



Salt Spring Island Water Preservation Society

AUGUST 2019 NEWSLETTER

WPS Opposes Cottages Bylaw

by Maxine Leichter

Since 1917, WPS has been following the SSI Local Trust Committee (LTC) effort to provide more affordable housing by passing a bylaw to legalize full-time occupancy of what up till now, have been zoned as “seasonal cottage.”

For many years, SSI zoning has allowed lots of 1.2 ha to have a detached structure (cottage) of not more than 56 sq. m. (602.8 sq. ft.) that can be occupied temporarily for recreation by someone who has another permanent home.

Draft Bylaw 512 would allow 401 specific properties (identified on a map) to have a cottage occupied full time. The bylaw would also increase the allowable size of cottages to 90 sq. m. (969 sq. ft.) on lots of 2 ha (4.9 acres) or greater.

The target 401 properties are spread around the island with about half in the north and half in the south, all likely on groundwater. The main problem with this proposal is that no assessment was made as to whether the target properties have sufficient groundwater for two residences. This is of particular concern in the north of the island where many properties are so short of water that they have water delivered.

Over the years, geologists have told us that groundwater on SSI is not in a well connected and defined groundwater basin (or aquifer) but rather largely in fractures underground that vary greatly in size, depth, and connectivity with one another. Therefore, the only way to know if there is groundwater for a particular property is to drill a well. But that well only shows if there is available groundwater right there, not even a few feet over. That well also does not tell us if that groundwater is also being used by someone else. Since, for now, we have not been able to determine where there is more or less available groundwater, the prudent response is not increase density.

It may be claimed that someone building a new cottage will have to get building permit and will then be required to show adequate water. Such a test, however, may not reflect summer drought conditions since it can be conducted in the winter when groundwater is plentiful. Additionally, there is no provision to show that adjacent wells will not be affected. A test may not be required for an existing cottage.

The LTC has not determined how many of the 401 properties are also covered by a previous bylaw that allows full-time occupancy of in-house suites. If both kinds of rentals are allowed, some properties would be allowed to have three full-time residences, furthering the potential to impact groundwater supplies of neighbouring properties.

WPS recognizes the dire need for more affordable housing on SSI. But the LTC has not shown any evidence that this bylaw will provide any significant amount of affordable housing. The bylaw has no provision to assure the rental rates will be “affordable.” It was not determined how many of these properties actually have a cottage or if their owners would build one should the bylaw be passed. This bylaw will not legalize existing cottages that are now being illegally occupied full time unless they happen to be included in the

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Volunteer Opportunities and Thank You's

by Maxine Leichter

The WPS WaterCatalogue Project needs volunteers to report information on a nearby pond, stream, or wetland or help with computer or office-type tasks. Training and equipment are provided. Contact John Millson at jamssiwater@gmail.com.

If you would like to help with the WPS newsletter, educational events, tabulate receipts from Country Grocer, or get involved in another way, contact us at ssiwps@gmail.com.

Thank you if you've renewed your WPS membership! If you have not renewed, there is a note on your newsletter or the email.

A special thank you to Country Grocer and Thrifty Foods for their support over the years. In addition to its receipt box program, Country Grocer has supplied us with food for events. Please continue to deposit those receipts in Box 73 as these funds are a significant contribution to our budget. If you would like a Thrifty Smile Card for WPS, please contact us at ssiwps@gmail.com.



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BC Water Sustainability Act: Is the Province Protecting Our Water?

by Maxine Leichter

The *Water Sustainability Act* (WSA) was brought into force on February 29, 2016, by the previous Liberal BC Government with the stated goal of ensuring a sustainable supply of fresh, clean water in BC. The WSA, administered by the Minister of Forests, Lands, Natural Resource Operations and Rural Development (FLNRO), is now the principal law in BC for managing the protection, diversion, and use of BC's water resources. Initially water protection advocates were encouraged because the new law provides new tools for protecting and managing both surface and groundwater water resources, for allowing community and First Nations' participation, and for setting aside water for the environment as well as for human use.

