

DATE: June 11, 2018**FILE:** 3360-20/RZ 2C 18**TO:** Chair and Directors
Electoral Areas Services Committee**FROM:** Russell Dyson
Chief Administrative OfficerSupported by Russell Dyson
Chief Administrative Officer*R. Dyson***RE: Zoning Bylaw Amendment – 2410 Sackville Road (MacKenzie and Heynck)
Puntledge – Black Creek (Electoral Area C)
Lot C, Block 29, Comox District, Plan 25306, PID 002-904-713****Purpose**

To summarize comments received from First Nations and external agencies, and to recommend denial of the zoning bylaw amendment to permit the proposed Water and Beverage Bottling use on the subject property.

Recommendation from the Chief Administrative Officer:

THAT the board deny the zoning bylaw amendment application (RZ 2C 18), which would permit Water and Beverage Bottling use on the property described as Lot C, Block 29, Comox District, Plan 25306, PID 002-904-713 (2410 Sackville Road, RZ 2C 18).

Executive Summary

- The subject property is located at 2410 Sackville Road in Electoral Area C.
- On November 21, 2017, Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRORD) issued a conditional water licence (500169) to extract up to 10 cubic metres (10,000 litres) per day for industrial purposes (fresh water bottling).
- The property is zoned Rural Eight (RU-8), which does not permit Water and Beverage Bottling use. As such, the applicants applied to rezone their property.
- On March 27, 2018, the Comox Valley Regional District (CVRD) board adopted a resolution to refer the rezoning application to First Nations and external agencies.
- Comments received are summarized in Appendix A. K'ómoks First Nation (KFN) strongly opposes this proposal (Appendix B). External agencies have no comments or concerns. The Advisory Planning Commission Puntledge – Black Creek (Electoral Area C) (APC C) and the Agricultural Advisory Planning Commission (AAPC) both opposed this application. The Agriculture Watershed Planning Advisory Committee: Tsolum River Watershed (AWPAC) stated that it was premature for them to comment on individual application prior to any watershed planning. Nevertheless, the committee has concerns on the cumulative impact of applications such as this on water supply in the watershed.
- Aside from these comments, staff has received numerous comments from the community. Almost all were opposed to the proposal.
- As the local government, the CVRD's jurisdiction is limited to the above-ground land use of water and beverage bottling and its land use impacts. It should be noted that if the proposed use is not permitted, water can still be extracted under the issued conditional water licence.
- Staff recommends denial. There is a need to protect watersheds and water sources by considering all development proposals using the principles of precaution, connectivity and restoration for initiatives within drinking water supply watersheds (Section 7(1) of Bylaw No. 337, being the "Rural Comox Valley Official Community Plan Bylaw No. 337, 2014")

(OCP). Section 18(14) states the need to recognize ground water as an important resource to support agriculture, and support increased water availability for agriculture.

- 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.

Prepared by:

Concurrence:

B. Chow

A. Mullaly

Brian Chow, MCIP, RPP
Rural Planner

Alana Mullaly, M.Pl., MCIP, RPP
Acting General Manager of Planning and
Development Services Branch

Stakeholder Distribution (Upon Agenda Publication)

Applicants	✓
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Background/Current Situation

The subject property, located at 2410 Sackville Road, is zoned Rural Eight (RU-8) (Figures 1 to 3). The applicants wish to have a Water and Beverage Bottling facility on their property (Figure 4). In June 2017, MFLNRORD referred a ground water licence application to the CVRD for comments. With respect to the Zoning Bylaw, Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005”, the proposed Water and Beverage Bottling use is not permitted in the RU-8 zone. Staff requested that if the Province were to issue a licence, the CVRD would request that a rezoning application be made.

On November 21, 2017, the Province issued a conditional water licence (500169) to the applicants to extract up to 10 cubic metres (10,000 litres) per day for industrial purposes (fresh water bottling). In the conditional licence letter, the applicants are advised to submit an application to rezone the property to permit Water and Beverage Bottling.

On March 27, 2018, the board endorsed the agency referral list and First Nations referrals management program. On April 5, 2018, staff sent out referrals. On May 8, 2018, staff sent follow up letters to the First Nations groups that did not respond. Note that any individual or agency can provide comments until the termination of the public hearing. The comments are listed in Appendix A, and the highlights include:

- KFN submitted a letter (Appendix B). They strongly oppose this application. Other First Nations have not provided a response.
- Fisheries and Oceans Canada states that they do not have a regulatory role for this application because the proposal does not have works, undertakings or activities that may result in serious harm to fish.
- Ministry of Transportation and Infrastructure has no comments, as the subject property is not within 800 metres of a Controlled Access Highway Intersection.
- Vancouver Island Health Authority (Island Health) outlines that the proposal is subject to *Food Premises Regulation* and would require approval. If there are two or more connections to provide water for domestic purposes, then the *Drinking Water Protection Act and Regulations* would apply and require approval.
- APC C and AAPC do not support the application.
- AWPAC indicates that it was premature for them to comment on individual application. They need to conduct watershed planning first before they can provide informed feedback.

Nevertheless, the committee has concerns on the cumulative impact of applications such as this on water supply in the watershed.

Aside from these comments, staff has received numerous comments from the community. Almost all of the submissions oppose the rezoning application (Appendix C).

As the local government, CVRD's jurisdiction is limited to the above-ground use of water and beverage bottling and its land use impacts. It should be noted that under the *Water Sustainability Act* (WSA), a conditional licence is a licence that authorizes the licensee to construct works, or divert and use water, before the issue of a final licence. Section 21 of the WSA states that a final licence may be issued by the comptroller or a water manager who determines that the diversion or the use of the quantity of water to have been beneficially used for the water uses purposes authorized under, and during the term of, the conditional licence when the licensee completes the works. If the works cannot be completed, the decision maker may determine that the works are not required. Given this framework, if the proposed land use were not approved by the CVRD, a final licence could still be issued if the applicants can still extract water and truck it elsewhere for bottling.

Official Community Plan Analysis

Section 7(1)(b) of the OCP requires appropriate professionals to assess potential surface and ground water quality and quantity impact, and recommend appropriate mitigation strategies, prior to approval of any development proposal. The applicants have provided data to the Province, upon which the Province issued a diversion license. The applicants have not provided any supporting documentation as part of the rezoning application as to how the proposal complies with the Comox Valley Regional Growth Strategy (RGS) or OCP.

Section 48(3) states that light industrial uses are permitted subject to rezoning, and Section 44(4) regulates the location of uses by including permitted uses, setbacks and densities in the Zoning Bylaw. Section 47(2) identifies that when there is a rezoning to establish a new industrial use, the following information is required:

- a. *“How the proposal will maintain the rural character of its surroundings and support the function of a working rural landscape.*
- b. *Compatibility of intended use with adjacent land and water uses, natural resource areas and the ability to mitigate noise, odour, lighting, air pollution, idling of vehicles through potential landscaping, buffering and screening.*
- c. *Transportation links, access to the site and on-site parking arrangements, to mitigate traffic generation and air pollution through existing developed areas.*
- d. *Public access to the coastal waterfront, where applicable.*
- e. *The identification and protection measures of environmental sensitive features on the land.*
- f. *A Rainwater Management and Drainage Plan designed by a professional engineer.”*

The applicants have stated that the relatively small footprint of the proposed building deems the use compatible with the surrounding area.

