

Reference: 93627

Kim Benson, Chair and Trustees  
Islands Trust  
200 – 1627 Fort St  
Victoria BC V8R 1H8

Dear Ms. Benson:

Thank you for your letter of June 28, 2007, expressing the Islands Trust Council's concerns regarding hydrofracturing of water wells in the Islands Trust area.

The Ground Water Protection Regulation (GWPR) being developed under the *Water Act* is being implemented in "phases". Phase 1, which came into full effect on November 1, 2005, focuses on registering drillers and pump installers, well construction and closure standards and provisions for identifying wells. The plan for Phase 2 includes additional standards for well construction and testing, well siting considerations, controlling artesian flow and reporting of information to increase the knowledge base for ground water. Phase 3 will likely include development and implementation of specific regulations in Water Management Plan areas (which might include drilling authorizations in specific areas, if necessary) and regulation for well operation. Within the ministry's current legislative framework, regulating hydrofracturing of water wells in the Gulf Islands is likely best accomplished as a possible provision of a water management plan. Presently, the Township of Langley in the Lower Mainland region is piloting a water management plan, the first in the province since the *Water Act* was changed in 2005 to recognize water management plans. The ministry expects that some of the outcomes of this pilot Water Management Plan will have implications for other regions such as the Gulf Islands. I would like to acknowledge that a water management plan for the Gulf Islands was requested in earlier correspondence dated January 19, 2007, from yourself. However, the ministry is currently intending to assess the results of the Langley Pilot Plan prior to initiating new plan areas.

Ministry staff are being advised by the Ground Water Advisory Board, which is composed of academic, industry and government experts in ground water. By way of copy of this letter to the board's co-chair Mike Wei, P.Eng, Deputy Comptroller of Water Rights, I have forwarded your letter to the advisory board and ask them to review the practice of hydrofracturing water wells in the context of our current legislative framework. The specific questions I have asked them to address include:

1. Do we have the appropriate data, science and expertise in British Columbia to support our decision-making on the practise of hydrofracturing water wells in a coastal environment?
2. What types of data, studies or investigations could be undertaken to confidently address the issue of hydrofracturing water wells in a coastal environment?

3. In the absence of current appropriate information, how should we proceed to ensure that in regard to the practise of hydrofracturing, our regulation is proactive and leads to the management and protection of the ground water resources?

The Ministry of Environment is committed to ensuring that valuable water resources are protected for future generations of British Columbians and, together with the Islands Trust, share a commitment to protecting the sustainability and quality of ground water in the Islands Trust area. The ministry feels that this is best accomplished through appropriate legislation and proactive water stewardship in partnership with community groups, local government, other provincial agencies and the general public.

Thanks for writing.

Sincerely,

Barry Penner  
Minister

pc: Honourable Murray Coell, MLA (Saanich North and the Islands)  
Mike Wei, Deputy Comptroller of Water Rights