

FANNY BAY COMMUNITY MEETING ON GROUNDWATER

FEB 14, 2026 Seniors' Hall Chair: Wendy Holm

Informal Minutes. (est'd attendance 65 persons)

Introduction: Here today to answer THREE QUESTIONS:

What is this all about?

- groundwater legislation
- two companies applying for groundwater licenses
- What's happening now

Why does this matter to you/ to our community?

- Many threats to groundwater – low snow pack, climate change, logging practices
- Major industrial withdrawals from aquifer w/o community input
- Options in Water Sustainability Act to address but will be closed off if the licenses go thru

What can we do about it?

- all these little hooks in WSA that we can use
- tools are there
- Funding under WCELA to support
- Small group of volunteers to come together to do some brainstorming/ follow up... strategizing... Move forward incrementally...

1. **WHAT IS THIS ALL ABOUT?**

HOW WE GOT HERE:

- Summer of 2025 Wells running dry AGAIN
- In response, Diamond Springs Water Bottling Cooperative shuts down all bottling operations for 2 years
- Leah and Wendy get together – booth at Fanny Bay Summer Fair
 - i. Ran survey; residents concerned.

GROUNDWATER LEGISLATION:

- Until 2016, groundwater unregulated in BC
- Water Sustainability Act required all “existing use groundwater users” to apply for a license by March 2022.
- Existing Use Groundwater Users have a preferential queue and are exempt from meeting environmental flow needs
- Licenses are issued in perpetuity – 30 year review discretionary by prov.
- Two companies applying for groundwater licenses
 - CERMAQ (White Duck Road) and Natural Glacial Waters (Berray Road) are in the queue for licenses to extract substantial amounts of groundwater. (NGW’s application is for 5.2 million litres/day – equivalent to 28,961 persons/day)
 - In case of CERMAQ, groundwater used to raise smolts for open net fish farms
 - In case of Natural Glacial Water, groundwater is bottled in 500 ml plastic bottles for sale to offshore (and possibly some domestic) clients
 - Both have been extracting groundwater since late 1990’s and are considered Existing Use Groundwater Users.

WHAT’S HAPPENING NOW (contact with Existing Use Groundwater Team)

- The applications of CERMAQ and Natural Glacial Waters are still in the Existing Use Groundwater license queue; as of last week neither has yet been considered
- Our concerns have been added to the applications of both companies “for consideration during the review...” . From emails:
 - “...We also verify volumes using guidance and discussions with the applicant. As part of the review, we determine whether monitoring or reporting will be required, and we assess whether any scarcity considerations within the watershed may require additional clauses or restrictions on the licence....”
- Sept 15: reached out to Minister Neill WLRS calling for public hearings applications before any licenses are granted

- November 13 reply from DM, WLRS
 - Technical reviewers will consider context of the watershed and add conditions, clauses and/or restrictions as required.
 - These may include monitoring and reporting requirements.
 - In the event of critical low flow periods, quantity of water allocated by a license may not be available.
 - ...during water shortage periods, the holder of a license may receive communications with requests to reduce water use, or instructions to cease diverting or using water.
 - Referred us to specific Water Branch staff person for further questions.
- Conversations with drafters of Water Sustainability Act and Water Management Branch Staff for clarification.

2. WHY DOES THIS MATTER TO YOU IN OUR COMMUNITY?

- REASON FOR URGENCY:
 - Many threats to groundwater – low snow pack, climate change, logging practices
 - BUT ALSO Major industrial withdrawals from aquifer w/o community input - what is the impact?
 - Still In Queue
 - Queue being fast tracked
 - Licenses if granted are in perpetuity
 - Options in Water Sustainability Act to address but will be closed off if the licenses go thru

3. WHAT CAN WE DO ABOUT IT?

- GOOD NEWS: all these little hooks in WSA that we can use
 - ✓ Section 13: Hearings can be held as part of the license application review and decision-making process
 - ✓ Hybridized FITFIR – not restricted by FITFIR
 - a. Essential household use
 - b. Environmental flow needs
 - c. Critical Environmental Flow Thresholds
 - ✓ Recognizes Hydraulic connection between groundwater and surface water.