Section 7(1) protects watersheds and ground water by

- a. *“Considering all development proposals using the principles of precaution, connectivity and restoration for initiatives within drinking water supply watersheds.*
- b. *Requiring appropriate professionals with expertise in the subject area, (e.g. aquatic ecologist, hydro geologist), to assess potential surface and ground water quality and quantity impact, and to recommend appropriate mitigation strategies, prior to approval of any development proposal.”*

There has not been an assessment from appropriate professionals made available to the CVRD. Section 18(14) recognizes ground water as an important resource to support the agricultural industry in locations where potential land use conflicts can be mitigated. The subject property is in proximity to Agricultural Land Reserve (ALR) lands, with the closest being approximately 120 metres away. Without professional assessments, there is an incomplete picture of the impact of the proposed use on the agricultural uses. Further, the proposed use appears to have limited benefits to the agricultural industry. For staff, benefits to agriculture is key to the assessment of new industrial uses in the area (e.g., proximity to ALR lands).

Based on these discussions, planning staff does not support the rezoning application and recommends denial.

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. The proposed Water and Beverage Bottling use is only permitted in the Industrial Light (IL) zone.

Policy Analysis

Section 460 of the 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.

The Province issued the conditional water licence 500169 according to the WSA 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); and
- Contacting Island Health for their requirements under the *Drinking Water Protection Act* and other relevant Acts.

Options

The board has the following options:

1. Deny the application to rezone.
2. Consider issuance of a TUP. Staff will bring back a report with a draft permit conditions and public notification requirement.
3. Direct staff to report back with a draft bylaw to enable Water and Beverage Bottling.

Based on the discussions contained within this report, staff recommends option 1.

Financial Factors

A \$2,000 rezoning application fee has been collected for the application under Bylaw No. 328 being the “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014”. If the board were to consider a TUP, the fee already paid would go towards the TUP application fee of \$1,500. If the board were to consider a zoning bylaw amendment, and later schedule a public hearing, an additional \$1,500 is required for the public hearing fee.

Legal Factors

The recommendation contained within this report has been prepared in accordance with the LGA, WSA and applicable CVRD bylaws.

Regional Growth Strategy Implications

The RGS, Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010,” designates the subject property within Rural Settlement Areas. A key principle of the RGS is the protection of natural, ecological features. Groundwater is an integral natural, ecological feature. 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*”. The proposal affects the quantity of water. Supporting Policy 5B-1 is to “*Manage development on the basis of precautionary principles within watersheds*”. Once enabled broadly through zoning, these owners or subsequent owners could apply to extract higher volumes of groundwater (i.e., new or amended provincial licenses). The only way for the CVRD to have any input on that prospect is to consider a TUP and include a condition regarding volume. The RGS does not include policy regarding the commercial sale of groundwater.

Intergovernmental Factors

Appendix A lists the comments received from First Nations and external agencies on this rezoning application. MFLNRORD issued the conditional water licence on November 21, 2017.

Interdepartmental Involvement

Planning staff is leading this application. Internal departments do not have comments on this proposal.

Citizen/Public Relations

The AAPC met on May 3, 2018, and the commission members did not support the rezoning application. The APC C met on May 2, 2018, and the commission members did not support the rezoning application. The AWPAC stated that it was premature for them to comment prior to any watershed planning.

Almost all of the comments from the public oppose the rezoning application (Appendix C)

Attachments: Appendix A – “Comments from External Agency and First Nations”
Appendix B – “KFN Letter”
Appendix C – “Pubic Comments”

