



Development Permit Application

Referral Form – RDCK File DP2501D

Date: May 14, 2025

You are requested to comment on the attached DEVELOPMENT PERMIT for potential effect on your agency's interests. We would appreciate your response WITHIN 30 DAYS (PRIOR TO June 14, 2025). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

LEGAL DESCRIPTION & GENERAL LOCATION:

120 Murphy Lower Road, Murphy Creek, Electoral Area 'D'

STRATA LOT 12 DISTRICT LOT 4595 KOOTENAY DISTRICT STRATA PLAN NES2345 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V (SEE PLAN AS TO LIMITED ACCESS)

PID: 025-093-410

PRESENT USE AND PURPOSE OF PERMIT REQUESTED:

The subject property is located along the east side of the North Arm of Kootenay Lake between Campbell Bay and Birchdale. It is 14.4 hectares in size and is used for recreational purposes. There are presently no dwellings on the property and no residential uses proposed through this application

This Watercourse Development Permit (WDP) application has been submitted to authorize the construction of a storage building for non-motorized watercraft (boathouse). The proposed boathouse would be located within the 15 metre floodplain setback of Kootenay Lake however boathouses are exempt from meeting the floodplain setback and FCL requirements provided there is no habitable space and covenant is registered on the property title. This application also intends to recognize past construction and site disturbance that has occurred within the WDP Area.

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING	OCP
14.4 hectares (35.6 acres)	N/A	N/A	Rural Residential (RR) in Comprehensive Land Use Bylaw No. 2435

APPLICANT:

David Manthei

OTHER INFORMATION: ADVISORY PLANNING COMMISSION PLEASE NOTE:

If your Advisory Planning Commission plans to hold a meeting to discuss this Development Permit application, please note that the applicants must be provided with an opportunity to attend such meeting, in accordance with Section 461, subsection (8) of the *Local Government Act*, which reads as follows:

"If the commission is considering an amendment to a plan or bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend meetings of the commission and be heard."

Please fill out the Response Summary on the back of this form. If your agency's interests are 'Unaffected' no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this permit.

ZACHARI GIACOMAZZO, PLANNER
REGIONAL DISTRICT OF CENTRAL KOOTENAY

- ☒ MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE
- ☒ HABITAT BRANCH (Environment)
- ☒ FRONTCOUNTER BC (MFLNRORD)
- ☐ AGRICULTURAL LAND COMMISSION

REGIONAL DISTRICT OF CENTRAL KOOTENAY

DIRECTORS FOR:

- ☐ A ☐ B ☐ C ☒ D ☐ E ☐ F ☐ G ☐ H ☐ I ☐ J
☐ K

ALTERNATIVE DIRECTORS FOR:

☐ REGIONAL AGROLOGIST ☐ ENERGY & MINES ☐ MUNICIPAL AFFAIRS & HOUSING ☒ INTERIOR HEALTH, HBE TEAM ☐ SCHOOL DISTRICT NO. ☐ WATER SYSTEM OR IRRIGATION DISTRICT ☒ UTILITIES (FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA POWER)	☐ A ☐ B ☐ C ☒ D ☐ E ☐ F ☐ G ☐ H ☐ I ☐ J ☐ K ☒ APHC AREA 'D' ☐ RDCK FIRE SERVICES ☒ RDCK EMERGENCY SERVICES ☒ RDCK BUILDING SERVICES ☐ RDCK UTILITY SERVICES ☐ RDCK RESOURCE RECOVERY ☐ RDCK REGIONAL PARKS FIRST NATIONS ☒ KTUNAXA NATION COUNCIL (ALL REFERRALS) YAQAN NUʔKIY (LOWER KOOTENAY) ʔAKINK'UMᑭASNUQᑭIʔIT (TOBACCO PLAINS) ʔAKISQNUK (COLUMBIA LAKE) ʔAQ'AM (ST. MARY'S) INSERT COMMENTS ON REVERSE . . .
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The personal information on this form is being collected pursuant to *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015* for the purpose of determining whether the application will affect the interests of other agencies or adjacent property owners. The collection, use and disclosure of personal information are subject to the provisions of FIPPA. Any submissions made are considered a public record for the purposes of this application. Only personal contact information will be removed. If you have any questions about the collection of your personal information, contact the Regional District Privacy Officer at 250.352.6665 (toll free 1.800.268.7325), info@rdck.bc.ca, or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

RESPONSE SUMMARY
FILE: DP2501D APPLICANT: DAVID MANTHEI

Name:

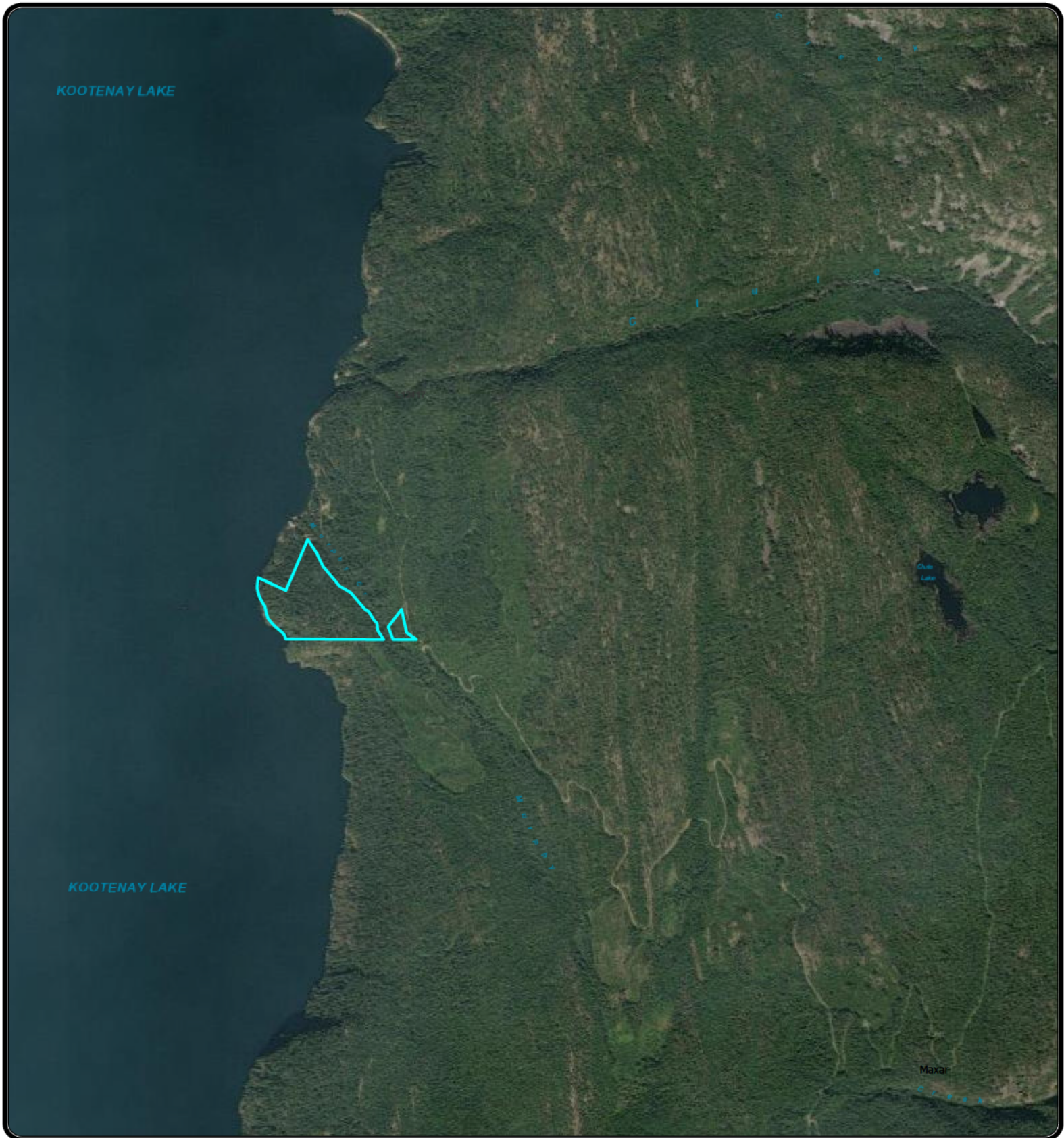
Date:

Agency:

Title:

RETURN TO: ZACHARI GIACOMAZZO, PLANNER
DEVELOPMENT AND COMMUNITY SUSTAINABILITY SERVICES
REGIONAL DISTRICT OF CENTRAL KOOTENAY
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NELSON, BC V1L 5R4
Ph. 250-352-8190
Email: plandept@rdck.bc.ca

RDCK Map



REGIONAL DISTRICT OF CENTRAL KOOTENAY
Box 590, 202 Lakeside Drive,
Nelson, BC V1L 5R4
Phone: 1-800-268-7325 www.rdck.bc.ca
maps@rdck.bc.ca

Legend

 Electoral Areas

Map Scale:

1:36,112

Date: February 24, 2025



The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.

