



# BOARD REPORT

**TO:** Chair and Directors

**File No:** 7130 25 34

**SUBJECT:** Newsome Creek – Property Erosion at Caen Road

**DESCRIPTION:** Report from Derek Sutherland, Team Leader, Protective Services, dated November 1, 2018. Newsome Creek - Property Erosion at Caen Road in Sorrento, BC.

**RECOMMENDATION #1:** THAT: the Board send a letter to Minister of Forests, Lands, Natural Resource Operations and Rural Development and the Solicitor General with notification that the Province under the Water Act is clearly responsible for stream activity and as such should fund the necessary studies and mitigation works to protect the Newsome Creek stream banks along Caen Road from further erosion.

## SHORT SUMMARY:

During the 2017 and 2018 spring freshet events, Newsome Creek severely eroded its banks in the reaches of the creek below the Trans-Canada Highway in Sorrento, affecting several properties along Caen Road. A report developed by a Qualified Professional has provided a number of recommendations to those provincial agencies responsible for stream management. A ministry official with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) was recently quoted as saying:

*...because the area in question is surrounded entirely by private land, responsibility for a feasibility study falls into the jurisdiction of the CSRD... having responsibility for land use planning, designating bylaws (e.g. on floodplains), zoning, development and approval permits. The ministry has no mandate to pay for feasibility studies on private land.*

A letter from the CSRD Board of Directors to the responsible Provincial Ministers is important as by virtue of the Provincial Water Act, the effects of a stream (erosion of its banks causing slope failures) is clearly a Provincial area of responsibility.

A feasibility study and associated mitigation activities are required as soon as possible to avoid catastrophic failure of the Newsome Creek stream banks which could jeopardize homes, structures and lives of inhabitants along Caen Road in Sorrento.

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## VOTING:

Unweighted  
Corporate



LGA Part 14  
(Unweighted)



Weighted  
Corporate



Stakeholder  
(Weighted)

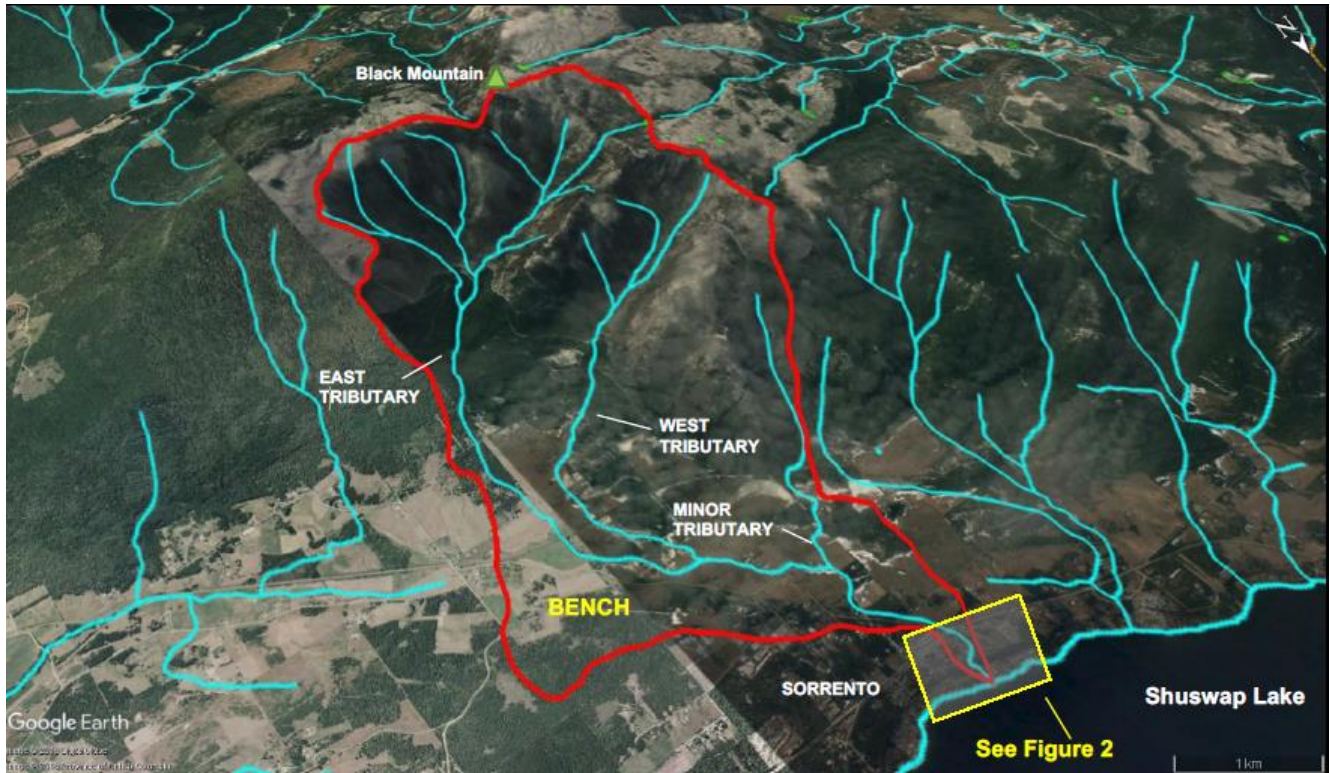


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## BACKGROUND:

