

FARRIS

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Reply Attention of: Brent D. Ryan
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Our File No.: 416868-0001-0000

July 23, 2018

BY EMAIL

3360-20 / RZ 2C 18

Comox Valley Regional District
600 Comox Road
Courtenay BC V9N 3P6

B. Chow.
Leg. Services

Attention: Brian Chow, Rural Planner

Dear Sir:

Re: Written Submission for July 23, 2018 Public Hearing

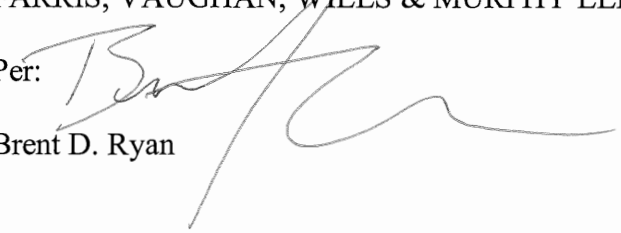
Enclosed is a copy of Christopher (Scott) MacKenzie and Regula Heynck's written submission for the Public Hearing this evening, for your attention.

Yours truly,

FARRIS, VAUGHAN, WILLS & MURPHY LLP

Per:

Brent D. Ryan



BDR/jf
Enclosure

SUBMISSIONS OF CHRISTOPHER (SCOTT) MACKENZIE AND REGULA HEYNCK IN RELATION TO THE PUBLIC HEARING HELD ON JULY 23, 2018 TO CONSIDER BYLAW NO. 543

Overview

1. These written submissions are made on behalf of Christopher Mackenzie and Regula Heynck.
2. We are seeking to rezone our property at 2410 Sackville Road, Merville, British Columbia, legally described as Lot C, Block 29, Comox District, Plan 25306 (the “**Property**”) from Rule Eight (RU-8) to Rural Eight – exception 8 (RU-8-8) to add “water and beverage bottling” as a permitted land use (the “**Rezoning Application**”).
3. We hope to develop a small, commercial water bottling operation consisting of a small 700 sqft building that allows members of the public to access drinking water from an artesian flowing well located on our Property (well #WTN 111987), limited to 3,650,000 litres per year at a rate not in excess of 10,000 litres per day (the “**Project**”). To offer perspective, a household of four individuals uses approximately 1000 litres of water a day and our daily rate therefore represents the daily use of 10 households.¹
4. To that end, we have already obtained a conditional water licence (#500169) issued by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (the “**Ministry**”) on November 21, 2017 under the *Water Sustainability Act*, S.B.C. 2014, c. 15 (the “**Licence**”).² The Licence was issued after a thorough review completed by the Ministry that was informed by, among other information, our well characteristics, the characteristics of the aquifer from which the water will be drawn (the “**Aquifer**”), the potential impact to the Aquifer and surrounding waterways, and the potential impact to neighbouring properties.
5. Here, the decision before the Comox Valley Regional District (the “**CVRD**”) is whether to allow the Rezoning Application that would permit the bottling of water on our Property. We welcome this public hearing as a necessary step in the process and an opportunity to have a public discussion about the Project in the hopes of being able to address some of the matters recently raised by concerned parties.

¹ <https://www.canada.ca/en/environment-climate-change/services/environmental-indicators/residential-water-use.html>

² A copy of the Licence is set out at **Appendix A** of these submissions.

Purpose of these Submissions

6. In light of the evidence, we submit that there is no reasonable basis for denying the Rezoning Application for the following reasons:
 1. To the extent that there is opposition based on concerns over the impact of the Project on the local water systems, the CVRD does not have jurisdiction over these matters and therefore any decision based on these considerations would be unreasonable and subject to challenge.
 2. In any event, to the extent that the CVRD chooses to consider the impact of the Project on the water systems in the region notwithstanding it doesn't have jurisdiction to do so, the evidence demonstrates that the Project will have a negligible impact, as the provincial government has already determined.
 3. There is no other reasonable basis for denying the Rezoning Application.
7. As we are concerned that most of the opposition to the Project is based on incorrect factual assumptions, we have also prepared, in addition to these written submissions, a power point presentation in the hopes of addressing these falsities.³

A denial of the Rezoning Application based on water use considerations would be an unreasonable decision

8. To be reasonable, a local government decision must be informed only by “the factors a [local government] may legitimately consider”.⁴
9. The public opposition to our Project is based exclusively on concerns over the impact of the Project on the Aquifer and the water systems in the region. These concerns are not a reasonable basis for rejecting the Rezoning Application as jurisdiction over water use is vested with the provincial government and not with local governments. Notably, the *Water Sustainability Act* provides as follows:

Vesting water in government⁵

5 (1) The property in and the right to the use and flow of all the water at any time in a stream in British Columbia are for all purposes vested in the government, except insofar as private rights have been established under authorizations.

³ A copy of the Powerpoint presentation is set out at **Appendix B** of these submissions.

⁴ *Catalyst Paper Corp. v. North Cowichan (District)*, [2012] 1 SCR 5 at para. 24.

⁵ Government is defined to mean the provincial government: See *Interpretation Act*, R.S.B.C. 1996, c.238, s. 29.

(2) The property in and the right to the use, percolation and flow of groundwater, wherever groundwater is found in British Columbia, are for all purposes vested in the government and are conclusively deemed to have always been vested in the government except insofar as private rights have been

(a) established under authorizations, or

(b) deemed under section 22 (8) [...].

...

10. As such, the impact of the Project on the water systems in the region was a factor to be considered by the Province, and was in fact extensively considered as detailed below, in making their decision whether or not to issue the Licence. Even the CVRD itself must seek approval and licences from the Province when it wishes to divert water for waterworks systems in the region.

11. While the decisions of the CVRD are guided by various policy documents including the Official Community Plan⁶, the Regional Growth Strategy,⁷ and related documents which speak to promoting sustainable development in relation to water use in the region, these documents do not confer jurisdiction on the CVRD on all matters set out therein.⁸

12. In assessing the Rezoning Application, the CVRD must have regard to those considerations limited to land use on the Property. For reference, the jurisdiction of the CVRD in this regard is found in s. 479 of the *Local Government Act*, R.S.B.C. 2015, c.1 which provides:

Zoning bylaws

479 (1) A local government may, by bylaw, do one or more of the following:

...

(c) regulate the following within a zone:

(i) the use of land, buildings and other structures;

(ii) the density of the use of land, buildings and other structures;

⁶ Bylaw No. 337, being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014” (the “**OCP**”).

⁷ Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010” (the “**RGS**”).

⁸ See section 474 of the *Local Government Act*, R.S.B.C. 2015, c.1.

(iii) the siting, size and dimensions of

(A) buildings and other structures, and

(B) uses that are permitted on the land;

(iv) the location of uses on the land and within buildings and other structures;

13. There has not been a single objection raised relating to land use that would provide a reasonable basis for rejecting the Rezoning Application.

The Project will have a negligible impact of the water system and neighbouring properties

14. While we maintain that water use is an irrelevant consideration, we highlight for the CVRD that the evidence to date shows that the Project will have no discernible effect on the water system in the region or on the neighbouring properties in any way.

15. From the date that we filed an application with the Ministry on November 23, 2016 until present, we have worked with the Ministry to ensure that an appropriate review of the Project and its potential effects is conducted.

16. In recommending approval of issuing the Licence, Ministry staff concluded that the Aquifer is not likely hydraulically connected to surface water and that, given the stable status of Provincial Observation Well #351 within the Aquifer and the small volume of the application, and other relevant data, “concerns regarding long-term yield and impacts to other users are not anticipated”.⁹

17. Notably, the Aquifer has been extensively studied as detailed in the Aquifer Classification Work Sheet produced by the Ministry which highlights studies going back to the 1960s and concludes that “it is probable that a number of high capacity wells could be developed within this aquifer”.¹⁰

18. At a recent town hall meeting, representatives of the Ministry again confirmed that the Project will have negligible impact on the water system as only about 18% of the

⁹ These findings are set out in the Ministry’s Groundwater Technical Report which recommended approval of the licence. A copy of the Groundwater Technical Report is set out at **Appendix C** of these submissions. The report is based on a Well Construction Report, a Well Inspection Report, along with other relevant materials (including readings from a Provincial Groundwater Observation Well located in the same Aquifer that were taken from 2001 to 2017). A copy of the Well Construction Report is set out at **Appendix D** of these submissions. A copy of the Well Inspection Report is set out at **Appendix E** of these submissions.

¹⁰ A copy of the Aquifer Classification Work Sheet is set out at **Appendix F** of these submissions.

recharge is currently being used in the Aquifer.¹¹ They also confirmed that we are not able to increase our draw based on the current Licence.

19. Moreover, during a recent challenge to the issuance of the Licence, the Environmental Appeal Board, based on the evidence to date, affirmed that there would likely be no effect to a property that was over 350 metres away from our well.¹²

20. In preparing materials to respond to the Environmental Appeal Board challenge, we retained Mr. Dennis Lowen, a highly regarded certified hydrogeologist, to provide us with an opinion concerning the conclusions reached by the Ministry and concerning the Project generally.¹³ Mr. Lowen has had extensive experience with the water systems on Vancouver Island, having been a hydrogeologist on the island since the 1980s.¹⁴

21. Mr. Lowen reviewed the relevant data and the analysis that had been conducted by the Ministry and came to the following conclusions:

- the methodology used is the accepted standard for hydrogeology analyses in B.C.;
- a significant volume of existing data and analysis is available to carry out the subject study;
- the method of estimating drawdown impacts used by the Ministry is standard and in-use since 1940;
- the Aquifer characteristics (parameters) utilized are confirmed to be appropriate;
- the proposed groundwater withdrawal is not a significant stress on the aquifer; and
- no neighbouring wells will be significantly impacted by the proposed groundwater use.

22. With regards to the Aquifer, Mr. Lowen specifically noted that this water system has been extensively studied, in part by way of the observation well mentioned above that has been providing relevant data for the past 17 years. He notes the following:

There is an extensive volume of existing data that has been used to assess the impact of the proposed well development. The subject Well (Well Tag Number (WTN) 111987) is completed in the Comox-Merville Aquifer #408

¹¹ A copy of the power point presentation provided at the meeting is set out at **Appendix G** of these submissions.

¹² *Bruce Gibbons v. Assistant Water Manager*, NO. 2018-WAT-001(a).

¹³ A copy of the Affidavit of Mr. Lowen exhibiting his opinion is set out at **Appendix H** of these submissions.

¹⁴ The substantial experience of Mr. Lowen can be seen in his resume in **Appendix H** of these submissions.

encompassing 147.7 Km² in area extending from Comox Harbour to 10 km north of Merville. There are over 1261 well records available to help define the aquifer characteristics. One observation well has continuous water level records for the aquifer covering the last 17 years. Many groundwater studies have been carried out in the region and the subject aquifer, Quadra Sand layer, has been closely studied. Climate, stream flow measurement, geology, soils and well pumping test data are available for this Aquifer.

23. Mr. Lowen concurred with the Ministry's conclusion that the water drawdown at the nearest neighbouring well which is approximately 150 metres away would be 0.02m. This represents a water level lowering of 0.07% of the estimated safe available drawdown in the Aquifer.
24. Even if, for some unknown reason in the future there was a discernable negative impact on the Aquifer or surrounding wells from this Licence, the Licence is subject to review by the Province. Accordingly, there is simply no risk whatsoever to the Aquifer.

There is no reasonable basis for denying the Rezoning Application

25. From a principled standpoint, there is no reason for the CVRD to deny the Rezoning Application.
26. Contrary to the conclusion in the Staffing Report dated June 11, 2018, approval of the Rezoning Application would not be "enabling the use of this property for water bottling at a much greater scale in the future". The Licence is limited in quantity and cannot be increased without a further application to the Ministry.
27. If the concerns of the CVRD relate to inadequate consultation with First Nations, we note that, as set out in the Ministry's Ground Technical Report, the K'ómoks First Nation did not reply to a follow up request for input from the Ministry and, further, any opposition to the Project from the K'ómoks First Nation for a purported lack of substantive consultation in issuing the Licence is an issue that must be addressed by the Provincial Crown in accordance with its duties of honour in dealings with First Nations. There is no indication that the duty has not been complied with in the issuing of the Licence, and therefore it is not the CVRD's place to take a position on that subject.
28. The K'ómoks First Nation is also in the final stages of negotiating a treaty with the Province and the Aquifer is not included in the water reservation created by the K'ómoks First Nation Agreement in Principle signed on March 24, 2012 nor do the proposed "K'ómoks Lands" (which give the K'ómoks First Nation certain rights with relation to underground water) overlap with our Property.¹⁵

¹⁵ http://www.bctreaty.ca/sites/default/files/Komoks_AIP_and_Appendices_0.pdf

29. Ultimately, our water source is 100% sustainable, and the business is family owned and operated, selling a product to local customers. Consumption from this local water source will dramatically decrease the amount of fossil fuels needed to produce, package, distribute and store comparable retail bottled water and there will be a net benefit to the community.
30. On this basis, the Project is consistent with the principles underlying the OCP, RGS, and related policy documents. To the extent that concerns are based on non-compliance with the requirements under these policy documents, the materials contained in these submissions more than adequately address the requirements of s. 47(2) of the RGS and related provisions. Moreover, the evidence as set out above demonstrates that the Project will have no impact on the agricultural uses in the area.¹⁶

Conclusion

31. The fact is that having an onsite bottling facility is far preferable to the alternative of requiring industrial water trucks hauling the water off-site for bottling, which we have the ability to do. The proposed building is small and inconspicuous and the Project will not impact the neighbourhood in any meaningful way. There will be no increase in traffic, no noise pollution, nor any other issues that often are appropriate consideration when the CVRD reviews applications concerning land use involving a commercial component. We very much view this Project as a “cottage industry”, promoting local, sustainable development. We are confident that the CVRD will approach the Rezoning Application with an open and impartial mind and submit that the Rezoning Application should be allowed.

¹⁶ Moreover, while we acknowledge that the Property is in proximity to the Agricultural Land Reserve, it is not in the reserve and is well beyond the zone appropriately considered by the Agricultural Advisory Committee, as such, agricultural considerations must not be the sole considerations in relation to the Property. Rather, consideration of additional objectives in the OCP must also be considered: see s. 17(1), 17(3), 17(13), 18(6), 39(3), 42(7), 47(1), and 73(20). The Project is supported by these objectives.



November 21, 2017

File: 20004026
vFCBC Tracking No.: 100188800

Christopher Scott MacKenzie and Regula Heynck
PO BOX 27
Merville BC V0R 2M0

Dear Christopher MacKenzie and Regula Heynck:

Re: Groundwater Licence Application 104026

The investigation of the above application has been completed. Enclosed is a copy of your Conditional Water Licence 500169.

Please read the documents carefully. Any error(s) in these documents should be brought to the attention of this office as soon as possible.

There are restrictions on removing water from British Columbia and the size of the container, refer to Section 5(c) of the *Water Protection Act* for more details (http://www.bclaws.ca/civix/document/id/complete/statreg/00_96484_01#section5).

Please contact the local Vancouver Island Health Authority (VIHA) office to further discuss requirements under the *Drinking Water Protection Act* and other relevant Acts that VIHA administers.

You are advised that the Comox Valley Regional District requires an application to rezone the property to enable "water and beverage bottling" as the principal use on the property.

Please note the following:

- 1) Water licences do not authorize entry on privately owned land for the construction of works, or flooding. Permission of the affected landowner must be obtained or an easement expropriated. For your protection, permission should be in writing and registered with the appropriate Land Title Office.
- 2) Permission for installing works on lands or roadways which are under the jurisdiction of any government agency, must be obtained from the agency concerned.

Please contact FrontCounter BC to assist you with notifications and any applications required if:

- a) there is any change in your mailing address;
- b) you sell the land to which the licence is appurtenant;
- c) you propose to subdivide the land to which the licence is appurtenant; or
- d) you propose to alter the works authorized under the licence.

In order for you to keep your water licence in good standing, the following must be observed:

- a) continued beneficial use of water, as authorized under your licence;
- b) payment of annual rentals;
- c) compliance with the terms of your licence; and
- d) compliance with the terms of the *Water Sustainability Act*.

One of the obligations of a water licence is the payment of annual rentals and fees to the Crown for the authorization to exercise the rights granted under the licence. Failure to pay water rental invoices by a specified date may result in late-payment penalties, collection action or cancellation of the licence. Any questions in regards to invoices, statements or billing procedures should be directed to the Water Revenue Unit at 1 800 361-8866. Callers from the Victoria area should dial 250 387-9445.

The *Water Sustainability Act* gives the recipient of this notice the right to appeal my decision. Information on filing an appeal can be found on the Environmental Appeal Board website at: <http://www.eab.gov.bc.ca/>. A right of appeal from my decision lies to the Environmental Appeal Board. Notice of any appeal must (1) be in writing; (2) include grounds for the appeal; (3) be directed by registered mail to the Chair, Environmental Appeal Board, PO Box 9425 Stn Prov Govt., V8W 9V1 or personally delivered to the office of the Board at 4th Floor, 747 Fort Street in Victoria, BC V8W 3E9, eabinfo@gov.bc.ca; (4) be delivered within 30 days of receiving this letter, and (5) be accompanied by a fee of \$25.00, payable to the Minister of Finance.

If you have any questions or concerns, please contact Tanya Dunlop, Senior Authorizations Technologist, at 250 751-7015 or by email at Tanya.Dunlop@gov.bc.ca.

Yours truly,



David Robinson
Assistant Water Manager

Enclosure(s)

cc: Gary Anderson, Upper Island Health Authority, gary.anderson@viha.ca
Alana Mullaly, Manager of Planning Services,
Planning and Development Services Branch,
Comox Valley Regional District, amullaly@comoxvalleyrd.ca



Province of British Columbia

Water Sustainability Act

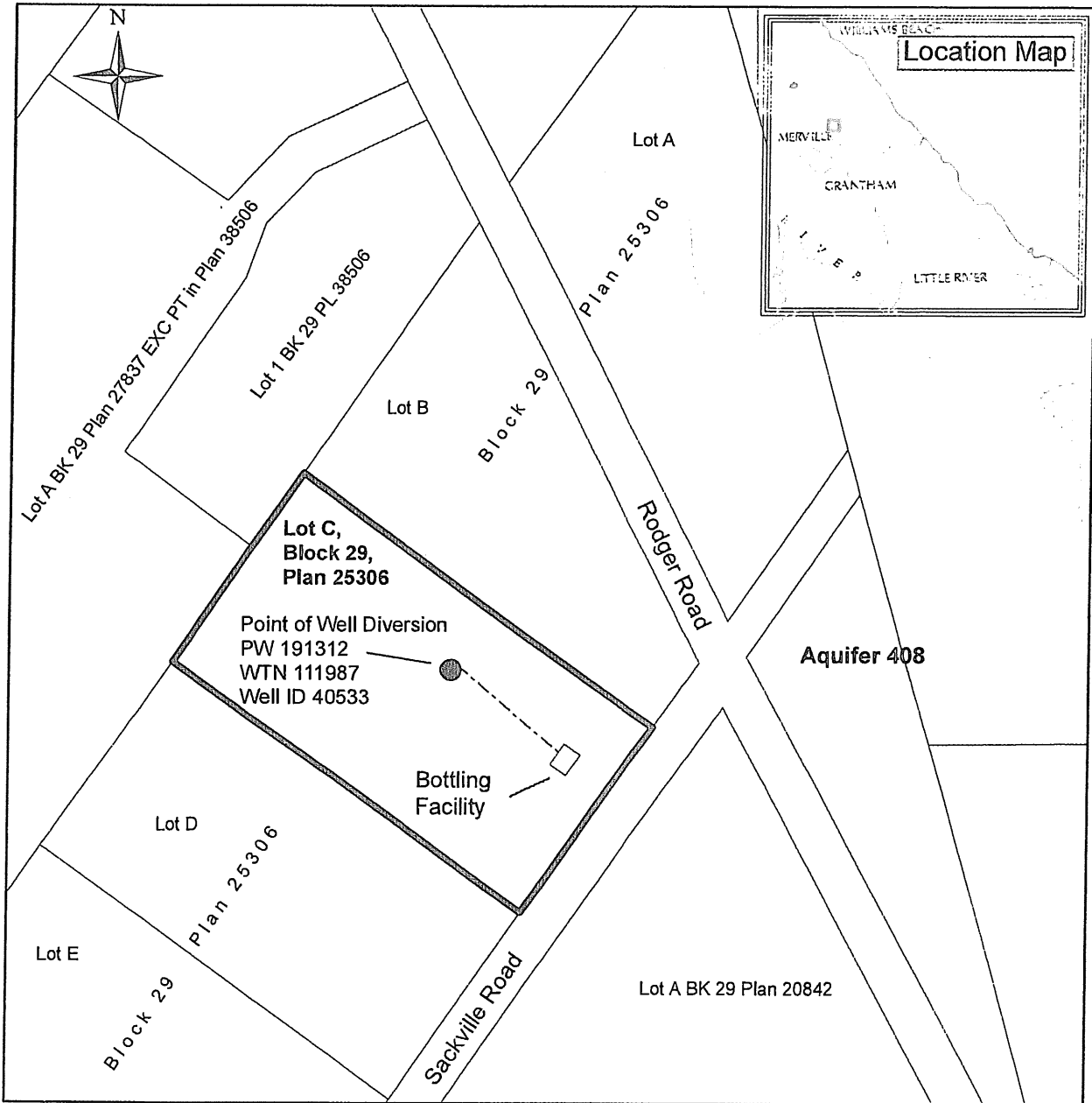
CONDITIONAL WATER LICENCE

The owner(s) of the land to which this licence is appurtenant is/are hereby authorized to divert and use water as follows:

- a) The aquifer on which the rights are granted is 408.
- b) The point of well diversion is located as shown on the attached plan.
- c) The date from which this licence shall have precedence is November 15, 2016.
- d) The purpose for which this licence is issued is industrial (fresh water bottling).
- e) The maximum quantity of water which may be diverted for industrial (fresh water bottling) purpose is 3650 cubic metres per year at a rate not to exceed 10 cubic metres per day.
- f) The period of the year during which the water may be used is the whole year.
- g) The land upon which the water is to be used and to which this licence is appurtenant is Lot C, Block 29, Comox District, Plan 25306.
- h) The authorized works are well, pipe and bottling facility which shall be located approximately as shown on the attached plan.
- i) The construction of the said works shall be completed and the water shall be beneficially used prior to December 31, 2020. Thereafter, the licensee shall continue to make regular beneficial use of the water in the manner authorized herein.
- j) The licensee must install a diversion flow measuring device to the satisfaction of the Water Manager.
- k) The licensee must retain diversion flow meter records, and have them available upon request by the Water Manager.

A handwritten signature in black ink, appearing to read "D. Robinson", with a horizontal line underneath.

David Robinson
Assistant Water Manager



WATER DISTRICT:

Nanaimo

PRECINCT:

Courtenay

LAND DISTRICT:

Comox

Signature:

Date:

November 21, 2017

LEGEND:

Scale:

1:3,000

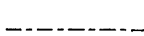
Point of Diversion:



Map Number:

92F.075.4.3

Pipe:



C.L.: 500169

FILE: 20004026

The boundaries of the land to which this licence is appurtenant are shown thus:

Appendix "B"

Public Hearing July 23rd 2018

Filberg Center

"A fact is a statement that is true and can be verified or proven."

"An opinion is a personal believe or judgement that is not founded on proof and certainty."

If other people believe it, that means it must be right. Right?

The propaganda against our proposal is based on a variety of opinions and beliefs rather than facts.

Rumours spread best when there's is a lot of uncertainty.

Water is a very important topic. Technical data and studies can be hard for non-specialists to understand. Therefore people must rely on other sources. Most of us do not have time to study hydrogeology and resource management.

FACT CHECK

✗ Rumour: There is not enough groundwater in the Merville aquifer.
Fact check: false



The Merville aquifer (408) has an annual recharge volume of 34 million cubic meters. The current use is less than 20% of that (FLNRORD).

Comox Lake



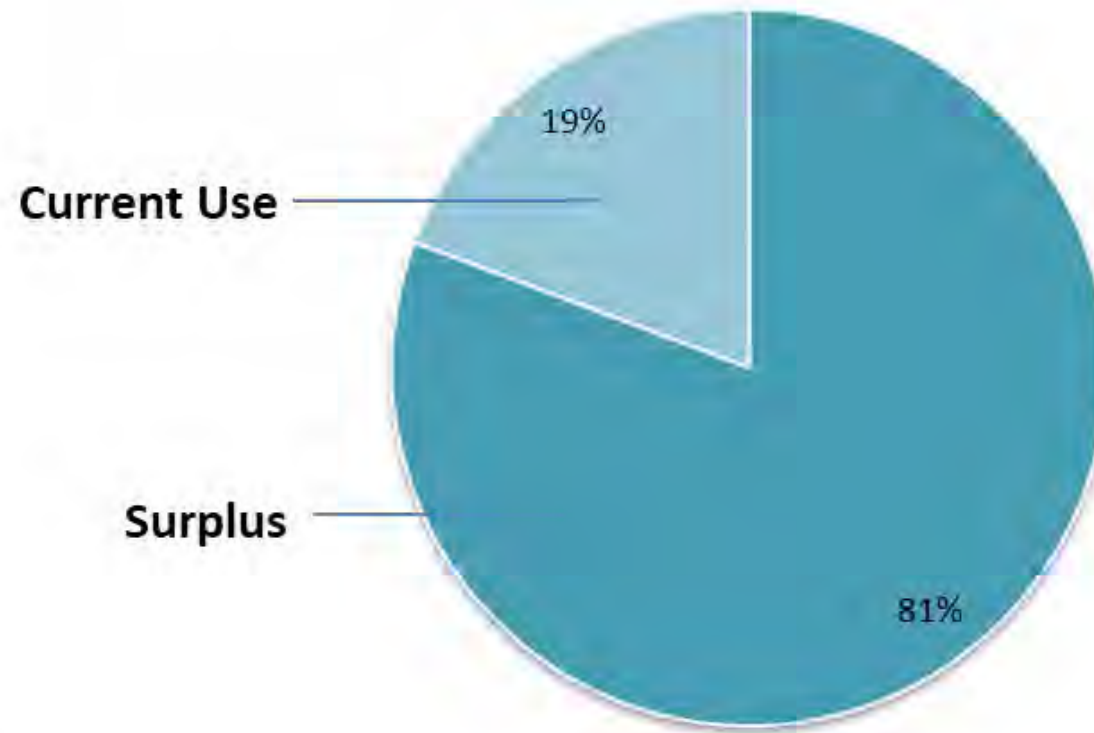
Area of
20.9 km²

Aquifer 408



Area of
147.7 km²

Aquifer 408: Annual recharge of 34 Mio m³



✗ Rumour: Neighboring wells will be negatively affected.

✓ Fact check: false

Three independent investigations (FLNRORD, Ministry of Environment BC and two senior Hydrogeologist) **come to the same findings** :

There is **enough** water and **no impact** for neighborhood wells.

Shallow wells are **not** hydraulically connected to deep wells due to a **thick confining layer** in this neighborhood.

And for deep wells: Taking 10 cubic meter per day represents **less than >1%** of the annual recharge within the surrounding area of 3.14 km².

The estimated **maximal** drawdown for other (deep) wells will reach a stable plateau at just under 3cm in about 10 years.

✘ Rumour: They're going to drain the aquifer.


✔ Fact check: false

A water authorization does not assure the water will always be available. The authorization allows for the diversion and use of a specific quantity of water, **if it is available.**

For the purpose of subsection (2) and (5), water use purposes are ranked, from highest to lowest as following:

- a) domestic
- b) waterworks
- c) irrigation
- d) mineralized water
- e) mining
- f) industrial ←
- g) oil and gas
- h) power
- i) storage
- j) conservation
- k) land improvement

This means, that if there are any changes to the aquifer in future, our business would be 6th in line on the priority list above.

 **Rumour:** It's only a matter of time until Nestle will take over.

 **Fact Check: false**

Water licenses can be transferred, apportioned (split) or amended **but the volume cannot be increased**. Based on the official calculations of saturation rates, the license will never be increased. Therefore the CVRD staff reports assumption of enabling greater use in the future is not valid.

To put this in perspective: Nestlé's permit allows for a total of **4.7 million liters per day** to be extracted from just two Canadian sites. It is highly unlikely big companies would be interested in such small volume of water.



10.000 L per day

vs.



4.7 Mio L per day

Water Volume



12 X 3.1
ft pool
=10,000 L

Irrigation of 0.5 acre lawn



51,183 L
water
per week

 **Rumour: It's wrong to sell water.**

 **Fact check: false**

Our revenue is based on the services we offer. In order to provide high quality drinking water, ongoing monitoring is required. In Canada, bottled water is regulated federally as a food and therefore it must comply with the *Food and Drugs Act (FDA)*. Monthly overhead for quality, liability and administration are part of the business.

Furthermore, water containers don't fill and deliver themselves.

Labor is needed for services such as:

- cleaning, sanitizing and refilling bottles
- facilitating storage
- loading, transporting and interchanging refill bottles
- taking on all liabilities
- administration

✗ Rumour: All water in the aquifer is the same.

✓ Fact check: false

Our water analysis shows a unique composition of minerals and electrolytes at our site specific location. Depending on the structure, layers and type of rocks that the water is percolated through, water quality can vary highly within the Merville aquifer.



Did you know...

Quick Facts

- There is a growing demand for unprocessed foods and healthy drinks.
- Many people do not like the taste of chlorine.
- Available premium water brands are shipped from other provinces or countries to satisfy the market needs locally.
- There is no other means for consumers to acquire water that is health approved, government sanctioned and has nothing added or removed in the Comox Valley.
- There are 5 other water businesses in BC which serve local water to local people. All of them are family owned.



INNOVATIVE

We are the **first business** offering high quality natural filtered water from a local source to local people. Our research shows that we meet all the requirements needed for a **successful market launch**:

- our product is market conform
- zeitgeisty (corresponds with the spirit of time)
- at affordable cost
- provides an alternative to premium bottled water



- ✓ Our water source is 100% sustainable
- ✓ Small cottage business selling to local customers
- ✓ Family owned and operated
- ✓ Garage size building for the entire bottling operation
- ✓ No added traffic concerns for Sackville Rd.
- ✓ Supported by Regional Growth Strategy (RGS) and Official Community Plan (OCP).





 **PROZONE**
Large Water Purification System

 **PROZONE**
Large Water Purification System



Consuming local water directly from its source cuts down on fossil fuels needed to produce, package, distribute and store when compared to buying similar products at retail.

The logo features the words "Eco-Friendly" in a playful, rounded font. The word "Eco" is in green, "Friendly" is in blue, and the hyphen is in green. A small globe with green continents and blue oceans is positioned between the "o" in "Eco" and the "F" in "Friendly". Two green leaves with black outlines are on either side of the globe, each on a thin black stem with a small spiral at the base.

ECO-FRIENDLY

No single use plastic bottles. We plan to clean and sanitize larger water bottle containers and refill them at least 60 times before they are recycled.

✓ Even a small business pays taxes and benefits the local economy.



✓ People get access to a safe water source that meets individual needs.

Ministry of Forests, Lands and Natural Resource Operations
Water Licensing

GROUNDWATER TECHNICAL REPORT

Created Date: May 02, 2017 **Due Date:** Sep 19, 2017
Job #: 104026 **Job Type:** Groundwater **Water Officer:** Dunlop, Tanya FLNR:EX
(NAN-WS)
vFCBC Tracking #: 100188800

EXECUTIVE SUMMARY

1. SUMMARY REMARKS

This application is for a new groundwater licence for industrial (fresh water bottling). The applicant hopes to sell bottled water at farmer's markets and from a 'self-serve' bottling facility on their property in Merville, BC. The requested volume is to divert 3650 m³/year from Aquifer 408. The works include the existing well, pipe and a bottling facility. The well (WTN 111987) is on the applicant's property and is flowing artesian at roughly 15 gpm so a pump is not required at this time. The pipe and bottling facility are not currently constructed. The proposed location of the "self-serve" bottling facility, about 60 metres SE of the well, is close to the road to allow for easier customer access.

A site inspection was conducted on May 16, 2017. The main purpose of this inspection was for the GWPO to inspect the artesian flowing well and to confirm that it meets the GWPR. The GWPO commented that there is an elevated risk of aquifer leakage because the well is not sealed to the confining layer; however, there is no immediate threat from flows to public safety, property or environment. The applicant was advised by the GWPO to contract a registered well driller immediately if flow becomes uncontrolled. For further details see Section C.19 of this report and the Groundwater Protection Officer (GWPO) Well Inspection Report on file.

There are no existing rights on aquifer 408 and it is not likely hydraulically connected to surface water. There is one other known application for 2 m³/day a wildlife hospital and visitor centre (File 20003836) that is just over 1 km to the west; it was granted during the adjudication of this licence application. Provincial Groundwater Observation Well #351 is within Aquifer 408 and about 12 km SE of the applicant's well. The well monitoring data from 2001 to 2017 shows that the static water level varies both annually and seasonally, but overall appears stable with the current ground water use. Given the stable status of Observation Well #351 within Aquifer 408 and the small volume of this application, concerns regarding long-term yield and impacts to other users are not anticipated.

There are no known environmental concerns. Environmental Flow Needs were not assessed as this is a confined aquifer.

Referrals were sent to Ecosystems, Vancouver Island Health Authority (VIHA) and Comox Valley Regional District (CVRD). In the Decision Statement Letter, the applicant was advised to contact VIHA to address their concerns and apply for rezoning to address CVRD's concerns.

Initial engagement letters were sent to Homalco First Nation (impact assessed as minor) and Nanwakolas Council (engagement level 2; K'omoks, We Wai Kai, and Wei Wai Kum). No response was received from Homalco and letters of no concerns and no comment were sent by Wei Wai Kum and We Wai Kai respectively. K'omoks requested a meeting with the applicant; however, the meeting didn't resolve their concerns. WAG met with K'omoks to address their concerns regarding the length of term and the application's proximity to treaty settlement lands. No response was received from the meeting follow up email. I recommend that consultation is complete. Nanwakolas Decision Letter will be sent out.

Considering the above information and the information provided in the following report, I recommend the granting of this licence.

APPLICATION INFORMATION

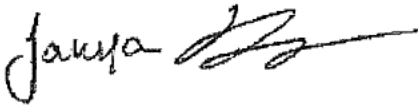
FILE NO:	20004026	WATER DISTRICT:	Nanaimo	PCL REQUIRED:	N
CLIENT CONTACT:	Christopher Scott MacKenzie and Regula Heynck	REGION:	1 - Vancouver Island	PRECINCT:	17C - Nanaimo / Courtenay
CLIENT:	Christopher Scott MacKenzie and Regula Heynck (140604)	QUICK AMENDMENT:	N	AQUIFER(s):	408
PRIORITY DATE:	2016-11-15	CONNECTED:	N		
WATER USE PURPOSE & QUANTITY:	02G - Fresh Water Bottling 3650m3/year	CONNECTED WATER SOURCE(s):	408		
AMENDMENT TYPE:	N/A	AMENDMENT SUBTYPE:	N/A	CURRENT (ORIGINAL) LICENCE DETAILS:	N/A

Related Licences	File number	Priority Date	Purpose	Volume	Comment
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3. RECOMMENDATIONS

Grant

Prepared by:



Date: November 20, 2017

Dunlop, Tanya FLNR:EX (NAN-WS)
Senior Authorizations Technologist - Water

A. BASIC APPLICANT INFORMATION

Applicant Name: Christopher Scott MacKenzie and Regula Heynck (140604)
Client Name (if different from applicant):
Home Phone:
Work Phone:
Fax:
Other Phone: :
Email Address

Certificate(s) of Title No.: CA5196384
File No.: 20004026
Region: 1 - Vancouver Island

Quick Amendment: No

Existing Use: No

Priority Date:

Rationale for Priority Date (transitional licence only): Date application was first submitted into vFCBC

District: Nanaimo

Precinct: 17C - Nanaimo / Courtenay

Aquifer name: 408

Likely connected to surface water source? (Y/N)

Surface water source name #1 _____	% connected to source #1 _____	Distance to source #1 _____
Surface water source name #2 _____	% connected to source #2 _____	Distance to source #2 _____
Surface water source name #3 _____	% connected to source #3 _____	Distance to source #3 _____
Surface water source name #4 _____	% connected to source #4 _____	Distance to source #4 _____
Surface water source name #5 _____	% connected to source #5 _____	Distance to source #5 _____

Connected to aquifer source? (Y/N)

Groundwater source name #1 _____	408	% connected to source #1 _____
Groundwater source name #2 _____		% connected to source #2 _____
Groundwater source name #3 _____		% connected to source #3 _____
Groundwater source name #4 _____		% connected to source #4 _____
Groundwater source name #5 _____		% connected to source #5 _____

Application Details:

Works: well , bottling facility , pipe

Status of Works: Fully Constructed, Not Constructed, Fully Constructed

Purpose Use: Fresh Water Bottling I&C - Industrial

Quantity Units: 3650 m3/year

Watershed Code/Name: Vancouver Island (East) Rivers	PID: 002-904-713	Appurtenant Land - Legal Description: Lot C, Block 29, Comox District, Plan 25306
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POD (well): PW191312	Mapsheet code: 92.F.075	Aquifer: 408
Well Tag Number: 111987	Well ID Plate: 40533	Point of Diversion: N
Status of Works: Fully Constructed		Re-Diversion:

B. ADMINISTRATIVE DETAILS

1. General Comments

This application is for a new groundwater licence for industrial (fresh water bottling). The applicant hopes to sell bottled water at farmer's markets and from a 'self-serve' bottling facility on their property in Merville, BC. The requested volume is to divert 3650 m³/year from Aquifer 408. The flowing artesian well (WTN 111987) is located on the applicant's property. The works include the existing well, pipe and a bottling facility.

2. Priority Date Rationale

New groundwater licence; priority date was updated by WIT to be the date application was first submitted to vFCBC.

3. Source and POD Comments

The source is Aquifer 408 and the Point of Well Diversion is PW191312 (WTN 111987; Well ID Tag 40533). Aquifer 408 is described as occupying an extensive Quadra Sand deposit spanning from Comox Harbour, to 10 km north of Merville, BC. The coastline generally bounds the aquifer to the east, as does the Tsulom River along its western perimeter. Aquifer 408 is approximately 147.7 km² and is a type 4b - confined sand and gravel aquifer of glacial or pre-glacial origin.

4. Water Allocation Restriction(s), Reserves and Sensitive Aquifers

No water allocation Restrictions, Reserves or Sensitive Aquifer designations.

Reserves

Page: 4

Restrictions

Page: 4

Reference Point

Page: 4

Sensitive Source Designation – Aquifer

5. Relevant Water Objective(s)

No relevant Water Objectives.

6. Designated Area for Water Sustainability Planning Processes

No designated areas.

7. Drilling Authorization

No drilling authorization.

8. Appurtenant Land Related Issues

OTHER LICENCES ON APPURTENANT LAND:

OTHER APPLICATIONS ON APPURTENANT LAND:

APPURTENANT LAND WITHIN MUNICIPALITY, IMPROVEMENT DISTRICT OR IRRIGATION DISTRICT: Comox Valley
Regional District

OTHER GENERAL COMMENTS RELATED TO APPURTENANT LAND AND OTHER TENURES:

9. PERMIT OVER CROWN LAND

Not required, all works are within a privately owned parcel.

10. REFERRALS TO GOVERNMENT AND OTHER AGENCIES

The referral response date was initially June 12, 2017. However, it was noticed that a previous version of the redacted application accidentally went out with referral package. The original referral request was canceled and an update was sent with a response date of June 30, 2017 to allow for any change in response.

Nanaimo Service Centre (Ecosystem) --- Interests unaffected

Health – Upper Island – Campbell River --- Approval of project is supported subject to the conditions outlined below:

1. The applicant provided a chemical analysis (Maxxam Analytics, August 2016) for review in 2016 and asked questions about opening a bottling facility. Information was provided about requirements under the Drinking Water Protection Act. Parameters that were tested were within the Canadian Drinking Water Quality Guidelines.

a. The applicant is required to contact this office to discuss potential requirements under the Drinking Water Protection Act, when supplying water to more than a single family home. A drinking water supply system must not be constructed without prior approval from this office. Bulk Water Hauling requires a source approval permit, please contact to discuss. Additional information is found at <http://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-quality/drinking-water-quality/resources-for-water-system-operators> and <http://www.viha.ca/mho/water/>

2. This office administers the *Public Health Act* and associated Regulation:

a. Food Premises Regulation- A bottling facility if not selling out of province would likely be considered a Food Processor (www.viha.ca/mho/food)

b. Sewerage System Regulation -Our files show that there is an approved sewerage system for a single family dwelling.

Upgrades to the sewerage system will likely be required. More information is provided at http://www.viha.ca/mho/Land_Use.htm

The applicant will be directed to contact VIHA to discuss the above conditions in the Decision Statement Letter.

Comox Valley Regional District --- email response received July 7, 2017 (after the June 30 deadline) requesting consideration of their objection to this proposal based on their Official Community Plan (OCP) and Zoning Bylaw. The property is within the Tsolum River Watershed and OCP policy direction is to consider impacts of a development proposal on a watershed scale. CVRD requests that an impact analysis on groundwater levels be undertaken by the proponent. The property is zoned "Rural Eight" and water and beverage bottling is not permitted in this zone. Applicant is required to make an application to rezone the property to enable "water and beverage bottling" as the principal use on the property.

An email response was sent to the CVRD explaining the small volume and that the aquifer is not likely hydraulically connected, thus water diversion and use is not expected to result in impacts to the aquatic environment in the Tsolum River watershed. The applicant will be made aware of the required rezoning in the Decision Statement Letter.

11. NOTIFICATIONS/OBJECTIONS

11a. NEARBY LICENSEES, AND DOWNSTREAM LICENSEES ON CONNECTED STREAMS No notifications were given as there are no nearby licensees. As this is a confined aquifer, it is not likely hydraulically connected to any streams.

11b. JOINT WORKS Not applicable

11c. OTHER LANDS PHYSICALLY AFFECTED BY WORKS Not applicable

12. OTHER CONCERNED PARTIES

None identified.

13. WATER LICENCES REQUIRING AMENDMENT

Not applicable

C. TECHNICAL INFORMATION

1. Physical and Hydrogeological Setting

The application is on the east coast of Vancouver Island, near Merville, BC. As is typical of Vancouver Island and rain dominated hydrological regimes, the area sees wet winters and little precipitation falling in the summer months. Thus, aquifer recharge is expected to occur during the winter and spring, which is reflected in the seasonal variation of the static water levels at Observation Well #351 (See section C.8, Figure 1).

Aquifer 408 is described in the Aquifer Classification Worksheet (May 29, 2000) as occupying an extensive Quadra Sand deposit spanning from Comox Harbour, to 10 km north of Merville, BC. The coastline generally bounds the aquifer to the east, as does the Tsolum River along its western perimeter. Aquifer 408 is approximately 147.7 km² and is largely confined, although small portions of the aquifer are surficially exposed. The confining layer varies spatially from marine or glacio-marine deposits (silt, clay, sand, gravel, and stones, often underlain by clay) and vashon till (olive colored, ice contact deposits, rich in clay, containing sand, silt, and gravel).

2. Well(s) location

The well (WTN 111987) is located on a privately owned, relatively flat lot on Sackville Road in Merville, BC (Lat 49.7925; Long - 125.0502). The well sits near the middle of the property, down the second driveway which is closest to Rodger Road. The well is roughly 250 metres west of an unnamed wetland/stream (920-588429-465603) that is tributary to Kitty Coleman Creek. From the site visit and the Well Cross Referencing Report, it was determined that the location in the WELLS database is correct; no updates are needed.

3. Well(s) construction

The well (WTN 111987; Well ID Tag 40533) is fully constructed. The original Well Construction report was provided by the applicant. As this flowing artesian well was constructed after the WSA was enacted, the construction was subject to the Groundwater Protection Regulation. A site inspection was conducted on May 16, 2017. The main purpose of this inspection was for the GWPO to inspect the artesian flowing well and to confirm that it meets the GWPR; for further details see Section 19 of this report and the Groundwater Protection Officer (GWPO) Well Inspection Report on file.

The well is drilled 110 feet below ground and has a 10 foot casing stick up to help minimize the artesian pressure. A review of the lithology in the well construction report, shows that the confining layer of till is approximately 23 metres (75 feet) thick at this location.

Well ID plate number: Page: 6
 Well date of construction: 40533
 Well depth: 2016-07-27
 110 feet

Well ID tag number: 111987
 Well construction status: Fully Constructed
 Well diameter: 6 inches

4. Description of Works to be Authorized

The works include the well (WTN 111987; Well ID Tag 40533), pipe and bottling facility; see the plan for an approximate location. The well, as described above, is flowing artesian at roughly 15 gpm so a pump is not required at this time. The pipe and bottling facility are not currently constructed. The proposed location of the "self-serve" bottling facility, about 60 metres SE of the well, is close to the road to allow for easier customer access.

5. Justification for Purpose and Quantity

The quantity is 3650 cubic metres per year for industrial (fresh water bottling) purpose. The applicant wants to sell bottles of this "pure ancient" water at farmer's markets and to be able to provide self-serve bottle refills to clients, especially during boil water advisories that are apparently frequent in the local area (CVRD). The applicant originally applied for a much larger volume (10 times more); however this volume was reduced after discussion with the applicant regarding the requirement for a pumping test for the larger volume. This smaller volume, roughly 500 18.9L bottle refills daily, is more realistic for this start up business. Some of the requested volume would also be used for bottle cleaning. The applicant has agreed that this volume will allow for growth of the proposed company and that they would apply for additional volume if needed in the future.

6. Water Balance Table

There are no existing rights on aquifer 408 and it is not likely hydraulically connected to surface water. There is one other known application for 2 m³/day a wildlife hospital and visitor centre (File 20003836) that is just over 1 km to the west; it was granted during the adjudication of this licence application. The number of wells in Aquifer 408 was estimated by spatially selecting the wells within Aquifer 408 and removing the 'dry holes' and any wells that were thought to be in bedrock (i.e. total well depth greater than bedrock depth). The wells were then summarized by the use. Of the 1261 wells, 75% are thought to be domestic, roughly 4% of the wells are potentially licensable (i.e. commercial & industrial, irrigation, or water supply system), and 20% have unknown well use. These numbers will change as the database is updated and more wells are registered or licenced.

The domestic groundwater use is estimated to be 1898 m³/day from the above summary. This value may be high as it will include dug wells that are not drawing water from Aquifer 408. The Aquifer Classification Worksheet (May 29, 2000) estimates the domestic well density as moderate with approximately 3 wells/km². Using this domestic well density, the domestic groundwater use is calculated as 886 m³/day. It is expected that there has been more residential development within the aquifer area since the Aquifer Classification Worksheet was developed in 2000. The actual domestic use is likely somewhere between these values.

Licence/Application	Domestic (m ³ /day)	Other (m ³ /day)	Irrigation* (m ³ /yr)	Other (m ³ /yr)	Other (m ³ /sec)	Storage (m ³ /yr)	Daily Seasonal Demand (m ³ /s)
Existing GW Rights							
Existing SW Rights							
Quantity of water in this Application				3650			
Excluded users (e.g. domestic groundwater)	1898						
Totals	1898			3650			

* Irrigation Q based on (select N/A, 90, 100 or 120) day period unless otherwise indicated.

7. Pumping and recovery test

For this small volume, the applicant was not required to have a pumping test to better understand the hydrogeologic properties of the well associated with this application. Using the preliminary self-screening tool in *The Guidance for Technical Assessment Requirement in Support of an Application for Groundwater Use in British Columbia* as a guide, it was determined that a desktop technical assessment would be sufficient: the aquifer is unconsolidated (0 points), the volume is under 10 m³/day (0 points), and there are nearby domestic users (1 point).

8. Long-term yield

The Aquifer Classification Worksheet (May 29, 2000) does not list any quantity concerns and it says that "it is probable a number of high capacity wells could be developed within this aquifer".

Provincial Groundwater Observation Well #351 is within Aquifer 408 and about 12 km SE of the applicant's well. This Observation Well has monthly data from November 2001 to April 2003 and then hourly data from May 26, 2003 on. The data shows that the static water level varies both annually and seasonally, but overall appears stable with the current groundwater use. In the 15 years that the well has been monitored, the static water level has ranged from 7.8 to 9.4 metres below ground surface (mbgs) with a median value of 8.9 mbgs (Figure 1a). The average yearly fluctuation or seasonal variation of the static water levels is 0.74 m (Figure 1b).

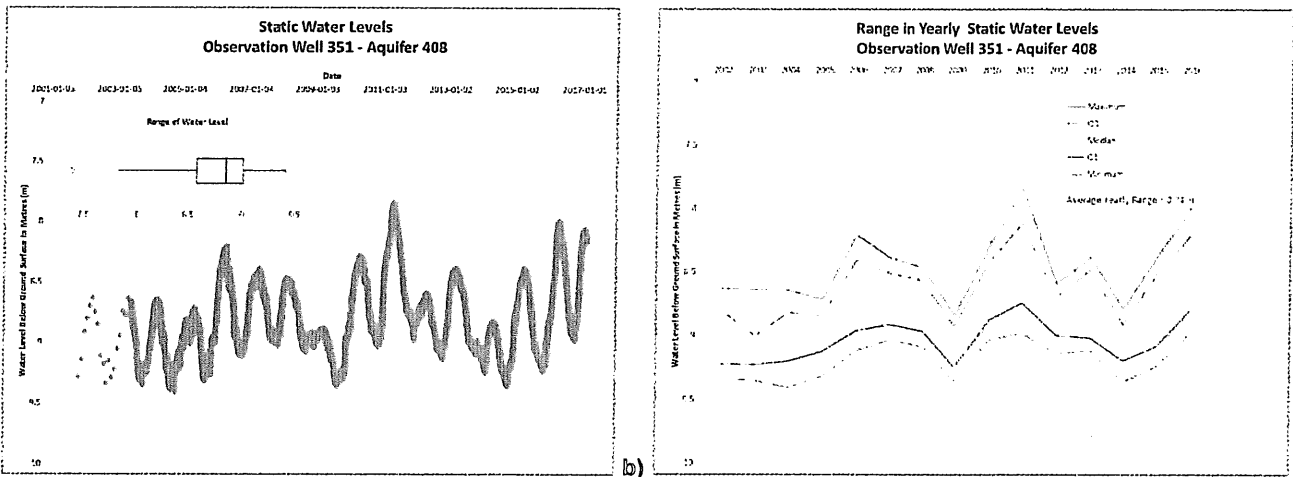


Figure 1. a) Static water level of Observation Well #351 varies both annually and seasonally, but overall appears stable; the static water level has ranged from 7.8 to 9.4 metres below ground surface (mbgs) with a median value of 8.9 mbgs. b) The average yearly fluctuation or seasonal variation of the static water levels is 0.74 metres.

Environmental Reporting BC did a statistical analysis of the groundwater trend in Observation Well #351 with data from 2002-2014. The 14 year trend of 0.023 m/year indicates that the aquifer status is stable (Figure 2); for this analysis the slope had to be significant and increasing at greater than 3 cm per year to be considered an increasing trend.

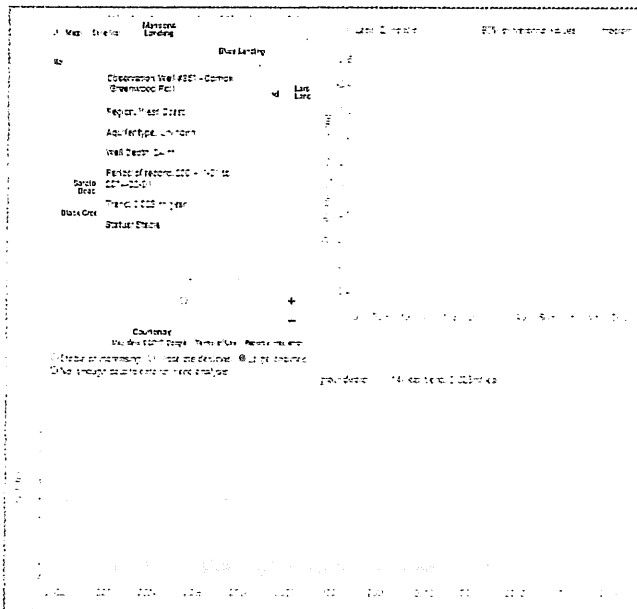


Figure 2. The Environmental Reporting BC statistical analysis of the groundwater trend in Observation Well #351 from 2002-2014 indicates that the aquifer status is stable (accessed from <http://www.env.gov.bc.ca/soe/indicators/water/groundwater-levels.html>).

Given the stable status of Observation Well #351 within Aquifer 408 and the small volume of this application, concerns regarding long-term yield are not anticipated.

9. Aquifer Supply-Demand Assessment

A ground water budget is not available for Aquifer 408. As discussed in Section C.6, 75% of the wells are thought to be domestic, roughly 4% of the wells are potentially licensable (i.e. commercial & industrial, irrigation, or water supply system), and 20% have unknown well use. As discussed previously in Section C.8, data from the Observation Well #351 indicates that while there are seasonal and annual fluctuations in the static water level, overall it appears stable with the current ground water use. Given the large size (147.7 km²) of this moderately productive aquifer and the small volume requested, it is anticipated this aquifer can meet the demand of the volume in this application.

10. Adequacy of Well Supply

At the time of construction in mid-summer, the well (WTN 111987) was estimated to flow at 15 gpm and the driller's well yield was 20 gpm. The requested volume is roughly 12% of the flowing volume. While the artesian pressure may vary seasonally and over time, it was confirmed during a site visit on May 16, 2017 that there is still significant artesian flow when the tap is opened. The applicant has been using the well for domestic purpose for over a year and has not had any issues with quantity or quality.

As this is a confined aquifer, the safe available drawdown (SAD) is considered the distance between the static water level and the top of the aquifer (or bottom of the confining layer). The intent of using the top of the aquifer rather than the top of the well screen is to avoid dewatering a confined aquifer such that the hydraulic behavior would start to be more like an unconfined aquifer. You could have compression of the aquifer matrix due to reduction in pore pressure, leading to problems like reduced storativity and land subsidence. As this is already a conservative approach, an additional 30% safety factor is not applied.

The lithology from the well construction report shows that the confining layer of till goes down to 26.2 metres (86 feet) below ground level and at the time of drilling, and the well had 6.1 metres (20 feet) of artesian head. This gives a SAD of 32.3 metres. The estimated drawdown at the well is 0.07 metres after 100 days using the Jacobs Approximation method (see Section C.11, Figure 3), which is 0.002% of the safe available drawdown. While the actual drawdown is unknown, it does not appear that it will have a significant impact on the safe available drawdown. The seasonal variation of 0.72 m (0.02% of SAD) also appears insignificant to the operation of the well. If the artesian pressure is reduced significantly overtime, a pump may need to be installed; otherwise, it appears that the well supply is adequate.

11. Impact on Other Groundwater Users

From the WELLS database, it was determined that there are about 20 domestic groundwater wells within one km of the applicant's well, two of which are approximately 150 metres away. The "Guidance on Determining Assessment Area for New Groundwater Licences" Excel tool was used to model the drawdown on these neighbouring wells, using the Jacobs Approximation method. Using the default values for transmissivity (250 m²/d) and storativity (0.005) for a type 4b aquifer and a pumping rate of 10m³/day, the drawdown at these neighbouring wells is estimated to be 0.02 metres after 100 days. The estimated drawdown at the applicant's well is 0.07 metres after 100 days (Figure 3).

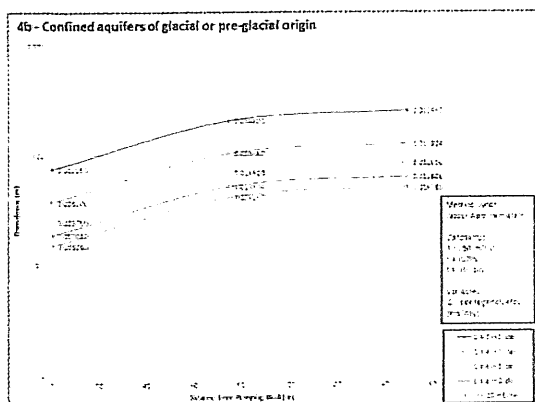


Figure 3. Using the Jacobs Approximation method, the drawdown at neighbouring wells after 100 days is estimated to be 0.02 metres and 0.07 metres at the applicant's well.

While the actual transmissivity and storativity of the aquifer are not known, the estimated impact to other groundwater users does not appear to be detrimental. This well interference drawdown of 0.02 metres is roughly 3% of the average yearly fluctuation in static water levels seen in Observation Well #351 (0.74 metres). Although the static water level was not reported for these neighbouring wells, WTN 112145 has artesian flow. Assuming the static water level was at the ground surface for this well, a safe available drawdown for this neighbouring well would be 27.7 m. The well interference at this neighbouring well would be about 0.001% of its safe available drawdown. Seasonal variation of the static water level will have the larger impact.

