



Ktunaxa Nation Council
Lands & Resource Agency
7468 Mission Road
Cranbrook, BC V1C 7E5

www.ktunaxa.org

Chance Find Procedures for Archaeological Material

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Change Approval and Notification (Changes In and About a Stream)

Tracking Number: 100262015

Applicant Information

If approved, will the authorization be issued to an Individual or Company/Organization? Individual
Are you the Individual this application will be issued to? Yes

APPLICANT CONTACT INFORMATION

Please enter the contact information of the Individual/Organization who is acting on behalf of the applicant.

Name: Rodney Ratcliffe
Phone: s.22
Daytime Phone:
Fax:
Email: s.22
Mailing Address:

ELIGIBILITY

Please answer the following questions related to your Change Approval/Notification.

Question	Answer	Warning
Is this application to support oil and gas activity that is being authorized by the Oil and Gas Commission?	No	

TECHNICAL INFORMATION

GOVERNMENT AND FIRST NATION FEE EXEMPTION REQUEST

Do you belong to, are you applying on behalf of, or are you:

- A provincial government ministry
- The Government of Canada
- A First Nation for water use on reserve land
- A person applying to use water on Treaty Lands
- A Nisga'a citizen
- An entity applying to use water from the Nisga'a Water Reservation?

No

APPLICATION BY GOVERNMENT

Please indicate if you are someone who works in the government OR you are working on behalf of the government.

Are you, or are you applying on behalf of, a government entity? No

TYPE OF WORKS

Please select the type of Notifications/Approvals you want to apply for as part of this application.

Please select the type of works to be undertaken:

Notification

- ☐ Road Crossing Culvert - Construction / Maintenance / Removal
- ☐ Clear Span Bridge - Construction / Maintenance / Removal
- ☐ Pipeline Crossing - Construction / Maintenance
- ☐ Dry Hydrant - Construction / Maintenance

- ☐ Pier, Wharf, (including docks) – Construction / Maintenance / Removal
- ☐ Cutting of annual vegetation in a stream channel
- ☐ Dike or Erosion Protection Works - Repair / Maintenance
- ☐ Storm Sewer Outfalls – Construction / Maintenance
- ☐ Control of Eurasian Watermilfoil or other invasive aquatic vegetation
- ☐ Ice Bridge / Winter Ford or Snowfill - Construction / Maintenance
- ☐ Maintenance of minor and routine nature by a public utility
- ☐ Removal of a beaver dam (as authorized under the Wildlife Act)
- ☐ Construction of a temporary ford
- ☐ Construction of a temporary diversion around a worksite

Approval:

- ☐ Bank Erosion Protection
- ☐ Bridge (other than clear span) - Construction / Maintenance / Removal
- ☐ Stream Diversion
- ☐ Large Debris Removal by machine - Plan required
- ☒ Gravel removal
- ☐ Other

Please note that the ultimate decision whether this constitutes a Notification or a Change Approval lies with the Province of British Columbia

SITES

Click on the Add Sites button to add one or more sites.

SITE

Location ID: kootenay

STREAM

Name of the Stream: west Arm Kootenay Lake
Source Flows Into: Columbia River

PROPOSED WORKS

Detailed Description of Works: Dredge, removal of gravel to allow access to my dock and to keep water circulation to keep weeds under control. was done in early 60's and again in 1992
Footprint of Project: 700 m2

PROPOSED TIMING FOR WORKS

Start Date: Oct 27, 2018
End Date: Nov 10, 2018
Is the proposed timing within the approved regional timing window? Yes

LOCATION OF WORKS

Provide a legal description of the land(s) where works are proposed: Lot 2A Plan NEP 1040 DL 1313 REF PLAN 444270
Geographic Coords of Works: 49.6113140, -117.0515730
Photo of Works Location: kootenay - Removal of gravel choking off my access to my dock and limiting water flow creating heavy aquatic weed growth. to the left of bay where the encroaching gravel has collected since last dredge in 1992

LAND OWNERSHIP AT THE WORKS

Land Ownership:

- ☒ Applicant owns land
- ☐ Land is Crown Land but applicant has tenure
- ☐ Land is Crown Land but tenured to Ministry of Transportation
- ☐ A third Party owns the land but the applicant has lease or tenure
- ☐ A third Party owns the land but applicant has written consent
- ☐ Land is Crown Land but the applicant does not have a tenure

LOCATION INFORMATION**LAND DETAILS****DRAWINGS**

A Drawing to Scale is required that meets the Application Drawing Standards. Choose one of the options below to submit the required map/drawing.

Additionally, it is recommended that you provide a topographical map showing the general location of the property where the water is proposed to be used and the works constructed in relation to nearby communities, highways, railways and other water sources.

