

B. C. TAP WATER ALLIANCE

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

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UNION OF BC MUNICIPALITIES EMERGENCY RESOLUTION (B-65) ONCE AGAIN "URGES" CAMPBELL GOVERNMENT TO PROTECT BC'S DRINKING WATERSHEDS

Vancouver - On Friday morning September 23, 2004, the last day of the Union of BC Municipalities' (UBCM's) annual conference in Kelowna, delegates from the Sunshine Coast Regional District (SCRD) brought an emergency resolution to the floor, where members agreed to have it tabled. Between 80-90 percent of the delegates in attendance voted in favour of the following resolution:

WHEREAS the Provincial Government has not acted to grant management authority to legally constituted water purveyors over community watersheds used for potable water as recommended by UBCM resolution B65 (1998); AND WHEREAS there are continuing conflicts of use within community watersheds used for potable water all over British Columbia as exemplified by the pending sand and gravel extraction application in Chapman Creek Community Watershed that serves approximately 21,000 Sunshine Coast residents; AND WHEREAS the local purveyor of water and therefore the local ratepayer bear all the long term financial liability for water treatment and for maintaining water supply; THEREFORE BE IT RESOLVED THAT the Union of BC Municipalities urge the British Columbia Provincial Government to enact legislation that empowers local government water purveyors to protect the community watersheds used for potable water.

Two other resolutions, B-84 and B-85, concerning the proposed privatization of Crown lease lots in drinking water sources and detailed assessments of proposed recreational leases in drinking sources, were also voted on at the conference. In the past, the UBCM has passed numerous resolutions on the protection of the public's drinking sources on both Crown (Public) and private lands, none of which have been acted on by successive provincial administrations.

"How long can our provincial Parliament continue to stonewall the public about what is evidently a growing legacy of contempt for BC communities' right to clean drinking water?" asks Will Koop, BC Tap Water Alliance Coordinator. "In particular, despite the SCRD's May 2, 1998 referendum where 88 percent of those voting were against future logging and mining, despite a 5,000 signature petition by SCRD residents handed to Liberal MLA Harold Long and in turn to the Legislature, despite the numerous pleas of the SCRD since 1972, and despite the SCRD's 1992 Supreme Court case that was settled out of Court, our government still completely ignores the wishes of the public. What's more, those wishes are based on good science as confirmed by the long list of studies that have been undertaken in the watershed since 1972. Instead, government has allowed a private aggregate company to apply for mining rights in the Chapman Watershed Reserve, and there are plenty of indications afoot that the Ministry of Forests may grant a controversial Community Forest Tenure that includes the SCRD's drinking watersheds. This same offer has already been rejected by the SCRD as unworkable because of their mandate for community water supply. It appears that government's underhanded attempts to rid itself of the mess it has created may stem from the fear that the protection of Chapman Creek, although completely warranted, will set another "unwanted" precedent in the Province. We need to elect politicians who will finally stop this madness and fully enforce legislation that protects BC's community drinking water sources."

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For more information, contact Will Koop (email: bctwa@alternatives.com). For a list of UBCM resolutions passed (1971-2004) on the protection of drinking water, see our website for the Backgrounder, under Press Releases.

Union of BC Municipalities Resolutions (Re Drinking Water Sources)

[Note: the following list of resolutions on the topic of drinking water may be incomplete.]

YEAR	RESOLUTION NUMBER	RESOLUTION NAME	RESOLUTION SPONSOR
1971	48	Authority over Community Watersheds	Summerland
1973	52	Protection of Community Watersheds	Comox-Strathcona RD
1979	100	Crown Land Watersheds	Cranbrook
??	3.2	Municipal Watersheds Within Tree Farm Licences	Town of Creston
1982	A38	Control and Maintenance of Watersheds	Nelson City
1986	B31	Logging Guidelines	Central-Kootenay RD
1986	B36	Water Licensee Indemnification	Central-Kootenay RD
1987	B46	Compensation for Damages to Watershed Areas	Nelson City
1988	LR5	Compensation for Damages to Watershed Areas	Nelson City
1988	LR4	Protection of Groundwater	Cowichan Valley
1989	A12	Provincial Land Use Strategy	Squamish
1989	A18	Logging on Private Lands	Various
1989	B25	Groundwater Control	Penticton
1990	A17	Pesticide Spraying in Community Watersheds	UBCM Executive
1990	B42	Timber Supply Committee - Representation	Nelson City
1990	B43	Water Act	Kamloops City
1990	LR13	Logging on Private Lands	Central Kootenay RD
1990	LR17	Control of Quality/Quantity Drinkwater	Central Kootenay RD
1991	B14	Watershed Designation	Rossland
1991	B15	Groundwater Management	Coldstream
1991	B16	Logging on Privately Owned Land	Kootenay-Boundary RD
1993	C43	Watershed Designation (Referred to UBCM Executive)	Saanich
1993	C44	Groundwater Licensing (not ratified by UBCM)	Abbotsford
1994	B82	Private Land Logging	Coldstream
1994	B13	Notification of Mining Exploration	Summerland
1995	B46	Legislated Environmental Regulations	Mount Waddington RD
1997	B61	Private Land Logging (Referred to UBCM Executive)	Coldstream
1998	B65	Authority over Community Watersheds	Sunshine Coast RD
1998	B72	Ground Water Management	Nanaimo RD
1998	C33	Water Quality and Quantity (not ratified by UBCM)	Kimberley
1999	A17	Protecting Drinking Water Sources	UBCM Executive
1999	B63	Opposition of Sale of Public Land Forest Tenures	Campbell River
2000	B22	Groundwater Protection Legislation	Maple Ridge

2001	B28	Groundwater Regulations	Langley Township
2001	B80	Delay of Provincial Drinking Water Protection Plan	Kootenay-Boundary RD
2002	B52	Drinking Water Protection – Surcharges	Central Kootenay RD
2002	B54	Protection of Municipal Water Systems	Fort Nelson/NRRD
2003	B22	Groundwater Protection	Nanaimo RD
2003	B129	Coalbed Methane	Comox Strathcona RD
2004	B77	Establishment of Water Management Boards	Midway
2004	B84	Community Watershed Land Use Recreational Risk Assessments	Kimberley
2004	B85	Local Governments and Water Suppliers	Okanagan Similkameen RD
2004	B112	Reduction of Phosphates in Municipal Wastewater	Lake Cowichan
2004	SR2	Environment Policy Development	UBCM Executive
2004	Emergency Resolution (Off floor)	Community Watersheds	Sunshine Coast RD

FULL UBCM RESOLUTIONS AND GOVERNMENT RESPONSES

1971, Resolution #48 - tabled by the town of Summerland (in the Okanagan):

WHEREAS municipalities, water improvement districts, irrigation districts and similar authorities are charged with the provision of consistent and safe supply of water for human, agricultural and industrial use;

AND WHEREAS such provision requires control of watershed systems to yield constant supply in both quantity and quality;

AND WHEREAS the increasing and varied industrial, agricultural, commercial and recreational uses being conducted in watersheds pose a threat to the prime purpose of watershed management;

THEREFORE BE IT RESOLVED that for the purposes of ensuring that administration and management of resources within watersheds are coordinated between government agencies consistent with provision of water for human use, the Government of B.C. be urged to establish, by legislation, an authority or board which shall have the single responsibility of coordinating the administration of and management of land uses and natural product utilization within each watershed.

1973, Resolution #52 - tabled by the Comox-Strathcona District (Vancouver Island):

WHEREAS it is desirable that watersheds forming water sources for community water supplies should be protected and regulated by competent authority to ensure that quality and quantity of water supply be continuously maintained;

AND WHEREAS major areas of watersheds are often in private ownership;

AND WHEREAS it has been ruled by the Department of Health the "Sanitary Regulations Governing Watersheds" issued pursuant to the Health Act are not applicable to privately held lands within such watersheds;

THEREFORE BE IT RESOLVED that the Provincial Government be requested to establish standards for all community watershed areas; these standards to give the Health

authorities a guideline which will enable them to determine any deterioration in water quality whatever the cause; and further that the Health authorities be authorized to enforce the required remedial action.

