

**DATE:** October 13, 2023**FILE:** 5600-01/BCOB**TO:** Chair and Director  
Black Creek-Oyster Bay Services Committee**FROM:** James Warren  
Acting Chief Administrative OfficerSupported by James Warren  
Acting Chief Administrative Officer*J. Warren***RE: Black Creek-Oyster Bay Water Local Service Area – Connection Suspension****Purpose**

To lift the connection suspension in the Black Creek-Oyster Bay (BCOB) Water Local Service Area (WSLA), and to update BCOB Services Committee on the progress towards meeting BCOB Water System long-term water supply capacity needs.

**Recommendation from the Acting Chief Administrative Officer:**

THAT the suspension of approvals for new or upsized connections approved in October 2021 be lifted for properties within the Black Creek-Oyster Bay Water Local Service Area;

**Executive Summary**

In October 2021, after lower than expected production capacity from the new well completed in March 2021, the BCOB Services Committee approved suspension of new or upsized connections to the BCOB water system until sufficient additional water supply source could be secured. Staff now believe this objective is satisfied, and are recommending lifting the connection suspension for these reasons:

- Through establishment of a statutory right-of-way (SRW) and covenant on title, rights are now in place to drill three community drinking water wells on Shelter Point Farms property. Securing these property rights allows up to three new production wells, the first of which is referred to as Well No.6.
- While completion and permitting of the new well is not expected to be complete until 2024, pump testing of the well suggests it will sustainably produce 1,142 m<sup>3</sup>/day or (approx. 48 m<sup>3</sup>/hr), more than expected from preliminary study work.
- The recently completed Water Master Plan for the BCOB water system concluded that the existing water supply system can supply sufficient water for over 200 more connections, and the Watutco conversion and Saratoga Beach Estates developments have yet to be initiated.

The connection suspension was critical in helping to mitigate the risk to the community water supply while additional groundwater source was secured, and necessary planning work was completed. With this work now complete, lifting of the connection suspension will ease constraints on property owners in the area and generate additional revenue and users for the water service.

The CVRD is committed to collaborating with K'ómoks First Nation as partners on decisions involving water supply. The CVRD confirmed that there are no archaeological impacts for new Well No.6 within the 200 m buffer of the Oyster River or the shore, hence no CHP permit was required. The CVRD also informed K'ómoks about the water license application, before submission, and will continue to provide updates as the project proceeds to completion.

Prepared by:

***K. A. Hitchcock***

Kerly A. Hitchcock, P.Eng  
Engineering Analyst

Concurrence:

***K. La Rose***

Kris La Rose, P.Eng  
Senior Manager of  
Water/Wastewater Services

Concurrence:

***M. Rutten***

Marc Rutten, P.Eng  
General Manager of  
Engineering Services

**Government and Community Interests Distribution (Upon Agenda Publication)**

Strathcona Regional District	✓
K’ómoks First Nations	✓

**Background/Current Situation**

The BCOB water system treats and distributes water from two different water sources to properties north of the Oyster River in Electoral Area D of the Strathcona Regional District (SRD) and south of the Oyster River in Puntledge – Black Creek (Electoral Area C) of the CVRD. The first water source is groundwater from three wells in the Oyster River Nature Park (ORNP), and the second is an infiltration gallery in the Oyster River. Historically, the river infiltration gallery has been the only source used in the summer, with the ground water wells reserved for the winter when the river water quality is compromised and community water consumption is lower. More recently, due to reduced performance of the infiltration gallery, the system has relied on a combination of infiltration gallery and groundwater wells to meet summertime demand.

***Connection suspension***

Installation of a third drinking water well was completed in March 2021. Unfortunately, the capacity of the new well was significantly less than anticipated. In October 2021 the increasing summertime drought conditions, significant development activity in the area, and the lower than expected yield from the new well led staff to recommend establishment of a suspension of all new or upsized connections in the BCOB water system until additional water supply capacity could be secured. The connection suspension was approved and has been in place since.

***New production well project***

By the fall of 2022, staff negotiated with Shelter Point Farms for a 2 hectare (approximate) SRW and covenant on the parcel immediately to the north of the Oyster River Nature Park (ORNP). The newly acquired rights provide land and access for up to three groundwater wells, and the covenant restricts application of pesticides and herbicides within 33 m of the groundwater wells (see Appendix A).

With the land secured, the CVRD began drilling and testing for the first ground water well, referred to as Well No.6. Drilling began in mid to late November of 2022, and the pump tests to confirm sustainable yields began early December of 2022. The final reports on the drilling and pump tests were completed in mid February of 2023, and the process to apply for a water license began in late February of 2023 and culminated with a water license application in July 2023.

