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FNR-2012-00370

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URBANSYSTEMS.

February 4, 2009

File: 0655.0140.02

Front Counter BC
Natural Resource Opportunity Centre
Suite 210 – 301 Victoria Street
KAMLOOPS, BC V2C 2A3

Attention: Phil Epp, Hydrologist, Water Stewardship Okanagan

RE: SECTION 9 APPROVAL – DISTRICT OF PEACHLAND WATERFRONT PROJECTS

This application is submitted on behalf the District of Peachland and pertains to work in a designated swimming area of Okanagan Lake. This site is referred to as the "Toddler and Wheelchair Swim Area" of Swim Bay. The BC Ministry of Environment has completed fisheries habitat assessments on Okanagan Lake where areas are ranked according to their values. Based on Okanagan Lake Risk Rating maps, no red or yellow zones are in close proximity to the proposed works (i.e. it is in a "no colour" zone). A coloured zone indicates habitat values, with no colour indicating moderate/low value habitat. All works will be conducted under applicable Best Management Practices to ensure that potential impacts to fish, wildlife or their habitat as a result of the work are minimized or avoided.

1.0 BACKGROUND

The District of Peachland is located at the southern portion of the Central Okanagan Regional District and occupies approximately 15.6 km². Peachland is bordered by the Westbank/Glenrosa neighbourhood to the north, Brent Road neighbourhood to the south, Okanagan Lake to the east and Crown Land and the Trepanier Valley to the west. Peachland contains various natural areas for outdoor recreation for the enjoyment of both residents and tourists. The foreshore along Okanagan Lake and other open space areas serve to support formal and informal recreation opportunities. The District of Peachland manages the entire foreshore within the municipal boundary (extending approximately 180 m into Okanagan Lake) through a Head Lease signed with the Provincial Government. The Head Lease was re-negotiated on July 1, 2002 and has a 30 year term.

The residents of Peachland and surrounding area have enjoyed the Swim Bay area for nearly a century (the community's centennial is in 2009). The District has provided swimming lessons and a lifeguard for the swimming area for over 50 years. This area is one of the few, if not the only, remaining outdoor lifeguarded areas in British Columbia. The area has been designated as "Institutional" for its community values in the Official Community Plan. Since 1982, the District of Peachland Shoreland Plan has guided development along the foreshore of the municipality. The area in question is within "Unit 6" of the Shoreland Plan which recognizes the recreation, swimming, and boating nature of the unit.



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The District supports the development of safe swimming access for community residents and tourists, alike. In 2008, improvements were made to the Swim Bay area including the installation of wooden piers and boardwalks and facilities which provide additional physical activities for youth.

This year, the District is planning on providing safe swimming access to toddlers and people who rely on wheelchairs for mobility. This site is referred to as the "Toddler and Wheelchair Swim Area" of Swim Bay.

2.0 PROJECT LOCATION

The proposed works will occur along the foreshore of Okanagan Lake in Peachland at approximately 49 46' 29" N latitude and 119 44' 16" W longitude, approximately 75 m from the Swim Bay area which was upgraded in the summer of 2008. Please refer to Figure 1 in Appendix A.

3.0 DESCRIPTION OF AQUATIC RESOURCE VALUES

According to the Okanagan Lake Risk Rating maps, no red or yellow zones are in close proximity to the proposed works (i.e. the area is located in a "no colour" zone). No colour indicates moderate/low value habitat. As with the Swim Bay area which was upgraded in 2008, there is no natural riparian vegetation present on the site nor was there visible submergent/emergent vegetation at the time of the site visit in May 2008. However, Okanagan Lake has fisheries resources for several species of fish, therefore, all works will be conducted under applicable Best Management Practices to ensure that potential impacts to fish (and wildlife) or their habitat as a result of the work are minimized or avoided. Table 3.2 summarizes the fish species identified in Okanagan Lake.

Table 3.2: Documented Fish Species in the Okanagan Lake

Fish Species	Provincial Ranking
Brook trout	Blue listed
Burbot	Yellow listed
Carp	Introduced
Chiselmouth	Blue listed
Cutthroat trout	Blue listed
Dace species	Unknown
Kokanee	Yellow listed
Lake Trout	Yellow listed
Lake Whitefish	Yellow listed



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Table 3.2: Documented Fish Species in the Okanagan Lake (*continued. . .*)

Fish Species	Provincial Ranking
Largescale sucker	Yellow listed
Leopard dace	Yellow listed
Longnose dace	Yellow listed
Longnose sucker	Yellow listed
Mountain whitefish	Yellow listed
Northern Pikeminnow	Yellow listed
Peamouth chub	Yellow listed
Prickly sculpin	Yellow listed
Pumpkinseed	Introduced
Pygmy whitefish	Yellow listed
Rainbow trout	Yellow listed
Redside shiner	Yellow listed
Slimy sculpin	Yellow listed
Steelhead trout	Yellow listed
Steelhead (winter-run)	Yellow listed
Sucker (general)	Unknown
Whitefish (general)	Yellow listed
Yellow perch	Yellow listed

Note: The above list represents the species recorded in the BC Fisheries/DFO Fisheries Data Warehouse (2008) and should not be considered a comprehensive list.

Blue listed species are species, subspecies and natural plant communities of special concern in British Columbia. Yellow listed species are indigenous species and plant communities which are not at risk in British Columbia.

4.0 EXISTING INFRASTRUCTURE

The existing Swim Bay boardwalk and pier is located at the northern end of the core downtown area, approximately 75 m south of the proposed project area. The lands adjacent to Swim Bay are characterized by a mixture of commercial and recreational developments. The foreshore land in this area is dominated by a variety of recreational amenities including a public marina and dock, yacht club, concession stand, washroom facilities, pedestrian corridors, benches and seating areas.

Photos of the site is included in Appendix B.



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5.0 PROPOSED WORKS

The Toddler and Wheelchair Access Swim Bay improvement project is located at the northern end of the downtown core area in Peachland. The Toddler and Wheelchair Access improvements are proposed within the designated swimming area which has been in operation for over half a century (refer to Appendices for location plans and site photos).

The purpose of these works is to provide a safe area for both young children and the physically disabled to access Lake Okanagan, separate from the boardwalk, pier and diving areas at Swim Bay which are highly used by the teenage demographic. Access across Beach Avenue to the proposed Swim Bay location is accommodated via a new signal activated pedestrian crosswalk at 6th Street, directly adjacent to the project area. At this location, Okanagan Lake is approximately 19 m away from Beach Avenue.

The proposed retaining walls and access ramps tie directly into the existing concession building and Yacht Club patio, which is approximately 1.3 meters west of the surveyed high water mark for Okanagan Lake (343.05 m). The northern limit of the proposed improvements are immediately adjacent to the existing wooden piles that surround the Peachland Yacht Club Marina. In addition, recreational amenities in the Swim Bay area were further enhanced in 2008 to provide the public with a new boardwalk/pier area, zipline and a rope swing.

The area can be described as a mixture of cobble-gravel beach transitioning to a grass boulevard area adjacent to Beach Avenue (grass boulevard is retained by a modular block wall). There are also a number of well established trees and shrubs in the boulevard along Beach Avenue in the Swim Bay area.

The proposed project will consist of the following components (please refer to concept drawings in Appendix C). Detailed design drawings are not available at this time as the proposed works will be tendered as a design-build project. It is important to note that these improvements along the waterfront are not intended for use by boats.

- Modular block retaining wall to match the existing wall adjacent to the site. The wall will be approximately 9.6 m long and 0.7 m high. The top of the wall will be at approximately 344.05 m in elevation. The base of the retaining wall footing is to be placed at approximately 342.7 m in elevation. The finished grade on the lake side of the retaining will be at approximately 343.05 m in elevation.
- The area between the ramps will be filled with a fine grained sand material. This particular aspect of the proposed improvements is intended to function as large scale 'sandbox'. The proposed retaining



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walls and ramp configuration will prevent the migration of these fine granular materials into Okanagan Lake.

- Cast-in-place concrete retaining wall approximately 21.6 m long and 1.2 m high. The base of the footing depth for the retaining wall will be 342.3 m. The finished grade of the wall on the lakeside will be approximately 342.6 m in elevation which is below the surveyed high water mark for Okanagan Lake (343.05 m).
- Installation of 7 pre-cast reinforced concrete slabs from the cast-in-place retaining wall extended out into Okanagan Lake approximately 15 m. The concrete slabs will be situated below the surveyed high water mark for Okanagan Lake, providing access to the water to both young children and the physically disabled, during the summer months. The existing cobble-gravel beach area will be re-graded to satisfy the design elevations as shown on the conceptual design drawings. Additional granular fill material will be placed along eastern limit of the concrete slabs to prevent scour action.
- The total disturbed area of the proposed works at the Swim Bay site is approximately 230 m² below the surveyed highwater mark of 343.05 m.

(Please refer to concept drawings in Appendix C). Detailed design drawings are not available at this time as the proposed works will be tendered as a design-build project.

6.0 TIMING

The key wall, retaining wall and access ramp will largely be constructed above the high water mark and, therefore, are not subject to timing windows. The concrete slabs which will allow for wheelchair access into the water will be installed below the high water mark. Timing windows for Okanagan Lake are based on the proximity of the proposed works to spawning creeks (in this case, the closest known spawning area is at Trepanier Creek which is 1,800 m to the north). Therefore, the timing window for the installation of the concrete slabs is June 1 to September 30. However, being that there is no identified shore spawning habitat in close proximity to the project area, to reduce potential impacts on Okanagan Lake, the ideal time to install the concrete slabs is during the low water period (October to May). The Okanagan Lake Process Map is included in Appendix D.

7.0 IMPACTS TO FISHERIES RESOURCES

There is no natural riparian or submergent/emergent vegetation in the project vicinity. The substrates in the project area are cobbles and gravels. There will be a permanent change of approximately 220 m² of cobble substrate as a result of the installation of the concrete slabs below the high water mark. This area



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is highly used as a public swimming area and is not currently identified as kokanee spawning habitat (it is in a no colour zone).

There is the potential for impacts to fisheries resources in Okanagan Lake during construction. These impacts relate to the potential for periodic changes in water quality as a result of increased sedimentation or accidental discharges or spills.

With a comprehensive work plan that includes preventative, mitigative and rehabilitation strategies together with appropriate work practices, these potential impacts to fisheries resources in Okanagan Lake can be avoided, minimized or mitigated.

8.0 MITIGATION PROPOSED

The following mitigation measures are proposed to reduce potential detrimental impacts to fish and fish habitat during construction activities:

- All work to be completed in accordance with the Ministry of Environment and Department of Fisheries and Oceans requirements and best management practices.
- A qualified environmental monitor will be present on site to ensure mitigation measures and appropriate environmental practices are followed to minimize impacts to the aquatic and terrestrial environments. The environmental monitor will have the authority to alter and/or halt any construction activity if deemed necessary for the protection of the aquatic and terrestrial environments.
- On-site sedimentation and siltation controls are to be implemented before construction work commences and will remain in place until the work ceases. The integrity of the siltation/sedimentation controls are to be maintained during the construction period.
- All operations shall be conducted in such a manner as to prevent the deposition of deleterious substances into Okanagan Lake.
- All machinery/equipment used will be in good operating condition (power washed), free of leaks, excess oil and grease to ensure that no fuels, lubricants or construction wastes are permitted to enter Okanagan Lake.
- A spill containment kit will be kept on site and readily accessible during the construction period. All personnel on site will be trained to its location and appropriate usage.
- Fuelling, fuel storage and equipment maintenance is to be conducted in a designated area a minimum of 30 m upslope from the high water mark of Okanagan Lake (established at 343.05 m in elevation).