1979, Resolution #100 - tabled by the City of Cranbrook:

BE IT RESOLVED that the Provincial Government be asked to place a freeze on sales and/or leases of any Crown land in any municipal watersheds to private individuals or companies;
AND BE IT FURTHER RESOLVED that the Provincial Government aid in reclaiming privately owned land in municipal watersheds in which domestic animals or other conditions could affect the purity of the water.

Response from the Ministry of Lands, Parks and Housing:

"The Ministry is prepared to receive requests from municipalities to place a freeze on Crown lands to protect the watershed. This in effect freezes the sales and leases of Crown land in the affected area. If the area will be actively used as a watershed the freeze should be secured by an Order-in-Council to protect the long-term quality of the water supply. A study of watersheds conducted by the Ministry of the Environment is generally used to guide Ministry decisions. This Ministry does not deal directly with the purchase of privately owned land in watersheds. Normally the local government would appraise such costs as part of those associated with developing a domestic water system. Cost of buying back private land has to be traded off against cost of a more expensive water treatment system to ensure the purity of water."

RESPONSE FROM THE MINISTRY OF ENVIRONMENT:

"The Ministry is investigating placing a freeze on sales and/or leases of Crown land in 150 watersheds held under map reserves. These watersheds are all less than 6 square miles. A Task Force investigation indicated it would not be practical to place a freeze on larger watersheds. Municipalities may find it advantageous to buy privately owned land for protection purposes in smaller watersheds, but the provincial government should not be expected to participate. Specific watershed problems should be referred to the Water Investigations Branch of the Ministry of Environment."

The Deputy Minister of Municipal Affairs, R.W. Long, sent the above resolution to Ben Marr, the Deputy Minister of the Environment, on January 28, 1980:

"Enclosed please find the resolutions endorsed by the Union of British Columbia Municipalities at their 1979 convention. They have been sent to inform you of the position of the U.B.C.M. as it relates to your Ministry, and to obtain your response to the subject matter of the resolutions. In some cases the subject matter of resolutions is familiar, but we are nevertheless interested in your current position. Would you please respond to the resolutions by stating your position on the matter, commenting on the validity of the argument presented in the resolution, specifying any points with which you take issue, and suggesting, where applicable, an appropriate position for Mr. Vander Zalm to take in discussing the issue with U.B.C.M. representatives."

On February 15, 1980, J.D. Watts, chairman of The Task Force, and chief of the Planning and Surveys Division of the Water Investigations Branch, sent a memo to the Director of the Water Investigations Branch, P.M. Brady, to respond to Ben Marr's request for a reply to resolution #100:

"(1) The Ministry of Environment is actively investigating the practicality of placing a freeze on sales and leases of crown land in some 150 watersheds which are currently held under map reserves for administrative purposes. These 150 watersheds are those which are less than six square miles in area and substantially free from present public uses. There are an additional 126 map reserves on watersheds ranging in size from six square miles to 200 square miles

(2) and (3) As a result of investigations by a Task Force set up to consider multiple use' problems of watersheds used as community water supplies, it does not appear practical to place a freeze on, or to overly restrict agricultural and public activities in watersheds much in excess of six square miles in area in which there are extensive existing public and/or resource activities. It is noted that Joseph Creek, the watershed of the City of Cranbrook, the municipality sponsoring this resolution, falls into this category as it is 32.7 square miles in area and contains much agricultural land. In a few of the smaller watersheds, individual municipalities may find it advantageous to buy critical areas of privately owned land within watersheds for protection purposes. However, the Provincial Government should not be expected to participate in this, as it is already making substantial contribution in holding the majority of the land in these areas under map reserve for water supply purposes.

(4) The Minister, Mr. Vander Zalm, should advise that specific watershed management problems should be referred to the Water Investigations Branch of the Ministry of **Environment.** "

No Date, Resolution 3.2 - tabled by the Town of Creston, MUNICIPAL WATERSHEDS WITHIN TREE FARM LICENCES:

WHEREAS the Ministry of Forests is planning to establish Tree Farm Licences throughout British Columbia, which places control of the various resource users with the holders of such licences; AND WHEREAS many Municipalities and Improvement Districts utilize the watersheds within these planned Tree Farm Licences to serve their respective users with pure potable water, and under proposed regulation, would have no control over the licensee in his operations within these watersheds which could affect the quality and quantity of water used by holders of water licences resulting in disastrous effects to the economy and well being of its water users: THEREFORE BE IT RESOLVED that the Government of British Columbia be requested to place watersheds which serve Municipalities and Improvement Districts, where no feasible alternative water supply is readily available, in a separate category within Tree Farm Licences whereby control of harvesting of wood products within those watersheds would be with the Ministry of Environment and the prime water licence holders jointly, and not with the Tree Farm Licencee.

1982, Resolution A38 - tabled by Nelson City, CONTROL AND MAINTENANCE OF WATERSHEDS:

WHEREAS the maintenance of the high quality and adequate quantities of supplies of water is of prime concern to all purveyors of water in the Province of British Columbia;
AND WHEREAS there is widespread pressure by the Ministry of Forests and the Logging industry to open watersheds on Crown lands to logging operations and other developments;
AND WHEREAS in the past, some logging operations, associated road building and other development have been carried out in such a manner as to damage community water supplies;
AND WHEREAS at present, authority over watersheds on Crown lands is vested in the Ministry of Forests:

THEREFORE BE IT RESOLVED THAT U.B.C.M. request the Provincial Government to alter any purveyor of water the right and power to participate with the Ministry of Forests, any other Ministries involved and any involved industry in the planning and execution of any operations within the watersheds of that purveyor and that decisions to proceed with such operations must be made by consensus of the parties involved."

1986, Resolutions B31, B36 - tabled by the Central Kootenay Regional District (endorsed by the Association of Kootenay & Boundary Municipalities):

B31. LOGGING GUIDELINES.

WHEREAS there is a growing concern amongst residents that the Province of British Columbia does not have regulations regarding commercial logging on private property;
AND WHEREAS the Province of British Columbia does have regulations regarding commercial logging on Crown Land and the said regulations encourage responsible logging practices to the extent of providing protection of community water systems, protection from soil erosion and protection from excessive fire hazards:

THEREFORE BE IT RESOLVED that the Union of British Columbia Municipalities petition the Provincial Government to develop suitable guidelines that could be referred to by commercial loggers when logging on private property.

B36. WATER LICENSEE INDEMNIFICATION.

WHEREAS the Provincial Government is responsible for issuing licences for the extraction or use of provincial resources which at time lead to conflicts between the uses licenced;
AND WHEREAS municipalities, regional districts, water improvement districts and others holding a priority use licence for domestic water supply have found that subsequently issued licences for uses such as logging have resulted in financial hardship to the prior use licensee and have caused deterioration of the prior use of resources:

THEREFORE BE IT RESOLVED that the Provincial Government be requested to reimburse a prior use licensee where the issuance of a subsequent licence results in financial or resource loss to the priority user and the Provincial Government seek its own reimbursement of costs from the licensee causing damage.

1987, Resolution B46 - tabled by Nelson City, COMPENSATION FOR DAMAGES TO WATERSHED AREAS:

WHEREAS there is a growing concern throughout the Province about resource extraction in watershed areas, and the negative impact of such resource extraction on the quality of potable water; AND WHEREAS it is difficult, if not impossible, to prove fault in the case of damage to watershed areas:

THEREFORE BE IT RESOLVED that the Provincial Government be urged to provide no fault compensation for areas damaged by resource extraction.

RESPONSE FROM: Ministry of Forests and Lands

The Ministry of Forests and Lands is currently drafting policy to deal with this issue. The thrust of this policy will comprise the following major principles:

- * financial liability will not be accepted by government,
- planning and harvesting must be conducted in a manner which ensures that water quality and quantity are affected by harvesting as minimally as possible,
- water licensees have the right to seek litigation to address perceived damage,
- * water licensees have the right to make infonnal appeals to government for financial assistance if damage occurs after all reasonable precautions have been taken.

