



Reference: 41501

May 29, 2024

VIA EMAIL: mayor@northcowichan.ca

Mayor Rob Douglas
Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, British Columbia
V9L 6A1

Dear Mayor Douglas:

Thank you for your letter of April 11, 2024, regarding the Municipality of North Cowichan's water licence application. I appreciate that the municipality is eager to secure a sustainable, long-term solution to the ongoing water quality concerns; one that is mutually beneficial to all interest groups.

I acknowledge your concern for the health, environmental and economic impacts associated with the timeline of the environmental assessment certificate requirements and subsequent groundwater licence decision. Additionally, I confirm that staff of the Ministry of Water, Land and Resource Stewardship (WLRS) are doing all they can to expedite the municipality's water authorization application.

I understand that the Environmental Assessment Office (EAO) issued [Certificate #W09-01](#) on March 9, 2009, for this municipal groundwater system, as this project constitutes a "reviewable project" under the [Environmental Assessment Act](#). Certificate #W09-01 was [amended](#) on April 12, 2018, requiring the Aquifer Monitoring Program to continue for five years. Following this time frame, the municipality must share a draft of the report for comment by April 1 of the sixth year and submit the final report to the EAO by June 15 of that same year. The EAO will then consult with WLRS, consult with the Halalt First Nation, and determine the appropriate groundwater extraction rates, to mitigate any adverse effects.

I understand that 2023 was the fifth and final year of the Aquifer Monitoring Program, and that the municipality has provided provincial staff with a draft of the Five-Year Effectiveness and Evaluation Report. Meanwhile, the Municipality of North Cowichan has applied for another Section 10 Use Approval to authorize the continued operation of the wells and is working with provincial water authorization staff and First Nations to review that Use Approval for this year.

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Mayor Douglas, Municipality of North Cowichan

To allow for due consideration, it is not likely a decision will be made on the licence before the summer of 2024. However, a Use Approval can provide short-term authorization for the intended use of water. The EAO has the jurisdiction to evaluate whether the commitments of the certificate have been met, and only they may approve the final report. Then the report, along with collaborative engagement with First Nations and other interest holders, will be received by WLRS to inform the technical review and statutory decision of the municipality's groundwater licence application.

I encourage the Municipality of North Cowichan to continue collaborative dialogue with First Nations and other interest holders, to discuss the environmental assessment certificate's results, timelines, and the groundwater licence application.

Again, thank you for writing and sharing your municipality's water concerns.

Sincerely,



Nathan Cullen
Minister

cc: Sean Staplin, Water Authorizations Section Head, West Coast Authorizations,
Ministry of Water, Land and Resource Stewardship

Ted Swabey, Chief Administrative Officer, Municipality of North Cowichan

David Conway, Director, Subdivision and Environmental Services, Municipality of
North Cowichan

Dave Preikshot, Senior Environmental Specialist, Municipality of North Cowichan

April 11, 2024

Honourable Nathan Cullen
Minister of Land, Water and Resource Stewardship
PO Box 9012 STN PROV GOVT
Victoria BC V8W 9L6

via email: WLRS.minister@gov.bc.ca

Dear Minister Cullen

Re: Urgent Review and Support for Water Use Approvals in North Cowichan

On behalf of the Municipality of North Cowichan, I write to draw your immediate attention to a critical issue concerning water management within our jurisdiction, specifically regarding Aquifer 172 (Chemainus wells). Since 2019, our municipality has been compelled to apply for short-term water use approvals under the Water Sustainability Act to allow continued use of this aquifer between mid-June to mid-October, despite possessing an Environmental Assessment Office (EAO) Certificate, approved in 2018, authorizing summer pumping from this aquifer. In addition to completing the required applications and obtaining approvals from the Province, North Cowichan has supported reviews from the Halalt First Nation by providing capacity funding, totalling tens of thousands of dollars over the past few years.

Our compliance and commitment to sustainable water use are evidenced by annual reports submitted to the Province, the Halalt First Nation, and other partners and stakeholders. These reports, prepared by renowned groundwater and surface water management experts, unequivocally demonstrate no adverse effects on the aquifer from our summer pumping activities. In fact, well records indicate an increase in aquifer water levels during this period, underscoring the sustainability of our water management practices.

The ongoing delay in approving our application under the Water Sustainability Act for a long-term water use approval, which approval is wholly consistent with the EAO certificate, poses severe ramifications for our community and the environment:

- **Health Risks:** A summer-long boil water advisory affecting nearly 3,000 homes and businesses will likely be issued for Chemainus residents. This advisory as mandated by Island Health, due to water quality concerns could be issued as early as mid-June of this year.

- **Environmental Impact:** The inability to augment the summer flow of the Chemainus River from North Cowichan's surface supply at Holyoak Lake, which historically increases river flow by up to one-third during critical late summer months.
- **Economic and Operational Burdens:** Constructing a water filtration plant requires tens of millions of dollars in capital outlay, alongside significant ongoing operational, staffing, and replacement expenses.

The implications outlined above not only pose a direct threat to public health and the environment but also impose considerable financial burdens on our community and detract from our collective efforts to manage natural resources sustainably.

In light of the above, we respectfully urge your ministry to:

- Approve our application under the Water Sustainability Act for a long-term water use approval, considering the supportive evidence presented in our annual reports and the existing EAO certificate.
- Facilitate a collaborative dialogue involving all stakeholders, including the Halalt First Nation, to find a sustainable and mutually beneficial resolution to this pressing issue.

Our commitment to environmental stewardship and community well-being is unwavering. With your support and intervention, a positive outcome is achievable. We are at your disposal to discuss this matter further and welcome the opportunity to collaborate closely with your ministry to address these concerns.

Thank you for considering our urgent request. We look forward to your swift response and are hopeful for your support in this crucial matter.

Sincerely



Rob Douglas
Mayor

mayor@northcowichan.ca

cc: North Cowichan Council
Ted Swabey, CAO, North Cowichan
David Conway, Director, Subdivision and Environmental Services, North Cowichan
Dave Preikshot, Senior Environmental Specialist, North Cowichan