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- The Provincial Emergency Response Program is to be contacted if there is a spill of a reportable quantity (1-800-663-3456). The District of Peachland and the Penticton Office of the Ministry of Environment must also be contacted.

For Concrete Works:

- All works involving the use of concrete, cement, mortars, and other Portland cement or lime-containing construction materials will not deposit, directly or indirectly, sediments, debris, concrete, concrete fines, wash or contact water into or about Okanagan Lake (or any other watercourse including ravines, gullies and ditches).
- Concrete materials which are cast in place must remain inside sealed formed structures until cured.
- A CO₂ tank with regulator, hose and gas diffuser will be readily available during concrete works to neutralize pH levels should a spill occur. Staff will be trained in its use.
- Containment facilities will be provided away from the site for the wash-down water from concrete delivery trucks, concrete pumping equipment and other tools and equipment.
- Concrete work will be completely isolated from Okanagan Lake.
- Monitoring of pH will be conducted in Okanagan Lake until concrete works are completed. Emergency measures should be implemented if lake pH increases by more than 1.0 pH unit, or is recorded to be below 6.0 or above 9.0 pH units.
- Any water that has contacted the concrete works will not be permitted to enter into Okanagan Lake.

9.0 ENVIRONMENTAL MONITORING

Construction activities will be monitored during start up and any "in-stream" works or works involving the use of concrete. A pre-construction meeting will be held between the environmental monitor and the contractor to ensure a common understanding of the mitigative measures and best management practices for the project.

Water quality monitoring will be conducted during the installation of the concrete slabs and concrete works. There will be three phases to the monitoring program:

- Pre-work sampling, to establish a water quality baseline;
- During work sampling, to determine if detrimental impacts are occurring within the lake as a result of the proposed works; and
- Post-work sampling, to ensure that post-work water quality is at baseline conditions.



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Prior to the initiation of the sampling program, up to four monitoring stations will be established on Okanagan Lake. The locations of the monitoring stations will be determined by the environmental monitor. The stations will be positioned in areas which are representative of background lake water quality and that are inside and outside the zone of influence of the constructions works. These monitoring stations will assess the following parameters:

- Turbidity
- Total Suspended Solids (TSS)
- Dissolved oxygen (DO)
- Temperature
- pH

Up to 3 pre-work sampling events will occur to establish baseline water quality data; the construction/installation period sampling will occur on a daily basis; and the post-work sampling will occur on one occasion. In addition, samples will collected at each monitoring station for the analysis of total suspended solids on the following schedule:

- All pre-work sampling events;
- Once weekly during construction/installation; and
- Once when works have ceased.

These samples will be collected using standard field methods and should be representative of the conditions in the lake at that time. Turbidity, DO, temperature and pH will be measured as field parameters. TSS samples will be forwarded to an accredited laboratory for analysis, within the designated holding time.

The BC Water Quality Guidelines must be used as a trigger for deciding if and when work should be stopped. As defined by the BC Water Quality Guidelines, if turbidity levels downstream increase beyond those found upstream by more than 8 NTU in a period of 24 hours, work must stop.

At the completion of the project, a summary report of the project environmental measures must be completed by the environmental monitor. This report should be submitted to the District of Peachland and the Ministry of Environment. The summary report is to include any spills which occurred during the on-site works, together with the estimated volume and actions taken.



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10.0 CLOSURE

Under the Navigable Waters Protection Act this project is not considered a minor work, however, the proposed work should not substantially interfere with navigation on Okanagan Lake. All recommendations provided by the Navigable Waters Protection Division will be strictly adhered to.

The potential impacts associated with the proposed works will be mitigated by following a comprehensive work plan that includes preventative, mitigative and rehabilitation strategies together with appropriate work practices and environmental monitoring.

Please contact us if you have any questions or would like to further discuss any aspect of the proposed project.

Yours truly,

URBAN SYSTEMS LTD.

A handwritten signature in purple ink, reading 'Rhonda Maskiewich'.

Rhonda Maskiewich, R.P. Bio.
Environmental Consultant

/rm

Attachments:

Appendix A	Location Map
Appendix B	Site Photos
Appendix C	Concept Drawings
Appendix D	Okanagan Lake Protocol Map for Peachland Area

cc: Navigable Waters Protection Agency – Vancouver Office, Attn: John Mackie
Ministry of Environment –Penticton Office, Attn: Shaun Reimer

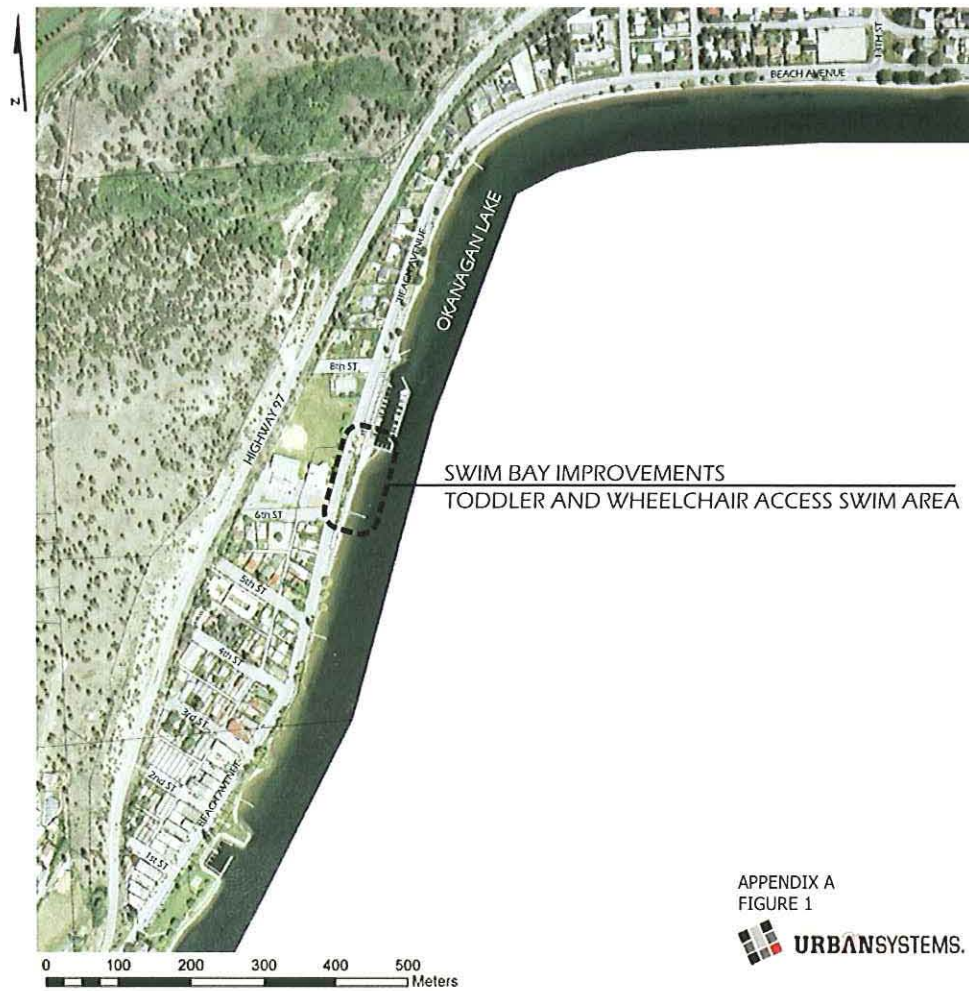
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APPENDIX A

Location Map



APPENDIX A
FIGURE 1





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APPENDIX B

Site Photos

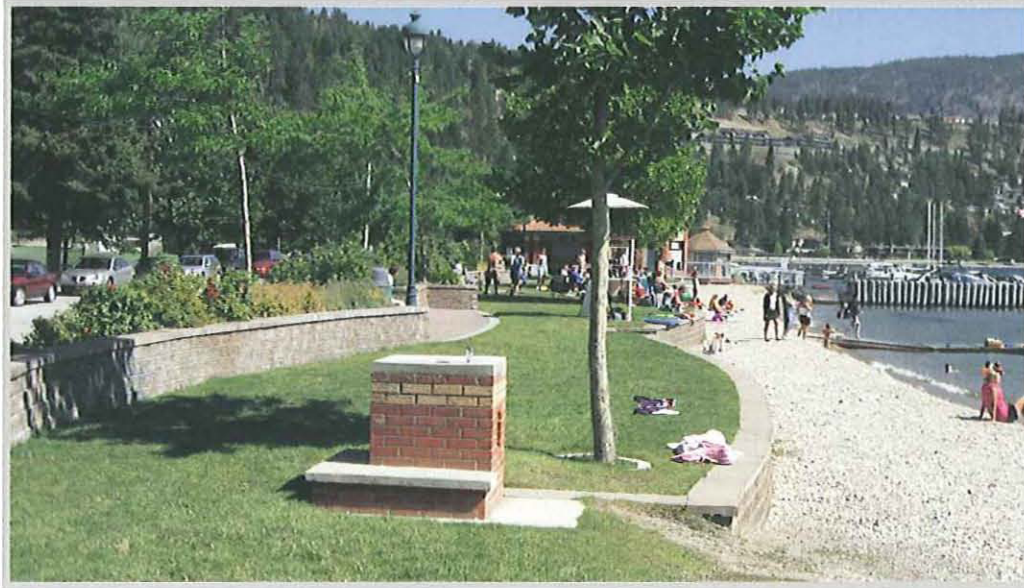


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Existing Swim Bay Beach Development Looking North



Location of Proposed Development at Swim Bay Looking North Towards Existing Development





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**Existing Yacht Club Wooden Pile Breakwater and Concession Stand Building
Adjacent to Swim Bay Improvements - Looking Northeast**



**Existing Concession Stand and Paving Pattern Area Immediately West of
Swim Bay Improvements - Looking North**



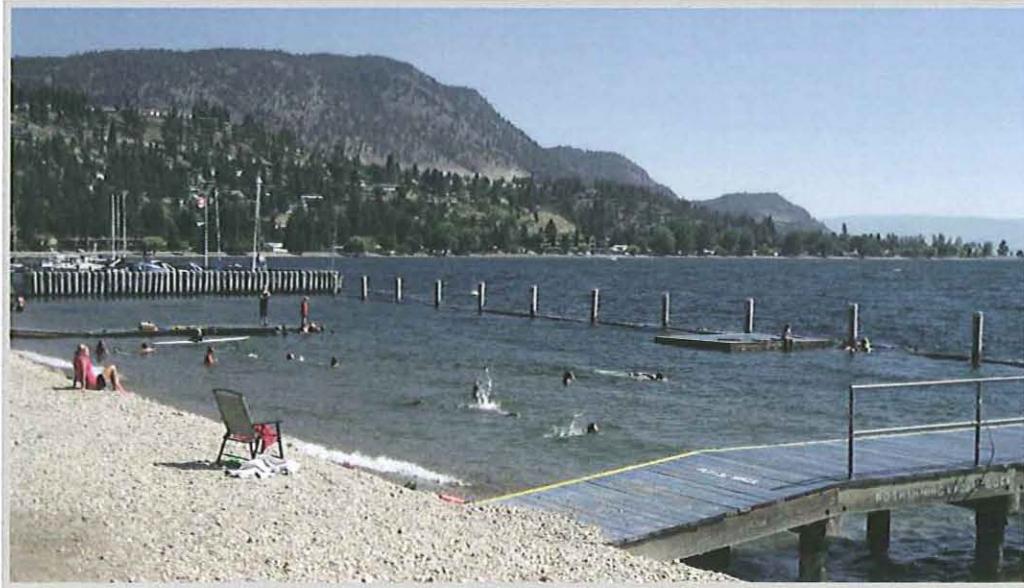


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Existing Pier and Swimming Area at Swim Bay Looking North