Design for the new production well is nearing completion, with tendering in November 2023, and completion expected to be complete in spring 2024. With the much longer communicated review times for water license applications since implementation of the Water Sustainability Act, it is likely that water license approval will not be achieved before the well is expected to be complete. Under the terms of the provincial *Water Sustainability Act*, the CVRD will not be able to use water from this well until the license is received.

**Water master planning process**

A water master plan for the BCOB system was conducted in 2022 and 2023, analyzing the systems current water supply, fire flow capabilities, water demands and requirements for future growth. The master planning process concluded that the new production well project is anticipated to enable the BCOB system to meet the projected maximum day demand of the BCOB and Watutco water systems (should they choose to join) for the near future, and improve reservoir recharge performance during fire events.

The first phase of 400 Saratoga (previously Saratoga Beach Estates) was considered in-stream during the connection suspension, and therefore could have proceeded during the suspension. Initial connections do not appear imminent, but if they do proceed in advance of permitting for the new production well, can be accommodated with the existing system supply capacity.

**Options**

The BCOB services committee has two options to consider.

1. Approve lifting the connection suspension
2. Direct staff to keep the connection suspension in place until the new production well is complete and receives a water license.

Option 1 is recommended as rights are secured for land to site three additional production wells, a new test well has been installed and proven, development has been delayed, and a robust water master planning process has concluded the system can safely meet projected demand through to projected completion of the new production well.

**Financial Factors**

Operational and asset management costs for the service are increasing. Constraints on development in the service area are financially impacting property owners. Lifting the connection suspension now will ease constraints on property owners and increase revenue for the service.

Strategic Considerations - Strategic Drivers									
Fiscal Responsibility	✓	Climate Crisis and Environmental Stewardship and Protection	✓	Community Partnerships	✓	Indigenous Relations	✓	Accessibility, Diversity, Equity and Inclusion	

The Comox Valley Regional District (CVRD) Board has set four strategic drivers to guide service delivery. Not all services will be influenced by all drivers. The degree of influence the drivers have on projects and work plans is noted below.

**Fiscal Responsibility**

- Allowing more connections will increase revenue and ease constraints on property owners.

**Climate Crisis and Environmental Stewardship and Protection**

- Adding more groundwater capacity will help build resiliency to the local impacts of climate change, where climate models predict longer and drier summers for the region.
- The BCOB system is fully metered and utilizes a tiered conservation-based rate structure to help minimize water consumption and impact on the Oyster River watershed.

**Community Partnerships**

- The BCOB WLSA is governed by the BCOB Services Committee, with representation from the CVRD and SRD.

Indigenous Relations

- Projects are not significantly influenced by this driver; however, staff are keeping the K’ómoks First Nation Chief and Council updated on the new production well projects and other water related initiatives in this service at regular monthly meetings.

Strategic Considerations - Regional Growth Strategy Goals							
Housing	✓	Ecosystems, Natural Areas and Parks		Local economic development		Transportation	
Infrastructure	✓	Food Systems		Public Health & Safety	✓	Climate Change	✓

Saratoga is identified as a settlement node in the RGS. With the water master plan completed for the BCOB and a new well in queue for the BCOB water system, this ensures the appropriate water supply infrastructure is available for the system for existing users. Public health and safety and climate change impacts are driving factors and are being address by adding a new well to the system meeting the key goals of the RGS. There is now enough in place to maintain current and future water needs for the area. Further study work will also look to develop new well sites to provide additional water security for the system.

**Intergovernmental Factors**

The BCOB WLSA straddles CVRD Electoral Area C and SRD Electoral Area D. CVRD staff will work with SRD staff to communicate the connection suspension has been lifted.

The CVRD recognizes that there is nothing more sacred to the K’ómoks people than water. Access to water is critical for the exercise of traditional rights and necessary for the physical, cultural, and spiritual survival of the K’ómoks First Nation. The CVRD also recognizes K’ómoks as an important partner in water management with unique legal status in relation to lands and waters. K’ómoks is not a watershed stakeholder, but rather one of three levels of government, with rights related to land and water protected through the Canadian Constitution. The *Constitution Act, 1982*, which sets the rights and freedoms of Canadians, similarly protects the rights of Indigenous peoples. Indigenous rights include the right to fish, hunt, develop economically, and practice one’s own culture. K’ómoks espouses the four pillars: authority, jurisdiction, governance, and management over natural resources within the territory.

CVRD has and continues to engage K’ómoks on the development of Well No.6 which include:

- Seeking direction from K’ómoks Chief and Council to determine if there is an interest in this issue and how K’ómoks would like to engage with the CVRD.
- Through staff or Council representatives on an Advisory Committee (though this is not considered meaningful consultation and updates to Council will be required)

**Citizen/Public Relations**

Should the committee approve the recommendations within this report, the CVRD website will be updated to reflect the change, and a letter will be sent to potentially impacted parties.

Attachments: Appendix A – BCOB Well No.6 Drilling Testing