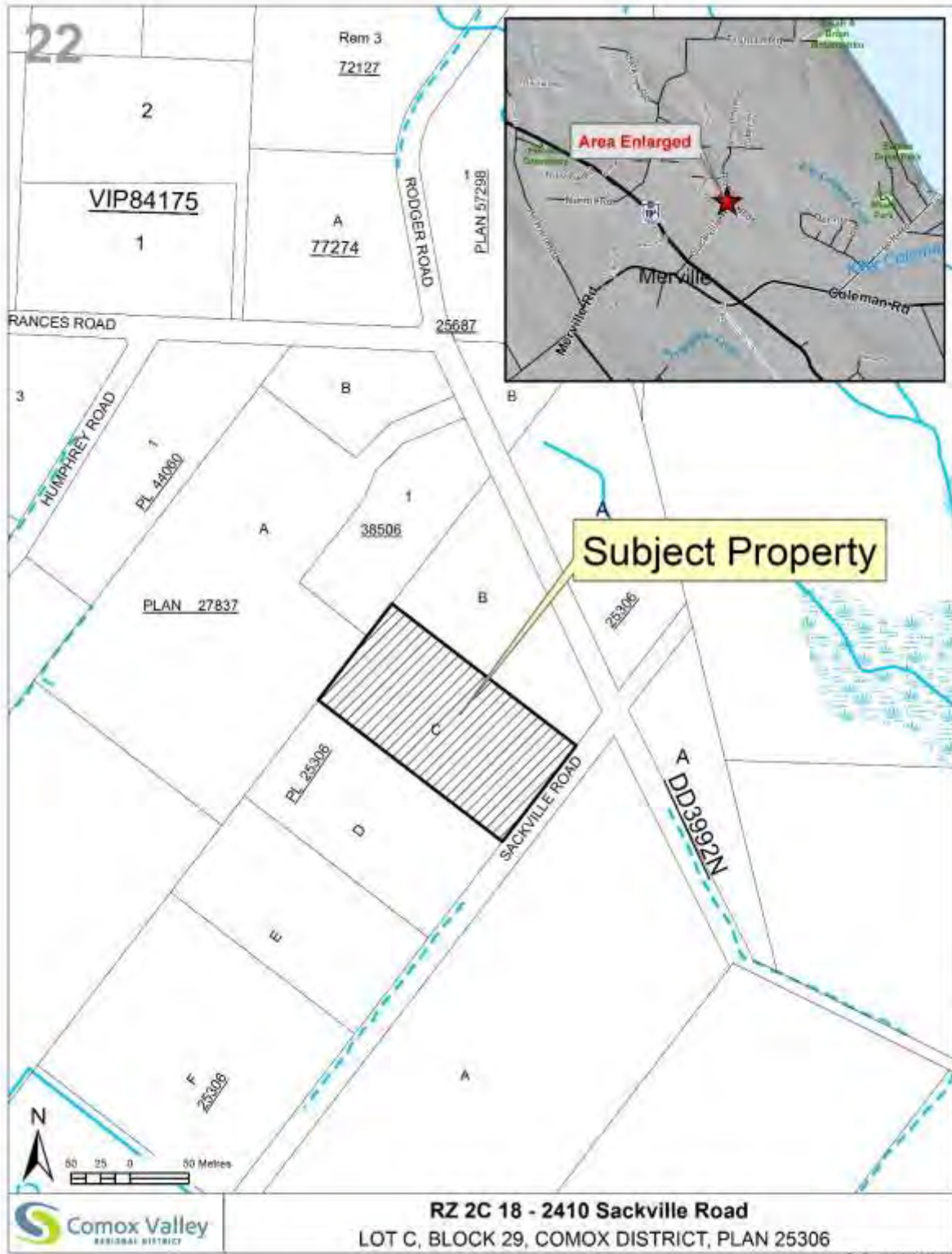


Figure 1: Subject Property Map



Figure 2: Air Photo

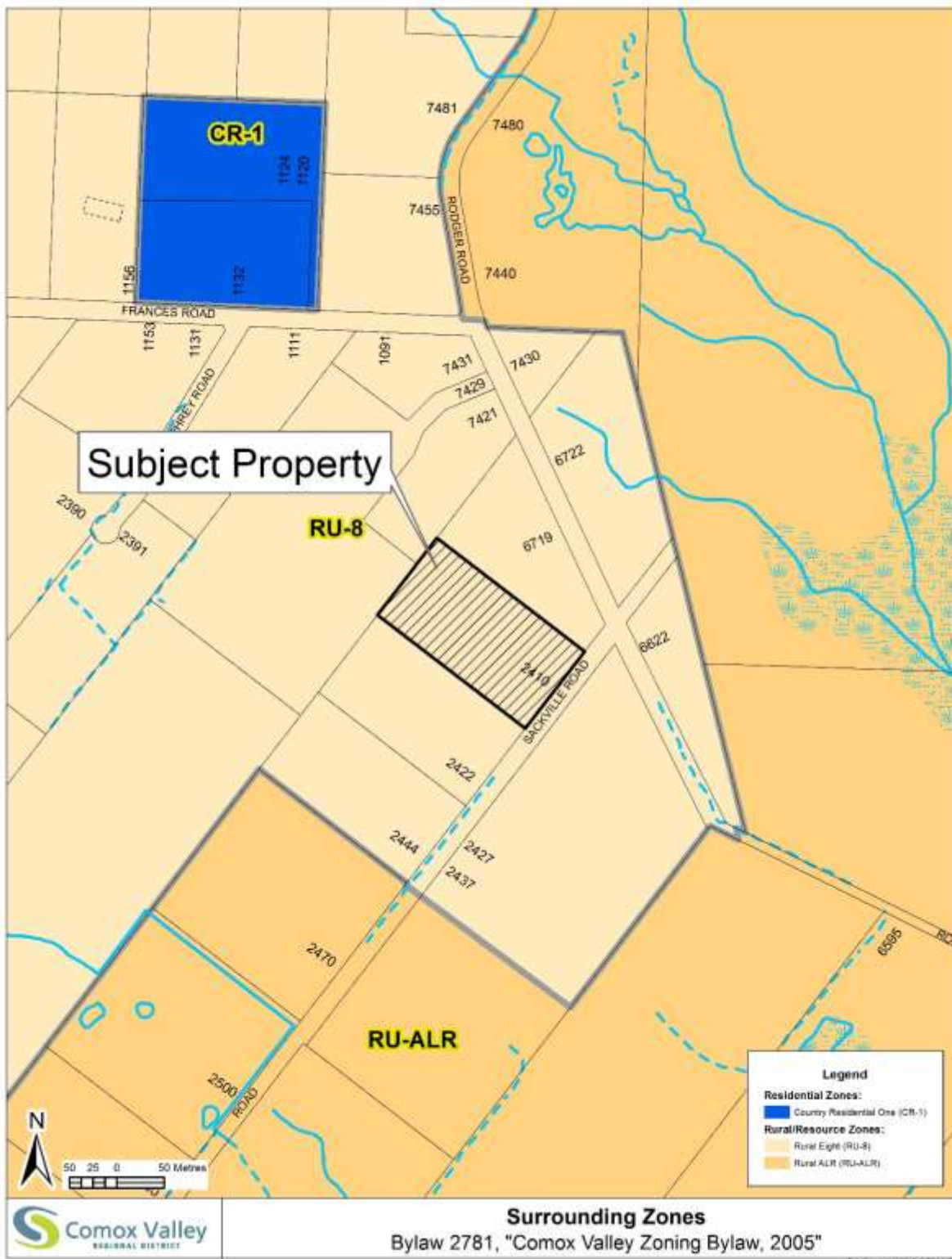


Figure 3: Zoning Map

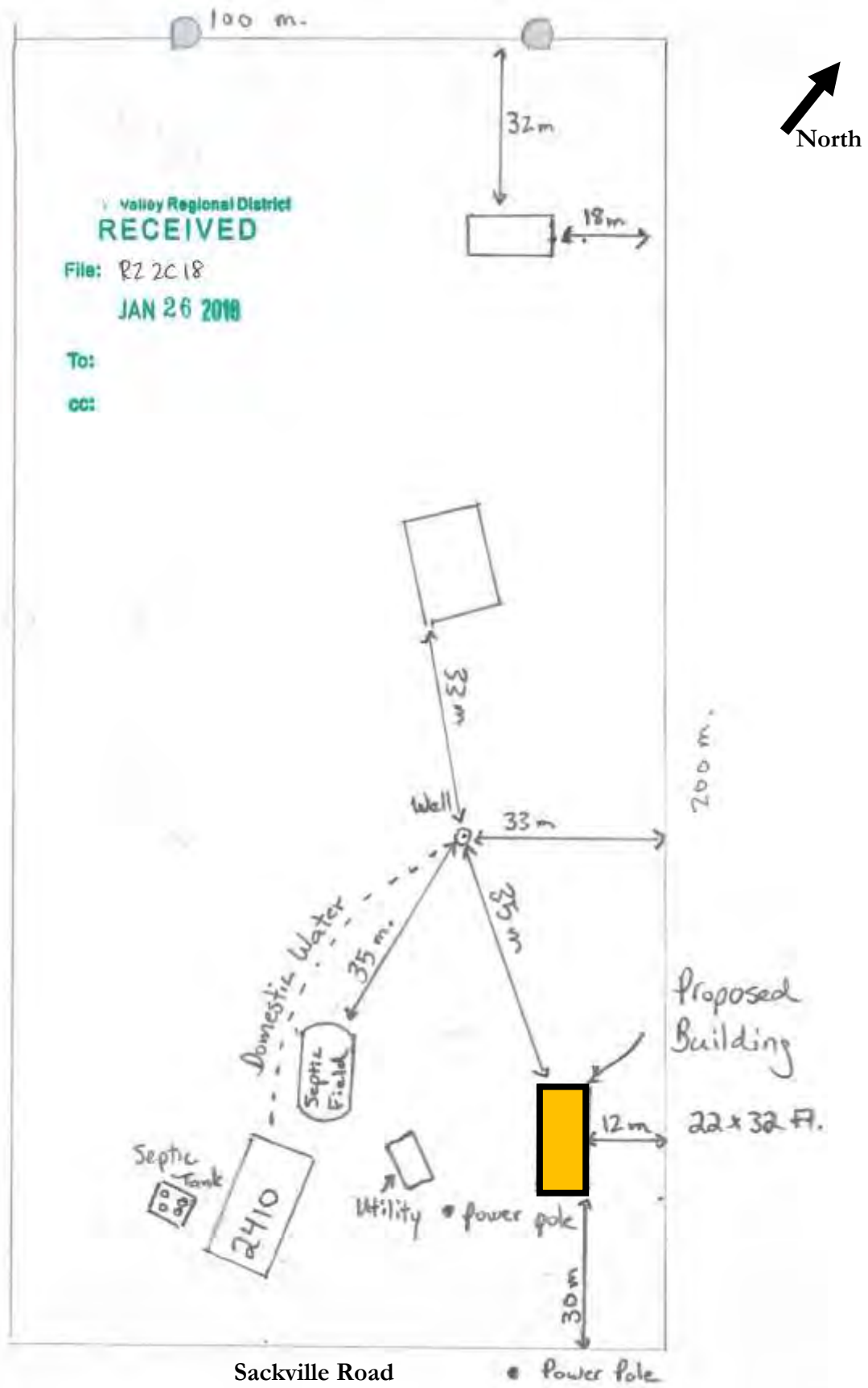


Figure 4: Site Plan of the Proposed Water Bottling Plant

Comments from First Nations and External Agencies

First Nations

K'ómoks First Nation	See Appndix B. K'ómoks First Nation strongly opposes this application.
Homalco Indian Band	No response.
We Wai Kai Nation of the Laich-Kwil-Tach Treaty Society	No response.
Wei Wai Kum First Nation / Kwaikah First Nation of the Kwaikah Treaty Society	No response.