1988, Resolution LRS - tabled by Nelson City, COMPENSATION FOR DAMAGES TO WATERSHED AREAS:

WHEREAS there is a growing concern throughout the Province of British Columbia regarding resource extraction in watershed areas because of the possible negative impact of such resource extraction on the quality of potable water and because of the difficulties, extreme costs and virtual impossibility of litigation in the event of damages;

AND WHEREAS the preservation of watershed areas and the potable water resources they contain is vital to the health of a community, repairs must be instituted immediately in the event of damage:

THEREFORE BE IT RESOLVED that: (a) The Provincial Government establish a no fault insurance pool to pay for costs for immediate repairs to such assets and water supply areas and water supplies damaged through resource extraction; (b) The funding for such an insurance pool come from resource extraction companies through posted bonds or similar funding and through royalties and stumpage fees paid to the Province; (c) Liability for the damage to be apportioned through an arbitration board decision and the fund reimbursed accordingly. Such arbitration board to be established prior to resource extraction being instituted. The composition of the arbitration board to include municipal (regional) representation for the area affected, technical expert acting for the municipality <region) affected, appropriate ministry representative, the industry involved plus a fifth party to be chosen by the other four members as an impartial voting member."

1988, Resolution LR4 - tabled by Cowichan Valley, PROTECTION OF GROUNDWATER:

WHEREAS groundwater resources are extremely important for residential and agricultural uses;
AND WHEREAS there are increasing conflicts between water users and other activities which tend to damage or deplete aquifers:

THEREFORE BE IT RESOLVED that the Province of British Columbia enact legislation that would authorize the Minister of Environment to regulate and protect groundwater resources.

Resolutions Committee: The Resolutions Committee notes that a similar resolution was endorsed in 1982 (A49 - Licensing of Water Wells). The background information provided by the sponsor indicated that the matter was not identified until after the June 30th deadline date.

1989, Resolution A12 - tabled by the town of Squamish, PROVINCIAL LAND USE STRATEGY:

WHEREAS conflicts have arisen over the usage of Crown and private lands in well-travelled corridors in British Columbia;

AND WHEREAS the Provincial Government is cooperating in the development of Local Resource Use Plans and land use strategy conferences such as the Dunsmuir Agreement of November 1988:

THEREFORE BE IT RESOLVED that the provincial government be asked to develop a comprehensive land use strategy for the province of British Columbia involving a review of Crown and private lands in order to protect energy, forestry, tourism, water quality and community watersheds, and other sustainable values, and that for lands within a local government's boundaries, the local government be involved in developing the land use strategy.

RESPONSE FROM: Ministry of Municipal Affairs, Recreation and Culture.

This is one of the assignments of the Provincial Roundtable on the Environment and the Economy. The Roundtable has members from local government.

1989, Resolution A18 - tabled by various municipalities, LOGGING ON PRIVATE LANDS:

WHEREAS logging on Crown Land is closely regulated by the Provincial Ministry of Forests with consideration being given to the potential impact on the environment, in contrast to logging on private land which is largely unregulated except for a few controls that may be applied after the fact with respect to water resources;

AND WHEREAS even though Section 978 of the Municipal Act does provide some limited authority to regulate logging on private lands, local governments do not have the resources to properly administer such a process and are concerned that continued logging on private lands without adequate regulation can result in negative impacts on the environment, especially where community watersheds are involved:

THEREFORE BE IT RESOLVED that the Provincial Government be requested to assume direct responsibility for the regulation of logging on private lands and maintain control of all community watersheds including those located in Tree Farm Licences in order to offer better protection for the environment in general and community watersheds in particular.

AND BE IT FURTHER RESOLVED that all activities in watersheds used for drinking water, be they resource extraction or any other activity, be subject to final approval and control by the major

water licence holders and by the Ministry of Environment, Water Management Branch; and that the Water Act regulating these watersheds be amended to require the Ministry of Environment to ensure proper maintenance of quantity as well as protection of the quality of this water so that it will continue to meet Ministry of Health requirements for drinking water quality.

RESPONSE FROM: Ministry of Municipal Affairs, Recreation and Culture

This matter has been reviewed at the Cabinet level and the Minister of Forests is examining options.

1989, Resolution B25 - tabled by Penticton City, GROUNDWATER CONTROL:

WHEREAS many private homeowners, local governments, and improvement districts obtain their domestic water supply from groundwater aquifers;
AND WHEREAS there is no current monitoring or legislation with respect to quantities taken from an aquifer or their protection from adjacent surface activities:
THEREFORE BE IT RESOLVED that the Union of British Columbia Municipalities urge the Province of British Columbia to investigate and enact legislation and regulations with respect to groundwater control and protection of this valuable resource.

RESPONSE FROM: Ministry of Environment

The Government of British Columbia recognizes the need for regulation and protection of the groundwater resources of the Province and supports the UBCM resolution. Groundwater legislation is currently being planned for introduction in 1991. Preparatory steps including discussions with public and professional groups are to take place during 1990.

1990, Resolution A17 - tabled by the UBCM Executive, PESTICIDE SPRAYING IN COMMUNITY WATERSHEDS:

WHEREAS the protection of community watersheds and the provision of a safe water supply is the responsibility of the majority of local governments;
AND WHEREAS pesticides sprayed in community watersheds may enter the water table and -
contaminate the water supply:
THEREFORE BE IT RESOLVED that the local governments, including improvement districts, whose watershed could be affected be notified of any pesticide use proposed in community watersheds, and of the chemicals to be used, and that the municipality or regional district be afforded the time and opportunity to comment on the use of pesticides in the watershed prior to any action being taken.

RESPONSE FROM: Ministry of Environment

Regulations were recently amended to inform the public and, indirectly, local governments of applications for pesticide permits which may encompass community watersheds and to encourage site-specific information from the public which could be useful for evaluating such permits.

The suggestion that local governments be informed directly will be the responsibility of Ministry regional offices because pesticide permits are in the process of being regionalized.

1990, Resolution 842 - tabled by Nelson City, **TIMBER SUPPLY COMMITTEE** - **REPRESENTATION:**

WHEREAS the annual allowable cut as set by the Ministry of Forests directly influences the pressure to harvest throughout timber supply areas (TSAs) and determines the risk of damage to other resources such as water, wildlife and visual quality;

AND WHEREAS there is currently no public representation (other than the forest industry) on TSA planning committees and analysis sub-committees who recommend levels of cut to the Chief Forester;

THEREFORE BE IT RESOLVED that the Ministry of Forests be required to include representatives of appropriate government bodies on TSA planning committees and analysis sub-committees to ensure the protection of other resource values.

RESPONSE FROM: Ministry of Forests

The Ministry of Forests is currently revising its planning methods for Provincial Forest Lands. Future plans at the district or Timber Supply Area (TSA) level will emphasize forest land management and will require a thorough analysis, evaluation and objective setting for all resources including those resources cited in the resolution (water, wildlife and visual quality). A key component of our new approach will be to enhance interagency input. We envisage the formation of interagency planning teams, including representation from Regional Districts, for each TSA or district level planning exercise. We propose that agency representatives on the team will undertake consultations with all resource user groups. Furthermore, broader public involvement including elected municipal representatives will be essential for the success of this planning initiative.

1990, Resolution B43, tabled by Kamloops City, **WATER ACT:**

WHEREAS legislative amendments to the Water Act dealing with water management regulations are being determined through the white paper process;

AND WHEREAS changes will, among other things, propose that water management planning become a mandated function to assist in resolving water use conflict:

THEREFORE BE IT RESOLVED that municipalities be given the opportunity to identify a role for themselves in the planning process to review and comment on the proposed changes.

RESPONSE FROM: Ministry of Health [Note: sounds like the Ministry of Health did not properly address the substance of the resolution):

Since building inspections are not universally required, it would be inappropriate to tie septic tank approvals to this function. In areas of the province where building inspection applies, there is often agreement between local and regional district building inspectors and the local Public Health Inspector/Environmental Health Officer, at they will not issue a building permit until the homeowner has obtained a sewage disposal permit.

