



March 6, 2020

File: A8005332

Barbara Gordon
2677 Westside Road
West Kelowna, British Columbia
V1Z 1T2

Attention: Barbara Gordon

Re: *Water Sustainability Act* - Change Approval (Section 11) – Removal of Unauthorized Fill – Okanagan Lake, 2677 Westside Road, West Kelowna, BC

Your application for a Change Approval has been granted, and the approval document is attached. This Change Approval, or copy of it, must be kept on the work site so that it may be shown to a Ministry official upon request.

Archaeological sites are protected by the *Heritage Conservation Act*. These sites are protected for their historical, cultural, scientific, and educational value to the general public, local communities, and First Nations. When a proposed development location overlaps with an archaeological site, it is these values that are addressed in managing the development impacts to the site. If any archaeological material is encountered during construction, all activities must cease and the Archaeological Branch contacted at (250) 953-3334 for direction.

It is the responsibility of the holder of this Change Approval to ensure that their activities, works or construction are in compliance with all legislation, including the *Fisheries Act* (Canada), as well as with any applicable federal, provincial or local government bylaws, regulations or enactments.

Please review the document entitled, [Terms and Conditions for Water Sustainability Act Changes in and about a Stream](#), which describes general requirements specified by the Ministry's Habitat Officers, Thompson Okanagan Region. Additional requirements specified by the Ecosystems Section are also included in the Change Approval. For any questions about the requirements, please contact Brian Robertson, Habitat Officer at (250) 558-1721.



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

Regional Water Management
Thompson Okanagan Region

Mailing/Location Address:
1259 Dalhousie Drive
Kamloops BC V2C 5Z5

Telephone: (250) 371-6200
Facsimile: (250) 828-4000
Website: www.gov.bc.ca/flnr

If you have any other questions or concerns regarding this Change Approval, please contact me at (250) 490-8208 in Penticton.

Yours truly,



Rick Peleshytyk, P.Eng.
Assistant Water Manager, under the Water Sustainability Act
Thompson Okanagan Region
Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Attachment(s):

cc: Ecosystems Section, Vernon, Attn: Brian Robertson (via email)
Arsenault Environmental Consulting Ltd., Attn: Darryl Arsenault (via email)



CHANGE APPROVAL

Changes in and about a stream

WATER SUSTAINABILITY ACT - SECTION 11



Barbara Gordon 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 at 2677 Westside Road, West Kelowna, BC, within the legally described area as follows:

Lot A, Plan KAP11659, District Lot 3745, ODYD (PID 002-448-831)
- C. The changes to be made in and about the stream are as follows:
 - 1. Remove unauthorized fill covering an estimated 618 m² on the foreshore fronting the property described above;
 - 2. Small terraces will be left to provide flood benches; and
 - 3. Large rocks, logs and native plants will be added to the terraces to provide habitat for fish and wildlife.
- D. All works shall comply to the mitigation and naturalization measures described in the following document:
 - 1. *Environmental Management Plan for Fill Removal and Naturalization Plan, 2677 Westside Road*, dated December 20, 2019, all submitted by Arsenault Environmental Consulting Ltd. with and for the application.

In the event of disagreement between conditions specified in these documents and those of this approval, the requirements specified in the approval shall be followed.

Timing and Authority:

- E. This Change Approval or copy of it must be kept on the work site so that it may be shown to a Ministry official upon request.
- F. Construction of the authorized works shall be completed on or before September 30, 2021.
- G. The Water Manager, Thompson Okanagan Region shall receive written notification of any proposed schedule alterations or project modifications required to complete the works. Upon review of the written request, the Water Manager **may**, at their discretion,

grant a time extension or initiate a further review of the project that may result in amendment to conditions in this Change Approval or require a new application submission.

- H. This Change Approval does not constitute authority of any other agency. The holder of this approval shall have the necessary permits from other agencies concerned prior to the commencement of the works authorized herein.
- I. This Change Approval does not authorize entry onto privately held land. 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. Upon commencement of the project, the works shall be pursued to completion as quickly as possible.

Ecosystem Considerations:

- K. A qualified environmental professional (QEP) shall provide onsite environmental monitoring during execution of the work in and about a stream. If in the opinion of the QEP, the implementation of mitigation measures fails or is unlikely to protect ecological values, all work shall cease until a remedy is found.
- L. All instream works shall be completed during the least risk fisheries timing window of June 1 to September 30. Should a barge be used in the operation, the least risk fish timing window will still apply.
- M. Due to a concern over impacts from vibration on developing alevins, all earthworks within the proposed spawning bench (340.75 m to 341.5 m elevation range shown in the Fill Removal Grading Plan View, Environmental Management Plan) or within 7 m from the water shall be undertaken within the June 1 to September 30 fisheries timing window.
- N. Fill removal must be undertaken in the dry. Should a berm of existing material be required to be maintained in order to isolate the work site, the removal of the berm and naturalization work associated with the berm area is recognized as potentially involving instream works.
- O. All machinery (excluding hand held) will be operated from a position in the dry.
- P. All rock used in this project must be certified as non-acid generating.
- Q. Should water be encountered while excavating the fill, or any other phase of this operation, the proponent must have a plan and the appropriate equipment in place to pump any silt laden water to a location where it cannot enter Okanagan Lake.



- R. Upon completion of the project all disturbed areas having the potential to result in the deposition of a deleterious substance to Okanagan lake must be rehabilitated to a stable condition.
- S. Plantings to replace vegetation damaged or removed in order to facilitate the works will be expected to be monitored for two years. Eighty percent of the original plantings must have survived after two years. Where this has not occurred, the proponent must replant back to 100% of the original planting densities.

Site Conditions:

- T. Silt and other fine soil textures, or other deleterious substances, shall be prevented from entering the stream. This must be ensured using silt fencing, sediment ponds, hydrocarbon separators, and appropriate silt curtains.
- U. Any equipment or machinery operated on the site shall be in good repair and be free of hydraulic leaks and excess surface oil and grease.
- V. 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. 187/2017).

Reporting:

- W. Within 60 days following completion of all works, including plantings and prior to expiry of the Change Approval, submit a completion report to the Aquatic Ecosystem Biologist, Penticton office, James Arner, at James.Arner@gov.bc.ca



Rick Peleshytyk, P.Eng.
Assistant Water Manager, under the Water Sustainability Act
Thompson Okanagan Region
Ministry of Forests, Lands, Natural Resource Operations and Rural Development

