



**MINUTES OF A REGULAR MEETING OF THE OKANAGAN BASIN WATER BOARD
HELD APRIL 1, 2014, AT REGIONAL DISTRICT OF NORTH OKANAGAN
9848 ABERDEEN RD., COLDSTREAM, B.C.**

PRESENT

Chair Doug Findlater	Regional District Central Okanagan
Vice-chair Juliette Cunningham	Regional District North Okanagan
Director Doug Dirk	Regional District North Okanagan
Director Bob Fleming	Regional District North Okanagan
Director Keith Fielding	Regional District Central Okanagan
Director Gerry Zimmermann	Regional District Central Okanagan
Director Wes Hopkin	Regional District Okanagan-Similkameen
Director Allan Patton	Regional District Okanagan-Similkameen
Alt. Director Mark Pendergraft	Regional District Okanagan-Similkameen
Director Toby Pike	Water Supply Association of BC
Director Don Dobson	Okanagan Water Stewardship Council

REGRETS

Director James Pepper	Okanagan Nation Alliance
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OBWB STAFF

Anna Warwick Sears	Executive Director
Nelson Jatel	Water Stewardship Director
Corinne Jackson	Communications Director
James Littlely	Office and Projects Manager

1. CALL MEETING TO ORDER

Chair Findlater called the meeting to order at 10:03 a.m.

2. INTRODUCTION OF LATE ITEMS

- 7.3 "Pricing B.C.'s Water" document and draft letter re. BC WURC
- 7.4 Update on Columbia River Treaty

3. APPROVAL OF AGENDA

"THAT the agenda of the regular meeting of the Okanagan Basin Water Board of April 1, 2014 be approved."

CARRIED

4. ADOPTION OF MINUTES

- 4.1 Minutes of the Regular Meeting of the Okanagan Basin Water Board of March 4, 2014 at Regional District of Okanagan-Similkameen.

"THAT the minutes of the regular meeting of the Okanagan Basin Water Board of March 4, 2014 at Regional District of Okanagan-Similkameen be adopted."

CARRIED

5. PRESENTATION

- 5.1 Zee Marcolin – manager of Greater Vernon Water re: Antwerp Well contamination event
– a water supplier’s perspective

Ms. Marcolin provided an overview of the well contamination event which occurred Jan. 12-13, 2010 –what the supplier did to mitigate problems before and after the incident, how the contamination happened, why GVW defended itself in court and the results.

According to Ms. Marcolin, the contamination occurred after heavy rains caused a farmer’s field to flood. The farmer had recently applied manure on his frozen field, much of which washed into GVW water supply. The purveyor was charged under the B.C. Water Act for not providing potable water to residents. The farmer and District of Coldstream were also charged in the incident.

GVW was advised by its lawyer to defend itself against the charge based on its due diligence in trying to ensure the safety of the water supply and its customers. The Crown had three years to bring the charges forward. GVW was charged 2 ½ years after the incident with: “operating a well in a manner to cause adverse impacts,” “introducing foreign matter into well,” “allowing contamination of drinking water,” and “failing to provide potable water.”

Recalling the event, Ms. Marcolin noted that GVW staff and Search and Rescue went door-to-door, warning customers not to use the water and no one got sick. Also, the purveyor was operating the well in complete agreement with IHA.

On the advice of its lawyer, Coldstream pled guilty to not providing potable water. The judge accepted the plea and negotiated a settlement.

Dir. Fielding entered the meeting at 10:27 a.m.

Years before the incident, knowing there were some cross-connection risks with the supply, GVW consulted with an expert and had several checks in place to ensure the safety of the source.

When asked by the judge why GVW continued to use the source, it responded that it was better quality water than existing surface sources, and customers preferred it. The risks were unknown, Ms. Marcolin explained, including poor manure application practices by a nearby farmer, manhole pipes that were not properly grouted, an unknown pipe and more.

Ms. Marcolin noted it became clear that water purveyors are in a difficult position, with liabilities and responsibilities but without authority to act on certain things.

In response to questions, she noted legal costs were \$50-60,000.

Dir. Fielding noted it’s not uncommon for local governments to take on old systems and there can be risk of the unknown when this is done. In judgment it was noted that suppliers need to find the balance between fiscal responsibility and the need to provide safe drinking water. Asked if that balance was defined, Ms. Marcolin said no, adding that the judge said GWW staff were not negligent. Ms. Marcolin added that residents who were getting their water from Antwerp Springs well are now on the Duteau Creek system and there have been complaints that the quality is not as good.

It was noted that communities are increasingly becoming vulnerable to rain on snow events, and, considering how common it is for local governments to take on old systems it is important to recognize the potential liability issues.