12. Impact on Connected Stream(S) and Surface Water Users

Not applicable, as Aquifer 408 is not likely hydraulically connected to surface water. Aquifer 408 is type 4b – confined sand and gravel of glacial or pre-glacial origin and the Aquifer Classification Worksheet (May 29, 2000) describes it as largely confined. A review of the lithology in the well construction report, shows that the confining layer of till is approximately 23 metres (75 feet) thick at this location.

13. Environmental Flow Needs (EFN) Consideration

Not applicable, as Aquifer 408 is not likely hydraulically connected to surface water. Aquifer 408 is type 4b – confined sand and gravel of glacial or pre-glacial origin and the Aquifer Classification Worksheet (May 29, 2000) describes it as largely confined. A review of the lithology in the well construction report, shows that the confining layer of till is approximately 23 metres (75 feet) thick at this location.

14. Water Users' Community

Not applicable.

15. Water Quality Issues (e.g. salinity, public health issues)

No known water quality issues. The Aquifer Classification Worksheet lists some isolated water quality concerns (e.g. Kye Bay area is vulnerable to surface contamination, iron and manganese levels exceeded on occasion near Comox, and sulphurous odor from some wells). However, the water at this location does not have a reported odour and the confining layer is quite thick thus reducing vulnerability to surface contamination. The applicant has been using the well for domestic purpose for over a year and has not had any issues.

As this water will be sold to the public, the applicant is required to comply with the *Drinking Water Protection Act* as directed by the Vancouver Island Health Authority (VIHA). A chemical analysis was provided to VIHA and the parameters that were tested were within the Canadian Drinking Water Quality Guidelines (see Section B.10 for additional VIHA referral details).

16. Environmental Considerations

No known environmental concerns.

17. Justification for Special Advice on Cover Letter

- Restrictions on removing water from British Columbia under the *Water Protection Act* Section 5(c)
- Contact the Vancouver Island Health Authority to further discuss potential requirements under the *Drinking Water Protection Act* and other relevant acts that VIHA administers. Advised based on referral response (Section B.10 of this report).
- CVRD requires an application for re-zoning. Advised based on referral response (Section B.10 of this report).

18. Justification for Additional Clauses for Licence

- Max daily diversion rate of 10m³/day as considerations for impacts to neighbouring wells and if a pumping test was required are based on this diversion rate
- Clauses j (work-flow measuring) & k (works – flow measuring records) were added to improve accountability of actual water use. During a meeting with the applicant and FCBC, the applicant mentioned that a flow measuring device could easily be installed.

19. Site Inspection

A site inspection was conducted on May 16, 2017; for further details see the Groundwater Protection Officer (GWPO) Well Inspection Report on file. There are also photos on file showing the well with its 10 foot casing stick up and metal foil insulation, as well as the proposed bottling building that is under construction. The applicant mentioned that a building will be built around the well casing to further protect it from freezing.

The main purpose of this inspection was for the GWPO to inspect the artesian flowing well and to confirm that it meets the GWPR. The GWPO commented that there is an elevated risk of aquifer leakage because the well is not sealed to the confining layer; however, there is no immediate threat from flows to public safety, property or environment. The applicant was advised by the GWPO to contract a registered well driller immediately if flow becomes uncontrolled.

20. First Nations Information and/or Results of Consultation

Initial engagement letters were sent May 15, 2017. Nanwakolas initial engagement letter was sent with an initial engagement level of 2 (moderate biophysical impact and lower area of significance). Homalco FN initial engagement letter with an assessed impact of minor was sent with a response requested by June 12, 2017. Although there was overlap with the Tia'amin CAD boundary, an initial engagement letter was not sent because the application does not fall within Tia'amin Treaty

Lands nor does it overlap migratory bird harvest or fishing area. It was noticed that a previous version of the redacted application accidentally went out with referral package. An update was sent to Homalco FN and Nanwakolas Council on June 8, 2017 via email with the corrected version and an explanation for the changes to the volume and works. An extension until June 30, 2017 was given to allow for any change in response.

A response was received from the Nanwakolas Council confirming level 2 engagement and referral response due June 6. Nanwakolas Council was engaging with K'omoks, We Wai Kai, and Wei Wai Kum. K'omoks First Nation sent a letter on May 29 requesting a meeting with the applicants. Wei Wai Kum sent a letter on May 30 of no issues and no concerns and We Wai Kai sent a letter on June 6 of no comment. No response was received from Homalco FN.

The applicant attended a meeting with K'omoks First Nation council on June 26, 2017. According to the applicant, "there was a brief discussion about our business plans which quickly moved to who owns the water".

On June 28, K'omoks sent a letter saying that they had met with the proponent with no resolution to their concerns. They oppose the issuance of the licence due to the proposed length of term and the proximity to treaty settlement lands. WAG tried to organize a meeting K'omoks to discuss their outstanding treaty related concerns; however, no meeting occurred. A follow up letter was sent by WAG on July 25, 2017 addressing their outstanding concerns. The letter explains FITFIR and that considering the small volume of the application and the stable aquifer levels, no measurable impacts on water availability on the aquifer as a whole are expected. A response was requested by August 8.

K'omoks replied via letter that they had concerns with the length of term and proximity to their proposed treaty settlement lands. WAG/MIRR had a meeting with K'omoks to address their concerns with this file and their more general treaty related concerns with groundwater applications. After discussions though email, phone and in person with K'omoks First Nation, it seems that their concerns are with access to groundwater through the treaty process. I am not aware of any information that would indicate that the granting of this application would impact the outcome of potential groundwater reserve negotiations. Additional information regarding Aquifer 408 and our process for groundwater licencing decisions was provided to K'omoks FN during the meeting and in the follow up email. No further response was received from the follow up email from this meeting.

I recommend that consultation is complete. See Consultation Response Tracking System (CRTS) Report for additional details. A Nanwakolas Decision Letter will need to be sent out.

D. LICENCE(S)

New (amended) Licence No.: 500169
Conditional/Final: Conditional
Licence Status: Draft
File No: 20004026
Region: Vancouver Island
District: Nanaimo (17)
Precinct: Courtenay (17C)
PID: 002-904-713
Appurtenancy:
Lot C, Block 29, Comox District, Plan 25306

Well Tag Number: 111987
Purpose/Uses: 02G - Fresh Water Bottling
Quantity Units: 3650 m3/year
Priority Date: 2016-11-15
Start of Annual Licence Cycle¹: January 1
Aquifer Name: 408
Points Of Diversion: PW191312
Quantity Flag: T
Mapsheet Code: 92.F.075

Licence Holder - Billed Client: Christopher Scott MacKenzie and Regula Heynck
Licensee Name: Christopher Scott MacKenzie and Regula Heynck
Client No.: 140604
Home Phone:
Work Phone:
Fax:
Other Phone :
Email Address

Exempt Client Details:
Licence Holder - Other: Christopher Scott MacKenzie and Regula Heynck
Licence Documents Are To Be Sent To: Christopher Scott MacKenzie and Regula Heynck (140604)

Works: pipe (Partly Constructed), well (Fully Constructed), bottling facility (Not Constructed)
Well Id Plate: 40533
POD (Well): PW191312
Sector: I&C - Industrial
End of Annual Licence Cycle: December 31
Works Status: Partly Constructed, Fully Constructed, Not Constructed
Point Of Re-Diversion: No
Storage Flag: N
Water Rights Map: 92.F.075

E. PERMIT(S) OVER CROWN LAND

Page: 12

1. PCL NO.:

2. PCL REPLACEMENT:

3. PCL BILLING INSTRUCTIONS:

Appendix "D"



Ministry of Environment

- Well Construction Report
- Well Closure Report
- Well Alteration Report

DRILLWELL ENTERPRISES LTD.
4824 Parkway Blvd
Duncan, B.C. V9L 6W3
Phone: 250-746-6282

Well ID Plate Number **40533**
Well ID Tag Number
 Construction alternative specs. attached
 Original well construction report attached

Red lettering indicates minimum mandatory information. See reverse for notes & definitions of abbreviations.

Owner Name: **MacKenzie, Scott**
 Mailing address: **657 Morilee**
 Well Location: Address: street no. **657** Street name **Sackville Rd #2410** Town **Comox** Post Code **V9M1A5**
 Block **24** Lot **15** Sub-plot No. **15**
 Legal description: Lot **C** Plan **2530** D.L.
 PID **012 904 713** Description of well location (attach sketch, if any):
 NAD 83 Zone: **10** UTM Easting **0352442** UTM Northing **5517571** Latitude (see note 2): Longitude:
 Method of drilling: rotary cable tool mud rotary auger driving jacking excavating other (specify): **Dual Rotary**
 Orientation of well: vertical horizontal Ground elevation: **275'** Method (see note 4):
 Closes of well (see note 3): Sub-class of well:
 Water supply well: indicate intended water use private domestic water supply system irrigation commercial or industrial other (specify):

Lithologic description (see notes 7-14, or closure description (see notes 16 and 18))

From # (ft)	To # (ft)	Relative thickness	Colour	Material Description (Use recommended terms on reverse. List in order of decreasing contact. If applicable)	Water-bearing potential (ft)	Observations (e.g., fractured, weathered, well sorted, silty, etc.)
0	4'		Soft	Ben silt, soil + cobbles		
4'	11'		Hard	Ben Gravel, silty sandy		
11'	68'		Hard	Coag till + silty gravel + small sand hugges		
68'	86'		med	Coag till + cobbles		
86'	90'		loose	Coag Sand, very fine silty	WB	
90'	103'		med	Coag silt + fine sand hugges		incubator
103'	110'		med	Coag Gravel + sand some silt color	WB	Flowing

Casing details

From # (ft)	To # (ft)	Obs in	Casing Material / Open Hole	Wall Thickness in	Drill Shoe
0	16	10'	Steel/Pallidant	-	-
0	110	6'	Steel	.219	DR

Screen details

From # (ft)	To # (ft)	Obs in	Type (see note 18)	Slot Size
103'	105'	5"	K Pack + Riser	-
105'	110'	5"	SS Screen	.030

Surface seal Type: **Bentonite** Depth: **16'** in
 Method of installation: Poured Pumped Thickness: **2"** in
 Backfill Type: _____ Depth: _____ in
 Liner: PVC Other (specify): _____
 Diameter: _____ in Thickness: _____ in
 From: # (ft) To: # (ft) Perforated From: # (ft) To: # (ft)

Intake: Screen Open bottom Unscreened hole
 Screen type: Telescope Pipe slot
 Screen material: Stainless steel Plastic Other (specify):
 Screen opening: Commercial slot Slotted Perforated pipe
 Screen bottom: Seal Plug Plate Other (specify):
 Filter pack From: # To: # Thickness: _____ in
 Type and size of material:

Developed by:
 Air lift Surging Jetting Surging Drilling
 Other (specify): _____ Total duration: **4** hrs
 Notes: _____

Final well completion data:
 Total depth drilled: **110** ft Fixed well depth: **110** ft (ft)
 Final sock up: **20** in Depth to backstop: **NA** ft (ft)
 GWL: _____ # (ft) Estimated well yield: **20** L/5gm
 Artesian flow: **15** USgpm or Artesian pressure: **20** ft

Well yield estimated by:
 Surging Air lifting Drilling Other (specify):
 Rate: **15** USgpm Duration: **4** hrs
 GWL below test: _____ # (ft) Pumping water level: _____ # (ft)

Type of well cap: **Unscreened well** Well identified: Yes No
 Where well ID plate is attached: **On well casing**
Well closure information:
 Reason for closure: _____
 Method of closure: Poured Pumped
 Sealant material: _____ Backfill material: _____
 Details of closure (see note 17): _____

Obvious water quality characteristics:
 Fresh Salty Clear Cloudy Sediment Gas
 Colour/turbidity: _____ Water sample collected:

Well closure information:
 Reason for closure: _____
 Method of closure: Poured Pumped
 Sealant material: _____ Backfill material: _____
 Details of closure (see note 17): _____

Well driller (print name):
 Name (first, last) (see note 19): **Scott Burrows**
 Registration no. (see note 20): **W004121407**
 Consultant if applicable, name and company: _____

Date of work (YYYYMMDD):
 Started: **2016/07/26** Completed: **2016/07/27**
 Comments: _____

DECLARATION: Well construction, well alteration or well closure as the case may be has been done in accordance with the requirements of the Water Act and the Ground Water Protection Regulation.
 Signature of Driller/Responsible: **S Burrows**

PLEASE NOTE: The information recorded in this well report describes the work and hydrogeologic conditions of the time of construction, installation or closure, as the case may be. Well yield, well performance or water quality, was not guaranteed as they are not verified by a number of factors, including natural variability, human activities and condition of the works, which may change over time.

Well Inspection Report



Ministry of
Forests, Lands and
Natural Resource Operations

38000-25 / Courtenay

Inspection Date: 2017-05-16 / Time: 1:34:16 PM

Inspector: Ben Robinson

Site or Water System Name: 2410 Sackville rd

Well Owner: Scott Mackenzie

Phone No:

Mailing Address: 2410 Sackville rd

Site Contact: Scott Mackenzie

Phone No:

Site Coordinates: Longitude Latitude

Manual Coordinates: Longitude -125.050505 Latitude 49.792505

Location Address: Same as above

Legal Property Description (e.g. PID, lot): PID 002904713

Well Location Description: Down second driveway behind house

Well Tag Number: 111987

Well Status: Active

Well ID Plate Number: 40533

Well Head Location: Outside

ID Plate Location: NOT VISIBLE

Well Pit Drained: N/A

Construction Date: 2017-07-26

Estimated Distance To
Nearest Water Well: Meters

Construction Method: Drilled

Secure Well Cap Cover: Yes

Class Of Well: Water supply

Type Of Cap: Sanitary seal

Subclass Of Well: Commercial

Driller Name: Scott Burrows

Driller Company: Drillwell

Well Depth:

Meters	Feet
33.5	110.0

Driller Registered: Yes

Driller Supervisor:

Well Diameter:

CM	Inches
15.2	6.0

Driller Class: Water Well

Casing Stick Up:

304.8	120.0
-------	-------

Pump Installer Name:

Pumping Rate: 109. M³/Day

Pump Installer Company:

Notes:

Pump Installer Registered:

Pump Installer Supervisor:

Surface Seal: Yes

WELLS Record Data Update: No

Flowing Well: Yes

Data Field To Update:

Clear Access To Well: Yes

Reason For Change:

No Foreign Matter Within 3m: Yes

Wellhead Graded: Yes

Well Maintenance: Good

Issues identified for follow up based on *Water Sustainability*
and *Groundwater Protection Regulation* Requirements: Yes

Photographs Taken: Yes

Comments And Recommended Actions:

NOTES

Artesian well flowed at approximately 15 USGPM (20 ft of head) at grade at time of construction. Wellhead was extended 10 ft above grade to minimize pressure. Top of wellhead has a pressure cap to contain the additional 10 ft of head, which equates to approximately 4 psi within the well casing. No sign of leakage at ground surface or from casing and water flows clear. No immediate threat from flows to public health/safety, property or environment. Well ID plate NOT visible. Wellhead covered with metal foil insulation to protect from freezing.

REQUIREMENTS

Ensure well ID plate is visible. Notify officer immediately if lost or damaged.
Ensure wellhead is protected from freezing. Proposed housing should suffice.
Take measures to ensure artesian flow is controlled as per Section 53 of Water Sustainability Act. Recommend measuring artesian pressure in winter/summer as it is likely higher in wetter periods. Given the well is not sealed to the confining layer and the formation is highly permeable, there is elevated risk of aquifer leakage, upward movement of flow outside of the well casing, and sub surface erosion. Contract a registered well driller immediately if flow is uncontrolled e.g., water contains sediment, sinkhole development, or cap/casing/supply nipple failure.
It is an offence for a non-registered person to install a pump or work on a wellhead.

Inspector Signature:

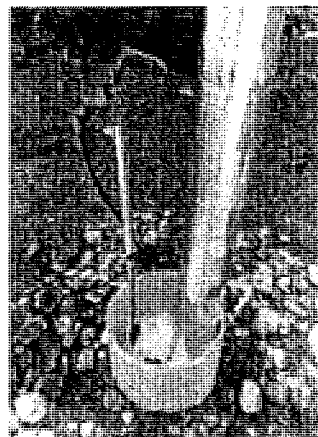
FLNRO Regional Office Contact Info:

Ben Robinson A.Ag., FLNRO, West Coast, 2080
Labieux Road, Nanaimo, BC, V9T 6J9
(250)751-3266 Ben.Robinson@gov.bc.ca

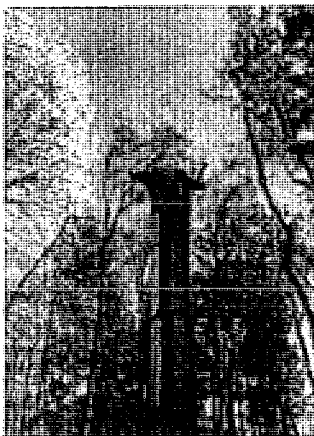
Site Pictures:



Wellhead 10 ft



Base



Well cap



Original to File

Copy Hand Delivered to: Well Owner Site Contact Contractor Environmental Health Officer
Copy Mailed/Emailed to: Well Owner Site Contact Contractor Environmental Health Officer

Government of British Columbia Water Website: www.gov.bc.ca/water

Appendix "F"

AQUIFER CLASSIFICATION WORK SHEET

DATE: May 29, 2000

AQUIFER LOCATION: Comox – Merville, BC

REFERENCE NUMBER: 408

DESCRIPTIVE LOCATION: Occupies an extensive Quadra Sand deposit spanning from Comox Harbour, to 10 km north of Merville, BC. The coastline generally bounds the aquifer to the east, as does the Tsulom River along its western perimeter.

NTS MAP SHEET: 092F•10; 092F•11; 092F•14

WELL LOCATION MAPS:

Water Well Location Maps 'Comox 1', 'Comox 2' and 'Comox 3'

BCGS Mapping Area: 092F•066•3•3; 092F•066•3•4; 092F•066•4•3; 092F•075•4; 092F•076•1;
092F•076•2•1; 092F•076•3•1; 092F•076•3•3; 092F•085•2•1;

CLASSIFICATION: IIC

RANKING: 13

Aquifer Size:

Approximately 147.7 km².

Aquifer Boundaries:

Delineated based on surficial geology boundaries (Fyles 1959, 1960), areas of groundwater development, known occurrences of groundwater springs, and Clague (1977) and Leaming (1968).

Geologic Formation (overlying): *Varies spatially*

- 1.) Marine or glacio-marine deposits (silt, clay, sand, gravel, and stones, often underlain by clay. These deposits range in thickness from a few inches to 30 feet).
- 2.) Vashon Till (olive coloured, ice contact deposits, rich in clay, containing sand, silt and gravel. Generally this formation yields little or no water when pumped).

Geologic Formation (aquifer):

Quadra Sediments (glacial sands, minor gravel, silt, peat, peaty soil and driftwood).

Confined/Unconfined/Bedrock:

Largely confined, although small portions of the aquifer are surficially exposed.

Productivity: *Moderate (varies spatially).*

The range of reported yields is from 0.02 to 31.6 L/s (0.3 to 500 US gpm). The geometric mean of reported well yields is 0.7 L/s (10.5 US gpm) and the median well yield is 0.63 L/s (10 US gpm). The Groundwater Section has no available pumping test data to estimate the transmissivity and specific capacity values.

Vulnerability: *Low (varies spatially).*

The average thickness of the confining layer is 29.2 meters (95.7 feet). Where a confining layer exists, the geometric mean thickness of that layer is 25.1 metres (82.5 feet) and the median thickness of the confining layer is 26.2 metres (86 feet). The range of thickness of the confining layer is from 0 to 80.1 metres (0 to 263 feet).

Depth to Water Table:

Depth to static water level averages 9.5 meters (34.3 feet). The geometric mean static water level is 6.5 metres (21.29 feet). The median static water level is 6.1 metres (20.0 feet) and the range of static water levels is 0 to 136.6 metres (0 to 120 feet).

Direction of Flow:

Has not been determined. Further studies need to be conducted to determine the direction of flow.

Recharge:

Likely from precipitation. Further studies need to be conducted to determine all sources of recharge to the aquifer.

Domestic Well Density: Moderate (varies spatially).

Approximately 3 wells/km².

Users/Level of Use:

Predominately for domestic use, although some community, hatchery, industrial and irrigation wells are distributed across the aquifer.

Reliance on Source:

Conjunctive.

Conflicts Between Users:

None documented.

Quantity Concerns (type, source, level of concern):

None documented.

Quality Concerns (type, source, level of concern):

- Kye Bay residents have been under direction to boil their water since 1995. This community was established in the coastal perimeter of the Quadra Sands. Here, the sands emerge from below the Vashon Tills, making them highly vulnerable to surface contamination.
- Iron and manganese levels have exceeded acceptable limits on occasion, particularly near the Town of Comox. (See Observation Wells 280 and 285)
- Isolated well owners across this aquifer have stated that water from this aquifer has a sulphurous odor. The source of this largely aesthetic concern is not clear.

Notes:

The geometric mean depth of water wells in this aquifer is 22.7 metres (74.7 feet). The median depth of wells is 30.5 metres (100.0 feet) and the range of well depths is from 0.9 to 115.8 metres (3 to 380 feet).

The statistics quoted for this aquifer are based on 490 water well records.

It is probable a number of high capacity wells could be developed within this aquifer.

This extensive Quadra Sand deposit was laid during the Fraser Glaciation. The sands have been well documented by Clague (1977) and Fyles (1959, 1960, 1962 and 1963), and can be a productive groundwater source. Aquifer 408 is generally protected from surface contamination due to the equally extensive Vashon Till that blankets much of the Comox Valley and beyond. However, surficial geology mapping (Fyles 1959, 1960 and 1962) indicates that the sands are exposed at the ground surface in a number of areas (i.e., Black Creek, Comox and at several coastal locations). Lying below the Quadra Sediments is a less understood, water bearing formation. Here, another sand formation has been encountered that yields low to moderate volumes of water. This sediment horizon, thought to be of the Cowichan Head Formation, has not been delineated, but is considered to be less vulnerable to contamination.

References:

Clague, J.J., 1977. Quadra Sand: A Study of the Late Pleistocene Geology and Geomorphic History of Coastal Southwest British Columbia. Paper 77-17. G.S.C. Ottawa, Canada.

EBA Engineering Ltd., 1994. Groundwater Well Field Impact Assessment and Management Plan for Stelling Road Fish Hatchery. EBA File Number 0802-82028.

Fyles, J.G., 1959. Surficial Geology: Oyster River, British Columbia. Map 49-1959. Geological Survey of Canada.

Fyles, J.G., 1960. Surficial Geology: Courtenay, British Columbia. Map 32-1960. Geological Survey of Canada.

Fyles, J.G., 1962. Surficial Geology: Horne Lake, British Columbia. Geological Survey of Canada.

Fyles, J.G., 1963. Surficial Geology: Horne Lake and Parksville Map-Areas, Vancouver Island, British Columbia. Memoir 318. Geological Survey of Canada.

Kreye, R. K. Ronneseth and M. Wei, 1994. An Aquifer Classification for Groundwater Management in British Columbia.

Leaming, S.F., 1968. Sand and Gravel in the Strait of Georgia Area. Paper 68-60. G.S.C. Ottawa, Canada.

Ministry of Environment, Lands and Parks. 1996. The Identification and Delineation of Bedrock Aquifers in British Columbia.

AQUIFER CLASSIFICATION AND RANKING

AQUIFER LOCATION: Comox – Merville, B.C.

REFERENCE NUMBER: 408

CLASSIFICATION: IIC

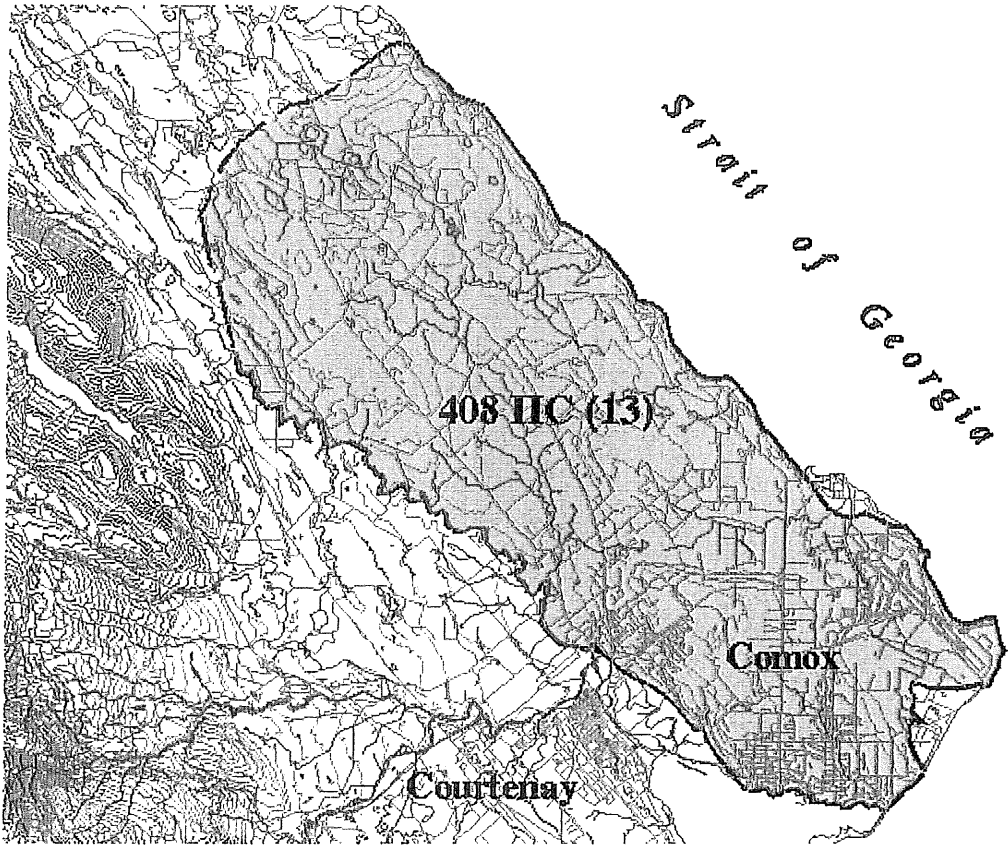
RANKING VALUE: 13

Classification Component: (II) Although the aquifer is patchily developed, a large number of households, businesses and agricultural users have accessed this groundwater body. Yields are also variable, yet tend to be moderate to high.

Vulnerability: (B) Vulnerability to contamination is highly variable across this large groundwater body. Fyles (1969) and Clague (1977) noted several areas where the Quadra sediments were surficially exposed and could be susceptible to contamination. More commonly, however, a thick layer of till blankets to Quadra sediments.


Ranking Component:

	Value
Productivity:	2
Vulnerability:	1
Size:	3
Demand:	3
Type of Use:	3
Quality Concerns:	2
Quantity Concerns:	0
Total	13



Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Groundwater in the Merville Area



Pet Lapcevic, MSc, PGeo
Presentation to:
Merville Information Session
July 16th, 2018

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Key Questions:

- Is there *enough* fresh groundwater?
- Is this taking *sustainable* in the *long-term*?
- Will *other users* be *negatively* impacted?
 - Will this impact *stream habitat*?

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Coastal Aquifers in BC



groundwater book, pg 10-5a

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Merville Aquifer (Aquifer 408)



Legend

- ★ Aquifer location
- Well
- Wellhead
- Well casing
- Well screen
- Well annulus
- Well casing
- Well annulus

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Groundwater Availability

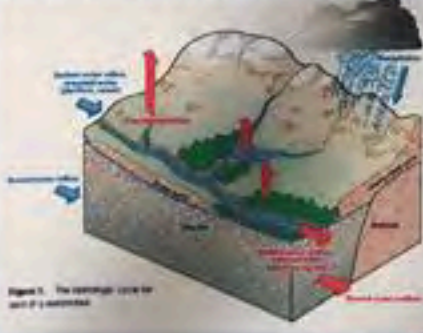



Figure 1. The storage cycle for an aquifer.

Source: Water Budgets, October 1998, LNRD

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Groundwater Availability



Safety Factor
Groundwater for Allocation
Quota

average annual recharge quantity

average annual recharge quantity

Source: April 2012

Environment Canada, Forests, Lands, Natural Resources Operations and Rural Development

Annual Groundwater Recharge

Recharge estimate:

- Merville aquifer (408)
- Average annual precipitation* = 1154 mm
- Aquifer area = 147.7 km²
- Estimated recharge 20%
- Annual groundwater input = 34 million m³

Annual groundwater input: ~ 34 million m³

*Environment Canada Climate Normals 1981-2010

Environment Canada, Forests, Lands, Natural Resources Operations and Rural Development

Estimated* Current Annual Groundwater Use in Merville Aquifer

Total: ~ 6 million m³
Portion of recharge: ~ 18%

*Estimates based on Halford (2018) and van der Gulp et al. (2014)

Environment Canada, Forests, Lands, Natural Resources Operations and Rural Development

Annual Groundwater Recharge

Recharge estimate:

- 1 km capture area
- Average annual precipitation* = 1154 mm
- Aquifer area = 3.14 km²
- Estimated recharge 20%
- Annual groundwater input = 724,826 m³

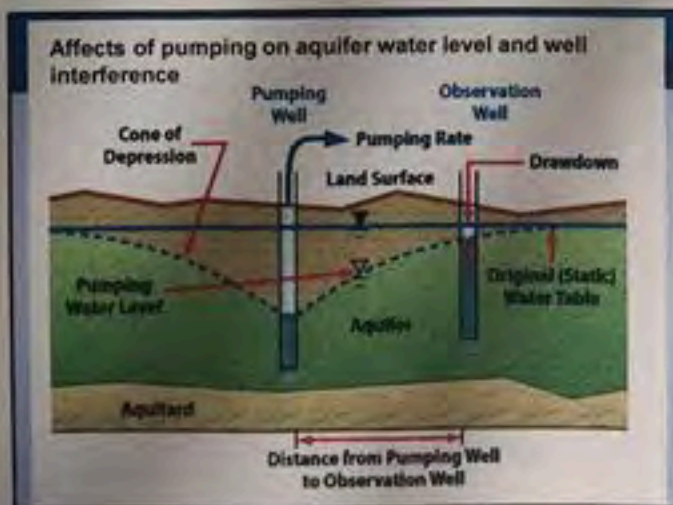
Pumping 10 m³/day represents <1% of annual recharge.

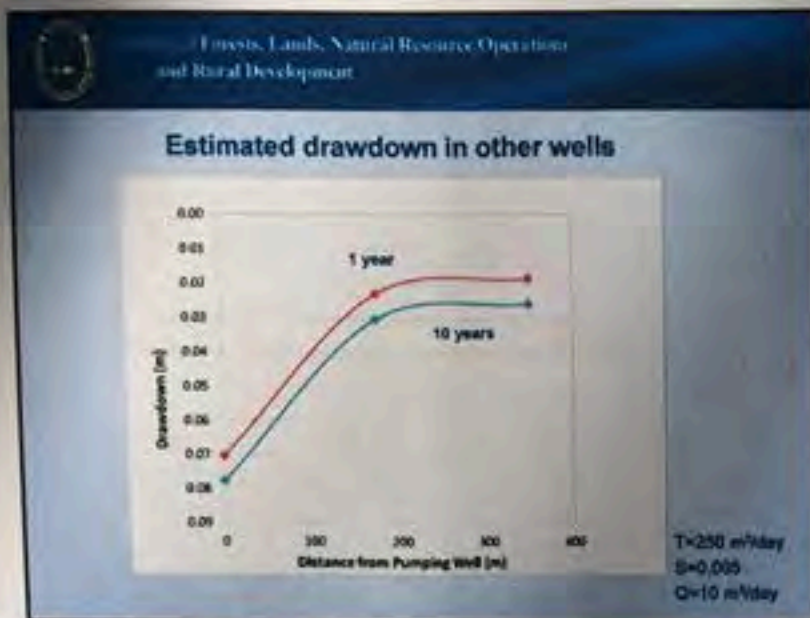
*Environment Canada Climate Normals 1981-2010

Environment Canada, Forests, Lands, Natural Resources Operations and Rural Development

Provincial Observation Well 351- Aquifer 408

- Last 15 yrs stable groundwater levels
- Maximum ~ 1.3 m seasonal variation





Forests, Lands, Natural Resource Operations and Rural Development

Summary

- Current groundwater use in Merville aquifer estimated at <20 % of annual recharge.
- Groundwater levels over last 15 years stable suggesting use is sustainable.
- Pumping of well on Sackville Road expected to cause less than 3 centimetres of drawdown in other wells within 500 metres.

Forests, Lands, Natural Resource Operations and Rural Development

Merville Community Open House – Water Licensing

Darryl Slater
 Water Authorizations Section Head
 West Coast Region

July 16, 2018

Forests, Lands, Natural Resource Operations and Rural Development

Outline

1. Background-*Water Sustainability Act*
2. Water authorization (licensing) decisions
 - Recent water bottling decision

Forests, Lands and Natural Resource Operations

Legislative Background and concepts

BC has been licensing surface water for over a century (previously under the *Water Act*)

- Diversion and use of groundwater was not regulated – well construction, operation and maintenance under the *Groundwater Protection Regulation*.
- Diversion and use followed Common Law principles: divert and use groundwater under owner's land for normal uses on their land. The *right of capture* with no right of prior appropriation – i.e. the biggest pump wins

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Water Sustainability Act – enacted Feb 29, 2016

- Large portion of *Water Act* moved to *Water Sustainability Act*
- Water allocation system based on the principle of **First-in-time First-in-right (FITFIR)**
- Established provisions and procedures to apply for an authorization, decision maker discretion for applications and establishes right to notice and objection for affected parties
- 11 Water Use purposes – *Industrial* has 21 water uses.
- Water rights are tied to land and pass with conveyance.



Water Sustainability Act – enacted Feb 29, 2016

- Water licences generally do not have a defined term (except power) but there are provisions that establish discretion to cancel.
- Water licences can be transferred, apportioned (split) or amended but the volume cannot be increased.
- Beneficial use - using water for the water use purposes in a manner authorized as efficiently as practicable.
- Right to access water beyond property boundaries – expropriation.



Water Sustainability Act – enacted Feb 29, 2016

- Diversion and use of groundwater and water in a stream requires an authorization unless otherwise exempted – domestic groundwater users, extinguish a fire etc.
- Mandatory consideration of environmental flow needs unless exempted (domestic and existing groundwater users).
- Groundwater users who were beneficially using water on or before Feb 29, 2016 have a 3-year period to apply for a water license as transition users (excluding domestic users).



Basic Considerations for a Water Authorization Decision

1. Beneficial Use
2. Water availability
3. Impacts to other parties (notice and objection)
4. Impacts to the environment
5. Impacts to Aboriginal Interests
6. Other approvals/authorizations etc.



Beneficial Use

Does the applicant have a reasonable plan to make beneficial use within 3 years? –opportunity to work with the applicant to refine their application.

- Numerous tools available – business plan, # of households using averages, irrigation area, soil type and crop, etc.
- 10 acres of hay @ 1,234m³/acre (1 acrefoot) = 12,340m³/yr
- 10 households @ 2m³/day = 20m³/day



Beneficial Use – Sackville Application

Does the applicant have a reasonable plan to make beneficial use? –opportunity to work with the applicant to refine their application.

- Consider the applicant's ability to physically bottle 100m³ of water per day.
 - Required infrastructure (bottling plant with capacity)
- Upon review with the applicant and in consideration of other factors, they changed application to 10m³/day



Water availability – is there water available?

- Utilize a water budget approach
 - Streams: supply – monthly hydrograph
 - Environmental flow needs
 - Groundwater: supply – % of annual recharge
 - Long term decline indicates losses exceed recharge
 - Hydraulically connected – a combination of both

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Water availability – is there water available?

- Net of existing demand and environmental flow needs

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Water availability – is there water available? – Sackville App

- Estimated well yield is adequate to supply volume requested
- Provincial Observation Well #351 – 14-year trend 0.023 m³/year (stable)
- Recent water budget estimates that about 18% of recharge* is used *Estimates based on Heffield (2018) and van der Gult et al. (2014)

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Impacts to other parties (notice and objection)

- Sec 13 WSA establishes individuals who have a right to take part in the process:
 - Authorization or change approval holder, an applicant for both or a riparian owner whose rights the decision maker considers would be likely to be **detrimentally affected**, and
 - A landowner whose land would be **physically affected**.
- Riparian rights – right to ingress and egress
- Authorization holder – ability to divert and use water, works impacted
- Change approval – works impacted
- Landowner – physical effects – works on property, erosion, etc.

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Impacts to other parties (notice and objection)

- Authorization holder impacts are generally most likely with a groundwater application (drawdown and/or saltwater intrusion)
 - Need to consider drawdown/interference
 - Need for a pumping test depends on a number of factors, including how well aquifer is characterised, volume and sensitivity of the aquifer to drawdown.

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Impacts to other parties – Sackville App

- No authorizations holders or applicants on Aquifer 408 would be detrimentally affected
- No riparian rights would be detrimentally affected – Aquifer 408 not hydraulically connected to nearby streams
- No landowners whose lands would be physically affected – all works on applicant's land
- Nearby domestic users with deemed rights were considered

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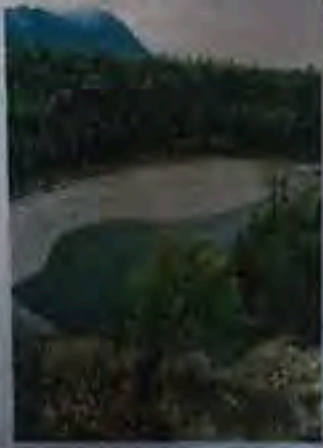
Impacts to other parties – Sackville App

- Nearest well (domestic use) 150 m away
- Drawdown at nearest well about 2 cm
- Average seasonal variation in the aquifer is 74 cm
- Drawdown not detrimental



Impacts to the environment

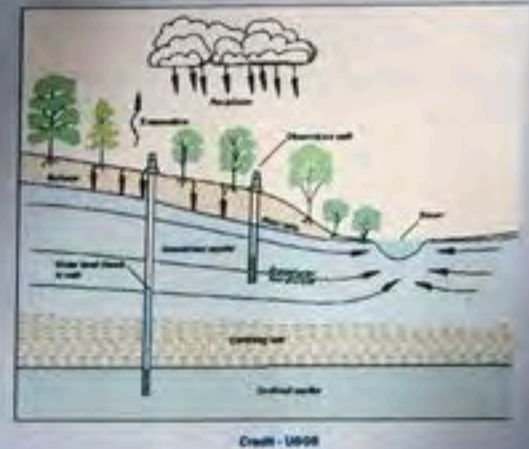
- Can characterize in two groups:
 - Impacts from diverting water from a source and
 - Terrestrial and aquatic impacts from works.



Referrals and professional assessments.



Impacts to the environment – hydraulic connectivity



Impacts to the environment – Environmental Flow Needs

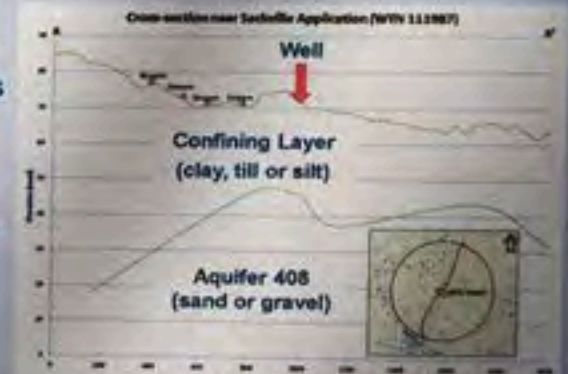
Environmental flow needs – *the timing and flow necessary for the proper functioning of the aquatic ecosystem.*

- Considered on a monthly basis for the changing flow needs of aquatic organisms



Impacts to the environment – Sackville Application

- Thick confining layer indicates that Aquifer 408 is not hydraulically connected to near-by streams
- No impacts to the aquatic environment
- Environmental Flow Needs not considered



Impacts to Aboriginal Interests

- Crown has a duty to consult on all decisions that may adversely impact an Aboriginal Right or Title
 - Right to fish, hunt, gather, cultural, ceremonial, economic...
 - EFN is a useful mitigation measure in most cases
 - Impacts to aboriginal title as a result of water allocations
 - Treaty process and water allocations (water reserve)



Impacts to Aboriginal Interests – Sackville Application

- Purposely blank as the content of consultation is confidential.

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Other approvals/authorizations etc.

- Common for the application to require other permits/authorizations/approvals to implement plans – utilize referrals to other agencies
- Most common – Island Health, zoning/bylaw amendment or local government permits, highways permit, DFO authorization, archaeological permits,...
- Review for barriers – other permitting requirements do not preclude issuance of a water licence but can create uncertainty for the applicant – consider whether a remedy exists

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Other approvals/authorizations etc. – Sackville Application

Applicant was required to get approvals or authorizations from other agencies:

- Vancouver Island Health Authority
- Comox Valley Regional District
- These requirements were conveyed to the applicant


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Summary

- BC has been licensing surface water for over a century (previously under the *Water Act*)
- *Water Sustainability Act* enacted Feb 29, 2016
- Basic Considerations for a Water Authorization Decision:
 1. Beneficial Use
 2. Water availability
 3. Impacts to other parties (rights and objection)
 4. Impacts to the environment
 5. Impacts to Aboriginal interests
 6. Other approvals/authorizations etc.

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Thank you! Questions?



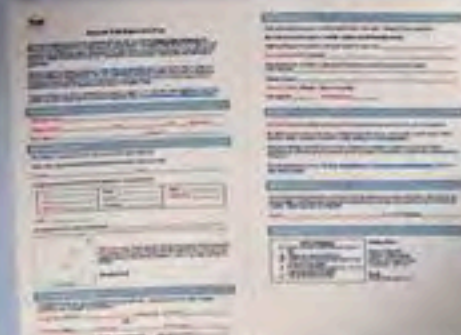
FLNRORD Contacts:

Pat Lapcevic (250) 751-3149
pat.lapcevic@gov.bc.ca

Darryl Slater (250) 751-3239
darryl.slater@gov.bc.ca

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Register your domestic use well -



*copies of these forms can be found online OR get a hard copy today from us

Appendix "H"

This is the 1st affidavit of Dennis Lowen in these proceedings and was made on May 2, 2018

EAB Appeal No. 2018-WAT-001

ENVIRONMENTAL APPEAL BOARD FOR BRITISH COLUMBIA

**In the matter of an appeal under the *Water Sustainability Act*,
S.B.C. 2014, c.15**

BETWEEN:

BRUCE GIBBONS

APPELLANT

AND:

**ASSISTANT WATER MANAGER,
*Water Sustainability Act***

RESPONDENT

**CHRISTOPHER SCOTT MACKENZIE and
REGULA HEYNCK**

THIRD PARTIES

AFFIDAVIT

I, DENNIS LOWEN, Certified Hydrogeologist, of P.O. Box 45024, Victoria, British Columbia, MAKE OATH AND SAY AS FOLLOWS:

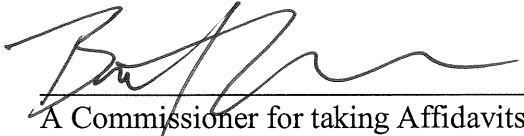
1. I am a professional Hydrogeologist, and as such have personal knowledge of the facts and matters hereinafter deposed to, except where same are stated to be on information and belief, and where so stated I verily believe them to be true.

2. I was retained by counsel for the Third Parties to review the available data and hydrogeology analysis and explain what they mean for the potential relationship between the Appellant and Third Parties' well in the above noted proceedings.

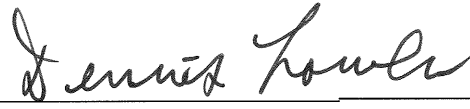
3. Attached to this my Affidavit as **Exhibit "A"** is a true copy of my Curriculum Vitae.

4. Attached to this Affidavit as **Exhibit "B"** is my report completed on May 2, 2018 wherein I gave my opinion, which I now confirm, that no measurable impact will occur at the Appellant's well as a result of the issuance of Conditional Water Licence 500169.

SWORN BEFORE ME at Victoria, British Columbia, this the 2nd day of May, 2018




A Commissioner for taking Affidavits for British Columbia.



Dennis Lowen

BRENT D. RYAN
Barrister & Solicitor
FARRIE, VAUGHAN, WILLS & MURPHY LLP
2nd Floor - 1005 Langley Street
Victoria, BC
V6W 1V7

This is **Exhibit "A"** referred to in the Affidavit of David Lowen sworn before me at Victoria this 2nd day of May, 2018.



A Commissioner for Taking Affidavits for
British Columbia

DENNIS ARTHUR LOWEN, BSc.G.E., P. Eng., P.Geo.
Hydrogeologist

RESUME


Information removed to protect personal information in accordance with Section 22 of the Freedom of Information and Protection of Privacy Act

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Information removed to protect personal information in accordance with Section 22 of the Freedom of Information and Protection of Privacy Act

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This is **Exhibit "B"** referred to in the Affidavit of David Lowen sworn before me at Victoria this 2nd day of May, 2018.



A Commissioner for Taking Affidavits for
British Columbia

May 2, 2018

LHC Project File: 1810

Farris, Vaughan, Wills & Murphy LLP
3rd Floor, 1005 Langley St.
Victoria, BC
V8W 1V7

Attention: Sean Hern

Dear Sir.,

Re: Gibbons v. Dec. 21, 2017 Decision of Assistant Water Manager to issue Groundwater CWL500169 for bottling purposes, EAB Appeal File 2018-WAT-001 - Review of Groundwater Technical Report (November 20, 2017)

1.0 INTRODUCTION AND QUALIFICATIONS OF THE AUTHOR

In April 2018 we were requested by Farris, Vaughn, Wills and Murphy LLP to review the available data, hydrogeology analysis and explain what they mean for the potential relationship between the appellant and licence-holder's well.

The author, Dennis Lowen is a Professional Engineer and Professional Geoscientist registered in British Columbia. He has 45 years of professional experience working in the field of Hydrogeology. His primary experience is in groundwater assessments, exploration and development of groundwater resources, aquifer mapping and hydrogeology studies. He has worked in Western Canada and internationally in ten different countries mainly Africa, South America, Asia and Caribbean. Since 1978 he has worked in all the regions of British Columbia employed by the BC Ministry of Environment (MOE - Groundwater Section) and consulting firms. He has completed contracts for MOE involving Aquifer Mapping for over half of the 1,000+ aquifers mapped in B.C. to date. Mr. Lowen has worked extensively in the Comox-Courtenay Region and completed a groundwater resource assessment for the entire Comox Valley Regional District (Lowen, 2010). Mr. Lowen is a Qualified Professional as defined by the BC Ministry of Environment and has provided Expert Witness testimony in several EAB Hearings and before the Supreme Court of BC.

There is an extensive volume of existing data that has been used to assess the impact of the proposed well development. The subject Well (Well Tag Number (WTN) 111987) is completed in the Comox-Merville Aquifer #408 encompassing 147.7 Km² in area extending from Comox Harbour to 10 km north of Merville. There are over 1261 well records available to help define the aquifer characteristics. One observation well has continuous water level records for the aquifer covering the last 17 years. Many groundwater studies have been carried out in the region and the subject aquifer, Quadra Sand layer, has been closely studied. Climate, stream flow measurement, geology, soils and well pumping test data are available for this Aquifer.

2.0 FINDINGS

2.1 Methodology

The hydrogeological science underpinning the EAB Decision is contained in the Groundwater Technical Report (GTR) prepared by the Ministry of Forests, Lands and Natural Resource Operations (FLNRO). The report is signed and dated as; Tanya Dunlop, Nov. 20, 2017. The GTR was produced to assess the merits of a water licence application summarized as follows:

- The proponent proposes to sell bottled fresh water using his artesian flowing well with daily and annual quantities limited to; 10 m³/d and 3650 m³/year.
- The well is located on Sackville Road in Merville, B.C. and taps into Aquifer #408 (B.C. M.O.E. Aquifer Mapping).
- The Well (WTN 111987) is flowing artesian and no pumping is required to produce the anticipated water production volume.
- The Aquifer #408 is a sand and gravel (unconsolidated) type and is confined by overlying low permeability soils. The aquifer covers an area of 147.7 Km².
- The well water quality is potable and the Ministry of Health requirements can be met for Water Source Approval.
- The aquifer is confined and no surface water impacts are likely plus the relatively small flow volume will limit impacts on neighboring wells.

The methodology used to assess the feasibility and impacts of the well use proposal are outlined in; *"Guidance for Technical Assessment Requirements in Support of an Application for Groundwater Use in British Columbia, B.C. Ministry of Environment, Todd et.al., 2016"*.

This guidance document provides a preliminary screening tool which assesses the level of study needed considering; quantity of groundwater diverted, type of aquifer supplying the water and the potential for impacts to other users. The GTR uses this screening tool and concluded that a Desktop Study would be appropriate for the assessment. In our opinion this was the correct approach and conclusion.

2.2 Desktop Study

To assess the impact on neighboring wells FLNRO modelled the aquifer water level response to the proposed diversion using estimated aquifer parameters and Jacob's Approximation Method. The Jacob method is a standard hydrogeology analysis in use since 1940. The aquifer parameters used in the analysis are:

- Aquifer Transmissivity = 250 m²/d
- Aquifer Storativity = 0.005
- Time "t" = 100 days

According to studies of the Quadra Sand Aquifer (Carmichael, 2013) a geometric mean (similar to average) value for transmissivity is 269 m²/d, therefore the 250 m²/d estimated value is reasonable. The storativity value of 0.005 is reasonable and within the expected range (Freeze, 1979). The 100 days time frame is used as standard practice as the aquifer will likely reach a "steady state" condition in that time.

The analysis determines a water level lowering (drawdown) of 0.02 m. at the nearest neighboring well (150 m. offset) which represents 0.07% (noted as 0.001% in GTR in error) of the estimated available drawdown of 27.7 m. We concur with this analysis and in our opinion, no existing wells will be significantly impacted by the proposed groundwater withdrawal. It should be noted that the appellant in this matter has a well located 350 m. away from the subject well. At this separation distance, no measurable impact would occur.

3.0 CONCLUSIONS

The FLNRO Groundwater Technical Report reviewed has been found to be sound and accurate considering the following:

- The methodology used is the accepted standard for hydrogeology analyses in B.C.
- A significant volume of existing data and analysis is available to carry out the subject study.
- The method of estimating drawdown impacts used is standard and in-use since 1940.
- The aquifer characteristics (parameters) utilized are confirmed to be appropriate.
- The proposed groundwater withdrawal is not a significant stress on the aquifer.
- No neighboring wells will be significantly impacted by the proposed groundwater use.

If you have any questions or require any further information, please contact the undersigned.

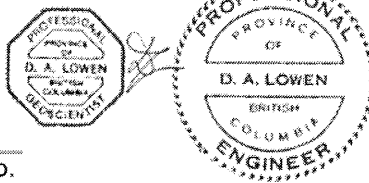
Best regards,

LOWEN HYDROGEOLOGY CONSULTING LTD.



Dennis A. Lowen, P. Eng. P. Geo.

DL / MD / hr



References

- Carmichael, V., *Compendium of Re-evaluated Pumping Tests in the Regional District of Nanaimo*, B.C., M.O.E., February 2013
- Freeze, R. A.; Cherry, J., 1979; *Groundwater*, Prentice Hall, Englewood Cliffs, N.J., USA.
- Jacob, C. E., 1940; *On the Flow of Water in an Elastic Artesian Aquifer*, Trans. Amer. Geophysics. Union, p. 574-586
- Lowen, D. A., *Regional Water Supply Strategy (Groundwater Component)*, Comox Valley regional District, LHC, May 2010.
- Todd, J.; Wei, M., Lepitre; *Guidance for Technical Assessment Requirements in Support of an Application for Groundwater Use in British Columbia*, B.C. Water Science Series No. 2016-08, 2016.

3360-20 / RZ 2C 18

From: Jim
Sent: Monday, July 23, 2018 3:51 PM
To: Sylvia Stephens
Subject: Fw: Re tonight's meeting about Merville water bottling

Hi Sylvia,

As my wife Summer Joy says, we are unable to make tonight's meeting, owing to a longstanding prior engagement.

The point I would like to have made is this:-

We moved into a property on Merville Road in 2010 and our water comes from a drilled well 120 feet deep. Water is extracted by a jet pump system, set up to draw down to a maximum depth of just under 110 feet. When the water level gets close to this, the pressure drops until none comes out of the tap. Our well was bored many years ago and the people we bought from assured us it had never run out. At first, we were watering our garden from it, occasionally even using a rocking bar sprinkler, without any problems. However, in September 2014, the renter of the property next door, which has also has a drilled well of the same depth, went out for the rest of the day forgetting she had left a tap running filling a horse trough. I heard the sound of running water for hours and at first assumed she had installed a new water feature but after a while became concerned. We couldn't contact her on the phone so I went round and found a 1" tap running at full bore and turned it off. By that time, a fair sized lake had formed. Shortly after that, we were watering a plant with a hose and water wand when the water went off for the very first time. Since then, this has happened many times and we now have to be very careful how much water we use. We only hand water the garden very sparingly, never use the sprinkler at all and only use soaker hoses for a short time on a timer. In other words, our well has never recovered, despite heavy winter rainfall and snow melt.

A friend has calculated that our water is extracted from the same depth in relation to sea level as that the Applicants for Rezoning propose to draw from so their actions are likely to affect us. Our experience suggests that, far from there being an inexhaustible, renewable lake of water beneath Merville, there is only a limited, precious, shared community resource of water, to be drawn from most carefully, according only to need. There is no place in this community for someone wanting to extract water for personal profit and we call for this Application to be rejected.

In addition, we are very concerned that water extraction licenses are granted at a Provincial level, with someone in Victoria giving away something which is not theirs to give, with no reference to anyone else who may be affected. This present system should be scrapped and permissions granted only at local level, after thorough public consultation.

Sincerely,

Jim Webb

From: [Sylvia Stephens](#)
Sent: Monday, July 23, 2018 2:51 PM

To:
Subject: RE: Re tonight's meeting about Merville water bottling

Thank you for your email.

Your comments will form part of the public record for the public hearing scheduled for today, July 23, 2018, regarding file RZ 2C 18 – Bylaw No. 543, 2410 Sackville Road.

Sincerely,

Sylvia Stephens

Sylvia Stephens
Branch Assistant
Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6043

From: Summer
Sent: Monday, July 23, 2018 2:30 PM
To: planningdevelopment@comoxvalleyrd.ca
Subject: Re tonight's meeting about Merville water bottling
Importance: High

Unfortunately i am unable to make it to the meeting tonight, but as a Merville resident, i am VERY concerned about this issue. Our drilled well draws from the same underground aquafir as the proposed business, and in the last eight years since we moved here, our water levels have dropped steadily as more homes have been built nearby.

My big question is: If zoning is denied for the bottling plant, what is to prevent this person from drawing the vast quantities of water required and transporting it elsewhere to be bottled? NOTHING APPARENTLY, as Victoria has already given permission for him to extract on an ongoing basis as much as he wants of our precious and vitally-needed shared resource! At the very least, this permission MUST be rescinded immediately, and the

enormously important issue of who owns rights to underground water needs to be seriously addressed as soon as possible!

Sincerely,

Summer Joy

2727 Merville Road

3360-20 / RZ 2C 18

Subject: FW: Sackville Road comments

Importance: High

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]
Sent: July 23, 2018 10:03 AM
To: Wendy and Arnie
Cc: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Re: Highway 19a Brief

Forward to staff
Edwin

Sent from my iPad

On Jul 22, 2018, at 6:39 PM, Wendy and Arnie wrote:

To Edwin Grieve. Can you please forward this letter on to the rest of your committee who are part of the rezoning committee on Sackville Rd.
I don't feel it is in the best interest of our community to allow the rezoning of the property on Sackville rd. until all the safety problems at the intersection at Sackville rd and the Highway are corrected . Adding another small business to the area will bring more traffic to an already unsafe busy intersection.
I live at the end of Sackville rd. This area is zoned agricultural and residential and should stay that way.
Thank you.
Wendy Remmen

From: [REDACTED]
Sent: Sunday, July 22, 2018 5:16 PM
To: wendy and arnie remmen
Subject: Fw: Highway 19a Bri
<Road Safety Brief.pdf>

3360-20 / RZ 2C 18

From: Kathie Woodley
Sent: Monday, July 23, 2018 12:02 PM
To: planningdevelopment@comoxvalleyrd.ca
Subject: Comments on rezoning of 2410 Sackville Rd

My husband and I are unable to attend the Public Hearing on July 23, 2018 but would like our comments to be noted.

We are opposed to the rezoning of the property at 2410 Sackville Road to add water and beverage bottling as a permitted use.

As was stated in the CVRD staff report of June 11, 2018, "the proposed land use is incompatible with the surrounding area, and once such land use is permitted through zoning, the CVRD is potentially enabling the use of this property for water bottling at a much greater scale in the future."

A water bottling plant in this area would affect the rural character of its surroundings and should not be permitted.