Existing Pier at Swim Bay Looking South Towards the Proposed Development Area





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APPENDIX C

Concept Drawings

DISTRICT OF PEACHLAND



Peachland Yacht Club Marina

Swimbay Improvements
Toddler & Wheelchair Access
Swim Area

Pedestrian Activated Crosswalk
Completed in 2008

Swimbay Pier & Boardwalk
Completed in 2008
Refer to File: R8-6301

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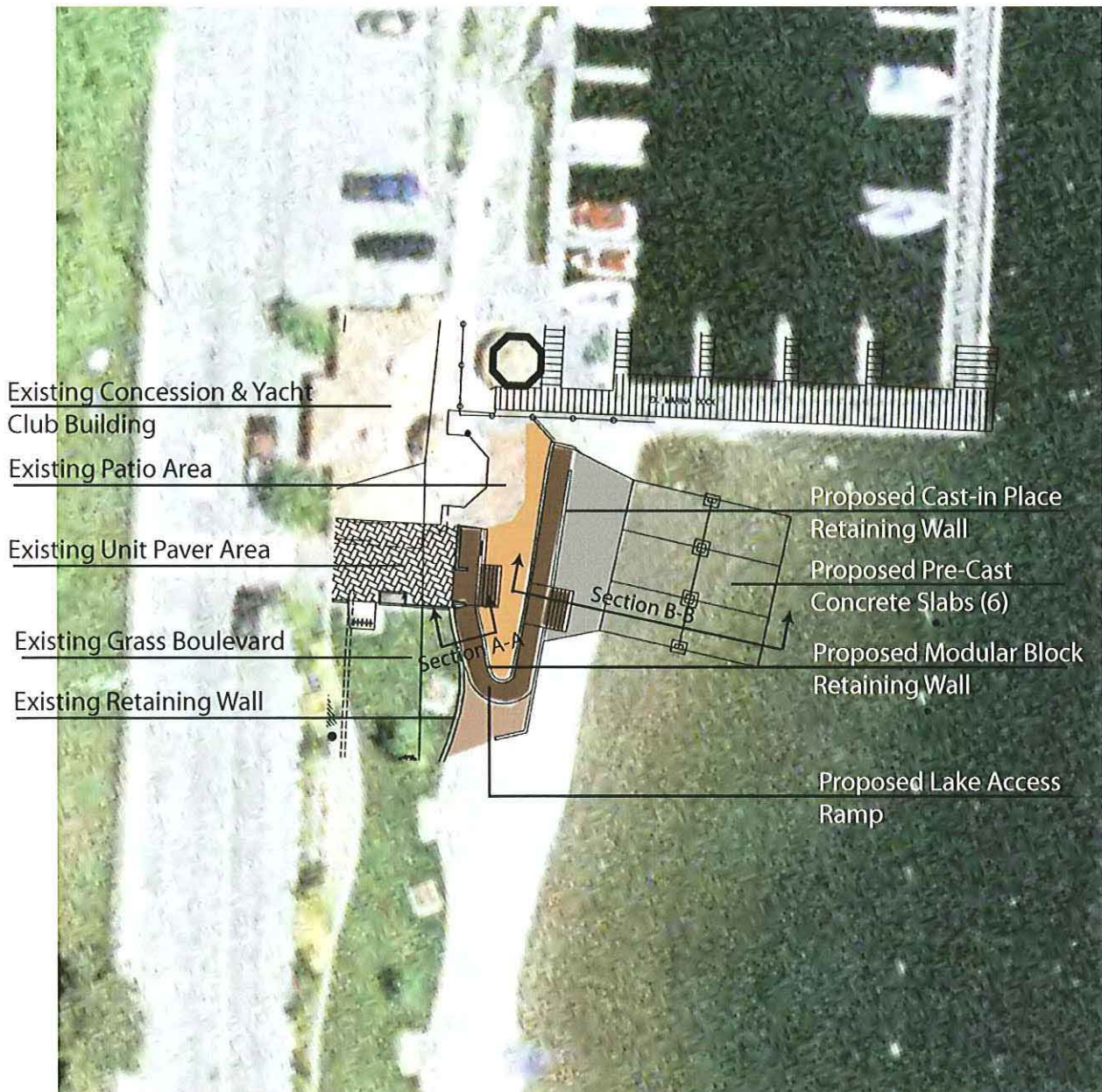
Client/Project

PEACHLAND CENTENNIAL
WATERFRONT PROJECTS

Scale	Date	Figure
NTS	2009-02-04	1
0655.0140.02		Title

**Swimbay Improvements
Toddler & Wheelchair Access - Key Plan**

DISTRICT OF PEACHLAND



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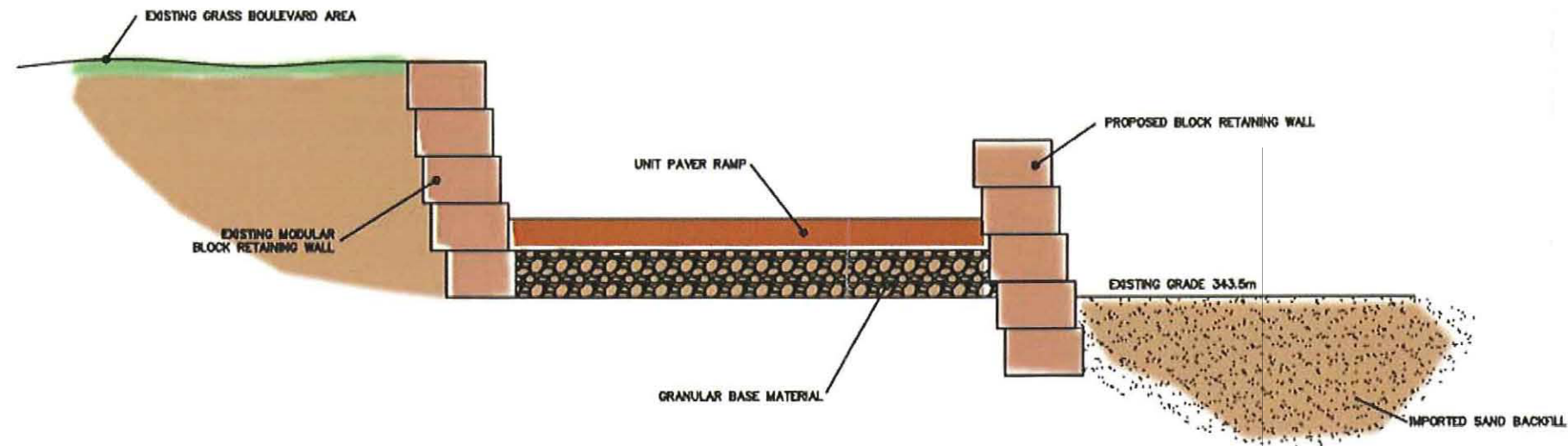
PEACHLAND CENTENNIAL
WATERFRONT PROJECTS

Scale	Date	Figure
NTS	2009-02-04	2
0655.0140.02		Title

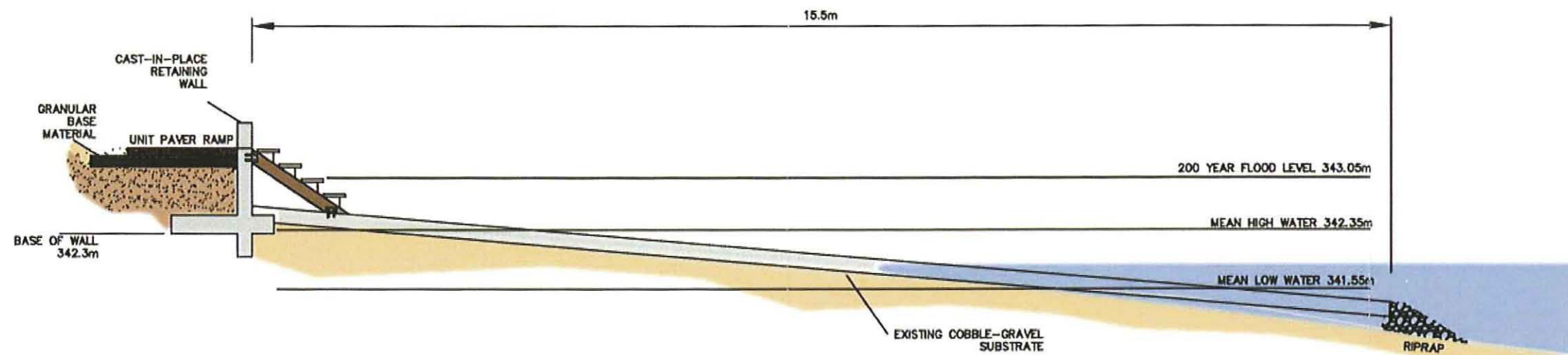
**Swimbay Improvements
Toddler & Wheelchair Access - Plan**

DISTRICT OF PEACHLAND

SECTION A-A



SECTION B-B



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Client/Project		
PEACHLAND CENTENNIAL WATERFRONT PROJECTS		
Scale	Date	Figure
nts	2009-02-04	3
0655.0140.02		Title
Swimbay Improvements Toddler & Wheelchair Access - Sections		



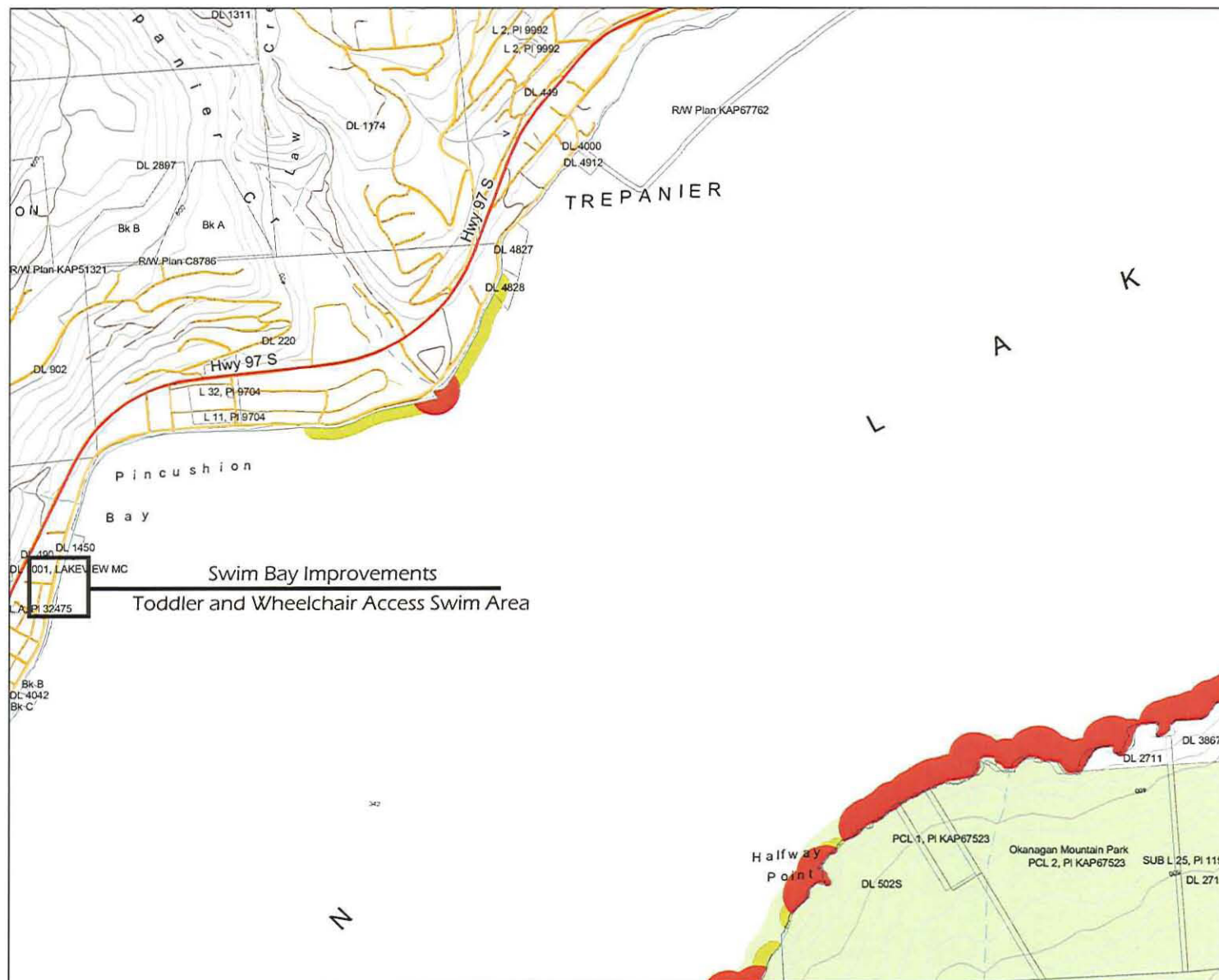
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APPENDIX D