RDCK Map



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Legend

- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points

Map Scale:

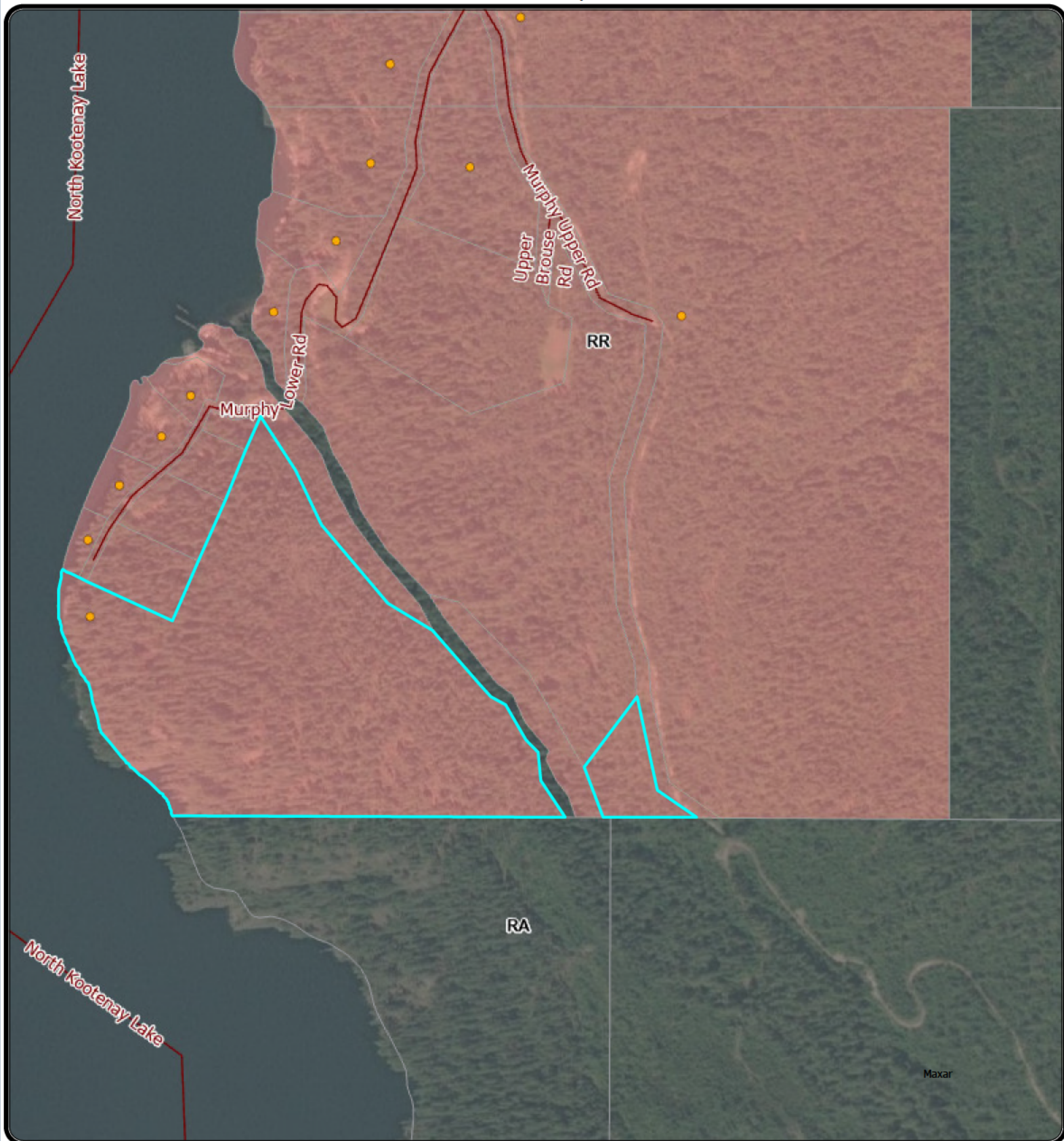
1:9,028

Date: February 24, 2025



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RDCK Map



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Official Community Plan

Resource Area
Rural Residential

Legend

- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points

Map Scale:

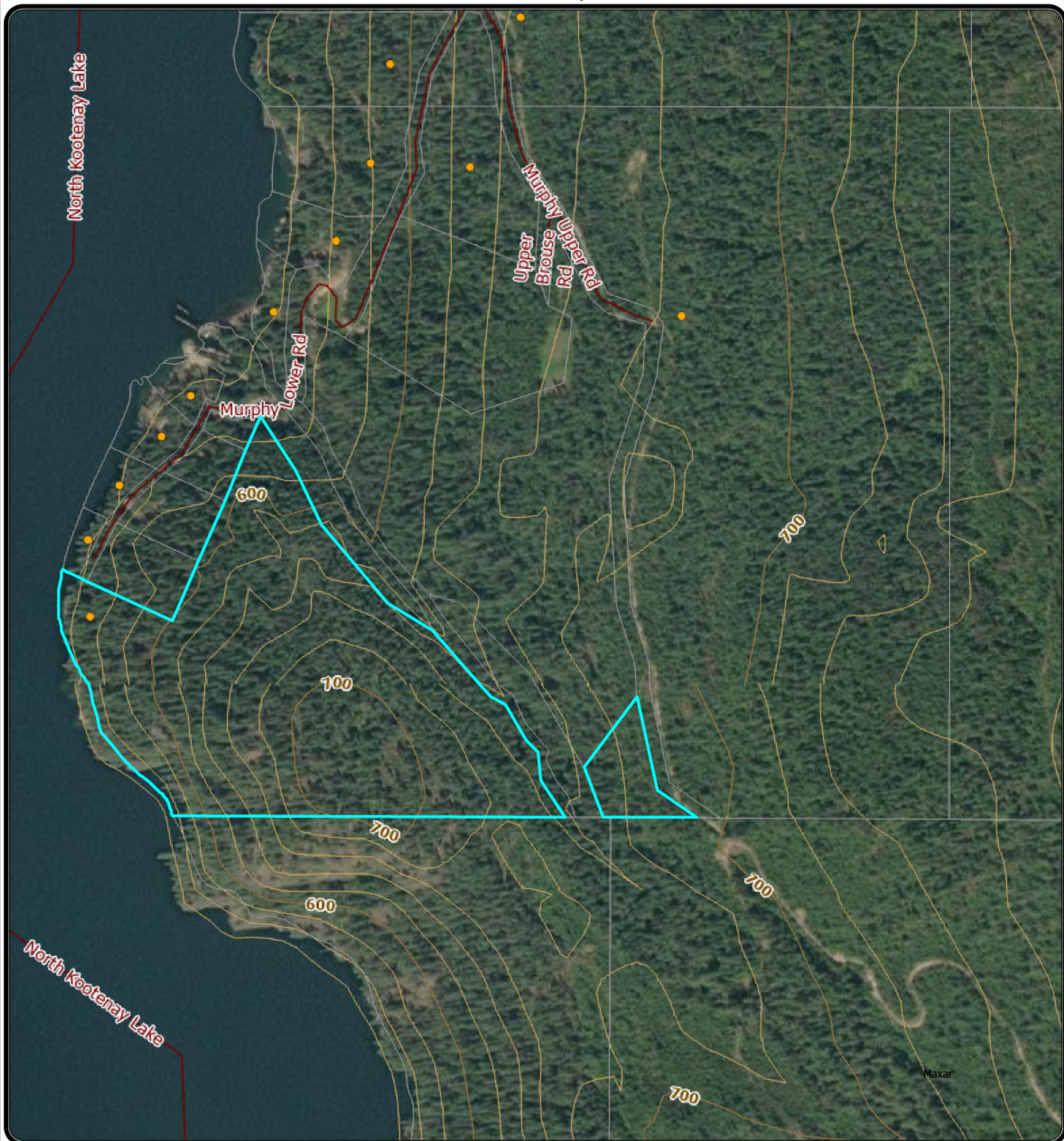
1:9,028

Date: February 24, 2025



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RDCK Map



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Box 590, 202 Lakeside Drive,
Nelson, BC V1L 5R4
Phone: 1-800-268-7325 www.rdck.bc.ca
maps@rdck.bc.ca

Legend

- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points
- 20 meter
- 100 meter

