protection measures. Local governments can protect aquifers by establishing development permit areas that require buffer zones and site specific attention through permitting prior to development, and they can designate aquifer protection zone(s) and development permit areas for which studies may be required. Some islands have addressed water protection through development permit areas such as Salt Spring Island with its Development Permit Area 5 for the protection of Community Well Capture Zones or Galiano Island with its Development Permit Area 4, which addresses the protection of Elevated Groundwater Catchment Areas. In one part of Saturna Island where there is limited water quality and quantity, the zoning bylaw requires that the lots contain a cistern for the storage of water. Galiano Island also has a similar bylaw requirement for areas identified as Water Management Areas and the requirement for extra cistern for water storage.
- We suggest the province consider whether requiring drilling authorizations would be an appropriate measure to support groundwater protection in the Islands Trust Area.
- We request that the Province provide sufficient funding for enforcement of the new regulation.

### **Area-Based Regulations**

- Although the Province is not currently consulting on this topic, we would like to repeat our long-standing request that the Province assign priority to the Islands Trust Area, or at least the islands of greatest concern, for area-based regulations and Water Sustainability Plans and that those regulatory mechanisms be supported with adequate provincial funding and staff resources. Implementation of past provincial legislation, including the 2008 Bill 27 - *Local Government (Green Communities) Statutes Amendment Act* and the 2004 *Riparian Areas Regulation*, have required local governments to pay for extensive consultation about, and implementation of, provincially-mandated regulatory requirements, creating concern about a trend towards transferring provincial mandates to local government taxpayers.

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- We encourage the Province to invest in education programs prior to beginning consultations that may result in domestic licencing requirements.

Thank you for receiving these comments. The Islands Trust Council encourages actions and programs of other government agencies which:

- place priority on the side of protection for Islands Trust Area ecosystems when judgment must be exercised,
- protect the diversity of native species and habitats in the Trust Area, and
- prevent pollution of the air, land and fresh and marine waters of the Islands Trust Area.

Thank you for considering this input. We look forward to further consultations on other regulatory components required to fully implement the *Water Sustainability Act*.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Luckham". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Peter Luckham  
Chair, Islands Trust Council  
[pluckham@islandstrust.bc.ca](mailto:pluckham@islandstrust.bc.ca)

cc: Bowen Island Municipal Council  
Islands Trust Council  
Islands Trust website