Okanagan Lake Protocol Map for Peachland Area



**Red / Yellow Process for
Okanagan Lake**

Mapsheet 25



Legend

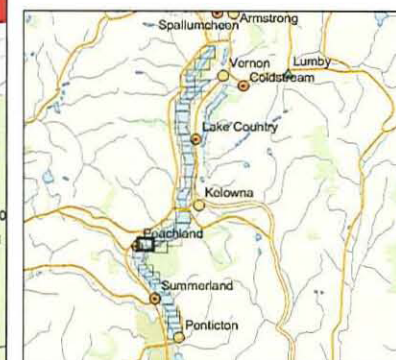
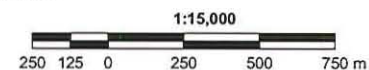
- Red Protocol Process
- Yellow Protocol Process
- Survey Parcels
- ICIS Data
(Integrated Cadastral Information Society)
- Indian Reserves
- Parks and Protected Areas



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Prepared by: FrontCounter BC
Date: August 21, 2007

DISCLAIMER: This map is provided for general information purposes. The accuracy of the information in this map is not guaranteed. Before taking any action or making any decision you should consult official sources.



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WAPPDB

Record Created. X

Water Approvals

(Query)

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File No	806499
Authorization #	
Applicant	Peachland District of
Date Received	05 Feb 09
Source	Okanagan Lake
Precinct	
Summary	improve toddler and
Status	Waiting
Date Approved	
Receipt	1000001 Feb 5/09 \$130.00
Assigned To	Referral Committee
Comments	FC Project 25245

BC Environment Southern Interior Region

LJBELCOU

Popowich, Tracy CSNR:EX

From: Rhonda Maskiewich [rmaskiewich@urban-systems.com]
Sent: Monday, March 2, 2009 11:57 AM
To: Reimer, Shaun ENV:EX
Cc: Epp, Phil ENV:EX; Clayton Drewlo
Subject: Riparian Compensation Plan - Section 9 - District of Peachland
Attachments: 2009-03-02-MoE Response Compensation-Final.pdf

Please find attached the compensation plan prepared for the Section 9 approval application for the Swim Bay Toddler and Wheelchair swimming area. A hard copy will be forward via mail today. Please feel free to call if you would like to discuss. Thank you.

Rhonda Maskiewich, R.P. Bio., P. Ag.

Environmental Consultant/Planner



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March 2, 2009

File: 0655.0140.02

Ministry of Environment
Environmental Stewardship Division
Okanagan Region
102 Industrial Place
PENTICTON, BC V2A 7C8

Attention: Shaun Reimer, A/Water Resource Hydrologist

**RE: SECTION 9 APPROVAL – DISTRICT OF PEACHLAND WATERFRONT PROJECTS –
COMPENSATION PLAN**

Thank you for your email comments on the Section 9 approval application which was submitted on behalf of the District of Peachland on February 4, 2009, for the Toddler and Wheelchair Swim Area of Swim Bay.

The proposed work involves hard structures in the riparian area as well as below the high water mark. While there is no existing riparian vegetation and the habitat is considered lower value, we understand that compensation is required for approximately 230 m² of permanent loss. We have reviewed opportunities for habitat compensation and have identified an area within relative close proximity to the Swim Bay area which would benefit from riparian planting (see photos in Appendix A).

1.0 COMPENSATION LOCATION

The District of Peachland's Heritage Park is located along Beach Avenue near its intersection with 1st Street, which is located approximately 600 m from the Swim Bay project area. Heritage Park has been available to the Community since its incorporation, and was recently enhanced in 2008 as part of the Centennial Waterfront Improvements project (MoE file R8-6301). The area identified for compensation planting is approximately 100 m long and 2.5 m wide for a total of 250 m² of riparian planting (Drawings are included in Appendix B).

2.0 COMPENSATION PLAN

A 2.5 meter wide band of indigenous plants will be planted along the foreshore area within Heritage Park, adjacent to the riprap bank of Okanagan Lake (see photos in Appendix A). The existing sod will be removed and the topsoil amended to provide suitable substrate for plant establishment and survival.



Plants which will be used for compensation planting are listed in Table 2.1 below:

Table 2.1: Plant List

Common Name	Scientific Name
Saskatoon	<i>Amelanchier alnifolia</i>
Spreading dogbane	<i>Apocynum androsaemilfolium</i>
Kinnickinnick	<i>Arctostaphylos uva-ursi</i>
Big sagebrush	<i>Artemisia tridentata</i>
Dwarf birch	<i>Betula nana/glandulosa</i>
Red stem ceanothus	<i>Ceanothus sanguineus</i>
Rabbitbrush	<i>Chrysothamnus nauseosus</i>
Red osier dogwood	<i>Cornus sericea</i>
Mallow ninebark	<i>Physocarpus malvaceus</i>
Squaw currant	<i>Ribes cereum</i>
Prairie rose	<i>Rosa woodsii</i>
Thimbleberry	<i>Rubus parviflorus</i>
Soopalallie	<i>Shepherdia canadensis</i>
Snowberry	<i>Symphoricarpos albus</i>
Red Huckleberry	<i>Vaccinium parvifolium</i>

Any exposed areas will be re-seeded with an appropriate indigenous riparian grass seed mix (Pine Native Grass Seed outlined in Table 2.2) and protected from erosion with a 100% biodegradable erosion control blanket. All planting works will be conducted by hand to avoid having equipment and machinery working in close proximity to Okanagan Lake. It is recognized that annual ryegrass is a non-native species. However, it is used as an erosion barrier until the permanent grass develops. Annual ryegrass does not over-winter in cold climates.



Table 2.2: Pine Native Grass Seed Mix

Common Name	Scientific Name	Percent
Bluebunch wheatgrass	<i>Agropyron spicatum / Elymus spicatus</i>	33%
Annual ryegrass	<i>Lolium multiflorum</i>	20%
Rough fescue	<i>Festuca scabrella</i>	18.9%
Rocky Mountain fescue	<i>Festuca saximontana</i>	16%
Sandberg's bluegrass	<i>Poa sanbergii</i>	9%
Junegrass	<i>Koeleria macrantha</i>	3%
Arrow_leaved balsamroot	<i>Balsamorhiza sagittata</i>	0.1%

3.0 RECOMMENDATIONS

It is recommended that planting activities along the foreshore of Okanagan Lake be monitored by an environmental monitor. The following is also recommended to reduce potential adverse environmental impacts during the planting works:

- Work should be delayed during periods of high precipitation to avoid the risk of siltation to the lake;
- Work be done in non-windy conditions;
- Environmental monitor should monitor removal of existing sod and any excavation required for the planting bed;
- Excavated material should be removed immediately from the foreshore or covered with an appropriate erosion control material;
- Water should be available to dampen surfaces to control dust;
- Growing medium should have adequate moisture content to reduce dust impacts;
- Environmental monitor should monitor installation of growing medium and subsequent planting and installation of the erosion control blanket;
- Work should be completed in sections to avoid large areas of exposed soils next to the lake. Placement of growing medium should be immediately followed by planting, seeding and installation of erosion control blanket material or covered with an appropriate erosion control material until such time as planting can occur.



Ministry of Environment
File: 0655.0140.02
March 2, 2009
Page 4

4.0 CLOSURE

The District will provide routine irrigation and invasive weed control for a minimum of two full growing seasons after the compensation planting is complete. After two years, the area will be surveyed for riparian habitat establishment and vigour, and a follow-up letter provided to the Ministry of Environment for review. If further actions are required, this will be determined at that time. We feel this planting plan will enhance the riparian area, especially from a lakeshore stewardship perspective. Please feel free to call either of the undersigned if you have any questions or would like to discuss further.

Yours truly,

URBAN SYSTEMS LTD.

Rhonda Maskiewich, R.P. Blo, P. Ag.
Environmental Consultant

Elizabeth Balderston, MBCSLA, AALA
Landscape Architect

/rm

cc: Phil Epp, Hydrologist, Water Stewardship Okanagan
Doug Allin, Director of Operation, District of Peachland
Clayton Drewlo, P. Eng., Urban Systems Ltd.

\\sistraf\projects\Projects_AEL\0655.0140.02\C-Correspondence\C-1 Environmental Agencies\2009 Section 9\2009-02-24-LET-HoF Response Compensation-rev.doc



Ministry of Environment
File: 0655.0140.02
March 2, 2009

FNR-2012-00370

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Appendix A

Heritage Park Site Photos



Ministry of Environment
File: 0655.0140.02
March 2, 2009

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Subject Foreshore Area – Existing Conditions



Subject Foreshore Area – Existing Conditions



Ministry of Environment
File: 0655.0140.02
March 2, 2009

FNR-2012-00370

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Subject Foreshore Area – Existing Conditions



Subject Foreshore Area – Existing Conditions

www.urban-systems.com

CALGARY | EDMONTON | FORT ST. JOHN | KAMLOOPS | KELOWNA | NELSON | QUESNEL | RICHMOND



Ministry of Environment
File: 0655.0140.02
March 2, 2009

FNR-2012-00370

URBANSYSTEMS.

