

PROJECT DESCRIPTION GROUP MOORAGE FACILITY

PEDLEY HEIGHTS / BALTAC BEACH WINDERMERE LAKE



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Baltac Community Association
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September, 2020

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

CONTENTS

1.	Documents / References.....	4
2.	Introduction	5
3.	Project Overview.....	6
4.	Background	8
4.1	Baltac Community Involvement / Support.....	8
4.2	RDEK Approvals Process.....	8
4.3	Project Uncertainties	10
5.	Proposed Dock Design	11
	Dock Profile	12
6.	Facility Life Cycle Activities	12
6.1	Initial One-Time Activities	12
6.2	Ongoing Annual Activities	13
7.	Dock Size & Allocation	14
7.1	Dock Area vs Existing Buoys	15
7.2	Rationale for Reduced Dock Size.....	15
7.3	Compare & Contrast Table - (60 Buoys vs 60 Slips)	16
7.4	Allocation of the Slips.....	17
8.	Existing Anchors / Buoys.....	17
8.1	Removal of Existing Anchors/Buoys & Avoid Re-Introduction.....	17
8.2	Justification for Removal of Private Buoys.....	17
9.	Beach Area Access & Usage	18
9.1	Overall Public Benefits	18
9.2	MOTI Right of Ways - Public Access	19
9.3	Continuous, Concentrated & High Human Use.....	20
10.	First Nations.....	20
10.1	Education and Awareness	21
10.2	Employment Opportunities.....	21
10.3	Accommodation	21
10.4	Impacts to Archaeological Values	21
10.5	Increased Cumulative Impact on the Lake	22
11	Best Practices.....	22

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

11.1	Design & Construction Best Practices	22
A.	Site Selection.....	22
B.	Design.....	22
C.	Construction/Operations Activities.....	22
D.	Erosion and Sediment Control Plan	23
E.	Invasive Plant Species Management.....	23
F.	Fuel Management & Spill Response.....	23
G.	Waste Management Plan.....	23
11.2	Operations Best Practices / Rules & Regulations.....	23
A.	Erosion and Sediment Control Plan	24
B.	Hydrocarbons	24
C.	Water Management Plan	24
D.	Waste Management Plan.....	25
E.	Terrestrial Environment, Waterfowl, Birds of Prey.....	25
F.	Scouring.....	25
G.	Other Rules.....	25
H.	Community Environment Protection	26
11.3	Monitoring & Enforcement	26
12	Roles & Responsibilities	27
12.1	Contractors.....	27
12.2	Environmental Monitor.....	27
12.3	Onsite Operator / Manager.....	28
13	Closure	28
14	Appendix A - See Through Decking.....	29
15	Appendix B – BCA / PHCA Joint Operating Agreement.....	31
16	Appendix C – RDEK Approved Bylaws.....	31
17	Appendix D – Court Decision re Petition	31
18	Appendix E – Draft Group Moorage Slip Rental Agreement.....	31
19	Appendix F – Design Based Memorandum.....	31

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

1. DOCUMENTS / REFERENCES

There are 4 main documents which have been developed to support a 2020 Front Counter application for this group moorage facility.

- Project Description – Group Moorage Facility

This is an overview document prepared by Pedley Heights Community Association (PHCA) and Baltac Community Association (BCA), which should be read first for context. This overview provides much of the history associated with the beach area and the regulatory processes which have been undertaken to date. It responds to the various consultations and feedback received and addresses the various mitigation steps that will be undertaken by the applicant(s).

Environmental Assessment (EA) – Developed by a QEP from VAST Resource Solutions; first completed in 2015/2016 and updated on December 20, 2019. This is the technical assessment of the area which covers environmental considerations for the project.

Environment Management Plan (EMP) - Developed by a QEP from VAST Resource Solutions (December 20, 2019)

This document covers the mitigation steps proposed to address possible environmental impacts resulting from the proposed group moorage facility. It encompasses areas identified in the EA. Items raised by various parties including Ministry of Forest, Lands, Natural Resource Operation and Rural Development (MFLNRORD) Habitat Biologist(s), First Nations (Shuswap & Akisqnuq Referral responses & ongoing consultation), Regional District of East Kootenay (RDEK) Staff & Board (during the RDEK Bylaw Amendment Process), Ministry of Transportation and Infrastructure (MOTI), public input, etc. have been included as they relate to possible environmental impacts.

- Issue Tracking Table (ITT) - An Excel spreadsheet of all the responses received from various organizations & stakeholders.

This is a tracking mechanism to ensure each issue is dealt with to the best of our ability. It will serve as a cross-reference for the party that raised the issue as there is a reference to the Document and Section where each specific issue is dealt with.

A consultation / communication log has been developed to capture the First Nations activities undertaken for the two Bands in the area (Shuswap & Akisqnuq (Ktunaxa)). There will be ongoing efforts to collaborate with the First Nations.

In addition, the following documents have been attached for completeness:

- a draft Group Moorage Rental Agreement [Appendix E] setting out the proposed enforcement of all Rules and Regulations (environmental and non-environmental). This is an example and will be finalized once the necessary regulatory approvals and associated restrictions are in place.
- Design Based Memorandum [Appendix F]
- BCA / PHCA Joint Operating Agreement [Appendix B]

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

2. INTRODUCTION

Consultation has been ongoing for the proposed group moorage facility for a number of years with a variety of issues and concerns being identified by interested parties including Front Counter, RDEK, both local First Nations (Shuswap & Akisqnuk), and the public. Feedback has been received through various avenues including:

- MFLNRORD (Peter Holmes & Ariana McKay); 2017 and 2018 Front Counter Application Referrals
- First Nations Referral Responses – Ktunaxa and Shuswap; 2018 Front Counter Application
- RDEK Bylaw amendment process; including several meetings with local politicians (RDEK Directors, District of Invermere), Community Info Sessions, RDEK Planning Committee & Board Meetings, RDEK Public Hearing
- MOTI
- Lake Windermere Ambassadors
- Public responses to RDEK & Front Counter referrals and advertisements; obtained via Freedom of Information Requests
- 2019 FOIP request materials; of specific note is the communication with Herb Tepper (Fish Habitat Biologist for BC Government) setting out his Sept 2018 “professional opinion”

The applicant has developed responses to address the various areas of concern. The EMP developed by Vast Resources Solutions covers only Environmental aspects. This Project Description supplements the EMP developed by Vast Resource Solutions, addressing many of the non-environmental aspect and will form the basis of future operational documents including, roles and responsibilities of the Onsite Manager, Rules and Regulations for the Facility, etc.

The primary objectives undertaken to guide the project are to ensure:

- Design and construct a facility which improves upon the current situation in the Baltac bay and defines a new standard for environmental stewardship for boat mooring facilities on Lake Windermere,
- Safe and responsible day to day operation of the facility,
- Ensure the enjoyment of all lake and foreshore users – including swimmers, canoeists, paddlers, beach users, boaters, etc.,
- Encourage responsible boating practices,
- Identify Best Practices which will be complied with through the entire life cycle of the facility and improved upon in a sustainable fashion going forward.

This Project Description was prepared by Pedley Heights Community Association and Baltac Community Association.

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

3. PROJECT OVERVIEW

The PHCA is applying to Front Counter for lease tenure to allow a sixty (60) slip community group moorage facility to be constructed within the bay area in front of the lands owned by the PHCA.

PHCA has made similar applications at 2 different times; 2015/2016 initial application for 140 slips and in 2018 for 90 slips.

There are currently sixty (60) boat moorage buoys/anchors within the Bay Area which are directly in front of the PHCA titled beachfront lands. There are in addition many more boat moorage anchors and buoys located within the two MOTI rows (Kurlaw and Warbler roads) on either end of the PHCA titled beachfront lands as well as the MOTI row (public boat launch) at the end of Baltac Road. **The current RDEK Bylaws allow a group moorage size of 60.** The historical lack of rules regulating the installation of boat moorages has resulted today in a heterogeneous assortment of poorly designed buoy anchor systems. There are concerns expressed from the 2 communities over the difficulty to access deep water swimming areas due to the presence of moored boats and the possible damage to aquatic habitat caused by underweighted anchors dragging on the lake bottom. To address these issues, PHCA and BCA have put forward a proposal to replace the current buoy system by a modern floating dock facility with a sixty (60) boat slip capacity. The dock size has been reduced from prior applications based on feedback received, to minimize the overall footprint and impacts on the environment.