Federal Departments

Fisheries and Oceans Canada (DFO)	<p>“The role of the DFO’s Fisheries Protection Program (FPP) is to protect and conserve fish and fish habitat in support of Canada’s coastal and inland fisheries resources, and to make regulatory decisions under the fisheries protection provisions of the <i>Fisheries Act</i>. The FPP is specifically responsible for reviewing projects for which a Section 35(2) <i>Fisheries Act</i> Authorization is required.</p> <p>DFO does not have a regulatory role related to the Rezoning Application for 2410 Sackville Road because it does not directly propose works, undertakings or activities that may result in serious harm to fish.</p> <p>DFO’s Projects Near Water website (http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html) includes information for proponents on how to comply with the <i>Fisheries Act</i>, request a DFO review of a project, and request a Fisheries Act authorization.”</p>
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Provincial Ministries and Agencies

BC Assessment Authority	No response.
Ministry of Transportation and Infrastructure	“As the subject property is not located within 800 meters of Controlled Access Highway Intersection, the Ministry is not required to provide comments on the proposed rezoning.”

Other

Advisory Planning Commission Puntledge –Black Creek (Electoral Area C):	“THAT the Area 'C' Advisory Planning Commission recommend that the requested site specific zoning bylaw amendment RZ 3C 18 for 2410 Sackville Road (MacKenzie and Heynck), that would allow water and beverage bottling to be an acceptable use within the RU-8 zone and which would facilitate construction 704 square foot building on the 5 acre property and transportation of bottled water daily, be denied.”
Agricultural Advisory Planning Commission	“THAT the Agricultural Advisory Planning Commission recommend refusal of the rezoning application RZ 2C 18 for 2410 Sackville Road (MacKenzie & Heynck).”
Agricultural Watershed Planning Advisory Committee	“The committee responded that it was premature to give comment on any individual application at this time. Watershed planning needs to proceed in order to provide informed feedback. Nevertheless, the committee does have concerns about the cumulative impact of applications such as these on water supply in the watershed. The committee may have the capacity to address single applications in the future once watershed planning has progressed.”
Vancouver Island Health Authority (Island Health):	“Although water bottling plants are exempt in the <i>Drinking Water Protection Act and Regulations</i> ,” they do fall under the <i>Food Premises Regulation</i> . As such, they require approval. The site diagram indicates that the proposed well is going to be serving the proposed water bottling facility and another building. If two or more connections provide water for domestic purposes, then the <i>Drinking Water Protection Act and Regulations</i> do apply and approval is required for this legislation as well.”



K'omoks First Nation

3330 Comox Road, Courtenay BC V9N 3P8 Tel: (250) 339-4545 Fax: (250) 339-7053

May 8, 2018

Attention: Russell Dyson, CAO
Comox Valley Regional District
600 Comox Road,
Courtenay, BC V9N 3P6

Dear Russell Dyson:

**Re: REZONING APPLICATION REFERRAL 2410 SACKVILLE ROAD –
MACKENZIE & HEYNCK File: 3360-20/RZ 2C 18**

I am writing to you as a result of our continued concern over the water license (license # 500169) issued by the Province to Mr. Christopher Mackenzie and Regula Heynck and the licensee's application to the CVRD for rezoning to allow for commercial/industrial uses linked with his property and the sale of bottled water.

I wish to advise you that in addition to the matters that we have raised in our various communications with the Province, we are concerned that the actual license has been issued unlawfully. The courts have made it clear that the Crown's consultation obligations are both procedural and substantive. It is obvious to us that the consultation with K'omoks on this matter has not been meaningful and our substantive concerns have not been addressed. For your information and according to the consultation record British Columbia noted it was intent on issuing the license after Nov 3, 2017 if the Province did not hear back from K'omoks. The decision to issue the license was made in spite of the substantive concerns raised in our various communications with British Columbia, in spite of K'omoks Aboriginal rights to water, in spite of K'omoks Aboriginal title, and in spite of the requirement of free prior and informed consent required by the UN Declaration on the Right of Indigenous Peoples.

While we understand that the procedural requirements for consultation may have been followed, our substantive concerns have not been addressed, and we have advised the Province of this.

As you are aware that K'omoks is nearing a Final Agreement. You should also know that the Huu-Ay-Aht decision of the British Columbia Court of Appeal determined that those nations who are in advanced treaty negotiations are at the highest end of the spectrum for the purposes of consultation and "mere consultation" does not meet the Crown's obligations. It is our view that, though the Crown may have met its minimal procedural obligations, the consultation undertaken by the Crown undermines the importance of the UN Declaration and fails to meet the Crown's common law obligation to engage with the purpose of addressing the substantive concerns that we have raised. You should also know that at the high end of the consultation spectrum, the burden shifts to the Crown to justify its activities in accordance with the section 35 justification test, or to acquire our consent. The Crown has done neither. With the foregoing in mind, it is our view that issuing the water license was and unlawful act that requires correction. We have advised Minister Donaldson of this.

We are advising the Comox Valley Regional District of this in order to inform your deliberations regarding the rezoning application of the licensee, an application which we strongly oppose.

Respectfully

A handwritten signature in black ink, appearing to read 'N. Rempel', with a long horizontal flourish extending to the right.

Chief Nicole Rempel

Cc: Minister Doug Donaldson, MFLNRO
Premier John Horgan
Minister Scott Fraser, MIRR
Ronna-Rae Leonard, MLA
David Robinson (Assistant Water Manager)
Minister Carolyn Bennett, Crown-Indigenous Relations Canada
Gord Johns, MP
Mark Stevenson, Chief Treaty Negotiator

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. Mulla.

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

Dir R. Nichol

A. Mullaly

B. Chow

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.)

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”