In regards to access to septic tanks for regular maintenance, the Sewage Disposal Regulation requires that access must be provided to each compartment of a septic tank. In addition, the Regulations require clean-out openings with covers or plugs over the inlet and outlets of all septic

tanks. In 1989 the Ministry of Health developed the booklet Proper Sewage Disposal - Vital to your Healthy Environment, which contains a section on servicing a septic tank

1990, Resolution LR13 - tabled by Regional District of Kootenay Boundary, LOGGING ON PRIVATE LANDS:

WHEREAS logging on Crown land is closely regulated by the Provincial Ministry of Forests with, among other things consideration being given to the potential impact on the environment;
AND WHEREAS except for a few controls that may be applied after the fact with respect to water resources, logging on private lands is largely unregulated;
AND WHEREAS even though section 978 of the Municipal Act does provide some limited authority to regulate logging on private lands, local governments do not have the resources to properly administer such a process;
AND WHEREAS the Regional District of Kootenay Boundary is concerned that continue" logging on private lands without adequate regulation can result in negative impacts on the environment, especially where community watersheds are involved;
THEREFORE BE IT RESOLVED that the Provincial Government be requested to assume direct responsibility for the regulation of logging on private lands in order to offer better protection for the environment in general and community watersheds in particular.

1990, Resolution LR17 - tabled by Regional District of Central Kootenay, CONTROL OF QUALITY/QUANTITY DRINKWATER:

WHEREAS the quality and quantity of water for human consumption taken from watersheds have steadily deteriorated and that the protection of drinkwater is of prime importance;
AND WHEREAS it is clear that current protection practices are insufficient and that too many contamination incidents occur;
THEREFORE BE IT RESOLVED THAT all activities in watersheds used for drinkwater, be they resource extraction or any other activity, be subject to final approval and control by the Ministry of Environment, Water Management Branch, and that the Water Act regulating these watersheds be amended to require the Ministry of Environment to ensure proper maintenance of quantity as well as protection of the quality of this water so that it will continue to meet Ministry of Health requirements for drinkwater quality.

1991, Resolution B14 - tabled by the town of Rossland, WATERSHED DESIGNATION:

WHEREAS many municipalities draw surface water for their municipal water systems, such sources being vulnerable to degradation and pollution caused by a variety of industrial and recreational activities;
AND WHEREAS watersheds are not recognized in legislation, leaving a municipality without adequate tools to enact measures for the protection of watersheds;
THEREFORE BE IT RESOLVED that the Union of B.C. Municipalities develop a definition for the term "watershed" and prepare submissions to the appropriate ministries of the provincial government asking for the recognition of "watershed" as a land use in the Forest Act, the Water Act and the Municipal Act.

RESPONSE FROM: Ministry of Environment, Lands and Parks

Water supply is one of a number of resource uses in a watershed and to date government policy has been to consider all resource uses within a philosophy of integrated resource management. It is agreed by all resource agencies that the primary consideration in a community water supply watershed is the protection of the water resource for drinking water.

The Guidelines for watershed management of Crown Lands used as community water supplies, October 1980, lists about 300 designated community water supply watersheds which are "recognized" by having Crown Lands "notations of interest" placed on them. This only ensures that resource use proposals are referred to Water Management Division for comment and that multiple resource use should follow the Guidelines.

The Ministry is currently reviewing all major legislation under its jurisdiction and will be introducing revised legislation, including a new Water Act, over the course of the next two years. New provisions to support water quality protection and watershed planning are some of the many issues being considered as part of the review exercise.

An Interagency Community Watershed Management Committee (co-chaired by B. Turner, BCE Integrated Management Branch) is currently preparing a proposal to review the current Guidelines and address a number of issues related to community water supply watersheds. The action requested could be considered in the context of this Committee.

1991, Resolution B15 - tabled by the town of Cold stream, GROUNDWATER MANAGEMENT:

WHEREAS the Government of British Columbia is charged with the protection and management of **natural resources;**

AND WHEREAS groundwater is one of our most precious natural resources;

AND WHEREAS conflicts are increasing regarding the use and abuse of this valuable resource;

AND WHEREAS there are no statutes regulating the protection and management of the above **resource;**

THEREFORE BE IT RESOLVED that the UBCM urge the Ministry of Environment and/or Health to introduce legislation for the protection and management of groundwater. -

RESPONSE FROM: Ministry of Environment, Lands and Parks

The Ministry concurs with your recommendations for ground water legislation to ensure orderly development and protection of this valuable resource. The Ministry is currently examining the options for ground water legislation as part of a number of future water management initiatives for the Province. Your continuing support for any legislative initiatives that may be forthcoming in this area is welcomed.

1991, Resolution B16 - tabled by the Kootenay-Boundary Regional District, LOGGING ON PRIVATELY OWNED LANDS:

WHEREAS logging on privately owned land can have significant adverse impacts with respect to such matters as natural hazards, tourism, water quality, fish and wildlife habitat, soil conservation and public services;

AND WHEREAS the provincial government does not have comprehensive legislation to address this issue other than Bill 72 which, at this time, has not been brought into force through concurrent regulations;

AND WHEREAS even if Bill 72 becomes enforceable, it has only limited application to Managed Forest Lands which constitute only a small part of the privately owned forested land base in this province;

AND WHEREAS there is a need for comprehensive provincial legislation for logging on Private lands which can be uniformly applied and administered using the resources available through the Ministry of Forests :

THEREFORE BE IT RESOLVED that the Union of British Columbia Municipalities request the provincial government to develop comprehensive legislation to regulate logging on all privately owned forested land in British Columbia in a fair and uniform manner, and with a view towards maintaining a healthy, sustainable forest industry while, at the same time, protecting communities from the adverse impacts which can result from improper logging practices on such properties or alternatively assign this regulatory authority directly to local government

RESPONSE FROM: Ministry of Forests

The government is concerned about the undesirable consequences of some logging on private land, especially the irresponsible logging by some land speculators and others that demonstrate little interest in maintaining the long term productivity of the land, and in addressing community concerns about watersheds and landscape values,

With the exception of private land included in a tree farm license Or woodlot license, the available mechanisms for government to influence logging on private land are very limited,

Recognizing that the introduction of any new regulation of private land, whether interim or permanent, will be highly contentious with some landowners, the government is currently exploring several alternatives for addressing concerns about logging on private land.

One possibility is a Forest Practices Code, which would apply to Crown land, and perhaps also to some or all private forest lands, Development of a Forest Practices Code has now been assigned to the Forest Resources Commission, as announced on January 21,1992.

RESPONSE FROM: Ministry of Municipal Affairs, Recreation and Housing

Consideration is being given to local government authority for controlling tree cutting in urban and suburban areas. This will address tree cutting as differentiated from logging, See Ministry of Forests response for additional comments.

1993, Resolution C43, tabled by the town of Saanich and endorsed by the Association of Vancouver Island Municipalities, WATERSHED DESIGNATION:

WHEREAS many municipalities draw surface water for their municipal water systems, such sources being vulnerable to pollution caused by industrial, recreational and logging activities;

AND WHEREAS watersheds are not recognized in legislation, leaving a municipality without adequate tools to enact measures for protection of watersheds:

THEREFORE BE IT RESOLVED that the UBCM prepare submissions to appropriate ministries of the provincial government asking for (the recognition of a "watershed" as a land use in the Forest Act, Water Act, and Municipal Act.

UBCM Resolutions Committee Comments:

The Resolutions Committee notes that the UBCM in its 1992 Environmental Action Plan requested changes in government policy and legislation to provide local government with sufficient authority to protect the water source - watershed or groundwater - which has been developed for the provision of water to the community. The Committee understands that the provincial government is in the process of developing a discussion paper on water policy.

1994, Resolution B13 - tabled by the town of Summerland, NOTIFICATION OF MINING EXPLORATION:

WHEREAS mineral tenure holders are not required to notify municipalities or regional districts when drilling explorations take place within those boundaries or respective municipal watersheds; AND WHEREAS such activities could have a harmful effect on those municipality's or regional district's watersheds:

THEREFORE BE IT RESOLVED that the UBCM petition the provincial government to enact legislation whereby all applications received from mineral tenure holders proposing to undertake exploratory drilling in any municipality or regional district watershed, be referred to that municipality or regional district affected before any work commences.