Extensive effort has been undertaken to ensure existing anchors/buoy's will be removed as part of the project (see Section 8.1 of this document for further details). These artifacts have been placed over the years (beginning in the 70's) and reflect a variety of styles, none of which are particularly environmentally/eco-friendly. They have been put in place without upland owner permission and are 'non-compliant' with today's regulations. Due to their placement, this has resulted in an unorganized congestion of watercraft in the bay area and the adjoining MOTI Right of Ways (ROW's). The BCA / PHCA Joint Operating Agreement (See Appendix B) addresses the removal of the buoys and anchors expressly and specifically as many of the anchors/buoys have been used by BCA members over the years. The removal of buoys and anchors upon construction of the floating dock facility is an integral component of the BCA / PHCA Joint Operating Agreement as both PHCA and BCA understand and acknowledge that the floating dock is intended to replace the removed buoys and anchors.

Providing a 60 slip group moorage facility to replace 60 anchors/buoys will not increase the number of boats on the lake; they are there already. We submit that replacing the existing unregulated anchors/buoys with a fully regulated group moorage facility will be a net environmental improvement to the bay area of the lake.

The communities are committed to removing as many of the anchors/buoys as possible recognizing that this new facility is intended to replace the anchors/buoys

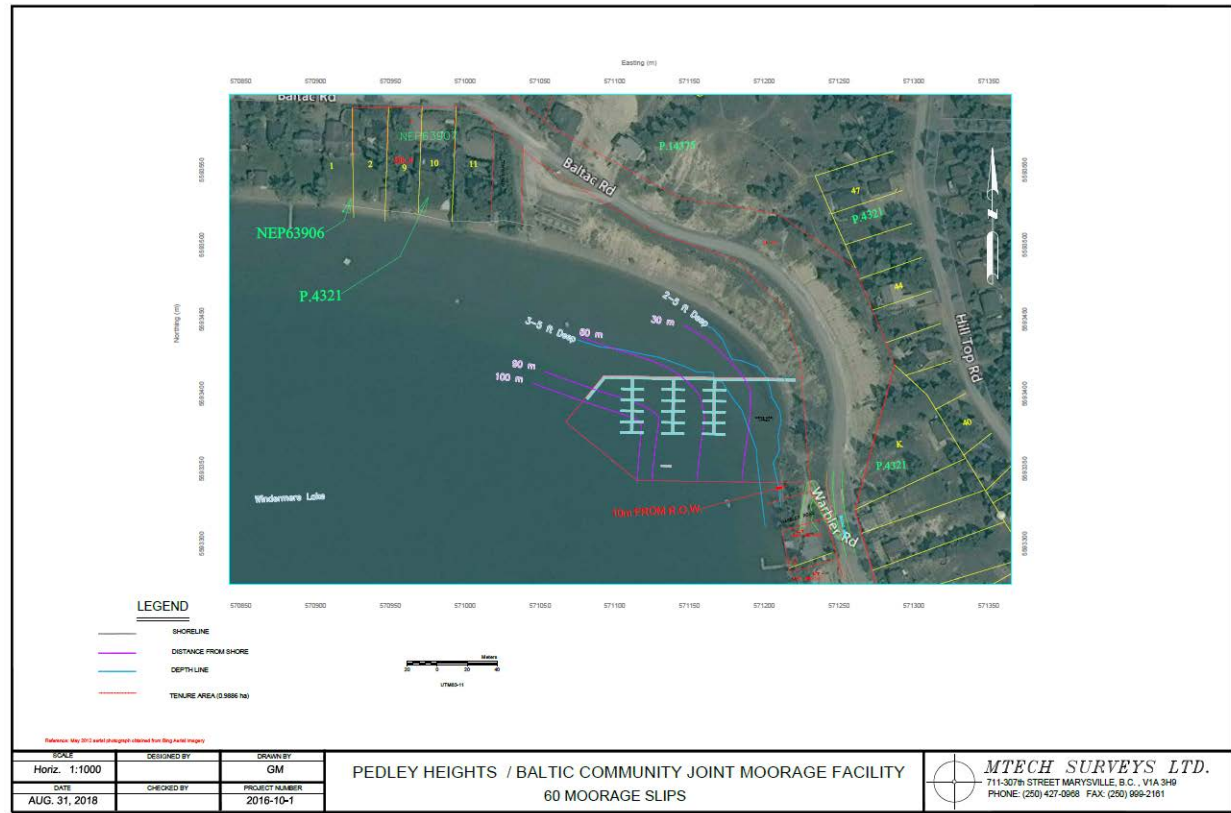
The project is removing more anchors (approximately 60) than are being placed (approximately 9-12) for the new facility.

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

A site plan of the project area and proposed dock structure design is presented in Figure 2.

Figure 2 Pedley Dock Facility



PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

4. BACKGROUND

The project is located at the Pedley Heights / Baltac Beach bay area on the east shore of Windermere Lake approximately 3.3 Km south of the lake outlet.

The beach is a titled parcel in the name of PHCA which has granted easements to many BCA members to enjoy equal benefits (both communities are contained within the original Plan 4321 subdivision). The group moorage facility will be a joint use facility for both communities (425 homes combined) pursuant to a BCA / PHCA Joint Operating Agreement (fully executed on Oct 2, 2018) addressing use and funding for the facilities; see Appendix B. The group moorage facility will (after an initial transition period granting preferential rights to existing buoy owners for a limited period of time for approximately 60% of the slips) be operated fully as a "communal" facility providing equal access for all community members. This will be accomplished by balancing supply and demand each year by using short term rental periods for varying numbers of the slips each year.

4.1 BALTAC COMMUNITY INVOLVEMENT / SUPPORT

The BCA and the PHCA have worked together for the past 10 years to obtain approvals for a group moorage facility at this location.

The PHCA and the BCA entered into a Joint Operating Agreement (executed as of Oct 2, 2018) which has been ratified by Special Resolution vote of each of the communities whereby the two parties would share the use and expenses for the group moorage facility. See Appendix B.

While the Baltac Community Association is not formally a part of the within Front Counter application for land tenure, should a group moorage facility be approved for this location, the applicant PHCA, is committed by the BCA / PHCA Joint Operating Agreement to transfer/assign a 40% undivided interest in the uplands title as well as in the crown land tenure to the BCA. The BCA would thereafter be responsible for capital/operating costs for 40% of the group moorage facility costs, as well as enjoy the benefits of ownership and use of 40% of the group moorage facility.

4.2 RDEK APPROVALS PROCESS

LAKE WINDERMERE OCP – ZONING BYLAWS

The RDEK held a Public Hearing on our application for 90 slips on July 24, 2018. There was a high degree of public opposition. Of note are the referrals provided by:

- **FLNR Cranbrook** by email June 12, 2018; *"Our habitat office has reviewed this referral and has no comments. If you have further questions you may contact Herb Tepper...."* Of particular note is an email exchange between Herb Tepper (BC Govt Fish Habitat Biologist) and the FLNR Land officer between in September 6, 2018 and September 11, 2018 which was obtained thru the FOIP process:
Ms. McKechnie on September 7, 2018: after alerting Mr. Tepper that a FOIP application may be made on the file, she asks *"If it is as simple as, it is also your professional opinion that the current Group Moorage application in Baltac bay has shortcomings with respect to aquatic habitat, then I ask that you please provide, in writing, that information to me, to help inform the land use decision."*

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

Mr. Tepper on September 7, 2018: **"It is also my professional opinion that the current Group Moorage application in Baltac bay does not have shortcomings with respect to aquatic habitat."** (emphasis added)

Mr. Tepper was then requested by a Mike Knapik of FLNR to expand on his previous comments and did so in an email to Ms. McKechnie dated September 11, 2018.

A full copy of this email exchange is attached as attached below.

- **MOTI Cranbrook** by email dated June 19, 2018; *"I might be a bit late with my response but the ministry's interests are unaffected."* A more complete background on our dealings with MOTI is attached below.
- **Interior Health** by letter dated May 10, 2018; *"... An initial review has been completed and no health impacts associated with this proposal have been identified."* ...
- **District of Invermere** by letter dated July 24, 2018; *"... BE IT RESOLVED THAT the District of Invermere is in support of Bylaw ... , with the revision of reducing the amount of boat slips to 60."*
- **Lake Windermere Ambassadors** by return of referral form completed June 11, 2018; *"The Lake Management Committee recommends the RDEK support the zoning change ...*

Comments:

- I. *We voted to support this change based upon removal of the majority of the current moorings buoys within the proposed tenure area, as well as the degree of public access and environmental protection planned for the construction and maintenance of the new marina.*
- II. *We recommend a maximum of 60 slips in this area, in alignment with the current demand for moorage based upon the Lake Windermere OCP and previous buoy inventory done by the RDEK, and to better align with the Lake Windermere Management Plan recommendation to not increase overnight moorage on the lake.*
- III. *We would like to see the community associations contribute to an amenity fund for lake preservation and public access improvements."*



Referral Responses
to RDEK.pdf



Sept 2018 Tepper
emails.pdf



MOT emails_survey

& access mgmt plan planningagenda_jul



RDEK

Note: If there are any problems with opening these links or the links found in the Appendices, the documents can also be found in the Front Counter folder "Other".