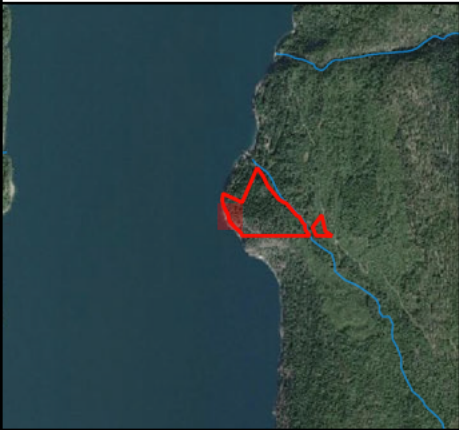
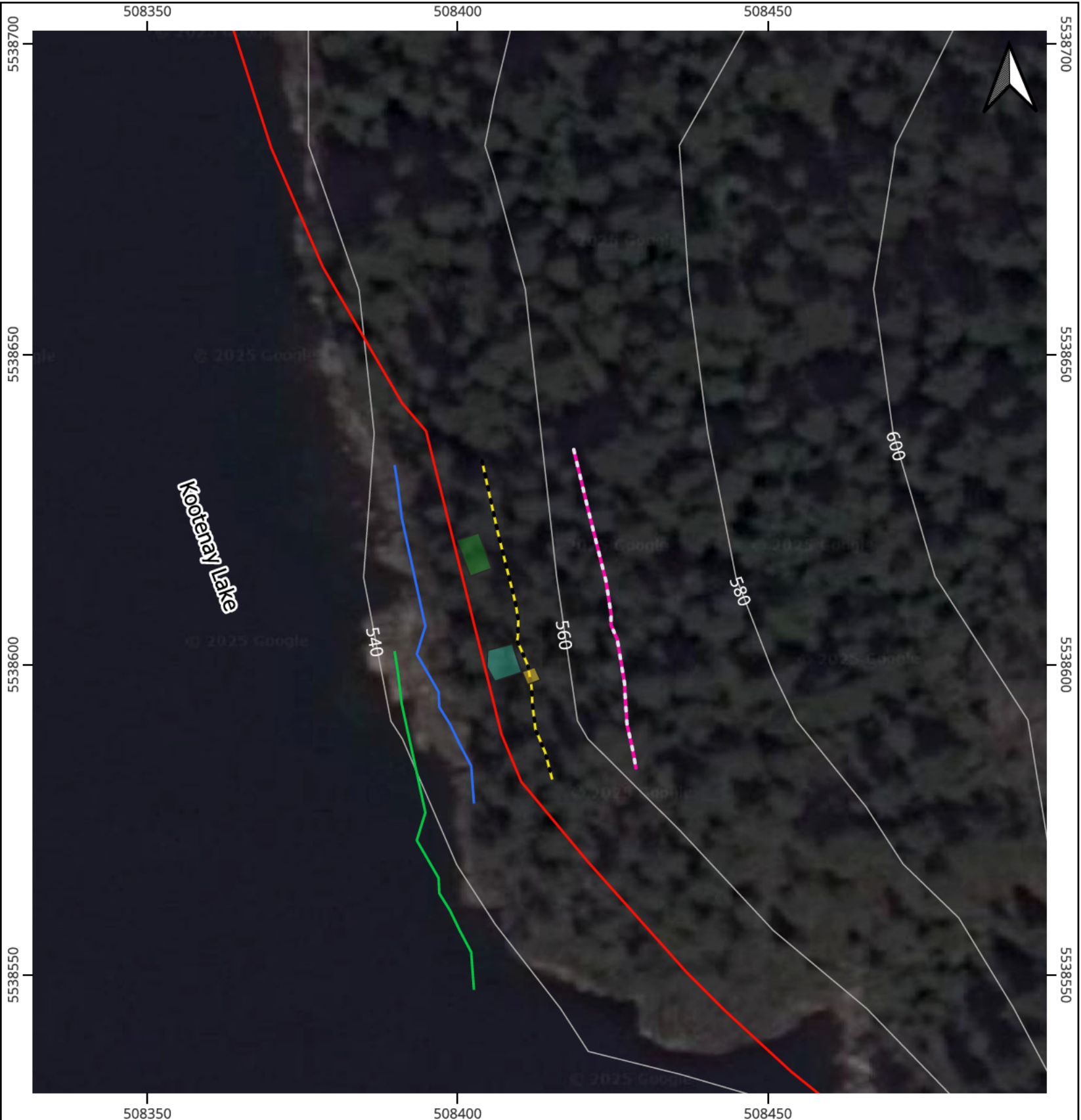
Map Scale:

1:9,028

Date: February 24, 2025

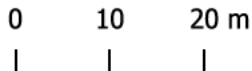


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120 Murphy Creek Lower Rd Waterfront Development Permit Area Assessment

- | | |
|---------------------------------|-----------------------------|
| Property Boundary | Shelter (6x5 m) |
| Natural Boundary | Wooden platform (3x3 m) |
| Riparian Assessment Area (30 m) | Proposed Development |
| WDP (30 m) | Boathouse (3.7x6 m) |
| Shade ZOS (30 m) | |
| LWD and Litterfall ZOS (15 m) | |
| SPEA (15 m) | |



Map Date: 2025-05-13
Projection: NAD83 / UTM zone 11N
Project #: 2024-1180
Main Map Scale: 1:800
Overview Map Scale: 1:50000

David Manthei
Michaela Kopka
120 Murphy Creek Lower Road
Kootenay Lake, BC
PID 025-093-410



RDCK Planning Department

Box 590
202 Lakeside Drive
Nelson, BC. V1L 5R4

plandept@rdck.bc.ca
(250) 352-1536

February 20, 2025

Dear RDCK Planning Department,

I am applying for a Watercourse Development Permit to build a boathouse building within 15m of the high-water mark of Kootenay Lake. The boathouse is being built to store canoes, kayaks, water toys, and recreational equipment near the waterfront of our property on Kootenay Lake. The property is rocky and steep, especially near the water. This creates a topographical constraint to build a structure outside of the 30 meter WDP Kootenay lake setback without gaining a minimum of 30m elevation. The proposed location has been located as far from the water as possible, is being built with discretion, and will be built with natural materials to blend into the shoreline.

Included in this application is the Riparian Assessment Report provided by Masse Environmental outlining the intended structure, location, and reason for the location. I have provided my building plans and intend to make a building that uses natural mosses on both the siding and roof in hopes to make it blend into the shoreline.

Upon approval of a WDP I will request a building permit as the structure is large enough and within 15m of the water to require a permit. I will follow the guidelines listed in the Riparian Assessment Report for limiting disturbance to the riparian zone (Section 5 - MEASURES TO PROTECT THE INTEGRITY OF THE SPEA) as well as the Archaeological Chance Finds Management Procedures.

I have not included the Property Title or registered Covenants and Easements in my application. I will let the RDCK retrieve them and bill me for the cost.

I have not provided a landscaping/Restoration plan as there will be no further disturbance and the Riparian Assessment Report does not recommend any restoration.

If you have any further questions or need any more information, please do not hesitate to contact me.

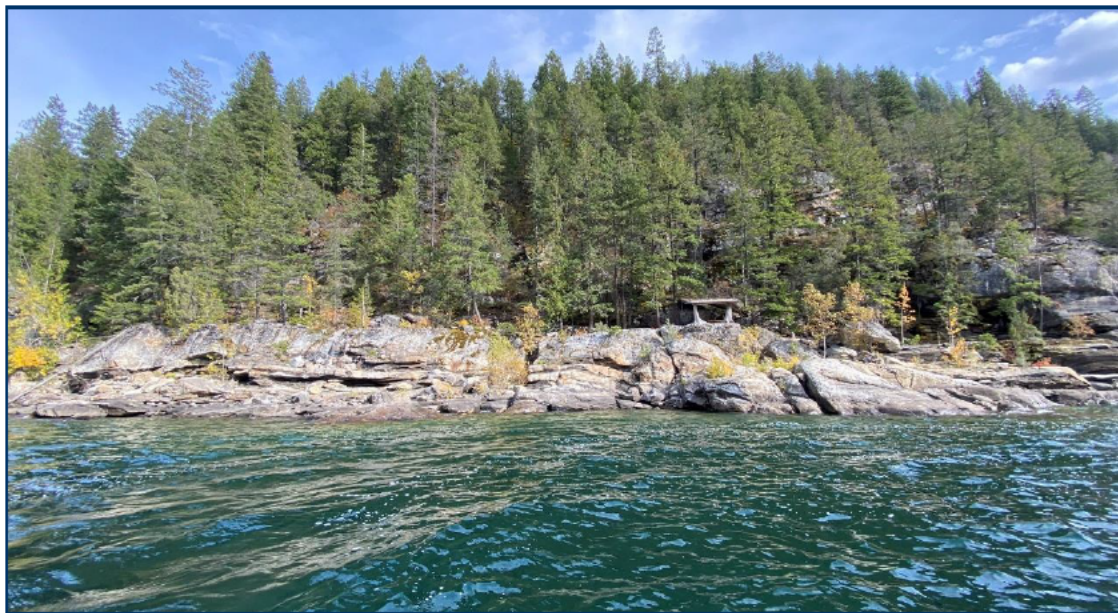
Sincerely,

A handwritten signature in dark ink, appearing to be 'D. Manthei'.

David Manthei



120 Murphy Creek Lower Road, Kootenay Lake, B.C. Riparian Assessment



Prepared for:

David Manthei

120 Murphy Creek Lower Road

British Columbia

February 18, 2025

Disclosure Statement

This report has been prepared by Sylve Masse MSc, RPBio and Heather Shaw BIT and reviewed by Fiona Lau B.Tech, ASCT.

I, **Sylvie Masse**, hereby certify that:

- a) I am a qualified environmental professional (QEP), as defined in the Riparian Areas Regulation made under the Fish Protection Act;
- b) I am qualified to carry out this part of the assessment of the development proposal made by the developer;
- c) I have carried out my assessment of the development proposal, and my assessment is set out in this Assessment Report; and
- d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

This report has been prepared by a QEP who has not acted for, or as an agent(s) of the RDCK and was at the expense of the property owner.

LIMITATIONS

This report has been prepared by the authors solely for the client. The content reflects the authors' professional judgment based on the information available at the time of preparation. Any use, reliance, or decisions made by third parties based on this report are solely at their own risk. The authors assume no liability for any damages, losses, or consequences arising from actions or decisions taken by third parties in reliance on this report. A record copy of this report is maintained at Masse Environmental and is considered the official version, superseding any copies or reproductions of the report.

Prepared by:

Masse Environmental Consultants

812 Vernon Street

Nelson, BC, V1L 4G4

Project Number 2024-1180

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Appendix 2. Site Plan and SPEA Map

Appendix 3. Archaeological Chance Find Procedures

1 INTRODUCTION

Masse Environmental Consultants Ltd. was retained by David Manthei (Owner) to conduct a riparian assessment to accompany an application for a Watercourse Development Permit (WDP) on his waterfront property at 120 Murphy Creek Lower Road, Kootenay Lake, BC (LOT 12 PLAN NES2345 DISTRICT LOT 4595 KOOTENAY LAND DISTRICT; PID 025-093-410). The WDP has been triggered as the Owner is proposing to build a boathouse within the WDP riparian assessment area.

