

## ORDER

### SECTION 93 OF THE WATER SUSTAINABILITY ACT

**WHEREAS** The Regional District of Nanaimo, City of Parksville and Town of Qualicum Beach, are the holders of Conditional Water Licence (CWL) C134068;

CWL 134068 (October 26, 2017) authorizes the storage of 9,000,000 cubic metres per year in Arrowsmith Lake and the diversion and use of 7,000,000 cubic metres per year from Englishman River for waterworks purpose on all the lands within the boundaries of the Regional District of Nanaimo, City of Parksville and Town of Qualicum Beach.

Clause (l) of the licence states: "The licensee shall release adequate water from storage in Arrowsmith Lake during the period of June 1 to October 31 to fully support the diversion of water from the Englishman River for the waterworks purpose";

Clause (m) of the licence states: "The diversion of water authorized under this licence may be regulated at any time by an order in writing from the Water Manager under the *Water Sustainability Act* in order to maintain a minimum flow in the stream";

**AND WHEREAS** on January 2, 2008, an Order under Section 18 of the *Water Act* set out the Provisional Operation Rule for Arrowsmith Lake Reservoir;

Clause 2 of the Order states: "The Arrowsmith Lake Reservoir shall be maintained at the full supply by July 1 of each year";

Clause 3 of the Order states: "Between the period of June 1 and October 31 in any year, the flow releases shall be made from the Arrowsmith Lake Reservoir if the Englishman River flow is below 1.6 m<sup>3</sup>/sec, a flow release shall be made to maintain the flow in the Englishman River above 1.6 m<sup>3</sup>/sec at the Englishman River near Parksville (08HB002) hydrometric gauge. (Note – 1.6 m<sup>3</sup>/sec is a quantity greater than instream fish flow maintenance plus future maximum monthly water withdrawal demand)";

**AND WHEREAS** on June 6, 2023, an application was made via email from the City of Parksville to the Ministry of Forests (Water Authorizations) to authorize a reduction of flow releases due the Arrowsmith Reservoir not receiving full-supply and early drought conditions that resulted in earlier than normal depletion of snowpack, earlier than normal flow releases from the Arrowsmith Reservoir dam to achieve the 1.6 m<sup>3</sup>/sec flow requirement of the Order, and an elongated period of the Arrowsmith Reservoir water volume being dependent on precipitation events;

**AND WHEREAS** a flow reduction less than 1.6 m<sup>3</sup>/sec but not less than 1.0 m<sup>3</sup>/sec at the Englishman River near Parksville Water Survey of Canada hydrometric gauge (08HB002) (referred to herein as “08HB002”) would ensure the licensee could maintain a minimum flow of 1.0 m<sup>3</sup>/sec at 08HB002 for the remainder of the flow release period;

**AND WHEREAS** the Englishman River is designated as a Sensitive Stream under the *Water Sustainability Act* and anadromous salmonid species spawn in the Englishman River;

**AND WHEREAS** the licensees will maximize the release of stored water above the low-level outlet at a steady rate above 1.0 m<sup>3</sup>/sec at 08HB002 with the intent to gradually ramp down to 1.0 m<sup>3</sup>/sec only if necessary to preserve that minimum flow through October 31, 2023;

**AND WHEREAS** the licensees are implementing watering restrictions as per their bylaws when water from Englishman River is being diverted and used for their water supply as follows: Stage 3 when in-stream flows are below 1.6 m<sup>3</sup>/sec and above 1.2 m<sup>3</sup>/sec at 08HB002; and Stage 4 when in-stream flows at 08HB002 are at or below 1.2 m<sup>3</sup>/s;

**AND WHEREAS** the licensees have agreed to provide weekly updates to the Ministry of Forests (Water Authorizations), including notification of the intent and rationale to ramp down or ramp up flow releases to a value above or at 1.0 m<sup>3</sup>/s;

**AND WHEREAS** the Ministry of Forests (Water Authorizations) does not oppose this reduction in order to manage flows through the conservation of the remaining available stored water in Arrowsmith Lake Reservoir.

**THEREFORE, Under Section 93(1)(c) of the *Water Sustainability Act*, I, Sean Staplin, Water Manager, HEREBY ORDER the holders of Conditional Water Licence C134068, the leave to release a minimum flow from Arrowsmith Lake Reservoir Dam to maintain a targeted minimum flow at the Englishman River near Parksville (08HB002) hydrometric gauge of 1.0 cubic metres per second for the period June 20, 2023 to October 31, 2023, or until further order of the Engineer.**

Dated at Nanaimo, British Columbia, this June 20, 2023.



**Sean Staplin**  
**Water Manager**, under the  
*Water Sustainability Act*