6. STAFF REPORTS

6.1 Executive Director Report

OBWB July/August Meetings

Dr. Warwick Sears recommended that the regular July board meeting, which falls on July 1, 2014, be cancelled and that the regular August meeting be held.

“THAT the July 1, 2014 OBWB meeting be cancelled.”
CARRIED

Zebra/Quagga Mussel Briefing Note

Directors were provided with a copy of the briefing note sent to the Okanagan MLA caucus, and updated on discussions with MPs Ron Cannan and Dan Albus. Both MPs have assured the OBWB they will keep the board informed of where the pending legislation is at, allowing Canada Border Services agents to stop and inspect watercraft at the Canada/U.S. border.

Workshop on License Allocation Process

Staff met with a committee to develop a tool to help the province with water licence allocation decisions. Current models date back to the 1980s and use data that is up to 60 years old. The committee is now awaiting a report from technical experts with recommendations.

Okanagan Falls Wastewater Discharge

Dr. Warwick Sears provided an update on the Ok Falls discharge project, noting that RDOS had received Gas Tax funding to discharge wastewater from its new plant (funded in part by the OBWB) into an existing wetland owned by the federal government and Canadian Wildlife Service. Based on opposition by CWS to this plan, the OBWB is helping RDOS look at other options, including the possibility of purchasing property nearby, as well as a possible study on Endocrine Disrupting Compounds in Okanagan River.

“THAT the Executive Director’s Report, dated March 26, 2014, be received.”
CARRIED

Directors were told that the B.C. Ministry of Community, Sport and Development recently awarded the Water Board \$25,000 in funding to provide seminars or workshops.

6.2 Water Stewardship Director Report

Mr. Jatel provided an overview on a report from the Water Stewardship Council’s committee and its comments and recommendations on Bill 18 – the Water Sustainability Act: An Okanagan perspective.

There is cautious optimism, he noted, explaining that the committee is mostly pleased with the proposed WSA but wants to make sure the regulations will be strong enough and is supported with appropriate resources. A second document, “Pricing B.C.’s Water,” is aimed at addressing this in part, Mr. Jatel added.

Some of the items needing clarification are: which Act takes precedence; establishment of water governance boards; rights and title to water is noted but is unclear; First-in-Time First-in-Right is re-established but may not apply under a negotiated Water Sustainability Plan.

The committee was pleased with the proposed groundwater regulations but would like to see saline water included, recognizing increasing oil and gas exploration.

Mr. Jatel recommended the report be forwarded to the province with the Okanagan's recommendations.

In response to questions, Mr. Jatel noted it is unclear if the OBWB and others will be given an opportunity to review the regulations and provide comment before they're approved.

After some additional discussion, staff offered to revise the submission based on board feedback and circulate for final comment.

"THAT staff develop a letter of support with these recommendations to the Province in principle to be circulated to the board for further comment. Reference we would like to see regulations once drafted."

CARRIED

"THAT the Water Stewardship Director's Report, dated March 26, 2014, be received."

CARRIED

6.3 Communications Director Report

Ms. Jackson reported on UN World Water Day / Canada Water Week events and outcomes, noting the strong turnouts and positive feedback for both the Watermark movie and the panel discussion. The Okanagan WaterWise youth challenge – Map Your Tap – continues until May 2 with winners announced during B.C. Drinking Water Week.

An update was given on the March 6-7 "Growing a WaterWise Community in the Okanagan" strategic workshop, aimed at building water conservation efforts. The workshop brought together the Make Water Work local government partners as well as potential landscape and irrigation partners. In response, strong connections were created and discussions are continuing between partners. The event was funded through RBC Blue Water and was part of a larger project by Tides Canada Foundation to address urban water issues.

Ms. Jackson noted the significant media coverage on the OBWB during the past month, and especially regarding invasive mussels and the close-call when a quagga mussel-infested boat was stopped at the Osoyoos border crossing on March 12.

"THAT the Communications Director's Report, dated March 26, 2014, be received."

CARRIED

7. NEW AND UNFINISHED BUSINESS

7.1 Briefing note to Okanagan caucus re: zebra/quagga mussels

Dr. Warwick Sears provided the board with a copy of the briefing note on invasive mussel prevention in the Okanagan and explained it was being drafted when the OBWB learned of the close-call at Osoyoos.

The March 12 incident served to identify a number of gaps, including: no federal legislation allowing Canada Border Services Agents (CBSA) to stop boats for inspection; a need to train border services to identify the mussels; the need for more decontamination units. In addition, Dr. Warwick Sears, there is a funding gap. The province has one Ministry of Environment staff member in charge of invasive species and, in turn, they contract out the outreach to the Invasive Species Council of BC (ISCBC). Whereas, ISCBC hired people to do public outreach last year, this year they are just giving information out to groups to distribute if they agree to collect pledges from the people they speak with. Otherwise, groups can purchase outreach materials.

