



COLUMBIA SHUSWAP REGIONAL DISTRICT

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November 29, 2018

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VIA EMAIL: FLNR.Minister@gov.bc.ca

The Honourable Doug Donaldson, MLA
Minister of Forests, Lands, Natural Resource
Operations and Rural Development
PO Box 9049 Stn Prov Govt
Victoria, BC V8W 9E2

Dear Minister Donaldson:

RE: Newsome Creek Erosion at Caen Road in Sorrento, CSR D Electoral Area C

During the 2017 and 2018 spring freshet events, the banks of Newsome Creek below the Trans-Canada Highway in Sorrento were severely eroded, affecting many properties along Caen Road. This erosion was caused by above normal spring precipitation and the high creek flows were exacerbated by the runoff that occurred in the upper reaches of the watershed. The increased runoff is due to forest canopy loss related to the severe wildfire that burned in the area in 2009, and the minimal reforestation that occurred afterwards. Longtime residents of over 30 years have indicated stream flows during freshet have increased drastically over the last few years.

A geotechnical assessment was conducted at Newsome Creek in both 2017 and 2018 based on residents concern for property and life safety. The assessment work was completed by qualified professionals for the CSR D's Shuswap Emergency Program with the receipt of 100% funding approved through Emergency Management British Columbia (EMBC). This assessment work was also requested by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD). The report developed in 2018 by Westrek Geotechnical Services Ltd (Westrek) provided a number of recommendations to those provincial agencies responsible for stream management. The CSR D provided copies of that report to affected residents.

On May 3, 2018, CSR D Electoral Area C Director, Paul Demenok forwarded a letter to Minister Doug Donaldson alerting the Ministry to the ongoing concerns in the watershed and requested immediate assistance. On June 6, 2018 Director Demenok received a response letter from Gerry MacDougall, Regional Executive Director of the FLNRORD which included the following comments:

"According to the Local Government Act and Community Charter, local authorities are responsible for land use planning, designating bylaws (i.e. on floodplains), zoning, development and approval permits. British Columbia has no legislation or policy that mandates any individual, entity or any level of government to undertake hazard mitigation. However, the province makes funding available through EMBC and the Union of BC Municipalities to help communities prepare for flood hazard events."

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ELECTORAL AREAS

A GOLDEN-COLUMBIA
B REVELSTOKE-COLUMBIA

C SOUTH SHUSWAP
D FALKLAND-SALMON VALLEY

E SICAMOUS-MALAKWA
F NORTH SHUSWAP-SEYMOUR ARM

MUNICIPALITIES

GOLDEN
REVELSTOKE

SALMON ARM
SICAMOUS

The authority to enact zoning bylaws and other land use controls is entirely different than undertaking feasibility studies regarding erosion issues. This is even more the case where the apparent cause is a stream that by virtue of the Water Act is clearly a provincial area of responsibility. With respect to the construction of the private buildings at issue, the CSRD did not approve either the subdivision or a building permit.

The CSRD's Shuswap Emergency Program (SEP) has been advised that the necessary feasibility study would cost between \$35,000 and \$50,000 and could be complete before the 2019 freshet. This study would identify long term mitigation works required to stabilize the creek banks in the lower reaches of Newsome Creek, and identify what short term mitigation could be constructed before the 2019 spring freshet. The study will also determine the emergency response required if a large scale slope failure were to occur before mitigative works are implemented. On October 31, 2018, the SEP requested that the Province fund this feasibility study through a funding request to EMBC.

On November 26, 2018, EMBC indicated that they approved the request; however, without giving any rationalization, the Province indicated it could only fund 50% of the project and suggested a 50/50 cost share with the CSRD.

At the Regular CSRD Board meeting held November 15, 2018 the Board unanimously passed the following resolution.

THAT: the Board send a letter to Minister of Forests, Land, 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.

The CSRD is committed to provide in-kind contribution and project management to procure a suitable qualified consultant to complete a feasibility study on the lower reaches of Newsome Creek. The CSRD also understands that an adjacent property owner to Newsome Creek, the Sorrento Centre, has agreed to fund the removal of the danger trees that have fallen into the creek which have further diverted the stream flow and increased creek bank erosion. The Sorrento Centre has applied for a Section 11 permit to conduct works within the stream.

The CSRD and the private landowners are interested in a collaborative approach with the Province to determine the best course of action to mitigate further erosion caused by Newsome Creek both in the short and long term. The CSRD appreciates that the Province has currently expressed willingness to fund 50% of the study. As the Ministry is aware, the CSRD does not have any kind of a service established that would authorize expenditure of full or partial funds for such a study. The CSRD requests that the Province collaborate with the CSRD and private property owners and provide the necessary funding to conduct the feasibility study.

I look forward to your timely response to this letter.

Yours truly,

COLUMBIA SHUSWAP REGIONAL DISTRICT

Per:



Rhona Martin, Chair

cc The Honourable Mike Farnworth, Minister of Public Safety and Solicitor General
Greg Kylo, MLA, Shuswap
Paul Demenok, Director, Electoral Area C