

From: Wasa Lake Land Improvement District [WLLID@shaw.ca]
Sent: May-02-10 4:13 PM
To: Living Water Smart ENV:EX
Subject: Fw: Living Water Smart Updating the Water Act
Attachments: ltr att.pdf; att.pdf

For your information I just noticed there was an error in our submission below. The first line of the second paragraph should read "The WLLID has been in existence since 1969", not 1979.

Sorry about that.

Danella MacIntyre, Secretary
Wasa Lake Land Improvement District

----- Original Message -----

From: [Wasa Lake Land Improvement District](#)
To: livingwatersmart@gov.bc.ca
Sent: Tuesday, April 27, 2010 10:11 PM
Subject: Living Water Smart Updating the Water Act

Attention: Living Water Smart - Updating the WATER ACT - Ministry of Environment

Proponent: The Wasa Lake Land Improvement District - Ministry of Community and Rural Development.

The trustees of the WLLID would like to make comment regarding the initiative to update the Water Act. There have been a variety of issues relating to the Water Act that have affected our community over the years. One issue in particular, foreshore alterations - Section 9 of the Water Act - have bedeviled this community.

The WLLID has been in existence since 1979. Our board members are volunteers from the community. They advocate on behalf of this community on issues relating to water quality and quantity.

This summer the WLLID will finish the final Shoreline Management Guidelines for Wasa Lake, a four year project. This has been done through partnerships with MOE, DFO, RDEK and Wildsight. For this initiative we have received funding from Columbia Basin Trust and collected taxes from the community of Wasa.

The final cost for this initiative, including in-kind volunteer work, is approximately \$50,000.00.

All of us, this community and our partnerships, are working together to get ahead of shoreline and habitat development. At the end of the day - it doesn't matter what we do, because a few "bad apples" (waterfront owners) can undo all the good that is done. We need a sense of fairness, governance and leadership. We hope that the sheriff will come to town and clean house. We need these "bad apples" to be dealt with.

As an example the "XXXXX File" is enclosed. It has been unresolved for the past two years.

The community here at Wasa invests their own time, money and energy on water issues in the hope that it will make a difference for a better place to live.

The WLLID advocates an **updating of the Water Act**. But to really mean anything other than another piece of paper, this government must be willing to commit itself in **enforcing the Water Act**. If not the Water Act and the interests in this community at large will continue to be **irrelevant**.

From: Wasa Lake Land Improvement District [mailto:wllid@shaw.ca]
Sent: September-14-08 12:08 PM
Subject: XXXXXX File

To

We are asking for your attention to a non-permitted foreshore alteration, in contravention of the Water Act. Included are a number of PDF's for you to view, including a letter from MOE. The history of the property is as follows.

New owner in 2005, ~~XXXXXX~~. WLLID spoke to him before any work was done regarding the value of his naturalized foreshore. We also made him aware of average high water and crown vs public ownership of the shoreline. We left a copy of "The Living Edge", a handbook for waterfront living published by the Living by Water Project for him to refer to.

He then applied to MOE for a permit to do work on the shoreline. The guidelines of the permit were breached, refer to photos 2005 Incident #1, #2 and #3, and the resulting letter from the joint site visit by MOE and DFO.

In 2008, while doing a lake test, we witnessed additional work on the foreshore, refer to the three photos 2008 ~~XXXX~~ shore, shore 2 and shore 3.

Please be aware that as a result of this first incident, the WLLID hired a lawyer to render a legal opinion. This incident has also been written up by West Coast Environmental Law in their document "No Response".

This situation may not be large in terms of habitat destruction, but in terms of the public's perception regarding enforcement, it is important to Wasa Lake. We have a large number of new waterfront owners and if this property is allowed to continue in its non-compliance, there will be a multitude of copy-cat foreshore alterations.

If you need more information, we have the complete file including government correspondence and WLLID photos.

Thank you for your attention.

The Board of Trustees
Wasa Lake Land Improvement District





Scan in file



File: A4-2120

October 5, 2005

Bryan Laycock
132 Hawktree Green NW
Calgary, AB, T3G 3P8

Dear Mr. Laycock,

Re: Stream Work Application – Wasa Lake – Beach Cleaning

In regards to your application to groom a portion of the Crown foreshore fronting Lot B, Plan NEP72635, District Lot 3000, Kootenay District: an approval was issued on April 27, 2005 which granted you, the upland owner, the authority to remove rocks and vegetation from a 4.6m strip of foreshore from the high water mark to the low water mark.

Bryan, prior to approval, we had several discussions, one on April 26, 2005, and again by facsimile, on April 28, 2005, as to the area in which imported sand could be placed on or adjacent to the foreshore. I stated that the placement of imported material below the high water mark would not be approved under Section 9 of the Water Act as this would be a contravention of the Federal Fisheries Act. You agreed to amend your application to reflect this change.

Therefore, approval was based on the amended application that reflected compliance with the Federal Department of Fisheries and Oceans "Interim Standards for Beach Grooming Lake Environments in the Columbia Basin".

However, during a joint site inspection, on June 15, 2005, by Land and Water BC and The Department of Fisheries and Oceans Canada, it was observed that imported sand had been placed below the high water mark and within the wetted perimeter of Wasa Lake.

A second site inspection was conducted on September 29, 2005 at approximately 2:30PM. This site inspection concluded that the unconsolidated import sand, while still present, was being affected by littoral transport processes. Further works, including sand removal, may adversely impact the foreshore environment; therefore no further action is proposed.

In order to avoid this problem in the future, please ensure that prior to any "changes in and about a stream" the appropriate approvals are in place and abided by during all stages of work. If this problem arises at any point in the future, charges will be recommended and your file may be transferred to the appropriate compliance and enforcement agency.

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File:

If you require further information, please contact feel free to contact me at (250 377-2373).

Yours Truly,



Kristen Murphy
Southern Interior Region

DAW/daw

cc: Tola Cooper, Department of Fisheries & Oceans, Nelson
Brian Ferguson, Department of Fisheries & Oceans, Nelson
Duane Wells, Ministry of Environment, Kamloops
Doug Martin, Ministry of Environment, Cranbrook
Bill Stalker, Conservation Officer Service (Cranbrook Dist.)
Wendy Speller, Processing
Wasa Lake Land Improvement District, Box 133, Wasa, B.C. V0B 2K0
Attn: Susan Ashmore