The two communities, faced with the opposition to the 90 slip facility size, worked swiftly to come to terms on the sharing of the slips contained in a smaller 60 slip facility. We jointly communicated (the amendment in our application from 90 slips to 60 slips) to the RDEK before the RDEK held its third reading of the Bylaws. The result was that the RDEK passed the Bylaws to allow 60 slips.

Amendment:

- *Section (21)(c) of the OCP be amended to allow for the 60 slip boat moorage facility based upon the Management Plan and other materials contained in the application.*

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

On September 7, 2018, the RDEK Board adopted Bylaw No. 2847 and Bylaw No. 2848; See Appendix C.

These approved Bylaws were subsequently challenged in the Supreme Court of British Columbia by 3 individuals owning properties adjacent to the proposed facility. The Petition filed against RDEK and PHCA by these 3 individuals was heard in Kelowna court on Jun 5-7, 2018; BCA asked for and was granted status to join the defense as an interested party. Justice Gomery swiftly issued a 30 page decision on June 20, 2018 dismissing the Petition thereby upholding the RDEK Bylaws – see Reasons for Judgment - Appendix D.

RDEK AMENITIES AGREEMENT

An amenities agreement has been put in place with RDEK to provide \$1,000 per approved slip:

Upon installation of the 60-slip boat moorage facility, the Owner shall pay to the Regional District pursuant to the provisions of this Agreement:

1. *\$1,000.00 per slip installed, payable as and when the slips have been installed, up to the maximum of \$60,000.00 (\$1,000.00 per slip for the 60-slip boat moorage facility).*

The RDEK requested us to provide better access to the beach for the general public, and we have agreed to provide “public” access to the group moorage facility which will have a signed location at the end of the dock allocated to allow the public to drop off or pick up people from the beach shoreline. This spot will be clearly identified, and signage will ensure the public recognize they use the facility at their own risk.

The improved public access and a contribution to support improvements to Lake access were both items highlighted by the Lake Windermere Ambassadors in their referral response to the RDEK.

We respectfully submit that Front counter should take note of the extensive public consultation and referrals referenced above which lead to these Bylaw adoptions by the RDEK, a locally elected body.

4.3 PROJECT UNCERTAINTIES

The proposed project has undergone extensive scrutiny and as a result we have undertaken environmental assessments beyond the level of any other project of this nature on lake Windermere. Evidence of this is in the Environmental Assessment (EA) & Environmental Management Plan (EMP) documents included in this application.

The environmental consultant (VAST Resource Solutions) made recommendations to complete further field surveys during 2020 to generate more data to substantiate the potential impacts (or lack thereof) that the project might present. Time and budget constraints limited our ability to pursue these additional recommended studies. Further to this, upon receipt of the Freedom of Information Package (FOIP) from our prior Front Counter application, we have obtained access to the internal emails from the Ministry’s Fish Habitat Biologist (Herb Tepper) which state: “It is also my professional opinion that the current Group Moorage application in Baltac Bay does not have shortcoming with respect to aquatic habitat.” (Sept 7, 2018) and a subsequent elaboration in the Sept 11, 2018 clarification email which expanded on this in 5 detailed points.

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

The additional field work was designed to address specific questions raised by the regulators, namely, the potential use of the gravel shoreline by sculpin and the change in predator-prey relationship from attracting bass in the area.

Given the environmental assessment work undertaken to date, as well as the stated “professional opinion” of the BC Government Fish Habitat Biologist, instead we chose to take steps to adequately address and mitigate these identified risks by adjusting / adapting the design of the dock – in this respect we have designed an elevated access platform to avoid bank scour that might otherwise impact the gravel shoreline (e.g. sculpin issue), and we have designed the dock to use “see-thru” decking (e.g. bass issue as recommended by Peter Holmes (MFLNRO Habitat Biologist)).

5. PROPOSED DOCK DESIGN

Refer to the Design Based Memorandum (Appendix F) for detailed Design Parameters and Terms of Reference.

The design of the proposed dock includes a main dock structure approximately 147m long and three finger docks each 36m long. The main dock and arms will be comprised of 1.8 m x 6.1 m sections (6' x 20') and the fingers of 1.2 m x 6.1 m sections (3' x 20').

The dock frame will be made of untreated cedar wood beams and the surface of “see-thru” panel decking. Floatation will be provided by fiberglass coated styrofoam blocks attached to the underside of each dock section. *See Appendix A for manufacturer information on the “see-thru” decking.*

Anchors will consist of 9-12 (number to be finalized) circular concrete blocks 91 cm in diameter and 30 cm thick (36” by 12”). An access ramp made of similar dock sections and set on landscaping rocks on shore will be used to access the floating dock. These landscaping rocks, and the access ramp will not impede pedestrian walking along the crown foreshore as: a) the ramp will be low profile (thereby allowing people to walk over it from the side), and b) the ramp will not go as far as the historic high watermark – remaining approximately 20 feet away from the historic high watermark (thereby allowing people to walk around the ramp while still on crown foreshore).

The dock facility will be designed for use by power craft from the end of May until mid-September. The floating structure will be removed and stored on the upland titled (i.e. private property) land, but the first dock section will remain on the beach and the concrete anchors will remain in the water year-round.

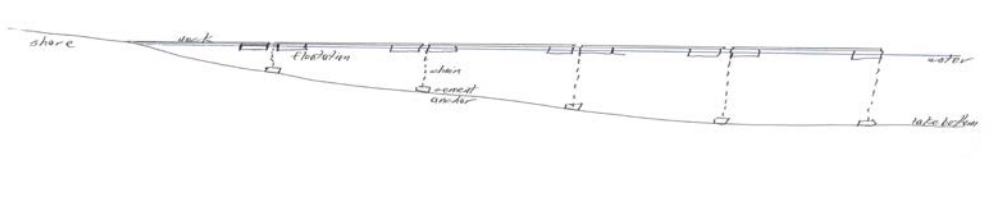
There should be no scouring of the lake bottom associated with the new anchors as the chains attaching the floating dock sections to the anchors will be adjusted regularly to address water level changes, and the floating dock sections will be removed from the water at the end of each boating season. By contrast, the lake bottom in the bay area presently suffers repeated and ongoing scouring both by the chains dragging on the bottom of the lake around the anchors as wind direction shifts, and the scouring which occurs as the anchors are dragged by either high winds or by the ice because the buoy owner left the buoy attached to the anchor for the winter. This repeated and ongoing scouring will be eliminated by the removal of the buoys and anchors as envisioned in the BCA / PHCA Joint Operating Agreement.

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

The Dock Profile below shows the dock from a side view.

DOCK PROFILE



6. FACILITY LIFE CYCLE ACTIVITIES

In stream construction timelines are projected to be two days occurring at the end of May for the initial installation, followed by annual removal and reinstallation of the docks only, occurring on one day in mid-September of each year, followed by installation of the docks again on one day at the end of May of each subsequent year.

The principal project activities will include a series of one-time events for the initial installation followed by ongoing annual activities.

6.1 INITIAL ONE-TIME ACTIVITIES

a. Offsite Construction & Site Preparation:

- Prefabrication of the dock sections and concrete anchors at an offsite location over the winter months;
- Marking the location of the group moorage facility on the ice during the winter; by laying out the facility on the ice, and drilling holes thru the ice and dropping small rocks tied to colorful flags. The colorful flags will be visible on the bottom of the lake in the spring thereby marking out the layout for the boat anchors and alignment of the dock structure during the in-stream construction period.

b. Mobilization of the Materials and Equipment to Work Location:

- Transportation of the prefabricated dock sections & concrete anchors, as well as a couple of flat landscaping rocks from offsite construction location to the PHCA private property adjacent to Kurlew Road;
- Moving the two flat landscaping rocks by small rubber tracked landscaping excavator from PHCA private property down Kurlew Road then east along the beach (well above the waterline) to the dock placement area (this is where the first dock section will go out into the water). The small landscaping excavator will lift and place the flat landscaping rocks at the edge of the water for the first dock section to sit on at the shoreline. The small landscaping excavator will be used to lift the first dock section onto the landscaping rocks. The small landscaping excavator will not ever enter the water;

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

- Walking a 4WD low ground pressure crane down Kurlaw Road onto the beach in front of the PHCA private property such that the crane will be able to reach the dock sections and lift the dock sections out onto the water, and to lift the anchors onto the floating barge (one dock section will be fitted with a small crane to function as a barge so as to lift the anchors into the water) on the water without any disturbance to the sand above and below the water's edge; the crane will be located above the waterline.
- c. Removal of existing Anchors and Buoys:
- Freshwater mussel handling (Section 5.2 of EMP)
 - Lift existing anchors out of the water using floating barge;
 - Transport the anchors to shore, and unload using crane to lift materials from floating barge up onto private property for removal and disposal; and
 - Dispose of anchors at appropriate location.
- d. Dock Installation (Initial):
- The first dock section will be walked down the beach by the small rubber tracked landscaping excavator and lifted into place one end out in the water and the other end sitting on the flat landscaping rocks; the landscaping excavator will not enter to water;
 - The crane will then lift each successive dock section into the water so that the dock section can be hand moved into location and attached to the previous dock section;
 - A number of dock sections will be tied together and pulled into location using a small outboard motor attached to the barge so as to eliminate all the foot traffic that would otherwise be required to move each dock section into place individually; the barge will be used to lift the concrete anchors off the barge and down to the bottom of the lake in the locations required to anchor the docks; and
 - When all the anchors and the last dock section has been set in place, the crane will walk back up Kurlaw Road.