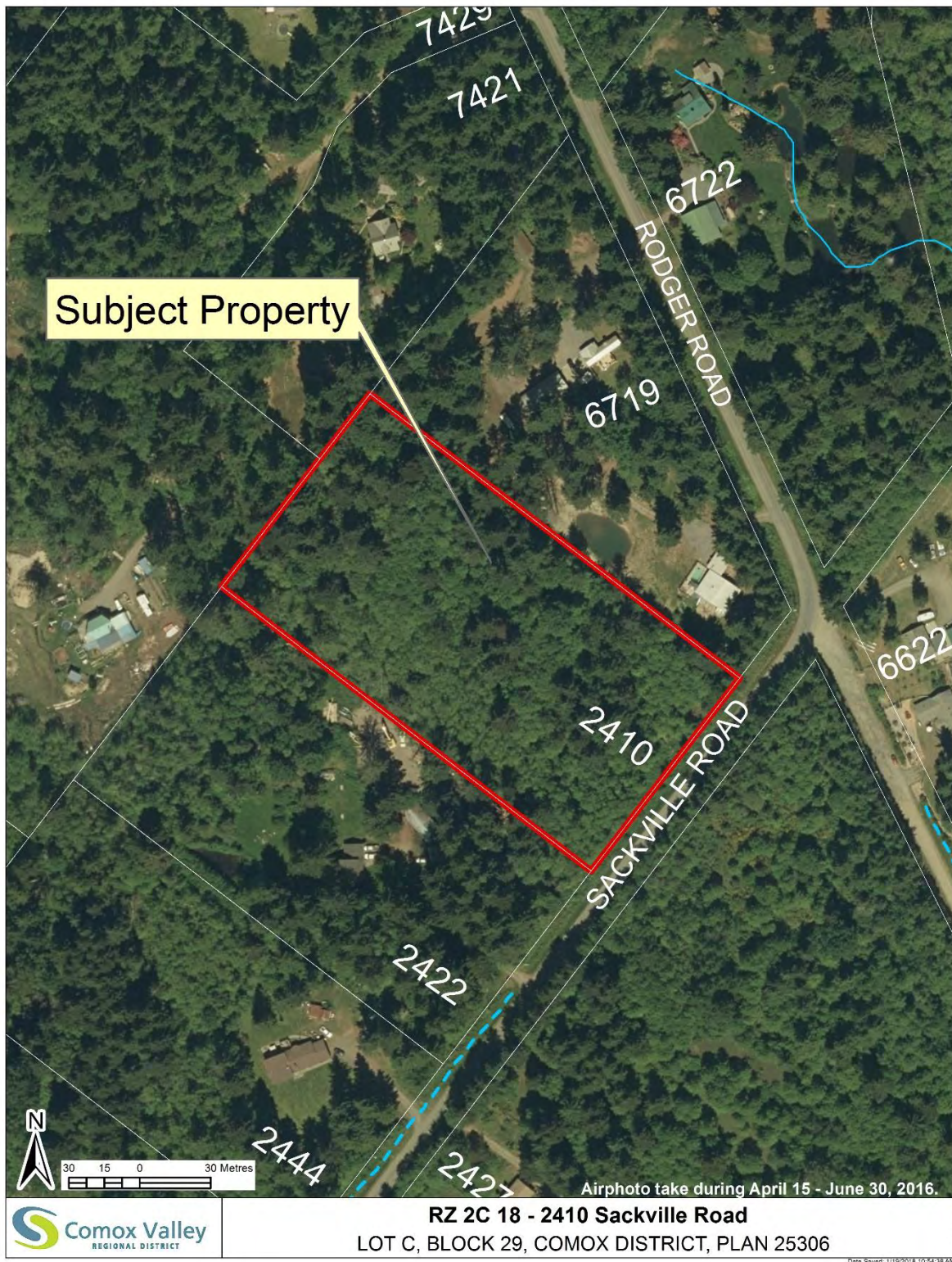


Figure 2: Air Photo

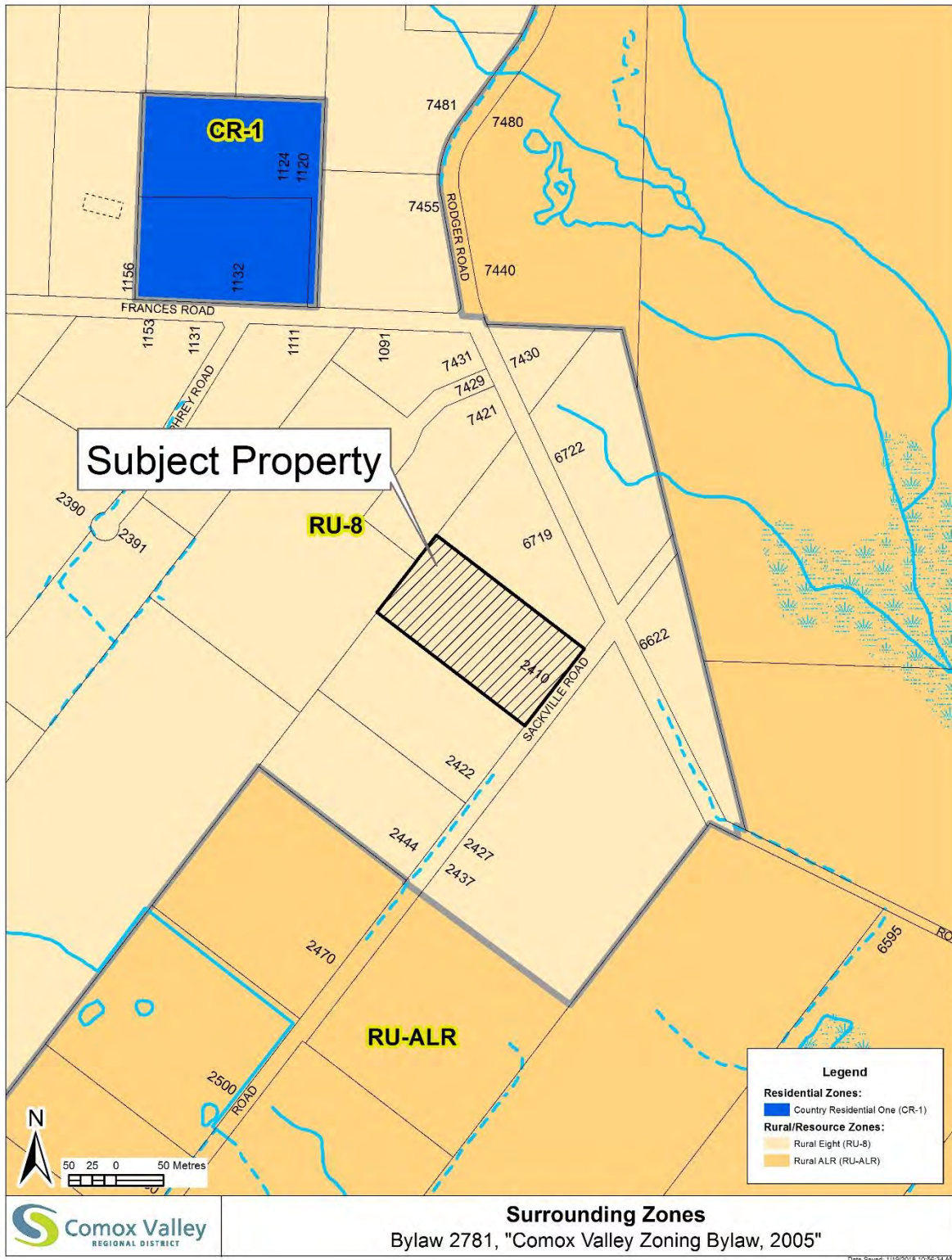


Figure 3: Zoning Map

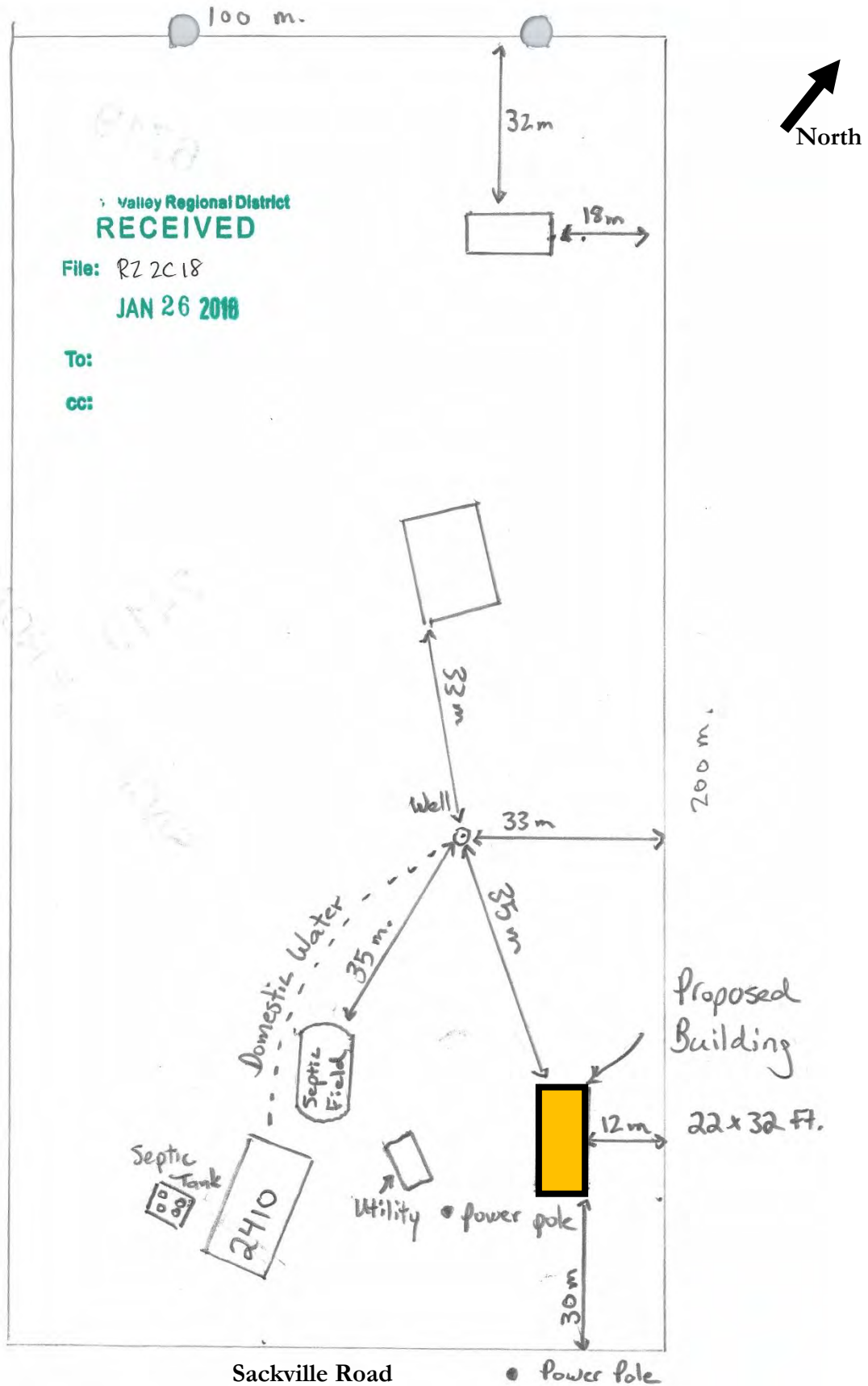


Figure 4: Proposed Site Plan if Rezoning were to be Successful



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.

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:

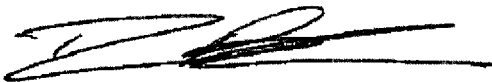
- a) continued beneficial use of water, as authorized under your licence;