1994, Resolution B82 - tabled by Coldstream, PRIVATE LAND LOGGING:

WHEREAS the Municipal Act was amended in 1992 to provide municipalities with the authority to protect trees from cutting, removal and damage;

AND WHEREAS the authority for this legislation was not intended to be used to regulate forestry practices or "private land logging";

AND WHEREAS local government has areas with timber resources which may be subject to private land logging and negative environmental impacts;

AND WHEREAS the local government is desirous of ensuring that logging impacts, either on Crown or private lands, do not have a detrimental effect on its residents and property;

THEREFORE BE IT RESOLVED that the Union of BC Municipalities encourage the provincial government to introduce legislation which would provide municipalities and regional districts the authority to require submission and approval of logging plans on private lands to standards sufficient to ensure no detrimental impacts to the residents or environment and generally in accordance with acceptable forestry management practices recommended by the Ministries of Forest and Environment.

RESPONSE FROM: Ministry of Forests

Government has introduced several initiatives in recent years to deal with the private land logging issue.

In 1992, government amended the Municipal Act to allow municipal councils to pass bylaws regulating the cutting of trees on private land. These amendments were directed at urban tree cutting issues such as tree removal for subdivision development and the protection of "significant trees".

Forests Minister Andrew Petter introduced the Forest Practices Code of British Columbia Act on May 16, 1994. The Forest Practices Code is a system of legislation, regulations, standards and field guides that will be used to regulate the use of Crown forest, range and recreation resources and certain private managed forest land. The Forest Practices Code of British Columbia Act is enabling legislation for the code. A regulation for private managed forest land will be developed in the next few months.

A companion piece of legislation, the Forest Land Reserve Act, was introduced shortly after the Forest Practices Code of British Columbia Act. This act applies initially only to private land classified by the BC Assessment Authority as "managed forest land," however, Crown land will be added in the future. The act ensures that this land stays in forest production and that community growth is well planned.

Other measures may be considered once these initiatives are fully implemented.

1995, **Resolution B46** - tabled by Mount Waddington Regional District, **LEGISLATED ENVIRONMENTAL REGULATIONS:**

WHEREAS the Ministry of Environment, Lands and Parks is in the process of developing a wide array of regulations on a number of issue areas including waste, ground water, solid and liquid waste, air quality, etc.;

AND WHEREAS many of these regulations will affect local government, the Ministry of Environment, Lands and Parks be requested to clearly set out the implications of all new regulations for local government and their constituents:

THEREFORE BE IT RESOLVED that the Union of B.C. Municipalities request the Ministry of Environment, Lands and Parks to conduct public hearings in co-operation with Regional Districts in all parts of the province before proceeding with this legislation.

RESPONSE FROM: Ministry of Environment, Lands, and Parks

The ministry does not support this resolution in that public hearings are not always the most effective or efficient means to obtain local government input into the development of environmental policy or programs.

However, the ministry is committed to working with local government on all matters related to environmental protection. To this end, the ministry, along with the Ministry of Municipal Affairs, joined UBCM in the Fall of 1993, by signing the "Protocol on Sharing Environmental Responsibilities."

Part of the agreement established a Protocol Steering Committee, made up of representatives from the two ministries, UBCM staff and local government elected officials. The committee provides an ongoing opportunity for free and open discussion of environmental issues from a local government and from a provincial government perspective; an opportunity to share information; and a process to ensure that there are "no surprises" with respect to new legislation and major regulations. The overall intent of the committee is to build a better understanding and working relationship between the two levels of government.

1997, Resolution B61 - tabled by Coldstream, PRIVATE LAND LOGGING (referred to UBCM Executive):

WHEREAS the Municipal Act was amended in 1992 to provide municipalities with the authority to protect trees from cutting, removal and damage, and the authority for this legislation was not intended to be used to regulate forestry practices or "private land logging";

AND WHEREAS local government has areas with timber resources which may be subject to private logging and negative environmental impacts, and the local government is desirous of ensuring that logging impacts, either on Crown or private lands, do not have a detrimental effect on its residents and property:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities encourage the provincial government to introduce legislation which would ensure private land owners meet the Forest Practices Code thereby ensuring no detrimental impacts to the residents or environment and generally in accordance with acceptable forestry management practices recommended by the Ministries of Forests and Environment, Lands and Parks.

1998, Resolution B65 - tabled by the Sunshine Coast Regional District, AUTHORITY OVER COMMUNITY WATERSHEDS:

WHEREAS municipalities, regional districts, water improvement districts, and similar authorities are charged with providing a consistent supply of safe water for human consumption and other uses with no legislated authority to control activities which can adversely affect raw water sources in community water sheds used for public drinking water;

AND WHEREAS neither the Ministry of Forests nor any other provincial ministry acknowledges any legal responsibility for ensuring that activities authorized by them in community watersheds do not adversely affect the quality, quantity and timing of flows of raw water supplies used for public drinking water, which has led to a long history of conflict in British Columbia between legally constituted municipal water purveyors and provincial ministries over damage to raw water quality and quantity from resource use activities in community watersheds:

THEREFORE BE IT RESOLVED that for the purposes of ensuring that the planning and management of resources within community watersheds are consistent with the provision of water for human consumption, that all activities in community watersheds be subject to the joint approval and control of the municipal level governments, First Nations and water license holders, all of whom are dependent on said community watersheds, and the Ministry of Environment, Lands and Parks- Water Management Branch:

AND BE IT FURTHER RESOLVED that the respective Provincial Acts regulating community watershed authorities and activities be amended accordingly.

RESPONSE FROM: Ministry of Environment, Lands and Parks

Resolution B65 states that MoF and other provincial agencies do not acknowledge any legal responsibility for ensuring activities authorized by them do not adversely affect the quality, quantity, and timing of flows of raw water supplies used for public drinking water supplies in BC. This has led to a long history of conflict in BC between legally constituted municipal water purveyors and provincial ministries over damage to raw water quality and quantity from resource use activities in community watersheds.

Community Watersheds on Crown land are managed by the Province on a multi-use basis with the primary goal being the protection of drinking water supplies.

The Province consults with water licensees, including local government, through a number of land and resource use planning processes applicable to community watersheds to ensure water supplies are protected. The community watershed portion of Forest Development Plans are required by the Forest Practices Code to be jointly approved by the Ministry of Forests and the Ministry of Environment, Lands and Parks.

Discretion is exercised in how stakeholders are involved in planning processes, including local government, based on technical issues present. This discretion may be interpreted as creating **inconsistencies**.

The Forest Practices Code specifies that in Community Watersheds where Water Quality Objectives have been established, those objectives must be met to protect drinking water supplies. In addition, under the Forest Practices Code, detailed Watershed Assessment Procedures are required in all Community Watersheds. Local government may be consulted during the Watershed Assessment.

Ministry initiatives, such as the non-point source strategy for storm water and agriculture drainage, water conservation strategy, the Fish Protection Act, water quality and quantity monitoring, water resource education programs, and encouraging improvements to water distribution systems are designed to assist local government with managing community water supplies.

1998, Resolution B72 - tabled by Nanaimo Regional District - **GROUND WATER MANAGEMENT:**

WHEREAS water management is imperative to the long term safety and well being of all communities, and groundwater is an essential component of many water supply strategies and **systems;**

AND WHEREAS there are currently no regulations in place in British Columbia to protect or manage either the quality or quantity of groundwater:

THEREFORE BE IT RESOLVED that the Union of British Columbia Municipalities petition the Provincial Government to immediately initiate a process to finalize groundwater regulations in areas where problems have been identified and there is a need to protect the water source.

RESPONSE FROM: MINISTRY OF ENVIRONMENT, LANDS AND PARKS

British Columbia has no groundwater management legislation regulating activities such as well drilling and groundwater use. Localized water-use conflicts exist among groundwater users.

