



From: Dean Ellis [REDACTED]

Sent: Monday, March 18, 2024 12:53 AM

To: Grant Scott <gscott@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>; Alex Allen <aallen@islandstrust.bc.ca>

Subject: str restrictions aquafer 1A

please see enclosed

Dean Ellis [REDACTED]

March 15, 2024

Dear Hornby Island Trustees

Concerning restrictions in Aquifer 1A (Whaling Station Bay Aquifer)

I see you are drafting a permit regulation concerning septic re inspection in aquifer 1a re STR's. Living in 1a I have a few observations and questions.

I suspect you are using 6.10.4 to justify these restrictions:

6.10.4 A professional assessment of hydrological impacts may be required when the proposed use is within an identified groundwater recharge area or an aquifer classified as heavily developed as shown on Schedule B or D2 and if the proposed use involves more than minimal potential impacts upon the groundwater resource.

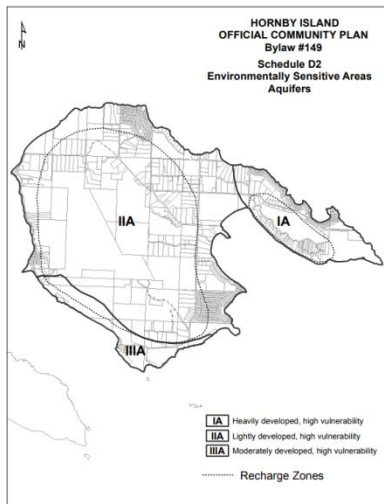
I see this problematic in 8 ways.

1. The 2 professional assessment reports used to establish Aquifer 1a were general reports.
 - *BRITISH COLUMBIA MINISTRY OF WATER, LAND AND AIR PROTECTION - 2002 - 1 - Environmental Indicator: Groundwater in British Columbia* but it does not designate the same area as Bylaw 149 nor does it give any recommendations .
 - I also have *Results of the Groundwater Geochemistry Study on Hornby Island, British Columbia Final Report Prepared by: D.M. Allen and G.P. Matsuo Department of Earth Sciences Simon Fraser University Burnaby, B.C. V3Y 2L4 Prepared for: Islands Trust Victoria, B.C* but it does not give any recommendations that would support sensitive area 1a restrictions.
2. The reports measured the age of the water and made up sample wells that **never existed**. They would not stand a legal review.
3. The reports concerning the High Salal (circled 1a area) contradicted the findings of the Ministry of Highways subdivision requirements, Highways originally and under an later Ombudsman review accepted that the strata was supplied by wells supplying an aggregate total of over 2000 gal per day for 37 dwellings this was also confirmed by the Supreme Court. **Are you disputing this information?**
4. To state that this aquifer is heavily developed is inaccurate, on the 400 acre aquifer (1A circle) there are at most 9 fulltime residences and 12 summer residences. As a result of a certain summer water paranoia, there is a lot of water, (besides the communal strata wells 2000 gal/d/lot proven legal requirement), there is 60000 gallons in communal storage, another 20000 storage spread on individual lots and 2 lots have private wells producing over 150 gallons per day.
5. The professional assessment requirement 6.10.4 makes no mention of septic fields. **Does Islands Trust have any authority to legislate overtop the Provincial Septic authority? What does provincially approved septic fields have to do with a recharge area?**

6. My STR makes less “minimal potential impacts on the ground water resource”, my STR limits occupancy to 5 persons (mostly less) when I have family and friends it is far more. Maybe STRs actually limit water impacts.
7. The requirement to hire a contractor who has far less expertise than Dave Colley (septic contractor being inspected by Dave Cherry of Health departments who did my field) seems merely like a rude and manipulated payoff scheme. If you can legally use this septic stipulation you may want to ask for the Provincial Septic approval documents (a provincial requirement is the tank is pumped every 2-3 Years). **Is it the Health Department’s requirement to police this not Islands trust?** We can gladly provide Provincial septic documents.
8. I find the limiting of small scale development on the basis of water rather silly, water is cheaply trucked or stored; even trucking 100 gallons of water per day per lot is almost nothing compared with food, building, taxes etc. For 8 months of the year water is readily available by roof catchment or shallow well. People conserve water when it becomes scarce. Maybe you could limit development by the number of carrots a property grows. The bureaucratic time and legal time the Trust wastes on water rules may be better spent elsewhere.

Dean Ellis

As a 50 year resident on the island I expect the usual no reaction from Trustees or planners, but I would like this discussion included in the record.



Under the Islands Trust Act, Section 8(6), an Official Regional Plan will empower the General Trust Committee to adopt special protective Zoning and Subdivision By-laws or regulations in regard to those areas of land or water considered to be of special importance. Although these areas are roughly defined on the Map accompanying this Plan the precise location of these areas, and the measures needed to deal with them will be the subject of site specific studies and consultation with the Local Trust Committees having jurisdiction.