6.2 Ongoing Annual Activities

1. Dock Removal and Winter Storage:
 - A 4WD low ground pressure crane will walk down Kurlaw Road onto the beach in front of the PHCA private property such that the crane will be able to reach and lift the dock sections off the water and up onto the private property where they will be stored for the winter without any disturbance to the sand above and below the water's edge. The crane will be located above the waterline;
 - The first dock section will be left in place (above the waterline) all winter;
 - Dock materials will be stored near the shoreline on the PHCA private titled property, where they will not obstruct public access along the crown foreshore.
2. Ongoing Dock Operation throughout the boating season. The following ongoing activities will be performed by a qualified onsite operator:
 - Adjust / tighten the chains used to hold dock sections together to ensure no excess movement and to prevent potential scouring;
 - Regular monitoring, maintenance and repair of dock sections from time to time as required;

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

- Garbage removal from moorage facility site area (onshore and offshore);
 - Monitoring of moorage facility usage and enforcement of all bylaws and rules & regulations inclusive of, but not limited to the enforcement of the bans on: fuel/oil leaks, fuel/oil refilling or transfer activities, prop scour of the lake bottom, hull cleaning, etc..
3. Dock Installation (Subsequent Years):
- Walking a 4WD low ground pressure crane down Kurlew Road onto the beach in front of the PHCA private property such that the crane will be able to reach and lift the dock sections out onto the water without any disturbance to the sand above and below the water's edge; the crane will be located above the waterline;
 - The crane will then lift each successive dock section into the water so that the dock section can be hand moved into location and attached to the previous dock section;
 - A number of dock sections will be tied together and pulled into location using a small outboard motor attached to the barge so as to eliminate all the foot traffic that would otherwise be required to move each dock section into place individually; and
 - When the last dock section has been set in place, the crane will walk back up Kurlew Road.

Each activity has the potential to cause material adverse effects to the local environment that require site-specific control measures to mitigate impacts and ensure environmental protection. The Environmental Management Plan identifies environmental risks associated with the specific construction activities proposed for the group moorage facility and describes mitigation measures required to maintain environmental protection.

7. DOCK SIZE & ALLOCATION

The most significant feedback received throughout the various consultations has been that the number of slips should not exceed what is absolutely required to support the current and future needs of the 2 communities. This will allow an exchange of the existing anchors / buoys for a more organized, controlled and environmentally improved facility and overall beach bay area.

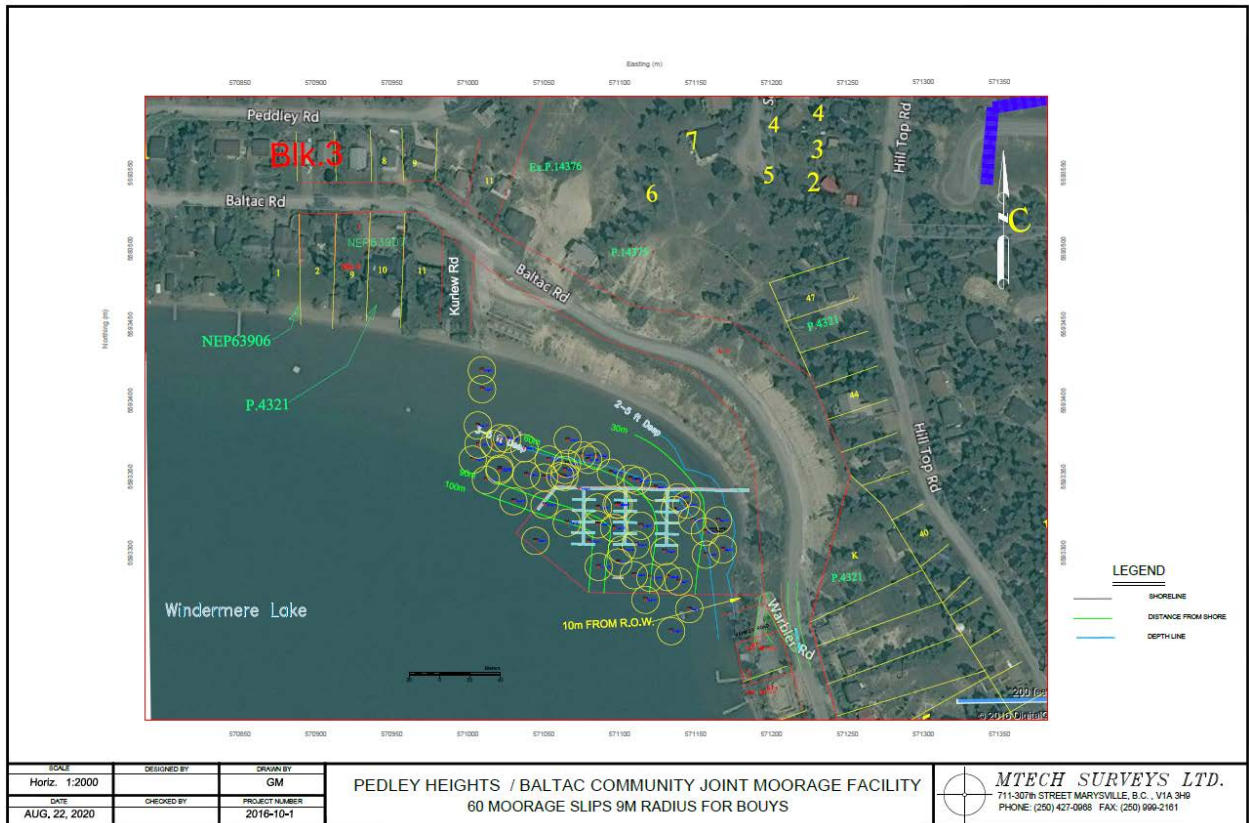
The current proposed size of sixty (60) is a compromise which has considered balancing the overall community demand and the potential environmental impacts; we have now struck an appropriate balance in this regard **with no overall negative impact**. In fact, we would suggest that this is an improvement over the existing unmanaged situation with the uncontrolled buoys. Having 60 slips that are tightly regulated to avoid environmental damage is in our submission far superior to having 60+ buoys that are unregulated and which have been shown to cause environmental damage.

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

DOCK AREA VS EXISTING BUOYS

Figure 3 Map of Existing Buoys



The above illustration shows the anchor/buoys as of August 2017; 60 buoys/anchors in front of the titled lands. There are additional anchors/buoys that were not part of this survey which are in front of the Kurlew Road and Baltac Road MOTI public ROW's. The proposed boat mooring facility has been over-layed onto the picture of the buoys to illustrate the reduction in the overall area which would be occupied by the facility.

The reduction in lake area occupied is significant, approaching 70-75%. The improvement of public access to the water is significant with the dedication of a signed "loading/unloading" facility at the end of the dock for public use (see Section 9.2). The number of anchors removed will be approximately 60. The proposed moorage facility will require 9-12 anchors vs the 60+ anchors currently in the bay area.

7.1 RATIONALE FOR REDUCED DOCK SIZE

The initial application for 140 boat mooring slips was based on the analysis of similar facilities which other communities already had on the lake and the ratio of homes to slips (e.g. Akisqnuq, Terra Vista, Timber Ridge, etc.).

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

Other east side communities currently have a smaller homes/slips ratio than the proposed PHCA/BCA facility. Timber Ridge has 3.03 homes/slip, Tretheway has 1.42 homes/slip, Terra Vista and Akiskinook each have 1.35 homes/slip. **PHCA/BCA will have 6.6 homes/slip - 425/60.**

As we conducted consultation with RDEK, District of Invermere, etc. we became aware that the regulatory approval process was transitioning and that such large dock facilities would very likely not gain approval under today's review processes.

The reduction of the number of slips to 90 in the second application, was only after extensive consultation with the existing buoy owners. This was to gain a consensus on how they could be accommodated in this smaller facility. This was a requirement laid out by the RDEK in the OCP section 21 (g).