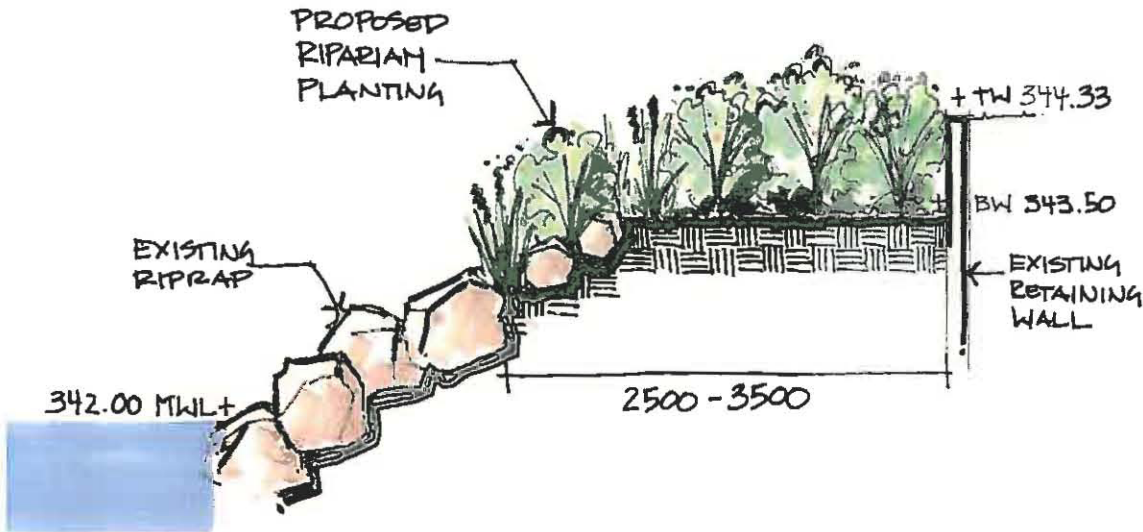
Appendix B

Drawings

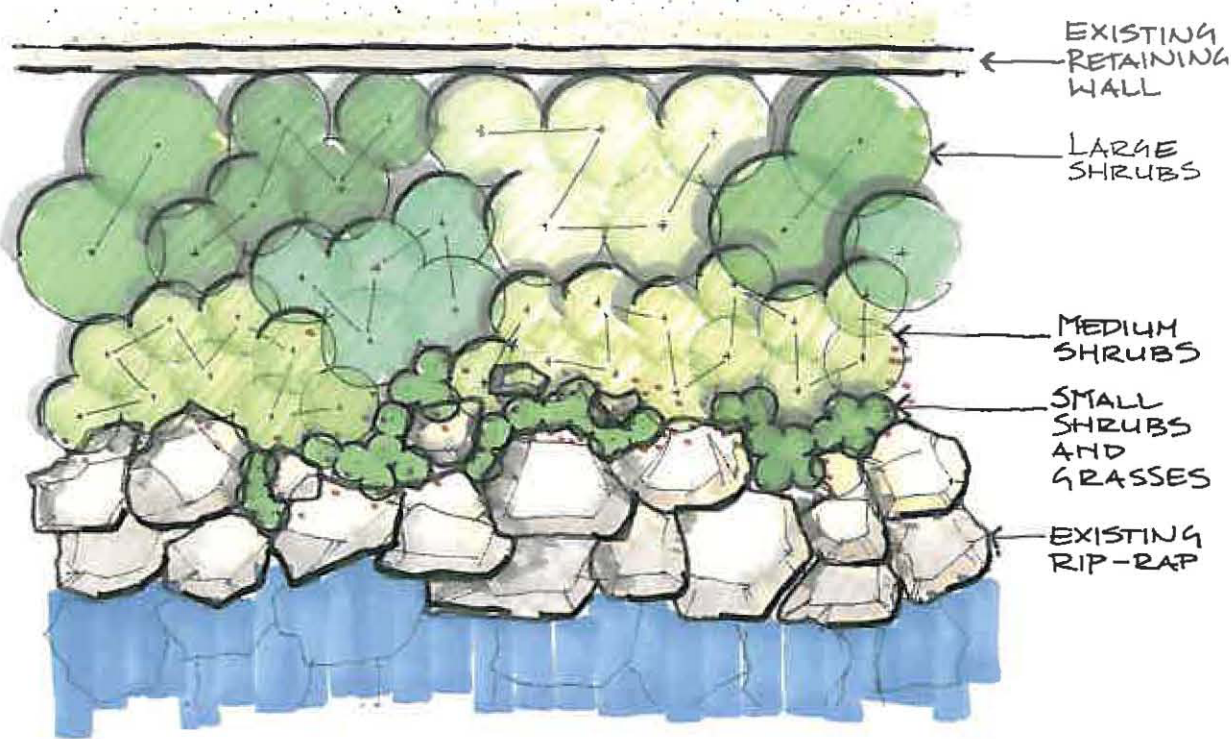
Swim Bay Riparian Compensation

FIGURE
1





Planting Arrangement (Typical)
Section



Planting Arrangement (Typical)
Plan



Subject Foreshore Area
Existing Conditions

PLANT LIST

AMELANCHIER ALNIFOLIA	SASKATOON	1-5m
APOCYNUM ANDROSAEMIFOLIUM	SPREADING DOGBANE	0.2-0.5m
ARCTOSTAPHYLOS UVA-URSI	KINNICKINNICK	0.2m
ARTEMISIA TRIDENTATA	BIG SAGEBRUSH	0.5m
BETULA NANA / GLANDULOSA	DWARF BIRCH	0.3-0.5m
CEANOTHUS SANGUINEUS	RED STEM CEANOTHUS	1-3m
CHRYSOTHAMNUS NAUSEOSUS	RABBITBRUSH	1m
CORNUS SERICEA	RED OSIER DOGWOOD	1-4m
PHYSOCARPUS MALVACEUS	MALLOW NINEBARK	2m
RIBES CEREUM	SQUAW CURRANT	0.5-1.5m
ROSA WOODSII	WOODS ROSE	1.2m
RUBUS PARVIFLORUS	THIMBLEBERRY	0.5-2m
SHEPHERDIA CANADENSIS	SOOPALALLIE	1-2m
SYMPHORICARPOS ALBUS	SNOWBERRY	0.5-1m
VACCINIUM PARVIFOLIUM	RED HUCKLEBERRY	1-2m

NOTES

1. REMOVE EXISTING SOD AND AMEND OR REPLACE TOPSOIL AS RECOMMENDED BY A SOIL ANALYSIS REPORT.
2. RESEED ALL DISTURBED AREAS WITH RECOMMENDED INDIGENOUS RIPARIAN GRASS SEED MIX.
3. PROTECT DISTURBED AREA FROM EROSION WITH 100% BIODEGRADABLE EROSION CONTROL FABRIC.
4. PLANT SHRUBS IN NATURALIZED GROUPINGS OF ODD NUMBERS.
5. PLANT LARGEST SHRUBS AGAINST EXISTING RETAINING WALL PROGRESSING DOWN TO SMALLEST SHRUBS ADJACENT TO EXISTING RIP-RAP (SHRUB SIZES: LARGE = OVER 1.5m, MEDIUM = 0.75-1.5m, SMALL = UNDER 0.75m)
6. DISTRICT TO PROVIDE ROUTINE IRRIGATION AND INVASIVE SPECIES REMOVAL FOR A MINIMUM OF TWO FULL GROWING SEASONS AFTER INSTALLATION.



Suite 200 - 286 St. Paul Street, Kamloops, BC V2C 6G4
Telephone: 250-374-8311 Fax: 250-374-5334

URBANSYSTEMS.

Received

March 2, 2009

MAR 05 2009

File: 0655.0140.02

102 Industrial Place
Penticton, BC V2A 7C8

Ministry of Environment
Environmental Stewardship Division
Okanagan Region
102 Industrial Place
PENTICTON, BC V2A 7C8

Attention: Shaun Reimer, A/Water Resource Hydrologist

**RE: SECTION 9 APPROVAL – DISTRICT OF PEACHLAND WATERFRONT PROJECTS –
COMPENSATION PLAN**

Thank you for your email comments on the Section 9 approval application which was submitted on behalf of the District of Peachland on February 4, 2009, for the Toddler and Wheelchair Swim Area of Swim Bay.

The proposed work involves hard structures in the riparian area as well as below the high water mark. While there is no existing riparian vegetation and the habitat is considered lower value, we understand that compensation is required for approximately 230 m² of permanent loss. We have reviewed opportunities for habitat compensation and have identified an area within relative close proximity to the Swim Bay area which would benefit from riparian planting (see photos in Appendix A).

1.0 COMPENSATION LOCATION

The District of Peachland's Heritage Park is located along Beach Avenue near its intersection with 1st Street, which is located approximately 600 m from the Swim Bay project area. Heritage Park has been available to the Community since its incorporation, and was recently enhanced in 2008 as part of the Centennial Waterfront Improvements project (MoE file R8-6301). The area identified for compensation planting is approximately 100 m long and 2.5 m wide for a total of 250 m² of riparian planting (Drawings are included in Appendix B).

2.0 COMPENSATION PLAN

A 2.5 meter wide band of indigenous plants will be planted along the foreshore area within Heritage Park, adjacent to the riprap bank of Okanagan Lake (see photos in Appendix A). The existing sod will be removed and the topsoil amended to provide suitable substrate for plant establishment and survival.



Plants which will be used for compensation planting are listed in Table 2.1 below:

Table 2.1: Plant List

Common Name	Scientific Name
Saskatoon	<i>Amelanchier alnifolia</i>
Spreading dogbane	<i>Apocynum androsaemifolium</i>
Kinnickinnick	<i>Arctostaphylos uva-ursi</i>
Big sagebrush	<i>Artemisia tridentata</i>
Dwarf birch	<i>Betula nana/glandulosa</i>
Red stem ceanothus	<i>Ceanothus sanguineus</i>
Rabbitbrush	<i>Chrysothamnus nauseosus</i>
Red osier dogwood	<i>Cornus sericea</i>
Mallow ninebark	<i>Physocarpus malvaceus</i>
Squaw currant	<i>Ribes cereum</i>
Prairie rose	<i>Rosa woodsii</i>
Thimbleberry	<i>Rubus parviflorus</i>
Soopalallie	<i>Shepherdia canadensis</i>
Snowberry	<i>Symphoricarpos albus</i>
Red Huckleberry	<i>Vaccinium parvifolium</i>

Any exposed areas will be re-seeded with an appropriate indigenous riparian grass seed mix (Pine Native Grass Seed outlined in Table 2.2) and protected from erosion with a 100% biodegradable erosion control blanket. All planting works will be conducted by hand to avoid having equipment and machinery working in close proximity to Okanagan Lake. It is recognized that annual ryegrass is a non-native species. However, it is used as an erosion barrier until the permanent grass develops. Annual ryegrass does not over-winter in cold climates.



Table 2.2: Pine Native Grass Seed Mix

Common Name	Scientific Name	Percent
Bluebunch wheatgrass	<i>Agropyron spicatum / Elymus spicatus</i>	33%
Annual ryegrass	<i>Lolium multiflorum</i>	20%
Rough fescue	<i>Festuca scabrella</i>	18.9%
Rocky Mountain fescue	<i>Festuca saximontana</i>	16%
Sandberg's bluegrass	<i>Poa sanbergii</i>	9%
Junegrass	<i>Koeleria macrantha</i>	3%
Arrow_leaved balsamroot	<i>Balsamorhiza sagittata</i>	0.1%

3.0 RECOMMENDATIONS

It is recommended that planting activities along the foreshore of Okanagan Lake be monitored by an environmental monitor. The following is also recommended to reduce potential adverse environmental impacts during the planting works:

- Work should be delayed during periods of high precipitation to avoid the risk of siltation to the lake;
- Work be done in non-windy conditions;
- Environmental monitor should monitor removal of existing sod and any excavation required for the planting bed;
- Excavated material should be removed immediately from the foreshore or covered with an appropriate erosion control material;
- Water should be available to dampen surfaces to control dust;
- Growing medium should have adequate moisture content to reduce dust impacts;
- Environmental monitor should monitor installation of growing medium and subsequent planting and installation of the erosion control blanket;
- Work should be completed in sections to avoid large areas of exposed soils next to the lake. Placement of growing medium should be immediately followed by planting, seeding and installation of erosion control blanket material or covered with an appropriate erosion control material until such time as planting can occur.