We urge the Regional District to reject Bylaw 543 "Comox Valley Zoning Bylaw 2005, Amendment No. 76"

Sincerely,

Kathie Woodley and Bill Heidrick

#104 1830 Riverside Lane, Courtenay, BC V9N 8C7

3360-20 / RZ 2C 18

From: Delores <delores@watershedsentinel.ca>
Sent: Monday, July 23, 2018 2:36 PM
To: planningdevelopment@comoxvalleyrd.ca
Subject: 2410 Sackville Road Re-zoning

I wish to register that i am opposed to this re-zoning, primarily on the basis that zoning is a democratically developed vision for a community and it should not be subject to change at the whim of land owners.

On top of which, the purpose of this re-zoning is to develop an industrial operation, which could easily be subject to extreme growth (ten times the current water license) and/or sale of the property to other interests.

Delores Broten
Comox BC

Delores Broten
Editor, Watershed Sentinel
PO Box 1270, Comox BC V9M 7Z8
www.watershedsentinel.ca
People Powered Media!

3360-20 / RZ 2C 18

B. Chow

Leg. Services

July 23, 2018

Brian Chow, Rural Planner
Comox Valley Regional District
600 Comox Road,
Courtenay, BC V9N 3P6

Dear Mr. Chow:

Re: Bylaw 543 "Comox Valley Zoning Bylaw 2005, Amendment No. 76"

This submission is in response to the proposed rezoning of the property described as Lot C, Block 29, Comox District, Plan 25306 (2410 Sackville Road) to permit "water and beverage bottling".

I am opposed to the rezoning to permit water extraction. While water on the planet is finite, people are not. The hydrological cycle controls all water on the planet – and all forms- snow ice, saltwater, fresh water, aquifers etc., are part of this cycle. Aquifers are not limitless, rechargeable water sources. As California learned, treating their aquifers as such has caused subsidence of land, saltwater intrusion and ecological death to adjacent water bodies. This fact alone should direct denial of this proposed zoning bylaw amendment.

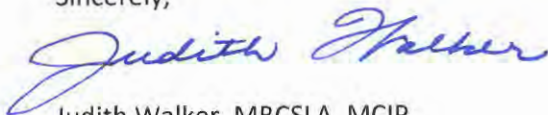
We do not understand aquifers and ground water in general. There are only now beginning to be records and research on groundwater and how human activities impact that water. As the Comox Valley grows, we cannot predict how important that water is to future residents and future food production.

There will be the argument that this is just one "family operation" and that it is not Nestle Corporation moving in on the Comox Valley. However, approving such a use clearly sends the message that water extraction and sales, at any scale, is a valid business model that others will take advantage of.

This is open-season resource extraction from a non-renewable resource. Please consider how little we understand our impacts on the whole hydrological cycle including groundwater, and how it is the single most important factor for all of us on this planet. We know the Comox Valley population is increasing and while we cannot predict future water consumption, we do know how important that water is to farming and our food supply.

Make the right long term decision and deny Bylaw 543. Thank you.

Sincerely,



Judith Walker, MBCSLA, MCIP
146 Gage Road,
Comox BC V9M 3W4
Electoral Area B (Lazo North)

3360-20 / RZ 2C 18

From: Summer
Sent: Monday, July 23, 2018 2:30 PM
To: planningdevelopment@comoxvalleyrd.ca
Subject: Re tonight's meeting about Merville water bottling

Importance: High

Unfortunately i am unable to make it to the meeting tonight, but as a Merville resident, i am VERY concerned about this issue. Our drilled well draws from the same underground aquafir as the proposed business, and in the last eight years since we moved here, our water levels have dropped steadily as more homes have been built nearby.

My big question is: If zoning is denied for the bottling plant, what is to prevent this person from drawing the vast quantities of water required and transporting it elsewhere to be bottled? NOTHING APPARENTLY, as Victoria has already given permission for him to extract on an ongoing basis as much as he wants of our precious and vitally-needed shared resource! At the very least, this permission MUST be rescinded immediately, and the enormously important issue of who owns rights to underground water needs to be seriously addressed as soon as possible!

Sincerely,

*Summer Joy
2727 Merville Road*

3360-20 / RZ 2C 18

From: Evelyn Carruthers
Sent: Monday, July 23, 2018 11:22 AM
To: planningdevelopment@comoxvalleyrd.ca
Subject: Public hearing July 23 '18

Dear Brian Chow,

I wish to present my opinion in regards to the request for zoning bylaw 2005 Amendment No. 76 which would allow "water and beverage bottling " if approved.

Water is precious and not a commodity to be sold for private gain.

I strongly object to the whole concept of extracting a resource which belongs to the "Common" ownership of all people and then using it for personal profit. There is a misguided belief that our water supply is endless but once the glacier is gone we will likely see a decrease generally in our water supply. It is abhorrent that our water be sold off and thereby adding much more pressure on the supply.

My other objection is that plastic bottles would be used for collecting the water. This is a practice that is not sustainable and the whole concept of using the precious resource of oil for making throw away containers is also abhorrent.

This business must not be allowed to even start which will save endless amount of effort trying to stop it in the future.

Sincerely,

Evelyn Carruthers
1926 Cummings Road, Courtenay, V9N 0A3

20 Jul 2018

Comox Valley Regional District
Courtenay BC

RE: Bylaw 543 "Comox Valley Zoning Bylaw 2005, Amendment No. 76"

Place: Conference Hall, Florence Filberg Centre, 411 Anderton Ave, Courtenay

Date: 23 Jul 2018 at 6:00 pm

We have been informed that, if adopted, this bylaw will allow a "home water and beverage bottling" business. The licence they have received allows 10 M sq (10,000 L) a day to be pumped from the aquifer.

The math is that in one week (5 days) this will equal 50,000 L, per average month 200,000 L and at the end of the year 2, 600,000 will have been taken out of the aquifer.

Not sure if there is another building on site or not but I do believe it would not be possible out of the existing 1248 sf home and probably would require a new building. Also added to this is the increase in traffic on Sackville.

Taking the same figures listed above at 1 L per bottle this also will produce 2,600,000 a year in plastic waste. Even the most irresponsible person would not want the responsibility of causing that much plastic in the landfill or sea.

This small business, if allowed to go ahead, will not only impact the immediate neighborhood but all who rely on the aquifer in this region not to mention the environment.

I am not a neighbor but do live in Area C on Rennie Road. I am having a hard time getting my mind around anyone wanting to collect, bottle and sell the water that so many of us try to conserve when we use it. The property in question has been judged along with farming which I do not understand. Most farms are measured in sections, not acres. Farms do pull a lot of water from some of the aquifer as well as streams and rivers but, do not get mistaken, these farms irrigate with water putting half if not most back into the aquifer.

Terry Cruickshank
Rennie Road
Courtenay BC V9J 1V2

3360-20 / RZ 2C 18

Subject: FW: 2410 Sackville Road, MacKenzie/Heynck Support

Importance: Low

From: Tania Woodbeck

Sent: July-22-18 4:06 PM

To: Brian Chow <bchow@comoxvalleyrd.ca>

Subject: [Possible SPAM] 2410 Sackville Road, MacKenzie/Heynck Support

Importance: Low

Dear Sir/Madame:

I will take this statement with me to the public hearing Monday Eve the 23rd of July, however, if for some reason I don't get to speak I have emailed this for the record.

My Name is Tania Woodbeck,

removed for the protection of personal privacy

removed for the protection
of personal privacy

reside one property away from the subject property. We draw our water from a shallow well on our property. It is our understanding, based on a little bit of common sense and more importantly based very much on the scientific research completed by the province of British Columbia, that we will not be affected in any negative way by the operations of the subject property.

We currently purchase our drinking water from Courtenay, thru a water purification and bottling Company. Fortunately it is not chlorinated but it also has no other benefits such as minerals that may be available from our own water, which we are not able to drink. We look forward to the opportunity to drink the water from the ground beneath us in Merville, we support the operations of McKenzie/Heynck and hope that you will too.

Best Regards,

Tania Woodbeck

Merville Resident of 15 Years

July 22 2018

RECEIVED

File: 3360 20/RZ 2018

JUL 23 2018

To Brian Chow, Rural Planner & Directors of CVRD.

RE: proposed Bylaw No 543 to rezone 2410 Sackville Rd from RU-8 to RU-8-8 for the purpose of water & beverage bottling.

To: B. Chow.

cc: Leg. Services.

We, the property owners, June & Gord Farquhar of 7421 Rodger Rd, border on the northeast side of the applicant's property.

We have lived here since 1978 & have always valued a rural setting, away from commercial & industrial type businesses. Now that we are retired, as are other neighbors to the northwest & eastern sides, an increase in ongoing daily noise from traffic, such as truck back up beepers & other activities associated with warehousing would impact our lives greatly.

The applicant has proposed to have an access road to his bottling building which is almost at a very sharp, blind corner of Sackville Road, which would create a dangerous situation on a fairly busy road.

As well, this access road is right along one neighbor's property line that would expose them to excessive noise activity.

We have fears of a decline or possibly even a loss of our own water due to past history that happened right in this area. When a well was drilled by the Portuguese Creek Society & DFO on the west side of the applicants property, it was known that neighbors experienced a drop in levels & even a dry well. When the well was shut down, the levels returned.

When we attended the FLNRORD information session on July 16 at Merville Hall, we were informed that only wells within 150 meters would experience a draw down & drilled wells within that distance would have an even greater draw down . They didn't show knowledge of any wells within that distance or close to it. In fact, there are 3 drilled wells & probably 7 shallow wells that could easily be connected by seam fractures to the aquifer.

The applicants have stated their plan is to draw small amounts of water for home delivery of local customers. While this may be the intent to start with, the fact is the water license is for up to 10,000 liters per day. And for us one of the most troubling details is that this license is transferable. The provincial government permit system is flawed & must be changed. In the meantime, the CVRD must deny this rezoning application so precedence is not set for other similar proposals that could arise in the Comox Valley & other areas of the province.

The applicant has stated that 40% of the water will be required for prepping & cleaning water bottles. Where will this waste water along with what chemicals are used to sterilize the bottles be going ? Will it drain to the front ditch & eventually to the Portuguese Creek ?

The Agricultural Committee has said no to the rezoning. The Area C planning committee said no. The Comox First Nations said no & we the adjoining property owners say no. We urge the directors of the CVRD to say no to the rezoning.

June & Gord Farquhar

July 20th, 2018

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6

To Whom It May Concern

Hello:

RE: Zoning Amendment Application for "2410 Sackville Road"

Praise to the CVRD staff for thorough reviews and community input over the rezoning request to permit construction of a water bottling facility on the Black Creek property (2410 Sackville Road).

Please add my name in support of denying the zoning bylaw amendment.

How unfortunate that the Ministry of Forests, Lands and Natural Resources failed to understand the value of the aquifer resource not only near ALR lands but the overall local and global concerns over the finite resource! (However, that's another letter.)

Thankfully, the Regional District has the power and support to deny the rezoning application that would prevent the above ground construction.

Thank you again, for the conscientious time and effort to review and reflect on this crucial issue.

With gratitude



Shirley Dumas

Comox Valley Regional District

RECEIVED

File: 336020/RZ2018

JUL 23 2018

To: B. Chow.

cc: Leg. Services

3360-20 / RZ 2C 18

From: Sue Russell
Sent: Wednesday, July 18, 2018 2:16 PM
To: planningdevelopment@comoxvalleyrd.ca
Subject: bylaw 543 Amendment No. 76

Importance: High

Attention: Brian Chow, Rural Planner

Sirs:

While you will see by the signature line that we are now urban dwellers, we spent many happy years in rural Black Creek before moving into Courtenay. We are aware of how important a good source of water is to those dependent upon private wells for water. And the source for those private wells (or even for cooperative wells or other multi-user systems such as the former Watuko system) is invariably a strong aquifer. While streams, rivers, and creeks can be the feeders of wells, that is less common than an underground source.

We are horrified to think that any one property can be given rights to tap into – in a VERY large way – the very source of water that ultimately provides water to many surrounding properties. It is true that always some properties use more water from the original source than others: farmers will use more than a family of two on ½ acre, market gardens will use more than a hobby farm. But to take a commodity that should be generally available to all who need it and to tap into it in such a blatantly for profit way is unacceptable to us as humans, let alone as property owners, rural or urban.

It is not actually the ability for the petitioner for the bylaw change to make a profit that bothers us – we admire entrepreneurs! And self-employment is vital to continued residency in the Comox Valley as there are not an abundance of highly-paid employment options. It is the fact that only one property and property owner would benefit from an unacceptably large draw on a resource that should be available to many properties and property owners.

We object most vehemently to any change that would enable 2440 Sackville Road to add “water and beverage bottling” as a permitted use to the zoning of this property. This would appear to be the only way to oppose the drawing of a large quantity of water from the aquifer(s) on or under that property and surrounding areas for the benefit of only one property.

Sincerely,

Wayne and Sue Russell
141 – 3666 Royal Vista Way
Courtenay, BC V9N 9X8

Comox Valley Regional District

RECEIVED

File: 3360-20/RZ2018

JUL 13 2018

To: B. Chow.

cc:

July 11, 2018

Comox Valley Regional Board
600 Comox Rd.
Courtenay, BC V9N 3P6

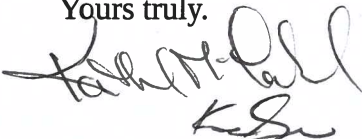
RE: Bylaw No. 543
2410 Sackville Rd., Merville, B.C.

Dear Sir/Madam:

We are writing this letter to say that we are against the rezoning of this piece of property, 2410 Sackville Rd. We moved to this area, just around the corner from this piece of property, almost 40 years ago for the rural quiet area and to be away from businesses. This is our life time investment and our home. The couple on 2410 Sackville Road knew the zoning for the property when they purchased it. We don't feel that this bylaw should be changed for one couple, when it would impact a lot of residents on this road. We are also afraid this would open the door for others to do the same thing.

Please take into consideration the impact it would have on us and other residents when you make your decision. Thank you.

Yours truly.



Kathleen McLaughlin
Ken Grieve
6722 Rodger Rd.
Merville, B.C.

3360-20 / RZ 2C 18

From: John Snyder/Sheila Clarson
Sent: Saturday, July 14, 2018 12:33 PM
To: planningdevelopment@comoxvalleyrd.ca; Alana Mullaly
Cc: bjolliffe; John Snyder
Subject: Written comments on Zoning Bylaw Amendment (RZ 3C 18) for 2410 Sackville Road

Dear Mr. Brian Chow:

I'm submitting the following written comments on the Zoning Bylaw Amendment (RZ 3C 18) for 2410 Sackville Road. My name is John Snyder and I'm a resident of Fanny Bay, BC. While I don't reside in close proximity to the property at 2410 Sackville Road in Merville, we do have a private well on our property which supplies our domestic water, so I'm sympathetic to the concerns of the residents near the 2410 Sackville Road property.

I've reviewed the CVRD staff report on the Zoning Bylaw Amendment Application which recommended that the Application be denied. I would also note that both the Advisory Planning Commission for Electoral Area C and the Agricultural Advisory Planning Commission have recommended that the Zoning Bylaw Amendment Application be denied. But for me the most critical comments came from the K'omoks First Nation which strongly opposed the Zoning Bylaw Amendment Application.

I would respectfully submit that I oppose the Zoning Bylaw Amendment Application and would strongly urge that my CVRD Area A director Bruce Jolliffe vote to deny the Zoning Bylaw Amendment Application (RZ 3C 18) for 2410 Sackville Road when it comes up for consideration.

Please accept my comments and place them on the public record on this matter.

Regards,

John Snyder
295 Bates Drive
Fanny Bay, BC V0R 1W0

Rebuttal to Summary Complaint dated June 15, 2018

Submitted by Christopher MacKenzie and Regula Heynck

3360-20 / RZ 2C 18

Rebuttal submitted by Bruce Gibbons

June 22, 2018

2470 Sackville Road

Merville, BC

V0R2M0

I am submitting this rebuttal to the aforementioned Summary Complaint in order to address inaccuracies and inconsistencies presented in that Summary Complaint. The following points were raised in the Summary Complaint and are addressed individually.

- **“The next morning on March 3rd we saw Ms. [REDACTED] from our kitchen window, putting up action notices at the newspaper stand.”**
 - The people Mr. MacKenzie saw on the street on the morning of March 4th (not March 3rd) were my wife and I and another concerned resident, who we met for the first time that morning. She was posting notices on the newspaper stand. It was not [REDACTED]. My wife and I became aware of the water licence on March 3rd and on the morning of March 4th walked around our neighbourhood on Sackville Road, going door to door to ensure our neighbours were aware of the water licence and the CVRD meeting scheduled for Monday March 5th to hear the application for rezoning.
- **“She continued going door to door handing out her literature, accompanied by another person.”**
 - The person (people) Mr. MacKenzie saw continuing to distribute information door to door was me, and my wife.
- **“As a result of [REDACTED] door to door campaign against our application, a willing neighbour was found to file an Environmental Appeal against our licence.”**
 - That is absolutely incorrect. I filed the appeal on my own accord after conducting an extensive email campaign trying to raise awareness of this licence approval, and as part of my research became aware of the Appeal Board avenue. At that point I was unaware of any involvement by [REDACTED]. Several supporters later commented to me that they wished they had thought of the appeal, including [REDACTED]. After several weeks of emailing and phoning and talking to various supporters of the cause I decided we needed a group to move the campaign forward, naming the group Merville Water Guardians.

- **“Once the appeal process had started, [REDACTED] made a Freedom of Information Request knowing full well the water licence and accompanying data packet was in review by a judicial committee.”**
 - Several people/groups submitted FOI requests as part of their opposition to this licence/application for rezoning. None of those people were aware that the FLNRORD Ministry would be unable to speak about the licence or release documents due to the outstanding appeal. The people of the Comox Valley were not directly involved in my appeal, and therefore did not have a full understanding of the workings of the tribunal. No one submitted an FOI request “knowing full well the water licence was in review”.
 - The FOI process has been unreasonably delayed for everyone who submitted a request. Many supporters of Merville Water Guardians are disappointed and frustrated by the delays for the execution of the FOI requests.
- **“[REDACTED] then made a financial contribution to the legal fund of the appellant.”**
 - Over twenty people/supporters have made financial contributions to help Merville Water Guardians, many of those contributions being higher than the one made by [REDACTED]. It is not unique in any way that she made a contribution.
- **“During a planned meeting of the Merville Water Guardians many fearful residents attended to make a plan of action against us.”**
 - The community meeting at the Merville Hall was my meeting, organized by me, the hall rented by me, the hall paid for by me, and the presentation to attendees done by me.
 - The meeting was attended by many concerned, interested residents, none of which I would characterize as “fearful”.
 - We made it clear to all attendees at that meeting the focus of our campaign was the FLNRORD Ministry, the approvers of the licence, and the process used to approve the licence. The campaign was not directed at Mr. MacKenzie personally, although he continues to present the campaign that way.
- **“Although the meeting was represented as the Merville Water Guardians it was presented to the media as a Mid Island Farmers Institute meeting.”**
 - Mr. MacKenzie is confusing the Merville Water Guardians meeting with another meeting of the Mid Island Farmers Institute which was held in the Merville Hall the previous evening. The media outlet that ran the story used a picture from the Merville Water Guardians meeting along with the story from the Mid Island Farmers meeting.
 - The Mid Island Farmers have their own views and objections to this water licence.

- **Mr. MacKenzie refers to one of the CVRD committees that was added to the referral process, and states, “which Mr. Grieve added to the referral process.”**
 - All the referrals added to the process were added by the CVRD staff.
- **Mr. MacKenzie has stated, “Our property is not in the ALR, nor adjacent to and outside the 30m buffer, where the Agricultural Committees realm of influence ends.”**
 - Mr. MacKenzie’s property lies in a rural area that is virtually surrounded by ALR land. There are ALR properties southwest, southeast, east and northeast of his property ranging from 125 meters away (across the street) to 200 meters away. The rural, residential, agricultural intent of the CVRD zoning is obvious.
- **“Regional Growth Strategy. “**
 - **“Objective 3-A. Support local business retention, development and investment.”**
 - Mr. MacKenzie’s claims in this regard are irrelevant as the issue in question is whether the proposed business activity meets the criteria of the OCP and the zoning bylaws.
 - **“Part 5A-8. Encourage local governments and farmers to work together to reduce use of potable water for irrigation on farmland.”**
 - Mr. MacKenzie’s comments about potable water being for human consumption do not in any way support efforts to encourage local governments and farmers to work together to reduce use of potable water for irrigation on farmland.
 - **“Part 5A-9. Over the long term, encourage all local governments to work towards finding a permanent alternative to the use of potable water for irrigation purposes.”**
 - Mr. MacKenzie contends his proposal offers an alternative. Mr. MacKenzie’s proposal does not offer any solution whatsoever toward an alternative to using potable water for irrigation.
 - The CVRD RGS items above seek ways to reduce the use of potable water on farms, indicating there are concerns about conserving potable water. Mr. MacKenzie’s proposal does not advance that goal whatsoever, and in fact puts additional pressure on the existing reserves of potable water in the Comox Valley aquifer.
- Mr. MacKenzie insists on referring to his water as “site specific” and “rare”. We have had our water tested, and it is the same PH as Mr. MacKenzie’s. Several other Comox Valley residents have told me they have had their well water tested and the PH is 8.1 or 8.2, the same as Mr. MacKenzie’s water. There is very little likelihood that his water, which is being withdrawn from an aquifer that is 148 square kilometers, is “site specific” and the only “pure ancient” and “rare” water coming from the aquifer. The aquifer is only recharged by rainwater, so the contention that it is pure, ancient water is suspect at best. Every property owner

on the aquifer has access to the same water, recognizes that it is good, clean, healthy water, and wants to keep it that way.

- **“Community Partnerships 73(20)”** – Mr. MacKenzie cites his application as an example of partnership, between “the Crown, the BC Government as law-maker, the people of the province and ourselves as licensees”. Since the BC Government approved the licence despite objections by the CVRD and objections by K’omoks First Nation, and at no time even notified, let alone consulted, any of the people of the Comox Valley or anywhere else in BC I do not believe this licence can be characterized as a partnership. The process for approval of the licence and the comments made by Mr. MacKenzie are far from an example of partnership.
- Mr. MacKenzie has indicated in his application to the CVRD for rezoning that his sales and marketing plan will entail bottling water and delivery to customers, and that there will be no on-site retail sales.
 - Excerpt from **CVRD Staff Report RZ 2C 18 Page 3** – **“With respect to compatibility of adjacent lands and uses, the applicants state their proposed operation will be quiet and unnoticeable, and they confirm that there will not be any onsite retail on the subject property.”**
 - Excerpt from **FLNRORD Ministry Executive Summary decision document - 1. SUMMARY REMARKS** - **“This application is for a new groundwater licence for industrial (fresh water bottling). The applicant hopes to sell bottled water at farmer’s markets and from a ‘self-serve’ bottling facility on their property in Merville, BC”**
 - In his application to the BC Government Mr. MacKenzie states that his sales and marketing plan will entail bottling water and selling it at Farmer’s Markets and via a self serve facility on his property. These two applications for the water licence and the rezoning of his property to facilitate the water bottling present two very different sales plans that are in direct contradiction to each other. Then, as a third option in his Summary Complaint document Mr. MacKenzie states, “We are not selling water.” It seems Mr. MacKenzie’s sales plan changes to suit the audience, and to suit his needs at any given time. This leads me to question his credibility when he tells the province or the CVRD what he plans to do, and makes me question whether he is truly being forthcoming about his plans for the water.
- Mr. MacKenzie has stated his contention that Director Grieve has influenced area residents, and that there has been a campaign of misinformation against him. I can state categorically that the hundreds of people who attended the CVRD rezoning hearing on March 5th, and the 272 supporters who follow the Merville Water Guardians Facebook page, and the 396 people who have signed a petition asking the CVRD to deny the rezoning application were motivated by their concern for the protection of their water and the protection of their properties under the CVRD zoning bylaws. Those people want to retain the planned nature

of their community and not see it eroded by zoning variances to allow businesses that are not compatible with the current zoning. It is an insult to me, and to all of the other people who oppose this rezoning, that Mr. MacKenzie thinks we were all influenced to act this way by one CVRD Director. There is a large group of concerned residents in the Comox Valley who are vehemently opposed to this water licence and to the rezoning of the property to facilitate it.

- Mr. MacKenzie is complaining that the rezoning process was biased against him. As an active and interested observer of the process I have seen the CVRD Directors and staff go out of their way to ensure Mr. MacKenzie gets access to the full process for his rezoning application. The application was referred back to staff, the application was heard by several committees, and the staff sought input from outside agencies. All the referrals and the hundreds of letters from concerned residents of the Comox Valley recommended denial of the rezoning. The CVRD Directors have allowed Mr. MacKenzie to speak at length at multiple CVRD meetings even when his presentations became incoherent and rambling and strayed from the rezoning application to focus on the water licence. Mr. MacKenzie has been allowed to speak about the water bottling proposal at length, when the issue at hand should be the rezoning of the property. His Summary Complaint document, that I am referring to in this rebuttal, is almost totally focused on the water issue which is not the purview of the CVRD. As part of his Summary Complaint document he has submitted 32 pages of documents that relate directly to the Environmental Appeal Board appeal which was completely focused on the water extraction licence and had/has nothing to do with the rezoning application. From my perspective Mr. MacKenzie has been given full consideration and has been given access to a full and fair process for assessing his application for rezoning.

RECEIVED

File: 3360-20/RZ2018

JUL 04 2018

Dir. Web.
 To: A. Mulhally
 cc: B. Chow.
 R. Dyson

June 20, 2018

Chair and Board of Directors
 Comox Valley Regional District
 600 Comox Road, Courtenay, BC V9N 3P6

Re: Zoning Bylaw Amendment – 2410 Sackville Road (MacKenzie & Heynck)

I am writing to request the Board's support in granting the rezoning for the above application.

I am sure you have received and reviewed their business plan. The positive features of their plan are:

- a small home based family business that sells to local Comox Valley customers
- gives the public access to pristine natural water with nothing added or removed
- a carport size building for sanitizing and filling five gallon reusable plastic bottles
- home delivery with no added traffic concerns for Sackville Road
- restriction to the quantity of water to be bottled which will be closely monitored
- extensive assessment has been done to ensure that their water source is 100% sustainable

Findings by Dennis Lowen, an independent highly qualified hydrologist, has confirmed the findings of the BC Government Ministry. The detailed technical assessments were done on the proposal and no impact to other water users or the environment, aquifer capacity and water level trends were found.

It has come down to the question is it ethical to sell water. It is a fact of our modern lifestyle that bottled water is readily available for sale. Renewable resources, managed properly, can provide benefits for individuals as well as the community. In this case it is a niche market for pure alkaline water with a pH 8.1 which can satisfy a specific market need.

I would like you to also consider that at the present time, people in the Regional District can have multiple wells on their property. They can use their well water for any purpose and quantity they please. Filling swimming pools, run well water 24/7 for water-scapes and large fish ponds are just a few examples of water usage that is not monitored as to quantity.

The initial public outcry to the applicant's business plan was based solely on the false information that circulated on social media. It is important to note that this false information was spread prior to the applicants first appearance before the Board. It has been an uphill climb for them since.

In my opinion there has been several procedural miss steps along the way. I am making mention of them in my letter as they could have some bearing on the Boards decision.

The CVRD should have tabled the rezoning application until a decision was made on an appeal that was filed with the Environmental Appeal Board. The applicants could not release new information until a decision was announced. The CVRD accepted recommendations from Committees and Commissions without any of the new information being available.

Arzeena Hamir has been a strong opponent of the rezoning application from the start. She initially said: "I really wish the CVRD had shut it down instead of wasting staff & the public's time." Since she has been appointed to the Agricultural Advisory Commission by the CVRD, I feel it is a conflict of interest for her to Chair a meeting that dealt with the rezoning application and as such the Committee's recommendation to the Board should be disallowed.

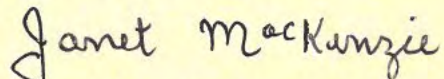
Area C Director has also been opposed to the application. Director Grieve initially stated that he would like to see the rezoning application denied outright, considering the extent of the public backlash it had received.

"We've got people in the gallery who are not in support." he said. "Why would the committee not take the opportunity to save the proponent the time and money and deny it right at this point?"

I thought a director should be more open minded with regards to any rezoning application and have all the facts before publicly denouncing it. I personally feel he should excuse himself from voting on the matter.

Thank you for your consideration of my letter. It is my hope that the family, my family, gets a fair hearing from the CVRD and the residents of Merville.

Respectfully submitted

A handwritten signature in cursive script that reads "Janet MacKenzie".

Janet MacKenzie
687 Moralee Drive
Comox, BC V9M 1A5

cc: R Dyson, Chief Administrative Officer

Summary Complaint

3360-20 / RZ 2C 18

Directors WEB A. Mullaly
R. Dyson B. Chow

Christopher MacKenzie and Regula Heynck, June 15th 2018

In the evening of Friday March 2nd, 2018 we had a vocal protester at our home address on Sackville Rd. We were stunned to hear that a local business women was propagating false information regarding our water extraction license.

The next morning on March 3rd we saw [REDACTED] from our kitchen window, putting up action notices at the newspaper stand. [REDACTED] continued going door to door handing out her literature, accompanied by another person.

Later that day a friend of ours forwarded screenshots of [REDACTED] social media dialogues to us. While accusations, lies and falsehoods spread like wildfire on social media, we reached out to [REDACTED] cool down the rhetoric. [REDACTED] informed us that [REDACTED] information from Mr. Edwin Grieve, Area C Director and that [REDACTED] didn't like the lack of consultation.

[REDACTED]. It is quite clear to us that Mr. Grieves intentions were to utilize [REDACTED] influence on social media to d-rail our application and prompt a fearful reaction from the Area C electorate.

During Mr. Grieves correspondence with concerned citizens he requests for support in the gallery against our application and states that the impact is unknown, he prompts citizens to do something and claims that our water use will drain the aquifer and run other wells dry. Examples of his quotes are: "This sucks big time", "It is Area C's pot to stir", "Aquifers take thousands of years to recharge". These disparaging comments are unsupported, lack neutrality and are hearsay at best.

As a result of [REDACTED] door to door campaign against our application, a willing neighbour was found to file an Environmental Appeal against our license and spearhead the formation of a new committee called the Merville Water Guardians headed by Mr. Bruce Gibbons. Once the appeal process had started, [REDACTED] made a Freedom of Information Request to Ministry of Forests, Lands and Natural Resources Operations knowing full well the water license and accompanying data packet was in review by a judicial committee, then trotted [REDACTED] in the media as a [REDACTED] being stalled by bureaucracy in the name of self promotion and branding. [REDACTED] then made a financial contribution to the legal fund of the appellant against our crown tenure on a go-fund-me page set up by the appellant.

[REDACTED]
[REDACTED]
[REDACTED]

During a planned meeting of the Merville Water Guardians, many fearful local residents attended to make a plan of action against us. Although the meeting was represented as the Merville Water Guardians it was presented to the media by [REDACTED] as [REDACTED]. We think because the farmers voice would carry more weight in the media for further scrutiny. Photo supplied by [REDACTED] with further support of [REDACTED] branding.

On top of these actions, we discovered [REDACTED] was the [REDACTED] [REDACTED] which Mr. Grieve added to the referral process. We requested [REDACTED] to not attend our residence during the committees site visit. Although the committee members that attended the site visit to our property to gather first-hand information about our proposal agreed unanimously that our small sized water bottling facility and the quantity of water granted would not have any adverse impacts at various levels, the committee later voted against us stating our water extraction would have a detrimental effect on all ALR lands in the entire CVRD. To our surprise, the unofficial conversations at a personal level on site had switched completely at the official meeting. The vote against our proposal was made with no evidence of such allegations. Our property is not within the ALR, nor adjacent to and outside the 30m buffer where the Agricultural Committees realm of influence ends.

Statement

Christopher MacKenzie and Regula Heynck, June 15th 2018

Regional Growth Strategy

Part 2C-8 **“Support increased water availability for agriculture while ensuring natural systems remain healthy and functioning. “**

Comment: All be it small, our supply increase to potable drinking water is a net positive, which takes pressure off potable water use for agriculture.

Objective 3-A **Support local business retention, development and investment**

“Supporting policy 3B-4 supports value added, community based business development.”

Comment: Our cottage business is family operated, local, sustainable, rare and 100% value added.

Part 5A-8 **“Encourage local governments and farmers to work together to reduce use of potable water for irrigation on farmland. “**

Comment: This shows potable being for human consumption. Site specific accessible drinking water is a necessity.

Part 5A-9 **“Over the long term, encourage all local governments to work towards finding a permanent alternative to the use of potable water for irrigation purposes.”**

Comment: We are not offering a permanent solution, just an alternative as requested in the Regional Growth Strategy policy.

Official Community Plan (OCP)

Economy and Industry Objectives 17 (1) **“To encourage stewardship of the land while encouraging sustainable economic development based on the regions natural resources.”**

Comment: This section applies to every aspect of our application. Some of you have been to our property and know that it has only been enhanced. Our extraction is sustainable use of an available resource sanctioned by government.

Economy and Industry Objectives 17 (3) **“To promote and strengthen the long term viability of renewable resources based in the Comox Valley. “**

Comment: Withdraws from aquifer 408 are proven/held up by our supporting documentation. The water level has increased on average 2.3 cm year over year for 14 years unabated (Groundwater Technical Report from May 22nd 2018, Conclusions, page 6 paragraph C).

Economy and Industry Objectives 17 (13)

“To insure a continued supply of land that is maintained for industrial use and to encourage the retention of existing industrial uses. ”

Comment: Our site specific request should be permitted because we have proven its merit and the rarity to have access or bring on a source of premium non-chlorinated water for human consumption.

Economy and Industry Policies 18 (6)

“Through partnerships, explore options and mechanisms that improve access to potable water, or where feasible, reclaimed water at reasonable price available to agriculture/aquaculture. ”

Comment: The Regional Growth Strategy makes no consideration to add sources for human consumption.

**Settlement expansion policies 39 (3)
(industrial)**

“Permit new industrial uses through temporary use permits where it can be demonstrated that the proposed use will no result in additional pressure on local servicing and infrastructure. ”

Comment: We can agree to this unanimously. What pressure is there to be observed?

Rural Settlement area objectives 42(7)

“To direct new commercial, industrial and institutional uses requiring public servicing into the settlement nodes.”

Comment: What makes RU8 unique is it's broad and unpredictable nature. The low impact and quiet/low traffic nature of our cottage business should be exempt from speculation and a temporary use permit should be issued on its rarity and merit.

Rural Settlement Area Policies 47(1)

“Consider zoning amendments and temporary use permits for industrial uses such as heavy and light industrial, agriculture and aquaculture, and resource activities throughout the rural settlement areas. ”

Comment: This section directly holds up the merit of our proposal in full.

Rural Settlement Area Policies 48(3)

“Permit new heavy and light industrial uses subject to rezoning.”

Comment: The regional district has yet to give evidence, why the application should not be approved free of speculation.

Community Partnerships 73(20)

“Through partnerships, support initiatives for water collection, storage and distribution and re-use.”

a) “meet the domestic needs for potable water.”

Comment: This partnership is between the Crown, the BC Government as law-maker, the people of the province and ourselves as the licensees.

We are not selling water. We are providing Comox Valley residents with the option, to obtain superior untreated drinking water by taking on all liabilities such as monitoring water quality; offering the service of cleaning and refilling bottles, facilitating storage, loading bottles, transporting and interchanging drinking water refill bottles to customers.

Referral Results

Christopher MacKenzie and Regula Heynck, June 15th 2018

Komox First Nation:

Although we support reconciliation, we are not responsible for the KFN Resource Managers failure to include aquifer #408 into their already negotiated water reservation in the treaty.

Agricultural Advisory Committee:

Our fee simple lands are not designated ALR, not adjacent to ALR lands and well beyond the 30 m buffer where the AAC realm of influence ends.

Area C Advisory Committee:

Due to Mr. Grieve's bias and complete lack of neutrality, he has influenced public opinion in a completely negative direction. Had he acknowledged the rights of the proponents, we possibly would have had a positive or more unbiased sentiment.

3360-20 / RZ 2C 18
Dir WEB
R. Dyson
A. Mullaly
B Chow

This is the 1st Affidavit of
David Robinson in these
proceedings and was made
on 22/05/2018

Appeal File: 2018-WAT-001

ENVIRONMENTAL APPEAL BOARD

In the matter of an appeal under the *Water Sustainability Act*,
S.B.C. 2014, c. 15

Between

Bruce Gibbons

Appellant

And

Assistant Water Manager,
Water Sustainability Act

Respondent

And

Christopher Scott MacKenzie and Regula Heynck

Third Parties

AFFIDAVIT

I, David Robinson, of [REDACTED], Province of
British Columbia, AFFIRM THAT:

1. I am a Senior Authorizations Specialist – Water, and the Assistant Water Manager, West Coast Region, Regional Operations Division - Coast Area, of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (the “Ministry”) and as such I have personal knowledge of the facts and matters hereinafter deposed, except where same are stated to be on information and belief, and where so stated I verily believe them to be true.

Qualifications

2. [REDACTED]

Ministry staff in the implementation of the ground water and stream water provisions of the *Water Sustainability Act*, S.B.C. 2014, c. 15 (the "*Act*") and its regulations, particularly the *Water Sustainability Regulation*, B.C. Reg. 36/2016 ("*WSR*") as well as the *Groundwater Protection Regulation*, B.C. Reg. 113/2016. I am also designated as an Assistant Water Manager under the *Act*. I supervise a staff of five Water Officers who review and adjudicate stream water and ground water licence applications. I review applications for authorizations and make water allocation decisions on those applications as a statutory decision maker under the *Act* based on considering information and recommendations put forward to me by Water Officers in their technical reports. Attached as Exhibit "A" is a true copy of my Curriculum Vitae.

Legislative framework and policy guidance

3. The *Act* and its *Regulations* are designed to protect BC's water supply and provide the legal basis for the Ministry's management of the diversion and use of water resources by the public.
4. "Groundwater" is defined in sub-section 1(1) of the *Act* as water naturally occurring below the surface of the ground. "Domestic purpose" is defined in section 2 of the *Act*:

"domestic purpose" means the use of water for household purposes by the occupants of, subject to the regulations, one or more private dwellings, other than multi-family apartment buildings, including, without limitation, hotels and strata titled or cooperative buildings, located on a single parcel, including, without limitation, the following uses:

- (a) drinking water, food preparation and sanitation;
- (b) fire prevention;
- (c) providing water to animals or poultry kept
 - (i) for household use, or
 - (ii) as pets;
- (d) irrigation of a garden not exceeding 1 000 m² that is adjoining and occupied with a dwelling;

5. Sections 12 to 15 of the *Act* and sections 3, 12 to 16 of the *WSR* describe the process for qualifying persons to apply for authorizations to divert and use groundwater from an aquifer for non-domestic purposes.
6. Pursuant to sub-section 6(4) of the *Act*, absent regulations under the *Act* imposing such a requirement, domestic groundwater users are exempt from licensing and do not require an authorization. However, domestic well owners are encouraged to register their well to make their water use known, so it can be protected. There is no charge to register a domestic well.
7. Pursuant to section 13 of the *Act*, an applicant for a licence must be directed by the decision maker to give notice of an application to persons listed in sub-sections (1)(a) or (1)(b), and these persons may appeal pursuant to s. 105(1). Pursuant to sub-section 13(9) the decision maker may also direct an applicant to serve notice to anyone who the decision maker considers advisable, although s. 105(1) does not afford someone in this category opportunity to appeal.
8. Pursuant to sub-section 14(4) of the *Act*, if an application is for the purpose of diverting water from an aquifer, the decision maker must take into account the quantity of water persons to whom section 6(4) [*use of water -excluded groundwater users*] applies are authorized to divert from the aquifer.
9. Pursuant to sub-section 14(7) of the *Act*, the decision maker must refuse an application that would result in the issuance of an authorization to a person to whom section 6(4) applies [*use of water - excluded groundwater users*].
10. The *Groundwater Protection Regulation* provides standards for well construction, operation, alteration, maintenance and closure, to ensure protection of wells and aquifers in BC.
11. *The Guidance for Technical Assessment Requirement in Support of an Application for Groundwater Use in British Columbia* (the "*Guidance*") is a water focused technical publication for use by the BC government and scientific partners working

in collaboration with provincial staff. The Ministry of Environment, Water Protection and Sustainability Branch developed this document and published it in 2016 to promote greater consistency in technical assessments and more timely decisions on applications for authorizations for proposed groundwater use. The document provides guidance to determine whether a technical assessment may be required and, if so, what the appropriate level of detail is to support an application (whether a desktop study is sufficient or whether a field based study is required). The water officer may request and the statutory decision maker may, depending on the facts of each case, require additional or alternate information in support of an application in comparison to advice within the guidance document. Similarly, the guidance document is not meant to replace the advice and judgement of a qualified professional employed by an applicant, to determine the appropriate methods to be utilized within field data collection and hydrogeologic evaluations undertaken in support of an application. A true copy of this document is found at Tab 17, Volume 1 of the Respondent's List of Documents, attached as Exhibit "B" to this Affidavit.

12. The West Coast Region has a Groundwater Protection Officer on staff, whose role is primarily focused on administering the *Water Sustainability Act*, S.B.C. 2014, Part 3, Div. 3, and *Groundwater Protection Regulation*, B.C. Reg. 113/2016, including promoting compliance in respect to activities related to wells and groundwater are done in a manner that protects the environment.

Ministry consideration of the application for a groundwater licence

13. I was the decision maker assigned to the adjudication of Groundwater Licence Application 104026 for an authorization under the *Act* (the "Application") submitted by Christopher Scott MacKenzie and Regula Heynck (the "Applicants") to divert groundwater for industrial purpose (fresh water bottling). This was a request for authorization of groundwater diversion and use from a pre-existing well located on the Applicants' property described as WTN 11198 (the "Well"). The licence sought was appurtenant to the Applicants' property at 2410 Sackville Road, Merville, BC, legally described as Lot C, Block 29, Plan 25306 (the "Property").

14. The materials I reviewed in adjudicating the Application were provided to the Environmental Appeal Board and the other parties on April 25, 2018 (hard copy) and on April 26, 2018 (electronic copy) in 3 volumes. Attached as **Exhibit "B"** to this Affidavit is a true copy of Volume 1 of the Respondent's List of Documents dated April 25, 2018, which contains 18 documents listed by tabs. Volumes 2 and 3 of the Respondent's List of Documents consist of background data for the graph depicting Static Water Levels Observation Well 351 – Aquifer 408, which graph is found at Tab 18 of Volume 1 of the Respondent's List of Documents.

15. In their Application, the Applicants requested that 3650 cubic metres (m³) of groundwater per year be diverted from Aquifer 408 by the Well. The works to be authorized were the Well, which was fully constructed, and construction of a pipe and a "self-serve" bottling facility. A true copy of the Application is found at Tab 1, Volume 1 of the Respondent's List of Documents, attached as Exhibit "B" to this Affidavit.

16. With respect to the Application, my role was to review the Groundwater Technical Report and its recommendations, and to decide whether to grant the application pursuant to Section 14 of the *Act*. I reviewed the Groundwater Technical Report prepared by Tanya Dunlop, Senior Authorizations Technologist, and on November 21, 2017, I granted the application and issued Conditional Water Licence C500169 ("Licence C500169") under the *Act*. A true copy of Licence C500169 and cover letter is found at Tab 13, Volume 1 of the Respondent's List of Documents, attached as Exhibit "B" to this Affidavit.

17. In my review of the Groundwater Technical Report(Tab 12) , I was satisfied that:
 - a. Based on the Administrative Details at pp. 3 to 5, appropriate referrals to government and other agencies had been undertaken and conditions for approval considered and provided;

- b. Based on the Technical Information at pp. 5 to 10, the Well location was listed in the correct location in the WELLS database; the confining layer of till at the Well location was approximately 23 meters thick; a pump was not required (or a work requested to be authorized); the actual groundwater domestic use drawing water from Aquifer 408 was likely between 886 to 1898 m³ per day;
- c. The approach taken in this Report is consistent with Ministry policy described in the *Guidance* (Tab 17), which indicates for a volume of 10 m³ per day or lower that is being sought to be diverted from a consolidated aquifer, an applicant is not required to have a pumping test;
- d. Monitoring over the past 15 years of Observation Well #351, within Aquifer 408 and about 12km from the Well, shows sufficient water availability in the aquifer in comparison to estimated existing demands and long-term groundwater levels in the aquifer are stable;
- e. Anticipated impact on adjacent users as a result of well operation is minimal. Using data from the BC WELLS database, the closest known wells to the Well were 150 m away. The estimated groundwater level drawdown as a result of the Well pumping at the proposed licence rate, showed that the anticipated drawdown of groundwater levels in the closest neighbouring wells would be in the range of 0.02 m, significantly less than the estimated safe available drawdown within these wells;
- f. The stable status of Observation Well #351 within Aquifer 408, and the small volume requested in the application, suggested that there were no concerns regarding long-term water availability based on existing water demands and that the aquifer could meet the volume demand in this application. The Licensees are required to meter and report water use, enabling review of the well operation and maintenance of Licence conditions over time, and enabling the Ministry to take action if concerns arise;
- g. The Well Construction Report (Tab 2) describes a thick, 23m layer of grey confining till in the lithology, which indicates that the aquifer is not reasonably likely to be hydraulically connected to adjacent streams. Due to this aquifer

confinement, no impact from well pumping is anticipated on nearby streamflow, stream water users, or the aquatic habitat. As noted in the Groundwater Technical Report (Tab 12), given the large water volume and annual recharge within Aquifer 408 and the small volume requested by the Applicants, I was satisfied that the aquifer is able to meet the demand associated with the Application without interference with the closest neighbouring wells on Aquifer 408.

18. On the basis of the Groundwater Technical Report recommendations, I granted the Application and issued Licence 500169 on November 21, 2017, under the *Act*. A true copy of Licence 500169 and cover letter is found at Tab 13, Volume 1 of the Respondent's List of Documents, attached as Exhibit "B" to this Affidavit.

Available information regarding Mr. Gibbons' land or well

19. Upon review of the Ministry's well registration data, as noted in my letter to Mr. Gibbons on April 9, 2018 with respect to this appeal, no well is registered on Mr. Gibbons' property.
20. Further, no information (spatial coordinates, depth, construction lithology) has been provided with respect to Mr. Gibbons' well, in order to assess whether it is constructed within the same aquifer (Aquifer 408).
21. In my experience and in practice by the Ministry in administering the *Act*, the term "riparian" pertains to the bank of a stream and, in the case of a riparian owner, pertains to a landowner that owns land adjacent to the stream bank; the term is not used in relation to water from under the ground.
22. Mr. Gibbons' residence is located approximately 350 m from the Well. Therefore, the relative drawdown within a well at that distance away, even assuming that it is constructed within the same aquifer (which has not been established or confirmed), is likely to be less than the 0.02 m drawdown in 100 days, previously estimated for

registered domestic wells on the closest adjacent properties (150 m from the Well). I am satisfied that no physical impact to the land at 2470 Sackville Road, Merville, BC, is anticipated as a result of operation of the Well under conditions of the Licence.

Responses to Dr. Wendling's letter

23. I have reviewed the 14 page May 15, 2018 letter-report of Gilles Wendling, Ph.D., P.Eng., GW Solutions Inc. (GWS) and a 4 page appendix of conditions and limitations, submitted by Mr. Gibbons to the Environmental Appeal Board in this matter.
24. On page 4 of the GWS letter report, Dr. Wendling states "*...GW Solutions understands that the applicant initially applied for a larger daily volume of extraction of groundwater. However, FLNRORD advised them to reduce the amount in the application, likely to make the review simpler and to support that no additional information (e.g., pumping test) would be required...*" The rationale for a reduced volume being approved is provided within the Groundwater Technical Report. Further:
 - a. The Applicants did initially apply for diversion and use of 100 m³ of groundwater per day. However, the approved diversion and use under the Licence is 10 m³ per day.
 - b. Applications for groundwater are reviewed by Ministry staff at the "Front Counter BC" level for completeness, and then at the "Water Officer" level for technical feasibility and long-term sustainability. At both stages, staff considers whether the amount of water requested is appropriate and, the volume applied for may be reduced after details are provided and discussed. In particular, Water Officers will review the application for evidence that a specific volume is needed by the applicant for the described purpose or intended use and will also independently calculate a reasonable volume range for such a purpose or use. West Coast Region's general approach is to take a precautionary or conservative approach to requests to divert and use

groundwater, and consider minimizing environmental disturbance and impact on pre-existing users in close proximity.

- c. In this case, the Groundwater Technical Report for the Application on page 6 under "5. Justification for Purpose and Quantity" explains the reduction in volume allocated. In particular, the section states that "*The applicant originally applied for a much larger volume (10 times more); however this volume was reduced after discussion with the applicant regarding the requirement for a pumping test for the larger volume. This smaller volume, roughly 500 18.9L bottle refills daily, is more realistic for this start-up business.*" In this case, the Water Officer reviewed the original volume request, discussed the particulars of the proposed business plan with the Applicants, and gained a better understanding of the quantity of water which the Applicants could reasonably make beneficial use of. The volume of groundwater to be allocated was reduced accordingly, from the original request (100 m³/day) to a quantity that was deemed reasonably required for the intended use (10 m³/day). At this stage, while the discussion included larger volumes (as originally requested), and the need for a more in-depth technical assessment at those larger volumes, the application quantity was ultimately reduced to a lower figure (10 m³/day) that was sufficient for beneficial use within the start-up of their business.
25. As noted by GWS on page 4 (para.4.1) of the letter report, the approved licence volume of 10 m³/d is "...*relatively small*...". I note that under the *Act*, section 22 (8), domestic household use is considered to be about 2 m³/d (2000 litres/d). This is consistent with standard estimates for per household use of 500 gallons/day (2 m³) that is in common use in other guidelines and policies within B.C. and in other jurisdictions. Hence the licence demand in this case represents the equivalent demand of 5 domestic households.
26. On page 4 of the letter report (para.4.1), GWS states that issuance of the licence based on internal technical assessment by FLNRORD staff "...*prevented an*

“arm’s-length” review of the potential impacts...”. It is standard practice for FLNRORD staff to review and verify the application information submitted, and to consider the request in the context of available information, including other authorizations issued or other licence applications on the water source.

27. On p. 6 of the letter report (para.4.2.2), GWS notes that “...*the works listed seem too simple...*”. The *Act* and *WSR* do not require all works to be constructed at the time of issuance of an authorization, in this case Licence C500169. Additional details on the constructed and proposed works were obtained in consultation with the Applicants and during a field visit to the site, where it was observed that only the well had been fully constructed. The pipe and bottling facility were planned works, not yet fully constructed, as listed in clause (h) of Licence C500169 and shown on the accompanying licence plan. Further, clause (i) of the Licence states “*The construction of the said works shall be completed and the water shall be beneficially used prior to December 31, 2020...*”, a standard clause which gives the licensee time to complete the necessary works and to make beneficial use of the allocated water. The small, simple nature of the proposed water bottling operation reflects the works listed and shown, and has been described consistent with typical works descriptions found on water licences issued province-wide.

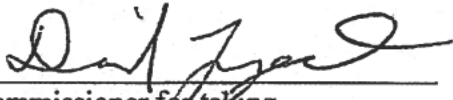
28. On p. 7 of the letter report (para.4.2.2), GWS asks which aspects of the works were constructed at the time of Application. In the initial application, the Applicants indicated that the pipe was fully constructed. However, after further review during adjudication it was determined that only the well was fully constructed, and that the diversion pipe and bottling facility had not yet been constructed. Automated flow metering and reporting conditions were included in Licence C500169 as a mechanism to enable evaluation of the actual water discharge from the facility during the initial period of operation, which could be used as mechanism “...*for quality control...*” referred to by GWS, and to verify beneficial use.

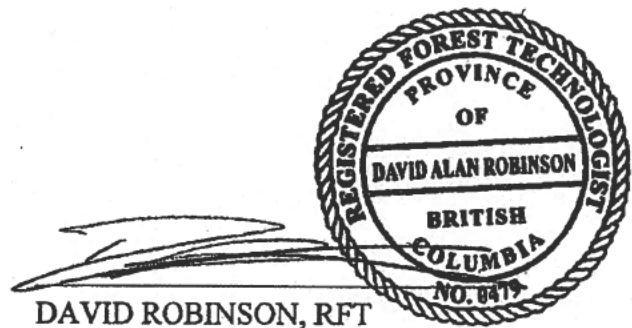
29. On p. 8 of the letter report (para.4.3), GWS is concerned that the Aquifer Classification Worksheet for Aquifer 408 as an information source "...does not adequately represent the present aquifer conditions and use...". The aquifer worksheet was utilized primarily to understand the properties of the aquifer and the overlying confining materials. The limitations of the information provided in the aquifer worksheet were well understood, and was considered in conjunction with other available information, including a spatial analysis of current data, and an estimation of water availability and well operational impacts.
30. On p. 9 of the letter report (para.4.3.1), GWS questions how the final licence volume was estimated, whether research was done to justify the original volume, to look at similar businesses for comparison of water use, or to conduct market research to determine the demand for bottled water. The initial volume estimate was reduced in consultation between Ministry staff and the Applicant, and therefore it was not necessary to justify it further. The final lower licence volume in Licence C500169 was based on a simplified estimate for a small start-up business, as presented in the Groundwater Technical Report, 5. Justification for Purpose and Quantity (Tab 12, Volume 1 of the Respondent's List of Documents, attached as Exhibit "B"). Market research is the responsibility of the property owner/applicant and not in the purview of the Ministry, nor required for adjudication of the Application.
31. On pp. 9 to 11 of the letter report, GWS refers to the Determining the Likelihood of Hydraulic Connection: *Guidance for Determining the Effect of Diversion of Groundwater on Specific Streams* which is at Tab 16 of the Respondent's List of Documents, attached as Exhibit "B" to this Affidavit. This is another guidance document that is also used in our daily work. This document at p. 2, indicates that assessing the likelihood of hydraulic connection must be done by the decision maker and that the level of probability of such a connection is to be "based on evidence that directly links connection between the pumping well to the stream" Further, at p. 3, this document indicates that "Aquifer type is based on geology, a

primary factor governing hydraulic connection”, where staff knowledge of the hydrology and hydrogeology of the area, based on their experience, plays a role. The approach taken in connection with the Application is consistent with this document. In particular, the matrix (Table 1 on page 4) in this guidance document confirms that hydraulic connection to a stream is unlikely for Type 4B aquifers that are confined sand and gravel aquifers, such as Aquifer 408.

Conclusion

32. I was, and remain, satisfied with the Groundwater Technical Report and its recommendations, and that the review was consistent with standard Ministry policy and guidance when adjudicating groundwater licence applications. I am satisfied that there is sufficient water availability in Aquifer 408 to meet the requested volume in the Application, that the long-term stability of Aquifer 408 will not be affected by the allocated volume, and that impacts to existing users and to the environment will be negligible.