A site visit was completed on October 15th, 2024, by Sylvie Masse, MSc, RPBio and Heather Shaw, B.I.T., to conduct a riparian assessment on the property. The riparian assessment evaluates the existing conditions of the riparian area (up to 30 m from the natural boundary of Kootenay Lake), identifies habitat values, assesses potential environmental impacts, and recommends measures to mitigate or compensate for the alteration of the riparian area to maintain ecological values. It is based on the following regulatory framework and best management practices documents:

- Electoral Area 'D' Comprehensive Land Use Bylaw 2435, 2016
- RDCK Floodplain Management Bylaw No. 2080, 2009
- British Columbia *Riparian Areas Protection Regulation*
- Kootenay Lake Shoreline Management Guidelines
- British Columbia *Water Sustainability Act*
- British Columbia Wildlife Act
- *Federal Migratory Birds Convention Act*
- Natural Resources Best Management Practices
- Develop with Care. Environmental Guidelines for Urban and Rural Land Development in British Columbia
- On the Living Edge: Your Handbook for Waterfront Living

2 PROJECT OVERVIEW

2.1 Site Description

2.1.1 Location

The 35.58 acre subject property is located on the east shore of Kootenay Lake south of Johnson's Landing, B.C., at the south end of the Murphy Creek subdivision (see Appendix 1 for Location Map). The property is bordered by private property to the north, Crown Land to the east and south, and Kootenay Lake to the west. There is a narrow band of common property owned by the Murphy Creek Strata to the east that follows Murphy Creek as a right of way for the hydro system penstock. The property within the 30 m riparian assessment area (RAA) has mainly a western aspect, and ~ 305 m of frontage on the lake. Most

of the property is steep with rocky cliffs dropping straight into the lake on the southern portion of the property (Photo 1). The northern portion of the property along the shoreline has a narrow band (~15 m) of relatively flat ground that would allow for the construction of a small boathouse and area to recreate (Photo 2). The property then steepens to gradients 70 to 90 %. There are a couple of benches well above the foreshore outside the 30 m riparian assessment area that can afford the construction of a small house and are accessible via a pedestrian trail zigzagging up the steep slope from the foreshore.

The property falls within the West Kootenay Dry Warm Interior Cedar-Hemlock (ICHdw1) biogeoclimatic subzone. The ICHdw1 typically ranges in elevation from 600-1225 m and is characterized by moist warm springs; hot to very hot dry summers; and mild dry winters with a moderately shallow snowpack. This subzone is highly productive with a great variety of plant and wildlife species. Invasive plant species are widespread in the ICHdw1 and include knapweeds (*Centaurea spp.*), sulphur cinquefoil (*Potentilla recta*), and hawkweeds (*Hieracium spp.*) (MacKillop and Ehman 2016).



Photo 1. Steep rocky cliff at the south end of the property. Oct. 15, 2024.



Photo 2. Narrow band of relatively flat ground along the foreshore in the northern half of the property. Oct. 15, 2024.

2.1.2 Watercourses

Kootenay Lake borders the property along the western boundary; it is a long, narrow, and deep lake with a surface area of approximately 400 km². Kootenay Lake's main inflows are the Kootenay River to the south and the Duncan River to the north. The lake drains through the West Arm into the Kootenay River. Lake levels can vary up to 4 m throughout the year, affecting the extent of the exposed shoreline (Fortis 2024). Murphy Creek runs along the northeastern property boundary, with a small portion of the property located on the east side of the stream at the south end (Appendix 1). As no development is proposed within 30 m of Murphy Creek, this area was not evaluated as part of the riparian assessment. No other watercourses were present on the property.

2.1.3 Riparian Vegetation

The riparian area is relatively undisturbed and is characterized by dry rocky shallow soils that support a mix of native trees, shrubs, herbaceous species, and mosses (Photo 3 to 4). Tree species consist mainly of Interior Douglas-fir (*Pseudotsuga menziesii*), Western redcedar (*Thuja plicata*) and paper birch (*Betula papyrifera*). Black cottonwood (*Populus trichocarpa*) and trembling aspen (*Populus tremuloides*) were also observed in a dwarf size due to lack of growing medium (Photo 5). The shrub community includes baldhip rose (*Rosa gymnocarpa*), black gooseberry (*Ribes lacustre*), common snowberry (*Symphoricarpos albus*), falsebox (*Paxistima myrsinites*), Douglas maple (*Acer glabrum*), kinnikinnick (*Arctostaphylos uva-ursi*), mountain alder (*Alnus incana*), Oregon grape (*Mahonia aquifolium*), Rocky Mountain juniper (*Juniperus scopulorum*), Saskatoon (*Amelanchier alnifolia*), thimbleberry (*Rubus parviflorus*) and willow (*Salix sp.*). The herb and moss community consist of aster (*Aster sp.*), Canada goldenrod (*Solidago canadensis*), five-leaved bramble (*Rubus pedatus*), hair bentgrass (*Agrostis scabra*), irregular polypod (*Polypodium amorphum*), Northern holly fern (*Polystichum lonchitis*), parsley fern (*Cryptogramma acrostichoides*), pasture sage (*Artemisia frigida*), pearly everlasting (*Anaphalis margaritacea*), rattlesnake plantain (*Goodyera oblongifolia*), roundleaf alumroot (*Heuchera cylindrica*), toad-flax (*Geocaulon lividum*), violet sp. (*Viola sp.*), western fescue (*Festuca occidentalis*), wild strawberry (*Fragaria virginiana*), yarrow (*Achillea millefolium*) and abundant mosses.



Photo 3. Mix of Douglas fir and Western redcedar along rocky foreshore. Oct. 15, 2024.

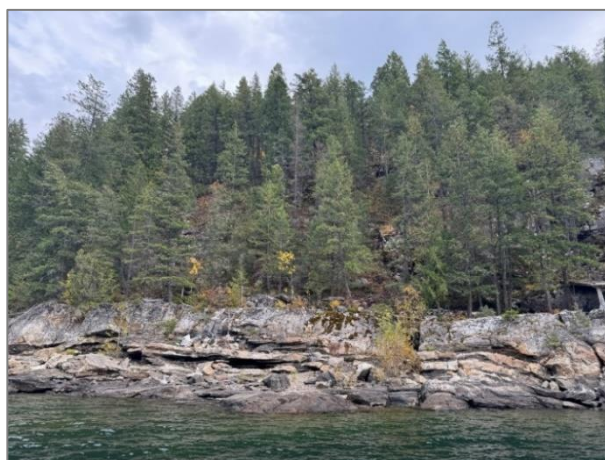


Photo 4. Mix of Douglas fir and Western redcedar along rocky foreshore. Oct. 15, 2024.

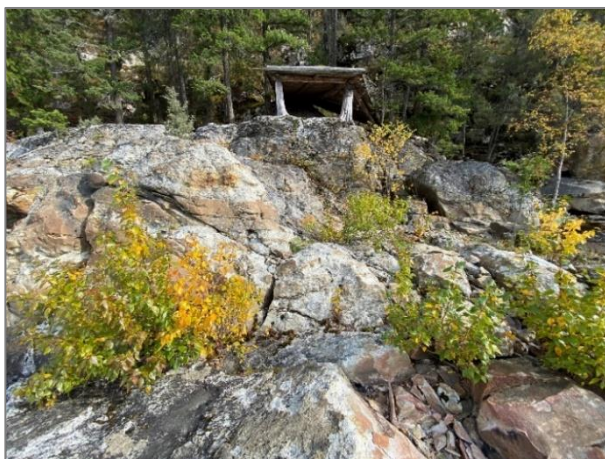


Photo 5. Dwarf cottonwood. Oct. 15, 2024.



Photo 6. Northern holly fern. Oct. 15, 2024.

2.1.4 Aquatic Habitat

Fish habitat along this section consists of deep water along the bedrock foreshore conducive to rearing adults with potential for fish migration and staging habitat. As water levels fluctuate, shallow fish habitat may be present along the bedrock shelves suitable for juvenile rearing (Photo 7 and Photo 8). Several species of regional interest reside in Kootenay Lake including Kokanee (*Oncorhynchus nerka*), Rainbow Trout (*O. mykiss*), Bull Trout (*Salvelinus confluentus*; BC-Blue-Listed; SARA Special Concern), White Sturgeon (*Acipenser transmontanus pop.1*; BC Red-Listed, SARA Endangered), Westslope Cutthroat Trout (*O. clarki lewisi*; BC Blue-Listed; SARA Special Concern), and Burbot (*Lota lota pop.1*; BC-Red-Listed). The rocky foreshore is not favorable to the presence of mussels or mussel beds. A Section 16 Environmental Reserve Zone, indicating high value fish habitat, has been established on either side of Murphy Creek just north of the property boundary. Fish species reported in Murphy Creek include Rainbow Trout (BC 2024a).

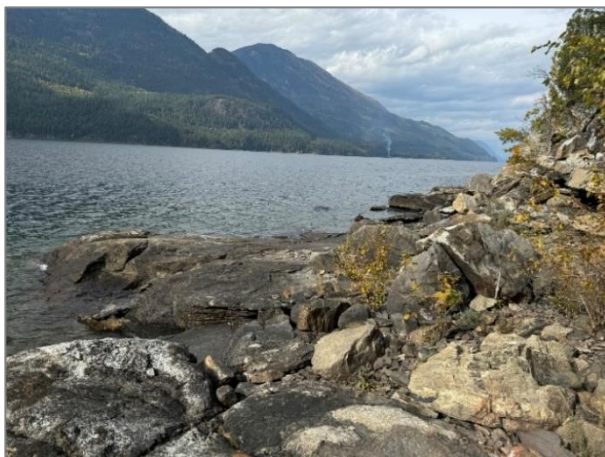


Photo 7. Shoreline substrate consisting of bedrock. Oct. 15, 2024.



Photo 8. Shoreline substrates with bedrock shelf. Oct. 15, 2024.