(this additional map will not be necessary if your Drawing to Scale is provided using the Geomark Service or a spatial file such as .KML or .KMZ)

☒ I have map(s) saved to my computer and wish to provide these with my application

MAP FILES

Do you have a PDF or image file of a drawn map? You can upload it here.

Description**Filename**

this is google earth pick the house and dock aren't in pic it was put in last year

gJ7MSH3eScmeWlr02EhDHQ.jpg

this pick shows the location of dock and house

6VYWembJSySI pQopHnzTg.jpg

PRIVACY DECLARATION**PRIVACY NOTE FOR THE COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION**

Personal information is collected by FrontCounter BC under the legal authority of section 26 (c) and 27 (1)(a)(i) of the Freedom of Information and Protection of Privacy Act (the Act).

The collection, use, and disclosure of personal information is subject to the provisions of the Act. The personal information collected by FrontCounter BC will be used to process your inquiry or application(s). It may also be shared when strictly necessary with partner agencies that are also subject to the provisions of the Act. The personal information supplied in the application package may be used for referrals or notifications as required. Personal information may be used by FrontCounter BC for survey purposes. For more information regarding the collection, use, and/or disclosure of your personal information by FrontCounter BC, please contact FrontCounter BC at 1-877-855-3222 or at:

FrontCounter BC Program Director
FrontCounter BC, Provincial Operation
441 Columbia Street
Kamloops, BC V2C 2T3

☒ Check here to indicate that you have read and agree to the privacy declaration stated above.

REFERRAL INFORMATION

Some applications may also be passed on to other agencies, ministries or other affected parties for referral or consultation purposes. A referral or notification is necessary when the approval of your application might affect someone else's rights or resources or those of the citizens of BC. An example of someone who could receive your application for referral purposes is a habitat officer who looks after the fish and wildlife in the area of your application. This does not apply to all applications and is done only when required.

Please enter contact information below for the person who would best answer questions about your application that may arise from anyone who received a referral or notification.

Company / Organization:
Contact Name: Rod Ratcliffe
Contact Address: s.22
Contact Phone:
Contact Email:

☒ I hereby consent to the disclosure of the information contained in this application to other agencies, government ministries or other affected parties for referral or First Nation consultation purposes.

IMPORTANT NOTICES

Please review the "Important Notices" below and then check the declaration at the bottom confirming that everything in this application is complete and accurate.

- I understand that the submission of this application does not provide authority under the Water Sustainability Act to construct works in and about a stream. I also understand that my application must first be investigated and a decision made on the application as to whether an approval may be granted and, as part of that review, additional information may be requested of me.
- The application may be subject to further requirements under the federal Fisheries Act. Please refer to Fisheries and Oceans Canada Projects Near Water webpage (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) for information on how to ensure your project complies with the Fisheries Act.

DECLARATION

☒ By submitting this application form, I, declare that the information contained on this form is complete and accurate.