Ministry of Environment
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March 2, 2009
Page 4

4.0 CLOSURE

The District will provide routine irrigation and invasive weed control for a minimum of two full growing seasons after the compensation planting is complete. After two years, the area will be surveyed for riparian habitat establishment and vigour, and a follow-up letter provided to the Ministry of Environment for review. If further actions are required, this will be determined at that time. We feel this planting plan will enhance the riparian area, especially from a lakeshore stewardship perspective. Please feel free to call either of the undersigned if you have any questions or would like to discuss further.

Yours truly,

URBAN SYSTEMS LTD.



Rhonda Maskiewich, R.P. Bio, P. Ag.
Environmental Consultant



Elizabeth Balderston, MBCSLA, AALA
Landscape Architect

/rm

cc: Phil Epp, Hydrologist, Water Stewardship Okanagan
Doug Allin, Director of Operation, District of Peachland
Clayton Drewlo, P. Eng., Urban Systems Ltd.

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Ministry of Environment
File: 0655.0140.02
March 2, 2009

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Appendix A

Heritage Park Site Photos



Ministry of Environment
File: 0655.0140.02
March 2, 2009

FNR-2012-00370
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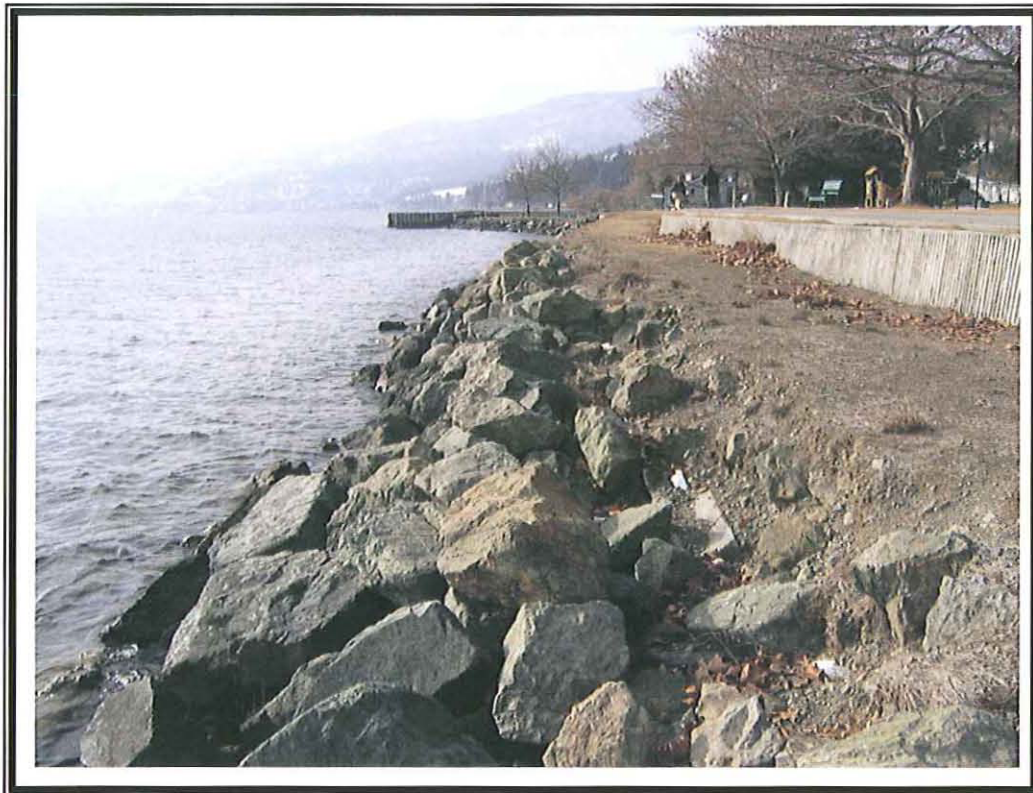
URBANSYSTEMS®



Subject Foreshore Area – Existing Conditions



Subject Foreshore Area – Existing Conditions



Subject Foreshore Area – Existing Conditions



Subject Foreshore Area – Existing Conditions



Ministry of Environment
File: 0655.0140.02
March 2, 2009

FNR-2012-00370
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Appendix B

Drawings

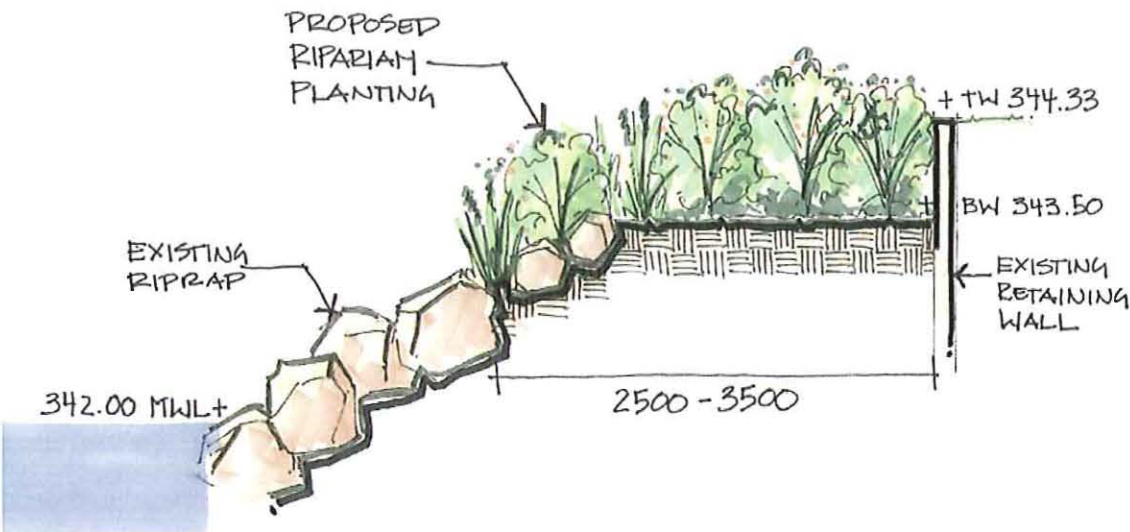
Peachland Centennial Projects

District of Peachland

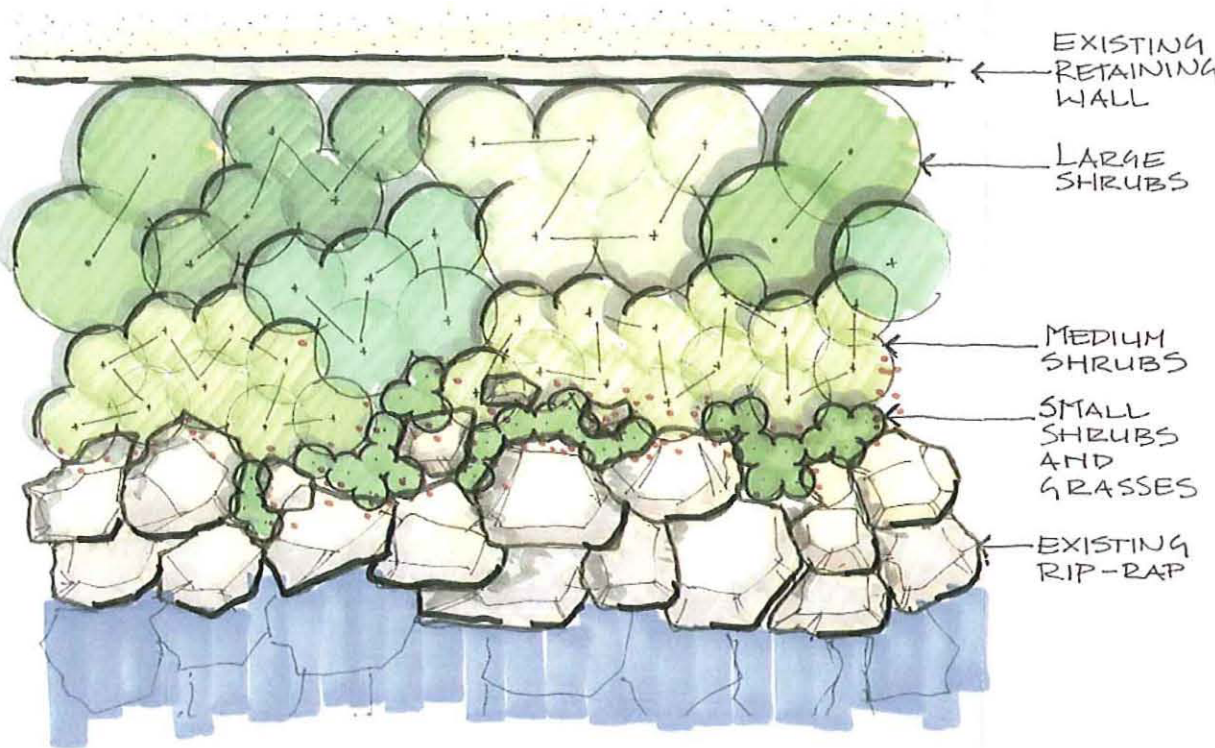
Swim Bay Riparian Compensation

FIGURE
1





Planting Arrangement (Typical)
Section



Planting Arrangement (Typical)
Plan



Subject Foreshore Area
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6. DISTRICT TO PROVIDE ROUTINE IRRIGATION AND INVASIVE SPECIES REMOVAL FOR A MINIMUM OF TWO FULL GROWING SEASONS AFTER INSTALLATION.

Popowich, Tracy CSNR:EX

From: Epp, Phil ENV:EX
Sent: Tuesday, March 3, 2009 1:51 PM
To: Reimer, Shaun ENV:EX
Cc: Lacey, Cathy M ENV:EX
Subject: A8-6499 District of Peachland Waterfront Project

Shaun, I have now reviewed both the Feb 4, 2009 and the Mar 2, 2009 reports prepared by Urban Systems in support of this application. The earlier report provides a good description of the aquatic resources in relation to the proposed works, and provides acceptable recommendations for mitigation and monitoring. The only real shortcoming I noted in the original document was lack of a compensation plan which is now addressed in the Mar 2 document. Accordingly, my concerns on behalf of Ecosystems Section can all be addressed by referencing Sections 8.0 Mitigation Proposed and 9.0 Environmental Monitoring in the Feb 4 report, and the Mar 2 Compensation Plan document as conditions of the Approval.

Please advise if any questions or concerns regarding my comments.

Phil Epp, P.Ag.
Regional Hydrologist
Okanagan Region
Ecosystems Section
BC Ministry of Environment
(250) 490-8274



March 13, 2009

File: A8-6499

District of Peachland
5806 Peachland Ave.
Peachland, BC, V0H 1X7

Attention: Doug Allin

Re: Section 9 Water Act Approval - Wheelchair ramp and toddler swim area

Approval for the above has been granted, and the approval document verifying this is attached. This Approval or copy of it should be kept on the work site so that it may be shown to a Ministry official upon request. You should contact your local government (local or municipal) to determine if there are any additional requirements such as a Riparian Area Regulations assessment. The holder of the attached Approval is also obligated to observe provisions under the Federal Fisheries Act.

If you have any other questions or concerns regarding this Approval, please contact me in Penticton at (250) 490-8200.