2.1.5 Wildlife Habitat

Riparian ecosystems offer important habitat features for wildlife, affording them essential resources like water, shelter, and food. These areas frequently serve as migration corridors connecting aquatic, riparian, and upland environments, playing a pivotal role in the life cycles of numerous species (Photo 9 and Photo 10). The Purcell Wilderness Conservancy Park is located to the north and east of this area.

Wildlife features on the property include:

- Wildlife snags may offer nesting and feeding habitat for cavity dwelling species and bats (there are records of brown myotis to the north along Kootenay Lake).
- Riparian trees and dead standing trees provide perching habitat for bird species such as raptors.
- Dry rocky open, warm sites with coarse woody debris (CWD), providing suitable habitat for reptiles such as garter snakes (*Thamnophis sp.*), Northern rubber boa (*Charina bottae*), Northern alligator lizard (*Elgaria coerulea*), and Western skink (*Plestiodon skiltonianus*). CWD is defined as any logs on the ground with a diameter greater than 10 cm.
- Open forest with shrub understory provides food and shelter for ungulate species. Property is within Ungulate Winter Range u-4-001 for mule deer.



Photo 9. Mix of coniferous and deciduous open forest conducive to ungulates. Oct. 15, 2024.



Photo 10. West facing rocky face that may provide reptile habitat. Oct. 15, 2024.

2.1.6 Species at Risk

Species at risk information pertinent to the subject property was obtained through the following online databases:

1. The BC Conservation Data Center occurrence data and critical habitat for Federally listed species were queried within iMap tool (BC 2024b), Habitat Wizard (BC 2024a) using a 10 km buffer around the center point of the subject property.
2. A 10 km buffer around the subject property was used to query recorded observations on iNaturalist.

The query resulted in 7 species confirmed within a 10 km radius and an additional 5 species that were confirmed at the north end of Kootenay Lake (Table 1) with the potential to occur at or in the vicinity of the property:

- Three bat species at risk have the potential to occur in the vicinity of the property. Bat roosting habitat consists of tall, live or dead trees with crevices, peeling bark, or cavities, while foraging habitat is present within the riparian and foreshore areas.
- The dry and open conifer forest could serve as habitat for reptiles like the Northern rubber boa and the Western skink.
- Grizzly bears occupy a range of habitats from grassland and shrub ecosystems to dry mixed forests. The property could provide suitable habitat.
- Coeur d'Alene salamander observation point was recorded in Murphy Creek east of the property.
- The property is within the Southern Mountain Caribou (*Rangifer tarandus*; BC Red listed; SARA Endangered) critical habitat polygon (CDC iMap). Southern Mountain Caribou have largely been extirpated from their historic range; however, efforts to recover the population may result in successful reintroductions that will depend on suitable intact habitat.
- The entire Kootenay Lake is considered critical habitat for the White Sturgeon Upper Kootenay River population.
- A proposed critical habitat for whitebark pine is located within 10 km of the property, however, whitebark pine occur at high elevations and would not be present on the property.

Table 1. Species at Risk confirmed within 10 km of the property location.

Species	Latin Name	BC List ¹	COSEWIC ² / SARA ³
Caribou (Southern Mountain Population)	<i>Rangifer tarandus</i> pop. 1	Red	E
Coeur d'Alene Salamander	<i>Plethodon idahoensis</i>	Blue	SC
Grizzly Bear	<i>Ursus arctos</i>	Blue	SC
Little Brown Myotis	<i>Myotis lucifugus</i>	Blue	E
Western Toad	<i>Anaxyrus boreas</i>	Yellow	SC
Whitebark Pine	<i>Pinus albicaulis</i>	Blue	E
White Sturgeon (Upper Kootenay River Population)	<i>Acipenser transmontanus</i> pop. 1	Red	E
SAR Species confirmed at the north end of Kootenay Lake beyond 10 km			
Black Swift	<i>Cypseloides niger</i>	Blue	E
Northern Rubber Boa	<i>Charina bottae</i>	Yellow	SC
Townsend's Big-eared Bat	<i>Corynorhinus townsendii</i>	Blue	
Western Skink	<i>Plestiodon skiltonianus</i>	Blue	SC
Yuma Myotis	<i>Myotis yumanensis</i>	Blue	

¹ BC Conservation Status (CDC): Red = extirpated, endangered, or threatened. Blue = special concern. Yellow = secure.

² COSEWIC/SARA: Endangered (E) = Facing imminent extirpation or extinction. Threatened (T) = Likely to become endangered. Special concern (SC) = May become a threatened or an endangered. Species listed on Schedule 1, SARA are legally protected.

³ DD = data deficient

2.1.7 Invasive Species

The property foreshore is relatively undisturbed, and no invasive species were observed. Central Kootenay Invasive Species Society (CKISS) manages invasive species regionally using a prioritized approach. The management strategy for a specific species is based on a number of factors including the phase of invasion and the potential impacts of the species (CKISS 2023). The subject property is located within the Kaslo Region and the priority species list can be found at <https://ckiss.ca/species/invasive-plant-prioriy-lists/>.

2.2 Existing Development

The foreshore property is mainly undeveloped. Some existing structures were constructed in the northern half of the property within the 30 m WDP area. Existing structures include a tent platform (3.7 x 3.7 m (12 x 12 ft)), a small shelter used as kitchen amenity (~ 6 x 5 m (20 x 16 ft)), a small shelter housing a self-contained composting toilet (Photo 11 to Photo 13). All existing structures were constructed in such a way to blend within the natural setting and features of the area with limited vegetation removal. All structures were constructed with wood material (with some locally sourced from the property, and the kitchen shelter has a green roof consisting of moss (Photo 11). An area has been cleared (with no trees removed) in preparation for the boathouse (~6 x 4 m) and was filled in with coarse material to create a flat surface (Photo 14).



Photo 11. Existing tent pad with covered area in background. Note moss on roof. Oct. 15, 2024.



Photo 12. Sheltered area used as a kitchen. Oct. 15, 2024.



Photo 13. Small shelter with composting toilet. Oct. 15, 2024.



Photo 14. Future location of the proposed boathouse. Oct. 15, 2024.

2.3 Proposed Development

The proposed development includes the construction of a boathouse that will be used to store non motorized watercrafts such as kayaks and miscellaneous items. The structure will measure 6.1 m (20 ft) on the frontage and will be 3.7 m (12 ft) deep and will be setback 9 m from the natural boundary (see design drawings in Appendix 3). The boathouse will be placed on the area that has previously been cleared and filled with coarse material to create a flat surface (Photo 14). The boathouse will be placed on adjustable poles that will support the structure and no concrete will be used.

3 REGULATORY OVERVIEW

3.1 Riparian Area Protection Regulation (RAPR) Review

The 30 m WDP setback from the boundary of Kootenay Lake was compared with the Riparian Area Protection Regulation (RAPR) criteria by conducting a detailed assessment of the property and determining the Streamside Protection and Enhancement Area (SPEA) setback. Results for the Zones of Sensitivity (ZOS) and SPEA are presented in Table 1 and Appendix 2.

As per the RAPR, the large woody debris (LWD) and litter ZOS were plotted 15 m inland from the HWM of Kootenay Lake with the shade ZOS plotted 0 m from the HWM of Kootenay Lake. The SPEA setback is determined based on the ZOS with the greatest width. Therefore, within the property, the SPEA from the HWM of Kootenay Lake was determined to be 15 m (Table 2).

Table 2. Results of detailed RAPR assessment for Kootenay Lake.

Feature Type	SPVT ¹	Zones of Sensitivity			SPEA ³
		LWD ²	Litter fall	Shade	
Kootenay Lake	TR	15 m	15 m	0 m	15 m

¹SPVT: site potential vegetation type (TR-tree)

²LWD- large woody debris

³SPEA- streamside protection and enhancement area

The *natural boundary* is commonly referred to as the “*high water mark*” around a lake or wetland. Based on the definition of high-water mark¹, the natural boundary was mapped in the field and did not align with the property line shown on the RDCK cadastral layer. This may be due to discrepancies between the ortho-layer and the parcel map layer (Appendix 2). To correctly delineate the 30 m WDP area and streamside protection and enhancement (SPEA) setback in accordance with the Riparian Area Protection Regulation (RAPR), the natural boundary mapped in the field was used.

3.2 Kootenay Lake Shoreline Management Guidelines

The Kootenay Lake Foreshore Integrated Management Planning (FIMP; Schleppe and McPherson 2022), the Foreshore Inventory Mapping (FIM; KLP 2023) and the Kootenay Lake Shoreline Management Guidelines (KLP 2020) were used to help determine site-specific risks for riparian habitat, Ktunaxa Nation cultural values, and archaeological resources along the shoreline (Table 3). The property is located within

¹ **High water mark** means the visible high water mark of a watercourse where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain (RDCK 2013).

FIM Segment 115. The aquatic habitat index rating was rated as moderate for this segment, with moderate juvenile rearing potential and migration. Based on the Ecological Activity Risk Matrix (Table 3b, KLP 2020), the guidelines recommend that the construction of a boathouse is not allowed within the riparian setback of Kootenay Lake. Due to the nature of the topography of the property, there are no other locations that are flat enough that would allow for the construction of a boathouse that would be within a reasonable distance of the water.

Table 3. Aquatic and archaeological risk results

Aquatic Habitat Index Rating (AHI)	Aquatic Sensitivity	Archaeological Risk	Enhanced Engagement Required (Work below HWM)
Moderate	Yes	Red	Yes

According to the Archaeological Risk Matrix (Table 5a, KLP 2020), the guidelines recommend that the construction of a boathouse is not allowed within the riparian setback of Kootenay Lake. Due to the nature of the topography of the property, there are no other locations that are flat enough that would allow for the construction of a boathouse that would be within a reasonable distance of the water. Further assessment of archaeological risk is beyond the scope of this report. For further information please consult the Kootenay Lake Shoreline Guidance Document (KLP 2020).