AFFIRMED BEFORE)
ME at Nanaimo, British Columbia)
on May 22 2018.)
)
A commissioner for taking)
affidavits for British Columbia)



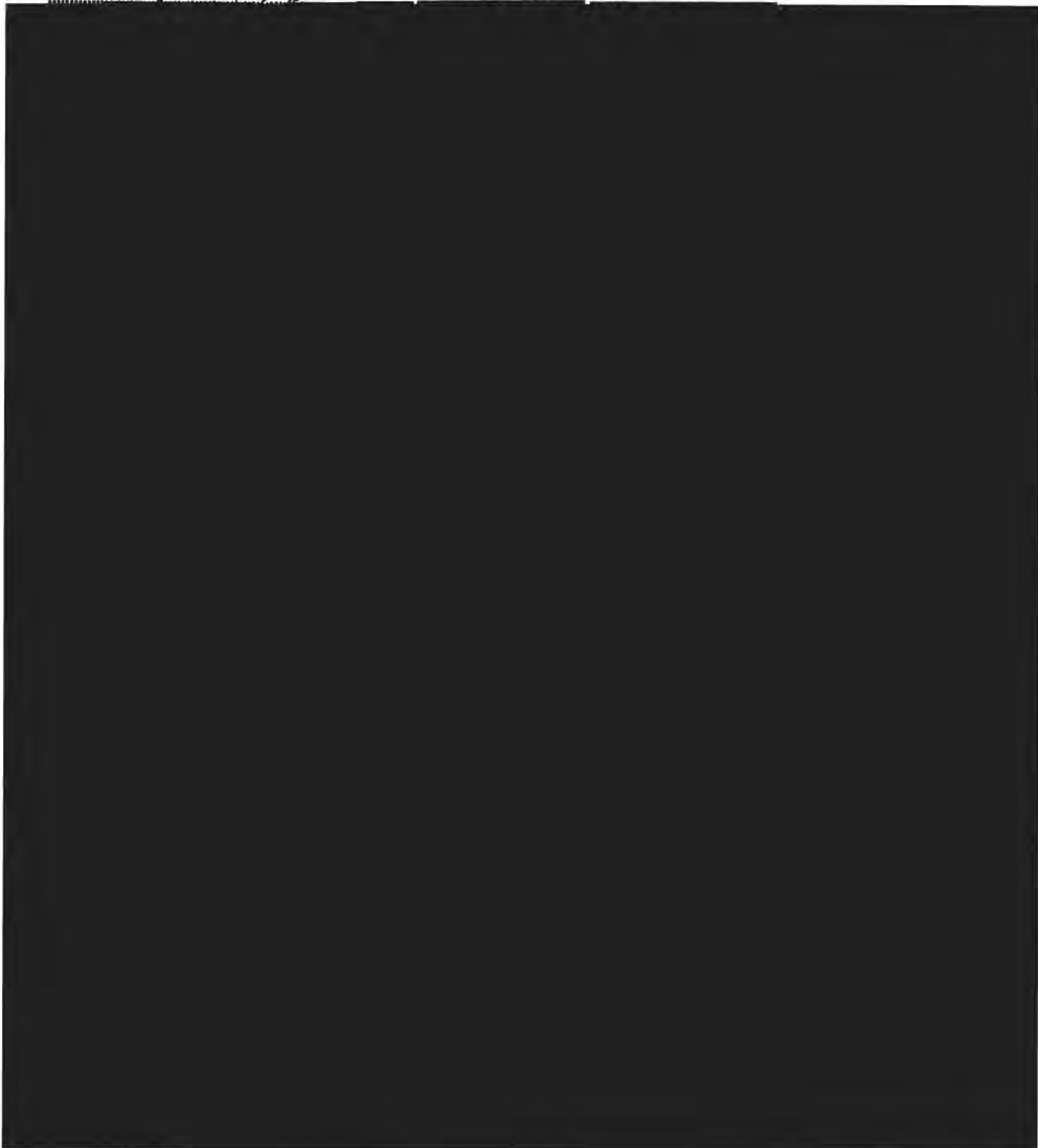
DAVID ROBINSON, RFT

This is Exhibit "A" referred to in the
affidavit of DAVID ROBINSON

affirmed before me at NANAIMO
in the Province of British Columbia

this 22 day of MAY 2018
[Signature]

David Robinson, RFT



3360-20 / RZ 2C 18
Dir WEB
R. Dyson
A. Mullaly
B Chow

This is the 1st affidavit
of Dennis Lowen in these
proceedings and was made on May
2, 2018

EAB Appeal No. 2018-WAT-001

ENVIRONMENTAL APPEAL BOARD FOR BRITISH COLUMBIA

**In the matter of an appeal under the *Water Sustainability Act*,
S.B.C. 2014, c.15**

BETWEEN:

BRUCE GIBBONS

APPELLANT

AND:

**ASSISTANT WATER MANAGER,
*Water Sustainability Act***

RESPONDENT

**CHRISTOPHER SCOTT MACKENZIE and
REGULA HEYNCK**

THIRD PARTIES

AFFIDAVIT

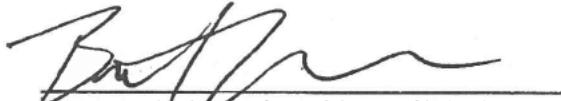
I, DENNIS LOWEN, Certified Hydrogeologist, of [REDACTED]
British Columbia, MAKE OATH AND SAY AS FOLLOWS:

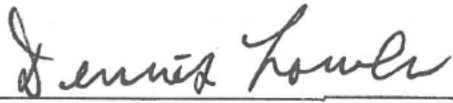
1. I am a professional Hydrogeologist, and as such have personal knowledge of the facts and matters hereinafter deposed to, except where same are stated to be on information and belief, and where so stated I verily believe them to be true.
2. I was retained by counsel for the Third Parties to review the available data and hydrogeology analysis and explain what they mean for the potential relationship between the Appellant and Third Parties' well in the above noted proceedings.

3. Attached to this my Affidavit as **Exhibit "A"** is a true copy of my Curriculum Vitae.

4. Attached to this Affidavit as **Exhibit "B"** is my report completed on May 2, 2018 wherein I gave my opinion, which I now confirm, that no measurable impact will occur at the Appellant's well as a result of the issuance of Conditional Water Licence 500169.

SWORN BEFORE ME at Victoria, British)
Columbia, this the 2nd day of May, 2018)



A Commissioner for taking Affidavits
for British Columbia.)


Dennis Lowen

BRENT D. RYAN
Barrister & Solicitor
FARRIE, VAUGHAN, WILLS & MURPHY LLP
2nd Floor - 1005 Langley Street
Victoria, BC
V8W 1V7

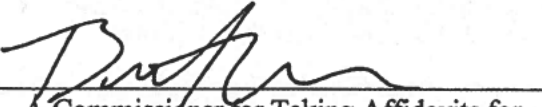
Exhibit A - Curriculum of David Lowen has been removed

This is **Exhibit "A"** referred to in the Affidavit of David Lowen sworn before me at Victoria this 2nd day of May, 2018.



A Commissioner for Taking Affidavits for
British Columbia

This is **Exhibit "B"** referred to in the Affidavit of David Lowen sworn before me at Victoria this 2nd day of May, 2018.


A Commissioner for Taking Affidavits for
British Columbia

May 2, 2018

LHC Project File: 1810

Farris, Vaughan, Wills & Murphy LLP
3rd Floor, 1005 Langley St.
Victoria, BC
V8W 1V7

Attention: Sean Hern

Dear Sir.,

Re: Gibbons v. Dec. 21, 2017 Decision of Assistant Water Manager to issue Groundwater CWL500169 for bottling purposes, EAB Appeal File 2018-WAT-001 - Review of Groundwater Technical Report (November 20, 2017)

1.0 INTRODUCTION AND QUALIFICATIONS OF THE AUTHOR

In April 2018 we were requested by Farris, Vaughn, Wills and Murphy LLP to review the available data, hydrogeology analysis and explain what they mean for the potential relationship between the appellant and licence-holder's well.

The author, Dennis Lowen is a Professional Engineer and Professional Geoscientist registered in British Columbia. He has 45 years of professional experience working in the field of Hydrogeology. His primary experience is in groundwater assessments, exploration and development of groundwater resources, aquifer mapping and hydrogeology studies. He has worked in Western Canada and internationally in ten different countries mainly Africa, South America, Asia and Caribbean. Since 1978 he has worked in all the regions of British Columbia employed by the BC Ministry of Environment (MOE - Groundwater Section) and consulting firms. He has completed contracts for MOE involving Aquifer Mapping for over half of the 1,000+ aquifers mapped in B.C. to date. Mr. Lowen has worked extensively in the Comox-Courtenay Region and completed a groundwater resource assessment for the entire Comox Valley Regional District (Lowen, 2010). Mr. Lowen is a Qualified Professional as defined by the BC Ministry of Environment and has provided Expert Witness testimony in several EAB Hearings and before the Supreme Court of BC.

There is an extensive volume of existing data that has been used to assess the impact of the proposed well development. The subject Well (Well Tag Number (WTN) 111987) is completed in the Comox-Merville Aquifer #408 encompassing 147.7 Km² in area extending from Comox Harbour to 10 km north of Merville. There are over 1261 well records available to help define the aquifer characteristics. One observation well has continuous water level records for the aquifer covering the last 17 years. Many groundwater studies have been carried out in the region and the subject aquifer, Quadra Sand layer, has been closely studied. Climate, stream flow measurement, geology, soils and well pumping test data are available for this Aquifer.

2.0 FINDINGS

2.1 Methodology

The hydrogeological science underpinning the EAB Decision is contained in the Groundwater Technical Report (GTR) prepared by the Ministry of Forests, Lands and Natural Resource Operations (FLNRO). The report is signed and dated as; Tanya Dunlop, Nov. 20, 2017. The GTR was produced to assess the merits of a water licence application summarized as follows:

- The proponent proposes to sell bottled fresh water using his artesian flowing well with daily and annual quantities limited to; 10 m³/d and 3650 m³/year.
- The well is located on Sackville Road in Merville, B.C. and taps into Aquifer #408 (B.C. M.O.E. Aquifer Mapping).
- The Well (WTN 111987) is flowing artesian and no pumping is required to produce the anticipated water production volume.
- The Aquifer #408 is a sand and gravel (unconsolidated) type and is confined by overlying low permeability soils. The aquifer covers an area of 147.7 Km².
- The well water quality is potable and the Ministry of Health requirements can be met for Water Source Approval.
- The aquifer is confined and no surface water impacts are likely plus the relatively small flow volume will limit impacts on neighboring wells.

The methodology used to assess the feasibility and impacts of the well use proposal are outlined in; *"Guidance for Technical Assessment Requirements in Support of an Application for Groundwater Use in British Columbia, B.C. Ministry of Environment, Todd et.al., 2016"*.

This guidance document provides a preliminary screening tool which assesses the level of study needed considering; quantity of groundwater diverted, type of aquifer supplying the water and the potential for impacts to other users. The GTR uses this screening tool and concluded that a Desktop Study would be appropriate for the assessment. In our opinion this was the correct approach and conclusion.

2.2 Desktop Study

To assess the impact on neighboring wells FLNRO modelled the aquifer water level response to the proposed diversion using estimated aquifer parameters and Jacob's Approximation Method. The Jacob method is a standard hydrogeology analysis in use since 1940. The aquifer parameters used in the analysis are:

- Aquifer Transmissivity = 250 m²/d
- Aquifer Storativity = 0.005
- Time "t" = 100 days

According to studies of the Quadra Sand Aquifer (Carmichael, 2013) a geometric mean (similar to average) value for transmissivity is 269 m²/d, therefore the 250 m²/d estimated value is reasonable. The storativity value of 0.005 is reasonable and within the expected range (Freeze, 1979). The 100 days time frame is used as standard practice as the aquifer will likely reach a "steady state" condition in that time.

The analysis determines a water level lowering (drawdown) of 0.02 m. at the nearest neighboring well (150 m. offset) which represents 0.07% (noted as 0.001% in GTR in error) of the estimated available drawdown of 27.7 m. We concur with this analysis and in our opinion, no existing wells will be significantly impacted by the proposed groundwater withdrawal. It should be noted that the appellant in this matter has a well located 350 m. away from the subject well. At this separation distance, no measurable impact would occur.

3.0 CONCLUSIONS

The FLNRO Groundwater Technical Report reviewed has been found to be sound and accurate considering the following:

- The methodology used is the accepted standard for hydrogeology analyses in B.C.
- A significant volume of existing data and analysis is available to carry out the subject study.
- The method of estimating drawdown impacts used is standard and in-use since 1940.
- The aquifer characteristics (parameters) utilized are confirmed to be appropriate.
- The proposed groundwater withdrawal is not a significant stress on the aquifer.
- No neighboring wells will be significantly impacted by the proposed groundwater use.

If you have any questions or require any further information, please contact the undersigned.

Best regards,

LOWEN HYDROGEOLOGY CONSULTING LTD.


Dennis A. Lowen, P. Eng. P. Geo.
DL/MD/16



The seal is circular with 'PROFESSIONAL ENGINEER' around the top and 'BRITISH COLUMBIA' around the bottom. In the center, it reads 'D. A. LOWEN' and 'PROVINCE OF' above it.

References

- Carmichael, V., *Compendium of Re-evaluated Pumping Tests in the Regional District of Nanaimo*, B.C., M.O.E., February 2013
- Freeze, R. A.; Cherry, J., 1979; *Groundwater*, Prentice Hall, Englewood Cliffs, N.J., USA.
- Jacob, C. E., 1940; *On the Flow of Water in an Elastic Artesian Aquifer*, Trans. Amer. Geophysics. Union, p. 574-586
- Lowen, D. A., *Regional Water Supply Strategy (Groundwater Component)*, Comox Valley regional District, LHC, May 2010.
- Todd, J.; Wei, M., Leptre; *Guidance for Technical Assessment Requirements in Support of an Application for Groundwater Use in British Columbia*, B.C. Water Science Series No. 2016-08, 2016.

3360-20 / RZ 2C 18
Dir WEB
R. Dyson
A. Mullaly
B Chow

This is the 1st Affidavit of
Sylvia L. Barroso in these
proceedings and was made
on 22/05/2018

Appeal File: 2018-WAT-001

ENVIRONMENTAL APPEAL BOARD

In the matter of an appeal under the *Water Sustainability Act*,
S.B.C. 2014, c. 15

Between

Bruce Gibbons

Appellant

And

Assistant Water Manager,
Water Sustainability Act

Respondent

And

Christopher Scott MacKenzie and Regula Heynck

Third Parties

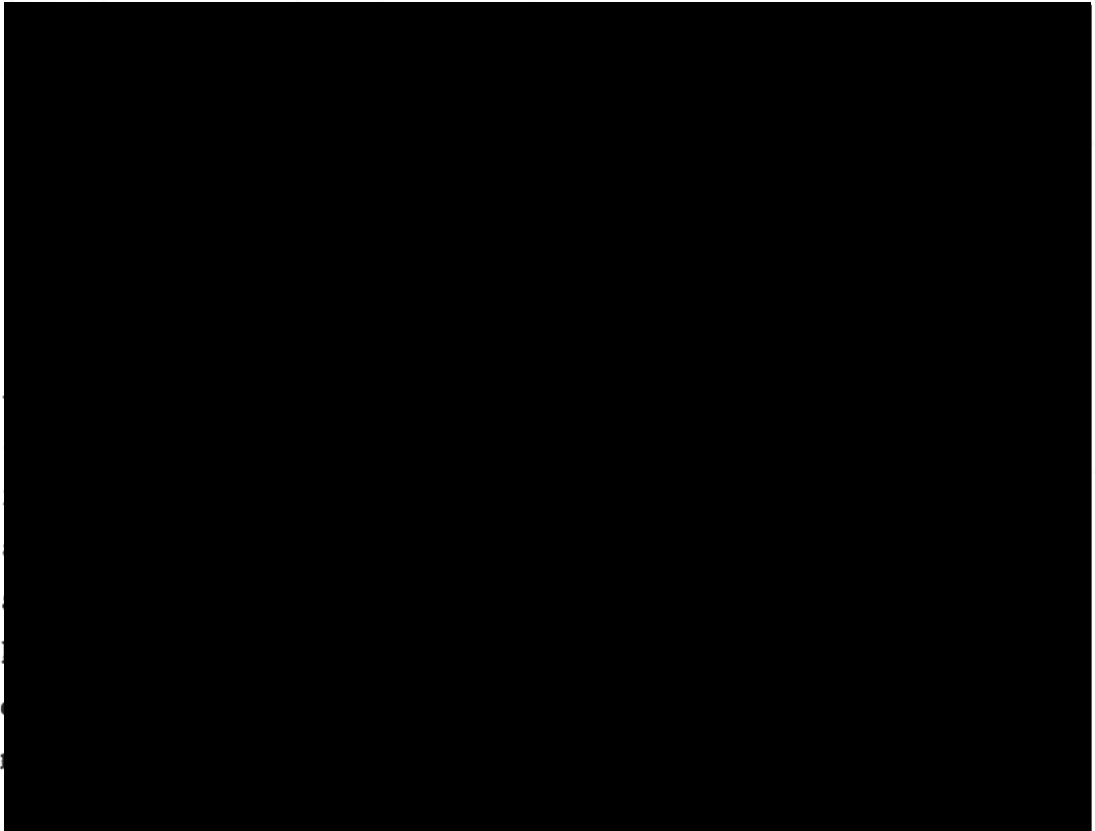
AFFIDAVIT

I, Sylvia L. Barroso, of [REDACTED], Province of British
Columbia, AFFIRM THAT:

1. I am a Regional Hydrogeologist, West Coast Region, Regional Operations Division - Coast Area, of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (the "Ministry") and as such I have personal knowledge of the facts and matters hereinafter deposed, except where same are stated to be on information and belief, and where so stated I verily believe them to be true.

Qualifications

2.



3.



Legislative framework and policy guidance

4. The *Act* and its *Regulations* are designed to protect BC's groundwater supply and provide the legal basis for the Ministry's management of the diversion and use of water resources by the public.
5. The *Act* and the *Groundwater Protection Regulation* provide standards for well construction, operation, alteration, maintenance and closure, to ensure protection of wells and aquifers in BC.
6. *The Guidance for Technical Assessment Requirement in Support of an Application for Groundwater Use in British Columbia* (the "*Guidance*") is a water-focused technical publication for use by the BC government and scientific partners who work in collaboration with provincial staff. The Ministry of Environment, Water Protection and Sustainability Branch, developed the *Guidance* document and published it in 2016 to promote greater consistency in technical assessments and more timely decisions on authorization applications for proposed groundwater diversion and use. The document provides guidance to determine whether a technical assessment may be required and, if so, what the appropriate level of detail is to support an application (whether a desktop study is sufficient or whether a field based study is required). The water officer and statutory decision maker may, depending on the facts of each case, require additional or alternate information in support of an application in comparison to what may be advised within the *Guidance* document. Similarly, the *Guidance* document is not meant to replace the advice and judgement of a qualified professional, to determine the appropriate methods to be utilized within field data collection and hydrogeologic evaluations undertaken in relation to an application. A true copy of the *Guidance* document is found at Tab 17 of the Respondent's List of Documents, which materials are attached as Exhibit "B" to the May 22, 2018 Affidavit of David Robinson.

Ministry consideration of the application for a groundwater licence

7. Starting in approximately May 2017, I was involved in the review of Groundwater Licence Application 104026 for an authorization under the *Act* (the "Application") submitted by Christopher Scott MacKenzie and Regula Heynck (the "Applicants") to divert groundwater for industrial purpose (fresh water bottling). This was a request for authorization of groundwater diversion and use from a pre-existing well located on the Applicants' property with artesian flow at roughly 15 gallons per minute and described as WTN 11198 (the "Well"). The Applicant's property is in the Comox Land District, with PID 002-904-713, and is within the unincorporated community of Merville, British Columbia. The term "artesian" refers to the natural upward movement of water under hydrostatic pressure in material beneath the earth's surface.
8. I have reviewed the Ministry file materials related to the Application and the Decision to issue Groundwater Conditional Water Licence 500169, which were listed in the Respondent's List of Documents and were provided to the Environmental Appeal Board and the other parties on April 25, 2018 (and by electronic copy on April 26, 2018).
9. Attached as Exhibit "B" to the May 22, 2018 Affidavit of David Robinson are true copies of the documents from Ministry files, listed in Volume 1 of the Respondent's List of Documents (herein referred to as the "Respondent's List of Documents"). Volumes 2 and 3 of the Respondent's List of Documents (previously circulated) consist of background data for the graph depicting Static Water Levels Observation Well 351 – Aquifer 408, which graph is found at Tab 18 of Volume 1 of the Respondent's List of Documents.
10. A true copy of the Application is found at Tab 1 of the Respondent's List of Documents. In that Application, the Applicants requested that 3650 cubic metres

of water per year be diverted from Aquifer 408 by the Well. The works to be authorized were the Well a pipe and a "self-serve" bottling facility.

11. With respect to the Application and the November 21, 2017 Decision to issue Groundwater Conditional Water Licence 500169 that is the subject of this appeal (the "Decision", found at Tab 13 of the Respondent's List of Documents), my role was to review and provide advice to the statutory decision maker on technical issues. This included input in relation to specific documents (as listed in the Respondent's List of Documents, particularly Tabs 3 to 12 and Tab 18) and assistance with calculations, such as the estimate volume of Aquifer 408; analysis of long term groundwater level trends in the area; analysis of groundwater level data from Observation Well #351 (located 12 km south-east of the Well and within Aquifer 408); and determination of any potential impact due to pumping of the Well on groundwater levels within neighbouring wells, taking into account their distance from the Well.
12. In providing technical input to the Ministry and the statutory decision maker under the Act, my professional opinion is reflected by the conclusions of the Groundwater Technical Report (Tab 12 of the Respondent's List of Documents) related to a supply and demand analysis for Aquifer 408, including from the Well and other wells. My opinion was based on review of the available information, including the aquifer description, the inventory and spatial analysis of registered wells within the mapped aquifer area, geological and surficial and subsurface lithological information from the well construction records and other sources, modelling and numerical analysis of drawdown (Tab 10 of the Respondent's List of Documents), estimated groundwater usage and supply in the aquifer, and evaluation of long-term aquifer conditions utilizing data from the existing Observation Well #351.
13. Specifically, in connection with the Groundwater Technical Report (Tab 12 of the Respondent's List of Documents), my conclusions were that:

- a. The approach taken in this Report is consistent with Ministry policy described in the Guidance (Tab 17 of the Respondent's List of Documents). The Guidance provides the explanatory context for why a pumping test was not required for this Application;
- b. Anticipated impact on adjacent users as a result of well operation is minimal. Using data from the BC WELLS database, the closest known wells to the Well were 150 m away. The estimated groundwater level drawdown as a result of the Well pumping at the licence rate, was modelled within an MS Excel based analytical tool that utilizes the Jacob method, a standard methodology suitable for use in confined aquifers, using empirical values for the properties of aquifers of this sub-type. The model showed that the anticipated drawdown of groundwater levels in the closest neighbouring wells would be in the range of 0.02 m. This amount is significantly less than the estimated safe available drawdown within these wells;
- c. There is sufficient water availability in the aquifer, in comparison to estimated existing demands, and long-term groundwater levels in the aquifer are stable. Over a 14 year period of review the trend of changing groundwater level was increasing by 2.3 cm/year. Based on this data, the groundwater levels in the aquifer are considered stable, defined as when groundwater levels are increasing or have declined by less than 3 cm/year over time. Therefore, based on data from Observation Well #351, there is no indication of aquifer stress;
- d. Within the geographic area of the Well, Aquifer 408 is confined by a relatively thick (22 m) layer of hard, grey till, which would significantly inhibit the vertical movement of groundwater between the upper higher permeability layers, and the lower confined aquifer. Due to this confinement, the aquifer is not likely hydraulically connected to adjacent

streams and, therefore, there are no anticipated negative impacts on environmental flows within these ecosystems.

14. As noted in the Groundwater Technical Report (Tab 12 of the Respondent's List of Documents), given the large water volume and annual recharge within Aquifer 408 and the small volume requested by the Applicants, it is my opinion that the Aquifer 408 is able to meet the demand associated with the Application without interference with the closest neighbouring wells that draw on Aquifer 408. No information (spatial coordinates, depth, construction lithology) has been provided with respect to Mr. Gibbon's well, in order to assess whether it is constructed within the same aquifer. Mr. Gibbon's property is approximately 350 m distance from the Well. Therefore, the relative drawdown within a well at that distance, if constructed within the same aquifer, is likely to be less than the 0.02 m drawdown previously estimated for wells on the closest adjacent properties (150 m distant). Based on the information I have reviewed, no physical impact to Mr. Gibbon's land is anticipated as a result of operation of the Well under conditions of the Licence.

Response to Dr. Wendling's letter

15. I have reviewed the 14 page letter-report of Gilles Wendling, Ph.D., P.Eng., and a 4 page appendix of conditions and limitations, dated May 15, 2018, submitted by Mr. Gibbons to the Environmental Appeal Board in this matter. I have also reviewed the letter report of Dennis Lowen, of Lowen Hydrogeology Consulting Ltd., dated May 2, 2018, with title "...Review of Groundwater Technical Report (November 20, 2017)." Attached as **Exhibit "B"** is a true copy of my response to Dr. Wendling's letter.

Conclusion

16. The Groundwater Technical Report (Tab 12 of the Respondent's List of Documents) and analyses completed in respect of the Application and Decision were consistent with standard hydrogeologic assessment methods and FLNRORD policy guidance. Water quantity within Aquifer 408 is considered adequate to meet estimated existing demands, including the Licence demand associated with the Well. Impacts from operation of the Well on adjacent groundwater users and freshwater ecosystems are not anticipated or are negligible.

AFFIRMED BEFORE)
ME at Manawald....., British Columbia)
on May 22, 2018.)
)
A commissioner for taking)
affidavits for British Columbia)

)
SYLVIA L. BARROSO, MSc, P.Geo



This is Exhibit "B" referred to in the affidavit of Sylvia L. Barkas affirmed before me at Nanaimo in the Province of British Columbia this 22 day of May, 2018

[Signature]
 A Commissioner for taking Affidavits
 Within the Province of British Columbia

May 22, 2018
 File: 20004026

David Robinson, Senior Authorizations Officer / Assistant Water Manager
 Forests, Lands, Natural Resource Operations & Rural Development
 2100 Labieux Road
 Nanaimo, B.C. V9T 6J9

Re: *Water Sustainability Act* Appeal – Gibbons and the November 21, 2017 Decision of the Assistant Water Manager to issue Groundwater Conditional Water Licence (CWL) 500169 for bottling purposes: Appeal File: 2018-WAT-001

Further to your request, this letter is to provide clarification of aspects of the technical review process undertaken in respect of a water licence application and related adjudication which resulted in the decision to issue CWL 500169, as well as my review and comment on the May 15, 2018 letter report of Dr. Gilles Wendling, GW Solutions Inc. ("GWS"), "*Review of the New Groundwater Application process for a proposed water bottling facility in Merville, BC (application by Christopher MacKenzie and Regula Heynck)*." Also, I have reviewed the May 2, 2018 letter report of Dennis Lowen, Lowen Hydrogeology Consulting Ltd. ("*...Review of Groundwater Technical Report*").

I am a Regional Hydrogeologist, West Coast Region, Regional Operations Division - Coast Area, of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (the "Ministry" or FLNRORD). My Curriculum Vitae, which describes my expert qualifications, is attached to my Affidavit of May 24, 2018 as Exhibit A. This letter and the opinions expressed herein are provided with the Respondent's rebuttal submissions to the Environmental Appeal Board. I am basing my opinions on my personal knowledge of the facts and matters contained in Ministry file materials on the application and decision, which materials are attached as Exhibit "B" to David Robinson's Affidavit in this matter (herein referred to as "Exhibit B"), in addition to the following documents: Environmental Monitoring BC State of Environment Reporting (<http://www.env.gov.bc.ca/soe/indicators/water/groundwater-levels.html>).

Responses to Dr. Wendling's Concerns Associated with FLNRORD's Review

1. On p. 8 GWS is concerned that the Aquifer Classification Worksheet for Aquifer 408 as an information source "...does not adequately represent the present aquifer conditions and use...". The aquifer worksheet was utilized primarily to understand the stratigraphic and lithological context of the aquifer and overlying confining materials. The limitations of the qualitative information provided in the aquifer worksheet and temporal relevance are well understood, and these data were considered in conjunction with other available

May 22, 2018

information, including spatial analysis of contemporary data, and quantitative estimation of water availability and well operational impacts.

- a. Specifically, the statistics on well number, type of use, and estimated groundwater extraction volume for domestic supply within the Groundwater Technical Report (Tab 12, Exhibit B), Section 6. Water Balance Table (p.6), were based primarily on GIS analysis of currently available registered well records in the WELLS database, and understanding of present land use. The statistics within the aquifer worksheet were not relied upon for the analysis of contemporary conditions within the Groundwater Technical Report.
 - b. The failure to report aquifer flowing artesian conditions in the aquifer worksheet is a minor consideration and did not influence the Groundwater Technical Report review.
2. On p. 8, GWS states that data from Observation Well #351 are not representative of aquifer conditions in the area of the licensees' Well, including artesian conditions in the area. Observation Well (OW) #351 is located 12 km to the southeast of the Well. Although a detailed well construction record is not available for OW #351 (Well Tag Number 81653), field measurements confirm that OW #351 is 24 m deep. Adjacent drilled wells range in depth from approximately 21 m (70 ft) to 32 m (105 ft), are constructed in sand and gravel, and many of the wells report the presence of confining sediments such as clay or till overlying the aquifer. Based on this information it is concluded that OW #351 is constructed in the same aquifer as the Well. OW #351 has a long-standing (17 year) record that represents relative seasonal and inter-annual fluctuations in groundwater level in response to climatic signals and groundwater use within Aquifer 408. Environmental Reporting BC evaluated the long-term hydrograph data from a 14 year period and indicate that the trend of changing groundwater level was +2.3 cm/year (increasing). Based on this data the groundwater levels in the aquifer are considered stable, defined as when groundwater levels are increasing or have declined by less than 3 cm/year over time. While FLNRORD continues to expand their monitoring network in priority areas, OW #351 data is considered to provide reliable information on aquifer conditions in the area of the licensees' Well.
 3. On p. 9, GWS discusses general considerations for determining hydraulic connectivity between groundwater and surface (stream) water. The critique provided by GWS in this section is based on theoretical conditions, and not substantiated by review of the actual data in this location. This aspect is described in Groundwater Technical Report (Tab 12, Exhibit "B"), under Section 12. Impact on Connected Stream(s) and Surface Water Users (p.9). Based on the available well construction records within 1 km radius of the Well, and the lithological information provided in the construction record for the licensees' Well, 20 out of 23 wells in this area have a confining layer, described as hard till, silt or clay with a median thickness of 22 m. The closest streams to the Well are four unnamed tributaries to Kitty Coleman Creek, located from 200 to 535 m to the northeast (based on 1: 20, 000 TRIM mapping), which are considered too small to have incised through the substantive till confining layer in this area, and therefore unlikely to be hydraulically connected.
 4. On p. 11 GWS postulates that upward vertical migration of groundwater through a leaky aquitard, and artesian flow to the surface could be a source of recharge to adjacent surface water bodies or wetlands. As stated previously, the registered wells in this area

May 22, 2018

consistently report a thick, hard grey till layer approximately 22 m thick. In some instances evidence of upward vertical migration or a discharge zone is indicated by the presence of springs. Although there may be unlicensed springs that FLNRORD staff are unaware of, the closest licensed spring is greater than 3 km to the north-northeast from the Well. Considering the small volume of the licence, the investment in investigative field based study to evaluate the presence of springs in this area is not warranted, nor is hydraulic connection anticipated.

Response to Dr. Wendling's Concerns with Respect to Integrity of the Artesian Well

- On p.12 GWS reproduces the content from the Well Inspection Report (Tab 6, Exhibit B, p. 2) suggesting that the "...well is not sealed to the confining layer, and.... there is elevated risk of aquifer leakage, upward movement of flow outside of the well casing and sub-surface [sic] erosion..." The question is then posited regarding whether remedial action was taken to address the leakage or to adequately seal through the confining layer.

Based on the details within the Well Construction Report containing construction record for the Well (Tab 2, Exhibit B), I interpret the confining layer ("*hard grey till and silty gravel with small sand layers*") as first being encountered at 3.4 m (11 ft). The bentonite surface seal is described as being emplaced from 0 to 4.8 m (0 – 16 ft), into the till layer; therefore I believe that the statement made in the Well Inspection Report (Tab 6, Exhibit B, p. 2), that the surface seal did not extend into the confining layer, may have been erroneous or based on an alternate interpretation of the well construction record.

However, the Well Inspection Report confirmed that the Well was in compliance with standards in the *Water Sustainability Act* (WSA) and Groundwater Protection Regulation (GWPR, Part 3, Division 3 – Surface Seals), including with respect to control of artesian flow (WSA S. 52 and 53). The extension of the casing to 3 m (10 ft) above ground following initial well construction was effective in containing the artesian flow and preventing it from flowing in an uncontrolled manner. The Well Inspection Report (Tab 6, Exhibit B, p. 2) further indicated that there was "*...no sign of leakage at ground surface or from casing and water flows clear...*", which suggest that there was no concern about vertical leakage around the well casing at the time of inspection; it is believed that the second statement made under Requirements, p. 2 of the Well Inspection Report regarding "*...elevated risk of aquifer leakage...*" referred to preventive aspects and directives if the state of the Well were to change in future.

I further note that the GWPR standards for surface seal installation are designed to protect the well and aquifer from vertical downward migration of contaminants along the annulus between the well casing and surrounding sediments. Apart from the artesian flow provisions already discussed, there are no specific standards in the GWPR with respect to sealing the annulus of an artesian well into an aquitard layer at depth, although there are specialized approaches for casing and sealing emplacement that may be proposed by a qualified professional with respect artesian well design and construction under conditions of higher confining pressure, typically greater than observed in this case.

May 22, 2018

Other Claims & Affidavit Evidence

- 6. I was unable to verify anecdotal reports contained in Mr. Gibbon's affidavit pertaining to possible interference between wells in this area. It is noted that Portuguese Creek is outside of the technical assessment area of 1 km radius from the Well, based on the 1:20,000 scale TRIM mapping of this area, which was the criteria for review in the Groundwater Technical Report (Tab 12, Item 11).
- 7. I concur with the conclusions made by Dennis Lowen, P. Geo, that the proposed groundwater withdrawal will not cause stress on the aquifer. Further as previously noted impacts on known adjacent wells are not anticipated or are negligible.

Closure

The conclusions outlined above are based on review of presently available materials including, as first noted above, Ministry file contents, as well as the reports and submissions made on behalf of Mr. Gibbons and the Third Parties (Licensees Christopher MacKenzie and Regula Heynck). Thank you for the opportunity to provide comment in this regard.

Sincerely,



Sylvia L. Barroso, MSc, P. Geoscientist
Regional Hydrogeologist

3360-20 / RZ 2C 18

Subject: FW: Update - Petition
Attachments: Complete BC Petition.docx; ATT00001.htm

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]
Sent: June 13, 2018 8:41 AM
To: bjolliffe <bjolliffe@comoxvalleyrd.ca>; rodnichol@shaw.ca
Cc: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Fwd: Update - Petition

FYI
Edwin

Sent from my iPad

Begin forwarded message:

From: Bruce Gibbons
Date: June 12, 2018 at 10:09:18 AM PDT
To: Nicole Poirier
Subject: Update - Petition

Hi everyone. Just to let you know I have a meeting scheduled for Saturday June 16th with BC Green Party MLA Sonia Furstenau. I only have 30 minutes, so I will use them wisely to ask for her backing in our campaign, ask for her help in pushing our campaign to the BC Government and asking for her advice for moving our campaign forward, based on her experience and success with big environmental issues.

Also, we will have a table at the Comox Valley Farmer's Market this Saturday, June 16th. We will have two petitions for people to sign. One addressed to the Comox Valley Regional District asking them to deny the rezoning application for the Merville water bottling site, and a second petition to the BC Government asking them to stop approving groundwater licences for bottling and commercial sale of the water from our aquifers.

Please drop by the Farmer's Market to sign the petition(s), and please share this information and encourage your friends and family to sign the petition(s).

If any of you are interested in helping we would encourage you to print the BC Government petition and take it door to door, or to friends and family to obtain signatures. In the coming days we will also be finding a few sites around the Comox Valley to obtain signatures. We are in the process of identifying sites, and obtaining permission where necessary. If you have any suggestions for sites, or are aware of any upcoming events we could take advantage of please let us know.

If you obtain signatures on a petition, there are several rules we must follow for the petition to be considered valid.

- each page of signatures must have the text of the petition at the top of the page, so you must print page 2 of the petition for each new page of signatures
- all information must be completed, including full address
- signatures must be in ink
- petitioners must be residents of BC
- petitioners must be 18 years or over

If you do obtain signatures on a petition please send us an email and we will make arrangements to get those pages from you.

We are looking forward to your feedback on the petition and look forward to seeing you at the Farmer's Market this Saturday, or at one of the petition sites to be advised when we set something up.

Thanks for your support.

Bruce

To the Honourable the Legislative Assembly of the Province of British Columbia, in Legislature Assembled:

The petition of the undersigned, residents of the Province of British Columbia, states that:

Water is a necessity of life. In British Columbia we are blessed with an abundance of freshwater. The job of the provincial government is to enact laws and govern the province for the good of all its people. The government of British Columbia needs to protect and conserve our groundwater aquifers for the benefit of all the people of British Columbia. The government needs to stop approving groundwater licences for bottling and commercial sale that benefit only a few individuals and corporations, while putting the water security of thousands of other British Columbians at risk. We just experienced the driest month of May on record, and over the past few years we have experienced longer, hotter, and drier summer drought periods. In the face of this climate change, and in the face of population growth our groundwater aquifer resources are under increasing pressure and people who rely on those aquifers for their only source of water are concerned about their wells running dry. The government must take firm measures to protect and conserve our groundwater aquifers for the people of British Columbia who they serve now, and for our children and grandchildren in the future. The people of British Columbia must demand that the provincial government of British Columbia take immediate action to stop approving groundwater aquifer licences for bottling and commercial sale to ensure we all have access to good, clean water for our personal needs, to grow our backyard gardens and to supply the farms that grow our food.

Your petitioners respectfully request that the Honourable House immediately stop approval of groundwater licences under the Water Sustainability Act for the bottling and commercial sale of groundwater from our aquifers.

3360-20 / RZ 2C 18

Subject: FW: Water Bottling Application in Melville

From: Edwin Grieve [mailto:edwingrieve@shaw.ca]
Sent: Sunday, March 4, 2018 8:00 PM
To: Helen Boyd
Subject: Re: Water Bottling Application in Melville

Helen

Thank you for your interest. This project is being presented to the Electoral Services Committee tomorrow morning at 10:00.

The recommendation from staff is to "refer" this application out for comment.

Edwin

Sent from my iPad

> On Mar 4, 2018, at 5:51 PM, Helen Boyd wrote:
>
> Hello Edwin,
>
> The following is to state my opposition as a citizen of the Comox Valley to the above application that will be discussed at the March 5th meeting of the CVRD.
>
> I am now dedicated to issues of sustainability in the Comox Valley. I do not think that a bottling company that taps into the Aquifer that is used by neighbouring farmers and residents is a sound way of managing this precious resource. In addition, I understand that this application is not in compliance with the OCP. I urge you to please vote against the requested rezoning.
>
> In addition, it is not logical to encourage the use of single use plastic when only 1:4 bottles is recycled. We, as tax payers are seeing large amounts of funds invested towards a Water Treatment Facility surely we want our communities to trust in the quality of our tap water rather than bottled water.
>
> I would be pleased to meet with you to discuss this issue further.
>
> Sincerely,
>
> Helen Boyd
> Member of Canadian Nurses for Health & Environment

3360-20 / RZ 2C 18

Subject: FW: from Peggy Carswell in northeast India.....

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]
Sent: Sunday, March 4, 2018 7:18 AM
To: bjolliffe <bjolliffe@comoxvalleyrd.ca>; rodnichol@shaw.ca
Cc: Russell Dyson <rdyson@comoxvalleyrd.ca>
Subject: Fwd: from Peggy Carswell

FYI from former Director
Edwin

Sent from my iPad

Begin forwarded message:

From: Edwin Grieve <edwingrieve@shaw.ca>
Date: March 4, 2018 at 7:16:54 AM PST
To: Peggy Carswell
Subject: Re: from Peggy Carswell

Peggy
Thank you for your kind words. This is the initial request to the EASC. Staff recommendation is to send out for referrals. There is much process left.
Edwin

Sent from my iPad

On Mar 4, 2018, at 1:26 AM, Peggy Carswell wrote:

Hi Edwin,

I'm able to get limited email access in the area I'm staying in, but did hear earlier today about a proposal that will be considered at the upcoming board meeting.

I won't be back in the valley until the end of March so won't be able to attend the meeting in person, but wanted to send along a short note to let you know that I do not support the idea of establishing a water bottling facility on Sackville Road. It sounds like a very bad proposition to me - and clearly to many others residing in Area C.

I lived on Sackville Road for a number of years before moving to the Tsolum River area, and understand the concern of people living in that immediate area in terms of the effect drawing down the aquifer would likely have on the local water supply.

A commercial water bottling facility just doesn't make sense. Hope I can count on your support to politely but firmly say "No".

I know from the 5 years I held this position that it can be a challenging and thankless job sometimes, but I think you're doing a good job and have the support of many people in Area C. Thanks for giving your time to our community.

Peggy Carswell
7040 River Avenue North
Merville

From: [Russell Dyson](#)
To: [Ann MacDonald](#); [Sylvia Stephens](#)
Subject: FW: Province issued licence for water bottling on sackville
Date: Monday, March 05, 2018 8:14 05 AM

Russell Dyson
 Chief Administrative Officer
 Comox Valley Regional District
 600 Comox Road, Courtenay, BC, V9N 3P6
 Tel: 1-250-334-6055
 Cell: 250 218-6270
 Toll free: 1-800-331-6007
 Fax: 250-334-4358

 Please consider the environment before printing this e-mail

From: Rodney Nichol [mailto:rodnichol@shaw.ca]
Sent: Sunday, March 4, 2018 12:19 PM
To: Russell Dyson <rdyson@comoxvalleyrd.ca>
Subject: Re: Province issued licence for water bottling on sackville

I do feel that the process should follow it's course, but I do feel that local residents should have been consulted and I have a problem with the Prov, not using us (CVRD) as a sounding board before issuing licences of any type, after all they expect us to deal with the public concern we are on the front line.

On 2018-03-03, at 9:32 PM, Russell Dyson wrote:

Please be measured in your consideration of this matter for two reasons:

1. Maintain integrity of rezoning process and your role as decision makers and;
2. FLNRO is issuer of our comox lake water license.

They FLNRO will be open to input and reflection on their process - we can comment on this, but we do not want to be seen as stirring the pot and making life difficult for the same people that are considering Comox Lake water needs.

Sent with Good (www.good.com)

From: Edwin Grieve <edwingrieve@shaw.ca>
Sent: Saturday, March 3, 2018 7:08:47 PM
To: Russell Dyson; [bjolliffe](mailto:bjolliffe@shaw.ca); rodnichol@shaw.ca
Subject: Fwd: Province issued licence for water bottling on sackville

FYI

Sent from my iPad

Begin forwarded message:

From: Ben Vanderhorst
Date: March 3, 2018 at 9:45:56 AM PST
To: Edwin Grieve <edwingrieve@shaw.ca>
Cc:
Subject: Re: Province issued licence for water bottling on sackville

Edwin

Some of us from CVFI will attend. We are circulating this info to the membership

Ben

Sent from my iPhone

On Mar 3, 2018, at 9:25 AM, Edwin Grieve <edwingrieve@shaw.ca> wrote:

This application for "rezoning" to accommodate the private water bottling company is the only lever of power available to Electoral Area Directors. The preliminary presentation will be at the EASC meeting 1000am Monday morning at the CVRD Boardroom.

The province has already issued a licence.

Our staff recommendation is to send it out to referrals. Of course there would be an public hearing for re-zoning should this move ahead.

Would be nice to have some support in the gallery

Edwin

Sent from my iPad

On Mar 2, 2018, at 4:51 PM, Harold and Judy wrote:

On 3/2/2018 3:11 PM, Edwin Grieve wrote:

Subject: Re: Province issued licence for water bottling on sackville

This is from this morning's EASC agenda so it is now public I would encourage as many people share it as possible. Would be great if we had people come to the meeting Monday morning. Irony is that we have just formed a committee to research sourcing water for agricultural use and got like \$80,000 from Ministry of Agriculture. Obviously Ministry officials in Victoria don't talk to people from other silos. With nearly one third of all ALR land on Vancouver Island in area "C" you would think food security would trump plastic water bottles. FLINRO have already issued the permit and looking to the Regional District to approve commercial zoning for the private company. This isn't like Rosewald "Glacier Water" in Fanny Bay where the plant is on the river and the watershed comes from the mountains. This is an agricultural area where people are on wells and some need water deliveries in the dry summer months. The impact is unknown. Aquifers take thousands of years to recharge....we need to do something.

Get the word out

Edwin

From: Edwin Grieve
<edwingrieve@shaw.ca>

Subject: Province issued licence for water bottling on sackville

Thought I would send you this application for rezoning on Sackville Rd.

FLINRO has already given this company a permit to extract groundwater to sell abroad.

They say that there is no need for aquifer maps or baseline science and that the CVRD should rezone the property to comply.

This sucks big time. I imagine that at EASC Monday we will refer this out to external agencies including our APC and or Ag. APC.

What about our water for agriculture?? The Crown rules.

Edwin

https://agendaminutes.comoxvalleyrd.ca/Agenda_minutes/CVRDCcommittees/EASC/05-Mar-

[18/c_20180223_Dyson_SR_RZ2C18_MacKenzie_Heynck_Introduction_Referrals.pdf](#)

<c_20180223_Dyson_SR_RZ2C18_MacKenzie_Heynck_Introduction_Referrals.pdf>

Sent from my iPad

Edwin,

When, where and how do we make our opinion heard? Does not FLINRO seek public input? Is this going in the press SOON. Is the site in the ALR. Who is behind it, corporately speaking? We are on the same aquifer and years ago dear old Bob Sieffert in his goodhearted attempt to keep Portuguese Creek flowing for the nine salmon drilled a well nearby and ran it 24/7. Several neighbours wells went dry from this and it was not a big industrial pump either.

Harold Macy\Merville

3360-20 / RZ 2C 18

Subject: FW: Proposed Water Bottling Plant in Merville

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]

Sent: Sunday, March 4, 2018 7:57 PM

To: Janet and Wayne

Cc: ronna-rae.leonard.MLA@leg.bc.ca

Subject: Re: Proposed Water Bottling Plant in Merville

Thanks Janet and Wayne

The recommendation of staff is to refer this out to external agencies.

Our only control lies in the rezoning of this property to allow the commercial activities to legitimize this activity.

Edwin

Sent from my iPad

On Mar 4, 2018, at 7:41 PM, Janet and Wayne wrote:

Greetings Representative Grieve,

We were appalled to see that there is a possibility of a water bottling operation on Sackville Road. It is rather amazing that provincial bureaucrats would give a conditional approval in spite of the recommendations of our CVRD.

To give such a conditional license without a proper study of the aquifer is ludicrous. To risk drawing down the aquifer and harming local agriculture and neighbourhood wells is irresponsible.

Please know that we have heard nothing but opposition to this proposal from all of our neighbours in Merville since this became known. We will strongly support our local GVRD in continuing to oppose this scheme by denying the zoning changes that are being requested by the proponents.

Please share our thoughts with the other directors.

Thank you,

Janet Fairbanks & Wayne Bradley

6929 Railway Ave.

Courtenay, BC V9J 1N4

3360-20 / RZ 2C 18

Subject: FW: Proposed water bottling plant for 2410 Sackville Road, Merville

From: Bruce & Nicole
Sent: Sunday, March 04, 2018 5:24 PM
To: engineeringservices@comoxvalleyrd.ca
Subject: Proposed water bottling plant for 2410 Sackville Road, Merville

We are emailing you to voice our opposition to the granting of a permit, and/or the granting of a rezoning application for the bottling and sale of water at 2410 Sackville Road. This proposal will draw a significant amount of water from the aquifer that hundreds/thousands of Comox Valley residents rely upon for their personal water supply, including us, just ¼ mile down the road. We only just became aware of this proposal and we immediately began talking to our neighbors and to other interested and affected people. We received unanimous agreement of opposition to this project. It is unacceptable to permit a company to draw water from this aquifer for profit, and it is absolutely unacceptable to build a bottling plant in a residential area that borders ALR properties. This proposed plant would also draw water from the aquifer that feeds fish bearing streams adjacent to our property, and which also feeds into the Portuguese Creek system.

Nothing about this proposal makes good sense. We should not be bottling and selling water from this aquifer at all, and there should not be a bottling plant in this location.

A quote from the Government of BC website about groundwater:

In some areas ground water is the only viable and economic source of water supply for individual and community water supply systems as well as augmenting agricultural and industrial uses. Ground water often maintains base flows in rivers and streams during periods of drought and is critical to fisheries habitat and spawning areas. With increasing demand and reliance on ground water from a growing population comes the need to increase efforts to protect and manage the resource.

Thanks for your attention.

Bruce Gibbons
Nicole Poirier
2470 Sackville Road
Merville, BC

From: [Russell Dyson](#)
To: [Ann MacDonald](#); [Sylvia Stephens](#)
Subject: FW: Province issued licence for water bottling on sackville
Date: Monday, March 05, 2018 8:14:38 AM

Russell Dyson
 Chief Administrative Officer
 Comox Valley Regional District
 600 Comox Road, Courtenay, BC, V9N 3P6
 Tel: 1-250-334-6055
 Cell: 250 218-6270
 Toll free: 1-800-331-6007
 Fax: 250-334-4358

 Please consider the environment before printing this e-mail

From: Edwin Grieve [mailto:edwingrieve@shaw.ca]
Sent: Sunday, March 4, 2018 7:15 AM
To: Russell Dyson <rdyson@comoxvalleyrd.ca>
Cc: bjolliffe@comoxvalleyrd.ca; rodnichol@shaw.ca
Subject: Re: Province issued licence for water bottling on sackville

These are unconnected issues. Like Timberwest and Couverdon tying eco grant funding to subdivision approval. Isn't this called blackmail?

If this is a "decision point" it may save the proponent much time and effort.

My responsibility is to my constituents. This need not reflect on other Directors or staff of the CVRD. It is area C's pot to stir.

Edwin

Sent from my iPad

On Mar 3, 2018, at 9:32 PM, Russell Dyson <rdyson@comoxvalleyrd.ca> wrote:

Please be measured in your consideration of this matter for two reasons:

1. Maintain integrity of rezoning process and your role as decision makers and;
2. FLNRO is issuer of our comox lake water license.

They FLNRO will be open to input and reflection on their process - we can comment on this, but we do not want to be seen as stirring the pot and making life difficult for the same people that are considering Comox Lake water needs.

Sent with Good (www.good.com)

From: Edwin Grieve <edwingrieve@shaw.ca>
Sent: Saturday, March 3, 2018 7:08:47 PM
To: Russell Dyson; bjolliffe@comoxvalleyrd.ca; rodnichol@shaw.ca
Subject: Fwd: Province issued licence for water bottling on sackville

FYI

Sent from my iPad

Begin forwarded message:

From: Ben Vanderhorst
Date: March 3, 2018 at 9:45:56 AM PST
To: Edwin Grieve <edwingrieve@shaw.ca>
Cc:
Subject: Re: Province issued licence for water bottling on sackville

Edwin

Some of us from CVFI will attend. We are circulating this info to the membership

Ben

Sent from my iPhone

On Mar 3, 2018, at 9:25 AM, Edwin Grieve <edwingrieve@shaw.ca> wrote:

This application for "rezoning" to accommodate the private water bottling company is the only lever of power available to Electoral Area Directors. The preliminary presentation will be at the EASC meeting 1000am Monday morning at the CVRD Boardroom.

The province has already issued a licence.

Our staff recommendation is to send it out to referrals. Of course there would be an public hearing for re-zoning should this move ahead.

Would be nice to have some support in the gallery

Edwin

Sent from my iPad

On Mar 2, 2018, at 4:51 PM, Harold and Judy wrote:

On 3/2/2018 3:11 PM, Edwin Grieve wrote:

Subject: Re: Province issued licence for water bottling on sackville

This is from this morning's EASC agenda so it is now public
I would encourage as many people share it as possible.
Would be great if we had people come to the meeting Monday morning. Irony is that we have just formed a committee to research sourcing water for agricultural use and got like \$80,000 from Ministry of Agriculture. Obviously Ministry officials in Victoria don't talk to people from other silos. With nearly one third of all ALR land on Vancouver Island in area "C" you would think food security would trump plastic water bottles. FLINRO have already issued the permit and looking to the Regional District to approve commercial zoning for the private company. This isn't like Rosewald "Glacier Water" in Fanny Bay where the plant is on the river and the watershed comes from the mountains. This is an agricultural area where people are on wells and some need water deliveries in the dry summer months. The impact is unknown. Aquifers take thousands of years to recharge....we need to do something.

Get the word out

Edwin

From: Edwin Grieve
<edwingrieve@shaw.ca>

Subject: Province issued licence for water bottling on sackville

Thought I would send you this application for rezoning on Sackville Rd.

FLINRO has already given this company a permit to extract groundwater to sell abroad.

They say that there is no need for aquifer maps or baseline science and that the CVRD should rezone the property to comply.

This sucks big time. I imagine that at EASC Monday we will refer this out to external agencies including our APC and or Ag. APC.

What about our water for
agriculture?? The Crown rules.

Edwin

https://agendaminutes.comoxvalleyrd.ca/Agenda_minutes/CVRDCommittees/EASC/05-Mar-18/c_20180223_Dyson_SR_RZ2C18_MacKenzie_Heynck_Introduction_Referrals.pdf

<c_20180223_Dyson_SR_RZ2C18_MacKenzie_Heynck_Introduction_Referrals.pdf>

Sent from my iPad

Edwin,

When, where and how do we make our opinion heard? Does not FLINRO seek public input? Is this going in the press SOON. Is the site in the ALR. Who is behind it, corporately speaking? We are on the same aquifer and years ago dear old Bob Sieffert in his goodhearted attempt to keep Portuguese Creek flowing for the nine salmon drilled a well nearby and ran it 24/7. Several neighbours wells went dry from this and it was not a big industrial pump either.

Harold Macy\Merville

3360-20 / RZ 2C 18

Subject: FW: more info

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]

Sent: Sunday, March 4, 2018 8:10 PM

To: JOHN MILNE

Cc: Grant Gordon ; rodnichol@shaw.ca; bjolliffe <bjolliffe@comoxvalleyrd.ca>; Russell Dyson <rdyson@comoxvalleyrd.ca>

Subject: Re: more info

FYI
DFO should be on referral list
Edwin

Sent from my iPad

On Mar 4, 2018, at 11:23 AM, JOHN MILNE wrote:

Hello Edwin

Jen and I took the dog for a walk this morning and went through the trails to Sackville Road to have a look at the property in question. We met some of the neighbours going door to door to inform people and get them out to tomorrow's meeting. They gave us some useful information. There is a well nearby which was put in by the Streamkeepers in order to supply water to Portuguese Creek in the dry season. This is part of the headwaters of the creek. They said Wayne White knows about it so you may want to talk to him about it. Salmon spawn in the ditches around there. I think DFO should be included in those referred to as they obviously have an interest here.

The neighbours contacted the Record to tell them about tomorrow's meeting and they said when they got home, they'd contact some other media. Merville is on the media map right now, towing logs down the highway after dark causing an accident, the store in trouble due to Canada Post not paying rent for years and now this.

I'll keep you posted if I hear any more. There's a lot of interest in this issue around here.

John

3360-20 / RZ 2C 18

Subject: FW: Water Bottling Company on Sackville Rd

From: Edwin Grieve [mailto:edwingrieve@shaw.ca]
 Sent: Sunday, March 4, 2018 7:49 PM
 To: Teresa Cameron and Sean Pattison
 Cc: rodnichol@shaw.ca; bjolliffe <bjolliffe@comoxvalleyrd.ca>; Russell Dyson <rdyson@comoxvalleyrd.ca>
 Subject: Re: Water Bottling Company on Sackville Rd

Teresa;

Yes there is an initial presentation to the committee tomorrow at 10:00 on this proposal.

The recommendation from staff is to refer this to affected jurisdictions.

The water licence has been issued by the Ministry of the Provincial Government.

The Regional District only has authority around the issuing of a change of "zoning" to allow the the property to allow the commercial bottling plant.

Edwin

Sent from my iPad

> On Mar 4, 2018, at 7:10 PM, Teresa Cameron and Sean Pattison wrote:
 >
 > Good Evening Edwin,
 > I am writing to you tonight to voice my extreme opposition to this proposed Water Bottling company on Sackville Rd.
 > I own a Farm on Hardy Rd, not too far from this proposed Drain to our Aquifer.
 > Over the Past few Summers we have seen a drastic reduction of available water in our Pond and wells.
 > I am worried that with allowing this proposal to go ahead we will see an even greater reduction in the water in our area.
 > I am reading that this company is to be allowed to take unto 10,000 gallons a day. At that rate, how long is our aquifer to last?
 > I know that neighbours of ours have had to haul water to their farms for a couple of years now.
 >
 > Please do not allow this to go through.
 >
 > Thank You
 > Sean Pattison

Schedule C Page 14 of 193
Rec'd. Mar 5/18
3360-20/RZ 2C18
Board.
B Chow.
A. Mully.

Dear members and directors of the CVRD,

With this letter, we would like to state our strong opposition to the proposed water bottling plant on Sackville Road as described in staff report FILE: 3360-20/RZ 2C 18.

The reason for my opposition include the following:

First, the proposed commercial plant will have a negative impact on the already fragile water resources that are available for current and future residents.

Second, although residents might scale back their water use in periods of drought, a commercial bottling plant will most likely continue to operate despite adverse conditions.

Third, in the CVRD document 'Water source and Supply' it is indicated that water in the CVRD is a shared resource and needs to be used efficiently. A commercial bottling plant will not be in line with this mandate.

Fourth, rezoning of the Sackville property to allow this proposed commercial plant will set a precedent for future applicants.

Lastly, bottled water is contributing to an abundance of environmental problems, including the wasting of water, pollution and climate change (Van Der Linden, 2015). It should not be encouraged.

Thank you for your consideration,

Ingrid van Kesteren
Leslie Duran
6354 Treherne Road
Courtenay BC

Reference:

Van Der Linden, S. (2015) Exploring beliefs about bottled water and intentions to reduce consumption: The dual-effect of social norm activation and persuasive information. *Environment and Behavior*. 47(5), pp.526-550.

3360-20 / RZ 2C 18

Subject: FW: Bottled Water Plant

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]

Sent: Tuesday, March 06, 2018 7:43 AM

To: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Fwd: Bottled Water Plant

FYI

Sent from my iPad

Begin forwarded message:

From: John Brocklehurst
Date: March 5, 2018 at 12:10:21 PM PST
To: "edwingrieve@shaw.ca" <edwingrieve@shaw.ca>
Subject: **Bottled Water Plant**

Dear Mr. Grieve

We are writing to advise you of our opposition to the proposed bottled water plant in Sackville Rd in Courtenay.