- ✓ Inclusion of license terms not off the table - can be included at discretion of government; every other province has a term (duration of license) except BC:
- ✓ Water Sustainability Plan
 - i. SO far only Koksilah and Nicola Valley
 - ii. Micro plan not inappropriate.
 - iii. Major say on license terms and existence
- ✓ “Water Objectives”
 - i. What does this mean? “so long as no saltwater intrusion occurs” or “Not drop below “x” level.” Who defines? Gov’t in conjunction with a Water Sustainability Plan?
- ✓ Point is: the tools are there – need public hearing to invoke/move forward incrementally.
- SOME OPTIONS:
 - Funding under WCELA to support (Environmental Resolution Dispute Fund)
 - Implications of last December’s BC Court of Appeal Decision in *Gitxaala v. British Columbia (Chief Gold Commissioner)* ¹
 - Share our experience with communities in other provincial drainage basins.
 - Small group of volunteers to come together to do some brainstorming/ follow up... strategizing...

SOME MATTERS RAISED DURING QUESTIONS

Speaker lives across from Natural Glacier Waters. Has sent letters to WLRS with concerns. There are no studies on the recharge ability of the aquifers. Raised two issues: NGW misrepresents their existing use in their license application – they have applied for 5.1 million litres per day but they’re actually taking much less – perhaps up to 150,000 litres per day. They’ve also drilled two new wells.

¹ *The appellants, the Gitxaala and Ehattesaht First Nations, challenged the mineral tenure system under the Mineral Tenure Act, R.S.B.C. 1996, c. 292. They alleged the operation of the automated online registry system permitting “free miners” to register claims to mineral rights on Crown land prior to consultation with affected First Nations was inconsistent with the duty to consult, the honour of the Crown, s. 3 of British Columbia’s Declaration on the Rights of Indigenous Peoples Act, S.B.C. 2019, c. 44 (“Declaration Act”), and the rights recognized in the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP” or “Declaration”).*

Saltwater intrusion of aquifers noted as concern.

Resources to pursue:

- WCEL's Environmental Resolution Dispute Fund
- Daniel Arbour UBCM
- Beaufort Watershed Steward study

Ironwood Farm: 1996 highway culverts contaminated their well. How much does highway contribute to contamination? So much more water running off the culverts. Fits into a watershed protection plan.

Speaker lives on Stelling. Has a 28 foot well for 15 years and it dropped 5 to 6 feet last year . Cermaq plant in eight years has gone from a small unit to shopping centre size. Where is the water going after the plant uses it ? Wilfred Creek land is already "sloppy"?

Does CVRD have a role in overseeing these companies? (Ask Daniel Arbour.)

Are there other companies in BC that could serve as a model ? Cowichan? Fraser Basin Trust? Someone has to be first!

What about a resolution to UBCM? Local government have opportunities but deadline is June 15 for the CVRD so it needs to be before them April or May to prepare... There may be similar resolutions?

Speaker lives at the end of Stern Road and her water rights came with the property 34 years ago. The ground well went dry. What kind of rights do you have as an owner? Not just groundwater - if creek (a salmon spawning creek, which they also have a licence for) is running dry, when does fisheries and oceans become involved?

Have we spoken to K'ómoks and Qualicum First Nations? If they are opposed, the applications are moot.

Does private household property come with water rights? Under the new WSA yes. Personal wells do not require licenses, but license is required for agriculture and commercial uses.

Can we request inspections of Cermaq and Natural Glacier Waters? Can we apply under FOI? ? No, FOI doesn't apply to private companies.

In 2022, National Glacier Waters applied for "permit" and they were given a permit till 2032 (to follow up on what was meant by this comment...)

Want to know the sustainability of aquifer 414.

Short discussion of the aquifer mapping survey. Mike Mesford, BWS said he measured 40 wells in his work and for the wells he measured, one ran dry – this was the first year of the work. Running low and major reduction are as important as running dry.

Bob Spring ran dry for first time in 2025.

Elephant in the room is climate change. Need to rethink water management based on current and future conditions. Very complex – we each need to chip away in our own way. In light of this, government needs to revisit and consider that low snow pack and deforestation are depleting ground water. The government has to consider water policy in light of increasing risk posed by climate change.

Next steps take information from this meeting and background strike a small action committee to:

- Report back out
- Pursue West Coast Environmental Law Association EDRF funding
- Ensure local FN's are aware of what we are doing
- Document why we need hearings
- Invite community to join the Fanny Bay Groundwater Collective FB page to follow our progress.