Kootenay Lake is part of the traditional territory of the Ktunaxa, Sinixt and Syilx (Okanagan) First Nations and archaeological evidence is documented at multiple sites along the shoreline and mountain sides of Kootenay Lake. Archaeological Chance Find Procedures are provided in Appendix 3 for guidance on which protocols to follow in the event of a chance archaeological find to ensure that archaeological sites are documented and protected as required for compliance with the BC Heritage Conservation Act.

4 POTENTIAL ECOLOGICAL IMPACTS

The building is situated within the 15 m SPEA as the property rises steeply beyond this setback and will require an exemption from 15 m to 9 m setback. The property rises steeply beyond the 15 m setback and would not be able to support a structure. Due to limited space, there are no other appropriate locations for this structure that would be at a reasonable distance from the foreshore for recreational purposes. The proposed boathouse has a footprint of 22.6 m² (240 ft²) and is expected to have minimal ecological impacts, as it is a small and discrete building that will be tucked into the forest with no trees removed. The building footprint has been cleared with some shrubs removed and did not require tree removal (pers. comm. Owner). The Owner's vision has contributed to the maintenance of a natural foreshore with limited impacts. The existing structures have been blended into the natural features of the foreshore and the

cover for the kitchen area was naturalized with mosses. Future development plans include the construction of a house upslope that will be well outside the WDP area and SPEA.

Following the RAPR criteria, Section 5 outlines the measures to protect the integrity of the SPEA.

5 MEASURES TO PROTECT THE INTEGRITY OF THE SPEA

This section provides measures to protect the integrity of the SPEA as described in the RAPR, as well as recommended best management practices to minimize the potential effects of development.

5.1 Scheduling Environmental Sensitive Activities

The regional nesting period for migratory birds spans from April 1 to August 31. Since no additional vegetation removal is planned, no further action is necessary.

5.2 Danger Trees

No danger trees were observed within the vicinity of the proposed boathouse, however, snags do occur on the property. Further assessment of potential danger trees is outside the scope of this report. Any proposed danger tree removal should be assessed by a certified arborist, prior to removal.

5.3 Windthrow

The foreshore is exposed to strong winds from the lake and may be prone to windthrow as winds become more intense with climate change. Clearing of trees is not proposed on the property at this time; however, prior to future development, a windthrow risk assessment should be led by a Registered Professional Forester (RPF). Further assessment is outside the scope of this report.

5.4 Slope Stability

The property is generally steep with some signs of slope instability including trees sweeping. Further assessment of geotechnical hazard is beyond the scope of this report, and any such assessment should be led by a P.Geol. or P.Eng.

5.5 Protection of Trees and Vegetation in the SPEA

The SPEA will be naturally protected from any future development due to the steep and rocky topography.

5.6 Encroachment

The proposed boathouse will need to encroach into the 15 m SPEA due to the property's topography and the absence of sufficient flat ground outside the setback. Impacts are expected to be minimal, as they will

be confined to the boathouse footprint, while the remaining ~ 300-meter-long foreshore will remain undeveloped. Most of the property is extremely steep and not conducive to any more development along the foreshore.

5.7 Erosion and Sediment Control

No erosion and sediment control measures required at this time. The area that was cleared for the boathouse has been covered with large angular rocks and is not prone to erosion. Future development of the property shall incorporate erosion and sediment control measures as required, to protect riparian vegetation and water quality in Kootenay Lake.

5.8 Stormwater Management

The proposed development will result in a marginal increase in the total impervious area of the property from non pervious surfaces and is limited to the boathouse rooftop footprint. The following mitigation measures will help decrease stormwater impacts:

- Rainwater collected on roofs should not be allowed to form surface runoff. Downspouts should direct rainwater into suitable landscape features which can absorb and utilize runoff rather than discharging it directly to Kootenay Lake.
- Stormwater discharges must adhere to the *Water Sustainability Act* or any other application legislation.

5.9 Floodplain Concerns

The proposed boathouse structure will be located within the 15 m floodplain setback of Kootenay Lake; however, a boathouse that will not be used as a Habitable Area is exempted from both the Floodplain Setbacks and the Flood Construction Level (RDCK Floodplain Protection Bylaw No. 2080 (RDCK 2009)). Additional assessments of floodplain concerns are beyond the scope of this assessment and further assessment by a P.Geo. is recommended before future development takes place.

5.10 Fish and Wildlife Protection

To minimize disturbance to fish, wildlife, and their habitat, the following measures are recommended for the property:

- Avoid any modifications to the foreshore substrate.
- Avoid removal of coarse woody debris (logs > 10 cm in diameter) and riparian area vegetation, including standing dead and wildlife trees, unless they are considered a hazard tree.
- No barriers will be developed that will impact natural fish/wildlife movement along the shoreline.

5.11 Invasive Plant Management

Currently, there is no proposed invasive plant management. Future development shall incorporate best management practices for minimizing the introduction of invasive plant species.

6 CONCLUSION

The Owner is proposing the construction of a boathouse on his property at 120 Murphy Creek Lower Road. Due to the topographical constraints, the Owner is seeking a relaxation of the SPEA riparian setback of 15 m along Kootenay Lake to 9 m at the boathouse location. The proposed boathouse will have a footprint of 22.6 m² (240 ft²) and is expected to have minimal environmental impact, as no tree removal will be required and no additional development is planned along the remaining ~305 m shoreline.

We trust the information provided in this report meets your current requirements. If you have any questions or require any further information do not hesitate to contact the undersigned.

Sincerely,



Sylvie Masse, MSc, RPBio



Heather Shaw, BSc. BiT

Reviewed by,



Fiona Lau, BTech. ASCT

Masse Environmental Consultants Ltd.

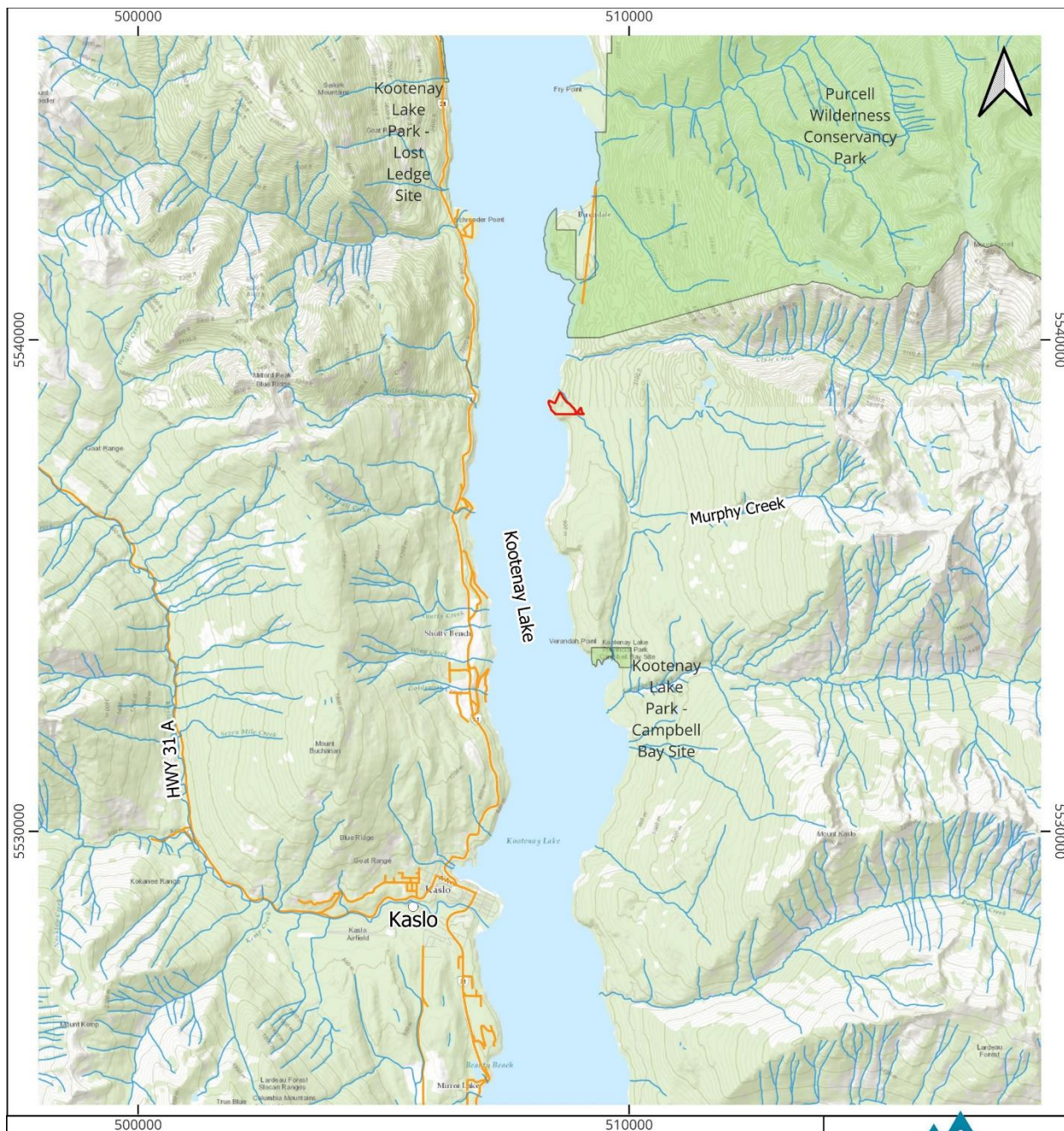
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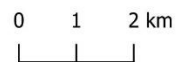
Schleppe, J.¹, and S. McPherson². 2022. Kootenay Lake Foreshore Integrated Management Planning. Prepared for Living Lakes Canada. Prepared by: Ecoscape Environmental Consultants Ltd.¹, and Lotic Environmental Ltd.²