APPLICATION AND ASSOCIATED FEES

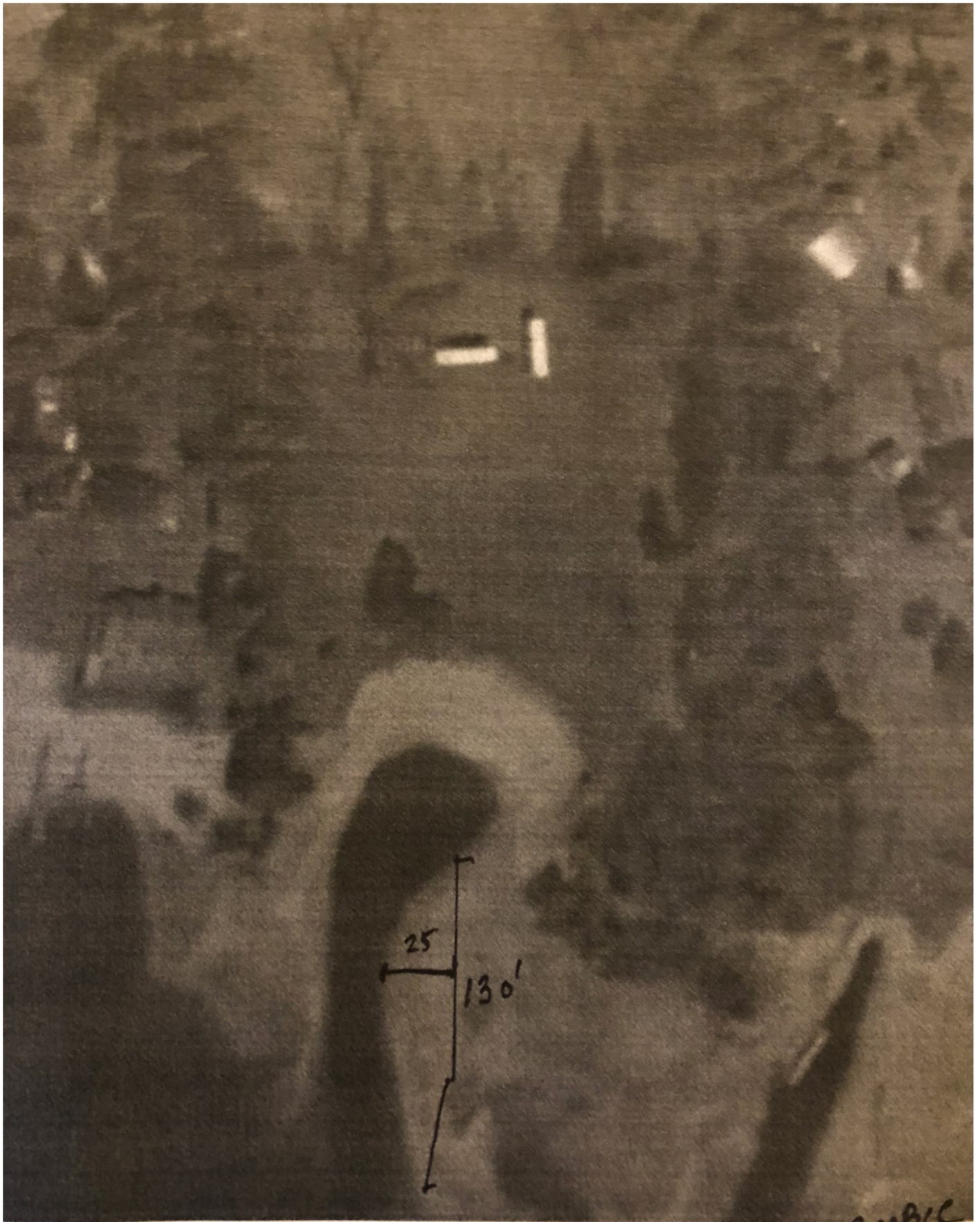
Item	Amount	Taxes	Total	Outstanding Balance
Changes in and about a Stream Application Fee	\$250.00		\$250.00	\$0.00

PROJECT INFORMATION

Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC? No

OFFICE USE ONLY		
Office Cranbrook	File Number	Project Number
	Disposition ID	Client Number





$$130' \times 25' \times 8 \text{ DEEP} = 736 \text{ CUBIC METER}$$





Province of British Columbia *Water Sustainability Act*

PERMIT AUTHORIZING THE OCCUPATION OF CROWN LAND FOR A CHANGE APPROVAL

Section 24 of the *Water Sustainability Act*

The holder of the *Water Sustainability Act* Section 11 Approval file number 4007515 is hereby authorized to occupy Crown land by constructing, maintaining and operating thereon the works authorized under the said approval.

- (a) The Crown land which is authorized to be occupied under this permit is a portion of the foreshore and land covered by the waters of Kootenay Lake, and adjacent to That Part of Lot A2, District Lot 1313, Kootenay District, Plan 1040 Shown Outlined in Red on Reference Plan 44427D, the locations of which are shown approximately in the information submitted with the document entitled “Change Approval and Notification (Changes in and About a Stream)” under Section 11 of the *Water Sustainability Act* and Part 3 of the *Water Sustainability Regulations*, submitted by Rodney Ratcliffe, dated September 9, 2018.
- (b) The dimensions of the Crown Land authorized to be occupied under this permit, are for: sediment removal works having an area of approximately 350 square metres.
- (c) This permit shall become void if the approval with respect to which the permit is issued should terminate, be abandoned or cancelled, or amended so as to render this permit unnecessary.
- (d) This permit is issued and accepted on the understanding that the permittee shall indemnify and save harmless the Government of the Province of British Columbia for all loss, damage to works, cost or expense suffered by the permittee by reason of the Crown land or any portion thereof being submerged or damaged by erosion or otherwise affected by flooding.
- (e) The holder of this permit shall not be entitled to compensation if the Crown grants permits to other persons to occupy the land affected by this permit.
- (f) In the event of a dispute at any time with respect to the area or boundaries of the land affected by this permit, the holder shall, at his own expense, have the said land surveyed by a duly authorized surveyor.