- b) payment of annual rentals;
- c) compliance with the terms of your licence; and
- d) compliance with the terms of the *Water Sustainability Act*.

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.

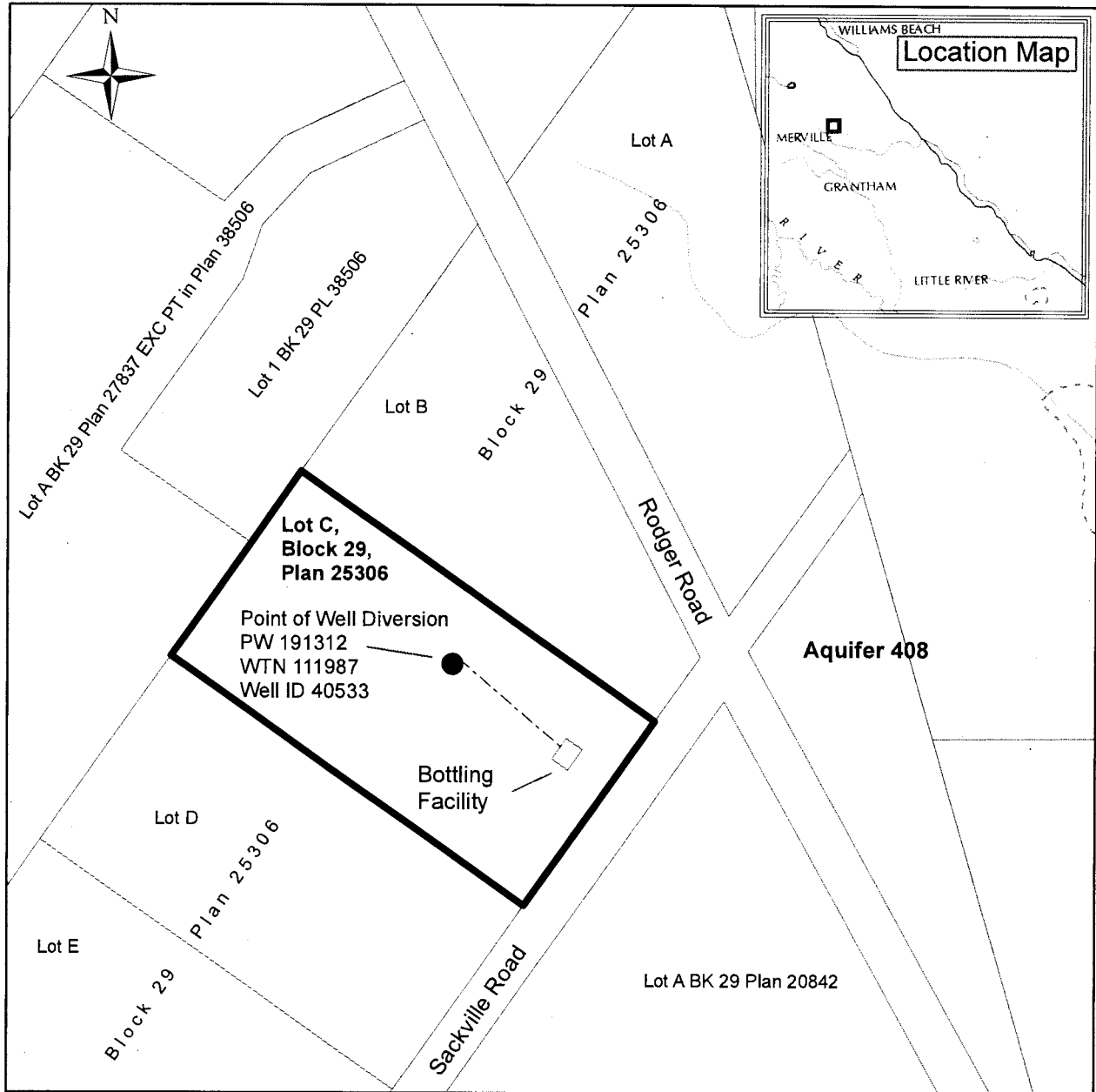
Yours truly,



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 (Xwemalhkwa) 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.

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.

