

B. C. TAP WATER ALLIANCE

**Caring for, Monitoring, and Protecting
British Columbia's Community Water**

Supply Sources

(Email: info@bctwa.org)

(Website: www.bctwa.org)



A SUBMISSION PRESENTED BY THE B. C. TAP WATER ALLIANCE TO THE PROVINCIAL AGGREGATE REVIEW PANEL AT THE PUBLIC MEETING IN COQUITLAM, CITY HALL

By Will Koop,
November 21, 2000

Table of Contents

Introduction: The B.C. Tap Water Alliance

1. Background on the Ministry of Energy and Mines' policy for resource use activities in community watersheds
2. The Englishman River permit in Parksville's water supply
3. The potential for aggregate development in Chapman Creek: the Sunshine Coast Regional District's water supply
4. The present process

INTRODUCTION: THE B.C. TAP WATER ALLIANCE

The B.C. Tap Water Alliance is focused on water quality, water flows, and resource use conflicts in B.C. community watersheds. As such, we are here to raise appropriate concerns about the Ministry of Energy and Mine's policy which advocates mining activities in community drinking watersheds. From our perusal of presentations to the review panel on the government's website, we have not found any reference to this concern. We only have found some concerns about the influence that aggregate pits may have on groundwater quality and quantity for neighbouring wells, and to water quality and timing in streams, issues which were also raised in some of the discussions by concerned citizens at the Nanaimo and Victoria meetings.

In addition, we also wish to comment on the present provincial aggregate panel review, and the history of resource use conflicts, policies, politics, and processes with the permitting and development of aggregate land uses.

1. BACKGROUND ON THE MINISTRY OF ENERGY AND MINES' POLICY FOR RESOURCE USE ACTIVITIES IN COMMUNITY WATERSHEDS

The permitting and future possibility for aggregate extraction in community watersheds stems from the Ministry of Mines' mandate of integrated resource management, a policy which is shared with other resource-based ministries, such as Forests, Agriculture, and Environment, Lands and Parks. This mandate, which advocates mineral exploration and extraction in community watersheds, was formally developed during the 1970's when the NDP government formed the Task Force on the Multiple Use of Community Watersheds in 1972 through deputy ministers on the Environment and Land Use Technical Committee (ELUTC), along with the establishment of about 300 *Land Act* Watershed Reserves. One of your panel members, Ben Marr, became the chairman of that Task Force for many years in his capacity as the Chief Engineer with the Water Resources Branch, and has first-hand knowledge on the development of those policies as they relate to the government's resource-based ministries.

These issues were subsequently reviewed by inter-governmental community watershed committees, where the Ministry of Energy, Mines and Petroleum Resources provided an internal discussion paper on future policies for mining:

The Ministry of Energy, Mines and Petroleum Resources is committed to the concept of sustainable development in its management of the Province's mineral resources and the land and water base used by exploration and mining, including community watersheds.... Mineral resource industry involvement in community watershed planning is identified as a key prerequisite to effectively deliver the Ministry's community watershed policy. (John Clancy, Director, Mineral Branch, to the Interagency IWMP Committee, April 11, 1990)

The MoEMPR discussion paper did, however, recommend some exceptions, such as mineral reserves for some categories of the province's Watershed Reserves because of sensitivity concerns, but those were largely discretionary. Integrated resource management policies for forestry, agriculture (cattle grazing), and mining remain critical and controversial issues for domestic community surface supply watersheds, and for groundwater sources, wells.

In part, the inter-ministerial resource management mandate was recently reviewed by the Auditor General, Protecting Drinking-Water Sources (March 1999):

[Water] can be contaminated by a number of human activities if they are not carried out properly. These activities include logging, cattle grazing, mining, outdoor recreation, transportation, human settlement and agriculture. Some of these are unregulated; others fall primarily under the control of one or more of half a dozen government ministries or agencies. (Chapter 2, page 45)

In chapter 3.3, the Auditor General touched on applications for permitting in community watersheds, and recommended discussions on changes to the Mineral Exploration Code, a process which would include stakeholders for meaningful participation in those changes (page 77). As time progresses, and as local aggregate supplies dwindle through various demand scenarios, more pressures may be placed for aggregate production in public Crown and privately-held community watershed lands. Because of the threat to water quality and water flow regimes, it is our position that aggregate mining should be exempt from community watersheds.