An important provision of the WSA gives earlier users of groundwater, priority for the right to that water over others whose use began at a later time. In order to establish their right, agricultural, industrial, commercial, and institutional groundwater users were given 3 years to license their use. Residential users also have the option to register their wells. Licensing is necessary for implementation of other elements of the WSA, such as ensuring critical environmental flows and establishing water sustainability plans where there are conflicts.



WSA also provided for non-residential users be charged for the water. The initial fees were set quite low, however. The POLIS Water Sustainability Project* states in a briefing sent to the government that BC currently charges major water users \$2.25 per million liters for water rentals, compared to Ontario charging \$3.71 per million liters to industrial water users, Quebec charging \$70, and Nova Scotia charging \$140. Water advocacy groups in BC have asked for the fees here to be increased to help cover the costs of FLNRO regulating use.

Why does this matter for Salt Spring? Some local water districts (that have been using groundwater for years) are short of water during the summer months. In at least one case, commercial users nearby, whose use began at a later time, are continuing to be allowed to extract groundwater. There is nothing to stop the numerous SSI cannabis growing operations from using groundwater. Every year, more houses are built on SSI that are dependent on groundwater. The Local Trust Committee is considering adding densities by allowing cottages to be occupied full time. There is intensive pressure to build more affordable housing in Ganges using groundwater. Eventually, there are bound to be conflicts over groundwater. The WSA should be available to address such conflict.

Water advocates have been waiting for the end of the 3-year period hoping to see further implementation of the WSA. Then, in February of this year (2019), just when the 3-year period would have been over, FLNRO announced that the government was extending the period to apply for a licence for those who were using groundwater on or before February 29, 2016, for any non-domestic use, until March 1, 2022, another 3 years. But there was no assurance that even this deadline is firm.

Despite a 2015 promise by the province to review rates under the WSA, there was no mention of whether the fee structure would be reviewed or if there would be adequate funding and resources to effectively implement the WSA over the next 3 years. Water advocates understand that bringing the estimated 20,000 existing groundwater users into the regulatory regime is a complex and resource-intensive task. But there is no use to a law that is not implemented.

In April, under the coordination of the Canadian Watershed Alliance's BC affiliate, WPS, and several other BC water organizations, signed a letter to Doug Donaldson, Minister of FLNRO, urging that WSA be sufficiently funded to meet a firm 2022 deadline and to address the needs of water-stressed areas **now**. The answer we received stated in part that they hired 80 specialized staff people to implement the law but "the response confirmed that recognizing the value of a licence to secure water rights represents a significant cultural shift for many BC citizens especially true for people who have used the groundwater for decades for free and without government oversight. The extended transition period provides opportunity to continue implementing new approaches and tools to ensure public engagement and support everyone's interest in well-managed water resources." No information was given about what criteria would be applied to allow the law to be implemented. If we have to wait for all industrial and commercial groundwater users to support registering their wells and paying fees, we could wait a long time.

*This article was based on letters written to the ministry by the Freshwater Alliance as well as letters and reports posted to the POLIS website. The POLIS Water Sustainability Project is a focused initiative of the University of Victoria's POLIS Project on Ecological Governance.

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target 401 properties. Several projects are now underway that will provide approximately 188 units of housing purpose built as affordable housing. Others can be built where groundwater is sufficient.

This bylaw was initiated by the previous LTC which included former trustee George Grams. The position of our new trustee Laura Patrick, is not known. If you have questions, write to WPS at ssiwps@gmail.com.

If you have concerns, write to our trustee Laura Patrick (lpatrick@islandstrust.bc.ca), Peter Grove (pgrove@islandstrust.bc.ca), and Peter Luckham (pluckham@islandstrust.bc.ca) or mail to 1-500 Lower Ganges Rd., SSI, V8K 2N8.



MEMBERSHIP

\$15 for individuals or \$30 for a family/couple.

Additional donations are very gratefully received and help to keep WPS active, effective, and working hard to protect our island waters. Tax Receipts are issued.

Current Members: Mail membership fee to:
Ganges PO Box 555
SSI, BC V8K 2W3

New members: Request an application form to fill out and return.

When you become a member, you become part of a supportive group of people who collectively care for and about Salt Spring's freshwater and groundwater sources.

We'll keep you updated on local water-related programs, projects and events.

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