APPENDIX 1. SITE LOCATION MAP



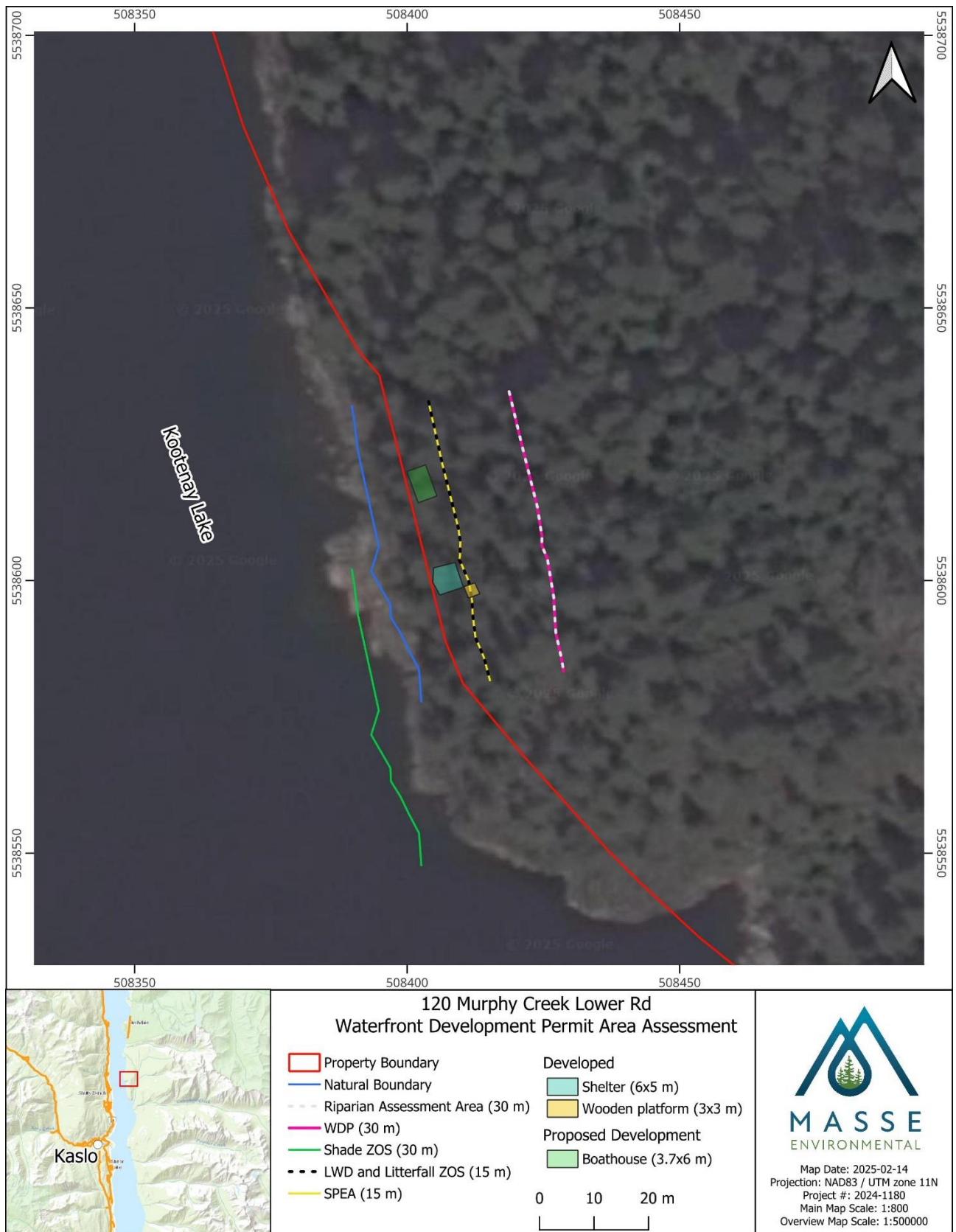
120 Murphy Creek Lower Road - Location Map

- Property Boundary
- Provincial Parks
- Roads
- Streams



Map Date: 2025-01-27
 Projection: NAD83 / UTM zone 11N
 Project #: 2024-1180
 Main Map Scale: 1:100000
 Overview Map Scale: 1:

APPENDIX 2. SITE PLAN AND SPEA MAP



APPENDIX 3. ARCHAEOLOGICAL CHANCE FIND PROCEDURES



Archaeological Chance Finds Management Procedures Kootenay Boundary Region

The intent of this document is to provide direction on the appropriate action, as delegated to the Archaeology Branch by the Minister of Forests under the Provincial Heritage Conservation Act (HCA), should archaeological resources be identified (before, during and/or post authorization activities), weighing the preservation and proper management of such sites against the needs of the project.

When working directly with a professional archaeologist and/or First Nation member(s) on an authorized project, the proponent may be asked to use a different procedural document. While proponents are encouraged to have direct conversations with First Nations, the Province must remain neutral and, therefore, cannot endorse any other as they often contain opinions and political positions that are contrary either to neighbouring First Nations who also claim the area as their traditional territory, or are otherwise not in alignment with the most current Provincial legislation. It is strongly recommended that this document be considered first and foremost, especially when direction is counter to the Provincial legislation and policies in place. If the proponent has any questions or concerns around this, please reach out to the Provincial contact for the project or the Archaeology Branch to discuss further.

In 2024, the Province of British Columbia has collected data on more than 62,000 recorded archaeological sites (with more being added to the provincial inventory every year). Archaeological sites are protected by provincial legislation under the *Heritage Conservation Act* (HCA), which specifies that an individual (or corporation) must not “damage, excavate, dig in or alter, or remove any heritage object” from a heritage site, except in accordance with a Permit issued by the Minister”. The HCA confers automatic protection upon all heritage sites that pre-date AD 1846, regardless of whether they are recorded in the Provincial Heritage Register, and regardless of whether they are located on Crown land or private property. Certain sites, including human burials and rock art sites are automatically protected regardless of their age.

It’s important to note that all heritage sites, regardless of their condition, are protected under the HCA and does not distinguish between “intact” (*i.e.*, those sites which are in a pristine, or in an undisturbed state) and “disturbed” (*i.e.*, those sites which have been subject to alteration, permitted or otherwise). The following information has been provided to assist you with recognizing the archaeological site types most identified and most easily recognizable to non-professionals within the KBR.

Common Archaeological Site Types in BC and the Kootenay Boundary Region (KBR)

Most archaeological site types in BC are related to habitation areas, resource exploitation, tool making or repair, rock art, and ceremonial or ritual activities, such as burials. Preservation of organic materials is extremely poor in many places, because of acidic soil and previous forest fire history, and usually only small amounts of bone, antler, and wooden tools are found outside of coastal or other continuously wet areas, such as the edge of dammed water ways.

Lithic or Stone Tools

A “lithic” is the result of a human intentionally striking or otherwise modifying a rock, usually in the pursuit of tool manufacture or repair. These tools or “flakes” look different from naturally occurring rocks in the same area and tend to be small, angular, or pointed rather than smooth, and can look like they have been broken in an intended way or appear to resemble arrow heads or spear points. Most often the material is of a certain type or grade that may appear different than others in the same area, and the pieces found may have semicircular rings or bumps, which occur when rock is hit in a very particular way (Figure 1).



Figure 1: Examples of lithic or stone artifacts found in the KBR

Lithic sites are the most common site types identified in BC and are often all that is left of cultural activities that took place over hundreds or thousands of years ago. These artifact types can provide a wealth of information, including dates and the species being utilized, if studied in their original location and with the use of modern technology (such as radiocarbon dating adjacent organic material or blood residue analysis on the artifact itself).

Lithics can occur separately or in combination with other site types and tend to be located on specific landforms including knolls, eskers, ridges, rocky outcrops, relatively flat spots (terraces or riverbanks), areas used as travel corridors, quarries, hunting lookouts, or camping and village

locations. Lithic sites may contain thousands of years of information in the top metre of soil with many artifacts having eroded and exposed on the surface.

Cultural Depressions and Tipi Rings

Cultural depressions are the indentations left on the ground, usually in the form of pithouses and cache (storage) pits. Where the cache pits are relatively small and often identified in relation to trails and travel corridors, pithouses, and specific hunting areas, pithouses, tend to be in “clusters” on more level and open terrace features where there is relatively easy access to a potable water source.

Pithouses were occupied in both summer and winter (Figure 2). These sub-terranean dwellings are identified in all areas of the KBR, except in the area farther east of Kootenay Lake and to the BC-Alberta border and northward to around the Columbia Lake area and where tipi rings reflect a more nomadic occupation.



Figure 2: Example of a Winter Pithouse

Pithouses are most often circular depressions that vary in depth and circumference, but almost always have a ridge or berm around the outer edge and charcoal or fire altered rock, representing a hearth, in the bottom. Tipi rings are circular outlines of transported rocks (Figure 3) that would have been used to weigh the structure and hide ends at the bottom.