For instance, the only example for exclusion of mineral exploration and development in community watersheds was provincial legislation passed for the Greater Vancouver watersheds, the Greater Vancouver Watershed Mineral Reserve (B.C. Statutes, Chapter 23, 1930), under the Greater Vancouver Water District's 999 year *Land Act* lease of Crown lands. This is perhaps one of the most important examples for protection of community water quality from mining in B.C. community watersheds.

2. THE ENGLISHMAN RIVER PERMIT IN PARKSVILLE'S WATER SUPPLY

Englishman Aggregates, owned by La Farge and Hancox Holdings, now changed to Natural Aggregates, applied for a permit, Block 579, upstream of Parksville's and the Regional Bulk Water's intake in March 1995 (refer to the November 1, 2000 presentation by Natural Aggregates to the aggregate panel). The 150 hectare deposit, under productive forest land owned by Timber West, was assessed by Thurber Engineering to have a life expectancy of 150 years at 100,000 cubic meters per year, or 15 million cubic meters. After much public protest on issues related to human water consumption, critical fish habitat, and public concerns related to noise, dust, and traffic, an initial permit was granted for a much-reduced production on 15 acres, at 5 acres per year, by the Forest Land Commission and the Chief Inspector of Mines, this despite resolutions passed by the City of Parksville, the Town of Qualicum Beach, and the Regional District of Nanaimo against the project. Though the permit has been granted, there has been no activity on the property. The concern is that should the ground be excavated, and confined to the 15 acre parcel, there may be nothing preventing expansion of the site by further permitting in the future.

It is our contention that the Ministry of Energy and Mines should never have granted even partial permitting approval on this site.

3. THE POTENTIAL FOR AGGREGATE DEVELOPMENT IN CHAPMAN CREEK, THE SUNSHINE COAST REGIONAL DISTRICT'S WATER SUPPLY

In the recent IWMP (Integrated Watershed Management Plan) process for Chapman Creek, a category 2 *Land Act* Watershed Reserve, the Ministry of Environment, Lands and Parks proposed criteria for future mining activities, which may have allowed the prospect of aggregate removal in parts of a large identified deposit located in the on-catchment lands adjacent and contiguous to the present mine operated by Construction Aggregates Ltd. The open pit gravel operation, which is one of the largest in North America, and which assumes a great part of the upper town of Sechelt, is already under great and prolonged criticism by residents for prolonged hours of operation, constant noise, traffic, and levels of fine particulates distributed by local winds. Residents of the Sunshine Coast Regional District (SCRD) were also strongly opposed to the suggestion of mining in their water supply, and on May 1, 1998 about 88% of voters in a referendum denounced future logging and mining plans in the IWMP, and the SCRD further requested to the provincial government that they gain administrative control over resource use activities in Chapman Creek. The immense size of the pit operation has undoubtedly and significantly altered groundwater patterns throughout the area.

During the panel's hearing in Sechelt on October 19th, none of the public raised the issue of mining in Chapman Creek. It is our understanding that it is nevertheless a great concern by many residents. We are officially opposed to the possibility of mining in Chapman Creek, and to those operations which may disrupt groundwater flows into the hydrographic boundaries of Chapman Creek.

Another important concern, which was raised at that public meeting, was the present plans to export aggregate from the recently expanded dock facility to the United States. We would like the panel to make a special request to the Minister of Energy and Mines that he investigate the public process for the expansion of the open pit operation, and to discover whether the export of some of the finest gravels in B.C. is or is not advantageous to British Columbians, especially since the supplies in the Lower Mainland are quickly becoming depleted.

4. THE PRESENT PROCESS

From what I have already observed in the present review process initiated by the former Minister of Energy and Mines, Dan Miller, and the format of the public hearing process, it is in an abysmal state of organization. Allow me to provide the following observations.

