

PREMIER CAMPBELL'S ASSURANCES, DO THEY MEAN ANYTHING?

On Nov 19th 2008 Premier Campbell faced media questioning over Big White's application for added water licences in three streams that supply the Kettle River. Media raised questions about community concerns over the lack of a public hearing, the lack of studies and the lack of water in the Kettle which has seen some years of diminishing flows.

Premier Campbell's response: *"that application I believe, is with the Regional water Officer right now, he will review the application. It's done on the basis of our environmental policies, it's done in consultation with the community, and no decision will be made until that consultation is complete. It's actually an independent decision, it's not a political decision, it's made by the regional water officer..... The regional water officer's review included environmental review, it includes community use review, it includes review of demands that are put on the water system generally. It's a very thorough process, the Regional Water Officer is an independent officer....It's done on the basis of thorough and I think complete community and scientific studies."*

See raw TV footage of interview on <http://www.youtube.com/user/SavetheKettle>

Complete community consultation? Complete scientific studies? An independent decision?

NOT LIKELY

Community consultation? None scheduled in any meaningful form.

Studies? None that document the Kettle's dependence for most of the year on flow from emerging groundwater. Groundwater that depends for recharge on strong freshets, the very freshets that would be diminished by the proposed withdrawals.

Studies ? There are several that predict existing warming trends will lead to lower flows in rivers like the Kettle, earlier in the season and through spring summer and fall. These studies also indicate that existing demand for irrigation will increase and be required earlier in the season to maintain present production, putting those needs in conflict with late spring withdrawals by Big White.

Independent Decision? Not likely given the couple of clouds that hang over that "independence".

The first challenge to "independence" is Government's stated objective from 2003 of doubling tourism in the next 10 years in which the then Lands & Water B.C (the licensing agency) were given a mandate to promote development through commercial use of land and water. A staffer in that Dept explained what that direction meant to him: "At the present time we are basically accepting and processing applications through the system to see if we can achieve that." See full story including comment on the lack of meaningful studies on the impacts of these new developments at:

<http://www.thetyee.ca/News/2005/01/31/SkiResortWars/print.html>

Land & Waters "development arm" has morphed into Tourism & Resort Development Division of the Ministry of Tourism Sports and the Arts. The mandate to promote development through commercial use

of land and water is even clearer as the following invitation by Government to Ski operations is to “make application for all the water available in the watershed.... that since applications have no deadlines for the provision of information etc....Some applications have been in process for years, effectively a “water reservation system” that was not supposed to happen.” See the full invites below.

The second challenge to “independence” is the question of what happens to “scientific opinion” when it comes up against the Governments declared objectives. Here the record is not good. The experience of Provincial senior biologist Marvin Rosenau is instructive and a cautionary lesson to “independent thinkers” and other Government staffers. Google Marvin Rosenau, biologist for details on this cautionary tale.

Is any “independant “ decision possible with these factors in play?

Following items are two “invitations” from Government to Ski Hill Operations to “apply for water”

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From: Jimmie Spencer [jspencer@cwsaa.org]
Sent: May-14-07 4:16 PM
Cc: Balfour, Rick; 'Ballingall, Michael J'; Blouin, Lawrence; Bosinger, Fred; 'Cohen, Andy'; Derpak, Ken; 'Fischer, Kevin'; Forseth, Doug; 'Gibson, Dave'; Gibson, Peter; Hillman, Jim; 'King, Kristi'; 'Manara, Mike'; 'Muirhead, Debbie'; Oak, Bill; 'Pont, Willie'; 'Wood Sr, Eddie'
Subject: FW: URGENT - BC Ski Areas/Resorts Water Licences
Importance: High

Attention: All BC Ski Area/Resort General Managers
Copy: CWSAA Board of Directors

I am away from the office until next week. However please see the urgent note below from Psyche Brown, Alpine Resort Development, MTSA regarding water licensing.

Jimmie

JIMMIE SPENCER
President & CEO
Canada West Ski Areas Association
Phone: 250-542-9020

From: Brown, Psyche TSA:EX [mailto:Psyche.Brown@gov.bc.ca]
Sent: Monday, May 14, 2007 4:07 PM
To: Jimmie Spencer
Cc: Walters, Peter TSA:EX; Pratt, Terry TSA:EX; Frymire, Drew TSA:EX; Weger, Egon TSA:EX; Meeks, Tori TSA:EX; Hunter, Bill TSA:EX
Subject: URGENT

Jimmie - Please get this message out to members of the organization - not sure what's the best method, perhaps e-mail.

A bad situation has occurred at one of our resorts. A downstream application has been made for a power project application for "all the water available at maximum flow". This means that they will take every bit of water that's available at all times of the year.

The water licensing officers have no authority to make a decision about the best use of the water. Applications are dealt with "first come, first served" and there are no deadlines to provide information etc. Some applications have been in process for years, effectively a water reservation system that was never supposed to happen.

Here is my advice:

For existing resorts: Make application for all the water available in the watershed. You have 3 years after your water license is issued to make diligent use of the water, but you can apply for an extension.

For proposed resorts: Apply for all available water at the same time as you make your application for Crown land. That way no one will try to scoop you for reasons legitimate or not.

Note that a Water Act license is required to divert and store water e.g. for snowmaking or irrigation, not just to pull water from a stream for domestic use.

Unfortunately we never anticipated this situation. Water Act applications are just over \$1000. - a good investment to put yourself first in line for the water you need for your resort.

Psyche Brown
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IMPORTANT NOTICE

Ref: Water Act

November 9, 2007

To: All ski resort operators

Hello all;

This letter is written to provide some information on how the British Columbia Water Act may affect your ski development. A potential problem was brought to our attention by a situation at one of our BC resorts.

An application under the Water Act (surface water, not groundwater) has been made downstream of the resort for an Independent Power Project (IPP). These projects are becoming more and more common in this Province, particularly at higher altitudes where an elevation drop can be found. Typical of IPP's, this application includes a volume request for "maximum flow of the stream", which means that they are applying for all available water. The availability of water is determined by balancing fisheries and other environmental needs with the amount of water already allocated in that water system.

This particular ski resort needs water for snow-making in the winter and golf course irrigation in the summer. Both uses will provide for much of the water to return to the stream; however, the Water Act application will treat the request for diversion the same as a request for consumption. The result is that the resort is unable to divert spring run-off for use later in the year, even though they are upstream of the IPP.

There are three policy areas in the Water Act which create difficulty:

1. The Act is based on a first-in-time applicant priority, so the first foot in the door is considered first, without consideration of importance or completeness of application.
2. There is little that Water Officers, who review applications, can do to compel an applicant to provide all necessary information. This means that a second-in-time applicant could wait for years to find out if the previous application was approved or not.
3. The Water Officers have no ability under the Water Act to make value judgements about the applications. An application for watering a garden, therefore, carries as much weight as an application for necessary drinking water.

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Recommendation: If you are in a situation where your resort is counting on the availability of surface water for any part of your development, we strongly recommend that you ensure that your applications have been made. You will find more about Water Act applications, fees, etc., on the Front Counter BC web site at

<http://www.frontcounterbc.gov.bc.ca/authorizations.html#W>.

An update to the Water Act has been initiated and the Resort Development Branch of the Ministry of Tourism, Sport and the Arts will be represented in that working group. If you have any comments to make, situations for the group to consider or suggestions for improvement of the Water Act, please forward them to Psyche. And in the meantime, check your own situation to make sure you have the control of surface water that you need for your resort's development.

Yours truly

Terry Pratt and Psyche Brown
Managers, Major Projects