Yours truly,

Shaun Reimer, P.Eng.
Engineer, Okanagan Region
Water Stewardship Division

Attachments

pc: Fisheries & Oceans Canada, Salmon Arm, Attn: Bruce Runciman
Ecosystems Section, Penticton, Attn: Phil Epp
Conservation Officer Service, Kelowna, Attn: Greg Hoyer
Front Counter BC, Kamloops, Attn: Ernie Scherly
Urban Systems Ltd. 200-286 St. Paul Street Kamloops BC V2C 6G4,
Attn: Rhonda Maskiewich



APPROVAL

Changes in and about a stream

WATER ACT - SECTION 9 (1)

The District of Peachland is hereby authorized to make changes in and about a stream as follows:

- A. The stream is Okanagan Lake.
- B. The changes to be made in and about the stream are construction of a wheelchair ramp/Toddler swimming area requiring the placement of concrete slabs within Okanagan Lake as submitted with the application.
- C. All works and mitigation measures shall comply with the report dated February 4, 2009 submitted by Urban Systems for the application.
- D. The works authorized shall be completed on or before September 30, 2010.
- E. Instream work shall be undertaken during the period June 1 to September 30 to minimize the impact on the fisheries' resource. **Work may be undertaken outside of the designated work window where the qualified professional has determined that the work remains in compliance with all applicable legislation including the Federal Fisheries Act.**
- F. Compensation for the unavoidable environmental impacts shall follow the plan and recommendations outlined the document *Section 9 Approval - District of Peachland Waterfront Projects - Compensation Plan* dated March 2, 2009 and submitted by Urban Systems. **The planting must take place during the year 2009 and the District of Peachland must submit a short follow-up report (including photos) by September 30, 2011 documenting the success of the compensation. The report should be sent to Environmental Stewardship Division in Penticton to the attention of Phil Epp.**

- G. No silt, or other deleterious substances, shall be allowed to enter the water. This must be ensured through the use of appropriate dewatering methods or silt curtain and/or cofferdam materials.
- H. A qualified environmental professional shall be onsite at all times of the work. The qualified environmental professional shall have the authority to suspend work at any time if a harmful alteration, disruption or destruction of fish habitat in the stream appears imminent.
- I. The holder of this Approval shall take reasonable care to avoid damaging any land, works, trees or other property, and shall make full compensation to the owners for any damage or loss resulting from the exercise of the rights granted with this Approval.
- J. This Approval does not authorize entry onto privately held land.
- K. All excavated material and debris shall be removed from the site or placed in a stable area above the high water mark and protected from erosion by planting grass and/or vegetation.
- L. The retaining wall and ramp must be properly designed to withstand wave action during extended high water periods and must not be composed of materials harmful to the aquatic environment.
- M. Fuelling and servicing of vehicles and equipment must occur away from all streams, lakes and water bodies and any spills must be properly cleaned up and reported as required by the Spill Reporting Regulation (B.C. Reg. 263/90).
- N. All reasonable effort will be made to avoid any negative impacts to the stream's ecosystem.
- O. Appropriate design methods and construction techniques for the site conditions shall be utilized.
- P. Upon completion of this project, the streambed shall be left in as smooth a condition as possible with no depressions that could trap fish or initiate erosion.
- Q. Poured concrete shall be isolated from the lake for a period not less than 48 hours.
- R. Any machinery operated on the site shall be in good repair and be free of hydraulic leaks and excess surface oil and grease.

File: A806499

- 3 -

Date: March 13, 2009

- S. Upon commencement of the project, the works shall be pursued to completion as quickly as possible.

Shaun Reimer

Shaun Reimer, P.Eng.
Engineer, Okanagan Region

Approval: A806499

Date: March 13, 2009

Approval Tracking Form

Notification Number: R _____ or Approval File Number: A 8 - 6499

Proponent: District of Peachland Source: OK Lake

Referral Committee Meeting Held: Feb 11, 2009

Process as: Section 9 Approval Part 7 Regulations

File in possession of: Water _____ F&W _____

Application Discussed With:	Copy	Remarks
_____ DFO on _____	()	Phil Epp
Lora _____ ESD on _____	()	
Shawn _____ Water on _____	()	

On Site Meeting Held: _____, 2008, at _____ am/pm

Attended By: _____ DFO _____ Water

_____ F&W _____ Proponent

Comments Received From: F&W or DFO on _____, 2008

Referral Committee Comments: _____

\$ sent

Popowich, Tracy CSNR:EX

From: Reimer, Shaun ENV:EX
Sent: Wednesday, March 18, 2009 8:22 AM
To: 'Doug Allin'
Subject: RE: Section 9 application (swim baywheel chair access)

The documents were mailed several days ago. You should have them this week.

Shaun

From: Doug Allin [<mailto:dallin@peachland.ca>]
Sent: Tuesday, March 17, 2009 5:10 PM
To: Reimer, Shaun ENV:EX
Subject: Section 9 application (swim baywheel chair access)

Hi Shawn

I was wondering if you have had a look at our application that Phil Epp sent over to you. We are eager to complete the proposed work at swim bay prior to the lake starting to fill from runoff. If there is anything we can do to assist please let me know.

Thank you

Doug Allin
Director of Operations
District of Peachland
W-250 767 2108
C-250 212 2926
F-250 767 6370
email dallin@peachland.ca



Popowich, Tracy CSNR:EX

From: Clayton Drewlo [cdrewlo@urban-systems.com]
Sent: Tuesday, March 31, 2009 10:20 AM
To: Reimer, Shaun ENV:EX
Cc: Rhonda Maskiewich
Subject: District of Peachland Section 9 Approval - File A8-6499
Attachments: DOC032309.pdf

Shaun,

Further to my voice message, I have a few questions related to your Section 9 Approval letter dated March 13th, 2009 (see attached). More specifically; items E, G and H.

Can you please respond indicating your earliest availability to participate in a brief conference call? My availability this week is as follows:

- March 31st – 1:00pm-5:00pm
- April 1st – 10:00am-12:00pm & 1:00pm-5:00pm
- April 2nd – 1:00pm-5:00pm
- April 3rd – 9:30am-3:00pm

Thanks.

Clayton Drewlo
Urban Systems Ltd



March 13, 2009

RECEIVED

File: A8-6499

District of Peachland
5806 Peachland Ave.
Peachland, BC, V0H 1X7

MAR 23 2009

District of Peachland

Attention: Doug Allin

Re: Section 9 Water Act Approval - Wheelchair ramp and toddler swim area

Approval for the above has been granted, and the approval document verifying this is attached. This Approval or copy of it should be kept on the work site so that it may be shown to a Ministry official upon request. You should contact your local government (local or municipal) to determine if there are any additional requirements such as a Riparian Area Regulations assessment. The holder of the attached Approval is also obligated to observe provisions under the Federal Fisheries Act.

If you have any other questions or concerns regarding this Approval, please contact me in Penticton at (250) 490-8200.

Yours truly,

Shaun Reimer, P.Eng.
Engineer, Okanagan Region
Water Stewardship Division

Attachments

pc: Fisheries & Oceans Canada, Salmon Arm, Attn: Bruce Runciman
Ecosystems Section, Penticton, Attn: Phil Epp
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Front Counter BC, Kamloops, Attn: Ernie Scherly
Urban Systems Ltd. 200-286 St. Paul Street Kamloops BC V2C 6G4,
Attn: Rhonda Maskiewich



APPROVAL

Changes in and about a stream

WATER ACT - SECTION 9 (1)

The District of Peachland is hereby authorized to make changes in and about a stream as follows:

- A. The stream is Okanagan Lake.
- B. The changes to be made in and about the stream are construction of a wheelchair ramp/Toddler swimming area requiring the placement of concrete slabs within Okanagan Lake as submitted with the application.
- C. All works and mitigation measures shall comply with the report dated February 4, 2009 submitted by Urban Systems for the application.
- D. The works authorized shall be completed on or before September 30, 2010.
- E. Instream work shall be undertaken during the period June 1 to September 30 to minimize the impact on the fisheries' resource. **Work may be undertaken outside of the designated work window where the qualified professional has determined that the work remains in compliance with all applicable legislation including the Federal Fisheries Act.**
- F. Compensation for the unavoidable environmental impacts shall follow the plan and recommendations outlined the document *Section 9 Approval - District of Peachland Waterfront Projects - Compensation Plan* dated March 2, 2009 and submitted by Urban Systems. **The planting must take place during the year 2009 and the District of Peachland must submit a short follow-up report (including photos) by September 30, 2011 documenting the success of the compensation. The report should be sent to Environmental Stewardship Division in Penticton to the attention of Phil Epp.**

- G. No silt, or other deleterious substances, shall be allowed to enter the water. This must be ensured through the use of appropriate dewatering methods or silt curtain and/or cofferdam materials.
- H. A qualified environmental professional shall be onsite at all times of the work. The qualified environmental professional shall have the authority to suspend work at any time if a harmful alteration, disruption or destruction of fish habitat in the stream appears imminent.
- I. The holder of this Approval shall take reasonable care to avoid damaging any land, works, trees or other property, and shall make full compensation to the owners for any damage or loss resulting from the exercise of the rights granted with this Approval.
- J. This Approval does not authorize entry onto privately held land.
- K. All excavated material and debris shall be removed from the site or placed in a stable area above the high water mark and protected from erosion by planting grass and/or vegetation.
- L. The retaining wall and ramp must be properly designed to withstand wave action during extended high water periods and must not be composed of materials harmful to the aquatic environment.
- M. Fuelling and servicing of vehicles and equipment must occur away from all streams, lakes and water bodies and any spills must be properly cleaned up and reported as required by the Spill Reporting Regulation (B.C. Reg. 263/90).
- N. All reasonable effort will be made to avoid any negative impacts to the stream's ecosystem.
- O. Appropriate design methods and construction techniques for the site conditions shall be utilized.
- P. Upon completion of this project, the streambed shall be left in as smooth a condition as possible with no depressions that could trap fish or initiate erosion.
- Q. Poured concrete shall be isolated from the lake for a period not less than 48 hours.
- R. Any machinery operated on the site shall be in good repair and be free of hydraulic leaks and excess surface oil and grease.

File: A806499

- 3 -

Date: March 13, 2009

- S. Upon commencement of the project, the works shall be pursued to completion as quickly as possible.



Shaun Reimer, P.Eng.
Engineer, Okanagan Region

Approval: A806499

Date: March 13, 2009

Approval Application or Notification for Changes In and About a Stream

Under Section 9 of the *Water Act* and Part 7 of the *Water Act Regulations*

*Incomplete or inaccurate forms do not constitute **Notification** & will not be accepted.*

Proceeding with works after submission of an incomplete or inaccurate form would be a violation of the Water Regulation

☒ **APPROVAL APPLICATION**

☐ **NOTIFICATION¹ (see USERS' GUIDE)**

1. Applicant Information

Name: District of Peachland		
Address: 5806 Beach Avenue		
City: District of Peachland	Province: BC	Postal Code: V0H 1X7
Phone: 250.767.2647	e-mail: dallin@peachland.ca	

2. Location of Works

Street Address of Works (or nearest town): District of Peachland Waterfront		
Stream Name: Okanagan Lake	Flows Into: Skaha Lake	
Location on Stream: 5667 Beach Avenue		
Reference Landmarks: 7 th Street Waterfront / Sanitary Lift Station	Amount of disturbance in m ² : 230	
Multiple Sites: <input type="checkbox"/> YES / <input checked="" type="checkbox"/> NO:	Number of sites: 1	
Latitude: 49° 46' 29" N	Longitude: 119° 44' 16" W	Elevation: 341 – 343 m
Legal description of property where work is proposed: Foreshore: Peachland headlease area adjacent to Lot B, Plan 4552, DL 490, ODYD		

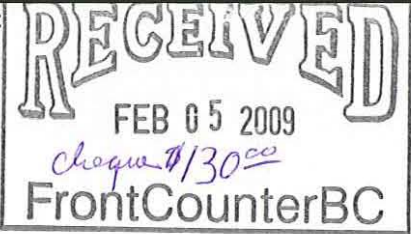
3. Drawing, Plan and Site Map

1. Attach drawing showing lot boundaries, location of buildings and of proposed works, stream direction and flow.
2. Attach a key map at an appropriate scale showing the location of the site.
3. Attach engineering drawings (may be required for works identified with ^E under **Requires Approval** section below).