Those directly affected and who's water supply is at risk should be the ones consulted.

This plant will access the aquifer that supplies water to residents for personal use.

The proposed Commercial use of this supply should be blocked.

Sincerely

John and Lynda Brocklehurst

[5950 Mosley](#)

3360-20 / RZ 2C 18

From: Russell Dyson
Sent: Monday, March 05, 2018 3:25 PM
To: 'Edwin Grieve'; Alana Mullaly
Cc: Teresa Warnes; Ann MacDonald; Sylvia Stephens
Subject: RE: Water Extraction in Merville

I sent all emails received from you over the weekend to Ann and Sylvia, so planning has them. I do not need to be copied on these matters unless it is specific correspondence directed to me or the Board and those should be copied to Teresa. Thanks.

Russell Dyson

Chief Administrative Officer
 Comox Valley Regional District
 600 Comox Road, Courtenay, BC, V9N 3P6
 Tel: 1-250-334-6055
 Cell: 250 218-6270
 Toll free: 1-800-331-6007
 Fax: 250-334-4358



Please consider the environment before printing this e-mail.

From: Edwin Grieve [mailto:edwingrieve@shaw.ca]
Sent: Monday, March 5, 2018 2:59 PM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Cc: Russell Dyson <rdyson@comoxvalleyrd.ca>
Subject: Fwd: Water Extraction in Merville

Just going to forward to staff as they come in.
 Russell, do you still have all the comments I cc'd over the past few days or should I dig them up and resend?
 Edwin

Sent from my iPad

Begin forwarded message:

From: "Barbara Dobree"
Date: March 5, 2018 at 2:32:32 PM PST
To: <ronna-mae.leonard.MLA@leg.bc.ca>
Cc: "FLNR.Minister@gov.bc.ca", "rodnichol@shaw.ca", <edwingrieve@shaw.ca>
Subject: **Water Extraction in Merville**

Dear Ronna-Mae,

I live in Area B of the CVRD on Aldergrove Dr. We just found out that the BC government has authorized a water license for a proposed water bottling plant on Sackville Rd. that will affect all our wells that are on the same aquifer. We were not aware of any notices of the application or approval of same.

The 2 acre parcel in question needs to re-zoned to allow this industrial business. This appears to be our only recourse in preventing this resource extraction from occurring. Since we all have drilled wells in this area we are very concerned for the future of our water supply with this aquifer.

Our Comox Valley Regional District Board Director, Rod Nichol, is a member of the Comox Valley Water Committee.

Could you please investigate. Some of us attended the CVRD meeting this morning about this issue and they are doing further investigation. CTV was onsite and did some interviews.

Thank you for your concern.

Barb

Barbara Dobree
5869 Aldergrove Dr.
Courtenay, B.C. V9J 1W2

3360-20 / RZ 2C 18

Subject: FW: the considering to rezone 2410 Sackville Rd Merville

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]

Sent: Monday, March 05, 2018 1:30 PM

To: A G & J Farq

Cc: rodnichol@shaw.ca; bjolliffe <bjolliffe@comoxvalleyrd.ca>; Russell Dyson <rdyson@comoxvalleyrd.ca>; Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Re: the considering to rezone 2410 Sackville Rd Merville

June and Gord

The meeting today was to receive the application and to "refer" it out to external agencies only. There is much process ahead including a public hearing before any change is approved to the zoning

Thanks

Edwin

Sent from my iPad

On Mar 5, 2018, at 8:25 AM, A G & J Farq wrote:

We are the property owners of 7421 Rodger Rd, which adjoins the property being considered to be rezoned from Rural 8 to Industrial Light.

We are opposed to this being approved as it will not benefit our rural area.

The zoning change is not in keeping with the OCP.

This 2 hectare piece of land adjoins no less than 4 property owners who will be effected directly. At this time the rezoning request is only to permit a water bottling & shipping company.

While the use of our water aquifers within the Tsolum watershed for this purpose doesn't make environmental sense, we also wouldn't want the other permissible uses to be allowed on the property in the future.

We live on a dead end road which continues beyond a blind corner for 4 km. approx. & as the only way in & out for many homeowners, it has become a busy road.

This property 2410 Sackville Rd, is located right next to the blind corner which would not make it possible for safe large vehicle maneuvering.

We request the rezoning of the property be denied.

June & Gord Farquhar

3360-20 / RZ 2C 18

Board Web

B. Chow

A. Mullaly

Tracy Godin
6340 Bishop Rd
Courtenay, BC
V9J 1V3

March 5, 2018

TO: Chair and Directors
Electoral Areas Services Committee
Comox Valley Regional District

RE: Zoning Bylaw Amendment – 2410 Sackville Road (MacKenzie & Heynck) Puntledge – Black Creek
(Electoral Area C) Lot C, Block 29, Comox District, Plan 25306, PID 002-904-713

To Whom It May Concern,

I would ask that the board deny in full the applicants request for a zoning bylaw amendment. I believe granting the zoning amendment to allow the applicants to operate a water and beverage bottling business using locally extracted water will put unnecessary pressure on our water system.

..“there is an OCP policy direction to consider the impacts of a development proposal, such as groundwater extraction, on a watershed scale. The policy is to ensure that hydrology impacts are managed using the precautionary principle and ensure that groundwater level decline and reduction in base flows to watercourses are prevented.” The CVRD is not oblivious to the potential impacts of groundwater extraction.

The majority, if not all of the residents in the area surrounding the applicants property, draw water from wells. This is our only viable source of household water and it is becoming increasingly fragile as we experience less precipitation during the summer months, resulting in a lower water table. We are already facing increased residential development in the form of subdivisions which are regularly increasing the draw on the water system.

Introducing a large scale commercial water extractor has the potential to cause irreversible damage to the water sources of their immediate neighbours as well as those of a wider number of properties should a cone of depression develop resulting in a permanently lower water table. This is irreversible. It will not be “fixed” with a period of higher precipitation. Is this a risk that the CVRD is willing to take? Are the CVRD and the provincial government willing to pay to extend city water out to the rural properties should our water system fail because of an approved commercial water licence?

Local residents will often manage their water usage during times of drought, during the summer months when the water table is naturally lower. By approving this bylaw amendment the CVRD would be introducing a commercial level water user who will NOT manage itself according to seasonal conditions. Once this commercial user invests in the building of a warehouse in which to bottle the water, and has a set market, they will not be willing to lower their extraction during times of drought. They could continue extracting 10,000 lt per day, for profit regardless of the impact on their local community. The CVRD would have no means of managing this.

What are the implications for future applications by the property owner to increase the withdrawal rate? Currently they are licensed to extra 10,000lt/day. Businesses tend to grow. If the applicants are selling water and there is a market for greater than 10,000lt/day of water, I would anticipate they would look to grow their business. If FLNRORD again approves their licence for a greater volume because they do not need to concern themselves with regional community plans or local ecological concerns, how does the CVRD address future withdrawal increases? Have we given away all rights to limit the activity on that property by approving the bylaw amendment?

If it is determined that withdrawing a larger amount of water would be detrimental to the area, does the CVRD have the legal ability or the interest in withdrawing the bylaw exemption to prevent this? **If** there is no legal recourse at the CVRD level, then this application should be denied immediately. If local government cannot manage the potential long term impacts of this activity then we should not be allowing it at the local level.

If the CVRD **does** have the legal right to unequivocally withdraw the exemption, what would be the mechanism to trigger this? Would it be up to the community to force the issue, complain in sufficient numbers about the impact on our water, or

the increased transport traffic, or the introduction of a 2nd or 3rd large warehouse, before the CVRD begins the long process of reviewing and dealing with the problem?

By granting the exemption, we will be giving provincial regulators the power to manage the water extraction. Approval of the temporary licence was granted in spite of the CVRD's objection due to inconsistencies with the local bylaws. FLNRORD granted the license and requested that the CVRD amend the bylaw to allow it. Was there any consideration given to local private water users? I can only assume that FLNRORD did not consult the local community to determine the current state of water levels throughout the year. If the provincial government is not concerned with the potential impact to the local residents then it is very much up to the Regional CVRD to be.

Once this door is opened to this applicant it most likely cannot be closed without a great deal of effort and not before permanent damage has been done to the local groundwater levels.

Sincerely,

Tracy Godin & Johannes Juurlink
6340 Bishop Rd
Courtenay, BC

Deb Howard
6334 Bishop Rd
Courtenay, BC

3360-20 / RZ 2C 18

Subject: FW: Water Bottling Plant on Sackville Road

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]
Sent: Monday, March 5, 2018 6:36 AM
To: bjolliffe <bjolliffe@comoxvalleyrd.ca>; rodnichol@shaw.ca
Cc: Russell Dyson <rdyson@comoxvalleyrd.ca>
Subject: Fwd: Water Bottling Plant on Sackville Road

FYI

Sent from my iPad

Begin forwarded message:

From: Edwin Grieve <edwingrieve@shaw.ca>
Date: March 5, 2018 at 6:34:00 AM PST
To: Heidi Jungwirth
Cc: Peter Jungwirth, Lisa Wilcox,

Subject: Re: Water Bottling Plant on Sackville Road

Thank you Heidi;
Today is only the first step in the rezoning process. The recommendation from staff is for the Directors to "refer" the proponent's application out for comment.
Edwin

Sent from my iPad

On Mar 4, 2018, at 9:01 PM, Heidi Jungwirth wrote:

Good Evening Edwin. I'm not sure if you will remember me, but I am the person who gave you a call about the land on Treherne Road, which eventually became Jack Shark Park. We also met at the Comox Valley Food Roundtable.

Edwin, as our representative in Area C, we are hoping that you oppose this water bottling plant. Simply put, the science does not exist to accurately predict the affect that this facility will have on our aquifer. (and, consequently, individual household and farm wells). There is also no trust in the regulatory process, as we all know that BC's water has been given away to companies even when drought conditions exist.

I understand that the role of the CVRD is to determine the zoning of the property, and that unless the zoning is changed to light industrial, this water bottling facility cannot be built. The answer is simple, then: don't change the zoning.

In a time when governments worldwide, including the government of Canada, are waking up to the catastrophic problem of plastic pollution, it makes zero sense to start producing more single use water bottles in the Comox Valley. Let's be an environmental pioneer, not an environmental dinosaur.

Unfortunately, we only learned this morning of the meeting tomorrow. And, since the meeting takes place when most of us are at work, I don't know how many of the residents of Merville will be able to attend.

Please do know, that we are already organizing ourselves to oppose this facility in the strongest possible way. I will be getting in touch with you tomorrow, and would like to have an update about what happened at the meeting. My first hope is that this project is shut down tomorrow. If not, then I hope that we can rely on you working together with us to protect the water supply of the Merville area.

Respectfully,
Heidi Jungwirth

Sent from my iPad

Rec'd March 5/18
3360-20/RZ 2C18
Board web
B. Chow
A. Muttaly

,Dear members and directors of the CVRD,

With this letter, we would like to state our strong opposition to the proposed water bottling plant on Sackville Road as described in staff report FILE: 3360-20/RZ 2C 18.

The reason for my opposition include the following:

First, the proposed commercial plant will have a negative impact on the already fragile water resources that are available for current and future residents.

Second, although residents might scale back their water use in periods of drought, a commercial bottling plant will most likely continue to operate despite adverse conditions.

Third, in the CVRD document 'Water source and Supply' it is indicated that water in the CVRD is a shared resource and needs to be used efficiently. A commercial bottling plant will not be in line with this mandate.

Fourth, rezoning of the Sackville property to allow this proposed commercial plant will set a precedent for future applicants.

Lastly, bottled water is contributing to an abundance of environmental problems, including the wasting of water, pollution and climate change (Van Der Linden, 2015). It should not be encouraged.

Thank you for your consideration,

Ingrid van Kesteren
Leslie Duran
6354 Treherne Road
Courtenay BC

Reference:

Van Der Linden, S. (2015) Exploring beliefs about bottled water and intentions to reduce consumption: The dual-effect of social norm activation and persuasive information. *Environment and Behavior*. 47(5), pp.526-550.

Comox Valley Regional District
RECEIVED

File:

MAR 05 2018

To:

cc:

3360-20 / RZ 2C 18

Subject: FW: Concern regarding a water bottling plant application for Merville, BC
Attachments: Water bottling plant letter March 5, 2018.docx; ATT00001.htm; Groundwater needs protection.docx; ATT00002.htm

From: Rodney Nichol [<mailto:rodnichol@shaw.ca>]
Sent: Saturday, March 10, 2018 9:06 AM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Fwd: Concern regarding a water bottling plant application for Merville, BC

Begin forwarded message:

From: "Robin Pattison"
Subject: Concern regarding a water bottling plant application for Merville, BC
Date: March 5, 2018 at 12:15:59 PM PST
To: <rodnichol@shaw.ca>
Reply-To: "Robin Pattison"

Dear Rod Nichol

Please find attached a letter of concern regarding the water bottling plant application for 2410 Sackville Road, Merville, Comox Valley, BC

I look forward to your reply to my concerns.

Sincerely,
Robin Pattison

Groundwater needs protection

Government of Canada site - <https://www.canada.ca/en/environment-climate-change/services/water-overview/sources/groundwater.html>

Dir R. Nichol

A. Mullaly

B. Chow

“Groundwater is an essential and vital resource for about a quarter of all Canadians. It is their sole source of water for drinking and washing, for farming and manufacturing, indeed, for all their daily water needs. Yet for the majority of Canadians -- those who do not depend on it -- groundwater is a hidden resource whose value is not well understood or appreciated.”

“Groundwater needs protection

In recent years, a number of events affecting groundwater quality have contributed to a heightened public awareness and concern about the importance and vulnerability of the resource....

Our image of Canada is of a land of sparkling lakes, rivers and glaciers. Groundwater, which exists everywhere under the surface of the land, is not part of this picture. Not surprisingly, therefore, concerns of Canadians about water quality focus primarily on surface waters -- our lakes and rivers. The less visible, but equally important, groundwater resources have received less public attention, except in regions of Canada where people depend on them.

... Even where we might not use it directly as drinking water supply, we must still protect groundwater, since it will carry contaminants and pollutants from the land into the lakes and rivers from which other people get a large percentage of their freshwater supply.”

“What is groundwater?

It is sometimes thought that water flows through underground rivers or that it collects in underground lakes. Groundwater is not confined to only a few channels or depressions in the same way that surface water is concentrated in streams and lakes. Rather, it exists almost everywhere underground. It is found underground in the spaces between particles of rock and soil, or in crevices and cracks in rock.

Groundwater flows slowly through water-bearing formations (aquifers) at different rates. In some places, where groundwater has dissolved limestone to form caverns and large openings, its rate of flow can be relatively fast but this is exceptional.

Many terms are used to describe the nature and extent of the groundwater resource. The level below which all the spaces are filled with water is called the water table. Above the water table lies the unsaturated zone. Here the spaces in the rock and soil contain both air and water. Water in this zone is called soil moisture. The entire region below the water table is called the saturated zone, and water in this saturated zone is called groundwater.”

“What is an aquifer?

Although groundwater exists everywhere under the ground, some parts of the saturated zone contain more water than others. An aquifer is an underground formation of permeable rock or loose material which can produce useful quantities of water when tapped by a well. Aquifers come in all sizes and their origin and composition is varied. They may be small, only a few hectares in area, or very large, underlying thousands of square kilometres of the earth's surface. They may be only a few metres thick, or they may measure hundreds of metres from top to bottom. ... To concentrate only on major (i.e., large) aquifers, however, is misleading. Many individual farms and rural homes depend on relatively small aquifers such as thin sand and gravel deposits of glacial or other origin. Although these aquifers are individually not very significant, in total they make up a very important groundwater resource. (Water from an aquifer is often used for municipal and domestic water supplies – quote in part from the above writing.)

March 5, 2018

To Rod Nichol – Comox Valley Regional District Rep

Concern regarding the application for a water bottling plant license in the greater Merville area of the Comox Valley.

The application file states: FILE: 3360 – 20/RZ 2C 18

RE :Zoning Bylaw Amendment - 2410 Sackville Road (MacKenzie & Heynck) Puntledge - Black Creek (Electoral Area C) Lot C, Block 29, Comox District, Plan 25306, PID 002 – 904 – 713

Purpose: To seek Comox Valley Regional District (CVRD) Board support on external agency and First Nations referrals for a proposed site - specific rezoning to permit water and beverage bottling.

Dear Rod Nichol

As a resident of the Comox Valley regional district and the greater Merville area in the Bates Beach region I became very concerned recently upon receipt of an email from a neighbour regarding a license application for a water bottling plant in the greater Merville area. In part that email included the following concerns:

“A water bottling plant is applying for a license on Sackville Rd. If this impacts you (they'll be pumping from the aquifer, not from a river) – from Judy Loukras.

Some of you may already be aware of this development that has been given initial approval by the BC Government and is now before the CVRD for approval. As the site is not zoned for this type of development, zoning variance has to be approved. Reading through this application and referring to the maps, it is easy to see how this commercial development could possibly affect our various draws on aquifers through our individual drilled wells. We need to be aware of this commercial water extraction application considering the impact on the environment, and of course, on our own wells.” Brian Lunn

My husband and I have lived at our residence on Aldergrove Drive for more than 45 years. Our deep well was drilled prior to us moving into our home in September of 1972. The cost of this well drilling and the pump along with their maintenance has been personally endured over these past 45 years. Both my husband and I feel extremely concerned about this application and the influence it will very likely have on all of the wells in the greater Merville area.

While bottled water may be perceived to serve a purpose for a community the adverse effects have a much greater negative impact. The use of plastic water bottles is very detrimental to the environment. The extraction of water from the local aquifer would negatively affect many if not all residences over time. Also, the undetermined environmental disruption and damage to the area would need to be fixed by the government levels that gave approval. I may mention that cost would be born somehow by the residence of BC as well. It is the responsibility of local and provincial governments to protect the natural water sources. Since wells are the responsibility of property owners and no level of government has ever given any aid to home owners then government representatives cannot ethically interfere with water sources.

I have some questions for local and provincial politicians and I would like carefully considered answers.

When a bottling plant interferes with the water source of property owners will local and BC politicians provide another good water source to the numerous residents free of charge? This is a fair question. Many local residents also maintain vegetable gardens and they rely on an appropriate water source.

Why would the BC government decide to approve a bottling plant without consulting local home and well owners who source the same water? Local residents should then be able to expect a good water source from the provincial government. Another concern is that home and land values would depreciate due to lack of water sources. Does that

mean the BC government would be willing to pay the top purchase price for each property in the greater Merville area that is effected by the lack of water?

As our chosen representatives for municipal and provincial government we as residents have the right to expect the most considerate and responsible actions for our most secure life styles. We should not ever need to feel threatened by a business enterprise that might interfere with our pursuit of happiness within our homes and properties.

I look forward to a carefully weighted and considered response to these stated concerns.

Sincerely, Robin Pattison

Robin and Norm Pattison – 6027 Aldergrove Drive, Courtenay, BC V9J 1W3

Enclosed – copied information about protection of groundwater from a Government of Canada website

Copies to Ron-Rae Leonard and Edwin Grieve

Groundwater needs protection

Government of Canada site - <https://www.canada.ca/en/environment-climate-change/services/water-overview/sources/groundwater.html>

“Groundwater is an essential and vital resource for about a quarter of all Canadians. It is their sole source of water for drinking and washing, for farming and manufacturing, indeed, for all their daily water needs. Yet for the majority of Canadians -- those who do not depend on it -- groundwater is a hidden resource whose value is not well understood or appreciated.”

“Groundwater needs protection

In recent years, a number of events affecting groundwater quality have contributed to a heightened public awareness and concern about the importance and vulnerability of the resource....

Our image of Canada is of a land of sparkling lakes, rivers and glaciers. Groundwater, which exists everywhere under the surface of the land, is not part of this picture. Not surprisingly, therefore, concerns of Canadians about water quality focus primarily on surface waters -- our lakes and rivers. The less visible, but equally important, groundwater resources have received less public attention, except in regions of Canada where people depend on them.

... Even where we might not use it directly as drinking water supply, we must still protect groundwater, since it will carry contaminants and pollutants from the land into the lakes and rivers from which other people get a large percentage of their freshwater supply.”

“What is groundwater?

It is sometimes thought that water flows through underground rivers or that it collects in underground lakes.

Groundwater is not confined to only a few channels or depressions in the same way that surface water is concentrated in streams and lakes. Rather, it exists almost everywhere underground. It is found underground in the spaces between particles of rock and soil, or in crevices and cracks in rock.

Groundwater flows slowly through water-bearing formations (aquifers) at different rates. In some places, where groundwater has dissolved limestone to form caverns and large openings, its rate of flow can be relatively fast but this is exceptional.

Many terms are used to describe the nature and extent of the groundwater resource. The level below which all the spaces are filled with water is called the water table. Above the water table lies the unsaturated zone. Here the spaces in the rock and soil contain both air and water. Water in this zone is called soil moisture. The entire region below the water table is called the saturated zone, and water in this saturated zone is called groundwater.”

“What is an aquifer?

Although groundwater exists everywhere under the ground, some parts of the saturated zone contain more water than others. An aquifer is an underground formation of permeable rock or loose material which can produce useful quantities of water when tapped by a well. Aquifers come in all sizes and their origin and composition is varied. They may be small, only a few hectares in area, or very large, underlying thousands of square kilometres of the earth's surface. They may be only a few metres thick, or they may measure hundreds of metres from top to bottom. ... To concentrate only on major (i.e., large) aquifers, however, is misleading. Many individual farms and rural homes depend on relatively small aquifers such as thin sand and gravel deposits of glacial or other origin. Although these aquifers are individually not very significant, in total they make up a very important groundwater resource. (Water from an aquifer is often used for municipal and domestic water supplies – quote in part from the above writing.)

3360-20 / RZ 2C 18

Subject: FW: 2410 Sackville Road (Mackenzie & Heynck) - Zoning Bylaw Amendment

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]

Sent: Wednesday, March 07, 2018 5:47 AM

To: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Fwd: 2410 Sackville Road (Mackenzie & Heynck) - Zoning Bylaw Amendment

FYI

Sent from my iPad

Begin forwarded message:

From: "Colleen & Terry"

Date: March 5, 2018 at 7:54:02 AM PST

To: "'Edwin Grieve'" <edwingrieve@shaw.ca>

Subject: RE: 2410 Sackville Road (Mackenzie & Heynck) - Zoning Bylaw Amendment

Thank you for the clarification, I'm told there will be many attending this morning to hear.

Regards, Colleen

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]

Sent: Monday, March 5, 2018 6:32 AM

To: Colleen & Terry

Subject: Re: 2410 Sackville Road (Mackenzie & Heynck) - Zoning Bylaw Amendment

This is only the first step. Rezoning requires much process including public hearing.
Edwin

Sent from my iPad

On Mar 4, 2018, at 9:04 PM, Colleen & Terry wrote:

Hello Mr. Grieve,

Sorry for not understanding, what does that mean? Our only "lever of power" lies in the rezoning of the property to legitimize the commercial nature of the zoning. Will Council vote 'yes' for the rezoning request...without public consultation? What external agencies?

Regards, Colleen

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]

Sent: Sunday, March 4, 2018 8:05 PM

To: Colleen & Terry

Subject: Re: 2410 Sackville Road (Mackenzie & Heynck) - Zoning Bylaw Amendment

Colleen and Terry

This agenda item at tomorrow's Electoral Area Services Committee is the first presentation by the proponent

The recommendation from staff is to refer this out to external agencies.

Our only "lever of power" lies in the rezoning of the property to legitimize the commercial nature of the zoning.

Edwin

Sent from my iPad

On Mar 4, 2018, at 3:30 PM, Colleen & Terry

wrote:

Hello Mr. Grieve,


It was been brought to my attention this morning, by my neighbors that a resident at 2410 Sackville Road is applying for a rezoning to allow water bottling . Drawing 10,000litres day from their well, our Aquifer.

I would dearly like to discuss this with you on behalf of myself and concerned neighbors.

This "Amendment" is item #5 at tomorrow mornings 10am Electoral Areas Services Committee Meeting.

Could you please give me a call at the start of your business day on Monday, March 5th at

Regards,
Colleen Styan

 Virus-free. www.avast.com

3360-20 / RZ 2C 18

Subject: FW: Proposed water botling plant on Sackville Road.

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]

Sent: Wednesday, March 07, 2018 5:48 AM

To: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Fwd: Proposed water botling plant on Sackville Road.

Did you get this letter?

Sent from my iPad

Begin forwarded message:

From: David Tanner

Date: March 5, 2018 at 9:13:35 AM PST

To: edwingrieve@shaw.ca

Subject: **Proposed water botling plant on Sackville Road.**

Mr. Grieve

My name is Buck Tanner and our family lives at 2530 Sackville Road, several properties away and downstream from the proposed bottling plant that is being discussed this morning at the regional district. Although we are unable to attend the meeting, we wish to voice our concerns and make you aware of our significant opposition to this proposal.

As you are no doubt aware, good water, in both quantity and quality is something to be cherished and preserved. For the first ten years that we lived at this address we had a shallow or surface well, one that varied widely in both quality and quantity of water. It was not uncommon for us to run out of water in August and September. In 2005 we decided to invest in a drilled well, an investment we have never regretted. Since that time we have had no further issues with our water supply, and we are highly resistant to any intrusions into the aquifer that might jeopardize this position. We understand that the licence, as constituted, sets a limit to the amount of water that may be withdrawn. We are concerned, however, that this licence could serve as an initial "foot in the door" and could expand in the future. We are also concerned as to how any conflicts over water use will be resolved. this is especially important in an era of changing climate where water availability becomes increasingly uncertain.

We are also concerned about increasing traffic on our road moving the water to wherever its' final destination may be. Sackville road already exists in a permanently deteriorating state with potholes and crumbling edges. This will only be exacerbated by increasing traffic, especially if that traffic is commercial in size. I have not mentioned safety but like all rural roads there are no lights, sidewalks etc. There are already traffic concerns with respect to Arbutus RV at the corner of the highway and we have one commercial enterprise (Granite Valley Stone) farther up the road. I am persuaded that adding another commercial enterprise on our road will only increase these issues and make them more problematic.

Although we recognize this is not your responsibility, we are dismayed by the process through which the tentative licence was issued, and the means by which we became aware of its existence. There was no meaningful consultation (we would say none) with local residents, and the manner in which we became aware of the meeting this morning in your office was pure happenstance. We find this completely unacceptable. We know that your meeting this morning will be well attended, and we hope that concerned citizens will be allowed to state their concerns and have them considered.

Finally, and again we realize this is not in your realm of responsibility, we would like to state our opposition to the commercialization of a water resource that should be freely available to all Canadians.

We are adamantly opposed to the sale of water, especially if that should then prevent limits on future sales of water either domestically or trans-nationally.

In conclusion, we respectfully ask that you refrain from re-zoning the property to permit the bottling of water. It is our belief that the property is properly zoned as is, and will serve to meet the need of our rural community best in its' current iteration.

Thank you for your service to the residents of Area C and for considering this message.

Sincerely,

Buck Tanner and Charlotte Hood-Tanner

Schedule C Page 33 of 193
Rec'd. Mar 5/18
3360-20/RZ 2C18
Board.
B. Chow.
A. Mully.

Dear members and directors of the CVRD,

With this letter, we would like to state our strong opposition to the proposed water bottling plant on Sackville Road as described in staff report FILE: 3360-20/RZ 2C 18.

The reason for my opposition include the following:

First, the proposed commercial plant will have a negative impact on the already fragile water resources that are available for current and future residents.

Second, although residents might scale back their water use in periods of drought, a commercial bottling plant will most likely continue to operate despite adverse conditions.

Third, in the CVRD document 'Water source and Supply' it is indicated that water in the CVRD is a shared resource and needs to be used efficiently. A commercial bottling plant will not be in line with this mandate.

Fourth, rezoning of the Sackville property to allow this proposed commercial plant will set a precedent for future applicants.

Lastly, bottled water is contributing to an abundance of environmental problems, including the wasting of water, pollution and climate change (Van Der Linden, 2015). It should not be encouraged.

Thank you for your consideration,

Ingrid van Kesteren
Leslie Duran
6354 Treherne Road
Courtenay BC

Reference:

Van Der Linden, S. (2015) Exploring beliefs about bottled water and intentions to reduce consumption: The dual-effect of social norm activation and persuasive information. *Environment and Behavior*. 47(5), pp.526-550.

3360-20 / RZ 2C 18

Subject: FW: UPDATE: Groundwater licence application - 104026 Conditional Water Licence 500169 File 20004026 - 2410 Sackville Road, Merville, BC

Attachments: CVRD Aquifers.pdf; CVRD Meeting Agenda March 5, 2018.pdf

Importance: High

From: Bruce & Nicole

Sent: Tuesday, March 06, 2018 10:16 AM

To: ronna-rae.leonard.MLA@leg.bc.ca; andrew.weaver.mla@leg.bc.ca; andrew.wilkinson.MLA@leg.bc.ca; FLNR.Minister@gov.bc.ca; info@dfo-mpo.gc.ca; john.horgan.mla@leg.bc.ca; Rachel.Blaney@parl.gc.ca

Cc: tanya.dunlop@gov.bc.ca; Alana Mullaly <amullaly@comoxvalleyrd.ca>; gary.anderson@viha.ca; 'Bridgette Watson' <bridgette.watson@cbc.ca>; 'Arzeena Hamir'

Subject: UPDATE: Groundwater licence application - 104026 Conditional Water Licence 500169 File 20004026 - 2410 Sackville Road, Merville, BC

Importance: High

Hi everyone. I am resending this email with a few additions. We have become aware of a response from Ms. Leonard, the MLA for our region, that is misinformed at best. Her response follows:

NDP MLA Ronna-Rae Leonard emailed this statement to Decafnation:

“I can understand the concerns of Merville residents, as water is a precious resource for any community. My understanding is the ministry performed a detailed technical review of the proposal and noted no concerns about aquifer capacity. I’ve also been reassured that existing well users would get priority in a drought. The project still needs CVRD zoning approval though, and as the local MLA I will be monitoring the situation closely.”

The following highlighted statements are excerpts from the CVRD staff document attached above, that was the basis for the March 5th meeting to consider the rezoning application. As you will note, the CVRD statements are in sharp contrast to the statement made by Ms. Leonard, with regard to the **“detailed technical review”**.

In June 2017, Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) referred a ground water licence application to the CVRD for comments. **The CVRD objected to the proposal due to its inconstancy with the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014” (OCP), and the zoning bylaw**

In June 2017, FLNRORD referred a ground water licence application to the CVRD for comments. CVRD staff advised that the proposal was inconsistent with the OCP and the zoning bylaw. **The subject property is in the Tsolum River watershed. There is an OCP policy direction to consider the impacts of a development proposal, such as groundwater extraction, on a watershed scale.** The policy is to ensure that hydrology impacts are managed using the precautionary principle and ensure that groundwater level decline and reduction in base flows to watercourses are prevented. In addition, **the subject property is in a rural area, surrounded by environmentally sensitive features, and Agricultural Land Reserve, which relies on groundwater.** With respect to the zoning bylaw, Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005”, the proposed “water and beverage bottling” is not a permitted

use in the RU-8 zone. Staff requested that if the Province was to issue a licence, the CVRD would request that a zoning bylaw application be made to enable the CVRD Board to consider enabling “water and beverage bottling” as an amendment to permit such a use on the property.

Official Community Plan Analysis: **Notwithstanding the OCP policies, the Province issued a licence to enable water extraction for the purpose of commercial sale**

Per OCP policy 7(1)(b), **staff requested that the Province require the applicants to provide baseline data about the aquifer** as well as identify the existing demand on the aquifer relating to agricultural and domestic use. **The Province advised by email that such baseline data were not necessary.**

In spite of the CVRD objections, and without doing a study to determine baseline data, Assistant Water Manager David Robinson approved the applicants’ licence.

This decision MUST be reversed and due process must be applied to this and every other application to extract groundwater for profit!!!

Hi. We just returned from attending a meeting at the Comox Valley Regional District, who were considering a rezoning application for a water bottling facility on a residential property at 2410 Sackville Road in Merville. The meeting was attended by hundreds of concerned residents who are opposed to this proposal. The Provincial Government has already approved a license for the removal of the groundwater, at a rate of 10,000 liters per day. We were surprised and appalled when we became aware of this. There was no public notification, and no public input. We only became aware when the meeting was scheduled for the rezoning application at the CVRD. I have attached documents from the CVRD meeting which highlight the process involved, whereby FLINRO approved the license without any consideration for the concerns raised by CVRD about the proposal being inconsistent with their OCP and zoning bylaws. The CVRD also requested baseline data for the aquifer, to which FLINRO replied and advised such baseline data was not necessary. We have seen a study of Vancouver Island aquifers and this aquifer in particular. The study indicates that the northern section of the aquifer, in the Sackville Road area of Merville, “is not confined by either the marine clays or Vashon till and therefore may be vulnerable to surficial contamination”. We believe it is irresponsible for the Provincial Government to download the management and protection of our groundwater to the Regional District to control via the rezoning process. Protection of our water should be the responsibility of the Provincial Government.

We live a quarter mile down the street from the site of this proposed facility and our water well, and those of our neighbors and hundreds of other residents of the Comox Valley rely on this same aquifer for our personal water needs. The area surrounding the site is all residential, and much of the land (including our own) is ALR. Therefore there are also numerous farms and agricultural operations who also depend on this aquifer for their water needs. There is a small fish bearing stream approximately a quarter mile down the road from this proposed site that is part of the Portuguese Creek/Tsolum River system, and those creeks and rivers also depend on this same aquifer. It is our understanding that this license was approved without any consideration of its impact on residents, farmers or local streams and rivers, or conversely that the decision was made in spite of that knowledge.

We are extremely concerned about and opposed to this proposal specifically, and we are extremely concerned about the precedent that it would set for other similar operations to start up in the area, or to start up anywhere else in the Province. The BC Government website has quotes and messages all over it about the importance of protecting our groundwater, and the fragility of our freshwater supplies yet this proposal received a licence without consultation or study or public input or even public notification. The entire process is appalling.

A quote from the Government of BC website about groundwater:

In some areas ground water is the only viable and economic source of water supply for individual and community water supply systems as well as augmenting agricultural and industrial uses. Ground water often maintains base flows in rivers and streams during periods of drought and is critical to fisheries habitat and spawning areas. With increasing demand and reliance on ground water from a growing population comes the need to increase efforts to protect and manage the resource.

The property owners/proponents of the proposal have indicated that they have something special in their water. I respectfully submit that every resident and farmer who relies on this aquifer for their water also believes they have something special in their water, and want to keep it not sell it.

Our hope is that this licence approval be reviewed and reconsidered, with proper information and input from appropriate agencies and the public and I would appreciate your input into that process, as our MLA, as the Green Party Leader, as the Opposition Leader and as our representatives in the Ministries of Forests and Lands and Fisheries.

Thank you for your interest and consideration.

Bruce Gibbons
Nicole Poirier
2470 Sackville Road
Merville, BC

DATE: February 23, 2018

FILE: 3360-20/RZ 2C 18

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Russell Dyson
Chief Administrative Officer

Supported by Russell Dyson
Chief Administrative Officer

R. Dyson

**RE: Zoning Bylaw Amendment – 2410 Sackville Road (MacKenzie & Heynck)
Puntledge – Black Creek (Electoral Area C)
Lot C, Block 29, Comox District, Plan 25306, PID 002-904-713**

Purpose

To seek Comox Valley Regional District (CVRD) Board support on external agency and First Nations referrals for a proposed site-specific rezoning to permit water and beverage bottling.

Recommendation from the Chief Administrative Officer:

THAT the Comox Valley Regional District Board endorse the agency referral list as outlined in Appendix B of staff report dated February 23, 2018, and direct staff to start the external agency referral process for Lot C, Block 29, Comox District, Plan 25306, PID 002-904-713 (MacKenzie & Heynck) as part of a proposed amendment (RZ 2C 18) of Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005”;

AND FINALLY THAT Comox Valley Regional District staff consult with First Nations in accordance with the referrals management program dated September 25, 2012.

Executive Summary

- The subject property is located at 2410 Sackville Road in Electoral Area C.
- In June 2017, Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) referred a ground water licence application to the CVRD for comments. The CVRD objected to the proposal due to its inconsistency with the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014” (OCP), and the zoning bylaw.
- On November 21, 2017, the Province issued a conditional water licence to the applicants to extract up to 10 cubic metres per day (10,000 litres per day) or up to 3,650 cubic metres per year (3,650,000 litres per year) for fresh water bottling (Appendix A). For this licence, the Province requested the applicants to rezone the property to permit “water and beverage bottling.”
- The Province regulates extraction, but a local government can regulate any above ground uses and buildings related to the extraction through zoning.
- The subject property is zoned Rural Eight (RU-8), which does not permit “water and beverage bottling.” This use is presently only permitted in the Industrial Light (IL) zone.
- The CVRD Board is recommended to conduct First Nations and external agency referrals for this rezoning application. Once feedback is gathered, staff will report back and recommend an option, which may include denial, zoning bylaw amendment with conditions or a temporary use permit.

Prepared by:

B. ChowBrian Chow, MCIP, RPP
Rural Planner

Concurrence:

A. MullalyAlana Mullaly, M.Pl., MCIP, RPP
Manager of Planning Services

Concurrence:

A. MacDonaldAnn MacDonald, MCIP, RPP
General Manager of Planning
and Development Services
Branch**Background/Current Situation**

The subject property is a 2 hectare, rural residential parcel located at 2410 Sackville Road (Figures 1 to 3). It is bounded by Sackville Road to the southeast and rural lots in all other directions.

Currently, there is a double wide mobile home with a carport on the property (Figure 4). The applicants wish to rezone the property to enable water and beverage bottling as an accessory use.

In June 2017, FLNRORD referred a ground water licence application to the CVRD for comments. CVRD staff advised that the proposal was inconsistent with the OCP and the zoning bylaw. The subject property is in the Tsolum River watershed. There is an OCP policy direction to consider the impacts of a development proposal, such as groundwater extraction, on a watershed scale. The policy is to ensure that hydrology impacts are managed using the precautionary principle and ensure that groundwater level decline and reduction in base flows to watercourses are prevented. In addition, the subject property is in a rural area, surrounded by environmentally sensitive features, and Agricultural Land Reserve, which relies on groundwater. With respect to the zoning bylaw, Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005”, the proposed “water and beverage bottling” is not a permitted use in the RU-8 zone. Staff requested that if the Province was to issue a licence, the CVRD would request that a zoning bylaw application be made to enable the CVRD Board to considered enabling “water and beverage bottling” as amendment to permit such a use on the property.

On November 21, 2017, the Province issued a conditional water licence to the applicants to extract up to 10 cubic metres (10,000 litres) per day for industrial purpose (fresh water bottling). For this licence, the Province requested the applicants apply to rezone the property to permit “water and beverage bottling” per staff’s referral comment.

Official Community Plan Analysis

Notwithstanding the OCP policies, the Province issued a licence to enable water extraction for the purpose of commercial sale. The OCP designates the subject property within Rural Settlement Areas (RSAs). Sections 4 and 6 focus on protecting the watersheds and recharge areas within the context of the precautionary principle.

Per OCP policy 7(1)(b), staff requested that the Province require the applicants to provide baseline data about the aquifer as well as identify the existing demand on the aquifer relating to agricultural and domestic use. The Province advised by email that such baseline data were not necessary.

The focus of the rezoning application is on the proposed use, which is water bottling on the property. Section 44(4) allows the regulation of “*industrial uses by including permitted uses, setbacks and densities in the zoning bylaw*”. Section 47(1) identifies the need to amend the zoning bylaw or issue a temporary use permit for light industrial use, and Section 48(3) “*Permits new industrial uses subject to rezoning*”. Section 47(2) identifies information required for rezoning, such as how the proposal will maintain the rural character and be compatible with adjacent land and water uses, transportation links and demands. The applicants indicated that they will construct a 22 foot by 32 foot building for

bottling, and did not indicate any other facilities. To keep the rural character, the applicants indicate that they are taking care to not change the natural beauty of the property and maintain the woodland fauna. With respect to compatibility of adjacent lands and uses, the applicants state their proposed operation will be quiet and unnoticeable, and they confirm that there will not be any onsite retail on the subject property.

Zoning Bylaw Analysis

The subject property is zoned RU-8, which does not list Water and Beverage Bottling as a permitted use. The intent of the RU-8 zone is to provide a rural zone that permits uses such as residential use, agricultural use, nurseries, riding academies, silviculture, aquaculture, animal hospital and fish hatchery. Larger lots may permit animal kennels, wood processing, crushing and screening of sand and gravel and horse events. Currently, the Industrial Light (IL) zone is the only one that permits such a use. The rezoning application is to create a zoning exception to the RU-8 zone to permit such use.

Policy Analysis

Section 460 of the *Local Government Act* (RSBC, 2015, c. 1) (LGA) states that a local government must define procedures by which a property owner may apply for a bylaw amendment. Section 479 of the LGA authorizes a local government to regulate the use, density, the size and shape of land, buildings and structures. Section 464 states that a local government must hold a public hearing before adopting a zoning bylaw.

The Province issued the conditional water licence 500169 according to *Water Sustainability Act* with the conditions of:

- Limiting the size of the container per Section 5(c) of the *Water Protection Act* (i.e., in containers of 20 litres capacity or less);
- Contacting Vancouver Island Health Authority for their requirements under the *Drinking Water Protection Act* and other relevant Acts; and
- Rezoning the property to enable “water and beverage bottling.”

Options

The board has the following options:

1. Refer the application to external agencies and First Nations for review;
2. Deny the rezoning application; or
3. Consider the issuance of a temporary use permit, so that conditions of use can be established.

Staff recommends the first option, as this will enable staff to collect specific feedback on the application. Once feedback is gathered, staff will report back and recommend an option, which may include denial, zoning bylaw amendment with conditions, or a temporary use permit.

Financial Factors

The applicant has paid for the rezoning application review in accordance with the Bylaw No. 328 being the “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014”. If the application proceeds to statutory public hearing, additional fees will be required. Fees paid to date account for the rezoning only and not future development permit fees.

Legal Factors

This report and the recommendations contained herein are in compliance with the LGA and CVRD bylaws. The LGA authorizes a local government to regulate the use of land and buildings.

Regional Growth Strategy Implications

The Comox Valley Regional Growth Strategy, Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010” (RGS), designates the subject property within RSAs. In the RGS, water is identified as an important factor for the future of the Comox Valley. Objective 5-B is to “*Protect the quality of water sources*”. Supporting Policy 5B-1 is to “*Manage development on the basis of precautionary principles within watersheds*”. The RGS does not include policy regarding the commercial sale of groundwater. The Province only started regulating non-domestic ground water extraction in February 2016.

The rezoning application focuses on the proposed “water and beverage bottling” use. It is consistent with Objective 3-A of the RGS, which is to “*Support local business retention, development and investment*”. Supporting Policy 3B-4 supports “*value-added, community-based business development*”.

Intergovernmental Factors

Appendix B contains a list of agencies and First Nations, to which staff recommends referring the application. Feedback from the referral will be reported at a future electoral areas services committee meeting.

MFLNRO issued the conditional water licence on November 21, 2017.

Interdepartmental Involvement

Planning staff is leading this application. Internal departments do not have concerns with this proposal.

Citizen/Public Relations

Staff recommends that the application be referred to the Area C Advisory Planning Commission. If the application proceeds to bylaw preparation, community consultation will be held in accordance with Bylaw No. 328 (i.e. statutory mailing and public hearing).

Attachment: Appendix A – “Conditional Water Licence 500169”
Appendix B – “Agency List”

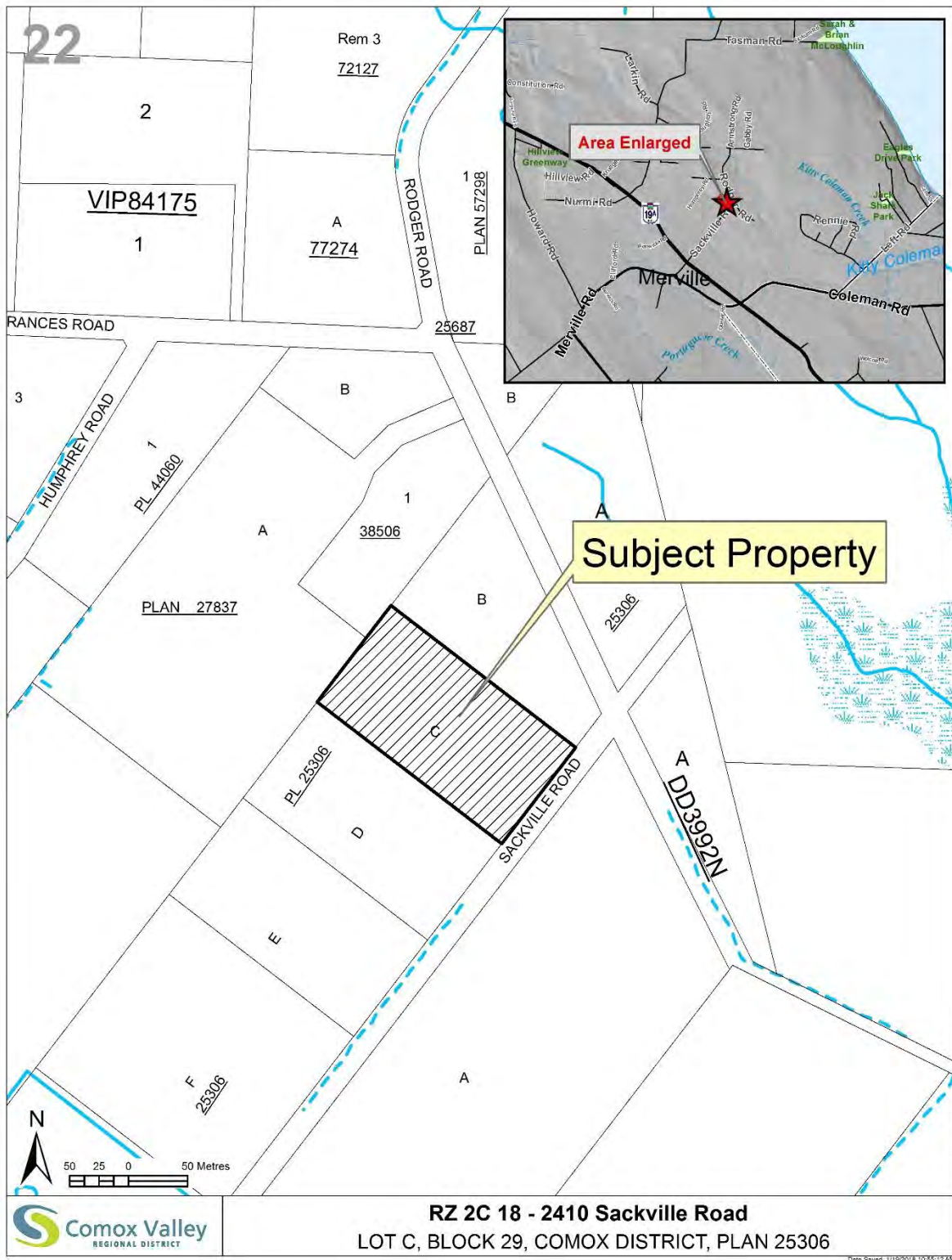


Figure 1: Subject Property Map



Figure 2: Air Photo

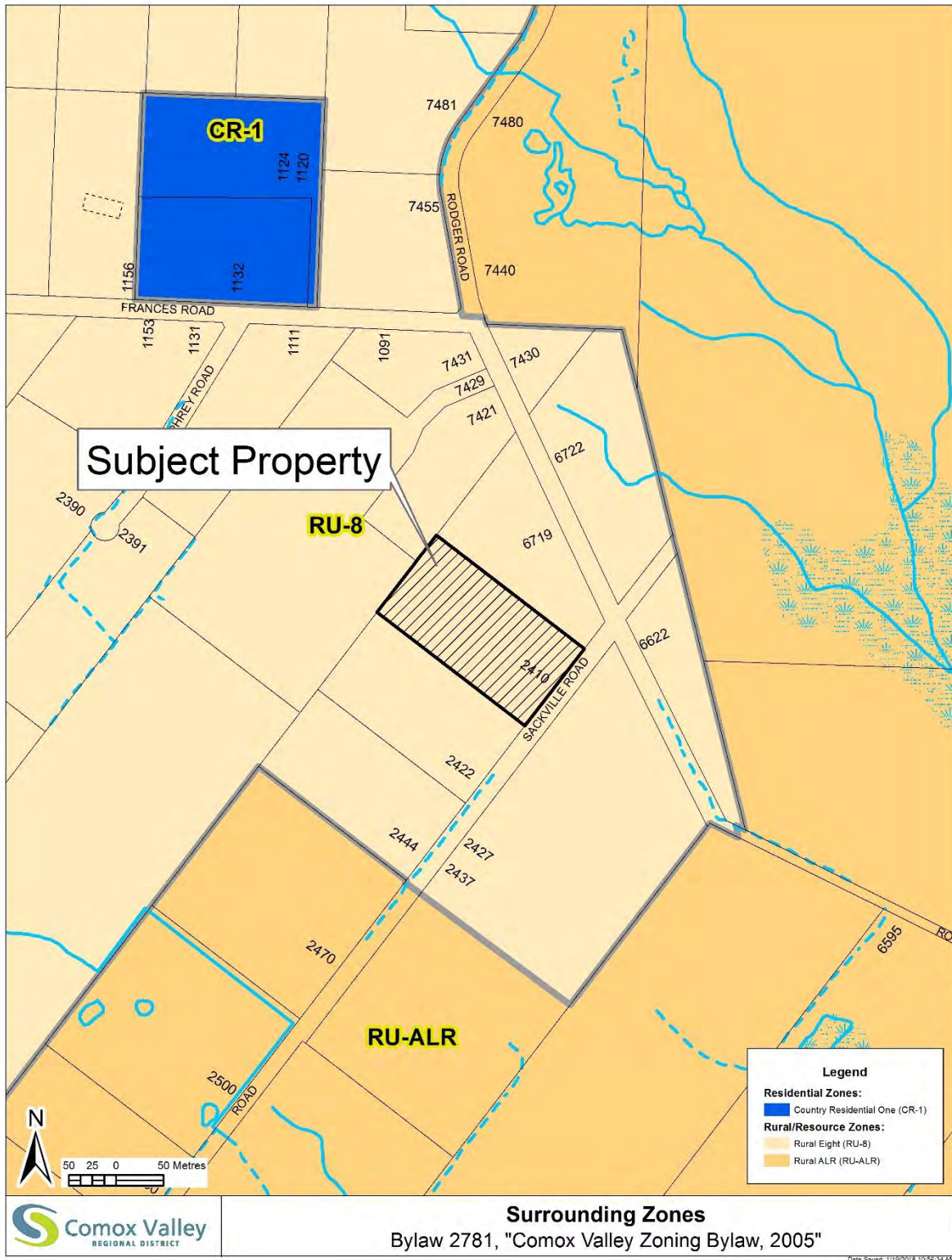


Figure 3: Zoning Map

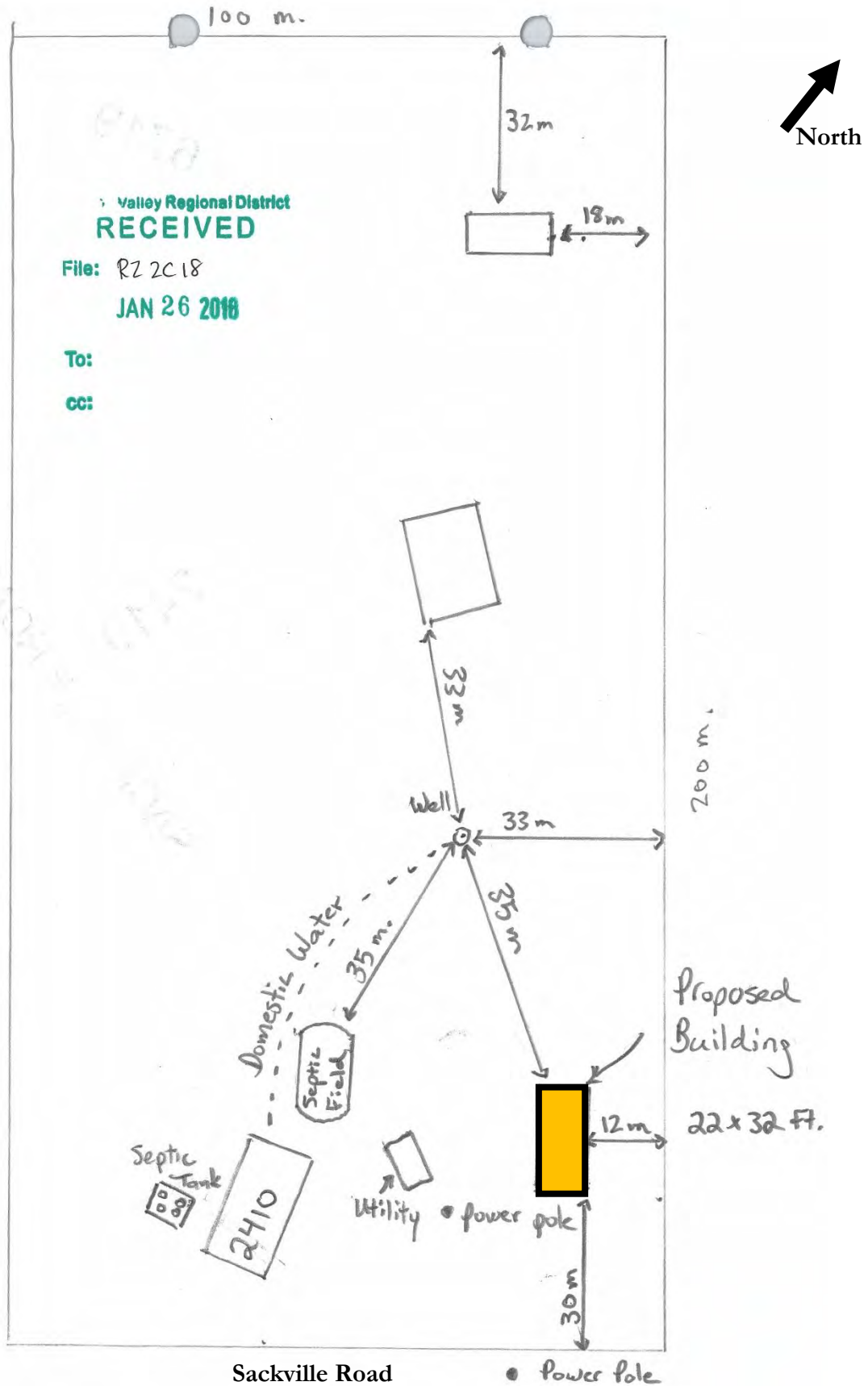


Figure 4: Proposed Site Plan if Rezoning were to be Successful



November 21, 2017

File: 20004026
vFCBC Tracking No.: 100188800

Christopher Scott MacKenzie and Regula Heynck
PO BOX 27
Merville BC V0R 2M0

Dear Christopher MacKenzie and Regula Heynck:

Re: Groundwater Licence Application 104026

The investigation of the above application has been completed. Enclosed is a copy of your Conditional Water Licence 500169.

Please read the documents carefully. Any error(s) in these documents should be brought to the attention of this office as soon as possible.

There are restrictions on removing water from British Columbia and the size of the container, refer to Section 5(c) of the *Water Protection Act* for more details (http://www.bclaws.ca/civix/document/id/complete/statreg/00_96484_01#section5).

Please contact the local Vancouver Island Health Authority (VIHA) office to further discuss requirements under the *Drinking Water Protection Act* and other relevant Acts that VIHA administers.

You are advised that the Comox Valley Regional District requires an application to rezone the property to enable "water and beverage bottling" as the principal use on the property.

Please note the following:

- 1) Water licences do not authorize entry on privately owned land for the construction of works, or flooding. Permission of the affected landowner must be obtained or an easement expropriated. For your protection, permission should be in writing and registered with the appropriate Land Title Office.
- 2) Permission for installing works on lands or roadways which are under the jurisdiction of any government agency, must be obtained from the agency concerned.

Page 1 of 2

Please contact FrontCounter BC to assist you with notifications and any applications required if:

- a) there is any change in your mailing address;
- b) you sell the land to which the licence is appurtenant;
- c) you propose to subdivide the land to which the licence is appurtenant; or
- d) you propose to alter the works authorized under the licence.

In order for you to keep your water licence in good standing, the following must be observed:

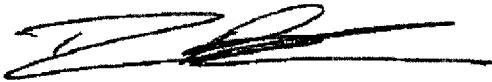
- a) continued beneficial use of water, as authorized under your licence;
- b) payment of annual rentals;
- c) compliance with the terms of your licence; and
- d) compliance with the terms of the *Water Sustainability Act*.