Thomas W. Cummings, P.Ag.
Assistant Water Manager
Water Stewardship Division
Ministry of Forests, Lands, Natural Resource Operations and Rural Development



APPROVAL

Changes In and About a Stream

WATER SUSTAINABILITY ACT – Section 11 (1)

Rodney Ratcliffe is hereby authorized to make changes in and about a stream as follows:

- A. The stream is Kootenay Lake.
- B. The changes to be made in and about the stream are gravel removal within Kootenay Lake.
- C. All works shall be located and constructed in accordance with the description of works contained in the document entitled “Change Approval and Notification (Changes in and About a Stream)” under Section 11 of the *Water Sustainability Act* and Part 3 of the *Water Sustainability Regulations*, submitted by Rodney Ratcliffe, dated September 9, 2018.
- D. The works authorized shall be completed on or before May 10, 2019.
- E. Care shall be exercised during all phases of the work to minimize siltation.
- F. The excavator must be operated from dry ground.
- G. 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.
- H. This approval does not authorize entry onto privately held land.
- I. All excavated material and debris shall be placed in a stable area above the high water mark and protected from erosion by planting grass and/or vegetation.
- J. Riparian vegetation must not be cleared so as to allow access for machinery to the work site.
- K. The machine operator shall pass the excavator bucket through the water before removing any material to scare any resident fish from the area.

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- L. Any machinery operated on site shall be in good repair and be free of hydraulic leaks and excess surface oil and grease.
- M. Fuelling and servicing of vehicles and equipment must occur a minimum of 100 meters away from all streams, lakes and waterbodies and any spills must be properly cleaned up and reported as required by the Spill Reporting Regulation (B.C. Reg. 263/90).
- N. All motorized vehicles should be checked thoroughly for invasive plants prior to entering the area. The transport of invasive weeds should be avoided at all times and inspections of all machinery should be completed routinely to ensure that invasive species are not transported to new areas.
- O. Upon completion of this project, the streambed shall be left in a smooth condition with no depressions that could trap fish or initiate erosion.
- P. Upon commencement of the project, the works shall be pursued to completion as quickly as possible.
- Q. This Approval, or a copy of it, must be kept or posted on the work site so that it may be shown to a Ministry official upon request.



Thomas W. Cummings, P.Ag.
Assistant Water Manager
Water Stewardship Division
Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Date: April 30, 2019

Approval: A4007515

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Ministry of Forests, Lands, Natural Resource Operations & Rural Development	Kootenay-Boundary Water Management	Mailing Address: 401-333 Victoria Street Nelson BC V1L 4K3	Telephone: 250 354-6333 Facsimile: 250 354-6332 Website: www.env.gov.bc.ca
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Date: April 30, 2019

File: 76910-20/A4-7515

Rodney Ratcliffe

s.22

Dear Rodney Ratcliffe:

Re: Section 11 Approval – Kootenay Lake (West Arm) – Gravel Removal

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. Not having a copy of this document at the worksite is an offence under Section 106(3)(k) of the *Water Sustainability Act*.

A Permit over Crown Land (PCL) has been issued with this approval to provide authorization for the works described by your approval on Crown land.

Freshwater clams/mussels are known to occur in Kootenay Lake and are an important part of local First Nations culture. If clams or mussels are to be disturbed within the footprint of the worksite they should be carefully removed from the immediate worksite footprint and placed in an adjacent area outside of the worksite within the wetted perimeter (similar habitat). If this is not possible then the clams/mussels should be placed in a live well with water exchange (freshwater as per the volume of the live well) every hour and be placed back into the habitat upon completion of the works. You may wish to consider have an environmental professional conduct a survey of the site for native mussels prior to beginning work.

Provincial records indicate that the proposed work area has potential to contain an archaeological site which would be protected under the *Heritage Conservation Act* (HCA). Archaeological sites are automatically protected by the HCA even if they are undocumented. Any disturbance of an archaeological site without a permit is a breach of the legislation and may result in substantial fines. It is the applicant's responsibility to contact the Heritage Branch at either 1-250-953-3334 or arcwebfeedback@gov.bc.ca for further guidance. In addition, please familiarize yourself with the information contained in the attached document

Ministry of Forests, Lands,
Natural Resource
Operations and Rural
Development

Water Stewardship
Kootenay Boundary

Mailing/Location Address:
401 333 Victoria Street
Nelson BC V1L 4K3

Telephone: 250-354-6333
Facsimile: 250-354-6332
Website: www.env.gov.bc.ca/wsd/

entitled “Chance Find Procedures for Archaeological Material” and ensure that these recommendations are followed. You may also wish to consider having an archaeological assessment of the site conducted prior to beginning work to identify the potential for finding an archaeological site.

The gravel removed from this site could be used for restoration projects for salmonid spawning grounds. Please consider donating the gravel to local conservation groups, such as the West Arm Outdoors Club.

If you have any questions or concerns regarding this Approval, please contact Ben Cross, Water Stewardship Officer, at Benjamin.Cross@gov.bc.ca. You should contact your local government (local or municipal) to determine if there are any additional requirements.

Yours truly,



Tom Cummings, P.Ag.
Assistant Water Manager

Attachment

cc: Habitat Management, Attn: Tim Davis (Tim.Davis@gov.bc.ca)
Compliance and Enforcement Branch, Attn: Murray Watt (Murray.Watt@gov.bc.ca)
Ktunaxa Nation Council (Referrals@ktunaxa.org)