Public consultation carried out in 1994-95 following the 1993 discussion paper, Stewardship of the Water of British Columbia, indicated that the majority of stakeholders, including UBCM, supported legislation to protect and manage groundwater in critical areas and provide standards for well drilling.

Since 1993 a number of measures have been introduced which protect groundwater:

* a regulation in 1995 under the Environmental Assessment Act requiring an environmental impact review of groundwater diversion projects in excess of 75Us;

* in 1995, the Water Protection Act which affirms the province's ownership and restricts the bulk removal of groundwater from the province;

* in 1997, the Fish Protection Act which enables the designation of water management areas and development of plans where there are risks to water quality including groundwater.

The Ministry is progressively developing an integrated approach to groundwater management including measures, such as: enhanced inventory of wells, aquifer classification and guidelines for community well head protection.

The Ministry is also encouraging communities dependent upon groundwater to consider and incorporate measures to protect groundwater within their community planning activities. A pilot project with the Islands Trust to develop a voluntary groundwater protection plan on Hornby Island has been initiated.

In response to the Auditor General's report "Protecting Drinking-Water Sources", which was released in April 1999, the government has asked the provincial health officer to assess the quality of BC's drinking water. Many of the Auditor's recommendations will be addressed through a drinking water strategy and other initiatives being implemented by the ministries of Environment and Health with involvement of other key ministries.

1998, Resolution C33 - tabled by the City of Kimberley, **WATER QUALITY AND QUANTITY** (not ratified by the UBCM):

WHEREAS pure water is an important natural resource;

AND WHEREAS the quantity and quality of drinking water is an important factor in regard to the sustainability of communities and the environment;

AND WHEREAS all regional districts and municipalities within British Columbia are not afforded the same level of control over watershed management:

THEREFORE BE IT RESOLVED that all regional districts or municipalities be treated fairly and equally in regard to community watershed management;

AND BE IT FURTHER RESOLVED that the province of British Columbia be asked to give regional districts or municipalities the right to decide upon the watershed management options or watershed plans which they feel is in the best interest of the local community.

NO MINISTRY SUBMISSION

1999, Resolution A17 - tabled by the UBCM Executive, PROTECTING DRINKING WATER SOURCES:

WHEREAS the provincial Auditor-General in 1999 released a report entitled "Protecting Drinking-Water Sources" which concluded that the province is not adequately protecting drinking-water sources;

AND WHEREAS local government could be faced with \$700 million in capital costs for water filtration systems and approximately \$30 million a year in maintenance costs if community drinking water sources are not protected;

THEREFORE BE IT RESOLVED that the UBCM request that the provincial government take legislative action to ensure that drinking-water users and suppliers have tenure rights, financial and liability protection;

AND BE IT FURTHER RESOLVED that the province, in consultation with local government, establish a lead agency to ensure that drinking-water sources are protected when policy decisions are made.

RESPONSE FROM: Ministry of Environment, Lands and Parks

The Auditor General's report makes 26 recommendations to improve source water protection. Two of the recommendations reiterated by this resolution state that the province:

1. Designate within government a lead agency for drinking-water interests, to coordinate government policy and action on drinking-water issues; and
2. Carry out a comprehensive evaluation of the rights of access of drinking water suppliers, to determine if they are appropriate.

The resolution expands the second Audit recommendation by proposing legislation to include specific reference to water tenure rights, financial and liability protection.

The government response to the Auditor's report stated that the office of the Provincial Health Officer and the regional health authorities serve the role of lead agency for drinking-water interests, and that the province will explore how to assist local health authorities to more effectively participate in land use planning processes.

With regard to the need to improve coordination of government action:

1. A Directors' level committee has been established which includes representation of all 9 ministries and agencies which have an interest in issues affecting drinking water, in order to coordinate government actions to address the Auditor's recommendations; and
2. MELP and the Ministry of Health are implementing a coordinated Drinking Water Strategy, to improve drinking water protection.

In BC, as in most of North America, drinking water protection is achieved through land use planning and management processes, and pollution prevention measures such as afforded by BC's Forest Practices Code, Waste Management Act and Health Act, rather than through tenure rights.

Local governments in BC also have powers within existing legislative and policy frameworks to protect drinking water supplies. These include:

1. The recently amended Municipal Act (Bill 26) gives local government powers to prohibit pollution and impose penalties;
2. Under the Waste Management Act, local governments may implement Liquid Waste Management Plans to address a wide range of land use activities;
3. Local governments may apply their broad land use planning and zoning powers on private land to protect sensitive watersheds; and
4. Local governments may acquire or expropriate land to secure greater water tenure.

An inter-ministry team has been established to review existing statutory rights and common law rights of drinking water suppliers with regard to quality and quantity of water and source water protection. UBCM will be consulted.

1999, Resolution B63 - tabled by the town of Campbell River, OPPOSITION OF SALE OF PUBLIC LAND FOREST TENURES:

WHEREAS the management of public forest lands involves, in addition to timber harvesting, the regulation of watersheds, fisheries, wildlife, outdoor recreation, tourism, botanical forest products and other commercial and public endeavours;

AND WHEREAS the future economic well being of the Province of British Columbia relies on the use of public forest lands:

THEREFORE BE IT RESOLVED that UBCM express to the provincial government its opposition to the sale or trade of Crown land without adequate local government and public involvement.

RESPONSE FROM: Ministry of Forests

The Ministry of Forests assumes that the UBCM's concern arose because of the possibility in early 1999 that public land might be given to MacMillan Bloedel Limited (MB) as a way of compensating it for harvesting rights it lost to new parks. As is generally known, the Province undertook widespread consultation to determine whether the public favoured that approach, or would rather pay compensation with cash. Many people strongly opposed the use of land in this way, and so the Province announced in August, 1999 that it would pay with cash only.

Other park-related compensation claims remain to be settled, but they are of a much smaller scale than was the case with MB. Also, in the coming years the Ministry anticipates numerous treaty settlements with First Nations throughout the province, many of which will probably necessitate cancellation of existing harvesting rights.

The Province is committed to paying fair compensation for losses attributable to parks and to treaties. From time to time, it may prove more beneficial to the public to pay with a small area of land rather than with cash. If that appears to be the case, the Province will not make any decision without first taking into account the views expressed by the public and by local governments.

2000, Resolution B22 - tabled by the City of Maple Ridge, GROUNDWATER PROTECTION LEGISLATION:

WHEREAS local government in British Columbia may establish and operate and deregulate any service that is considered necessary or desirable including the provisions of including safe and potable drinking water;

AND WHEREAS British Columbia has the highest incidence of waterborne disease in Canada;

AND WHEREAS these water sources are often subsurface and subject to contamination by a variety of aboveground land uses;

AND WHEREAS the Provinces of British Columbia and Quebec are the only jurisdictions in North America without groundwater protection legislation;

AND WHEREAS a British Columbia government-commissioned health study in 1996 advocated the protection of groundwater resources in the Province by legislation:

THEREFORE BE IT RESOLVED that the Province of British Columbia be requested to draft groundwater protection legislation in an expeditious manner in consultation with local government

RESPONSE FROM: Ministry of Environment, Lands and Parks

The Ministry supports this resolution and has worked with the Ministry of Health and other Ministries to prepare the Drinking Water Protection Act which includes provisions for the management and protection for groundwater in the province.

The Act, which received Royal Assent on April II, 2001, includes provisions for:

- * setting standards for well construction, maintenance and closures of wells;
- * qualification requirements for water well drillers and well pump installers;
- * regulation of groundwater use in designated water management areas and designated drinking water protection areas where there has been public consultation; and
- * setting requirements for community water systems to assess their groundwater sources, floodproof their wells and develop well protection plans to protect water quality.

Specific regulations for this Act need to be developed.

In addition to the Drinking Water Protection Act, existing legislation (e.g., the Waste Management Act and the Health Act) provides some further protection measures for groundwater through the regulation of waste discharges from point sources of pollution and permitting of domestic sewage systems, respectively.