Throughout the RDEK approvals process, we received repeated feedback from RDEK Directors, RDEK Staff and the general public that the 90-slip request was still perceived to be too large. Following the RDEK Public Hearing in July 2018, we formally reduced the number of proposed slips to 60 with the RDEK and advised Front Counter of same. Approval was subsequently received from the RDEK and the Bylaws have been changed to support the moorage for 60 boats.

7.2 COMPARE & CONTRAST TABLE - (60 BUOYS VS 60 SLIPS)

The table below illustrates the improvements that a 60 slip moorage facility would provide vs the existing anchors & buoys in the area.

60 Anchors & Buoys	60 Slip Moorage Facility
Private Ownership / Access	Communal Ownership; Access for all Members of BCA & PHCA
Public Access impeded (from water)	Public Access to Load & Unload
Uncontrolled, Un-Manned, Not Monitored	Onsite Manager / Operator - Onsite Facility Monitoring & Maintenance; Managed, Controlled & Monitored
Drag of Anchors & Chains	Elimination of Lake Bottom Scouring; No Drag of Anchors
Anchors / Buoys Impede Swimming Area, access for canoes and paddle boards, etc.	Improved Swimming Area; Improved Public Swim Area & Access to the Lake for non-motorized activities
Fueling & Fuel Spills Un-Regulated	Fueling of Boats or Fuel Leakage Prohibited
Scouring of Lake Bottom Un-Regulated	No Scouring allowed by Propellers
Garbage in Water Un-Regulated	Garbage Receptacles; Regular Cleanup of lake bottom in area

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

7.3 ALLOCATION OF THE SLIPS

With the reduced number of slips available to the 425 (at full buildout of Pedley Heights) homes, it is paramount that a fair and equitable process be in place to allocate the slips which will be in high demand.

Beyond the 'existing buoy owner' accommodation (as outlined in the BCA / PHCA Joint Operating Agreement – Appendix B), the moorage facility is intended to be fully communal. This will mean that a slip is not tied to a particular property or owner. Year over year, there will be a process in place to ensure supply and demand have been fairly considered and addressed.

8. EXISTING ANCHORS / BUOYS

8.1 REMOVAL OF EXISTING ANCHORS/BUOYS & AVOID RE-INTRODUCTION

Substantial consultation has taken place to ensure the existing anchors and buoys are removed to the best of our efforts. This is covered in detail in the Joint Operating Agreement with BCA who have claimed many of the anchor/buoys in the Beach Area over time. The highlights of the agreement in this regard are:

- Registered (with RDEK as grandfathered) buoy owners will be provided the opportunity for a 'preferential' access to a slip in the group moorage facility for a transition period. This comes with the agreement that the anchor/buoy that they currently occupy will be given to the community associations for removal and disposal; this voluntary exchange will apply to buoys and anchors both in front of the titled beach lands as well as in front of the three MOTI road allowances;
- Buoys and anchors remaining in front of the titled beach lands that are within the shallow waters up to the physical drop off, will be removed by the community associations pursuant to their riparian rights; every effort will be made to ensure that those buoy owners that have boats that cannot be accommodated in the facility (i.e. too large) may remain on buoys outside the foreshore area (this should be a very small number); this will require cooperation of the RDEK to allow trading of buoy registrations;

Riparian rights will be exercised to remove any anchor / buoy which appears in the foreshore area after license has been granted.

PHCA/BCA intend to monitor the bay for new buoy placement and have the buoy removed if legally able to. If the buoy is not in the tenure area, the illegal buoy placement will be referred to the RDEK.

8.2 JUSTIFICATION FOR REMOVAL OF PRIVATE BUOYS

Although the 'Land Act' does not provide the authority necessary to remove private buoys, the 2 community associations have worked diligently to progress plans for removal of as many anchors & buoys as possible. The associations consider this to be not only an integral component of the application process, but also the 'right thing to do' from the perspective of protecting the environment, cleaning up the bay, and for the safety of everyone using the area.

Riparian rights will allow for the removal of the anchors/buoys by the upland owner (based on right to access deeper water). If for any reason, the above "trading of preferential access to a slip for an existing buoy/anchor" arrangements do not result in removal of these buoys/anchors from the area in front of PHCA land, PHCA will proceed to have these removed based on their riparian legal rights.

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

SUMMARY OF RIPARIAN RIGHTS

(Riparian Rights and Public Foreshore Use in the Administration of Aquatic Crown Land. 1995)

Access: Ingress and Egress

The final major riparian right associated with waterfront property is the right to unimpeded access to and from that property to deep water for the purposes of navigation. This right exists separate and apart from the public right of navigation, and the right of access applies to non navigable bodies of water as well.

This right of access to and from the water applies to every point along the water frontage, including every part of the foreshore in front of the upland property. As a result, improvements cannot be constructed on a waterfront property if they interfere with access. Whether or not an obstruction constitutes interference must be determined in each individual case. The types of obstruction likely to constitute interference are discussed in Section 4. The right of access is still recognized as a riparian right in British Columbia. It is probably the most important of the remaining riparian rights acknowledged in the Ministry's administration of land.

It must be kept in mind that there is also an interest to see the swim area improved by the removal of these buoys/anchors in the bay area; this has been an area of contention within the communities for nearly 2 decades between the buoy owners and the non buoy owners. Removal of the buoys/anchors will resolve this conflict. It will also improve the swim area for the general public.

9. BEACH AREA ACCESS & USAGE

9.1 OVERALL PUBLIC BENEFITS

It is recognized that there are many users who benefit from the use and enjoyment of the lake within the immediate and the broader community. These include boat owners, non-boat owners, buoy owners, swimmers, canoers, lakefront property owners, etc. The PHCA and BCA have worked diligently to gather as many perspectives as possible and incorporate the feedback received into the proposal for the benefit of all interested parties.

Some of the broader considerations are as follows:

- The group moorage facility is a reduced footprint from the current configuration of anchors and buoys. Not only does this improve the usability of the area for the boaters but as well for swimming and other non-motorized water sports,
- The 'clean-up' of the current anchors and buoys is an overall improvement for the lake. The general public benefits with these environmental improvements which left as is, would continue to negatively affect the lake.
- Improve public access in the MOTI right of ways – due to the removal of the buoys in front of these areas.
- Improve public access to beach by providing the signed "loading/unloading" facility at the end of the dock that is dedicated to public use.
- The public boat launch access is enhanced as there would be a reduction in usage because of those utilizing the facility. There will be a reduction in buoys impeding access in this area as well, as community members trade the buoys in that road allowance for slips in the group moorage facility.

Given the communal nature of the allocation process, more individuals within the Baltac and Pedley communities will have access and benefit from the facility.

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

9.2 MOTI RIGHT OF WAYS - PUBLIC ACCESS

Over the course of our applications process, we have consulted with MOTI and local governments to better understand and acknowledge our understanding of the general public interests. An 'Access Management Plan' document was developed in 2016 and reviewed with MOTI; this resulted in a better alignment of understanding for both parties on topics such as ensuring the 3 key access points (Warbler Road, Kurlaw Road and the Baltac Road Public Boat Launch) remain unimpeded, Parking & Signage options, Traffic volumes and potential for congestion.

A general concern that has been raised about Baltac Road is the potential for increased traffic/congestion/safety. While the presence or absence of a group moorage facility in the bay area will not at all change the present or future traffic issues on Baltac Road, PHCA and BCA have investigated various future options to mitigate this concern. The two communities will have to take steps to alleviate traffic on Baltac Road during peak periods. Some thoughts have been to encourage the use of smaller vehicles such as golf carts or ATV's (which would have to be licensed and insured for use on roadways), and there may even be a need to employ a beach shuttle bus during peak times in the future similar to that used during the 1970's by the old Kutenai RV Park. But whatever the traffic challenges and solutions, they will exist independent of this group moorage facility. The bay area is bordered by a public access right of ways on either end (Kurlaw Road and Warbler Road). We have worked with MOTI to:

- Remove all beach signage from public right of ways
- Remove any obstructions (i.e. boulders, portable toilet, etc.) from public right of ways.

During this consultation, MOTI requested a Survey of the Right of Ways on either end of the Beach property (Figure 4 below).