One of the obligations of a water licence is the payment of annual rentals and fees to the Crown for the authorization to exercise the rights granted under the licence. Failure to pay water rental invoices by a specified date may result in late-payment penalties, collection action or cancellation of the licence. Any questions in regards to invoices, statements or billing procedures should be directed to the Water Revenue Unit at 1 800 361-8866. Callers from the Victoria area should dial 250 387-9445.

The *Water Sustainability Act* gives the recipient of this notice the right to appeal my decision. Information on filing an appeal can be found on the Environmental Appeal Board website at: <http://www.eab.gov.bc.ca/>. A right of appeal from my decision lies to the Environmental Appeal Board. Notice of any appeal must (1) be in writing; (2) include grounds for the appeal; (3) be directed by registered mail to the Chair, Environmental Appeal Board, PO Box 9425 Stn Prov Govt., V8W 9V1 or personally delivered to the office of the Board at 4th Floor, 747 Fort Street in Victoria, BC V8W 3E9, eabinfo@gov.bc.ca; (4) be delivered within 30 days of receiving this letter, and (5) be accompanied by a fee of \$25.00, payable to the Minister of Finance.

If you have any questions or concerns, please contact Tanya Dunlop, Senior Authorizations Technologist, at 250 751-7015 or by email at Tanya.Dunlop@gov.bc.ca.

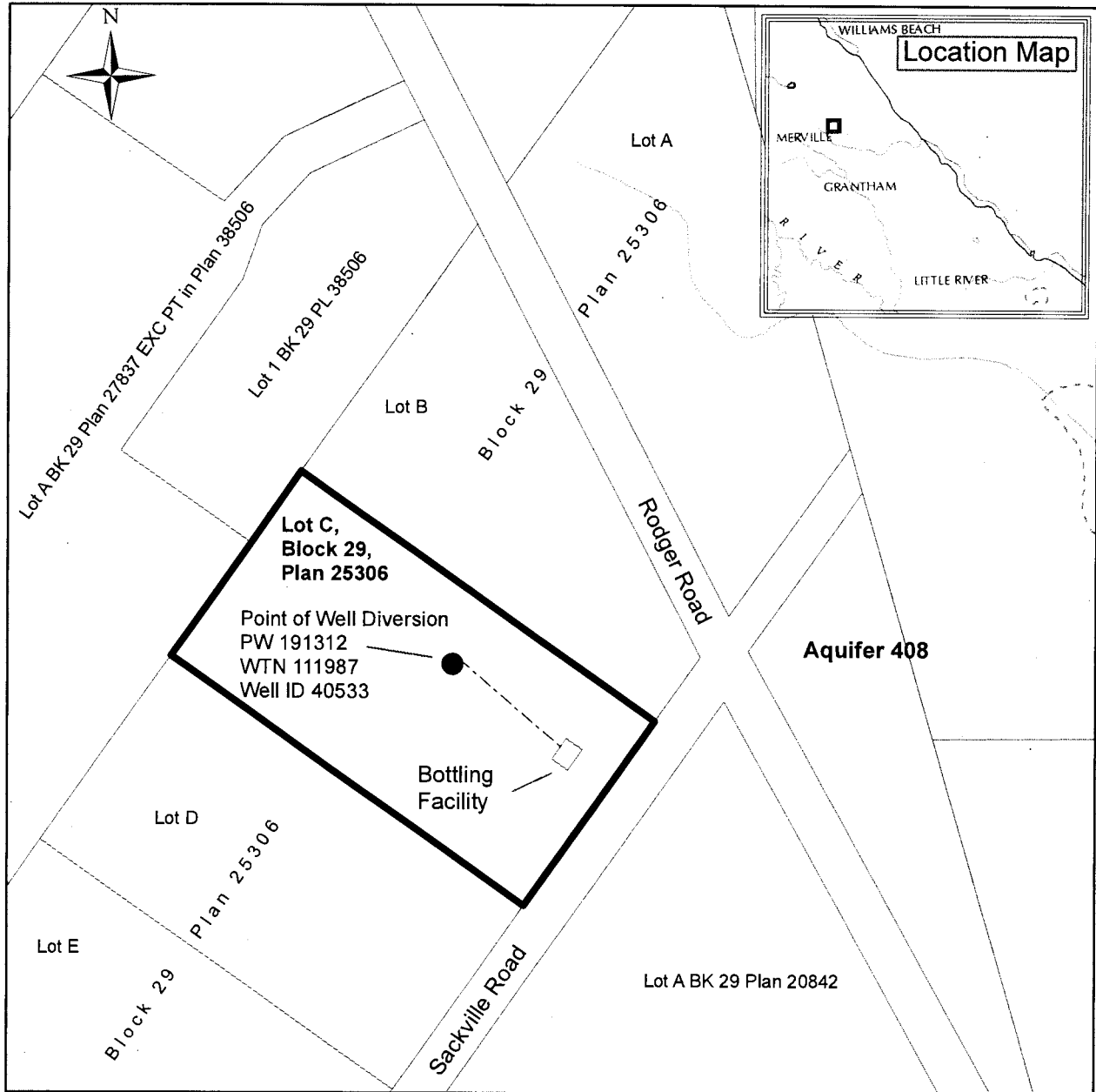
Yours truly,



David Robinson
Assistant Water Manager

Enclosure(s)

cc: Gary Anderson, Upper Island Health Authority, gary.anderson@viha.ca
Alana Mullaly, Manager of Planning Services,
Planning and Development Services Branch,
Comox Valley Regional District, amullaly@comoxvalleyrd.ca



WATER DISTRICT:
 PRECINCT:
 LAND DISTRICT:

Nanaimo
 Courtenay
 Comox

Signature:

Date:

November 21, 2017

LEGEND:

Scale: 1:3,000
 Point of Diversion: ●
 Map Number: 92F.075.4.3
 Pipe: -----

C.L.: 500169
 FILE: 20004026

The boundaries of the land to which this licence is appurtenant are shown thus: **—————**



Province of British Columbia

Water Sustainability Act

CONDITIONAL WATER LICENCE

The owner(s) of the land to which this licence is appurtenant is/are hereby authorized to divert and use water as follows:

- a) The aquifer on which the rights are granted is 408.
- b) The point of well diversion is located as shown on the attached plan.
- c) The date from which this licence shall have precedence is November 15, 2016.
- d) The purpose for which this licence is issued is industrial (fresh water bottling).
- e) The maximum quantity of water which may be diverted for industrial (fresh water bottling) purpose is 3650 cubic metres per year at a rate not to exceed 10 cubic metres per day.
- f) The period of the year during which the water may be used is the whole year.
- g) The land upon which the water is to be used and to which this licence is appurtenant is Lot C, Block 29, Comox District, Plan 25306.
- h) The authorized works are well, pipe and bottling facility which shall be located approximately as shown on the attached plan.
- i) The construction of the said works shall be completed and the water shall be beneficially used prior to December 31, 2020. Thereafter, the licensee shall continue to make regular beneficial use of the water in the manner authorized herein.
- j) The licensee must install a diversion flow measuring device to the satisfaction of the Water Manager.
- k) The licensee must retain diversion flow meter records, and have them available upon request by the Water Manager.

David Robinson
Assistant Water Manager

Agency and First Nations Referral List

The following agencies will receive a referral of the proposal .

First Nations

<input checked="" type="checkbox"/>	K'ómoks First Nation	<input checked="" type="checkbox"/>	Homalco (Xwemalhkwu) Indian Band
<input checked="" type="checkbox"/>	We Wai Kai Nation of the Laich-Kwil-Tach Treaty Society	<input checked="" type="checkbox"/>	We Wai Kum First Nation
<input checked="" type="checkbox"/>	Kwiakah First Nation		

Provincial Ministries and Agencies

	Agricultural Land Commission		Ministry of Community, Sport & Cultural Development (responsible for TransLink)
<input checked="" type="checkbox"/>	BC Assessment		Ministry of Energy & Mines
	BC Parks		Ministry of Forests, Lands and Natural Resource Operations
	Ministry of Environment	<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure
	BC Transit		Ministry of Jobs, Tourism & Skills Training (responsible for labour)
	Ministry of Agriculture		Ministry of Aboriginal Relations and Reconciliation

Local Government

	Comox (Town of)		Alberni-Clayoquot Regional District
	Courtenay (City of)		Strathcona Regional District
	Cumberland (Village of)		Regional District of Mount Waddington
	Islands Trust		Regional District of Nanaimo

Other

<input checked="" type="checkbox"/>	Puntledge – Black Creek Area ‘C’ advisory planning commission		Agricultural Advisory Planning Commission
	School District No.71 (Comox Valley)	<input checked="" type="checkbox"/>	Vancouver Island Health Authority (Environmental Health)

3360-20 / RZ 2C 18

Subject: FW: water bottling facts of life extra water consumption outside the process.**From:** Edwin Grieve [<mailto:edwingrieve@shaw.ca>]**Sent:** Tuesday, March 06, 2018 8:39 PM**To:** Alana Mullaly <amullaly@comoxvalleyrd.ca>**Subject:** Fwd: water bottling facts of life extra water consumption outside the process.

FYI

Sent from my iPad

Begin forwarded message:

From: "gra gor"**Date:** March 6, 2018 at 1:15:39 PM PST**To:** <Ronna-Rae.Leonard.MLA@leg.bc.ca>**Cc:** "Edwin Grieve" <edwingrieve@shaw.ca>**Subject:** **water bottling facts of life extra water consumption outside the process.**<https://www.youtube.com/watch?v=M2kOcEhJmHM>

Bottling water takes more water than that that is bottled

Are they licenced to take 10 cubic metres a day or licenced to bottle 10 cubic metres a day?

Ahh... Commercial Bottled water for sale & export, right here amongst the seasonally dry wells of the Comox Valley.

Talk about putting the fox into the hens.

Rezoning the property to Industrial opens the door to this water export licence.

There is nothing from stopping the proponents from selling their property to whomever they wish. Even the dreaded Nestlé Company. We have seen a number of proponents applying to subdivide or get other special dispensation from the RD tell us a good story about how they were doing it 'for the children' yet within in the year turn around and sold their property to others for maximum market value.

There is nothing to stop MNRO from upping the volume of water allowed. (The proponent let on that they were approved for a much larger volume of water sales than they applied for and were granted . . .).

There is no expiry date on this licence.

There is no protection for the other water users on this aquifer from a multi-national corporation

grabbing this water source by the spigot and draining this region.

Shame on the provincial purveyors of water resources going against the Mandated RGS of the RD by granting this water licence without consultation. What's good for the goose is good for the gander as well.

Another backlash has started.

grant gordon
Area C

3360-20 / RZ 2C 18

Subject: FW: proposed water bottling plant for Merville

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]
Sent: Wednesday, March 07, 2018 5:59 AM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Fwd: proposed water bottling plant for Merville

FYI

Sent from my iPad

Begin forwarded message:

From: JOHN MILNE
Date: March 6, 2018 at 1:00:41 PM PST
To: Ronna-Rae Leonard <ronna-rae.leonard.MLA@leg.bc.ca>
Cc: Edwin Grieve <edwingrieve@shaw.ca>
Subject: **proposed water bottling plant for Merville**

Hello Ronna-Rae

As you know we are long time residents of Merville and have been involved for many years in the community.

Recently there has been a proposal made to construct a water bottling plant on Sackville Road. I know you are somewhat familiar with this issue.

I want to express my strong opposition to this proposal. The Provincial Government Ministry of Forests have approved an application to withdraw significant amount of water from our local aquifer with no studies being done about its capacity to provide this quantity without harming the resource. I suspect this was done under the previous Provincial administration.

I would like you to see what you can do to have this permit rescinded as it was granted without proper procedures being followed. I have a friend who used to work for the Ministry of Environment doing permits for mines, ski developments and the like. He now does environmental impact studies for various clients. In response to a facebook post I made he said, "Since the ministry of FLNRO has taken over licensing of groundwater, they should ensure that the proponent has demonstrated sufficient flow studies that prove the aquifer can sustain such extraction rates, just as must be demonstrated for surface flows before a license is issued." From what I've heard no flow studies have been done to guarantee the aquifer can withstand this amount of water being removed. In rural areas we all depend on wells and many of them are low at certain times of the year. If this proposal proceeds there is danger some wells would go dry. The impact would be expensive both in buying water and having it trucked in, in extra expense to drill a deeper well and in reduction of property values without an adequate supply of water.

Please look into this for us in Merville and protect our water supply.

John Milne

3360-20 / RZ 2C 18

Subject: FW: more info

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]

Sent: Tuesday, March 06, 2018 7:36 AM

To: JOHN MILNE

Cc: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Re: more info

Thank you John.
I will forward this to staff.
Edwin

Sent from my iPad

On Mar 5, 2018, at 10:14 PM, JOHN MILNE wrote:

dEdwin

I posted a comment on facebook today about the water bottling issue. I have a friend who used to work for the Ministry of Environment doing permits for mines, ski developments and so on. He now does Environmental Impact Assessments for various clients so he knows what he's talking about. He made the following comment:

"Since the ministry of FLNRO has taken over licensing of groundwater, they should ensure that the proponent has demonstrated sufficient flow studies that prove the aquifer can sustain such extraction rates, just as must be demonstrated for surface flows before a license is issued."

This may be useful and something you can run by staff at the CVRD to see what they say. From what I read it sounds like whoever issued the permit for the proposal didn't follow protocol.

John

John

3360-20 / RZ 2C 18

Subject: FW: water bottling facts of life extra water consumption outside the process.

From: Alana Mullaly
Sent: Tuesday, March 06, 2018 2:11 PM
To: 'gra gor'
Subject: RE: water bottling facts of life extra water consumption outside the process.

Hi Grant,
The language of the conditional license is:
"The maximum quantity of water which may be diverted for industrial (fresh water bottling) purpose is 3650 cubic metres per year at a rate not to exceed 10 cubic metres per day". APC 'C' will be reviewing this application at your next meeting on March 21.
I look forward to watching the link you've attached.
Thanks Grant,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051
Toll free: 1-800-331-6007 Fax: 250-334-8156
Fax: 250-334-8156

-----Original Message-----

From: gra gor
Sent: Tuesday, March 06, 2018 12:58 PM
To: Edwin Grieve <edwingrieve@shaw.ca>; CVRD - Director Rod Nichol <rodnichol@shaw.ca>; Bruce Jolliffe <brucejolliffe@telus.net>
Cc: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: water bottling facts of life extra water consumption outside the process.

<https://www.youtube.com/watch?v=M2kOcEhJmHM>

Bottling water takes more water than that that is bottled
Are they licenced to take 10 cubic metres a day or licenced to bottle 10 cubic metres a day?
g

3360-20 / RZ 2C 18

Subject: FW: Yesterday's meeting

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]

Sent: Tuesday, March 06, 2018 7:34 AM

To: Lisa Deith

Cc: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Re: Yesterday's meeting

Thanks Lisa for your comments and concerns.
I will forward this to staff as well
Edwin

Sent from my iPad

On Mar 6, 2018, at 4:29 AM, Lisa Deith

wrote:

Hello Mr Grieve,
I wanted to thank you for your representation of our area yesterday. Your considered, measured and thoughtful questions voiced many of my own and it was a relief to hear them spoken publicly. I was forwarded the email sent to you by Bruce Bell and I wanted to add my support to his words. You and your fellow members of the EASC have our support out here on Eagles Drive.
With best regards,
Lisa Stephens-Deith
6420 Eagles Drive

3360-20 / RZ 2C 18

Subject: FW: Melville Assoc. mtg

From: Edwin Grieve [mailto:edwingrieve@shaw.ca]
Sent: Wednesday, March 07, 2018 5:53 AM
To: Isabelle & Dave
Cc: craig ; Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Re: Melville Assoc. mtg

I have forwarded this email to Craig Freeman from Merville Hall association to find out when there next meeting will take place.

If this rezoning goes forward then there will be a full blown public hearing by the CVRD.

Judging by the number of people at the EASC Monday, it may have to be held in a larger venue (Merville Hall??)
Edwin

Sent from my iPad

> On Mar 5, 2018, at 4:05 PM, Isabelle & Dave <isdavep@shaw.ca> wrote:

>

> Edwin

> Would you be able to let us know if and when there is a mtg in Melville re this water proposal? A few of us would like to go to show our support and to also keep on top of it too.

> After all, we are all in Area C, and we all depend on the right decisions being made for any of the water sources in our valley.

> Thanks, Isabelle

>

>

> Sent from my iPad

3360-20 / RZ 2C 18

Subject: FW: Prohibited extraction and sale of groundwater**From:** David A Kelly**Sent:** Wednesday, March 07, 2018 12:19 PM**To:** administration <administration@comoxvalleyrd.ca>; John Horgan <john.horgan.mla@leg.bc.ca>; Doug Donaldson <doug.donaldson.mla@leg.bc.ca>; Claire Trevena <claire.trevena.mla@leg.bc.ca>; Andrew Weaver <andrew.weaver.mla@leg.bc.ca>; Andrew Wilkinson <andrew.wilkinson.mla@leg.bc.ca>; Rachel Blaney <Rachel.Blaney@parl.gc.ca>; Gord Johns <Gord.Johns@lparl.gc.ca>; Jim Carr <Jim.Carr@parl.gc.ca>; Catherine McKenna <Catherine.McKenna@parl.gc.ca>; Lawrence MacAuley <lawrence.macauley@parl.gc.ca>**Subject:**

March 7, 2018

To: Distribution List**From:** David A. Kelly
5022 Childs Road
Courtenay, B.C.
V9J 1L5

Many in the Comox Valley thought that the Comox Valley Regional District "Official Community Plan" (OCP) prohibited extraction and sale of groundwater without a specific assessment of potential impact on the affected (Quadra) aquifer.

On November 17, 2017 the Province issued a 'conditional water license 500169' with no requirement for impact assessment. The government ignored the regional OCP principle, and substituted a standard based on "insignificant potential impact". "Insignificant" now has a numeric value. It is "under 10,000 litres per day" and "in containers not exceeding 20 litres". "

"Insignificant potential impact", with a numeric value, appears to be the reference standard for anyone with an existing or even a new well to extract and sell groundwater without need to provide any impact assessment. This is a provincial government precedent, so should be applicable anywhere in B.C.

Note that the purchaser of the water has no restrictions (at present) on what they can do with the water. The supplier could sell to a single agglomerating buyer for resale, upcharge and distribution as a commodity.

I believe that the single conditional water license 500169 should be withdrawn pending review of implications of such ill-defined groundwater extraction regulations.

Just to demonstrate that I recognize an opportunity, I have initiated applications for my own groundwater extraction license using the same criteria as used for CWL 500169. Our situation is even more "insignificant". Our well, drawing from that same aquifer for the last 17 years for our home and garden, can be diverted entirely to groundwater sales after completion of the CVRD water quality and pressure upgrade. In our case, we can demonstrate no change in impact on the Quadra aquifer.

Sincerely,

David A. Kelly

Distribution List:

Comox Valley Regional District

- Russell Dyson, Chief Administrative Officer

Province of B.C.

- Hon. John Horgan, Premier of B.C.
- Hon. Doug Donaldson, Minister of Forests, Lands, Natural Resources Operation and Rural Development
- Hon. Claire Trevena, MLA,
- Hon. Dr. Andrew Weaver, MLA,
- Andrew Wilkinson, Leader of the Official Opposition

Government of Canada

- Rachel Blaney, MP, North Island – Powell River
- Gord Johns, MP, Courtenay Alberni
- Hon. Jim Carr, MP, Minister of Natural Resources
- Hon. Catherine McKenna, MP, Minister of Environment & Climate Change
- Hon. Lawrence MacCauley, Minister of Agriculture & Food



Virus-free. www.avg.com

Received 20180308
3360-20 / RZ 2C 18
B. Chow

March 7, 2018

Collette Lindal
7576 Armstrong Road
Merville, B.C.
V0R 2M0

Tanya Dunlop
Senior Authorizations Technologist

Ronna-Rae Leonard
MLA Courtenay-Comox

Re: Groundwater License Application 104026 – 2410 Sackville Road

As a nearby neighbor, and lifelong resident of the Comox Valley, I am deeply angered, concerned and disappointed that this license was not only issued, but was issued without extensive study or public input and awareness. That the province did not deem it necessary for the applicants to provide baseline data about the aquifer relating to agricultural and domestic use is completely irresponsible. All aquifers are a valuable natural resource that are shared between private rural residences and farmers and have an equal impact upon our quality of life as humans and on our potential future. Water, by nature, should not be privately owned, should not be a commodity, rather it should be used by the public and the government has a responsibility to protect public uses of this resource.

•
The average Canadian household uses 250 liters of water per day, <https://www.watercanada.net/statistics-canada-reports-on-canadas-renewable-freshwater-and-water-use/> and the province has allowed one household who is not zoned to run a water bottling business, to extract up to 10,000 liters per day! This is being permitted when residents in the immediate area are already having dry wells in the drier months? What impact will this have on this aquifer #408 that runs from Comox to Black Creek? Who will regulate the quantity of water being extracted? It is unsettling when neighbors voice their concern over dry wells and the proprietor, Mr. Mackenzie, responds with 'dry wells will be hit and miss and that people will just have to understand it.' Where are his ethics and values if he has no regard for his neighbors and community? Now our investments, our homes, our farms are in possible jeopardy so that he can profit from our natural resource that should be protected.

I am also disappointed in Ronna-Rae Leonard's response to this extremely important issue. "I can understand the concerns of Merville residents, as water is a precious resource for any community. My understanding is the ministry performed a detailed technical review of the proposal and noted no concerns about aquifer capacity. I've also been reassured that existing well users would get priority in a drought. The project still needs CVRD zoning approval though, and as the local MLA I will be monitoring the situation closely." First of all, there was not a detailed technical review of the proposal and secondly, your reassurance of existing well users getting priority in a drought is not reassuring and is a feeble attempt at appeasing the public.

I am asking for you to secure this natural resource, to act in the present by not only denying the rezoning but to retract this license. By retracting this license, which only benefits one family's business plan, you are preventing an irreversible, negative impact on the aquifer in the near future, which impacts thousands of residents.

Sincerely,
Collette Lindal

3360-20 / RZ 2C 18

Subject: FW: more info again

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]

Sent: Wednesday, March 07, 2018 6:40 AM

To: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Fwd: more info again

More at the door

Sent from my iPad

Begin forwarded message:

From: JOHN MILNE
Date: March 6, 2018 at 10:51:38 PM PST
To: Edwin Grieve <edwingrieve@shaw.ca>
Subject: more info again

Edwin

Here's another comment from my friend.

"It shows a lack of coordination between permitting agencies John. FLNRO saying we will give you a license but it is up to you to get regional district zoning. It pressures the local government when a guy says look, I have a license that I can't use without zoning. So now he has a license which gives him a priority standing to take the water even if he can't get the proper zoning. What a potential waste of a license opportunity if the aquifer can sustain it, but that seems to be in some doubt. The gov really needs to get it together in order to properly understand aquifer production capacity. I have done a number of environmental assessments for well production and I have not seen where FLNRO seeks to demonstrate aquifer flow levels. Each individual well is pump tested to demonstrate its own target production capacity, but I don't know how they know what the cumulative capacity of the aquifer is. I am going to discuss this with the well consulting company that I work with."

I'm asking him for more info.

John

3360-20 / RZ 2C 18

Subject: FW: Water licence for 2410 Sackville Road, Merville
Attachments: CVRD Aquifers.pdf; ATT00001.htm; Aquifer_Description_aq0408.pdf; ATT00002.htm; image1.jpeg; ATT00003.htm

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]
Sent: Saturday, March 10, 2018 7:06 AM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Fwd: Water licence for 2410 Sackville Road, Merville

Sent from my iPad

Begin forwarded message:

From: "wgwhite"
Date: March 9, 2018 at 1:31:39 PM PST
To: "Bruce & Nicole" , "JOHN MILNE"
, "Arzeena Hamir"
<edwingrieve@shaw.ca>, "Angela Spooner"
Subject: Re: Water licence for 2410 Sackville Road, Merville

Hi Bruce and Nicole,

Here are a couple of reports on the aquifer. Note the lack of recharge and flow data. Both reports do say that it is probable a number of high capacity wells could be developed within this aquifer. There is also an article in the paper as well as a letter to the editor on this subject.

I have also copied Angela Spooner who lives in the Kitty Colman so is also interested. She is also the Project Coordinator for the Tsolum River Restoration.

I have heard from a number of people who have artesian well or springs in your area so the recharge area would be at a higher elevation than your lot. The Quadra Sands are not confined by an impervious layer in your area which would mean the aquifer would be vulnerable to surface contamination. The main area of the aquifer towards Comox and the Tsolum have a layer of marine clay or Vashon till but low permeability layers. Most users would be domestic wells all the way from your area to the Tsolum River in the west and Comox in the south.

Wayne White

From: [Bruce & Nicole](#)
Sent: Friday, March 09, 2018 12:19 PM
To: 'JOHN MILNE' ; '[wgwhite](#)' ; ; '[Arzeena Hamir](#)' ;
edwingrieve@shaw.ca
Subject: Water licence for 2410 Sackville Road, Merville

Hi everyone. I filed an appeal to the Environmental Appeal Board with regard to this licence. I received an email this morning advising the appeal has been accepted, and that I will be notified soon about a hearing date. I do not yet know if that hearing will be in person, by telephone or whatever.

In any event I am looking for help in gathering evidence and information to support my appeal. Much of my opposition currently is emotional rather than factual, so gathering factual information to support my case would be great. If you are able to help, it would be greatly appreciated.

Number of people who depend on the aquifer for their only source of water? Etc.

Any others I should seek assistance from?

Thanks.

Bruce Gibbons

AQUIFER CLASSIFICATION WORK SHEET

DATE: May 29, 2000

AQUIFER LOCATION: Comox – Merville, BC

REFERENCE NUMBER: 408

DESCRIPTIVE LOCATION: Occupies an extensive Quadra Sand deposit spanning from Comox Harbour, to 10 km north of Merville, BC. The coastline generally bounds the aquifer to the east, as does the Tsulom River along its western perimeter.

NTS MAP SHEET: 092F•10; 092F•11; 092F•14

WELL LOCATION MAPS:

Water Well Location Maps 'Comox 1', 'Comox 2' and 'Comox 3'

BCGS Mapping Area: 092F•066•3•3; 092F•066•3•4; 092F•066•4•3; 092F•075•4; 092F•076•1;

092F•076•2•1; 092F•076•3•1; 092F•076•3•3; 092F•085•2•1;

CLASSIFICATION: IIC

RANKING: 13

Aquifer Size:

Approximately 147.7 km².

Aquifer Boundaries:

Delineated based on surficial geology boundaries (Fyles 1959, 1960), areas of groundwater development, known occurrences of groundwater springs, and Clague (1977) and Leaming (1968).

Geologic Formation (overlying): Varies spatially

- 1.) Marine or glacio-marine deposits (silt, clay, sand, gravel, and stones, often underlain by clay. These deposits range in thickness from a few inches to 30 feet).
- 2.) Vashon Till (olive coloured, ice contact deposits, rich in clay, containing sand, silt and gravel. Generally this formation yields little or no water when pumped).

Geologic Formation (aquifer):

Quadra Sediments (glacial sands, minor gravel, silt, peat, peaty soil and driftwood).

Confined/Unconfined/Bedrock:

Largely confined, although small portions of the aquifer are surficially exposed.

Productivity: Moderate (varies spatially).

The range of reported yields is from 0.02 to 31.6 L/s (0.3 to 500 US gpm). The geometric mean of reported well yields is 0.7 L/s (10.5 US gpm) and the median well yield is 0.63 L/s (10 US gpm). The Groundwater Section has no available pumping test data to estimate the transmissivity and specific capacity values.

Vulnerability: Low (varies spatially).

The average thickness of the confining layer is 29.2 meters (95.7 feet). Where a confining layer exists, the geometric mean thickness of that layer is 25.1 metres (82.5 feet) and the median thickness of the confining layer is 26.2 metres (86 feet). The range of thickness of the confining layer is from 0 to 80.1 metres (0 to 263 feet).

Depth to Water Table:

Depth to static water level averages 9.5 meters (34.3 feet). The geometric mean static water level is 6.5 metres (21.29 feet). The median static water level is 6.1 metres (20.0 feet) and the range of static water levels is 0 to 136.6 metres (0 to 120 feet).

Direction of Flow:

Has not been determined. Further studies need to be conducted to determine the direction of flow.

Recharge:

Likely from precipitation. Further studies need to be conducted to determine all sources of recharge to the aquifer.

Domestic Well Density: Moderate (varies spatially).

Approximately 3 wells/km².

Users/Level of Use:

Predominately for domestic use, although some community, hatchery, industrial and irrigation wells are distributed across the aquifer.

Reliance on Source:

Conjunctive.

Conflicts Between Users:

None documented.

Quantity Concerns (type, source, level of concern):

None documented.

Quality Concerns (type, source, level of concern):

- Kye Bay residents have been under direction to boil their water since 1995. This community was established in the coastal perimeter of the Quadra Sands. Here, the sands emerge from below the Vashon Tills, making them highly vulnerable to surface contamination.
- Iron and manganese levels have exceeded acceptable limits on occasion, particularly near the Town of Comox. (See Observation Wells 280 and 285)
- Isolated well owners across this aquifer have stated that water from this aquifer has a sulphurous odor. The source of this largely aesthetic concern is not clear.

Notes:

The geometric mean depth of water wells in this aquifer is 22.7 metres (74.7 feet). The median depth of wells is 30.5 metres (100.0 feet) and the range of well depths is from 0.9 to 115.8 metres (3 to 380 feet).

The statistics quoted for this aquifer are based on 490 water well records.

It is probable a number of high capacity wells could be developed within this aquifer.

This extensive Quadra Sand deposit was laid during the Fraser Glaciation. The sands have been well documented by Clague (1977) and Fyles (1959, 1960, 1962 and 1963), and can be a productive groundwater source. Aquifer 408 is generally protected from surface contamination due to the equally extensive Vashon Till that blankets much of the Comox Valley and beyond. However, surficial geology mapping (Fyles 1959, 1960 and 1962) indicates that the sands are exposed at the ground surface in a number of areas (i.e., Black Creek, Comox and at several coastal locations). Lying below the Quadra Sediments is a less understood, water bearing formation. Here, another sand formation has been encountered that yields low to moderate volumes of water. This sediment horizon, thought to be of the Cowichan Head Formation, has not been delineated, but is considered to be less vulnerable to contamination.

References:

Clague, J.J., 1977. Quadra Sand: A Study of the Late Pleistocene Geology and Geomorphic History of Coastal Southwest British Columbia. Paper 77-17. G.S.C. Ottawa, Canada.

EBA Engineering Ltd., 1994. Groundwater Well Field Impact Assessment and Management Plan for Stelling Road Fish Hatchery. EBA File Number 0802-82028.

Fyles, J.G., 1959. Surficial Geology: Oyster River, British Columbia. Map 49-1959. Geological Survey of Canada.

Fyles, J.G., 1960. Surficial Geology: Courtenay, British Columbia. Map 32-1960. Geological Survey of Canada.

Fyles, J.G., 1962. Surficial Geology: Horne Lake, British Columbia. Geological Survey of Canada.

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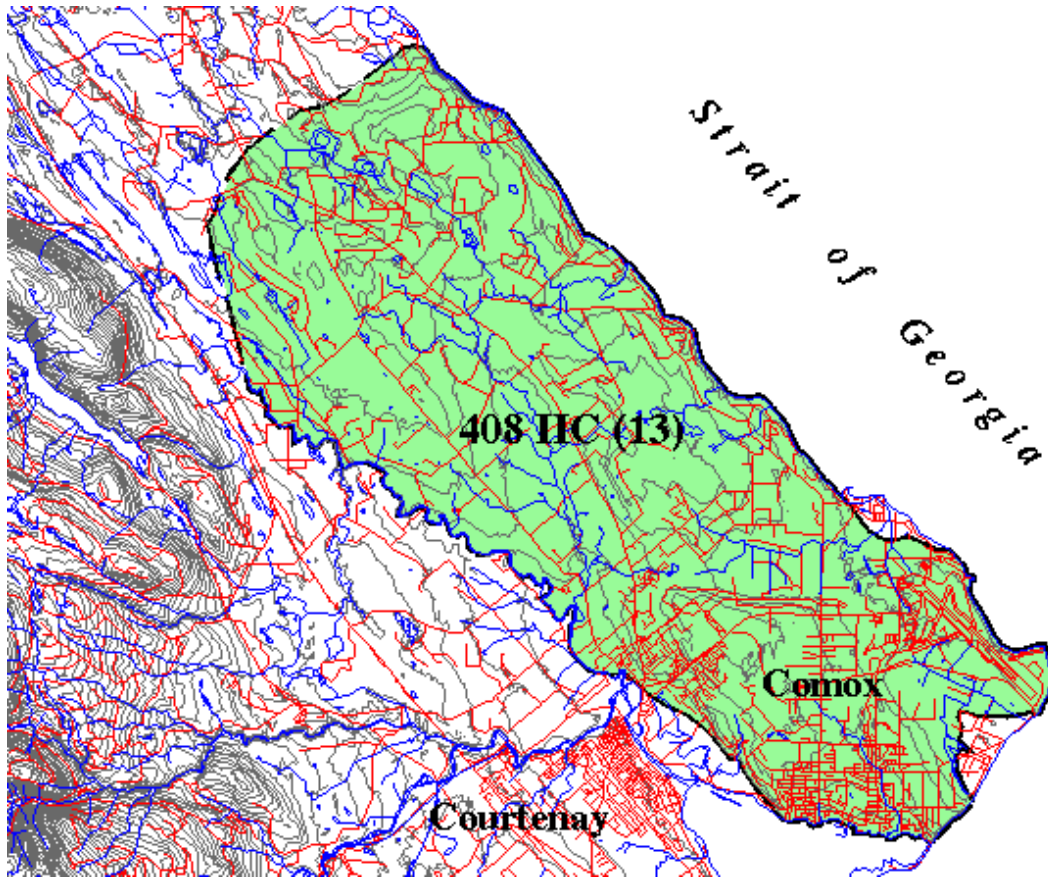
AQUIFER CLASSIFICATION AND RANKING**AQUIFER LOCATION:** Comox – Merville, B.C.**REFERENCE NUMBER:** 408**CLASSIFICATION:** IIC**RANKING VALUE:** 13

Classification Component: (II) Although the aquifer is patchily developed, a large number of households, businesses and agricultural users have accessed this groundwater body. Yields are also variable, yet tend to be moderate to high.

Vulnerability: (B) Vulnerability to contamination is highly variable across this large groundwater body. Fyles (1969) and Clague (1977) noted several areas where the Quadra sediments were surficially exposed and could be susceptible to contamination. More commonly, however, a thick layer of till blankets to Quadra sediments.

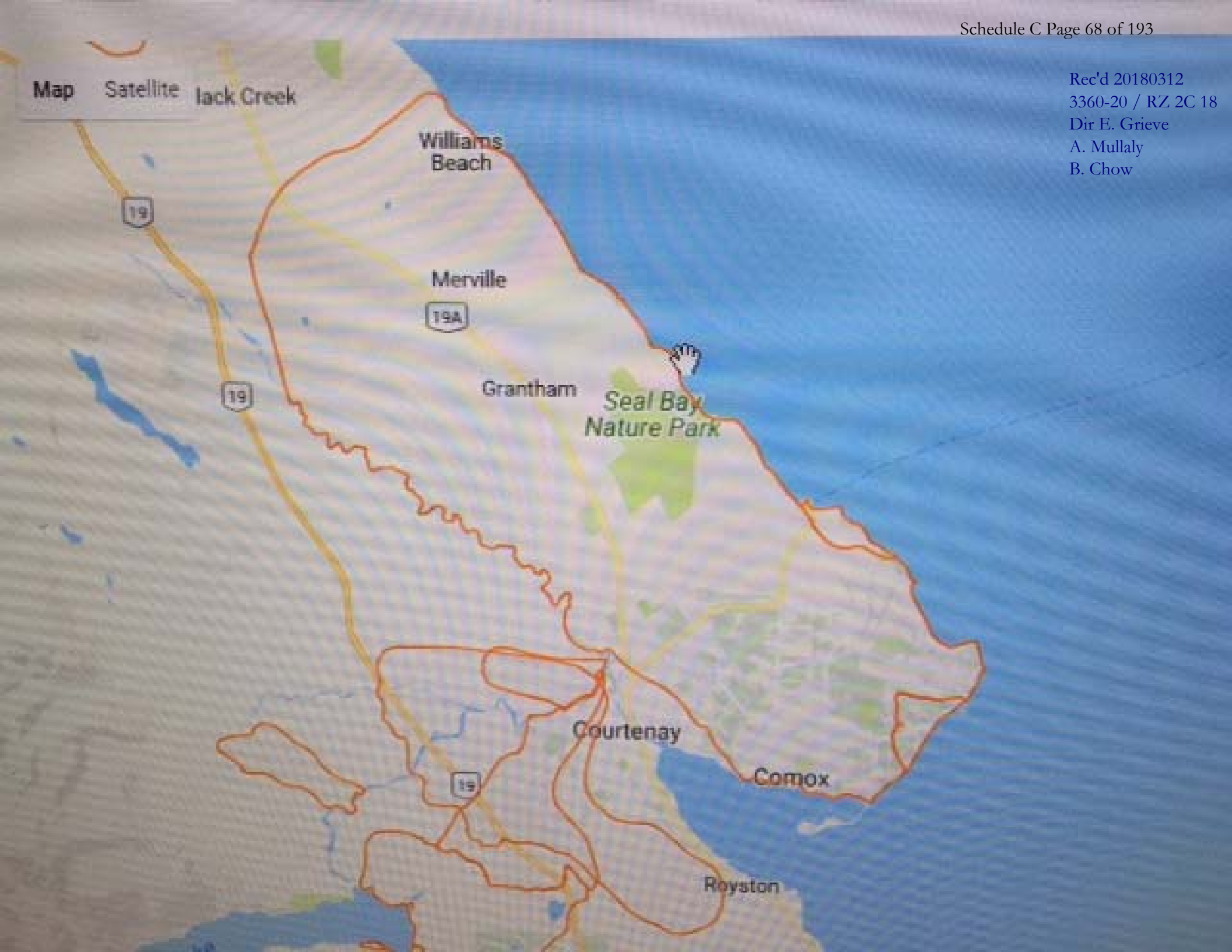
Ranking Component:

	Value
Productivity:	2
Vulnerability:	1
Size:	3
Demand:	3
Type of Use:	3
Quality Concerns:	2
Quantity Concerns:	0
Total	13



Map Satellite Lack Creek

Rec'd 20180312
3360-20 / RZ 2C 18
Dir E. Grieve
A. Mullaly
B. Chow



3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Friday, March 09, 2018 4:15 PM
To: Sylvia Stephens
Cc: Brian Chow
Subject: FW: Water bottlling issue in Merville. Inappropriate actions.

From: Edwin Grieve [mailto:edwingrieve@shaw.ca]
Sent: Friday, March 09, 2018 12:32 PM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Fwd: Water bottlling issue in Merville. Inappropriate actions.

More

Sent from my iPad

Begin forwarded message:

From: JOHN MILNE
Date: March 7, 2018 at 10:43:43 PM PST
To: Dave Lacelle
Cc: Milne John
Subject: Re: Water bottlling issue in Merville. Inappropriate actions.

Dave

I will send out your email as you request. There is no excuse for bullying. The proposal should be evaluated on its merits, if any, and be evaluated leaving personalities out of it.

John

From: "Dave Lacelle"
To: "Ronna-Rae Leonard" <ronna-rae.leonard.MLA@leg.bc.ca>
Cc: "jsmilne64"
Sent: Wednesday, March 7, 2018 9:06:10 PM
Subject: Water bottlling issue in Merville. Inappropriate actions.

Hi Ronna Rae

You may remember me from my days as Chair of C.V. Nature, or Chair of C.V. Environmental Council.

There has been much concern and protest about a very small proposal to sell bottled water from a well at a private residence in Merville.

Please allow me to state a bit of "cred." As to why I believe I am qualified to write on this issue. My degree is a BES from Waterloo, for most of my career I was the "Municipal Water & Wastewater Resource Analyst" at Environment Canada Headquarters in Ottawa. I am coauthor of several published

E.C. reports on municipal water use, or municipal water metering, or municipal water pricing etc. The co author of these reports is Dr. D. Tate, then E.C.'s Senior Economist
I have presented in Washington D.C. and have sat on a panel there representing Canada. I have reported (by request) to
The Prime Ministerial level (including information on the Walkerton Ont. municipal water disaster), and once to the U.S. Presidential level.

I live about one kilometer from this proposed bottling operation. We most probably share the same water. Before having my well drilled (very successfully) I studied and consulted with the owner of a deep local gravel pit which was about midway between my lot and the proposed site. I have taken University level courses on geomorphology (emphasis on glacial landforms) and geology.

I will send you a separate email tomorrow regarding some of my personal technical observations of this area, however there are some more important things that must be said first.

I am ashamed to be a resident of Merville due to the actions of some people regarding this bottling proposal. There have been people carrying protest signs on Sackville Road (site of the proposal), printed notices placed on local newspaper boxes and Post Office boxes, and even personal distribution of printed materials at the local store and café. There have also been social media comments. This form of protest is appropriate if directed at a corporate entity, a government agency, or at a political agency/person. **When directed at two private citizens identified by their residential address it is better called BULLYING.** I sincerely wish that some Merville residents would stand in front of a mirror and ask themselves if the actions described above are A. Proper, B. Fair, and C. How they would feel if directed at them ? An apology to the two citizens would be appropriate.

Due to this bullying and the nimbyism aspect of this issue I would strongly recommend you distance yourself from it.

Mr. Milne, it would also be appropriate if you distributed this email (unedited) to the group you sent your email requesting Merville residents to contact our MLA. In the interest of fairness, and "open mindedness" please.

Sincerely,
Dave. Lacelle, Merville.

3360-20 / RZ 2C 18

Subject: FW: Feedback: Water Services

From: no-reply@comoxvalleyrd.com [<mailto:no-reply@comoxvalleyrd.com>]

Sent: Friday, March 09, 2018 4:43 PM

To: engineeringservices@comoxvalleyrd.ca

Subject: Feedback: Water Services

Topic:
Water Services

Name:
Garth Taylor

Email:

Phone:

Address:
2341 Clark Road

Message:
JUST FOUND OUT THROUGH AN ARTICLE IN THE COMOX VALLEY RECORD ABOUT ISSUING A GROUND WATER EXTRACTION PERMIT TO A MR. MacKENZIE LIVING ON SACKVILLE ROAD. THIS WAS THE FIRST MY WIFE AND I HEARD ABOUT SUCH A STUPID IDEA. THAT HAS TO ONE OF THE MOST LUDICROUS DECISIONS FROM THE PROVNCIAL GOVERNMENT IS RECENT MEMORY. IF MR. MacKENZIE WANTS TO SUPPORT HIS FAMILY THEN TELL HIM TO GET A JOB LIKE THE REST OF US HAD TO DO.

3360-20 / RZ 2C 18

Subject: FW: CVRD Meeting Today

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]

Sent: Saturday, March 10, 2018 6:55 AM

To: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Fwd: CVRD Meeting Today

Sent from my iPad

Begin forwarded message:

From:
Date: March 5, 2018 at 2:22:45 PM PST
To: "Edwin Grieve" <edwingrieve@shaw.ca>
Subject: RE: CVRD Meeting Today

Thanks, Edwin.

Sometimes a little "civil disobedience" is not a bad thing!

The "deferral" idea might work for you. I always suspect bullying by a senior Government!

Bruce.

----- Original Message -----

Subject: Re: CVRD Meeting Today

From: Edwin Grieve <edwingrieve@shaw.ca>

Date: Mon, March 05, 2018 2:47 pm

To:

Tanks Bruce;

Important to note is CVRD jurisdiction is only around rezoning to Light Industrial to legitimize use. As a Director I have to keep arms length and demonstrate an "open mind". In the event that a Director is deemed to have already made a decision, the whole process can be overturned by Senior Government. We are "children of the province" and any of our decisions can be overturned by a stroke of a pen in Victoria. The application is now going forward for referrals to affected agencies including Komux First Nations.

There is still much public process including a public hearing before any zoning change can occur

Edwin

Sent from my iPad

On Mar 5, 2018, at 11:47 AM,
wrote:

Jean and I attended your meeting this morning. I was very impressed with your processes and how you handled such an emotional issue with calm, reason and intellect.

My big take-away was that the Province is not taking its responsibilities under the Water Act as seriously as it should, and that by not giving you and your staff reasonably requested information it was essentially "punting" what should be their decision to the CVRD.

I have a couple of ideas for you and your colleagues:

1. I would suggest you defer any requests such as Item 5 indefinitely until you have received the information you feel you need to make an informed decision from the Province. Stop the process and don't waste CVRD time and talent.
2. Water management is a huge and important issue. Maybe the CVRD should consider an outright ban on rezoning (or even zoning) for bottling plants altogether.

My sense of the application today was that if CVRD gave its permission for rezoning, the Applicants would be right back to the Province for a bigger capacity of extraction and all that CVRD could do at that point would be to sit back and watch the aquifer get drained.

I'm happy to elaborate on these points if you would like at your convenience.

Bruce.

From: [Alana Mullaly](#)
To: [Shannon Smith](#)
Cc: [Brian Chow](#)
Subject: FW: Water Extraction Plant in Merville
Date: Monday, March 12, 2018 4:50:47 PM
Attachments: [image001.png](#)

Hi Shannon,
Please include this correspondence in the public correspondence file that Sylvia has set up for rezoning file RZ 2C 18 (MacKenzie).

Thank you,
Alana

Alana Mullaly
Manager of Planning Services, Planning and Development Services Branch
Comox Valley Regional District
250.334.6051

From: Edwin Grieve [mailto:edwingrieve@shaw.ca]
Sent: Monday, March 12, 2018 4:37 PM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Fwd: Water Extraction Plant in Merville

Sent from my iPad

Begin forwarded message:

From: "Leonard.MLA, Ronna-Rae" <Ronna-Rae.Leonard.MLA@leg.bc.ca>
Date: March 12, 2018 at 4:31:38 PM PDT
To: undisclosed-recipients;;
Subject: **Water Extraction Plant in Merville**

Hello and thank you for your email regarding the water extraction plant on Sackville Road in Merville. I've heard from many in the community about this issue, and I can appreciate the concerns being raised, as I know water scarcity and wells running dry have been ongoing issues in Merville.

I've spoken personally with Minister Doug Donaldson about this issue and have brought forward the issues raised to me. I have also met with Minister of Indigenous Relations and Reconciliation, Scott Fraser, along with Minister Doug Donaldson and K'omoks First Nation together and have explained to both Ministers that it is not uncommon for wells to run dry in Merville during the hot summer months. I understand that the water license is conditional, and there are a number of other interests still to be addressed,

like CVRD re-zoning. Protecting our drinking water is a priority for me as your MLA, and I will continue to bring forward your concerns so that they can be adequately addressed.

I encourage you to also write directly to the Minister of Forests, Lands, Natural Resource Operations and Rural Development, Doug Donaldson. You can email him at FLNR.Minister@gov.bc.ca.

Please be assured that I have clearly heard the concerns from the community, and that I will continue to monitor the situation and work with the Ministry to ensure water licensing decisions are made with the best interests of Merville and other areas in mind. Thank you again for contacting me.

Regards,

Ronna-Rae Leonard, MLA for Courtenay-Comox

437 5th St, Courtenay BC

Ph: 250-703-2410

Office Hours: Monday to Thursday, 10 am to 4 pm, and Fridays by appointment



It is a privilege to live and work on the traditional lands of the K'omoks First Nations.

CONFIDENTIALITY NOTICE: The above message contains confidential information intended for a specified individual and purpose. The information is private and protected by law. Any copying or disclosure of this transmission by anyone other than the intended recipient is prohibited. If you are not the intended recipient, please notify the sender immediately and delete this message and any attachments from your system. Thank you.

3360-20/ RZ 2C 18

Subject: RE: Water licence for 2410 Sackville Road, Merville

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]
Sent: Tuesday, March 13, 2018 8:11 AM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Fwd: Water licence for 2410 Sackville Road, Merville

Sent from my iPad

Begin forwarded message:

From: Angela Spooner
Date: March 12, 2018 at 11:15:39 PM PDT
To: wgwhite
Cc: "Bruce & Nicole" , JOHN MILNE
Arzeena Hamir

edwingrieve@shaw.ca
Subject: Re: Water licence for 2410 Sackville Road, Merville

FYI - this just came through a private email group I am in - no other info on source...

**MEDIA RELEASE - KFN OPPOSES THE
COMMERCIALIZATION OF WATER EXTRACT IN
MERVILLE**



**MEDIA RELEASE
March 8, 2018**

**K'ÓMOKS FIRST NATION OPPOSES THE
COMMERCIALIZATION OF WATER EXTRACT IN
MERVILLE**

*In a time of reconciliation with First Nations, the BC
government gets it wrong again*

**(Comox Valley, BC) The K'ómoks First Nation
(KFN) is disappointed but not surprised to hear of
the recent approval of a conditional groundwater
license for water extraction for profit in the area of
Sackville Road in Merville.**

The issued permit by the province of BC came as a major disappointment to the Nation considering the applicants MacKenzie/Heynck presented an application for a groundwater license to KFN Chief and Council on June 26, 2017, which was then denied. The province did not follow proper consultation procedure to consult directly with KFN Chief and Council on the recent approval.

“It is an insult to our Nation and our people,” stated Chief Nicole Rempel. “We were very clear with the applicants that at this time, we could not support their application because we are currently in a treaty process and negotiating for allocations of groundwater ourselves. Further to that, the indefinite length of term of the license, as well as the amount is of great concern. This is unceded traditional territory of the K’ómoks First Nation, and we adamantly oppose this licence issuance. KFN has watched as the resources in our territory have been stripped away and shipped away for far too long. In a time where both the Prime Minister and BC Premier have given mandates to their staff to uphold and honour the United Nations Declaration on the Rights of Indigenous People, it is quite angering to have to continue the struggle for the rights of our people. The province needs to smarten up, negotiate in good faith and in accordance with the UNDRIP and stop giving out tenures while in current treaty negotiations. I intend to raise this issue to Minister Doug Donaldson.”

It was also added by Mark Stevenson, KFN’s Chief Negotiator for Treaty that, “the province has failed to meaningfully consult with the Nation. We are extremely disappointed with the failure of the province’s inability to seek K’ómoks’ free, prior and informed consent. They have also failed to live up to their own legal requirements as well as the requirements under the UNDRIP.”

Not only is the Nation currently in negotiations with the province for rights to groundwater, but the license approval raises serious aquifer and environmental impact concerns to the area.

About K'ómoks First Nation

The K'ómoks First Nation is located in the heart of the Comox Valley on Vancouver Island.

Membership is currently 336 members within four clans: Sathloot, Saseetla, Leeksun and Puntledge.

Two cultures are identified in their community:

Coast Salish (Island-Comox speaking peoples) and Kwakwaka'wakw (Kwák wala speaking peoples).

K'ómoks originally occupied sites in Kelsey Bay, Quinsum, Campbell River, Quadra Island, Kye Bay and along the Puntledge Estuary. For more information, please visit www.komoks.ca.

For more information, please contact:

Mark Stevenson, Chief Negotiator

K'ómoks First Nation

P: [250.889.4397](tel:250.889.4397)

E: mark@aboriginallaw.com

Nicole Rempel, Chief Councillor

K'ómoks First Nation

P: [250.339.4545](tel:250.339.4545)

E: nicole.rempel@komoks.ca



Nazaneen Dizai
Principal + Consultant
[50th Parallel Public Relations](#)
Blogger for [Girl Meets Island](#)
Comox Valley, BC

Disclaimer

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On Fri, Mar 9, 2018 at 1:31 PM, wgwhite

wrote:

Hi Bruce and Nicole,

Here are a couple of reports on the aquifer. Note the lack of recharge and flow data. Both reports do say that it is probable a number of high capacity wells could be developed within this aquifer. There is also an article in the paper as well as a letter to the editor on this subject.

I have also copied Angela Spooner who lives in the Kitty Colman so is also interested. She is also the Project Coordinator for the Tsolum River Restoration.

I have heard from a number of people who have artesian well or springs in your area so the recharge area would be at a higher elevation than your lot. The Quadra Sands are not confined by an impervious layer in your area which would mean the aquifer would be vulnerable to surface contamination. The main area of the aquifer towards Comox and the Tsolum have a layer of marine clay or Vashon till but low permeability layers. Most users would be domestic wells all the way from your area to the Tsolum River in the west and Comox in the south.

Wayne White

From: [Bruce & Nicole](#)
Sent: Friday, March 09, 2018 12:19 PM
To: 'JOHN MILNE' ; 'wgwhite' ; ; 'Arzeena Hamir' ;
edwingrieve@shaw.ca
Subject: Water licence for 2410 Sackville Road, Merville

Hi everyone. I filed an appeal to the Environmental Appeal Board with regard to this licence. I received an email this morning advising the appeal has been accepted, and that I will be notified soon about a hearing date. I do not yet know if that hearing will be in person, by telephone or whatever.

In any event I am looking for help in gathering evidence and information to support my appeal. Much of my opposition currently is emotional rather than factual, so gathering factual information to support my case would be great. If you are able to help, it would be greatly appreciated.

Number of people who depend on the aquifer for their only source of water? Etc.

Any others I should seek assistance from?

Thanks.

| Bruce Gibbons

--
Angela

3360-20/ RZ 2C 18

Subject: RE: ground surface water

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]

Sent: Wednesday, March 14, 2018 7:20 AM

To: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Fwd: ground surface water

From: "Wendy and Arnie"
Date: March 13, 2018 at 7:11:51 PM PDT
To: <edwingrieve@shaw.ca>
Subject: ground surface water

To Tanya Dunlop BC Government

Ronna-Rae Leonard MLA

Andrew Weaver MLA

BC liberals

Edwin Grieve Area C rep

Re: Ground water license application 104026 2410 Sackville Rd Merville B.C.

I have lived in Merville for over 20 years. We built our home developed our garden and orchard. This is our home, our largest investment. We as well as our neighbors depend on a good supply of water to grow our own food and feed our livestock. Our home is approximately 1 km from 2410 Sackville rd. the property that has been granted the license to extract the water.

I am appalled by how quickly and easily this license was granted. This license allows one family to extract 10,000 liters of water per day 365 days per year for their own personal gain. This family and the authority that issued the license has no regard for the rest of our community! The approval was made without public consultation and without an extensive study. The government nor Mr MacKenzie can grantee that extracting this amount of water from the aqua fur, will not negatively impacted our water supply .Mr. Mackenzie comment at the meeting March 2 was

“dry wells will be hit and miss and that people will have to live with it” Why should we as a community be expected to take the risk? As a community we all depend on our water source.

Our water is our most precious resource. Why is the government making it so easy to sell off the most important resource we have for the benefit of one family?

Ronna- Rae Leonard said “Ive been reassured that existing well users would get priority in a drought” How is this possible? If the water is gone it's gone. the government can't make it rain! Every year peoples wells run dry. What does the government do to help these families?

Please for the sake of our community retract this license before it has an irreversible negative impact. Please protect our most valuable resource. I believe it is our governments job to look to the future and decide what is best not just for one family but for thousands of people in our community.

Thanks You

Wendy Remmen

3360-20/ RZ 2C 18

Subject: RE: Water Extraction Plant in Merville**From:** Edwin Grieve [<mailto:edwingrieve@shaw.ca>]**Sent:** Tuesday, March 13, 2018 1:17 PM**To:** Alana Mullaly <amullaly@comoxvalleyrd.ca>**Subject:** Fwd: Water Extraction Plant in Merville

Sent from my iPad

Begin forwarded message:

From: "woloshyn"**Date:** March 13, 2018 at 9:07:06 AM PDT**To:** "Ronna-Rae Leonard.MLA" <Ronna-Rae.Leonard.MLA@leg.bc.ca>**Cc:** <andrew.weaver.mla@leg.bc.ca>, "edwin grieve" <edwingrieve@shaw.ca>, <contact@bcliberals.com>, <tanya.dunlop@gov.bc.ca>, <FLNR.Minister@gov.bc.ca>**Subject:** Water Extraction Plant in Merville

Good morning, Ms. Leonard.

I appreciate your quick reply, thank you. I still have a few questions and hope that you will be able to clear them up for me.

You agree that at times we have a shortage of water in Merville and yet you have given conditional permission to one resident to sell nearly 4 million litres of water per year without considering how this might affect the rest of the agricultural area.

You have been quoted as saying that there were extensive water assessments done. I would like to know who did these assessments and if they are available to the public?

You claim that in the case of a drought the residents would have priority over the water. Is this an actual clause in the conditional license and if so, how do you plan to enforce it? How do you plan to have Mr.MacKenzie to turn off the faucet, so to speak, to his "cottage industry that is supporting his small family"? He told the CVRD that if our wells run dry we "would have to understand".

What are the repercussions if Mr. M drains the aquifer and the rest of the landowners of Merville are left with real estate of no value? Will you guarantee that the provincial government will compensate us for the full market value of our land when we had access to water?

Ms. Leonard, many of us are experiencing sleepless nights because of this threat to our homes and our future real estate investments. We need to know the answers to these questions sooner rather than later because it seems that there is much activity and decision making going on without our knowledge.