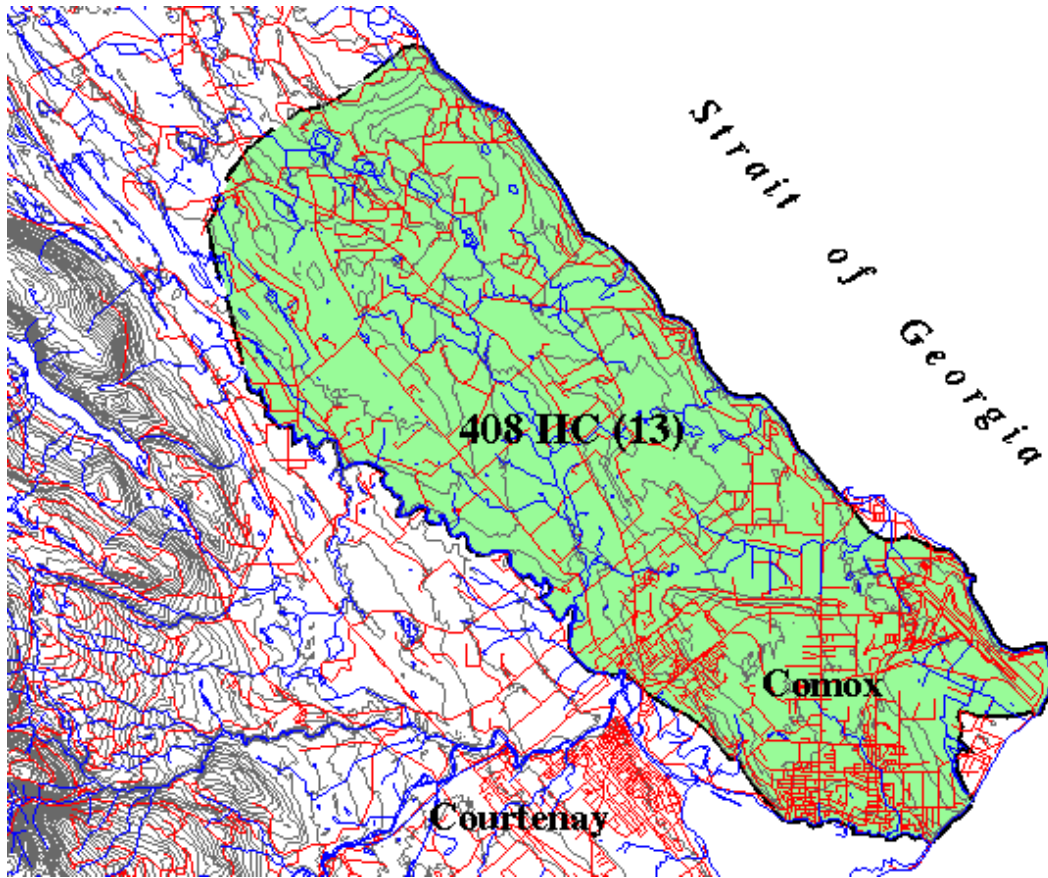
AQUIFER CLASSIFICATION AND RANKING**AQUIFER LOCATION:** Comox – Merville, B.C.**REFERENCE NUMBER:** 408**CLASSIFICATION:** IIC**RANKING VALUE:** 13

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.

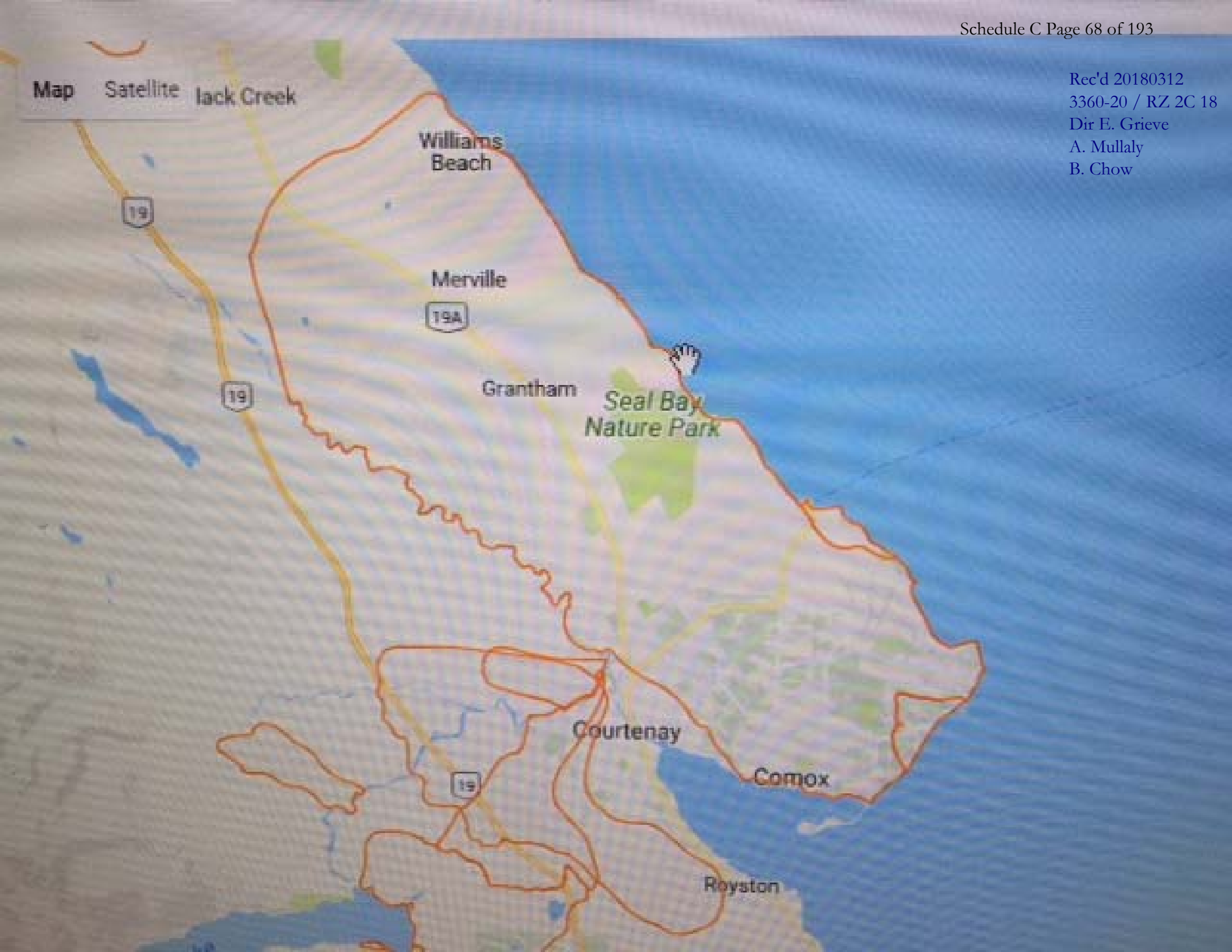
Ranking Component:

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



Map Satellite Jack 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 bottling 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 bottling 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 bottling 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 bottling 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

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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>](mailto:bjolliffe@comoxvalleyrd.ca); Rodney Nichol <rodnichol@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 grieve" <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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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:

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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: 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.

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 yesterday afternoon (March 27th). Staff will now begin the formal referral process.

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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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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: 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.

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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

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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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: 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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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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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: 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.

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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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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

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.

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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: 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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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.