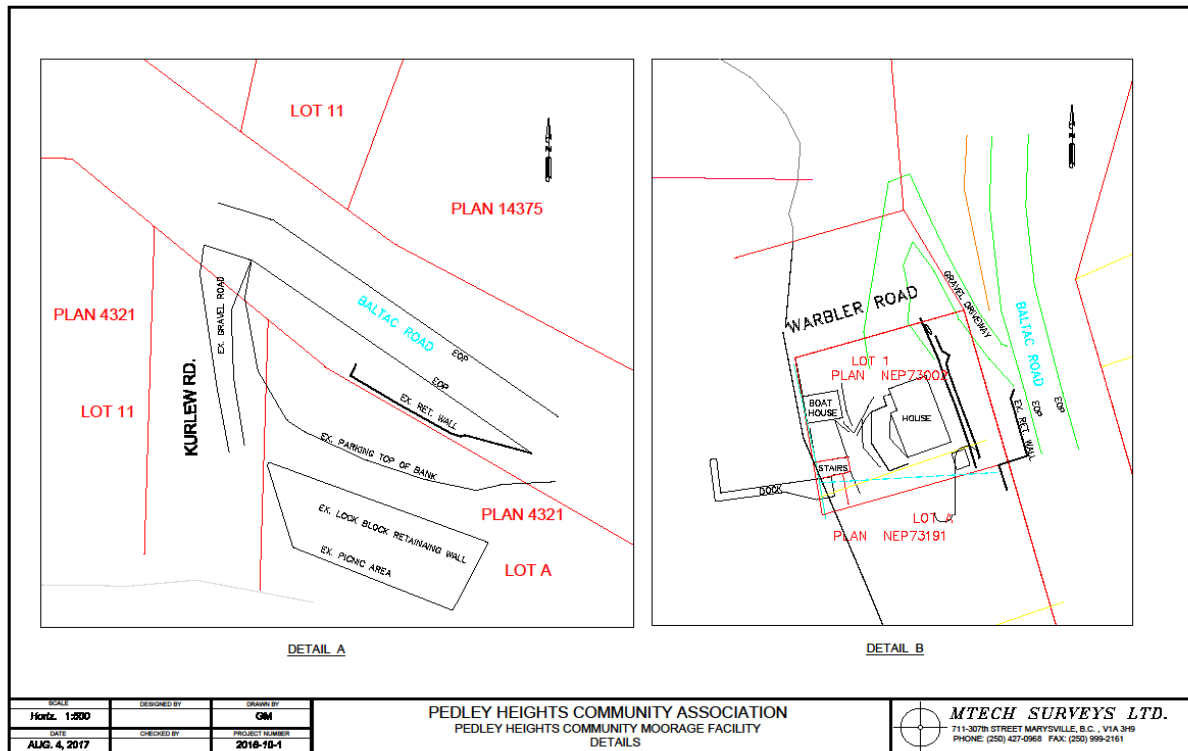
The BCA and PHCA both recognize the foreshore as a public amenity to be enjoyed by all and will continue to encourage public use of the foreshore (non-titled lands).

The RDEK requested us to provide better access to the beach for the general public, and we have agreed to provide "public" access to the group moorage facility which will have a signed location at the end of the dock allocated to allow the public to drop off or pick up people from the beach shoreline. This spot will be clearly identified, and signage will ensure the public recognize they use the facility at their own risk.

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

Figure 4 Survey of Warbler Road and Kurllew Road Right of Ways



9.3 CONTINUOUS, CONCENTRATED & HIGH HUMAN USE

The usage at the bay area is not substantially changed from the current use by this proposed group moorage facility. The Baltac & Pedley communities (as well as the general public), have access to use the beach and bay area today. The potential for negative human impact to the area is greatly reduced due to the proposed 'controlled & managed' boating facility.

10. FIRST NATIONS

The two First Nations Bands in the surrounding area, Shuswap, and Akisqnuq / Ktunaxa, have been consulted during the applications processes, both directly and via the Front Counter referral process. The application process completed by Front Counter, provided for a Referral Response from each of the bands. Many of the concerns raised in their responses are addressed by the EA and EMP documents prepared by Vast Resource Solutions.

Consultation & collaboration efforts will be ongoing and will endure well past this application process. The following items have been identified as possible areas of collaboration.

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

EDUCATION AND AWARENESS

Improving the communities / public understanding of the human impacts on the environment is a key element to ensuring a long-term sustainable beach area which can be enjoyed for many years to come. We will make reasonable efforts to assist with public awareness in this regard.

From discussions with and feedback received from the Shuswap, three possible areas for signage have been identified and we will work with the appropriate parties to develop and review recommendations:

- Salmon Re-Introduction Program
- Freshwater Mussels
- Invasive Species (e.g. Zebra Mussels)

The offer of signage referenced above is not conditioned upon Front Counter granting a lease for the referenced facility.

10.2 EMPLOYMENT OPPORTUNITIES

The installation and operations of the group moorage facility will offer opportunities for local employment. Should the proposed group moorage facility be granted the requisite tenure by Front Counter, and where qualified local First Nations people are available, they will be preferentially offered such opportunities. These would include Environmental Monitor (EM) oversight, Onsite Operator/Manager, and maintenance opportunities.

10.3 ACCOMMODATION

As outlined in the Ministry materials provided to the applicant, it is normal practice to provide an accommodation to the First Nations in exchange for potential impacts to their lands (in this case, the Lake). In response to an expressed concern that public access to the lake was in need of funding, an accommodation was granted to the RDEK concerning payment of \$60,000 (\$1,000/slip) to the RDEK in support of public access to the lake, conditional upon the facility actually being built. Accordingly, as both First Nations have expressed a strong desire to promote the re-introduction of salmon to the lake, we will offer a similar accommodation to the two First Nations “jointly” in the sum of \$60,000 (\$1,000/slip) in support of the salmon re-introduction program, conditional upon the group moorage facility actually being built.

10.4 IMPACTS TO ARCHAEOLOGICAL VALUES

The Ktunaxa referral response was as follows: *The proposed project is in an area of moderate to high archaeological potential. The project is fairly low impact to the ground; however there will likely be ground disturbance during construction. The Ktunaxa Nation Council (KNC) requires that an approved archaeologist or technician be retained as an archaeological monitor during construction. The monitor is to follow KNC Chance Find Procedures for Archaeological Material.*

Our response is as follows: The beach and surrounding area have had high usage both historically and currently; there are essentially no undisturbed areas (including the hillside). There will be minimal ground disturbance as a result of the proposed construction and ongoing activities.

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

10.5 INCREASED CUMULATIVE IMPACT ON THE LAKE

This group moorage facility will not contribute directly to an increase in boats on the lake. The boats being moored will/would exist on the lake with or without this facility. The facility simply creates the opportunity to improve the management of these boats in a more environmentally responsible manner.

The desire to study the carrying capacity of the lake has been an ongoing topic for many years. The applicant for one facility cannot reasonably be expected to address this much larger issue. For this question to be addressed appropriately and adequately, the local, provincial or federal levels of government must be looked to for such studies, not the applicant herein.

11 BEST PRACTICES

The Environmental Management Plan (EMP) (Section 5 specifically) and the Environmental Assessment (EA) documents prepared by Vast Resource Solutions provide recommended mitigation steps for environmental aspects of the project. The items below are additional considerations and encompass broader aspects of the proposed project.

11.1 DESIGN & CONSTRUCTION BEST PRACTICES

A. SITE SELECTION

- The site does not interfere with any lake inlet or outlet streams, fish spawning areas.

B. DESIGN

- Overall footprint of the facility has been reduced. The proposed group moorage facility is now at sixty (60) units which is equivalent to the maximum allowed by the both prior RDEK OCP (existing buoy farm + 10) and the current RDEK OCP (60 moorage slips allowed).
- Direct and indirect impacts to other/adjoining properties has been avoided or reduced. Rules and Regulations will be in place to minimize any disruption to neighbors beside or behind the group moorage facility.
- While concrete anchors will be fabricated elsewhere and placed in the water, no poured in place concrete works are required for this project.
- No breakwater is envisioned in conjunction with this project
- No Dredging will be undertaken at any time during the life of the facility. If water levels fall over time, the course of action would be to look at moving the facility into deeper water within the foreshore bay area.

C. CONSTRUCTION/OPERATIONS ACTIVITIES

- The soil conditions are such that there is minimal vegetation. Care will be taken to minimize area disturbances; no trees, shrubs or grasses on the shoreline will be removed. The site will be left in as close to natural conditions as possible.
- There will be no altered patterns of erosion or sediment deposits.
- Existing rocks or logs in the aquatic environment will remain, to not disturb potential habitats.
- Removal of the existing anchors will be completed in a manner which prevents foreshore disturbance and/or sediment generation. These anchors will be removed from the area to a

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

suitable upland disposal site (offering first to the owners thereof and the remaining materials will be disposed of at the landfill).

- There will be no foreshore filling or land reclamation.
- There will be NO excavation of materials from the site.
- No revegetation will be required due to the lack of current vegetation.
- There will be minimal noise or dust created from the project. Work will be conducted during off-season when tourism activities are low.

D. EROSION AND SEDIMENT CONTROL PLAN

This is addressed in the Vast **EMP in Section 5.1**. Additionally, the majority of the Beach area is at the base of a very steep hill which has suffered historical erosion resulting from human and animal activity. All equipment will be kept well away from the steep slope areas to ensure no further erosion is introduced as part of this project. All access (equipment, people walking, etc) to the worksite will be via the Kurlew Road MOT Access. Contractors will be made aware that no activity can disturb the slope in any way.