(a) There have been numerous formal and informal complaints about the timing and public advertisement of the public meetings that have been held throughout the province. When the panel announced their intentions to meet with the public on Friday September 22, the first meeting was held on the Monday night in Nelson, on the 25th, and in Cranbrook on the 26th. There was no warning well in advance of the meetings to the public, with the consequence that those members of the public which have been concerned about the related issues with aggregate could not attend the meetings. I have heard some very bitter remarks about that very fact from residents in these areas. From my inquiries with government staff, industry representatives dominated attendance at most of the initial meetings. It wasn't until the sixth meeting in Kamloops that non- industry representatives dominated the meetings. I have heard subsequent complaints on the timing of public advertisement notices in local newspapers for meetings in specific areas, which provide little time for members of the public to research and prepare presentations. We understand that the public has the opportunity to provide written presentations later to the panel, which are posted on the website, but this approach takes away from the dynamics of engagement in public forums.

(b) When I attended the meeting in Sechelt, I noticed that the meeting was not being recorded, either by audio or video. In fact, it is not known if the Panel is even keeping accurate minutes of the meetings. This is quite odd, given the fact that this is a provincial review, and that similar review processes are usually recorded, and have some secretary present. This is unacceptable in our present day, and is something that was routinely done twenty years ago. There have been so many interesting points of discussion raised at the meetings, three of which I have already attended, points which are now lost to the public. What kind of confidence can the public accept in a review process that can't be accurately reviewed by the public?

(c) There is no informational list on the government's website for the aggregate review on presenters, in accurate order, on who made presentations at each of the public meetings. There is no current avenue for curious members of the public or media to follow the interest in the government review process, other than the disjointed order of the presentations provided on the website.

(d) There has been no proper background material provided to the public either at the meetings or on the government's website. Neither has there been a reference section provided for those who would like to dig their heels into researching the issues at the meetings. As I understand, the panel members have been provided with many reference materials, but they have not been posted for the public. Concerned members of the public must therefore take the initiative to contact staff at the Ministry of Energy and Mines for the details. This is also unacceptable. Government staff and the panel should have prepared good background documents and reference sections well in advance of their announcement of the start of the public meetings. In addition, there are no maps of aggregate potential provided at the public meetings, in order for members of the public to gain some knowledge of the aggregate deposits in their areas.

(e) Only with more personal inquiries to government staff on the origin of the government's review of the aggregate industry, did I learn that the inquiry is apparently based on public conflicts, conflicts which originate twenty or more years ago, and are related to some important reports written by consultants for the government. What are these conflicts, and why have they not been accurately summarized by government staff for the public

to understand the nature, location, and extent of these conflicts? It is essential and critical information for the panel and the public to understand the nature of the conflicts, and how those can be resolved through future changes to provincial, regional, and municipal legislation.

(f) Relatedly, the public has no understanding on the impasse that a former inter-ministerial committee, the Aggregate Solutions Committee, which met over a period of some six months in 1999, has had on the conflicts by government agencies on these issues. The inter-ministerial agency representatives were apparently unable to achieve political direction from their administrative directors and deputy ministers. This impasse apparently led the former Minister of Energy and Mines, Dan Miller, to eventually initiate the present panel review process.

(g) There are no summary examinations by the present review process on similar conflict resolutions conducted in other Canadian provinces, or those conducted in the United States. Such summaries might assist the public to bring a speedier solution to the conflicts which run so deep between provincial agencies and regional and municipal governments. Perhaps the opposite could be achieved, whereby a good examination of B.C. aggregate conflicts can help other provinces and countries.

(h) The public needs to understand what changes need to be made to the *Mines Act* with respect to aggregate production, and how it relates to Regional District and Municipal legislations: the better the information - the better the evaluation - the better the solution. After all, the foundation of our society, quite literally, is dependent on aggregate. We need to understand and resolve many things so that we can live in and achieve harmony together. We also need to understand what drives the aggregate industry, or even if the aggregate industry might be driving us. Perhaps one of the attendant solutions might be for the government to initiate a provincial conference on this question, with representatives from all B.C. regional districts and municipalities, industry, First Nations, and concerned citizens to assemble, share information, and come to a better understanding on these conflicts.