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Ministry of Natural Resource Operations
PO BOX 9352 STN PROV GOVT
Victoria BC V8W 9M1

*** BY EMAIL AT @ ROSS.DOUGLAS@GOV.BC.CA ***

Attn. Ross Douglas, Senior Land Manager

Dear Sirs/Mesdames:

**Re: Multiple applications for Water Bottling licences/Licences of Operations
Request for Additional Public Consultation/Extended Comment Period**

Yesterday our attention was directed to a large number of applications for water licences and associated licences of occupation being submitted by 0879144 BC Ltd. and affiliated applicants. Most recently 0879144 BC Ltd. has applied, between September 24th and November 16th 2010 for 24 separate sets of water licences and licences of occupation clustered around 4 different inlets (Bute, Jervis, Toba and Knight) located just north of the Sunshine Coast.

We have further been referred to a Notice of Intention published by 0879144 BC Ltd. in Mid-Island Mid-Week/the Campbell River Mirror on or about December 8th, 2010 listing 7 separate applications being made by the company in respect of streams on Bute Inlet; and two separate Notices of Intention which we are advised were published by 0879144 BC Ltd. in the Powell River Peak on or about December 8th, 2010 for nine further applications for water licences and licences of occupation in respect of Toba Inlet, and for eight further applications for water licenses and licences of occupation in respect of Jervis Inlet.

We have not yet located Notices of Intention published in respect of the Knight Inlet licence applications, but these may be published separately in community papers located close to each individual inlet.

Most of licence applications are for 112.51 cubic metres per day (with minor variations, and Icedrop Creek in Jervis Inlet which is for 93.689 cubic metres per day). The Licences of Occupation are described as for Commercial – Water Bottling and the Water Licences are described as for the extraction of water for the purpose of the Sale of Bottled Water. For all three Notices of Intention located so far the deadline for public submissions is today (January 28th).

In addition to the 24 licences currently being applied for by 0879144 BC Ltd. there are a large number of other applications currently under evaluation for bottled water licences and licences of occupation by other applicants concerning the same inlets. These include applications by the Kwiakah and the Da'naxda'xw/Awaetlala First Nations.

In an email sent to the Integrated Land Management Bureau, the Ministry of Environment and the Powell River Regional District dated November 1, 2010 Ms. Sarah Bowie of Sigma Engineering Ltd. explains:

The Proponents (Kwiakah First Nation and Numbered Companies, Da'naxda'xw/Awaetlala First Nation and Numbered Companies and 0879144 BC Ltd.) of the proposed project to extract water from creeks for the purpose of commercial bottled water sales (the "Project") would like to clarify the intention and design of the Project in relation to land use in the Jervis, Toba, Bute and Knight Inlets.

The Drinking Water Project Management Plan apparently prepared by the proponents in respect of each project describes the project:

The proposed project is to extract small amounts of water from steep-sloped creeks in the Jervis Inlet, Toba Inlet and Bute Inlet areas for the purpose of bottled water sales in national and global markets. ... Water will be extracted [from each creek] by a small temporary mobile funnel intake attached to a 25 m to 500 m long flexible hose with an internal diameter of 2, 4 or 6 inches. The opening of the funnel will be covered by a fine mesh screen to prevent entrainment of small aquatic organisms. No part of the intake device will be permanently affixed to the land.

A small flat-bottomed skiff, with approximate dimensions of 40' in length by 20' in width will be used to access the mouth of each creek. The skiff will contain a storage tank with a total capacity of 24,750 gallons, and will be outfitted with a retractable arm to which the intake funnel may be attached. For water withdrawal, the skiff will draw as near as is feasible to each creek mouth at which point one of three methods will be used to deploy the intake device. ...

With this background it is clear that the at least 42 applications (8 of which appear to have been abandoned) made by these proponents since January 2010 are part of a single project. And this gives rise to a whole series of questions and a need for public consultation about the project as a whole. Indeed, planner Donald Turner, in a memo prepared for the Powell River Regional District, dated November 16th, identified this as the most troubling aspect of the proposal:

... [T]he issue is not focused on any individual site, but rather on the large number of sites under application. Is it really necessary to tie up 30 foreshore sites at approximately 2 ha each, just to "ensure continued unencumbered access" if the sites will not be used regularly?

Mr. Turner seems to have assumed that only one skiff will be deployed. If Mr. Turner is correct then this raises additional questions about whether the project will make beneficial use of the water licenced and how the proponent will select which sites will be accessed when.

But another possible interpretation is that multiple skiffs will be used – perhaps as many as one per site. This would in turn raise its own set of questions, such as what is the collective impact of diverting approximately 4000 cubic metres a day from the small streams of an entire region.

I have been in contact with Mr. Arthur Caldicott, a researcher, who has tried to contact several representatives of the Proponents for more information on the overall business plan with limited success. It is not easy for members of the public to obtain more detail on the overall scope of this project.

Request for additional public consultation

In light of the above it seems clear that the public has been consulted about the wrong project – or at least an incomplete project. The environmental, social and cultural impacts cannot be commented on meaningfully at the licence-specific level, or even at the inlet level. The impacts of any individual licence may well be nominal, but the project as a whole may nonetheless have a significant regional impact.

In addition there are questions that would only be asked and information that only becomes available when the projects are assessed in their proper context.

Consequently, we believe that the Notices of Intent as worded were inappropriate. While such notices certainly could focus on licence applications geographically close to the newspaper where it is being published, the Notice should have also provided at least a brief description of the fact that these applications are part of a series of applications being made on the Bute, Toba, Jervis and Knight inlets and provided a way to find out more information about the project as a whole.

Similarly, we think that the applications should provide information not just about a bottled water project management plan in respect of each stream but detailed information about how the project is intended to operate as a whole. We don't believe that the government could make an appropriate decision, or the public comment meaningfully, without access to such information.

For this reason we request that you:

- (a) Extend the public consultation period in respect of these Applications; and
- (b) Order the Proponent to post a management plan describing the entire project, including information on total extractions and total infrastructure, to inform the public consultation, or if such a document has already been provided to the government, make it available publicly.

The Proponent maintains that this project is being designed in a way that minimizes its environmental impacts. Despite the inherent environmental problems associated with the bottled water industry, this may well be the case. However, the optics of breaking up the project in this way, and inviting public comment on only individual pieces of the project in isolation, does not encourage public confidence.

Sincerely,



Andrew Gage,
Acting Executive Director

- cc. Doug Konkin, Deputy Minister, Ministry of Natural Resource Operations
- cc. Arthur Caldicott