E. INVASIVE PLANT SPECIES MANAGEMENT

This is addressed in the Vast **EMP in Section 5.3**. Additionally, existing vegetation is minimal and will not be disturbed. Where equipment is being driven is not conducive to any vegetation growth including weeds.

F. FUEL MANAGEMENT & SPILL RESPONSE

Construction activities require the use of machinery and equipment that use fuels, oils, lubricants, and hydraulic fluids. These materials are hazardous to the surrounding terrestrial and aquatic environments and must be managed properly. This is addressed in the Vast **EMP in Section 5.4 and 5.5**. Additionally, equipment will not be operating in the lake.

G. WASTE MANAGEMENT PLAN

This is addressed in the Vast **EMP in Section 5.6**. Additionally, minimal construction waste is expected to be generated by the proposed activities. All construction waste generated on site will be taken off site and disposed of accordingly. Construction personnel will be instructed to ensure the site is kept clean and to prevent litter from escaping the site. Anchors that are to be removed from the bay area, when so removed will be disposed of offsite. Interactions between field crew and wildlife will be minimized by maintaining a litter free worksite and encouraging awareness.

11.2 OPERATIONS BEST PRACTICES / RULES & REGULATIONS

During ongoing operations, some risks are presented due primarily to the boat movement in and out of the facility and the presence of boats being stored at the facility. Aquatic impacts from the proposed group moorage facility are expected to be minimal as long as best management practices are followed. We would suggest that the proposed group moorage facility is in fact an improvement. The joint communities of PHCA and BCA will enforce these rules by means of cancelling the privileges of any boat owner who violates the no scouring / no hydrocarbon rules. During boating season, an onsite, full time manager will monitor and enforce these and any related Rules and Regulations. A spill kit will be kept at the facility at all times, in case of emergency.

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

A qualified Environmental Monitor (EM) will be onsite to oversee each annual installation and removal. They will be responsible to document the activities and make recommendations for improvement on an ongoing basis.

The boats which would be moored in the facility exist or would exist on the lake, with or without the facility. The mooring facility creates the opportunity to improve the controls and management to ensure boats are maintained and operated in a responsible manner – avoiding the risks that exist today. Boat operators will be held to the highest standard.

A. EROSION AND SEDIMENT CONTROL PLAN

This is addressed in the Vast **EMP in Section 5.1**. Additionally, the onsite manager/operator will be available to monitor and control any ongoing human activities that would further disrupt the hillside. This ability is not there today as no one is available onsite. In addition, signage will be in place to educate and encourage people to stay off the hillside. Historically, signage has been removed or destroyed due to the lack of ability to monitor – this situation will be improved when an onsite Manager is in place.

B. HYDROCARBONS

This is addressed in the Vast **EMP in Section 5.4**. Additionally,

- NO refueling of boats will be allowed. This will be strictly enforced pursuant to group moorage facility Slip Rental Agreement (Appendix E).
- Boat owners are responsible for keeping boats in ‘ship shape’ and must remove the boat for any repairs or maintenance. If a boat is observed with a fuel leak, the boat will be removed at owners’ expense (this will be enforced pursuant to the Slip Rental Agreement).
- No person shall discharge oil, inflammable liquids, oily bilges, or other liquids in the moorage facility or beach area. Boaters and contractors will be held responsible for transferring oils, anti-freeze, paints and all toxic products to a recycling transfer station.
- The proposed moorage facility offers the opportunity to ‘decrease’ the hydrocarbon impacts /risk which are currently there today, in the bay area. The unmanaged ‘buoy farm’ allows for boats to exist in the water which may have leaks, allows boat owners to refuel, etc.

C. WATER MANAGEMENT PLAN

This is addressed in the Vast **EMP in Section 5.5**.

Additionally,

- Annual installation and removal of dock sections will not introduce turbidity of water due to the use of a barge for placement. This will significantly reduce the foot traffic on the lake bed that would otherwise be associated with the dock installation/removal operations.
- Ongoing operation of boats will be closely monitored with enforcement of all rules & regulations.
- Surface runoff does occur seasonally at the Pedley / Baltac Beach Area and may occur during the installation or removal of the facility. This is not expected to change as a result of the planned activities.

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

D. WASTE MANAGEMENT PLAN

This is addressed in the Vast **EMP in Section 5.6**. Additionally, during ongoing dock operation, rules and regulations will be in place and enforced by the onsite operator which will include no refuse/garbage to be deposited in the facility area other than in provided receptacles. The operator will routinely collect any debris from the site and remove/dispose appropriately.

E. TERRESTRIAL ENVIRONMENT, WATERFOWL, BIRDS OF PREY

This is addressed in the Vast **EA in Section 3.4**. Additionally, the annual installation and removal of dock facility will be restricted to the end of May and mid-Sept timeframes to minimize impacts to the waterfowl migration timing (primarily ducks).

Terrestrial wildlife habitat is minimal in the area. The limited number of mammal species is likely attributable to the sparse riparian vegetation. The mooring facility does not pose any new impacts to foreshore habitat given the steps being taken to avoid disturbance of the shoreline. Best practices will be undertaken for initial installation and ongoing operation, and there is no net increase in the human usage upon the foreshore habitat over what already exists at this well used beach area today.

F. SCOURING

Low speed (no wake speed) and raised propeller regulations will be put in place to minimize risk of scouring. All vessels operating in the moorage area waters must proceed at idle and at no wake speed so as to avoid causing damage to the lake bottom.

The management of slip allocation to place shallow draft boats in the slips with shallower water will also help to reduce any risk of scouring. The regulations will be strictly enforced pursuant to the Slip Rental Agreement. The current state of unmanaged buoys is perceived to create unnecessary and uncontrolled scouring of the base of the lake. Removal of all buoys from the foreshore area as well as removal of many of the buoys located in the three the MOTI right of ways is the ultimate desired outcome and should significantly reduce the damage currently taking place every year. We would suggest that these are overall improvements from the current situation in the bay area.

G. OTHER RULES

- No Dogs on Beach or Dock area except on leash and only while boarding;
- Pets must be kept on lease while on the Beach or Dock areas;
- No Boat Washing / hull cleaning;
- Invasive Species: Encourage Responsible Boating Practices - All vessels launching into BC waters are encouraged to follow Clean Drain and Dry protocol. All boat owners take this responsibility.
- Watercraft Owners & the Onsite Manager will be instructed to report any evidence of invasive species - In case of an infested boat in BC, either on the road or in the water call the Report All Poacher and Polluters line 1-877-952-7277;
- Disposal of black water on site and washing of boat exteriors will be strictly prohibited at the dock facility;
- No Fireworks, open fires or grilling on or near the group moorage facility; and

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

- Boats must be secured to berth with adequate lines.

H. COMMUNITY ENVIRONMENT PROTECTION

Through the various public feedback forums, we have been made aware of potential/perceived environmental impacts to adjoining property owners and neighbors in the general area of the group moorage facility. The following steps will be taken and strictly enforced:

LIGHT POLLUTION

There will be no lights installed on the facility. This eliminates any potential impacts to the neighboring properties or other owners around the lake. This also removes any potential to impact wildlife.

NOISE POLLUTION

Excessive noise from boats (e.g. revving of engines, etc.) or people will not be allowed. The dock will be gated, and operation of the facility will be no later than 10pm (may be shorter depending on the daylight hours).

GENERAL NUISANCE

All boats will be required to access the facility via a straight line perpendicular to the shore, so as to not drive in front of neighboring properties.

Every effort will be made to ensure the facility does not create undue nuisance or interference for adjoining properties. We will employ good neighbor practices and work towards the collective enjoyment of the lake by all community members.

11.3 MONITORING & ENFORCEMENT

All rules & regulations will form part of the group moorage Slip Rental Agreement (See Appendix E). The Rental Agreement contains the following clause:

'Owner agrees to comply with all Group Moorage Facility Rules and Regulations, and if such are breached or defaulted PHCA/BCA has the right to terminate this Agreement immediately, and to take possession of the slip'

The onsite manager will monitor the mooring facility during hours of operation to ensure all rules and regulations are enforced and violations reported appropriately.

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

12 ROLES & RESPONSIBILITIES

This is addressed in the Vast Resources **EMP in Section 6.**

12.1 CONTRACTORS

The contractor and its employees shall conduct all operations in such a way as to minimize the impact upon the natural environment, and shall comply with all environmental requirements of all authorities having jurisdiction, including environmental legislation, regulations, permits, licenses, approvals, agreements, and rules applicable to the work.