The OBWB/Okanagan WaterWise is continuing with its Don't Move a Mussel campaign, but at this time there is no provincial support.

Directors discussed at length various options for moving forward, including:

- Directors/local governments asking their MLAs and MPs for action
- Encouraging constituents to contact their MLAs and MPs
- There needs to be enforcement of the provincial regulations against invasive species, inspections and fines – on a scale larger than just the Okanagan. The only agency able to do this effectively is B.C.'s Conservation Officer Service. Again, the board recommended a sticker program to help fund the effort.
- CBSA needs the federal legislation necessary to stop and inspect boats at the border.
- The OBWB sending another letter to federal ministers responsible for this file, cc'd to MPs, responsible B.C. ministers and local MLAs outlining the concerns, highlighting the costs and consequences of the mussels' arrival, and recommendations for action.

The board passed the following motion.

“THAT the board send a letter to appropriate provincial ministers and cc'd to MLAs that in light of current events it reiterates the urgency noted in the Okanagan caucus briefing note and the need for inspection stations; that a similar letter be sent to appropriate federal ministers and MPs recommending legislation to allow Canada Border Services Agents to stop and inspect watercraft coming into Canada; that appropriate provincial and federal resources be allocated to ensure these measures are effective; encourage the province and federal government to work together to address this issue; and ask for an update as quickly as possible on current responses to the threat of invasive mussels.”

CARRIED

The board asked that the letters be circulated for comment before being sent and suggested forwarding the letters to local governments to draft similar correspondence.

Some of the directors noted that they are hearing from constituents that they are concerned about the mussels. There was discussion about how to assist residents in helping urge action from senior levels of government, including the possibility of a mechanism on the DMM website to allow residents to register their concern with their elected officials.

“THAT staff develop an opportunity on the DMM site for the public to register concern about the need for invasive mussel prevention to appropriate MLAs and MPs.”

CARRIED

In further discussion it was suggested that staff review other options as well to assist residents in this effort. In addition, it was noted that local governments can write letters and talk with their MLAs and MPs, talk with local media about their concerns.

Dir. Patton offered to take a version of the briefing note to the upcoming FCM as well, asking the executive to respond.

7.2 WCQI Grant Recommendations for 2014

Mr. Littley presented the grant recommendations memo, noting there were more funds available than grants requested in North. As such, all projects in the north were fully funded. Both the Central and South Okanagan were over-subscribed. Funded projects in these regions received

no less than 50% of requested funding to ensure sustainability, he explained.

There was some discussion about the WCQI program and it was noted that there will be an opportunity for the board to review the program during the Water Management Program review in 2014.

“THAT the WCQI Grant Recommendations Memo for 2014 be approved as presented.”
CARRIED

Abstain Dirs. Pike and Dobson

In further discussion it was noted there are few funding opportunities for Okanagan NGOs and this is intended to assist. It also helps local governments and NGOs trigger more funds, and can incentivize larger, valley-wide projects (e.g. foreshore mapping).

Dir. Hopkin added that the program ensures that regional districts set aside funds to address water quality/quantity issues that are then reviewed by the OBWB which reviews applications with a valley-wide perspective, helping leverage efforts and ensuring best possible outcomes for the valley. Without that level of review, regional districts may be inclined to not go forward on a particular water project.

Dir. Pike agreed, adding that the program is recognition that the water of the valley is connected and needs to be managed from a valley-wide perspective, not allowing projects to be weighed against more area-specific issues (e.g. dog parks and parking).

7.3 Pricing B.C.'s water and draft letter

Mr. Jatel presented the board was provided with a copy of the province's "Pricing B.C's Water" document which suggests collecting water rents to support its new Water Sustainability Act. Deadline for input is April 8, he added.

He went to also provide a draft letter to the province recommending that it consider a business case for a new commission for the BC Water Use Reporting Centre as a way to help the province collect water use data as will be required in the WSA.

There was some discussion and a request for more time to review.

7.5 Update on Columbia River Treaty

In response to a request for more information on the Columbia River Treaty, Dir Dobson noted 2014 is the beginning of a 10-year discussion and negotiation process for a new treaty in 2024.

8. NEXT MEETING

8.1 The next meeting of the Okanagan Basin Water Board will be May 6, 2014 at the Westbank Irrigation District Water Treatment Plant in West Kelowna.

9. ADJOURNMENT

“THAT there being no further business, the regular meeting of the Okanagan Basin Water Board of April 1, 2014 be adjourned at 2:11p.m.”
CARRIED

Certified Correct:		
Chair		Executive Director