PERSONAL IDENTIFIERS REMOVED

Sent: February-23-10 1:09 AM
To: Living Water Smart ENV:EX
Subject: Water Act Modernization
Attachments: CIMG2114 (Large).JPG; CIMG0267 [Desktop Resolution].JPG; Bitner Creek 020.jpg

February 22, 2010

Hello,

I had occasion to find protection in the Water Act.

I have a piece of land in the City of Prince George that the city had turned into a swamp.

The property is a 3 acre lot beside Giscome Road on the eastern outskirts of the city in a rural setting. There is no storm water system in our area, only ditches that collect the water and feed it to wherever the natural course of the water will go, eventually to a creek or river.

Every spring a large portion of my property was flooded by a berm that the city had placed across the front of my property many years ago. The city berm interfered with the natural drainage pattern of my property to the city ditch. The flooding was made worse each year as the city ditch water would leak through the city berm and add more water to my dammed up property. I advised the city that the berm was illegal, even if it was just off my property, as I had not given permission for the city to flood my land with their construct. As per *[RSBC 1996] CHAPTER 483* of the Water Act. But the city told me nonsense and to go get stuffed.

I carefully surveyed the ditch to be sure the water would normally flow to the ditch, if the berm was removed, and proved the water would normally flow to the ditch. See pictures.

Finally, after one hot summer in 2006 the land dried out enough that I was able to take my grader on to my land on a Sunday afternoon and I removed the city berm. The city people were furious on Monday and made all sorts of threats that I ignored. But I had been careful to not touch the ditch bottom or the road side of the right of way, I only removed the berm. Today my land drains properly and has slowly recovered. The city is still pissy about the Water Act being on my side and have taken revenge by processing any paperwork I need from the city in a very careful and lengthy manner to the point of silliness.

I have property beside Bittner Creek and Environment Canada recommended a riparian set back of between 15 and 30 meters as the City sewer main is next to the creek, and their right of way even includes the creek!. However, in the spirit of revenge or ignorance, the city made the set back 50 meters from the creek. Environment Canada has a reputation of holding high standards for creek set-back for development, so for the city to double the distance the experts recommended, was simple revenge. See attached picture of Bittner Creek.

My advice and input to these deliberations would be to watch very carefully so that individual property owners are not stripped of the protections in the Water Act that saved my ass. The City of Prince George would certainly like to have the inconvenience of the Water Act gutted in favour of the municipality, however in my experience that would be a serious loss of protection for taxpayers, and the right to enjoy property without being molested unjustly. Be very careful that the Water Act is clear enough and simple enough that ordinary people do not have to go to court or pay prohibitive legal fees to push back bodies like the City of Prince George when they get out of control. Most people do not have a grader or equipment to take control of a situation like I did, and contractors won't touch work like this for fear their equipment will get seized by the city. My only recourse was the protection of the Water Act.

Regards,
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Attachment: Bitner Creek 020.jpg

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