The contractor shall provide, in accordance with the requirements of all authorities having jurisdiction and all applicable federal and provincial legislation and regulations and municipal or regional bylaws, all suitable equipment, facilities and precautions required to control the discharge of contaminants, and to prevent actions which may pollute or degrade the terrestrial and freshwater environments and all watercourses, tributaries, ditches, and storm drains discharging into freshwater watercourses or which may harm fish, wildlife, and their habitats.

The contractor shall suspend any activities or operations which are in contravention of any environmental legislation, regulation, municipal bylaw, or activities which are causing, or potentially causing, environmental damage.

The contractor shall ensure that neither it nor any of its agents, employees, subcontractors shall do, omit, or permit any act or thing which contravenes the EMP or any applicable legislation, regulations, guidelines, standards, bylaws, and codes of practice. Accordingly, the contractor shall undertake all reasonable actions to ensure that environmental protection measures are in place and working effectively throughout all areas affected by the project.

In the event of a discrepancy between any of the clauses of the EMP and the provisions of any applicable law, including any legislation, regulations, municipal bylaws, standards, guidelines, or codes of practice, the more stringent provisions resulting in the higher degree of environmental protection and safety shall prevail.

12.2 ENVIRONMENTAL MONITOR

The Environmental Monitor (EM) will be present and oversee the anticipated 1-2 day (2 days for first installation, and 1 day thereafter, and for all removals) installation/removal of the dock facility, and will operate within the following capacities:

- Inspect and oversee the implementation of the group moorage facility; evaluate and report on the compliance with the terms and conditions of environmental permits, approvals, and authorizations applicable to the work; and provide consistent, timely, and effective reporting of construction activities, problems encountered, and how they were managed. The EM shall be empowered with the authority to suspend any activities which are causing, or potentially causing, environmental damage.
- The EM will be responsible for communicating and liaising with the contractor(s) regarding the implementation of the requirements contained in the EMP and the terms and conditions of all environmental permits and approvals.

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

The EM will prepare an Environmental Monitoring report for the dock installation phase of the project. The EM Report will be submitted to the contractor and utilized as input into the procedures for Annual ongoing activities as appropriate.

The EM will also be onsite for each annual installation and removal; each activity will be properly documented and including recommendations for improvements.

12.3 ONSITE OPERATOR / MANAGER

The onsite operator will be available each season during the group moorage facility operations (end of May through mid-Sept). The operator will ensure the facility is managed in a safe and environmentally conscious manner on a day to day basis. This will include:

- Ensuring all rules and regulations are followed;
- Enforcement and removal of any boat in violation;
- Safe operation of the docks; tightening of chains, etc. Avoiding any scouring or environmental damage from the mooring facility itself;
- Beach Area monitoring for garbage, overall safety, hillside erosion activities, etc.

The Operator will be trained in Emergency Response Procedure, Spill Management, and have all Emergency Contact Information readily available should the need arise.

13 CLOSURE

Overall, the construction as proposed will pose minimal ecological risk to Lake Windermere as long as the recommendations outlined in the EMP and this document are implemented.

Providing a 60 slip group moorage facility to replace 60 anchors/buoys will not increase the number of boats on the lake; they are there already. We submit that replacing the existing unregulated anchors/buoys with a fully regulated group moorage facility will be a net environmental improvement to the bay area of the lake.

The communities are committed to removing as many of the anchors/buoys as possible recognizing that this new facility is intended to replace the anchors/buoys

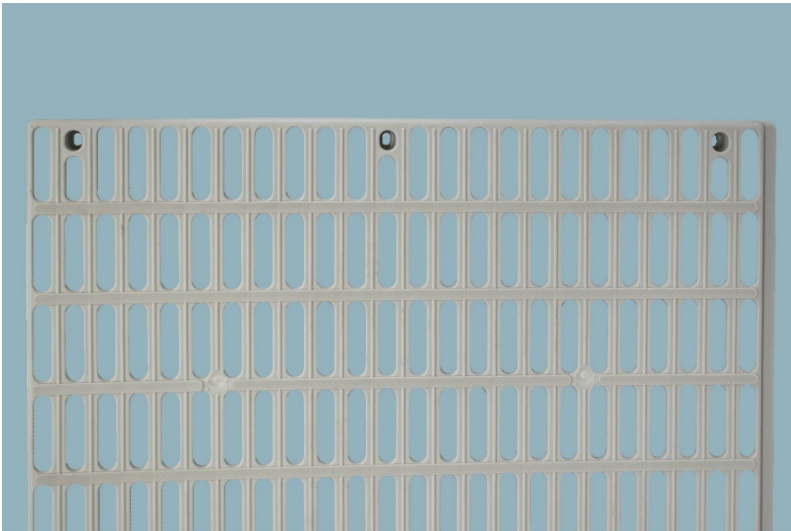
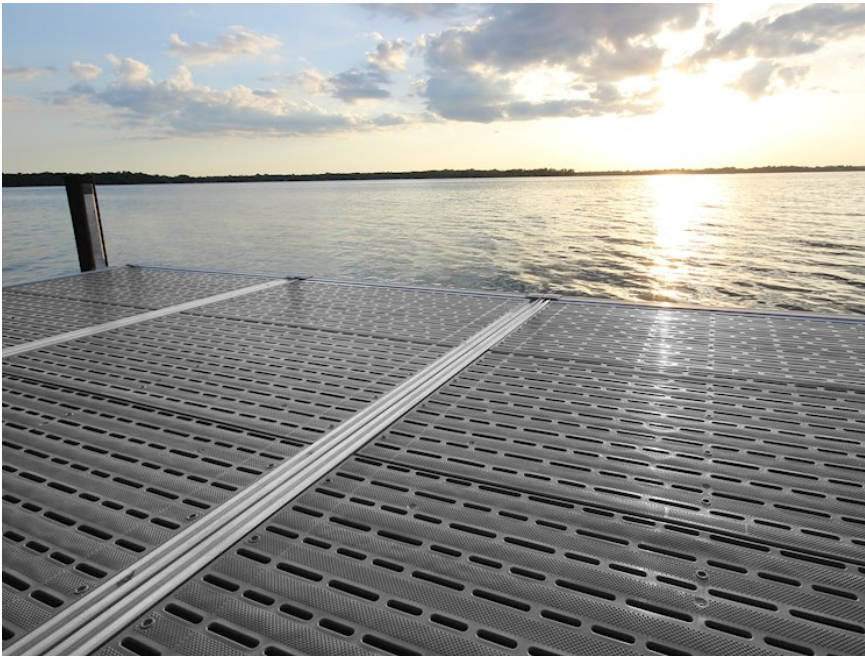
The project is removing more anchors (approximately 60) than are being placed (approximately 9-12) for the new facility.

We trust that the information provided in this Plan is accurate and meets your current requirements. Should you have any questions, or require further information, please do not hesitate to contact Mark Voszler directly.

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

14 APPENDIX A - SEE THROUGH DECKING



“Its 45% open surface area allows sunlight and water to pass through reducing the impact on the surrounding environment and protecting your structure against rough weather damage.”

[Links to the FlowThru decking:](#)

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

www.shoremaster.com

<https://titandeck.net/products/>

www.thruflow.com

ADVANTAGES

The ThruFlow™ decking system offers a number of advantages over traditional decking. ThruFlow™ is a STRONG, DURABLE and LIGHTWEIGHT application for docks, decks, ramps and walkways.

- NO Maintenance
 - UV and Static Electricity PROTECTION
 - SUPERIOR Load Bearing Capability
 - 360° NON-SLIP Surface
 - Available in 3, 4 and 5 foot lengths
 - Pre-Drilled and Countersunk for EASY Installation
 - **ALLOWS Sunlight, Water and Debris Through**
 - **Helps MINIMIZE Storm Surge and Wave Effects**
 - Stays COOL Even in the Hot Summer Sun
 - ACOE Approved
 - ADA Compliant
-

“The ecological impact taking place underneath one’s deck, dock or walkway is rarely considered. Sunlight is an integral part of any ecosystem and ThruFlow panels are revolutionary in their ability to allow light to passthrough protecting the delicate aquatic life below.”

PROJECT DESCRIPTION

GROUP MOORAGE FACILITY

15 APPENDIX B – BCA / PHCA JOINT OPERATING AGREEMENT



BCA PHCA JOA Oct
2 2018 fully executed

16 APPENDIX C – RDEK APPROVED BYLAWS



Bylaws 2847 and
2848.pdf

17 APPENDIX D – COURT DECISION RE PETITION



Judge Gomery, re
Kalantzis v. East Koo

18 APPENDIX E – DRAFT GROUP MOORAGE SLIP RENTAL AGREEMENT



SLIP RENTAL
draft.pdf

19 APPENDIX F – DESIGN BASED MEMORANDUM



Design Based
Memorandum 2020.

Note: If there are any problems with opening these links or the links found elsewhere in the Project Description, the documents can also be found in the Front Counter folder "Other".