4. Proposed Timing for Work

Start (day/month/year): 02/15/2009	Finish (day/month/year): 06/30/2009
------------------------------------	-------------------------------------

FOR OFFICE USE ONLY

Date Received: 	Water File Number:
	Client Number:
	Application Number:
	Amount Received:
	Receipt Number:

5. Type of Works

Requires Approval:	Requires Notification:
<input type="checkbox"/> Bank Erosion Protection ^E <input type="checkbox"/> Bridge Installation/maintenance/removal (other than clear span) ^E <input type="checkbox"/> Stream Diversion ^{QP} Diversion berm structure plan required <input type="checkbox"/> Large Debris Removal – by machine ^{QP} plan required <input type="checkbox"/> Gravel Removal ^{QP} X Other: Provide details in space below *Provide culvert dimensions: Length: Width: Diameter: ^E Professional Engineer may be required ^{QP} Qualified Professional may be required	<input type="checkbox"/> Installation*/maintenance/removal of road crossing culvert (*follow Forest Practices Code Stream Crossing Guidebook) <input type="checkbox"/> Construction/maintenance/removal of a clear span bridge <input type="checkbox"/> Construction/maintenance of a pipeline crossing <input type="checkbox"/> Construction/maintenance/removal of a pier or wharf <input type="checkbox"/> Cutting of annual vegetation in a stream channel <input type="checkbox"/> Repair/maintenance of existing dike or erosion protection works <input type="checkbox"/> Construction/maintenance of storm water outfalls <input type="checkbox"/> Control of Eurasian Watermilfoil or other aquatic vegetation <input type="checkbox"/> Construction/maintenance of ice bridge, winter ford or snowfall <input type="checkbox"/> Maintenance of minor and routine nature by a public utility <input type="checkbox"/> Removal of a beaver dam (As authorized under the Wildlife Act) <input type="checkbox"/> Small debris removal – by hand <input type="checkbox"/> Construction of a temporary ford <input type="checkbox"/> Construction of a temporary diversion around a worksite

The following require Notification and may only be undertaken by the Crown in right of either Canada or British Columbia, or their Agents:

Federal/Provincial

- ☐ Construction/maintenance/removal of a flow or water level **measuring device**
- ☐ Construction/removal of a **fish fence** or **screen, fish or game guard**
- ☐ Restoration/maintenance of **fish habitat**

The following require Notification and may only be undertaken by the Crown in right of either British Columbia, or a Municipality, or their Agents:

Provincial/Municipal

- ☐ Restoration/maintenance of a **stream channel**
- ☐ Clearing of an obstruction from a bridge or culvert during a flood emergency¹
- ☐ Construction or placement of **erosion protection works** or **flood protection works** during a flood emergency²

¹ Some activities fitting the description for Notification may be reviewed by Ministry/Agency staff, who may decide that an Approval is required

² Must be completed under direction of the Crown. No notification is required prior to undertaking works, but a description of changes must be submitted to a habitat officer within 72 hours of the change

^{QP} QP means a professional who through suitable education, experience, accreditation and knowledge may be reasonably relied on to provide advice within their area of expertise.

Detailed Description of Work to be Performed (continue on next page):

Please refer to attached letter/report.

6. Land Ownership

Please check one of the following:

☒ The applicant is the owner of the property.

☐ The property is Crown land. Tenure/licence number:

☐ The property is owned by the following Landowner (i.e. Landowner is different from applicant):

Landowner's Name:

Address:

City:

Province:

Postal code:

Phone:

e-mail:

Do you have the Landowner's written approval to enter the land(s) to complete the works? ☒ Yes ☐ No

Note: a) Ownership of all parcels of land on which the proposed works will occur must be identified, b) do not attach the written approval with the application, but keep it for your files as you may be asked to produce it during an inspection or audit.

7. Who is doing the Work?

Contact information for company designing and supervising construction of the work (if different from applicant):

Company Name: Design-build contract has not been tendered to date.

Contact Name:

Professional Affiliation:

Address:

City: Vancouver

Province:

Postal code:

Phone:

e-mail:

Contact information for company undertaking the construction (if different from applicant):

Company Name: Contract is not tendered.

Contact Name:

Address:

City:

Province:

Postal code:

Phone:

e-mail:

8. Statement of Intent

By submitting this application form, I declare that the information contained on this form is complete and accurate information. I have read, understood and will meet the requirements to construct works and changes in and about a stream in accordance with Section 9 of the *Water Act* and Part 7 Water Act Regulations including, for Notifications, **Terms and Conditions** as specified by a Habitat Officer of the Ministry of Environment.

Signed:


For the District of Peachland

Application Date:

02/04/2009
day/month/year

9. Submission Instructions

Send the completed form along with the following attachments to the local office in which the proposed works are located. Addresses for local offices are listed on the instruction sheet. **Please note that the Approval application fee of \$130 is non-refundable.** If the proposed works require an Approval, prior to proceeding further with this application please ensure that this project will be able to proceed under the Federal *Fisheries Act*.

X Sketch plan (mandatory)

☐ Engineering drawing (mandatory for works requiring approval noted with ^E)

X Key location map (mandatory)

☒ For works requiring an Approval, a cheque or money order for \$130 payable to: Minister of Finance. The fee is non-refundable.

10. Responsibilities

You are required to comply with all applicable federal, provincial and municipal laws and regulations. If you anticipate that the planned work may result in harmful alteration, disruption or destruction of fish habitat you should send a copy of your completed Notification/Approval Application directly to the nearest office of Fisheries and Oceans Canada. Review and comment by DFO may necessitate changes to the proposed works.

Has a copy of this notification/approval application been sent to Fisheries and Oceans Canada (check one)?

YES ☐ NO ☒

If YES, indicate the DFO office that the notification/approval application has been sent (for DFO offices, see Users' Guide):

Popowich, Tracy CSNR:EX

From: Clayton Drewlo [cdrewlo@urban-systems.com]
Sent: Thursday, April 9, 2009 12:32 PM
To: Reimer, Shaun ENV:EX
Cc: Rhonda Maskiewich
Subject: RE: District of Peachland
Attachments: 2009-04-09-MEM-SReimer.pdf

Hi Shaun,

Further to our conversation of last week, please see the attached memorandum related to the Section 9 Water Act Approval for the District of Peachland (MoE File A8-6499). Do not hesitate to call if you have any questions/comments.

Thanks and have a great long weekend.

Clayton Drewlo
Urban Systems Ltd

From: Reimer, Shaun ENV:EX [<mailto:shaun.reimer@gov.bc.ca>]
Sent: April-22-08 9:07 AM
To: Clayton Drewlo
Subject: RE: District of Peachland

Around 3:30 to 4:30. Could I call you mid afternoon?

From: Clayton Drewlo [<mailto:cdrewlo@urban-systems.com>]
Sent: Tuesday, April 22, 2008 9:01 AM
To: Reimer, Shaun ENV:EX
Cc: Rhonda Maskiewich
Subject: RE: District of Peachland

Morning Shaun,

Just following up on my voice message. Can you please let me know about what time you expect to be in Peachland this afternoon? Thanks.

FYI – My cell is 718-8549.

Clayton Drewlo
Urban Systems Ltd.

From: Reimer, Shaun ENV:EX [<mailto:shaun.reimer@gov.bc.ca>]
Sent: Mon 4/21/2008 2:51 PM
To: Rhonda Maskiewich
Subject: RE: District of Peachland

Wednesday April 23rd morning would probably work best for me this week. how about 9:00 am for a phone call. Also, I will be passing through Peachland on Tuesday the 22nd (late afternoon) if someone wanted to meet on site.

Shaun Reimer

Water Stewardship Officer

Okanagan Region
102 Industrial Place
Penticton, BC, V2A 7C8
(250) 490-8229
fax: (250) 490-2231

From: Rhonda Maskiewich [<mailto:rmaskiewich@urban-systems.com>]
Sent: Thursday, April 17, 2008 7:45 PM
To: Reimer, Shaun ENV:EX
Cc: Clayton Drewlo
Subject: District of Peachland

Hi Shaun,

I got your message today. I am in Vancouver at a course and won't be in the office until next week. Can we set a time for a short telephone sometime after Monday to talk out the project? (I am in 100 Mile House on Monday but am planning on being in the office for the rest of the week.) Please let me know what day and time will work for you and I will arrange for our project engineer and me to call you. Thanks.

Rhonda Maskiewich. R.P. Bio., P. Ag.
URBAN SYSTEMS LTD.
200 - 286 St. Paul Street
Kamloops, BC V2C 6G4
Tel: 250-374-8311 Fax: 250-374-5334
rmaskiewich@urban-systems.com

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MEMORANDUM

date: April 9, 2009
to: Shaun Reimer, P.Eng.
cc: Rhonda Maskiewich, R.P. Bio, P. Ag.
from: Clayton Drewlo, EIT
file #: 0655.0140.02 C-4
subject: **SECTION 9 WATER ACT APPROVAL - A8-6499**

The following memorandum is intended to provide a brief summary of our conversation of last week and to confirm our interpretation of the Section 9 Water Act Approval for the "Wheelchair Ramp and Toddler Swim Bay Area Improvements" at the District of Peachland. The Ministry of Environment file number for this project is A8-6499.

To provide some context for the summary comments, I have included the relevant topics of our discussion from the Section 9 Approval letter dated March 13th, 2009 as follows:

E. Instream work shall be undertaken during the period June 1 to September 30 to minimize the impact on fisheries' resource. Work may be undertaken outside of the designated work window where the qualified professional has determined that the work remains in compliance with all applicable legislation including the Federal Fisheries Act

Summary comments: As noted in our application letter dated February 4th, 2009, the proposed works are located in an area that is designated as "no colour" zone (reference to Okanagan Lake Risk Ratings Maps). No colour indicates moderate/low value habitat. As with the Swim Bay area which was upgraded in 2008, there is no natural riparian vegetation present on the site nor was there visible submergent/emergent vegetation at the time of the site visit in May 2008. On this basis, we intend to proceed with construction during the months of April and May of this year. In addition, appropriate measures will be taken to ensure construction activities do not impact the main body of Okanagan Lake (i.e. construction activity will be limited to the project area). See Item G below for further details.

G. No silt, or other deleterious substances, shall be allowed to enter the water. This must be ensured through the use of appropriate dewatering methods or silt curtain and/or cofferdam materials.

Summary comments: All works will be conducted in accordance with Best Management Practices to ensure that potential impacts to fish (and wildlife) or their habitat as a result of the work are minimized or avoided. The Contract specifications will obligate the Contractor to make use of a silt curtain to isolate the work area from the main body of Okanagan Lake. In addition, a qualified environmental professional shall be onsite at all times to monitor construction activity.

MEMORANDUM

Shaun Reimer
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April 9, 2009
Page 2 of 2

H. A qualified environmental professional shall be onsite at all times of the work. The qualified environmental professional shall have the authority to suspend work at any time if a harmful alteration, disruption or destruction of fish habitat in the stream appears imminent.

Summary comments: A qualified environmental professional shall be onsite at all times and shall have the authority to suspend work at any time if a harmful alteration, disruption or destruction of fish habitat, affecting the main body of Okanagan Lake (i.e. beyond the silt curtain) appears imminent.

I trust the above is an accurate representation of our conversation. Please feel free to call if you have any questions or would like to discuss further.

Regards,

URBAN SYSTEMS LTD.



Clayton Drewlo, EIT
Project Manager

/cd

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