I look forward to another much appreciated quick reply to these questions.

Diane Woloshyn

3360-20/ RZ 2C 18

Subject: RE: concerning the water in Merville**From:** Edwin Grieve [<mailto:edwingrieve@shaw.ca>]**Sent:** Thursday, March 15, 2018 8:29 AM**To:** Jan Boyes**Cc:** Alana Mullaly <amullaly@comoxvalleyrd.ca>**Subject:** Re: concerning the water in Merville

Jan

The new water act transferred licensing of groundwater from MOE to FLINRO (same people who licence our Forestry and Mines)

The Regional District has had an application from the proponent to rezone his land from residential to industrial to legitimize his bottling plant.

The report from staff indicates that we asked for some baseline data and the ministry said there was no need. So much for 'due diligence'

I have directed people to our MLA's office.

Edwin

Sent from my iPad

On Mar 14, 2018, at 1:45 PM, Jan Boyes

wrote:

I had to keep the Title short.

Edwin, I know very little about the 'discussion' about a commercial water sales issue in Merville. Only what I have read in the news paper. However, I am wondering if a professional Hydrogeologist was consulted?

I know a bit about the problems that can happen when too much water is extracted from an aquifer. Because they say their water is alkaline, that would suggest a deep well. "Draw Down" , taking a lot of water from an aquifer in a short time, can cause the neighbors wells to cease providing water.

I do believe this is something that the Regional District should look into. There could be law suits if it affects the neighboring wells.

Our water table is fed by the sources in the mountains. With dryer summers and less glacier cover, there will be more dry wells as it is, as the shallow wells no longer get water from the shallow aquifers.

There are many different ways that the water can travel through the earth, and if the depth of the source and the type of aquifer is not known, it could be a dicy proposition.

Just for your information... I have geology texts that I refer to "Physical Geology", by Plummer , McGeary and Carlson, and "The Earth" an Introduction to Physical Geology by Tarbuck and Lutgens.

Yours truly, Janice Boyes

We have met at ORES. I was secretary for 15 years while the Bear Creek Nature Park was being created.

3360-20/ RZ 2C 18

From: Alana Mullaly
Sent: March-15-18 11:03 AM
To: Brian Chow <bchow@comoxvalleyrd.ca>
Subject: FW: Water Rally Poster

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]
Sent: Thursday, March 15, 2018 8:54 AM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>; Russell Dyson <rdyson@comoxvalleyrd.ca>
Cc: rodnichol@shaw.ca; bjolliffe <bjolliffe@comoxvalleyrd.ca>
Subject: Fwd: Water Rally Poster

FYI

Sent from my iPad

Begin forwarded message:

Subject: Water Rally Poster

WATER



Show Your



D
Donald

3360-20 / RZ 2C 18

From: Edwin Grieve [mailto:edwingrieve@shaw.ca]
Sent: Friday, March 16, 2018 6:00 PM
To: Kathryn Jones
Cc: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Re: Another Rodger Road Resident with a water shortage

Kathryn

Of course only the Province can grant a water licence but, as Local Government, we get to decide whether or not they can build a water bottling plant on residential property.

This requires a zoning change to "light industrial" and that's where your local elected officials get to decide.

Thanks

Edwin

Sent from my iPad

On Mar 16, 2018, at 9:03 AM, Kathryn Jones

wrote:

Hello Edwin: I would like to add my voice to the opposition for commercial water extraction from the Merville Area. I am a Merville property owner (7430 Rodger Road) and have owned this property for over 30 years. During dry summers we have to ration our water and have installed a 1000 gal water storage tank that we have had to buy water to fill for domestic use.

The residents making the proposal are new to the area and perhaps do not understand the water supply uncertainty that their neighbours are facing.

I live right around the corner from the property responsible for this proposal and strongly oppose the rezoning application.

This is not in line with the "keep it rural" theme that we voted for.

Thank you for hearing my concern and I do hope that this proposal will be defeated.

Kathryn Jones

3360-20/ RZ 2C 18

Subject: RE: Another Rodger Road Resident with a Water Shortage

From: Kathryn Jones

Sent: Friday, March 16, 2018 9:17 AM

To: planningdevelopment@comoxvalleyrd.ca

Subject: Another Rodger Road Resident with a Water Shortage

As a property owner at 7430 Rodger Road (right around the corner from the property proposing the commercial water extraction) I would like to add my voice to the overwhelming opposition to this proposal.

Unlike the property owners who have recently moved to the area. I have owned my property for over 30 years and have rationed my well water through many dry summers. I have had to install a 1000 gallon water cistern to get me through the driest years.

These people did not consult their neighbours before they put this proposal forward. If they had they would have learned that we do not have spare water for sale.

I strongly oppose the rezoning of the property for commercial purposes and do not feel that present regulations are sufficient to protect our precious water resources.

Please hear our voices and reject this proposal.

Kathryn Jones

3360-20/RZ 2C 18

From: Michelle

Sent: Friday, March 16, 2018 5:20 PM

To: ronnarae.leonard@bcnp.ca

Cc: Alana Mullaly <amullaly@comoxvalleyrd.ca>; edwingrieve@shaw.ca

Subject: Sackville Road Re-zoning Case/ Water for Life Program

Ontario is setting a huge precedent for this case. The community has spoken: Merville's water not for profit.

https://www.saynotonestle.ca/water_for_life_program

Thank you for taking the time to read this email :)

From: [Alana Mullaly](#)
To:
Cc: [Brian Chow](#)
Subject: FW: Another Rodger Road Resident with a Water Shortage
Date: Friday, March 16, 2018 3:03:53 PM

Thank you Ms. Jones for providing your comments on this rezoning application (File RZ 2C 18). Your comments will be added to the public record of comments. Please do not hesitate to contact either myself or Brian Chow, rural planner, if you have any questions about the rezoning application or process.

Kind regards,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051
Toll free: 1-800-331-6007 Fax: 250-334-8156
Fax: 250-334-8156

From: Kathryn Jones
Sent: Friday, March 16, 2018 9:17 AM
To: planningdevelopment@comoxvalleyrd.ca
Subject: Another Rodger Road Resident with a Water Shortage

As a property owner at 7430 Rodger Road (right around the corner from the property proposing the commercial water extraction) I would like to add my voice to the overwhelming opposition to this proposal.

Unlike the property owners who have recently moved to the area. I have owned my property for over 30 years and have rationed my well water through many dry summers. I have had to install a 1000 gallon water cistern to get me through the driest years.

These people did not consult their neighbours before they put this proposal forward. If they had they would have learned that we do not have spare water for sale.

I strongly oppose the rezoning of the property for commercial purposes and do not feel that present regulations are sufficient to protect our precious water resources.

Please hear our voices and reject this proposal.

Kathryn Jones

3360-20/ RZ 2C 18

From: Richard & Suzanne

Sent: Monday, March 19, 2018 10:07 PM

To: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Opposition to proposed water bottling business

As a local person concerned about our local water security, I ask that the CVRD deny a zoning change request and NOT allow the proposed water bottling business in the Comox Valley. Water is a non-renewable COMMON resource to be used wisely by all of us, not for a business to bottle and sell for profit. It does not matter that the business is “small”; for one, the amount of water to be taken (300,000 litres/month) IS significant and second, this would be a terrible precedent to set for the future protection of our communal water supply.

Then there is the issue of plastic water bottles, which contribute to the problem of plastic pollution worldwide. Despite many recycling efforts, many bottles do not get recycled and slowly find their way to the oceans. Plastics in oceans are becoming a pollution hazard for all biological life there. When we make plastic water bottles, we are wasting a non-renewable fossil resource, when in fact over decades we have developed well-regulated municipal systems to supply high quality water. Water fountains and reusable containers can give people portable water if they want it.

Suzanne Schiller, Comox resident

3360-20 / RZ 2C 18

From: no-reply@comoxvalleyrd.com [<mailto:no-reply@comoxvalleyrd.com>]
Sent: Tuesday, March 20, 2018 6:07 PM
To: administration <administration@comoxvalleyrd.ca>
Subject: Feedback: General Inquiry

Topic:
General Inquiry

Name:
Della Roberts

Email:

Phone:

Address:
1485 Glen Urquhart Drive Courtenay

Message:

My husband and I were very concern to read the article about the proposed Merville water bottling operation. We are in strong opposition to giving the access to public ground water to one family for profit. In addition, we oppose bottled water and the waste that accompanies bottled water from an environmental perspective. Finally, the KFN process is being ignored as they are in the process of negotiating their treaty rights.

We expect that the CVRD would not approve rezoning to enable ground water extraction on the property. Could we please be advised if this application does come back as we will attend a public hearing.

Thank-you so much for ensuring the best interests of all are considered in our community.

Della Roberts and Daniel Grant

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Monday, March 26, 2018 12:05 PM
To: Sylvia Stephens
Subject: FW: water sales in merville

From: Edwin Grieve [mailto:edwingrieve@shaw.ca]
Sent: Friday, March 23, 2018 6:14 AM
To: bjolliffe <bjolliffe@comoxvalleyrd.ca>; Rodney Nichol <rodrnichol@shaw.ca>
Cc: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Fwd: water sales in merville

Begin forwarded message:

From: "woloshyn"
Date: March 20, 2018 at 10:53:38 AM PDT
To: "edwin griev" <edwingrieve@shaw.ca>
Subject: water sales in merville

Good morning, Mr. Grieve,

I attended the meeting at the Griffin Pub yesterday. Doug Donaldson and Ronna-Rae Leonard were both there, Doug doing most of the speaking. He was not able to answer many of the tough questions but praised several in the group for asking "good questions". I asked if the First Nations could veto the ground water license and he said that veto was a very strong word and that the government is in negotiations. It was quite obvious at the meeting that Mr. Donaldson is in favour of the license and not concerned about the residents of Merville, with the exception of Mr. MacKenzie.

I spoke to Scott MacKenzie before the meeting and he said that he has the government's approval and that he intends to sell water even without the rezoning. If he isn't rezoned he will truck the water to a location where he will be allowed to bottle it. He is very confident and told me it was a done deal.

A couple who live on Sackville Rd have filed a legal case against the Province to try to revoke the groundwater license. One gentleman asked about getting a license to sell the water from his property because this is setting a precedent and all of us should be able to sell water if we wish.

I wanted to pass this information on to you in the hope that you will be able to stop this before it goes any further.

Thank you and I hope you will put up a good fight on our behalf,
Diane Woloshyn



Edwin Grieve, Director
Comox Valley Regional District
600 Comox Road,
Courtenay, B.C.
V9N3P6

Comox Valley Regional District
RECEIVED
File: 336020/RZ2018

MAR 22 2018
To: B. Chow
cc: Dir Grieve

March 21, 2018

Subject: **Commercial Water Extraction and Rezoning Application**

Dear Mr. Grieve:

The Comox Valley Exhibition Association Fall Fair, Board of Directors and members, recommend that the rezoning application for Christopher MacKenzie and Regala Heynck of Sackville Road, Merville, to construct a commercial water bottling facility on their property, be denied.

Our primary concern is the eminent loss of potable water to area farmers and neighbours.

Your attention to this very important issue is greatly appreciated.

Sincerely,

Mike Trimble
President

Copy: Rona Rae Leonard, MLA
437 5th Street, Courtenay, B.C.
V9N1J8

DRINKING WATER SOURCE PROTECTION

Thank You Everyone,
for your continued support!

Ground water is an important
part of our lives every day

WRITE YOUR MLA

Re: Water Bottling proposal for Sackville Road

As most of you know there was a very good turnout to Monday's March 5, 2018 Regional District Electoral Area Services Committee meeting. It is evident that the CVRD can only approve or deny the zoning change that would allow this Water Bottling proposal to proceed. It was the Provincial Government bureaucracy that granted to permit to take 10,000 litres a day from the aquifer to sell. If you are opposed to this proposal as I think the vast majority of Merville residents are, plus many other concerned citizens. The best course of action at this time would be to write our MLA, Ronna-Rae Leonard at

ronna-rae.leonard.MLA@leg.bc.ca;

to ask she step in to have this permit rescinded.

Please take a bit of time to express your opposition to this. If this proceeds it would set a precedent for other similar applications in the future. Our groundwater is too important to alienate in this way.

Also: In the meantime, people can further express their views on the proposal to Tanya Dunlop, senior authorizations technologist (Victoria), at tanya.dunlop@gov.bc.ca.

**PROTECT YOUR
GROUND WATER**



3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Monday, March 12, 2018 4:46 PM
To: Sylvia Stephens
Cc: Brian Chow
Subject: FW: Updated Water Poster
Attachments: Water2.pdf; ATT00001.htm

From: Edwin Grieve [mailto:edwingrieve@shaw.ca]
Sent: Monday, March 12, 2018 1:38 PM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Fwd: Updated Water Poster

Sent from my iPad

Begin forwarded message:

From: Kim Trimble
Date: March 12, 2018 at 12:18:17 PM PDT
To: Kim Trimble
Subject: Updated Water Poster

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Wednesday, March 21, 2018 10:12 AM
To:
Subject: FW: Feedback: General Inquiry

Good morning,

Thank you for submitting your comments. I will add these to the public record. All public comments will be shared with the electoral area directors (i.e. the decision makers).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to rezone their property to allow a "water and beverage bottling" facility on their property.

On March 5, 2018, staff presented an introductory report to our electoral areas services committee (comprising our three electoral area directors) on the rezoning application. Staff recommended that the rezoning application be referred to First Nations, external agencies and the public for review and comment. The Committee supported staff's recommendation to undertake external referral. Their recommendation will be considered by the CVRD board on March 27th. If the board approves the recommendation, staff will begin the referral process.

Following the external referral, staff will take another report to the electoral areas services committee to report the findings of the external referral (i.e. First Nations and agency comments) and to recommend a next step. I anticipate that this will occur in May. At that point, the electoral areas services committee could:

1. Deny the rezoning application to allow a water bottling facility (but not deny the diversion as this is the province's jurisdiction); or
2. Direct staff to prepare a bylaw for first and second readings and schedule a public hearing; or
3. Enable the water bottling facility under a temporary use permit with conditions.

Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

Kind regards,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051
Toll free: 1-800-331-6007 Fax: 250-334-8156
Fax: 250-334-8156

From: no-reply@comoxvalleyrd.com [<mailto:no-reply@comoxvalleyrd.com>]

Sent: Tuesday, March 20, 2018 6:07 PM

To: administration <administration@comoxvalleyrd.ca>

Subject: Feedback: General Inquiry

Topic:

General Inquiry

Name:

Della Roberts

Email:

Phone:

Address:

1485 Glen Urquhart Drive Courtenay

Message:

My husband and I were very concern to read the article about the proposed Merville water bottling operation. We are in strong opposition to giving the access to public ground water to one family for profit. In addition, we oppose bottled water and the waste that accompanies bottled water from an environmental perspective. Finally, the KFN process is being ignored as they are in the process of negotiating their treaty rights.

We expect that the CVRD would not approve rezoning to enable ground water extraction on the property. Could we please be advised if this application does come back as we will attend a public hearing.

Thank-you so much for ensuring the best interests of all are considered in our community.

Della Roberts and Daniel Grant

3360-20 / RZ 2C 18

Subject: FW: Water bottling

From: Edwin Grieve [mailto:edwingrieve@shaw.ca]
Sent: Thursday, March 22, 2018 7:46 PM
To: SC Lindal
Cc: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Re: Water bottling

Collette

Thanks for your update on Minister Donaldson's visit.

As you know the proponents application to rezone their property from residential to light industrial in order to legitimize building a bottling plant has been sent out for comment from external agencies.

I will forward this to staff.

Your comments, like those of others, will be important should this application proceed to public hearing.

Thank you

Edwin

Sent from my iPad

> On Mar 21, 2018, at 6:35 PM, SC Lindal

>

>

> I am resending this to you as in my original email to Ronna-Rae Leonard and Tanya Dunlop, I sent a copy to the Regional Board but at the time did not have your direct email. I was at the Monday night 'Meet and Greet' with the Minister, Doug Donaldson where this license was the hot topic for discussion. As a whole the concerned members felt that a lot of our questions were not answered and feel that our precious natural resource is not being taken seriously. This short sighted decision with one issued license could potentially become hundreds or thousands across BC and could possibly become a water shortage crisis. It is short term thinking and my strongest argument against this is that a natural resource that is essential in our daily lives should be respected and conserved. No one person should profit from a shared resource . . . it is not a commodity.

> I am outraged with our province and feel that is negligent that they have issued this license and literally dumped it into the CVRD's hand to deal with. I only hope that you think of the future and secure our community's water.

>

> Thank you,

> Collette Lindal

>

>

> <Bottling depot.docx>

3360-20 / RZ 2C 18

Subject: FW: Ground water in Merville

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]
Sent: Thursday, March 22, 2018 7:54 PM
To: Wendy and Arnie
Cc: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Re: Ground water in Merville

Wendy and Arnie

Thank you for your comments.

As you know this application has been sent out to external agencies and will come back to the Electoral Area Services Committee.

I will forward your letter to staff for the record.

There is much process left on this issue.

Edwin

Sent from my iPad

On Mar 21, 2018, at 6:25 PM, Wendy and Arnie wrote:

Thank you for your reply to my letter regarding the ground water license on Sackville Rd. I understand that the regional district only has the authority to change the zoning. With regard to the zoning change: As you are aware many of us in Merville are very concerned about the dangerous congested intersection at Sackville rd and Highway 19a. I feel that by changing the zoning to light industrial would add more traffic to an already very busy intersection. Delivery trucks turning off the highway to get onto Sackville road will create more of a traffic hazard. We already have to deal with huge congestion at Arbutus RV. I don't feel it would be a responsible decision to change the zoning until all traffic concerns have been dealt with. This would include proper turning lanes in both directions, widening the highway and reducing the speed limit, and the entrance and exit the The Merville store be changed.

I agree with your comment at the meeting which said "the zoning stays with the property" once the zoning has been changed its difficult to say what the owners will do. I live in a rural agricultural area I want to keep it that way.

I also agree with the comment that it seems the government has dropped this on the regional district, leaving the regional district to make a difficult unpopular decision.

Thank you for your time, If you have any other suggestions as to who to contact regarding this issue please let me know.

Thank you
Wendy Remmen
7652 Armstrong Rd
Merville BC

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Monday, March 26, 2018 12:03 PM
To: Sylvia Stephens
Subject: FW: Groundwater - mycomoxvalley article & other questions 1

-----Original Message-----

From: Edwin Grieve [mailto:edwingrieve@shaw.ca]
Sent: Thursday, March 22, 2018 7:58 PM
To: gra gor
Cc: Alt. Dir. Scoville ; Brad Chappell ; Dan Thran
; Dave Pacholuk ; George Trousdell
; James Derry ; Jim Langridge
; John Milne ; Pearl McKenzie
Subject: Re: Groundwater - mycomoxvalley article & other questions 1

I believe our next APC in May will include the Mackenzie's referral Edwin

Sent from my iPad

- > On Mar 21, 2018, at 5:51 PM, gra gor wrote:
- >
- >
- > <https://www.mycomoxvalleynow.com/33242/minister-confident-in-groundwater-extraction-decision-applicant-says-cvrd-biased/>
- >
- > Here is an article on water licences and water bottling statistics and concerns from 2011.
- > <https://watershedsentinel.ca/articles/bottling-bute-water-bottle-applications-in-bc/>
- >
- > Data on the aquifer 408 would be appreciated. Extent etc.
- >
- > Data on the well logs and historical data about the weather the year the well operated on the property next door (?) that was augmenting the water level in Portuguese creek. What years it was in operation and what happened to Aquifer 408?
- > Was the pumping rate 50 Us gal/min.? = .19m2/min. ?
- >
- > What is the average water extraction licence for farmers to run their irrigation systems in cubic metre flows?
- >
- > An opinion on whether one could legally pump water to a hauling truck for offsite processing on RU-8 zoned land.
- > A 10 cubic meter water vessel would be one large tanker truck load ish.
- >
- > Noise bylaw regulations concerning back up alarms on vehicles, hours of operation etc in commercial zoned land?
- > Noise bylaw regulations concerning back up alarms on vehicles, hours of operation etc. in Rural 8 zoned land?
- >

- >
- > Re the aquifer 408
- > <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/gr>
- > oundwater-wells/aquifers
- >
- > <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/gr>
- > oundwater-wells/aquifers/groundwater-observation-well-network
- > Aquifer 408 has a monitoring well by Beaver Meadows farm so it's a big aquifer.
- > OBS WELL 351 - Comox (Greenwood Rd.)
- > OBS WELL 280 - Comox (Greenwood Road) (Inactive)
- >
- >

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Monday, March 26, 2018 11:41 AM
To: Sylvia Stephens
Subject: FW: Water bottling business

From: Edwin Grieve [mailto:edwingrieve@shaw.ca]
Sent: Monday, March 26, 2018 8:27 AM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Fwd: Water bottling business

Another one
Edwin

Sent from my iPad

Begin forwarded message:

From: Sandra Kennedy
Date: March 25, 2018 at 6:21:15 PM PDT
To: "ronna-rae.leonard.mla@leg.bc.ca" <ronna-rae.leonard.mla@leg.bc.ca>
Cc: "edwingrieve@shaw.ca" <edwingrieve@shaw.ca>, "rodnichol@shaw.ca" <rodnichol@shaw.ca>, "bjolliffe@comoxvalleyrd.ca" <bjolliffe@comoxvalleyrd.ca>
Subject: **Water bottling business**

Dear Ronna-Rae Leonard,

I'm writing to state my opposition to the Merville couple wanting to sell water from their property. With increasing development in the valley we have more homes and farms drawing on the same shared aquifer. My home and neighbourhood homes are all on very expensive wells and every summer people throughout the regional district are having water trucked in to fill them. With the hotter dryer summers that seem to be the new normal it's only going to get worse. It seems completely unfair that one family can sell water for profit when others are having to buy it. His story that it will be a place for people to fill their water containers is ridiculous. I'm surprised it was approved.

I understand you are trying to remain neutral but if this goes through the only constituents who will be happy with it will be the family profiting from the water sales. Please reconsider and stand up for the rural citizens.

Sincerely,

Sandra Kennedy
Area B

3360-20 / RZ 2C 18

Subject: FW: Sackville Rd Filtration Project.

From: Edwin Grieve [mailto:edwingrieve@shaw.ca]
Sent: Tuesday, March 27, 2018 3:02 PM
To: Carmen Mactavish
Cc: Ronna-Rae Leonard. Mla <Ronna-Rae.Leonard.MLA@leg.bc.ca>; Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Re: Sackville Rd Filtration Project.

Carmen:

Thanks for your message.

The licence to draw water for commercial use was made by the Province as they control all "below ground" rights. The CVRD only gets to control the zoning to "light industrial" from "residential" to allow for a bottling plant. I have cc'd our MLA on your letter.

Thank You once again

Edwin Grieve

Director

CVRD

Sent from my iPad

> On Mar 27, 2018, at 10:15 AM, Carmen Mactavish

wrote:

>

> As a resident of this area I strongly oppose this project. We are all dependent on wells.

> This should not have been approved with out the awareness of the people. Please put a stop to this at once!

> Carmen Mactavish

>

> Sent from my iPad

3360-20 / RZ 2C 18

Subject: FW: Water bottling

From: Alana Mullaly
Sent: Tuesday, March 27, 2018 4:32 PM
To: 'Arla Calman'
Subject: RE: Water bottling

Thank you for your feedback. I will add your comments to the public record. All public comments will be shared with the electoral area directors (i.e. the decision makers).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to rezone their property to allow a "water and beverage bottling" facility on their property.

On March 5, 2018, staff presented an introductory report to our electoral areas services committee (comprising our three electoral area directors) on the rezoning application. Staff recommended that the rezoning application be referred to First Nations, external agencies and the public for review and comment. The Committee supported staff's recommendation to undertake external referral. Their recommendation will be considered by the CVRD board this afternoon (March 27th). If the board approves the recommendation, staff will begin the referral process.

Following the external referral, staff will take another report to the electoral areas services committee to report the findings of the external referral (i.e. First Nations and agency comments) and to recommend a next step. I anticipate that this will occur in May. At that point, the electoral areas services committee could:

1. Deny the rezoning application to allow a water bottling facility (but not deny the diversion as this is the province's jurisdiction); or
2. Direct staff to prepare a bylaw for first and second readings and schedule a public hearing; or
3. Enable the water bottling facility under a temporary use permit with conditions.

Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

Kind regards,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051

From: Arla Calman
Sent: Tuesday, March 27, 2018 3:02 PM

To: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Water bottling

Hello Ms. Mullaly,

I have been following the information posted in the local paper and I believe that I read recently an article that stated from the person wanting to start this business that this is for people who travel by the location where the water is to be made available, to have access to hydration. It sounded really beautiful but really it means that people need to consider taking water with them (in reusable containers!) before heading out! Please don't allow for misuse of our precious resource and adding to a burgeoning garbage issue. Thank you very much for your attention to this, Arla Calman Area B resident

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Wednesday, March 28, 2018 9:10 AM
To: 'Julia Crouch'
Subject: RE: Proposed water bottling plant

Good morning Ms. Crouch,

Thank you for your feedback. I will add your comments to the public record. All public comments will be shared with the electoral area directors (i.e. the decision makers).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to rezone their property to allow a "water and beverage bottling" facility on their property.

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Kind regards,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051

-----Original Message-----

From: Julia Crouch
Sent: Tuesday, March 27, 2018 7:11 PM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Re: Proposed water bottling plant

Sent from my iPhone

> On Mar 27, 2018, at 7:02 PM, Julia Crouch

wrote:

>

> Hi Alana,

>

> I just wanted to weigh in on the proposed water bottling plant for the CVRD. Myself, my husband and son all do NOT support the project for the myriad of reasons that it would have negative impacts in the future. We are residents of Courtenay near Puntledge Park.

>

> Thanks for you time!

>

> Julia, Gavin & Wesley Crouch

>

> Sent from my iPhone

3360-20 / RZ 2C 18

Subject: FW: Water Bottling Permit

From: Alana Mullaly
Sent: Wednesday, March 28, 2018 9:11 AM
To: 'Robert Edgar'
Subject: RE: Water Bottling Permit

Good morning Mr. Edgar,
Thank you for your feedback. I will add your comments to the public record. All public comments will be shared with the electoral area directors (i.e. the decision makers).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to rezone their property to allow a "water and beverage bottling" facility on their property.

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Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

Kind regards,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051

From: Robert Edgar
Sent: Tuesday, March 27, 2018 9:01 PM

To: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Water Bottling Permit

I feel that the application for a water bottling operation in Merville should be not be allowed. Water is priceless,non-renewable common resource and should not be bottled and sold.Thank you for reading this email.
Bob Edgar

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Tuesday, March 27, 2018 2:49 PM
To: 'DEE FONTAINE'
Subject: RE: Water bottling

Thank you for your feedback. I will add your comments to the public record. All public comments will be shared with the electoral area directors (i.e. the decision makers).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to rezone their property to allow a "water and beverage bottling" facility on their property.

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Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

Kind regards,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051

-----Original Message-----

From: DEE FONTAINE
Sent: Tuesday, March 27, 2018 2:16 PM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Water bottling

I am against selling our water for profit. The world does not need more plastic bottles and the water belongs to all BC residents.

D. Fontaine Comox.

Sent from my iPhone

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Tuesday, March 27, 2018 1:09 PM
To: 'Heather Lantz'
Subject: RE: water bottling business in Comox Valley

Good afternoon Heather,

Thank you for your feedback. I will add your comments to the public record. All public comments will be shared with the electoral area directors (i.e. the decision makers).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to rezone their property to allow a "water and beverage bottling" facility on their property.

On March 5, 2018, staff presented an introductory report to our electoral areas services committee (comprising our three electoral area directors) on the rezoning application. Staff recommended that the rezoning application be referred to First Nations, external agencies and the public for review and comment. The Committee supported staff's recommendation to undertake external referral. Their recommendation will be considered by the CVRD board this afternoon (March 27th). If the board approves the recommendation, staff will begin the referral process.

Following the external referral, staff will take another report to the electoral areas services committee to report the findings of the external referral (i.e. First Nations and agency comments) and to recommend a next step. I anticipate that this will occur in May. At that point, the electoral areas services committee could:

1. Deny the rezoning application to allow a water bottling facility (but not deny the diversion as this is the province's jurisdiction); or
2. Direct staff to prepare a bylaw for first and second readings and schedule a public hearing; or
3. Enable the water bottling facility under a temporary use permit with conditions.

Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

Kind regards,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051

From: Heather Lantz
Sent: Tuesday, March 27, 2018 12:14 PM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: water bottling business in Comox Valley

To Alana Mullaly,

I am writing to you to express my deep concern about the security of our local water. I ask that the CVRD DENY a zoning change request and NOT allow the proposed water bottling business in the Comox Valley.

Water is a non-renewable resource used widely by all of us and should never be used for a business to bottle and sell for profit.

The size of the "bottled water" business is of no concern. Whether small or large the bottling of water for profit/business sets a dangerous precedent. Not only is it using a precious resource that all of us need but it is adding plastic to our environment, which we all know is detrimental to both the wildlife and the environment.

Please do not allow the proposed water bottling business in the Comox Valley to go forward. Our groundwater resources are finite and plastic water bottles in our environment and oceans is a pollution hazard.

Thank you for your time.

Heather Lantz

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Wednesday, March 28, 2018 9:09 AM
To: 'Kristian MacKenzie'
Subject: RE: Please Do Not Allow A Water Bottling Plant Here

Good morning Kristian,
Thank you for your feedback. I will add your comments to the public record. All public comments will be shared with the electoral area directors (i.e. the decision makers).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to rezone their property to allow a "water and beverage bottling" facility on their property.

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Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

Kind regards,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051

From: Kristian MacKenzie
Sent: Tuesday, March 27, 2018 7:05 PM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Please Do Not Allow A Water Bottling Plant Here

Dear Alana Mullaly,

I just read an article in the Comox Valley Record and I'm surprised that Comox would consider allowing a bottling plant. Even just a small one sets a precedent and creates a slippery slope. One only need look around North America to see how this usually turns out, let alone, 20, 30, 40 years out. Potable water is a finite resource and should be treated as such, especially when one consider the abundance of scientific papers presenting a gloomy outlook for the availability of clean, drinkable water for most humans on this planet in the not-to-distant future.

So, I urge you and planning committee to please not allow a water bottling company to use such a precious resource, let alone for pennies (if that) on the dollar. Not to mention the environmental impact that a bottling operation adds to the planet and beautiful B.C. As a life-long resident of Ontario who has recently moved to B.C. for work and family, I have seen what the bottling plants offer (Nestle for example) and how they operate and handle the precious resource of water as just a mere "resource" to be profited from. I have come to love Comox and B.C. for always being so environmentally conscientious and pristine.

Thank you for your time,

Kristian MacKenzie

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Tuesday, March 27, 2018 4:34 PM
To: 'Greg Donovan'
Subject: RE: Proposed water bottling business

Thank you for your feedback. I will add your comments to the public record. All public comments will be shared with the electoral area directors (i.e. the decision makers).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to rezone their property to allow a "water and beverage bottling" facility on their property.

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3. Enable the water bottling facility under a temporary use permit with conditions.

Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

Kind regards,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051

From: Greg Donovan
Sent: Tuesday, March 27, 2018 3:38 PM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Proposed water bottling business

As very concerned residents of this fine valley, we are totally AGAINST this application to bottle OUR water and sell it regardless of where it is in the Valley. For the love of pete, is this really even being considered?? I have faith that you at the CVRD are merely going through the motions, as you would with any other application, but seriously would NEVER allow this or anything else even remotely resembling this, to actually happen.

We KNOW you will do the right thing on OUR behalf.

Sincerely,

Linda Nicholls.

Greg Donovan.

1760A First Street,

Courtenay, B.C.

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Wednesday, March 28, 2018 9:12 AM
To: 'EVELYN J NIXON'
Subject: RE: Water bottling business

Good morning Ms. Nixon,

Thank you for your feedback. I will add your comments to the public record. All public comments will be shared with the electoral area directors (i.e. the decision makers).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to rezone their property to allow a "water and beverage bottling" facility on their property.

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Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

Kind regards,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051

-----Original Message-----

From: EVELYN J NIXON
Sent: Tuesday, March 27, 2018 10:12 PM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Water bottling business

Please do not grant the request for the water bottling business. We do not require bottled water and our water is precious for our whole community.

We also do not need to contribute to more plastic waste!

Evelyn Nixon
2041 Beach Drive
Comox

Sent from my iPad

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Tuesday, March 27, 2018 2:48 PM
To: 'Jeannette Paterson'
Subject: RE: Proposed water bottling business - Comox Valley

Good afternoon Ms. Paterson,
Thank you for your feedback. I will add your comments to the public record. All public comments will be shared with the electoral area directors (i.e. the decision makers).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to rezone their property to allow a "water and beverage bottling" facility on their property.

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Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

Kind regards,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051

From: Jeannette Paterson
Sent: Tuesday, March 27, 2018 2:13 PM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Proposed water bottling business - Comox Valley

Dear Ms. Mullaly,

I wish to add my voice to others who are concerned with this business proposal.

It was ironic to read last week's newspaper featuring both the article by Dr. David Suzuki warning of the vital need for water conservation while at the same time one saying the CVRD found merit in private enterprise selling it for profit.

Being a relative newcomer to the Comox Valley I found it disconcerting the first time there was a boil water advisory, which is no longer a novelty. That was followed up by dry summers with local gardeners advocating for drought resistant plants. Various news items have made it plain that the Comox Valley, as well as other communities are concerned about their water supply.

It is no secret that plastic has become an environmental scourge with many statistics about the number of plastic drink/water bottles being a large part of the problem.

In other words, common sense tells us we cannot be ignorant nor careless about scarcity of water, either now or in the future, plus plastic garbage is a menace to our environment.

Bottled water is presently big business as one can easily see and unfortunately has become a strange cultural necessity in a country that has, for the most part, totally safe tap water. Why the CRVD wishes to encourage and promote further "commercial water" business is difficult to understand.

Should local government not show leadership by questioning the necessity of this proposed water business?

Sincerely,

Jeannette Paterson
Courtenay,
B.C.

336020 / RZ 2C 18

From: Alana Mullaly
Sent: Tuesday, March 27, 2018 11:34 AM
To: 'Jessica Walker'
Subject: RE: Opposed to proposed water bottling facility

Good morning Jessica,

Thank you for your feedback. I will add your comments to the public record. All public comments will be shared with the electoral area directors (i.e. the decision makers).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to rezone their property to allow a "water and beverage bottling" facility on their property.

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Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

Kind regards,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051

From: Jessica Walker
Sent: Tuesday, March 27, 2018 10:06 AM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Opposed to proposed water bottling facility

Hello,

Concerned citizen here wanting to voice my opposition to the proposed water bottling facility in the Comox Valley. I agree with the sentiments voiced by Susan Schiller in today's Comox Valley Record. This significant removal of water from our water supply could be detrimental, not to mention the use of plastic water bottles.

Sincerely,

Jessica

--

Jessica Walker, RM Plum Midwifery Comox, BC

3360-20 / RZ 2C 18

From: marilyn Johnson
Sent: Wednesday, March 28, 2018 1:26 PM
To: planningdevelopment@comoxvalleyrd.ca
Subject: application

Hello CVRD, please, please deny the water bottling application for re-zoning and prevent anyone from personally profiting from a precious resource belonging to all of us. Marilyn Johnson, Courtenay taxpayer and voter.

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Wednesday, March 28, 2018 12:29 PM
To: 'Dwight Kayto'
Subject: RE: Water license

Good afternoon Mr. Kayto,

Thank you for your feedback. I will add your comments to the public record. All public comments will be shared with the electoral area directors (i.e. the decision makers).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to rezone their property to allow a "water and beverage bottling" facility on their property.

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Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

Kind regards,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051

From: Dwight Kayto
Sent: Wednesday, March 28, 2018 9:19 AM

To: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Water license

I have followed the story of the Merville couple trying to get licensed and bottle and sell water. This causes me great concern as it should all residents. We already have drowned, water shortage and restricted usage. We cannot allow these people or anyone to be bottling and commercially selling water.

1. We are early plastic bottles going to come from or end up?

2. What will be the outcome if their business is successful? It is a real possibility a huge commercial company like Nestlé's would come in but up the business and drastically increased him on the water they take out of this community

3. Will be the outcome of their business is not successful? Having invested time and money to get up and running they will simply be looking for selling the water further and further afield. Trying to obtain contract with a big grocery chain or other commercial enterprise Or as in point 1 selling out to a huge corporation A real possibilities.

This must not be allowed to happen.

Sent from my iPhone

Dwight Kayto

www.artofchange.ca

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Thursday, March 29, 2018 9:46 AM
To: 'Robin Pattison'
Subject: RE: Personal Concern regarding a water bottling plant in Merville

Good morning Ms. Pattison,

Thank you for your feedback. I will add your comments to the rezoning application's public record. All public comments will be shared with the electoral area directors (i.e. the decision makers on the rezoning application).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to the CVRD to rezone their property to allow a "water and beverage bottling" facility on their property.

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2. Direct staff to prepare a bylaw for first and second readings and schedule a public hearing; or
3. Enable the water bottling facility under a temporary use permit with conditions.

Regarding your questions below, I'm not able to speak to how the Province determines whether a diversion license can be issued. To this end, however, I have submitted a formal freedom of information request to the province to obtain the records relating to the conditional license that has been issued. I am awaiting receipt of that information.

Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

Kind regards,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051

From: Robin Pattison
Sent: Wednesday, March 28, 2018 5:11 PM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Personal Concern regarding a water bottling plant in Merville

March 28, 2018

Concern regarding the application for a water bottling plant license in the greater Merville area of the Comox Valley.

The application file states: FILE: 3360 – 20/RZ 2C 18

RE :Zoning Bylaw Amendment - 2410 Sackville Road (MacKenzie & Heynck) Puntledge - Black Creek (Electoral Area C) Lot C, Block 29, Comox District, Plan 25306, PID 002 – 904 – 713

Purpose: To seek Comox Valley Regional District (CVRD) Board support on external agency and First Nations referrals for a proposed site - specific rezoning to permit water and beverage bottling.

Dear Alana Mullaly,

As a resident of the Comox Valley regional district and the greater Merville area in the Bates Beach region I became very concerned recently upon receipt of information, through email sources and news sources, regarding a license application for a water bottling plant in the greater Merville area. In part two emails included the following concerns:

“A water bottling plant is applying for a license on Sackville Rd. If this impacts you (they'll be pumping from the aquifer, not from a river) – from Judy Loukras.

“Some of you may already be aware of this development that has been given initial approval by the BC Government and is now before the CVRD for approval. As the site is not zoned for this type of development, zoning variance has to be approved. Reading through this application and referring to the maps, it is easy to see how this commercial development could possibly affect our various draws on aquifers through our individual drilled wells. We need to be aware of this commercial water extraction application considering the impact on the environment, and of course, on our own wells.”

Brian Lunn

My husband and I have lived at our residence on Aldergrove Drive for more than 45 years. Our deep well was drilled prior to us moving into our home in September of 1972. The cost of this well drilling and the pump along with their maintenance has been personally endured over these past 45 years. Both my husband and I feel extremely concerned about this application and the influence it will very likely have on all of the wells in the greater Merville area.

While bottled water may be perceived to serve a purpose for a community the adverse effects have a much greater negative impact. The use of plastic water bottles is very detrimental to the environment. The extraction of water from the local aquifer would negatively affect many if not all residences over time. Also, the undetermined environmental disruption and damage to the area would need to be fixed by the government levels that gave approval. I may mention that cost would be born somehow by the residence of BC as well. It is the responsibility of local and provincial governments to protect the natural water sources. Since wells are the responsibility of property owners and no level of government has ever given any aid to home owners then government representatives cannot ethically interfere with water sources.

As manager of planning services for the CVRD I assume that your interest in protecting local water resources would match that of the citizens of Merville as well as all residents of the Comox Valley.

I have some questions for local and provincial politicians and I would like carefully considered answers.

When a bottling plant interferes with the water source of property owners will local and BC politicians provide another good water source to the numerous residents free of charge? This is a fair question. Many local residents also maintain vegetable gardens and they rely on an appropriate water source.

Why would the BC government decide to approve a bottling plant without consulting local home and well owners who source the same water? Local residents should then be able to expect a good water source from the provincial government. Another concern is that home and land values would depreciate due to lack of water sources. Does that mean the BC government would be willing to pay the top purchase price for each property in the greater Merville area that is effected by the lack of water?

As our chosen representatives for municipal and provincial government we as residents have the right to expect the most considerate and responsible actions for our secure life styles. We should not ever need to feel threatened by a business enterprise that might interfere with our pursuit of happiness within our homes and properties.

I look forward to a carefully weighted and considered response to these stated concerns.

Sincerely, Robin Pattison

Robin and Norm Pattison – 6027 Aldergrove Drive, Courtenay, BC V9J 1W3

Attached – copied information about protection of groundwater from a Government of Canada website

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Wednesday, March 28, 2018 12:29 PM
To: 'Bruce Robinson'
Subject: RE: Water Bottling Plant

Good afternoon Mr. Robinson,

Thank you for your feedback. I will add your comments to the public record. All public comments will be shared with the electoral area directors (i.e. the decision makers).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to rezone their property to allow a "water and beverage bottling" facility on their property.

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Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

Kind regards,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051

From: Bruce Robinson
Sent: Wednesday, March 28, 2018 11:59 AM

To: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Water Bottling Plant

Alana Mullany
Manager of Planning Services
Comox Valley Regional District

I do not support the establishment of a water bottling plant in the Comox Valley. Such an enterprise would contribute to pollution from waste plastic and needlessly divert water from our communal supply. Please make my views known to officials who may be considering any zoning change that would allow such a business to be established.

Thank you.

Sincerely,
Bruce Robinson
716 Lazo Rd.
Comox Valley Regional District , Area B

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Thursday, March 29, 2018 5:17 PM
To: 'Nina Haave'
Subject: RE: bottled water

Good afternoon Ms. Haave,

Thank you for your feedback. I will add your comments to the rezoning application's public record. All public comments will be shared with the electoral area directors (i.e. the decision makers on the rezoning application).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to the CVRD to rezone their property to allow a "water and beverage bottling" facility on their property.

On March 5, 2018, staff presented an introductory report to our electoral areas services committee (comprising our three electoral area directors) on the rezoning application. Staff recommended that the rezoning application be referred to First Nations, external agencies and the public for review and comment. The Committee supported staff's recommendation to undertake external referral. Their recommendation was subsequently considered and approved by the CVRD board on March 27th. Staff have now begun the formal referral process.

Following the external referral, staff will take another report to the electoral areas services committee to report the findings of the external referral (i.e. First Nations and agency comments) and to recommend a next step. I anticipate that this will occur in May. At that point, the electoral areas services committee (and then the board) could:

1. Deny the rezoning application to allow a water bottling facility (but not deny the diversion as this is the province's jurisdiction); or
2. Direct staff to prepare a bylaw for first and second readings and schedule a public hearing; or
3. Enable the water bottling facility under a temporary use permit with conditions.

Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

Kind regards,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051

-----Original Message-----

From: Nina Haave
Sent: Thursday, March 29, 2018 4:40 PM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: re: bottled water

I am very much opposed to the private bottling of valuable water in the Merville district. We need to have foresight in our planning for water security.

Respectfully,

Nina Haave

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Thursday, March 29, 2018 2:42 PM
To: 'Kathleen McLaughlin'
Subject: RE: Water bottling business

Good afternoon Ms. McLaughlin,

Thank you for your feedback. I will add your comments to the rezoning application's public record. All public comments will be shared with the electoral area directors (i.e. the decision makers on the rezoning application).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to the CVRD to rezone their property to allow a "water and beverage bottling" facility on their property.

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3. Enable the water bottling facility under a temporary use permit with conditions.

Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

Kind regards,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051

-----Original Message-----

From: Kathleen McLaughlin
Sent: Thursday, March 29, 2018 1:33 PM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Water bottling business

We have been away for the last month and were unable to attend the meeting on the rezoning of Sackville Road to allow a proposed water bottling business. We live on Rodgers Road, just around the bend of the road from this piece of property and have lived here for close to 40 years. These people moved in knowing it was a residential area. We all rely on our wells for water in this area. We are totally against this proposal and hope you do not jeopardize our water supply, or our residential area, for the sake of one couple who knowingly moved into a residential area and obviously do not care what affect this will have on their neighbours. I hope you listen to the people in our community.

Kathleen McLaughlin and Ken Grieve

Sent from my iPad

3360-20 / RZ 2C 18

Subject: FW: Rezoning Application - Water
Attachments: Long-term Trends in GW- OBS#351.jpg

From: Dunlop, Tanya FLNR:EX [<mailto:Tanya.Dunlop@gov.bc.ca>]
Sent: Tuesday, April 03, 2018 3:51 PM
To:
Cc: administration <administration@comoxvalleyrd.ca>
Subject: RE: Rezoning Application - Water

Dear Pat Carl,

I am cc'ing the CVRD in my response, as I believe many of your concerns were intended to be heard by them with regards to the CVRD rezoning application.

Water is an important resource that is regulated in BC under the Water Sustainability Act. In the adjudication of all water licences, potential impacts to surrounding well users and water availability are key considerations. Potential well interference or drawdown from pumping that could affect neighbouring wells was calculated for this application. It was found that potential maximum drawdown in the nearest well, which is 150 meters away, would be 2 centimetres. Given that this impact to the nearest well, which is likely to be the most affected by pumping, is expected to be minimal, no concerns related to impacts to surrounding wells were noted.

Water availability in the source aquifer 408 and the potential impact to the aquifer were also considered. While a detailed aquifer budget is not available for aquifer 408, there is adequate information available to consider whether adequate water is available and as such, a detailed aquifer study was not considered warranted in this case. As you may be aware, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development has maintained a groundwater monitoring well, Observation Well 351(OW351) in aquifer 408. Groundwater levels in this well have shown a stable or slightly increasing trend in the 14-year monitoring period, which indicates that extractions from the aquifer do not exceed recharge. A groundwater budget was constructed, which took into account all known groundwater use in the area and an estimate of recharge (supply). No concerns with aquifer capacity were noted, an outcome which is consistent with expectations given the extremely small demand relative to the supply, coupled with monitored groundwater trends being stable.

Provincial Groundwater Observation Well Network data is available in a number of formats on the internet and I believe you will find the Long-term Trends in Groundwater in B.C. quite user-friendly. This site allows the user to click on an observation well and to access various figures and graphs relating to groundwater trends in that aquifer. Where there is sufficient data, as is the case with OW351, a graph showing the current and annual variation in groundwater levels is available along with the long term trend. This website can be found at the following link and I have attached a screenshot of OW351 for your reference: <http://www.env.gov.bc.ca/soe/indicators/water/groundwater-levels.html>.

You may be aware that Minister Doug Donaldson committed to our ministry hosting an information session to share information regarding the aquifer and licensing process, specifically as it applies to this licence. This will be a good opportunity for local residents to gather information about their water sources, share and discuss their concerns with water management staff and to ask questions. However, as the water licensing decision is currently before the Environmental Appeal Board, the information session will be delayed until further notice. We are currently working to organize the session and I expect further details will be made available on MLA Ronna-Rae Leonard's Facebook page (<https://www.facebook.com/RonnaRaeLeonard/>), as well as through other local sources. We intend to hold it as soon as possible and we appreciate your patience while we await the outcome of the appeal process.

Thank you for taking the time to write and express your views.

Sincerely,

Tanya Dunlop

Authorizations Specialist - Water

103-2100 Labieux Rd., Nanaimo, BC V9T 6E9 | Tel: 250 751-7015

tanya.dunlop@gov.bc.ca, please consider the environment before printing this email

From:

Sent: Sunday, March 11, 2018 10:55 AM

To: Dunlop, Tanya FLNR:EX

Cc:

Subject: Rezoning Application - Water

Really!?! Is the CVRD kidding? Apparently not.

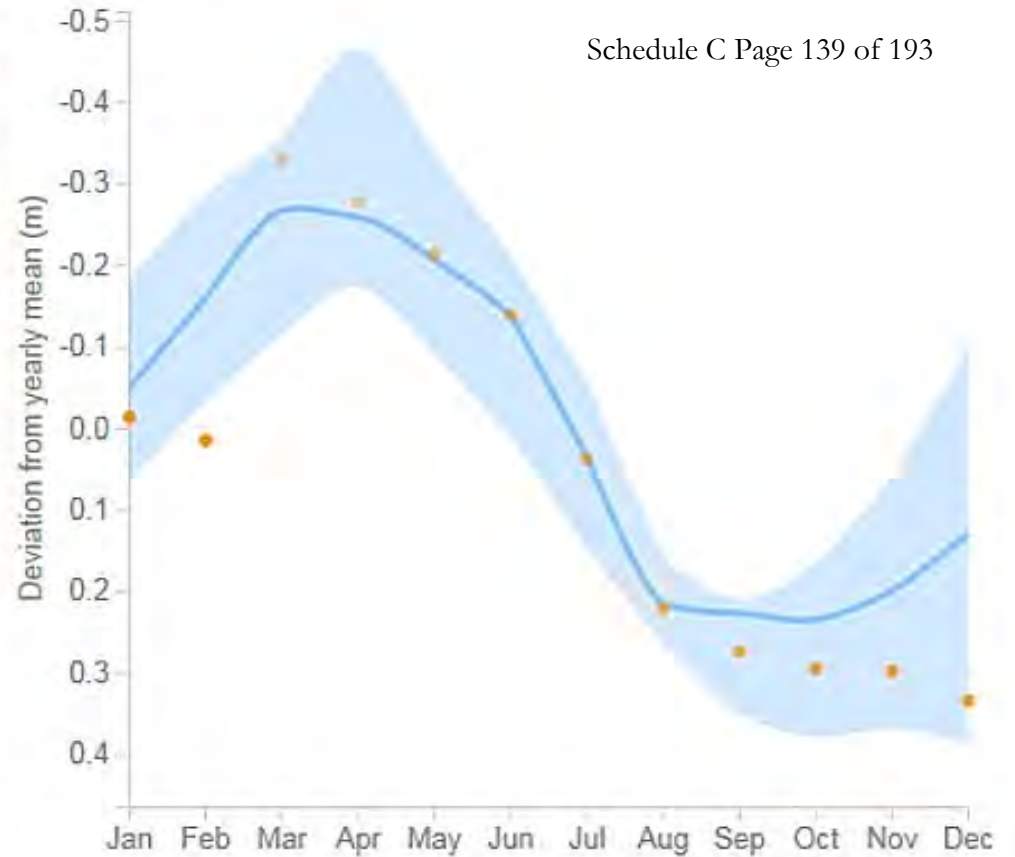
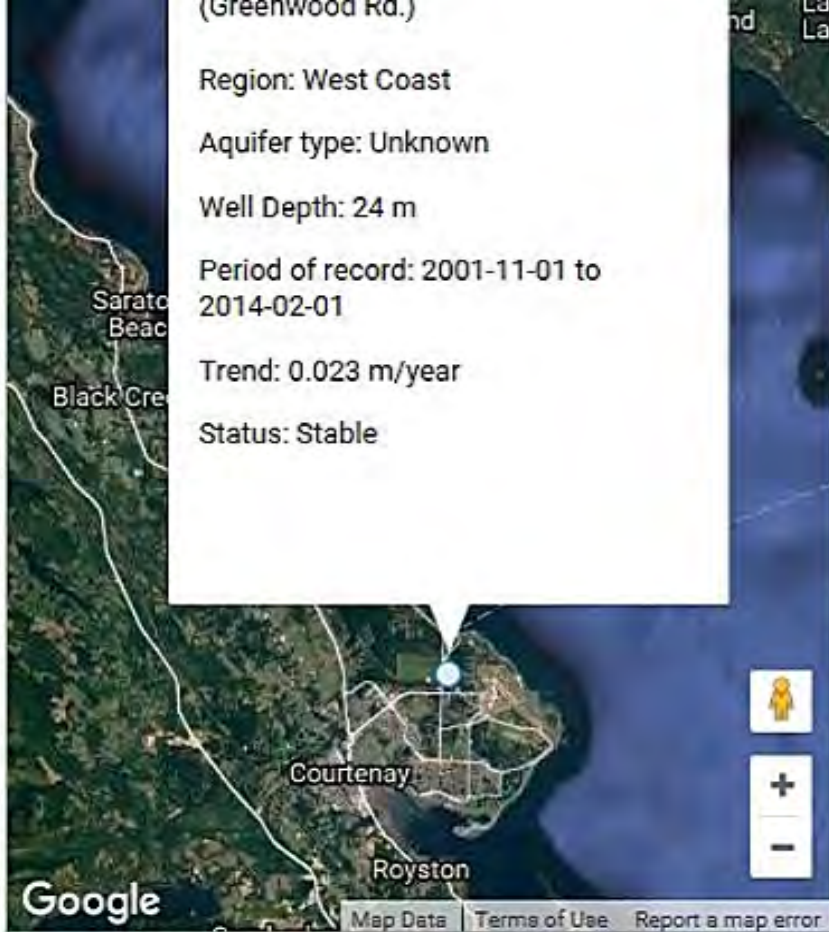
I strongly oppose this rezoning application and remind the CVRD that negotiating with First Nations and taking into account, in this case, the opposition voiced by the K'omoks Band should stop this application in its tracks.

The members of the CVRD must listen to their constituents on this issue and not some local commercial bottling company.

I don't care that it's a local company. Taking ground water, which is nature's gift to us all, and bottling it in plastic to SELL, many times, to those who have no safe water to drink, is an absolute sin. If the CVRD bows to the wish of the bottling company, they are collaborating with corporate interests rather than protecting their constituents. If the CVRD is really concerned about those who have no safe drinking water then maybe they should make sure safe water is available from the source to everyone in the Valley.

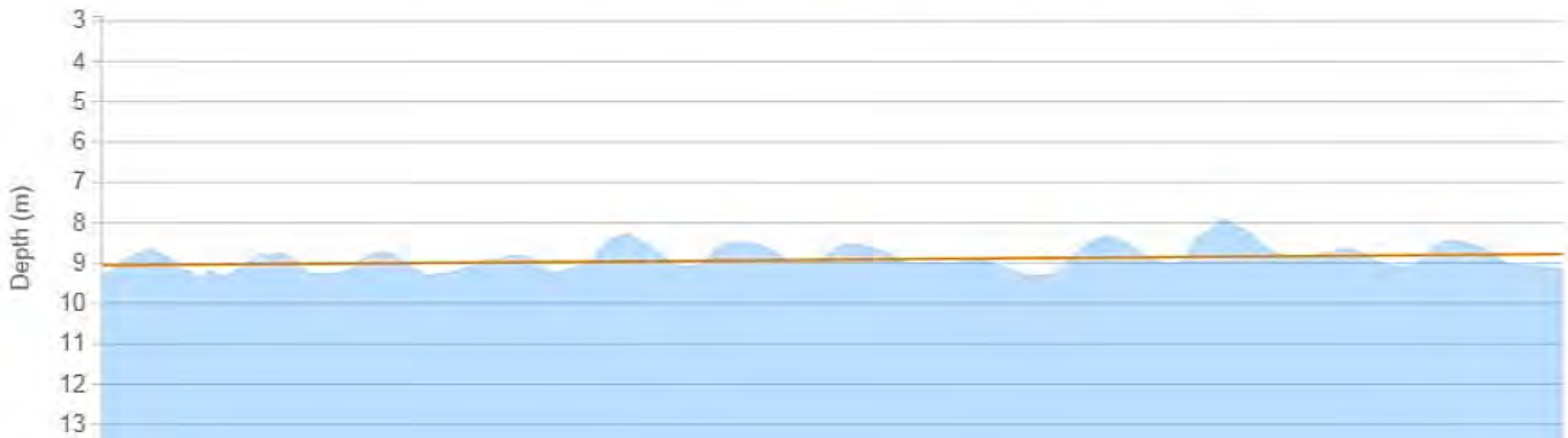
Pat Carl

Comox



- Stable or Increasing
- Moderate declines
- Large declines
- Not enough data to date for trend analysis

groundwater 14-year trend; 0.023m/year



3360-20 / RZ 2C 18

Subject: FW: Water Bottling Licence in Merville**From:** Edwin Grieve [<mailto:edwingrieve@shaw.ca>]**Sent:** Thursday, April 05, 2018 2:04 PM**To:** Arzeena Hamir**Cc:** Alana Mullaly <amullaly@comoxvalleyrd.ca>; Ronna-Rae Leonard. Mla <Ronna-Rae.Leonard.MLA@leg.bc.ca>;Ronna-Rae Leonard. Mla <leanne.rathje@leg.bc.ca>**Subject:** Re: Water Bottling Licence in Merville

Arzeena

Thank you for your email regarding the proposed water bottling plant in Merville.

I have forwarded it to our MLA, Ronna-Rae Leonard because, as you know, the licence was issued by their Ministry of Forest, Lands, Operations and Rural Development.

The proponent has requested a re-zoning of his property from residential to light industrial to legitimize the building of a water bottling plant.

As this matter moves forward through process, it is imperative that the public comments be collected as part of the record. I have cc'd Alana Mullaly from CVRD staff who is compiling a file on this matter.