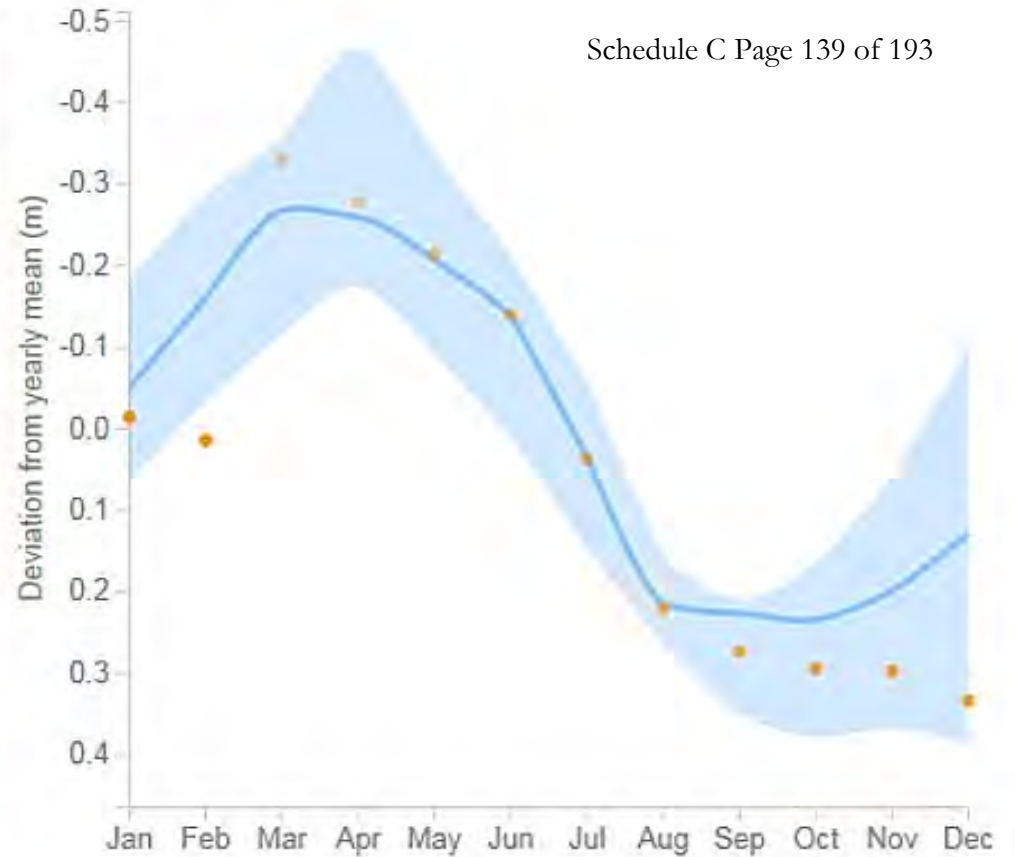
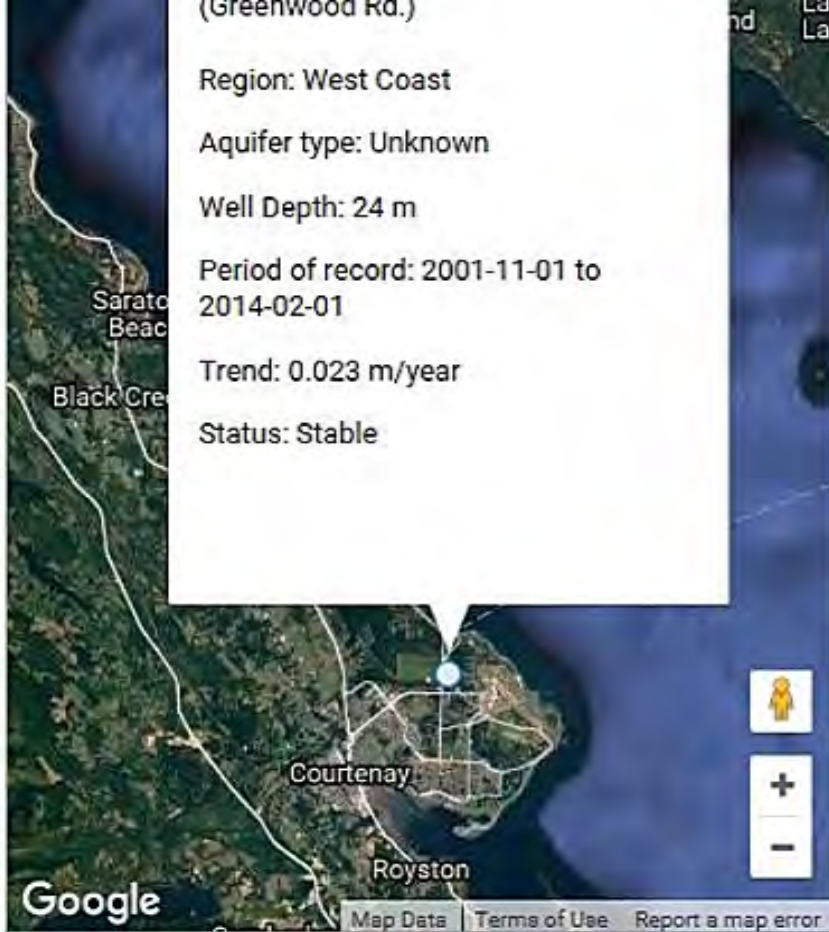
I strongly oppose this rezoning application and remind the CVRD that negotiating with First Nations and taking into account, in this case, the opposition voiced by the K'omoks Band should stop this application in its tracks.

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.

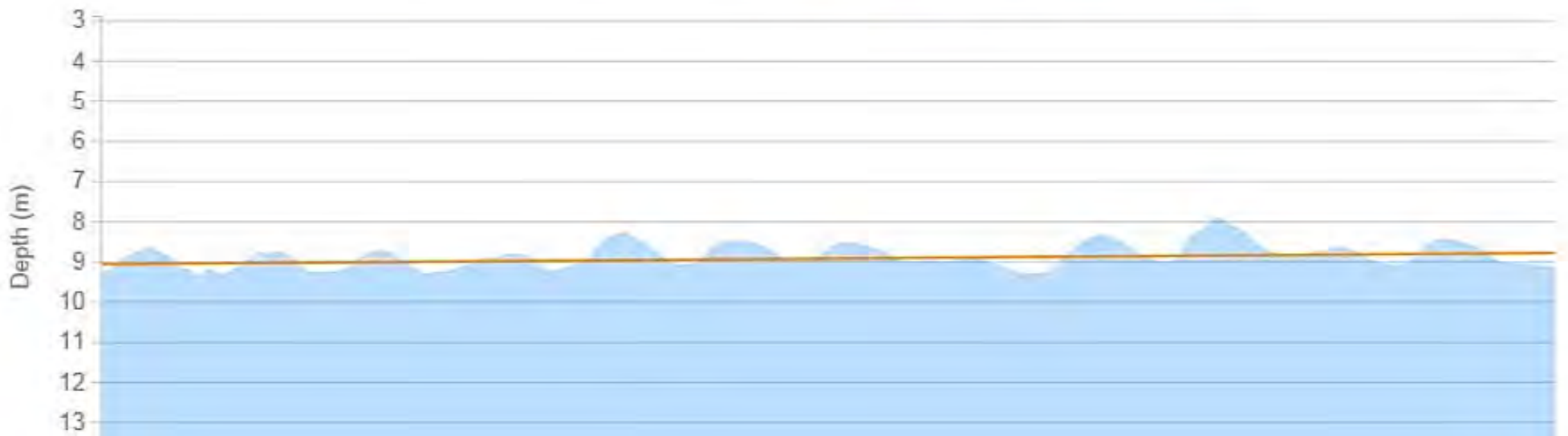
Pat Carl

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.

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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.

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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Regards,
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Alana Mullaly, MCIP RPP
Manager of Planning Services, Planning and Development Services Branch

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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

-----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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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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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:

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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,
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,

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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,

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,
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,

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,
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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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,
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,

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,
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.

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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.

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- 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.

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- 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.

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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,
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

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.

Comox Valley Regional District

File: 3360-20/RZ2C18

APR 26 2018

To:

Board

cc:

A. Mullaly

B. Chow

R. Dyson

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,



Gillian Anderson
2561 Sackville Road PO Box 307
Merville, BC V0R 2M0

CC:

- Premier@gov.bc.ca
- Ronna-rae.leonard.MLA@leg.bc.ca
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- Andrew.weaver.mla@leg.bc.ca
- administration@comoxvalleyrd.ca – for distribution to:
 - CVRD Board of Directors, Puntledge
 - Puntledge – Black Creek Area ‘C’ advisory planning commission

- Agricultural Advisory Planning Commission
- Tsolum River Watershed Planning Group (CVRD)
- Jennifer Wallis at jwallis@comoxvalleyrd.ca
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