Prior to the Act, a number of incremental measures were introduced to protect groundwater:

- * a regulation in 1994 under the Environmental Assessment Act, requiring an environmental review of groundwater diversion projects in excess of 75 litres per second;
- in 1995, the Water Protection Act, affirming the province's ownership of groundwater and restricting bulk removal of groundwater; and
- * in 1997, the Fish Protection Act, enabling the designation of water management areas and development of plans where there are risks to water quality including groundwater. This provision is not yet in force.

The ministry believes that non-regulatory protection measures continue to be necessary and is

continuing the implementation of measures such as enhanced inventory of wells and aquifers, groundwater protection workshops for communities, and training sessions on the use of the Well Protection Toolkit for community well users and water purveyors.

The ministry is also prepared to work with communities dependent upon groundwater to develop local measures to protect groundwater within their community planning activities. A pilot project is being conducted with the Islands Trust and local Trust Committee to develop a voluntary groundwater protection program on Hornby Island, and technical advisory assistance is being provided to the community-based Grand Forks Aquifer Protection Society.

The ministry is also looking forward to working with UBCM, industry, other ministry agencies and major stakeholders in developing meaningful, practical groundwater regulations in support of the recently passed Drinking Water Protection Act.

2001, Resolution B28 - tabled by Langley Township, GROUNDWATER REGULATIONS:

THEREFORE BE IT RESOLVED that the Provincial Government immediately enact groundwater regulations.

RESPONSE FROM: Ministry of Water, Land and Air Protection

A priority is being placed on working with the Ministry of Health Planning to pass real comprehensive groundwater legislation to improve the quality of drinking water for British Columbians.

The recommendations on groundwater prepared by the external Drinking Water Review Panel, which reviewed the Drinking Water Protection Act, are currently being examined.

The Ministry is also continuing the implementation of non-regulatory measures, such as monitoring of groundwater, inventory of aquifers, and aquifer protection workshops for communities using groundwater.

2001, Resolution B80 - tabled by the Kootenay-Boundary Regional District, DELAY OF PROVINCIAL DRINKING WATER PROTECTION PLAN:

WHEREAS the proposed Provincial Drinking Water Protection Plan may have broad ranging implications with respect to land use, recreation and resource utilization within source areas; AND WHEREAS this initiative may also raise significant issues of concern to local governments such as downloading of responsibilities, funding and jurisdictional overlap: THEREFORE BE IT RESOLVED that the Provincial Government embark on a consultation program on the development of regulations and policies related to the Provincial Drinking Water Protection Plan.

2002, Resolution B52 - tabled by the Central Kootenay Regional District, DRINKING WATER PROTECTION - SURCHARGES:

WHEREAS the Minister of Water, Land and Air Protection and the Minister of Health Services appointed a Drinking Water Review Panel to prepare a report and make recommendations with regard to amendments to the Drinking Water Protection Act and said Panel submitted its "Final Report: British Columbia Drinking Water Protection Act, February 13,2002" to the Ministers; AND WHEREAS Recommendation #23 which reads as follows:

Enable Creation and Collection of a Drinking Water Protection Surcharge consistent with the principle of full cost accounting and cost recovery enabled through legislation, the ability to create a drinking water protection surcharge that is dedicated exclusively for use in drinking water protection (including funding to support Drinking Water Officers and the Multi-Disciplinary Implementation Teams in each health region). The surcharge will fund all new costs (above current resources dedicated in various Ministries to drinking water) attributable to implementation of the Drinking Water Protection Act. Surcharges, in varying and appropriate amounts, could be added to fees charged to those who make use of water or are engaged in activities that may adversely affect drinking water, such as the following:

- Stumpage fees for logging Crown land in drinking water supply areas;
- Grazing leases and licences for cattle grazing in drinking water supply areas;
Mining licences or fees;
Camping, golf green fees, parking or other outdoor recreation fees;
- Subdivision development charges;
- Septic system approvals;
Water licence fees for surface water. This will translate into licensed water rates for those receiving drinking water from a licensed water supply system;
- Water licence and registration fees for groundwater users;
- Water licence fees for bottled water operations; and
- All tickets, fines and penalties associated with enforcement under the Act,

creates a drinking water protection surcharge that is the establishment of yet another new tax on British Columbia:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities urge the Minister of Water, Land and Air Protection and the Minister of Health Services to exclude Recommendation 23 of the Drinking Water Review Panel's "Final Report: British Columbia Drinking Water Protection Act, February 13,2002" from any amendments to the Drinking Water Protection Act.

RESPONSE FROM: Ministry of Health Services

This government has made a commitment to work with all levels of government, and all British Columbians, in order to ensure the delivery of safe drinking water in British Columbia

The Drinking Water Action Plan will improve on a system that is regarded as one of the safest in the country. Since November 2001, the government has announced \$109 million on water and sewer projects. In addition the Ministry of Health Planning is investing almost \$1.9 million this year to monitor and safeguard B.C.'s water supply. The Ministry of Water, Land and Air Protection will invest about \$1.5 million in water monitoring activity this year.

Government will immediately begin working on cost-recovery options to pay for the short-term

costs of the action plan including the new drinking water officer positions. We will be working with key stakeholders to seek their input and feedback on the options available. In the rare instance where a drinking water protection plan will be required, a socio-economic analysis would be performed to assess and advise on the full impact of the plan on the affected communities. Water suppliers may face costs related to treatment and distribution systems. Traditionally, financial assistance for infrastructure improvements has been offered on a partnership basis with local government suppliers and we will strive to maintain this approach.

Water suppliers, rather than the Province, typically set the water rates for customers. Any changes in rates would be at their discretion.

2002, Resolution B54 - tabled by the town of Fort Nelson, Northern Rockies Regional District,
PROTECTION OF MUNICIPAL WATER SYSTEMS:

WHEREAS the protection of safe, potable water supply is of primary importance to all levels of government, especially for those levels of government directly supplying potable drinking water;
AND WHEREAS water distribution should be protected by established principles of law to ensure the quality and control of the water in water systems, so as to minimize harmful exposure to contaminants and in order to assure compliance with adopted guidelines for Canadian drinking water quality;
AND WHEREAS it is the opinion of the Council for the Town of Fort Nelson and the Board for the Northern Rockies Regional District based on legal research, there is not sufficient protection in law for municipalities or the public against tampering with municipal water systems:
THEREFORE **BE IT RESOLVED** that the provincial government adopt legislation similar to section 23 and sections 40 to 45 of the proposed "Drinking Water Protection Act 2001" which prohibits any tampering with water systems and proposing penalties of considerable strength, recognizing that encroachment of tampering with water systems places quality and control of these systems in perilous jeopardy and negatively affects the ability of water utilities to deliver a safe water supply, and establishing that such tampering or encroachment is a criminal offense punishable by significant fines or a jail term and providing authority for local government to stop such tampering or encroachment, or the threat of such tampering or encroachment, under any circumstance and with immediate effect.

RESPONSE FROM: Ministry of Health Services

The Drinking Water Protection Act (DWPA) ensures a comprehensive framework for drinking water safety from the source to the tap. At the same time, the Plan recognizes the rights and legitimate activities of those living and working in source water areas. Individuals, businesses and governments are all responsible for ensuring source protection and must work together to achieve the high standards necessary when drinking water is involved.

Those who tamper with a water system face penalties under the Health Act or the Offence Act. Depending on the offence, individuals may face fines ranging from \$200 to \$200,000, as well as possible criminal charges and imprisonment for up to 12 months.

2003, Resolution B22 - tabled by the Nanaimo Regional District, GROUNDWATER PROTECTION:

WHEREAS the provincial government has developed an Action Plan for Safe Drinking Water in British Columbia that commits to the development of groundwater protection legislation;
AND WHEREAS groundwater protection legislation and regulation is a priority for all aIJ"as of British Columbia, and is of multi-jurisdictional interest and does not conform to political or local government boundaries:

THEREFORE BE IT RESOLVED that Union of BC Municipalities express to the Province its support for new groundwater protection legislation;
AND BE IT FURTHER RESOLVED that the provincial government must provide the resources and initiatives to implement its legislative responsibility and authority for the province's groundwater resource.

