

200 - 2006 West 10th Avenue Vancouver, BC V6J 2B3 Coast Salish Territories www.wcel.org

tel: 604.684.7378 fax: 604.684.1312

toll free: 1.800.330.WCEL (in BC)

17 November 2016

Ministry of Forests, Lands and Natural Resource Operations South Coast Natural Resource Region 200-10428 153 Street, Surrey BC V3R 1E1

Remko Rosenboom, Manager Water Authorizations

*** BY FAX AT 604 586-4444 AND EMAIL AT REMKO.ROSENBOOM@GOV.BC.CA ***

Dear Sirs/Mesdames:

Re: SCRD Conditional Licence 50724 and replacement water licence applications

We understand that you have considered an application by the Sunshine Coast Regional District (SCRD) to amend Conditional Water Licence 50724 related to storage on Chapman Lake in Tetrahedron Provincial Park, and that the SCRD was subsequently directed to apply for a new licence to accommodate the new and expanded water use that the regional district seeks (collectively, the "Applications").

Please find enclosed our letter, dated 25 August 2016, to BC Parks which relates to these Applications.

As explained in that letter, the water works proposed by the SCRD, which would occur within the *Tetrahedron Provincial Park*, would be illegal and cannot be legally authorized through a Park Use Permit under the *Park Act*. This is a fundamental barrier to the use of water contemplated by the Applications. It is not simply a matter of acquiring the correct government approvals – an act of the Legislature is likely required before either of the Applications, if issued, could actually be used.

In our submission, the most appropriate course of action is to hold the application for a new licence in abeyance until such time (if any) as these legal constraints are addressed.

In the alternative, should you choose to issue a water licence, we recommend that you include an explicit condition in the licence confirming the need to comply with the *Park Act* prior to using the licence.

The public expects the government to afford BC's parks the highest level of legal protection. We trust that you will take appropriate action to ensure that any water licence(s) issued by your office

complies with the legal requirements of the *Parks Act* and *Protected Areas of British Columbia Act*, and ensures that the environmental and recreational values of Tetrahedron Provincial Park are fully protected.

Sincerely,

Andrew Gage, Staff Counsel

Enclosure

Cc (without attachments):

Sunshine Coast Regional District (via fax at 604-885-7909)

Jennie Aikman, BC Parks (via fax at 604 930 7119)