Newsome Creek is located in Electoral Area C of the CSRD. Two sub-basins within the watershed merge and form the main channel of Newsome Creek in the Notch Hill area before it crosses below the Trans-Canada Highway in Sorrento, where it flows adjacent to Caen Road and drains into Shuswap Lake. As

the creek exits the culvert at the Trans-Canada Highway, it travels through a deep gully with side slopes ranging from 75% to over 110%:



During the spring freshet in 2017 and again in 2018, high stream flows occurred in Newsome Creek, which caused extreme erosion of the creek bank along Caen Road. Stream bank undercutting and slope failures in 2018 resulted in the CSRD's Shuswap Emergency Program receiving funding from Emergency Management BC (EMBC) to conduct an assessment of the erosion and associated risk to people and property and to provide recommendations. Reports were developed and shared with affected residents and provincial stakeholders. A total of 11 properties were placed on evacuation alert on May 3, 2018. Some homes and other structures such as detached shops and garages along Caen Road remain at an elevated risk of further instability during high stream flow.

The geotechnical report authored provides the following summary recommendations:

1. Residents should be provided with a copy of this report. The owners of properties with structures near the crest of the slope should consider their options to reduce the risk. They should continue to monitor the gully sidewalls for erosion, bank failures, or deformation at the gully crest.
2. An assessment of the natural and development-related disturbance should be undertaken within the tributary creeks above Highway 1. This should include a study of the creek channel to assess its stability and avulsion potential, an evaluation of the hydraulic capacity of each infrastructure crossing, and an assessment of the feasibility of improving the hydrologic function of the stream system.
3. A feasibility study should be undertaken to determine how the gully below Highway 1 could be stabilized.

4. The condition of the existing culvert and the adjacent embankment in the Highway 1 crossing stability should be evaluated and stabilized if considered necessary.

The CSRD has forwarded a copy of the report to all affected property owners in response to recommendation number one. The Ministry of Transportation and Infrastructure (MoTI) representative has indicated that the culverts associated with the numerous road crossings along Newsome Creek are undersized and they are developing a plan to address this issue. It is unclear at the time of writing whether the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) intends to undertake an assessment of the creek channel and tributary creeks above or below the Trans-Canada Highway. The CSRD has applied for funding through EMBC on behalf of the affected property owners and responsible agencies to conduct a feasibility study of the lower reaches of Newsome Creek to determine what stabilization options are available along Caen Road and determining the associated costs.

Affected residents along Caen Road have formed a group called the Newsome Creek Watershed Action Group in efforts to work as a consolidated group with one voice and are bringing awareness to the localized issue of erosion of the stream banks along Caen Road.

A letter from the office of Electoral Area C Director Demenok was sent to the Minister of FLNRORD in May 2018 to bring awareness to the concerns and ask for support. The letter from Director Demenok and the provincial response letter are attached to this report for reference. The CSRD has also recently requested meetings with the Minister of FLNRORD and the Solicitor General to gauge provincial interest in supporting efforts of mitigation of Newsome Creek. At the time of writing there has been no response to the meeting request.

#### **POLICY:**

CSRD Policy No. W-5 Flooding outlines the CSRD's role with respect to flooding issues in unincorporated areas of the Regional District. A

#### **FINANCIAL:**

The Emergency Program function does not include requisition of funds for the construction or maintenance of flood mitigation works for a watercourse that is a provincial responsibility. No service area is established to fund/support these initiatives.

#### **KEY ISSUES/CONCEPTS:**

Further stream bank erosion of Newsome Creek along Caen Road is very likely during high stream flow events such as spring freshet. Recommendations by qualified professionals regarding further works need to be considered by those agencies responsible. The CSRD should advocate on behalf of the affected residents that recommendations for watershed assessment, remediation and mitigation be advanced by those agencies responsible.

#### **COMMUNICATIONS:**

If approved, a letter will be finalized and forwarded to the relevant provincial ministers.

**DESIRED OUTCOMES:**

The agencies responsible will investigate the issue and take action to prevent further erosion to the properties adjacent to Newsome Creek.

**BOARD'S OPTIONS:**

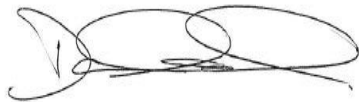
1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

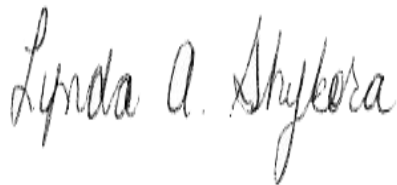
**Report Approval Details**

Document Title:	Newsome Creek Caen Road Update to Board.docx
Attachments:	<ul style="list-style-type: none"><li>- Letter to FLNR-Newsome Crk Dir Demenok_2018May3.pdf</li><li>- Fwd_ Follow Up_ October 18th Newsome Creek Erosion Community Stakeholder's meeting.pdf</li><li>- Newsome Creek Erosion report 018-073.pdf</li></ul>
Final Approval Date:	Nov 5, 2018

This report and all of its attachments were approved and signed as outlined below:



**Darcy Mooney - Nov 2, 2018 - 3:44 PM**



**Lynda Shykora - Nov 5, 2018 - 10:52 AM**



**Charles Hamilton - Nov 5, 2018 - 11:40 AM**