RESPONSE FROM: Ministry of Water, Land and Air Protection

Protection of BC's water resources is a priority and government will enact groundwater protection regulations this year. The ministry will ensure regulation provisions are comprehensive and workable, with strong measures to protect groundwater. An expert advisory board is currently providing technical advice in this work and will be instrumental in helping government develop the new regulatory framework.

The ministry will continue to work with the other levels of government in order to ensure the delivery of safe drinking water in British Columbia.

2003, Resolution B129 - tabled by the Comox-Strathcona Regional District, COALBED METHANE:

WHEREAS the Province of British Columbia is promoting the exploration and development of coalbed methane and has implemented a number of legislative and monetary incentives and has sold more than \$50 million in drilling rights for coalbed methane projects;
AND WHEREAS coalbed methane development has high risks, especially regarding impacts on groundwater and the quality of disposed water from its processes;

AND WHEREAS local communities, including their local governments, First Nations and potentially affected landowners have not been adequately informed or consulted about the effects of coalbed methane production;

AND WHEREAS the provincial government has not completed baseline studies in the watersheds nor has it put in place adequate policies, procedures, regulations and enforcement tools to protect communities from potential harm:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request that the provincial government issue no further drilling licences, tenures, or other permits for coalbed methane exploration and development until local communities, their local government and First Nations are consulted and their concerns are fully considered and until adequate policies, regulations and guidelines are enacted to ensure the safe development of coalbed methane in the Province of British Columbia.

RESPONSE FROM: Ministry of Energy and Mines

The government has strong and adequate policies, regulations and guidelines for the safe and responsible development of coalbed gas. British Columbia has over 50 years of experience in regulating and managing natural gas, with a strong record of safety, environmental stewardship and community involvement.

Coalbed gas has some new aspects and issues, and government has made some adaptations to current practices, but will safely and responsibly manage development under the existing regulatory and policy framework.

The Ministry of Energy and Mines recognizes that communities have concerns about potential coalbed gas development. It has made active efforts over the past three years to communicate with communities to help them understand the technology of coalbed gas development and the government processes involved in leasing gas rights and developing the coalbed gas resource. In 2002, the Ministry held 12 community meetings, and in 2003 it held 18 community meetings in communities potentially affected by development. The Ministry has also produced numerous community updates, fact sheets and brochures, as well as web site information.

It is not necessary to halt drilling licenses, tenures or other permits for coalbed methane exploration and development, but it is important for government and communities to continue to work together to understand and manage coalbed gas development.

2004, Resolution B77 - tabled by the town of Midway, ESTABLISHMENT OF WATER MANAGEMENT BOARDS:

WHEREAS the provincial government indicates that there will be increased development of green power projects utilizing water sources and these projects will impact on existing and future water rights throughout the affected river systems throughout the province;
AND WHEREAS the projected drought due to climate change will further impact water resources:
THEREFORE BE IT RESOLVED that the Union of BC Municipalities request that the Province of British Columbia actively, and as soon as possible, establish and finance Water Management Review Boards, in consultation with impacted local governments throughout the province. -

2004, Resolution B84 - tabled by the town of Kimberley, COMMUNITY WATERSHED LAND USE RECREATIONAL RISK ASSESSMENTS:

WHEREAS the Drinking Water Protection Act may now require a water supplier to undertake water assessments that identify, inventory and assess the drinking water source for the water supply system, including land use and other activities and conditions that may affect that source;
AND WHEREAS the water supplier does not have authority to control land use, including recreation activities that may affect the water source when the water source is located on Crown lands:
THEREFORE BE IT RESOLVED that the provincial government be required to conduct adequate risk assessments that identify, inventory and assess threats to drinking water, including recreation activities, prior to approving such use on Crown lands within community watersheds.
2004, Resolution B85 - tabled by the Okanagan-Similkameen Regional District, LOCAL

GOVERNMENTS AND WATER SUPPLIERS:

WHEREAS the Okanagan Valley has the fewest water resources per capita of any region in Canada;
AND WHEREAS local governments and water suppliers require the ability to optimize available

water resources;

AND WHEREAS Land and Water BC Inc. (LWBC) is proposing to transfer to fee simple numerous existing leased location lots surrounding drinking water reservoir lakes which serve Okanagan

Valley customers;

AND WHEREAS the vast majority of these lots are substantially smaller than the 1 ha minimum provincial funding standard for new lot subdivisions not served by community sewer:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request that the Minister of Sustainable Resource Management instruct LWBC to immediately abandon the proposal to sell the leased recreation lots on all drinking water reservoir lakes serving the Okanagan Basin

Watershed.

2004, Resolution B112 - Tabled by the town of Lake Cowichan, REDUCTION OF PHOSPHATES IN MUNICIPAL WASTEWATER:

WHEREAS the discharge of phosphate nutrients causes the eutrophication of valuable fish bearing streams and pollutes drinking water;

AND WHEREAS local governments face considerable costs in having to comply with required phosphorous concentration guidelines:

THEREFORE BE IT RESOLVED that the Union of British Columbia Municipalities urge the provincial government to implement measures to discourage the use of phosphate detergents and encourage phosphorous-free alternatives, through such measures as environmental taxes or rebates.

2004, Resolution SR2 - tabled by the UBCM Executive, ENVIRONMENT POLICY DEVELOPMENT:

WHEREAS it is recognized that collaboration between the provincial government and local government is necessary to manage the complex and challenging issues of environment management,

AND WHEREAS that collaboration is supported by the Protocol on Principles for Sharing Environmental Responsibilities between the UBCM and the provincial government which fosters on-going communications and cooperation and also sets out a principle of liability protection that states "Any devolution of authority or responsibility should provide local government with protection from any liability arising from the delivery of Provincial programs or standards when acting in good faith and without negligence";

AND WHEREAS the Ministry of Water, Land and Air Protection has established a new approach to environment policy which focuses on:

- _ Shared Stewardship and Risk Based Approach,
- _ Partnerships and Compliance,
- _ Liability and Use of Qualified Professionals;

and is informing the development of several new policies, legislation and regulations;

AND WHEREAS the new approach to environment policy has not fully addressed several of local governments specific interests or concerns around protection of local government liability respecting the use of qualified professionals in delivery of regulatory programs:

THEREFORE BE IT RESOLVED that the provincial government provide local government with clear protection from liability when following due process in the delivery of a provincial regulation or policy, including but not limited to the areas of:

- _ checking or not checking the qualifications of a declared qualified environmental professional,
- _ carrying out regulatory authority, including approving permits that rely on the report of a qualified professional,
- accepting site profile reports,
- _ development delays due to disputes or amendments to a qualified professional report,
- _ accepting amendments to the SPEA recommendations by a qualified professional based on requirements of other environment legislation or site development constraints,
- _ performing or not performing monitoring or evaluation of the implementation of qualified professional prescriptions,
- _ subsequent damages to fish habitat, developer interests, subject site or neighbouring sites due to development that has been approved or proceeded based on faulty or incomplete qualified professional reports;
- _ that for the purposes of accountability, it be clearly outlined where local government bears responsibility for decisions and outcomes in the site development approvals process when using qualified professionals.

2004, Emergency Resolution (based on 1998, Resolution B65) - tabled by the Sunshine Coast Regional District, **COMMUNITY WATERSHEDS:**

WHEREAS the provincial government has not acted to grant management authority to legally constituted water purveyors over community watersheds used for potable water as recommended by UBCM resolution 1998-B65;

AND WHEREAS there are continuing conflicts of use within community watersheds used for potable water all over British Columbia, as exemplified by the pending sand and gravel extraction application in Chapman Creek Community Watershed that serves approximately 21,000 Sunshine

Coast residents;

AND WHEREAS the local purveyor of water and therefore the local ratepayer bear all the long term financial liability for water treatment and for maintaining water supply:

THEREFORE BE IT RESOLVED that the Union of British Columbia Municipalities urge the British Columbia provincial government to enact legislation that empowers local government water purveyors to protect the community watersheds used for potable water.