Sincerely

Edwin Grieve, Director

Area 'C' Comox Valley Regional District

Sent from my iPad

On Apr 5, 2018, at 8:56 AM, Arzeena Hamir

wrote:

Dear CVRD Board,

On behalf of the Mid Island Farmers Institute we would like to state our objection to the Provincial government's recent licensing of a water bottling facility in Merville (Water Licence 500169) and encourage the Board of the Comox Valley Regional District to decline the rezoning application for this property.

We believe that this licence was issued without a thorough understanding of the aquifer and the impact that water extraction would have on neighbouring farms and home sites. The rezoning application is not in line with the CVRD's own Official Community Plan and will negatively impact neighbours and road infrastructure.

The fact that the licence was granted despite objections from the CVRD, objections from the K'omoks First Nation, and the lack of any public consultation brings serious doubt to the legitimacy of such a decision and the operation must not be allowed to go forward.

We urge the CVRD to ask the Ministry of FLNRORD to:

- Rescind the licence

- Declare a moratorium on the issuance of water bottling licences on BC's aquifers until a full review is conducted on the current and future demand for this water from BC's farmers
- Apply for a Water Reservation over the aquifer to ensure that the water is only used for Comox Valley community needs. This Reservation may be lifted if after the CVRD's Agriculture Watershed Public Advisory Committee has determined that there is sufficient water for current and future needs of the CVRD community.

Sincerely

Arzeena Hamir, President

on behalf of

Board Members of the Mid Island Farmer's Institute

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Thursday, April 05, 2018 12:07 PM
To: 'Marilyn Armstrong'
Subject: RE: Proposed Water Bottling Plant in the Valley

Good afternoon Ms. Armstrong,

Thank you for your feedback. I will add your comments to the rezoning file's public record. All public comments will be shared with the electoral area directors (i.e. the decision makers).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to rezone their property to allow a "water and beverage bottling" facility on their property.

On March 5, 2018, staff presented an introductory report to our electoral areas services committee (comprising our three electoral area directors) on the rezoning application. Staff recommended that the rezoning application be referred to First Nations, external agencies and the public for review and comment. The Committee supported staff's recommendation to undertake external referral. Their recommendation was considered and approved by the CVRD board on March 27th. Staff have begun the formal referral process.

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1. Deny the rezoning application to allow a water bottling facility (but not deny the diversion as this is the province's jurisdiction); or
2. Direct staff to prepare a bylaw for first and second readings and schedule a public hearing; or
3. Enable the water bottling facility under a temporary use permit with conditions.

Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

Regards,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051
Toll free: 1-800-331-6007 Fax: 250-334-8156
Fax: 250-334-8156

From: Marilyn Armstrong
Sent: Wednesday, April 04, 2018 6:48 PM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Proposed Water Bottling Plant in the Valley

Dear Alana,

Please, please, please do not allow this if you have any say in the matter. Bottled water is totally unnecessary and creates a HUGE amt of plastic waste - which is the last thing we need. And mostly it is about the water. It is a precious resource we need to preserve and protect for future generations here in the valley, not allowed to be packaged and sold for profit. I think it is an insane idea and ask you to use whatever power you have to just say no. It is high time the powers that be stopped buying into the growth/profit model and started protecting the earth and the resources we depend on to survive. I hope my plea has not fallen on deaf ears. Our kids futures depend on wiser decisions NOW.

Sincerely, Marilyn Armstrong in Comox

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Thursday, April 05, 2018 2:45 PM
To: 'Connie Flaade'
Subject: RE: Water bottling proposal

Good afternoon Ms. Flaade,

Thank you for your feedback. I will add your comments to the rezoning file's public record. All public comments will be shared with the electoral area directors (i.e. the decision makers).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to rezone their property to allow a "water and beverage bottling" facility on their property.

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3. Enable the water bottling facility under a temporary use permit with conditions.

Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

Regards,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051
Toll free: 1-800-331-6007 Fax: 250-334-8156
Fax: 250-334-8156

-----Original Message-----

From: Connie Flaade

Sent: Thursday, April 05, 2018 2:35 PM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Water bottling proposal

Hi

I am a resident of Merville for the past 25 years and along with my neighbors am extremely concerned about the proposed water bottling business .

I do not think a vital resource should be extracted for profit.

This permit and any in the future should be denied and the process that allowed it changed to protect our aquifer

Thank you
Connie Flaade
960 Hecker Road
Merville

Sent from my iPad

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Thursday, April 05, 2018 12:04 PM
To: 'Natasha and Robert'
Subject: RE: no to water bottling

Good afternoon to you both,
Thank you for your feedback. I will add your comments to the rezoning file's public record. All public comments will be shared with the electoral area directors (i.e. the decision makers).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to rezone their property to allow a "water and beverage bottling" facility on their property.

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3. Enable the water bottling facility under a temporary use permit with conditions.

Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

-----Original Message-----

From: Natasha and Robert
Sent: Wednesday, April 04, 2018 6:31 PM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: no to water bottling

Alana Mullaly, We wish to add our voices to those objecting to the CVRD zoning change for a proposed water bottling business in the Comox Valley. Water is a precious resource not to be sold as a commodity.
Natasha Frolic and Robert Seidlitz, 2382 Barbara Rd, Courtenay

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Friday, April 06, 2018 9:28 AM
To: 'LEN BIEDRON'
Subject: RE: bottling water in a private residence

Good morning Ms. Stephenson,

Thank you for your feedback. I will add your comments to the rezoning file's public record. All public comments will be shared with the electoral area directors (i.e. the decision makers).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to rezone their property to allow a "water and beverage bottling" facility on their property.

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3. Enable the water bottling facility under a temporary use permit with conditions.

Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

Regards,
Alana

Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6051
Toll free: 1-800-331-6007 Fax: 250-334-8156
Fax: 250-334-8156

From: LEN BIEDRON
Sent: Thursday, April 05, 2018 5:39 PM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: bottling water in a private residence

Hello,

I have been reading the various articles in the local paper regarding the couple who want to begin a business bottling water on their property. I understand that their application is being reviewed by the CVRD. Please do not permit this business. Water is a precious commodity which should not be bottled and sold from a private residence.

Sincerely,

Patricia Stephenson, Courtenay

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Monday, April 09, 2018 4:17 PM
To: 'Wendy Langdale'
Cc: editor@comoxvalleyrecord.com
Subject: RE: Merville water bottling facility proposal

Good afternoon Ms. Langdale,

Thank you for your feedback. I will add your comments to the rezoning file's public record. All public comments will be shared with the electoral area directors (i.e. the decision makers).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to rezone their property to allow a "water and beverage bottling" facility on their property.

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Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

Regards,
Alana

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Courtenay, BC V9N 3P6
Tel: 250-334-6051
Toll free: 1-800-331-6007 Fax: 250-334-8156
Fax: 250-334-8156

From: Wendy Langdale
Sent: Saturday, April 07, 2018 12:14 PM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Cc: editor@comoxvalleyrecord.com
Subject: Merville water bottling facility proposal

Dear Alana Mullaly, Manager of Planning Services for the CVRD,

I am strongly opposed to the notion of a water bottling business being granted permission in your jurisdiction. As a resident of the Comox Valley I compel you to make a stand for the responsible use of our shared groundwater supply. Fresh water is a finite resource, a gift from nature. It is not to be exploited! It is not to be bottled and sold for profit!

It behooves the Comox Valley Regional District to deny the re-zoning request of the people who would like to develop a water bottling business. Do the right thing.

Sincerely,
W. Langdale

3360-20 / RZ 2C 18

Subject: FW: Rezoning on Sackville Road for water Bottling Plant

From: Edwin Grieve

Sent: Sunday, April 08, 2018 10:51 AM

To: Kathleen McLaughlin

Cc: Ronna-Rae Leonard. Mla <Ronna-Rae.Leonard.MLA@leg.bc.ca>; Ronna-Rae Leonard. Mla <leanne.rathje@leg.bc.ca>; Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Re: Rezoning on Sackville Road for water Bottling Plant

Kathleen and Ken:

Thanks for the email. As you probably know the Province has control over all 'underground' licensing and the Regional District only gets to approve or deny 'above ground' use.

I have cc'd MLA Ronna-RaeLeonard on this issue as well as Alana Mullaly from CVRD staff.

This application has been sent out for referral process and will be coming back to the Regional District for more discussion in the near future.

Until then I must keep "arms length" on this issue to avoid any perception of bias.

Edwin

PS

Hope you both had fun in the sand of sun.

Edwin

Sent from my iPad

> On Apr 8, 2018, at 9:54 AM, Kathleen McLaughlin wrote:

>

> Hi Edwin. We have been away and were unable to attend the meeting on the rezoning of the piece of property on Sackville Road. We are totally against it. We have lived on Rodgers Road just around the bend from this piece of property for close to 40 years. The main reason we moved here was to enjoy the quiet rural area. The couple that have requested the rezoning moved in knowing their property was not zoned for this. From what information we have received from neighbours and the coverage of the meeting, it doesn't appear that they care too much about the impact this will have on our neighborhood. We are also concerned at what other doors this may open up. We hope when you make your decision that you take into consideration our land is our lifetime investment and our home.

>

> Kathleen McLaughlin and Ken Grieve

>

>

> Sent from my iPad

3360-20 / RZ 2C 18

Subject: FW: Action for our Aquifers

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]

Sent: April 11, 2018 10:11 AM

To:

Cc: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Re: Action for our Aquifers

Joan

Thank you for the comments

I will forward to CVRD staff for our records

Edwin

Sent from my iPad

On Apr 11, 2018, at 8:39 AM, joan alexander

wrote:

Dear Honourable Doug Donaldson, Minister of Forest, Lands, Natural Resource Operations and Rural Development;
Honourable George Heyman, Minister of Environment and Climate Change Strategy; and
Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation,

I am concerned about the recent developments in Merville, BC, where a groundwater licence has been issued for a commercial water bottling operation despite concerns raised by the community and strong opposition voiced by K'ómoks First Nations.

The lack of transparency and due consultation with K'ómoks First Nations and the community of Merville in advance of approving this application to withdraw 10,000 L/day from their drinking water aquifer is deeply troubling. Adding to that, concerned residents have not been able to obtain access to an aquifer study allegedly clearing the way for the project's approval.

I am aware that the Comox Valley Regional District will be discussing a re-zoning application for this project in the upcoming days, and I want to take the opportunity to let you know where I stand. I stand with K'ómoks First Nation and the concerned community of Merville, and I want a government that works to protect our underground aquifers for future generations.

The Water Sustainability Act is a tool that can do this. But the Act needs to be further developed to address the following needs:

1. Groundwater Protection -- The Water Sustainability Act is taking steps to improve groundwater management, but inadequate knowledge and a lack of regulations continue to allow for the depletion of this precious asset.

We need robust regulations that support:

- Systematic monitoring of groundwater resources where data is collected, made publicly available, and used to inform water licence decision-making;
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In British Columbia, we are incredibly lucky to have the life-giving waters that sustain this province. It is up to us to act now to protect those waters for current and future generations. Will our government step up to the task of being a leader in the protection of our aquifers, rivers and lakes?

I look forward to seeing follow through on the Province's commitment to implementing the Water Sustainability Act and United Nations Declaration on the Rights of Indigenous Peoples by addressing these important concerns in Merville.

Sincerely,
joan alexander

V9N 3N2

CC: Bruce Jolliffe (Electoral Area A Director, Comox Valley Regional District); Rod Nichol (Electoral Area B Director, Comox Valley Regional District); Edwin Grieve (Electoral Area C Director, Comox Valley Regional District); and Alana Mullaly (Manager of Planning Services, Comox Valley Regional District)

▪

3360-20 / RZ 2C 18

Subject: FW: Action for our Aquifers**From:** Edwin Grieve [<mailto:edwingrieve@shaw.ca>]**Sent:** April 11, 2018 9:53 AM**To:****Cc:** Alana Mullaly <amullaly@comoxvalleyrd.ca>**Subject:** Re: Action for our Aquifers

Randy

Thanks for the comments

I will forward to CVRD Staff for the record

Edwin

Sent from my iPad

On Apr 11, 2018, at 9:02 AM, Randy Castellarin

wrote:

Dear Honourable Doug Donaldson, Minister of Forest, Lands, Natural Resource Operations and Rural Development;
Honourable George Heyman, Minister of Environment and Climate Change Strategy; and
Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation,

I am concerned about the recent developments in Merville, BC, where a groundwater licence has been issued for a commercial water bottling operation despite concerns raised by the community and strong opposition voiced by K'ómoks First Nations.

The lack of transparency and due consultation with K'ómoks First Nations and the community of Merville in advance of approving this application to withdraw 10,000 L/day from their drinking water aquifer is deeply troubling. Adding to that, concerned residents have not been able to obtain access to an aquifer study allegedly clearing the way for the project's approval.

I am aware that the Comox Valley Regional District will be discussing a re-zoning application for this project in the upcoming days, and I want to take the opportunity to let you know where I stand. I stand with K'ómoks First Nation and the concerned community of Merville, and I want a government that works to protect our underground aquifers for future generations.

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I look forward to seeing follow through on the Province's commitment to implementing the Water Sustainability Act and United Nations Declaration on the Rights of Indigenous Peoples by addressing these important concerns in Merville.

Sincerely,
Randy Castellarin

V9J 1N4

CC: Bruce Jolliffe (Electoral Area A Director, Comox Valley Regional District); Rod Nichol (Electoral Area B Director, Comox Valley Regional District); Edwin Grieve (Electoral Area C Director, Comox Valley Regional District); and Alana Mullaly (Manager of Planning Services, Comox Valley Regional District)

▪

3360-20 / RZ 2C 18

Subject: FW: Action for our Aquifers**From:** Edwin Grieve [<mailto:edwingrieve@shaw.ca>]**Sent:** April 11, 2018 10:04 AM**To:****Cc:** Alana Mullaly <amullaly@comoxvalleyrd.ca>**Subject:** Re: Action for our Aquifers

Francine

Thank you for the email

I will forward to CVRD staff as part of the record

Edwin

Sent from my iPad

On Apr 11, 2018, at 9:59 AM, Francine Desnoyers

wrote:

Dear Honourable Doug Donaldson, Minister of Forest, Lands, Natural Resource Operations and Rural Development;
Honourable George Heyman, Minister of Environment and Climate Change Strategy; and
Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation,

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I look forward to seeing follow through on the Province's commitment to implementing the Water Sustainability Act and United Nations Declaration on the Rights of Indigenous Peoples by addressing these important concerns in Merville.

Sincerely,
Francine Desnoyers

V9N 0C8

CC: Bruce Jolliffe (Electoral Area A Director, Comox Valley Regional District); Rod Nichol (Electoral Area B Director, Comox Valley Regional District); Edwin Grieve (Electoral Area C Director, Comox Valley Regional District); and Alana Mullaly (Manager of Planning Services, Comox Valley Regional District)

▪

3360-20 / RZ 2C 18

Subject: FW: Action for our Aquifers**From:** Edwin Grieve [<mailto:edwingrieve@shaw.ca>]**Sent:** April 11, 2018 9:58 AM**To:****Cc:** Alana Mullaly <amullaly@comoxvalleyrd.ca>**Subject:** Re: Action for our Aquifers

Hi Norma

Thank you for the email

I will forward it to CVRD Staff for the record

Edwin

Sent from my iPad

On Apr 11, 2018, at 9:00 AM, Norma Janes

wrote:

Dear Honourable Doug Donaldson, Minister of Forest, Lands, Natural Resource Operations and Rural Development;
Honourable George Heyman, Minister of Environment and Climate Change Strategy; and
Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation,

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I look forward to seeing follow through on the Province's commitment to implementing the Water Sustainability Act and United Nations Declaration on the Rights of Indigenous Peoples by addressing these important concerns in Merville.

Sincerely,
Norma Janes

V9J 1W3

CC: Bruce Jolliffe (Electoral Area A Director, Comox Valley Regional District); Rod Nichol (Electoral Area B Director, Comox Valley Regional District); Edwin Grieve (Electoral Area C Director, Comox Valley Regional District); and Alana Mullaly (Manager of Planning Services, Comox Valley Regional District)

▪

3360-20 / RZ 2C 18

Subject: FW: Action for our Aquifers**From:** Edwin Grieve [<mailto:edwingrieve@shaw.ca>]**Sent:** April 11, 2018 9:48 AM**To:****Cc:** Alana Mullaly <amullaly@comoxvalleyrd.ca>**Subject:** Re: Action for our Aquifers

Gillian

Thanks for the comments

I will forward to staff for the record

Edwin

Sent from my iPad

On Apr 11, 2018, at 9:28 AM, Gillian Koster

wrote:

Dear Honourable Doug Donaldson, Minister of Forest, Lands, Natural Resource Operations and Rural Development;
Honourable George Heyman, Minister of Environment and Climate Change Strategy; and
Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation,

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Sincerely,
Gillian Koster

V9J 1S9

CC: Bruce Jolliffe (Electoral Area A Director, Comox Valley Regional District); Rod Nichol (Electoral Area B Director, Comox Valley Regional District); Edwin Grieve (Electoral Area C Director, Comox Valley Regional District); and Alana Mullaly (Manager of Planning Services, Comox Valley Regional District)

▪

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Friday, May 11, 2018 9:00 AM
To: Sylvia Stephens
Subject: FW: Action for our Aquifers

Sylvia,
For RZ 1C 18 (water bottling), please.
Thanks,
Alana

From: Edwin Grieve [mailto:edwingrieve@shaw.ca]
Sent: April 11, 2018 9:42 AM
To:
Cc: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Re: Action for our Aquifers

Thanks Linda
I will forward to Alana from CVRDstaff
Edwin

Sent from my iPad

On Apr 11, 2018, at 9:35 AM, Linda MacNay wrote:

Dear Honourable Doug Donaldson, Minister of Forest, Lands, Natural Resource Operations and Rural Development;

Honourable George Heyman, Minister of Environment and Climate Change Strategy; and
Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation,

I am concerned about the recent developments in Merville, BC, where a groundwater licence has been issued for a commercial water bottling operation despite concerns raised by the community and strong opposition voiced by K'ómoks First Nations.

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I look forward to seeing follow through on the Province's commitment to implementing the Water Sustainability Act and United Nations Declaration on the Rights of Indigenous Peoples by addressing these important concerns in Merville.

Sincerely,
Linda MacNay

V0P 1N0

CC: Bruce Jolliffe (Electoral Area A Director, Comox Valley Regional District); Rod Nichol (Electoral Area B Director, Comox Valley Regional District); Edwin Grieve (Electoral Area C Director, Comox Valley Regional District); and Alana Mullaly (Manager of Planning Services, Comox Valley Regional District)

▪

3360-20 / RZ 2C 18

Subject: FW: Action for our Aquifers

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]

Sent: April 11, 2018 9:50 AM

To:

Cc: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Re: Action for our Aquifers

Tanks

Thank you for the email

I will forward to CVRD staff for the record

Edwin

Sent from my iPad

On Apr 11, 2018, at 9:24 AM, Tanis Magnusson

wrote:

Dear Honourable Doug Donaldson, Minister of Forest, Lands, Natural Resource Operations and Rural Development;
Honourable George Heyman, Minister of Environment and Climate Change Strategy; and
Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation,

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Sincerely,
Tanis Magnusson

V0E 2G5

CC: Bruce Jolliffe (Electoral Area A Director, Comox Valley Regional District); Rod Nichol (Electoral Area B Director, Comox Valley Regional District); Edwin Grieve (Electoral Area C Director, Comox Valley Regional District); and Alana Mullaly (Manager of Planning Services, Comox Valley Regional District)

▪

3360-20 / RZ 2C 18

Subject: FW: Action for our Aquifers

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]

Sent: April 11, 2018 10:07 AM

To:

Cc: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Re: Action for our Aquifers

Janice;

Thank you for the comments

I will forward to CVRD staff as part of the record

Edwin

Sent from my iPad

On Apr 11, 2018, at 8:43 AM, Janice Marlow

wrote:

Dear Honourable Doug Donaldson, Minister of Forest, Lands, Natural Resource Operations and Rural Development;
Honourable George Heyman, Minister of Environment and Climate Change Strategy; and
Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation,

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Sincerely,
Janice Marlow

V9M 2W3

CC: Bruce Jolliffe (Electoral Area A Director, Comox Valley Regional District); Rod Nichol (Electoral Area B Director, Comox Valley Regional District); Edwin Grieve (Electoral Area C Director, Comox Valley Regional District); and Alana Mullaly (Manager of Planning Services, Comox Valley Regional District)

▪

3360-20 / RZ 2C 18

Subject: FW: Action for our Aquifers**From:** Edwin Grieve [<mailto:edwingrieve@shaw.ca>]**Sent:** April 11, 2018 10:03 AM**To:** Alana Mullaly <amullaly@comoxvalleyrd.ca>**Subject:** Fwd: Action for our Aquifers

Sent from my iPad

Begin forwarded message:

From: Edwin Grieve <edwingrieve@shaw.ca>**Date:** April 11, 2018 at 10:02:07 AM PDT**To:****Subject: Re: Action for our Aquifers**

Robin

Thank you for your email

I will forward to CVRD Staff for the record.

Edwin

Sent from my iPad

On Apr 11, 2018, at 8:44 AM, Robin Pattison

wrote:

Dear Honourable Doug Donaldson, Minister of Forest, Lands, Natural Resource Operations and Rural Development;
Honourable George Heyman, Minister of Environment and Climate Change Strategy; and
Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation,

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Sincerely,
Robin Pattison

V9J 1W3

CC: Bruce Jolliffe (Electoral Area A Director, Comox Valley Regional District); Rod Nichol (Electoral Area B Director, Comox Valley Regional District); Edwin Grieve (Electoral Area C Director, Comox Valley Regional District); and Alana Mullaly (Manager of Planning Services, Comox Valley Regional District)

▪

3360-20 / RZ 2C 18

Subject: FW: Action for our Aquifers

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]

Sent: April 11, 2018 10:09 AM

To:

Cc: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Re: Action for our Aquifers

Joan

Thank you for your comments

I will forward it to CVRD staff for our records

Edwin

Sent from my iPad

On Apr 11, 2018, at 8:42 AM, Valerie Sherriff

wrote:

Dear Honourable Doug Donaldson, Minister of Forest, Lands, Natural Resource Operations and Rural Development;
Honourable George Heyman, Minister of Environment and Climate Change Strategy; and
Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation,

I am concerned about the recent developments in Merville, BC, where a groundwater licence has been issued for a commercial water bottling operation despite concerns raised by the community and strong opposition voiced by K'ómoks First Nations.

The lack of transparency and due consultation with K'ómoks First Nations and the community of Merville in advance of approving this application to withdraw 10,000 L/day from their drinking water aquifer is deeply troubling. Adding to that, concerned residents have not been able to obtain access to an aquifer study allegedly clearing the way for the project's approval.

I am aware that the Comox Valley Regional District will be discussing a re-zoning application for this project in the upcoming days, and I want to take the opportunity to let you know where I stand. I stand with K'ómoks First Nation and the concerned community of Merville, and I want a government that works to protect our underground aquifers for future generations.

The Water Sustainability Act is a tool that can do this. But the Act needs to be further developed to address the following needs:

1. Groundwater Protection -- The Water Sustainability Act is taking steps to improve groundwater management, but inadequate knowledge and a lack of regulations continue to allow for the depletion of this precious asset.

We need robust regulations that support:

- Systematic monitoring of groundwater resources where data is collected, made publicly available, and used to inform water licence decision-making;
- Licenses issued in compliance with sustainable groundwater management criteria that consider

cumulative impacts, environmental flows and protect the resources for many generations.

2. First Nations Reconciliation -- First Nations have the right to free, prior and informed consent regarding initiatives that impact their Indigenous territories. The explicit recognition and inclusion of local First Nations traditional knowledge, water law and authority as part of evidence-based decision-making are necessary steps towards reconciliation and protection of our shared waters.

I am calling on the Province to:

- Commit to meaningful co-governance with Indigenous Nations in all aspects of the regulatory development phase for the WSA, including the determination of local criteria for ensuring sustainable water licensing.

3. Fair Water Pricing -- The BC government committed to a water pricing review by February 2017, but we have yet to see follow through on that promise. With watersheds in BC increasingly susceptible to drought and strained supplies, we need to think carefully how we value our water.

- BC should review water rentals to ensure that rates that are high enough to encourage conservation and generate the revenue needed to protect the health of our shared waters.

In British Columbia, we are incredibly lucky to have the life-giving waters that sustain this province. It is up to us to act now to protect those waters for current and future generations. Will our government step up to the task of being a leader in the protection of our aquifers, rivers and lakes?

I look forward to seeing follow through on the Province's commitment to implementing the Water Sustainability Act and United Nations Declaration on the Rights of Indigenous Peoples by addressing these important concerns in Merville.

Sincerely,
Valerie Sherriff

V9N 1E9

CC: Bruce Jolliffe (Electoral Area A Director, Comox Valley Regional District); Rod Nichol (Electoral Area B Director, Comox Valley Regional District); Edwin Grieve (Electoral Area C Director, Comox Valley Regional District); and Alana Mullaly (Manager of Planning Services, Comox Valley Regional District)

▪

3360-20 / RZ 2C 18

Subject: FW: Action for our Aquifers

From: Edwin Grieve [<mailto:edwingrieve@shaw.ca>]

Sent: April 11, 2018 10:19 AM

To:

Cc: Alana Mullaly <amullaly@comoxvalleyrd.ca>

Subject: Re: Action for our Aquifers

Jessie
Thanks
Edwin

Sent from my iPad

On Apr 11, 2018, at 10:11 AM, Jessie Turner wrote:

Dear Honourable Doug Donaldson, Minister of Forest, Lands, Natural Resource Operations and Rural Development;
Honourable George Heyman, Minister of Environment and Climate Change Strategy; and
Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation,

I am concerned about the recent developments in Merville, BC, where a groundwater licence has been issued for a commercial water bottling operation despite concerns raised by the community and strong opposition voiced by K'ómoks First Nations.

The lack of transparency and due consultation with K'ómoks First Nations and the community of Merville in advance of approving this application to withdraw 10,000 L/day from their drinking water aquifer is deeply troubling. Adding to that, concerned residents have not been able to obtain access to an aquifer study allegedly clearing the way for the project's approval.

I am aware that the Comox Valley Regional District will be discussing a re-zoning application for this project in the upcoming days, and I want to take the opportunity to let you know where I stand. I stand with K'ómoks First Nation and the concerned community of Merville, and I want a government that works to protect our underground aquifers for future generations.

The Water Sustainability Act is a tool that can do this. But the Act needs to be further developed to address the following needs:

1. Groundwater Protection -- The Water Sustainability Act is taking steps to improve groundwater management, but inadequate knowledge and a lack of regulations continue to allow for the depletion of this precious asset.

We need robust regulations that support:

- Systematic monitoring of groundwater resources where data is collected, made publicly available, and used to inform water licence decision-making;
- Licenses issued in compliance with sustainable groundwater management criteria that consider cumulative impacts, environmental flows and protect the resources for many generations.

2. First Nations Reconciliation -- First Nations have the right to free, prior and informed consent regarding initiatives that impact their Indigenous territories. The explicit recognition and inclusion of local First Nations traditional knowledge, water law and authority as part of evidence-based decision-making are necessary steps towards reconciliation and protection of our shared waters.

I am calling on the Province to:

- Commit to meaningful co-governance with Indigenous Nations in all aspects of the regulatory development phase for the WSA, including the determination of local criteria for ensuring sustainable water licensing.

3. Fair Water Pricing -- The BC government committed to a water pricing review by February 2017, but we have yet to see follow through on that promise. With watersheds in BC increasingly susceptible to drought and strained supplies, we need to think carefully how we value our water.

- BC should review water rentals to ensure that rates that are high enough to encourage conservation and generate the revenue needed to protect the health of our shared waters.

In British Columbia, we are incredibly lucky to have the life-giving waters that sustain this province. It is up to us to act now to protect those waters for current and future generations. Will our government step up to the task of being a leader in the protection of our aquifers, rivers and lakes?

I look forward to seeing follow through on the Province's commitment to implementing the Water Sustainability Act and United Nations Declaration on the Rights of Indigenous Peoples by addressing these important concerns in Merville.

Sincerely,
Jessie Turner

V9J 1N7

CC: Bruce Jolliffe (Electoral Area A Director, Comox Valley Regional District); Rod Nichol (Electoral Area B Director, Comox Valley Regional District); Edwin Grieve (Electoral Area C Director, Comox Valley Regional District); and Alana Mullaly (Manager of Planning Services, Comox Valley Regional District)

▪

3360-20 / RZ 2C 18

Subject: FW: Form submission from: Comox Valley Regional District

From: Comox Valley Regional District [<mailto:no-reply@cverdwebsite.ca>]

Sent: Tuesday, April 17, 2018 7:16 AM

To: administration <administration@comoxvalleyrd.ca>

Subject: Form submission from: Comox Valley Regional District

Submitted on Tuesday, April 17, 2018 - 07:15

Submitted by anonymous user: 186.148.105.30

Submitted values are:

Name Kathryn Jones

Email

Message

I am the owner of the property at 7430 Rodger Road Merville. I am in favor of the new firehall and strongly opposed to the rezoning for commercial water sales.

The results of this submission may be viewed at:

<https://www.comoxvalleyrd.ca/node/2835/submission/208>

3360-20 / RZ 2C 18

From: jeanette janze
Sent: Monday, April 23, 2018 8:12 PM
To: planningdevelopment@comoxvalleyrd.ca
Subject: opposition to rezoning sackville rd.

To the planning and development Comox Valley Regional District,

I would like to voice my opposition in regard to issuing rezoning for a water bottling business at 2410 Sackville Road, Merville B.C. I believe that this proposed business would not be beneficial to our rural community. Thank you for your consideration.

J.Janze
2476 Lever Rd.
Courtenay, B.C

3360-20 / RZ 2C 18

From: Tina Segriff
Sent: Monday, April 23, 2018 10:35 PM
To: planningdevelopment@comoxvalleyrd.ca
Subject: Opposition of Rezoning of 2410 Sackville Road, Melville BC

I would like to voice my opposition regarding the rezoning of the property of 2410 Sackville Rd. in Merville, BC. I view this proposed bottling plant to benefit only the one who will sell the water, our shared resource. The result will leave the rest of the rural community with drought in the summer months, and scarcity. Please rule against the rezoning.

Thank you for your consideration.

T. Segriff
Barr Drive
Melville BC

3360-20 / RZ 2C 18

From: Norman Brown
Sent: Tuesday, April 24, 2018 11:49 AM
To: planningdevelopment@comoxvalleyrd.ca
Subject: [Possible SPAM] Water bottling Business on Sackville

Importance: Low

To whom this may concern,

I would like to voice my opposition in regard to issuing a rezoning for 2410 Sackville Road, Melville, B.C., for the purpose of a water bottling business. I believe the water bottling business would leave the rural community with drought, and would cause water scarcity.

Thank you for your consideration.

Norman Brown
1153 Frances Road
Merville V0R2M0

COMOX VALLEY FARMERS' INSTITUTE

P.O. Box 3493
COURTENAY, B.C. V9N 6Z8

April 24, 2018

To
Ronna-Rae Leonard, MLA Comox Valley
Hon. Lana Popham, Minister of Agriculture and Fisheries
Hon. Doug Donaldson, Minister of Forests, Lands and Natural Resources
Board of Directors, Comox Valley Regional District

Comox Valley Regional District
File: 3360-20/RZ2C18
APR 26 2018
To: Board
A. Mullaaly
B. Chow
R. Dyson

Dear Sirs and Madams,

At the March 17, 2018 annual general meeting of the Comox Valley Farmers Institute (CVFI), a discussion and debate took place regarding the recently granted license to extract water from an aquifer located in the Comox Valley, specifically in the area of Merville, BC. The debate resulted in the members passing a motion that the CVFI write a letter to those addressed above, to express our opposition to the extraction of either groundwater or aquifer sourced water from the Agricultural Land Reserve (the ALR) and land adjacent to the ALR, for purposes other than domestic use by residents or agricultural purposes such as irrigation of crops and water for livestock.

We note that the property on which the well is located is not actually included in the ALR, however it is primarily ALR land in the area surrounding it, and the well draws water from an aquifer on which a significant portion of Comox Valley farms are dependent for their water supply. This license is issued at a time when the agriculture community in general, and the CVFI in particular, has identified the availability of water for agriculture as a primary concern. The Comox Valley Regional District is leading a study into the availability of water for agriculture in the Tsolum River watershed partly in response to this concern, and because of conflicting demands on the water resources available in this region for fisheries, forestry, and other needs. The impact of climate change on agriculture, which has manifested itself through dry summer conditions over the last several years, does affect local growing conditions. We anticipate that more farms will be considering the benefits of irrigation of crops if this pattern is to continue. Climatologists assure us it will. We can foresee that this Comox Valley aquifer, and other similar ones in the area, could be a significant part of the solution towards protecting the sustainability of agriculture going forward.

In the face of this mounting concern for the future availability of water for agricultural use, it has been a significant cause for concern among our members that the province has licensed a private well in Merville to extract, bottle and commercially sell water from this aquifer, without any apparent consideration for the needs of the local community that is dependent on the continuing health of the aquifer. We acknowledge the proposed withdrawal of 10,000 liters per day from the well is an admittedly small amount in itself. Our concern goes to the precedent this sets for extracting water for commercial resale purposes. Other similar wells could be established and licensed, apparently without the knowledge of the community. The property and well could be sold to a commercial producer who may be more aggressive at drawing water in the future. The license could be expanded to produce a larger volume of water extraction. It appears that these potential increases could come about without any input from the community that is dependent on the water supply.

We therefore urge all levels of government to consider the needs of agricultural sustainability in BC ahead of the allocation of water for commercial sale from sources in the ALR. A thorough review of the water needs and availability for agriculture, and allocation of the resources required, should precede the licensing of water for other purposes inside and adjacent to the ALR. While this is in the initial stages of review in our valley, we are just starting the process. We would welcome broader dialogue on this topic as and when further policy development takes place in this regard.

Yours truly,



Ben Vanderhorst, President
Comox Valley Farmers Institute

3360-20 / RZ 2C 18

Subject: FW: CV Advisory Planning Commission

From: Jake Martens

Sent: Monday, April 30, 2018 4:53 PM

To: brunic@shaw.ca

Cc: Alana Mullaly <amullaly@comoxvalleyrd.ca>; Ton Trieu <ttrieu@comoxvalleyrd.ca>; Teresa Warnes <twarnes@comoxvalleyrd.ca>

Subject: RE: CV Advisory Planning Commission

Good afternoon Mr. Gibbons,

Thank you for your email in regards to the upcoming Area C Advisory Planning Commission (APC) meeting. As an advisory body to the Comox Valley Regional District, the APC serves to provide input and advice to electoral area directors regarding land use and planning related matters.

While meetings are open to the public, agendas are limited to applications and related staff reports referred to the commission by the board or the electoral area director. Receipt of correspondence from the public is not provided for, however, public comments at the meetings may be permitted at the discretion of the chair.

Correspondence such as yours is best directed to the Electoral Areas Services Committee (EASC) or the CVRD Board as the decision-making body. I will include your email with the other correspondence we've received in regards to this application. These will be brought forward with the advice from the APC and other input from the external referral process to a future EASC meeting.

If you have any question regarding this, please let me know.

Regards,

Jake

Jake Martens

Manager of Legislative Services

Corporate Services Branch

Comox Valley Regional District

600 Comox Road, Courtenay, BC, V9N 3P6

Tel: 1-250-334-6029

Toll free: 1-800-331-6007

Fax: 250-334-4358



Please consider the environment before printing this e-mail.

From: Andrea Sutherland **On Behalf Of** Teresa Warnes

Sent: Friday, April 27, 2018 2:23 PM

To: Jake Martens <jmartens@comoxvalleyrd.ca>; James Warren <jwarren@comoxvalleyrd.ca>; Alana Mullaly <amullaly@comoxvalleyrd.ca>; Ton Trieu <ttrieu@comoxvalleyrd.ca>

Subject: FW: CV Advisory Planning Commission

Andrea Sutherland, *CLAPP/P*
Manager of Administration
Corporate Services Branch, Comox Valley Regional District
Tel: 250-334-6070

From: Bruce & Nicole [<mailto:brunic@shaw.ca>]
Sent: Friday, April 27, 2018 12:54 PM
To: administration <administration@comoxvalleyrd.ca>
Subject: CV Advisory Planning Commission

Hi. I would like to pass some information along to the Advisory Planning Commission in preparation for their meeting May 2nd, with regard to agenda item #3 Rezoning Application for 2410 Sackville Road, Merville.

The CV Staff Report indicates the following:

To keep the rural character, the applicants indicate that they are taking care to not change the natural beauty of the property and maintain the woodland fauna. With respect to compatibility of adjacent lands and uses, the applicants state their proposed operation will be quiet and unnoticeable, and they confirm that there will not be any onsite retail on the subject property.

The property at 2410 Sackville Road has been substantially cleared with a roadway built immediately adjacent to their neighbours, with no buffer whatsoever between the properties. It does not appear that they took care not to change the natural beauty of the property.

I have attached a Word document which is a transcript/summary of a presentation I made to a group of 80+ residents at the Merville Hall. The following is a link to the Merville Water Guardians Facebook page which will give some indication of the community opposition to the rezoning of the property at 2410 Sackville Road to facilitate a water bottling operation. <https://www.facebook.com/Merville-Water-Guardians-559462864416701/>

Please oppose the rezoning application in your report back to the CVRD Directors.

Bruce Gibbons
Merville Water Guardians

Merville Hall Meeting

Welcome everyone, and thank you for being here to discuss this very important issue.

First, I would like to acknowledge we are gathered here this evening on the unceded traditional territory of the K'omoks First Nation.

My name is Bruce Gibbons. I live on Sackville Road, just a few hundred meters from the site of the proposed water bottling facility. I am a concerned resident who heard about this water bottling proposal and was immediately outraged and appalled and was driven to try to do something about it. We started by circulating information to our immediate neighbours, then attended the CVRD rezoning meeting on March 5th. Then I started an email campaign sending emails to politicians, media, environmental groups and anyone I thought might help to oppose this proposal. As part of that campaign I became aware of an appeal process whereby a person or group who was affected by the approval of a licence could file an appeal and raise their concerns at an Appeal Board hearing. So, I filed an appeal. And we started circulating emails to concerned residents and farmers and started circulating updates of our activities. We then linked up with Arzeena Hamir, who is a friend, a local organic farmer, a farming activist and environmentalist. A core group of opposed residents have been working together to drive a campaign to raise the Comox Valley collective voice in opposition to this local water bottling licence, and to continue the fight to a higher level to raise awareness of the provincial government giving away our precious groundwater. With me being very involved with my appeal, and thereby being an integral part of the process for this Merville water bottling licence I have become a driver of the campaign. I would like very much to hear from other individuals or groups who have been active along side us so we can pool our resources and focus our activities appropriately.

For those of you who don't know, the applicants already have a provincial groundwater extraction licence that allows them to extract up to 10,000 liters of water per day, bottle it and sell it for profit. That licence was approved back in November. The only roadblock in their way right now is a pending application for rezoning by the CVRD. Current zoning does not allow this commercial enterprise. So that is why the primary focus of our efforts right now has to be to voice our opposition to the rezoning. The licence was approved in spite of objections by the CVRD that the proposal did not fit with their OCP, and the site was not zoned for that type of commercial operation. The K'omoks First Nation was also involved in the application process. I hesitate to use the word consulted, because they also voiced their objections for multiple reasons, but the Ministry disrespected the K'omoks First Nation and their objections were also ignored and the licence approved anyway.

There are some misconceptions that the opposition to this water bottling is because the water will be sold outside BC. Not true. I don't care, and everyone I've talked to doesn't care where the bottled water is sold. It should not be sold at all. We don't have anything against the applicants. Our fight is not with them. They indeed did follow all the steps to get a licence. Our fight is with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development. They approved a licence to allow one landowner to extract water from the aquifer that we all rely on for our drinking water, sanitation, gardens and farms. They approved a licence to allow that water to be bottled and sold, with no transparency, and no apparent due diligence in their decision-making process.

CVRD Rezoning.

The rezoning application is still before the CVRD for consideration. CVRD staff are gathering data and information to assist the Directors to make an informed decision. The Agricultural Advisory Committee was recently approached for their input. In the near future the CVRD will schedule public meetings to solicit public input into the decision process. We are hoping that the CVRD will deny the rezoning and end this water bottling facility. However, we cannot sit back and wait. We have to make sure the CVRD knows how many people oppose this. We need to all submit letters/emails to the CVRD to voice our opposition. We must also attend the CVRD public hearings when they are scheduled and again voice our opposition.

Environmental Appeal Board.

As I said earlier I filed an appeal with the Environmental Appeal Board. The appeal is against the FLNRORD Ministry Assistant Water Manager who made the decision to approve the licence. That individual is contesting the appeal on the basis that I do not have the right to appeal. There are specific criteria in the WSA that determine who needs to be notified when a licence is applied for. This individual determined that no one in the area met those criteria so no one was notified. That is why most of us, if not all of us only learned about the licence in March when the CVRD hearing for rezoning was held. The same criteria are being used to determine whether I have a right to appeal. Two of the criteria are under discussion to get an EAB decision on my standing to appeal. One of those is based on whether my property will be detrimentally affected by the licence. The FLNRORD Ministry says it won't, but does not appear to have any studies or data to support that. I say it will, at least potentially. I am in the process of gathering as much information as I can to support my claim and stay in the appeal. I have information that Kim received from a FLNRORD Ministry employee stating, "While a detailed aquifer budget is not available for aquifer 408, there is adequate information available to consider whether adequate water is available and as such, a detailed aquifer study was not considered warranted in this case." So, how can they state that my property, or for that matter any of my neighbours in the Comox Valley, will not be detrimentally affected by this licence when they did not conduct any studies of the aquifer or the wells in the immediate area of the proposed facility? Just a couple of days ago I heard a story from one of our neighbours who is a long-time resident in the Merville area. He said that a well was drilled virtually right next door to the applicant's property, some 15 years ago. The well was drilled to add water flow to the Portuguese Creek system to help the fish in the dry season. 2 days after the pump was started up his well ran dry. That very same story was corroborated by another neighbour who told us that the local water tanker company had to deliver water to area residents after the Streamkeeper well started pumping. It is my firm belief that this water bottling licence will affect the neighbourhood the same way. I have hired a lawyer to help me with the appeal process and we are moving forward with data submissions to try to keep the appeal active. We also have the support of environmental groups and local residents who are offering up their time and expertise.

Letter writing campaign

The next step in the process is to pressure the BC Government to review their thinking when it comes to approving groundwater licences for bottling and commercial sale. We don't have enough data about aquifers to "give away" water. Water is life. Without it we die. Many sites on the government website indicate that BC's groundwater is precious and must be conserved and protected, especially in areas where the water in the aquifers is the only source of water for residents and farms in the area. Yet, the FLNRORD Ministry is approving licences to bottle and sell that water. They are not taking into account concerns about limited information about how much water is in our aquifers, how the aquifers are recharged, how climate change will affect those recharge rates, how population growth will affect the demand on our aquifers, how surface water (lakes and streams) will be affected by draining the aquifers. Most studies agree that there is a strong connection between surface water and groundwater. We need to protect and conserve our water for our own personal use, and to grow our own food, and for farmers to grow food to feed our people. Food security and water security go hand in hand. So. What do we do to get that message to the government? As part of our campaign we have been working with environmental groups like BC Freshwater Alliance, and the Council of Canadians. BC Freshwater Alliance has stepped up to help us with a letter writing campaign. They have created a letter generator on the website with really cool functionality. All you have to do is enter your first name, your last name, your email address and your postal code. The generator then selects the appropriate government Ministries and the MLA for your postal code and creates a letter to be sent automatically to those officials. All you have to do is enter that data and then click on the big red button to "Add Your Voice". This includes the CVRD Directors, so this is a perfect way to voice your concerns about the rezoning to the CVRD Directors. We are pushing to get as many letters generated as possible, and we are taking our efforts province wide to fight the BC Government and prevent them from giving our water away anywhere in BC.

Final thoughts

The provincial government, and it doesn't matter if that government is Liberal, NDP or even Social Credit a few years back, all have a dismal record when it comes to protecting our natural resources. Our fisheries have been depleted almost to the point of extinction for some species. Our forests have been clear cut and ransacked, with raw logs exported eliminating BC jobs. Yet, we still have the possibility of recovering from that mismanagement with fish hatcheries and silviculture farms. But what about water? If the government screws up our water resources, its over. We cannot grow more water. We are dependent on nature to provide the rainfall to recharge the surface water and the groundwater. Yes, sometimes we have too much and we are flooded, but with climate change there is a good possibility summer drought periods will get worse. Just look at California as an example. The government needs to manage, conserve and protect our water. They need to find ways of capturing and storing the water in the wettest flood seasons to ensure supplies for the dry seasons. We cannot afford to give our precious water away to a few individuals or corporations to bottle and sell it for profit.

Summary

Our goal for this meeting was to inform and update as many people as possible so you know what is happening, what is being done and who is driving things forward. It would be nice to have a more unified voice.

We are grateful to all of you for taking the time to come to this meeting. Please share the information with friends and family in the Comox Valley and all over BC. Please share the emails, the Facebook page, the letter writing tool. We need to grow our numbers. There really is power in the people. We just need to start it up and harness it. Thanks for your support and thanks for helping to spread the word for our campaign. We look forward to seeing you at the CVRD public hearings.

B. Chow

3360-20 / RZ 2C 18

From: Alana Mullaly
Sent: Friday, May 11, 2018 9:46 AM
To: 'HEATHER DEANE-CLARK'
Subject: RE: Bottling water in Merville

Good morning Heather,

Thank you for your feedback. I will add your comments to the rezoning file's public record. All public comments will be shared with the electoral area directors (i.e. the decision makers).

As you might know, the province, as the regulator of groundwater diversion, issued a conditional water license to the property owners in November 2017. The CVRD does not have any jurisdiction over groundwater taking. Rather, local government's jurisdiction resides with the "above ground" use of the property. The owners made an application in January 2018 to rezone their property to allow a "water and beverage bottling" facility on their property.

On March 5, 2018, staff presented an introductory report to our electoral areas services committee (comprising our three electoral area directors) on the rezoning application. Staff recommended that the rezoning application be referred to First Nations, external agencies and the public for review and comment. The Committee supported staff's recommendation to undertake external referral. Their recommendation was considered and approved by the CVRD board on March 27th. Staff have begun the formal referral process.

Following the external referral, staff will take another report to the electoral areas services committee to report the findings of the external referral (i.e. First Nations and agency comments) and to recommend a next step. I anticipate that this will occur in June (we give approximately 60 days for agencies to comment). At that point, the electoral areas services committee (and then the board) could:

1. Deny the rezoning application to allow a water bottling facility (but not deny the diversion as this is the province's jurisdiction); or
2. Direct staff to prepare a bylaw for first and second readings and schedule a public hearing; or
3. Enable the water bottling facility under a temporary use permit with conditions.

Thank you again for taking the time to provide comment. Please do not hesitate to contact me with any questions that you might have regarding the above.

Regards,
Alana

Alana Mullaly, MCIP RPP
 Manager of Planning Services, Planning and Development Services Branch

Comox Valley Regional District
 600 Comox Road
 Courtenay, BC V9N 3P6

From: HEATHER DEANE-CLARK
Sent: April 17, 2018 7:31 PM
To: Alana Mullaly <amullaly@comoxvalleyrd.ca>
Subject: Bottling water in Merville

Hello Alana

I am writing to let you know that both my husband, Chris Clark and I strenuously object to the couple who have applied for a licence to bottle water from the water table in Merville.

Thank you..

Heather Deane-Clark

A. Mullaly

B. Chow

3360-20 / RZ 2C 18

Subject: FW: NO to water bottling in Merville**From:** Edwin Grieve [<mailto:edwingrieve@shaw.ca>]**Sent:** June 2, 2018 2:39 AM**To:** Ellen Rainwalker**Cc:** bjolliffe <bjolliffe@comoxvalleyrd.ca>; rodnichol@shaw.ca; eeriksson@courtenay.ca; ljangula@courtenay.ca; mtheos@courtenay.ca; bwells@courtenay.ca; kgrant@comox.ca; bprice@comox.ca; Gwyn Sproule <gwynsproule@gmail.com>; Alana Mullaly <amullaly@comoxvalleyrd.ca>**Subject:** Re: NO to water bottling in Merville

Ellen

Thank you for your comments. I will forward them to staff for the record.

As you may be aware, the "below ground" rights and the issuance of a water licence strictly a Provincial decision while the local government (CVRD) has authority over only the required re zoning change that would allow the building of a plant.

I encourage you to contact your local MLA with regards to the decision made to allow the water extraction licence.

Thank You

Edwin Grieve

Sent from my iPad

On Jun 1, 2018, at 10:32 PM, Ellen Rainwalker wrote:

Dear CVRD Board of Directors,

I respectfully ask you to deny the rezoning application for 2410 Sackville Rd in Merville. As I'm sure you know, the owner of this property wants to set up a water bottling operation. Water bottling in an area that often has water shortages is a very poor idea, and should not be allowed. Merville should remain a residential and agricultural area, and its watershed should be protected. The water in the aquifer should be retained for the use of residents, farmers, plants and wildlife in Merville, not sold off to other communities. If this rezoning is allowed it would set a precedent and it would be hard to deny future applications.

Just say NO to water bottling in Merville!

Sincerely,

Ellen Rainwalker
PO Box 83
Cumberland, BC V0R 1S0

June 8, 2018

Honourable Doug Donaldson,
Minister of Forests, Lands, Natural Resource Operations and Rural Development
Parliament Buildings, Victoria BC
V8V 1X4

FLNR.Minister@gov.bc.ca

Dear Minister:

Re: 104026 Conditional Water Licence 500169 - 2410 Sackville Road, Merville, BC – 3.65 million litres per year - Vancouver Island (East) Rivers (Tsolum River) watershed

There are two critical issues raised by this application to bottle water:

1. an inadequate and deficient approval process
2. the necessity to remove the commercial sale of bottled water as a permitted use in the Water Sustainability Act.

1. An inadequate and deficient approval process.

Since referral for agency and stakeholder comments was a step in the prescribed process of approval for this water bottling application, and thus presumably weight should be given to those comments, why then did the procedure allow for approval, given the strong local opposition:

- opposition from the Comox Valley Regional District (CVRD) was based on the application's contradiction of its Official Community Plan and the local zoning bylaws, as well as the denial of the aquifer data and inventory of existing demand requested by the CVRD. Why is public information now being denied or released only under Freedom of Information requests?
- opposition from the Komox First Nation on the grounds that they were currently in treaty negotiation for groundwater allocations as well as concerns about the indefinite term length and the proposed amount of water.
- the Mid Island Farmer's Institute have asked for a rescission of the licence and a moratorium on any further aquifer water bottling licences in BC until the current and future water needs of BC's farming communities can be ascertained. The Institute is also lobbying the Comox Valley Regional District to request a Water Reservation for this aquifer to reserve its current use for Comox Valley community needs, with further study

by the CVRD's Agricultural Watershed Public Advisory Committee to determine future viability.

The process also declines any mandatory notification to neighbours of the project, thus denying the benefit of local knowledge. Since the license was issued, the ministry has held a workshop to encourage people to register their wells, and has indicated a desire to be informed about where local wells are drying up; but why was the decision made without a complete understanding of this local well situation? Have cumulative impact assessments been done? If the Ministry is not yet sure how these aquifers are recharged, should they be issuing commercial licences for withdrawal?

As Jack Minard, former Executive Director of both the Tsolum River Restoration Society (TRRS) and the Comox Valley Land Trust (CVLT), former chair of the Local Government Implementation Team for the Comox Valley Conservation Strategy's (CVCS) Community, and former Chair of the Salmon Enhancement and Habitat Advisory Board (SEHAB) explains,

“Shallow wells along a ridge of the landscape from Sackville Road to the top of Mission Hill had been drying up over several years. This was due to new ditching intercepting rainfall and running it off the landscape faster and faster. Many homes, after relying on shallow wells for generations, had to drill to at least 250 ft. to get water.

These two aquifers (shallow and deep) are separated by a layer of clay and many feet deep of glacial till. Water from the shallow aquifer does recharge the deeper aquifer in a slow manner through seeps and cracks in this separating layer.

As development proceeded more ditching intercepted more ground water, runs it off to the streams faster leaving a number of impacts: the shallow aquifer is no longer a viable water source, the deeper aquifer is receiving far less recharge, streams and rivers are impacted by high and fast run off and the landscape becomes extremely dry in the summer, streams dry up and fish populations that require fresh water habitat in the late summer expire. Yes, ditching!

So, we already have a depleting resource and they think a water bottling facility is viable? I think they are wrong and the impacts to residences nearby will be enormous.” (*Jack Minard email to G. Anderson May 2018*)

Anecdotal observations made at community meetings by long-time residents who have been farming near Sackville Road for decades confirm these observations.

Moreover, since the water licence has been issued, it is my understanding that under the First in Time First in Right legislation, the bottled water licence will now have precedent over *new* requests from farmers who want to increase their water use, because these will be considered *new* applications.

Since there is no mechanism for automatic withdrawal of a permit if there is no local approval, the rights remain with the property, shifting the burden for long-term control of a provincially important resource to a local council. As a history of BC's municipal politics show, a local council favourably inclined to unwise development or feeling compelled by zoning constraints

can implement the destruction of internationally, nationally and provincially important assets such as critical migratory bird and wildlife habitat, watersheds, agricultural production, etc.; thus it is the duty of the provincial government to legislate overriding protection.

Concern is also rising about legal precedent being set for future bottling applications and commercial water withdrawals.

Clearly, there are deficiencies in the licence approval process and a lack of sufficient knowledge of surface water management and the health of BC aquifers and their streams and rivers, which must require a suspension to any future bottling approvals.

2. The necessity to remove the commercial sale of bottled water as a permitted use in the Water Sustainability Act.

Urban development and climate change are already affecting both BC and global ecosystems. Twenty- two per cent (22%) of test wells on BC aquifers are showing moderate to severe decline in water levels, with fair numbers of areas that are listed as not having sufficient data to rate the aquifers, and which may actually also be at risk of declines (<http://www.env.gov.bc.ca/soe/indicators/water/groundwater-levels.html>).

Some aquifer test wells on Vancouver Island are showing large declines (Parksville, Lantzville, and Ladysmith): Powell River and Central Saanich are showing a moderate rate of decline, and Williams Lake, Kelowna and Langley test wells show large declines. In north-eastern BC, the data shows a 50% large decline in aquifer capability, the Caribou a 25% 'large' decline, and the Skeena area has a 100% moderate decline. These are ominous warnings for the future.

Aquifer 408 which services the Comox-Merville Area is classified as a moderately developed, low vulnerability aquifer. The Aquifer Classification Worksheet (CVRD May 29 2000) notes that for this aquifer "Recharge is likely from precipitation. Further studies need to be conducted to determine all sources of recharge to the aquifer."

Have there been any updated studies in the last two decades?

Your Ministry notes:

"Groundwater levels are sensitive to precipitation, aquifer storage capacity, recharge rate (the rate at which surface water trickles down to refill a groundwater aquifer), and human withdrawal." (<http://www.env.gov.bc.ca/soe/indicators/water/groundwater-levels.html>)

Continuing development in the Comox Valley area with more wells drawing water and more drainage removing surface water rapidly, rather than allowing it to percolate down into the soil, coupled with the continued deleterious effects of widespread and indiscriminate logging practices and climate change which is resulting in less rainfall in the Valley, means almost certain inevitable drops in this aquifer, and likely all other provincial aquifers experiencing similar conditions. This pattern is confirmed by world-wide depletions of groundwater.

CVRD Aquifer Report 2000 noted that, "Several groundwater users are currently withdrawing large volumes from aquifers at Oyster River (Aquifer 410), Rosewall Creek (414), Base Flats

(415) and Wilfred Creek (419). These users include aquaculture, agriculture, water bottling and industry. ... Of the 15 aquifers identified in the Regional District eight were classified as highly vulnerable...The highly vulnerable aquifers of the study area ... tend to appear on the banks or at the mouths of rivers and streams. As such, the water quality and quantity of these watercourses is intimately connected to that of the aquifers they share a geographic area with.” (page 30).

What monitoring is being conducted on these large withdrawals from aquifers, and how is the adequate environmental flow of creeks and rivers maintained? Given the former abundance of fish stocks in many creeks in the Valley, now mostly lost due to the drying up of creeks, does Fisheries and Oceans Canada have any input into surface and groundwater management?

Your ministry’s staff has noted that they are severely overtaxed by the administration of water applications and monitoring: clearly the permitted sale of water in the face of declining water sources and increased demand domestically will inevitably become an antagonistic public issue and an administratively expensive process, particularly given the paltry sale price of the water.

Faced with the modern reality of chronic water shortages and public sentiment for water conservation, the permitted use of commercial water bottling must be removed from the Water Sustainability Act. The Comox Valley Regional District should also specifically prohibit water bottling operations.

Thank you for your attention to my concerns.

Sincerely yours,



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