Figure 3: Tipi Ring Made of Transported Rock

Rock Art Sites

“Rock art” refers to pictures or symbols that indicate a direction or geographic area. Petroglyphs are pictures made by cutting or hitting/pecking rock repeatedly, while pictographs are painted using a combination of ground red ochre mineral with a base such as egg white. Many of the rock art sites in the KBR are pictographs that are found on rock faces along waterways, but they can also be found elsewhere, indicating an area of cultural and spiritual significance. Referred to most often as panels, rock art can form a singular picture (Figure 4) or be part of a multi-image panel.



Figure 4: Example of a Pictograph Found in the KBR

Human Remains

In BC, “modern” human remains, and their designated areas of land (cemeteries and other recorded areas) are protected under the *Cremation, Interment and Funeral Services Act*, while older human remains, both archaeological and historical in age and regardless of ethnicity, are protected under the HCA:

12.1 (2) Except as authorized by a permit issued under section 12.2 or 12.4 or an order issued under section 12.3, a person must not do any of the following:

(b) damage, desecrate or alter a burial place that has historical or archaeological value or remove human remains or any heritage object from a burial place that has historical or archaeological value;

Pre-modern burial sites are any places where the body (or bodies) of an expired human has been placed or otherwise left. Burials consists of the partial or intact remains of at least one individual but may also contain whole or part of multiple individuals. In the KBR the burial types that are most likely to be identified are subsurface burials where bodies are placed in a foetal position along or facing a water body – sometimes these are then covered with piles of rock or “cairns” placed on top (Figure 5), mounded earth burials, cave or rock shelter burials, or those found along the edge of talus slopes.



Figure 5: Example of a Rock Cairn Burial

If you see bones which you know to be or suspect to be human, such as large bones that you do not recognise as animal remains, you should treat the area as a burial site by first securing the area and then immediately contacting the Archaeology Branch. The Archaeology Branch will then notify the Coroner's Office, the local policing authority, and may also arrange for a qualified anthropologist or archaeologist to provide an assessment of the remains should the Coroner's Office determine they are of archaeological significance.

If the remains are positively identified as archaeological in nature, the Archaeology Branch will work with the affected First Nations to arrange for their respectful handling in a culturally appropriate manner. Generally, if remains are still buried and are under no immediate threat of further disturbance, they will not be excavated or removed, however, if they have been partially or completely removed, the Archaeology Branch will facilitate the removal and reburial.

Guidance for Chance Finds Management

The HCA applies equally on private and Crown lands. Finding archaeological remains within the property or project boundaries does not mean that you will be automatically prohibited from continuing, rather it means that specific processes must be followed to ensure that the resource is handled in an appropriate manner. Please following these steps should you identify archaeological resources immediately:

1. If suspected archaeological materials or features are encountered, stop work in the immediate vicinity of the find and secure the area (rope or fence off, cover any larger holes, etc.);
2. Do not undertake further work that could disturb the find, including moving any soil from the adjacent or surrounding area of the site, including the removed materials;
3. Do not collect the artifacts on the surface as their distribution pattern may be important; and
4. Contact the Archaeology Branch for further direction.

Based on the nature of the incident, it may be determined that there are no further concerns and activities may continue, or further assessment or mitigation may be required. However, if an archaeological site is confirmed, coordinated discussions between the Archaeology Branch, the proponent, the provincial ministry who authorized the work, and all First Nations identified as having asserted the area as theirs. Once a consensus has been reached, the appropriate management option will be chosen and under direction from the Archaeology Branch, one or more of the following could happen:

- Avoidance through partial maintenance activity redesign or relocation. This results in minimal impact to the archaeological site and is the preferred option from a cultural resource management perspective. It is usually the least expensive option from a maintenance activity perspective as well;
- If human remains are identified and are determined to be forensic (*i.e.*, not archaeological), the local policing authority and Office of the Coroner will be contacted by the Archaeology Branch on your behalf;
- Application of temporary and/or permanent site protection measures as approved by the Archaeology Branch (e.g., fencing off the site, capping with soil) could be determined as the best option. An archaeological impact assessment to identify site boundaries and archaeological monitoring to verify the effectiveness of protective measures may be required;
- Archaeological mitigation, consisting of controlled excavations of the site; or
- Archaeological monitoring under a site alteration permit during construction by a professional archaeologist may be considered necessary.

EMERGENCY CONTACTS:

Please fill out the table and provide this document, *in its entirety*, to the ground crew conducting the work in the field, as well as to anyone else who may need to refer to its guidance.

Should you identify archaeological resources at any time, please take pictures (using a tape measurer or other at hand item for scale) and secure the immediate and adjacent area to ensure the integrity of the find and contact the Archaeology Branch at the first available opportunity.

If there is a professional archaeologist onsite working under an existing HCA permit, they should be the on to contact the Archaeology Branch on your behalf. A non-comprehensive list of professional archaeologists can be found under the “Find a Consultant” tab on the **BC Association of Professional Archaeologists** here: <https://www.bcapa.ca/>

General Contact	Name of Organization	Name of Contact	Telephone Number	Email Address
Archaeology Branch	Front Desk/ Reception		250-953-3334	
Proponent/ Lead Contractor				
Ministry Contact/ Project Lead				
Project Consulting Archaeologist				
First Nation Organization				
First Nation Organization				
First Nation Organization				

19.0 DEVELOPMENT PERMIT AREAS

Background

The OCP may designate Development Permit Areas under the authority of local government legislation. Unless otherwise specified, a development permit must be approved by the Regional Board prior to any development or subdivision of land within a designated Development Permit Area.

Development Permit Areas allow for implementation of special guidelines for the protection of the natural environment, protection from hazardous conditions, for revitalization of designated areas, or to guide the form and character of development within the Kootenay Lake and the Lardeau Valley Plan area. Development Permit Areas can also be used to meet targets for carbon emission reductions and energy and water conservation.

Where land is subject to more than one Development Permit Area designation, a single development permit is required. The application will be subject to the requirements of all applicable Development Permit Areas, and any development permit issued will be in accordance with the guidelines of all such Areas.

Development Permit Area #1: Watercourse Development Permit (WDP) Area

Category

The WDP area is designated under Section 488 (1) (a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.

Area

The WDP area is comprised of:

1. Riparian assessment areas (Figure 1) for fish and wildlife habitat and drinking water, which include all watercourses and adjacent land:
 - a. within 30 m of the high water mark of a watercourse;
 - b. within 30 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and
 - c. within 10 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse; and as identified in Schedule 'A.1'.

HIGH WATER MARK means the visible high water mark of a watercourse where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain;

TOP OF RAVINE BANK means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is greater than 3:1 for a minimum distance of 15 m measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

WATERCOURSE means any natural or man made depression with well-defined banks and a bed 0.6 metres (2.0 feet) or more below the surrounding land serving to give direction to a current of water at least six months of the year and/or having a drainage area of two square kilometres (0.8 square miles) or more upstream of the point of consideration.

Justification

The primary objective of this Development Permit Area designation is to regulate development activities in watercourses and their riparian areas so as to protect aquatic habitat; and to conserve, enhance and, where necessary, restore watercourses and their riparian areas.

The impact of development on watercourses can be minimized by carefully examining the proposed development and taking appropriate measures in relation to the environmentally sensitive riparian area.

Determining whether development falls within the WDP Area

To confirm whether a proposed development is within land identified as a riparian assessment area in the WDP area for which a development permit application is required, the following applies:

2. Any area located within 30 m of the high water mark of a watercourse; within 30 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and within 10 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse;
3. Unless the proposed development or alteration of land is clearly outside the riparian assessment area the location of the development shall be determined accurately by survey in relation to the WDP Area to determine whether a development permit application is required.

Guidelines

4. A development permit is required, except where specified under the Exemptions Section, for development or land alteration on land identified as a riparian assessment area within the WDP Area. Where not exempt, development requiring a development permit includes any of the following associated with or resulting from residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under local government legislation:
 - a. removal, alteration, disruption or destruction of vegetation;
 - b. disturbance of soils;

- c. construction or erection of buildings and structures;
- d. creation of non-structural impervious or semi-impervious surfaces;
- e. flood protection works (with the exception of those constructed during emergency events);
- f. construction of roads, trails, docks, wharves and bridges;
- g. provision and maintenance of sewer and water services;
- h. development of drainage systems;
- i. development of utility corridors; and
- j. subdivision as defined under Section 455 of the *Local Government Act*.

Development shall be in accordance with the following guidelines:

- 5. All development proposals subject to this permit will be assessed by a Qualified Environmental Practitioner (QEP) in accordance with the Riparian Areas Regulation established by the Provincial and/or Federal governments as used elsewhere in the Province.
- 6. A WDP shall not be issued prior to the RDCK ensuring that a QEP has submitted a report certifying that they are qualified to carry out the assessment, that the assessment methods have been followed, and provides in their professional opinion that a lesser setback will not negatively affect the functioning of a watercourse or riparian area and that the criteria listed in the Riparian Areas Regulation has been fulfilled.
- 7. The Riparian Areas Regulation implemented through the WDP does not supersede other Federal, Provincial and or local government requirements, including that of other development permit areas, building permits, flood covenants, Federal or Provincial authorization. Land subject to more than one development permit area designation must ensure consistency with the guidelines of each development permit area, to provide comprehensive stewardship of both fish and wildlife habitat.

Exemptions

The WDP area does not apply to the following:

- 8. existing construction, alteration, addition, repair, demolition and maintenance of farm buildings and agricultural activities including clearing of land for agricultural purposes;
- 9. existing institutional development containing no residential, commercial or industrial aspect;
- 10. construction, renovation, or repair of a permanent structure if the structure remains on its existing foundation. Only if the existing foundation is moved or extended in to a riparian assessment area would a WDP be required; and

11. an area where the applicant can demonstrate that the conditions of the WDP Area have already been satisfied or a development permit for the same area has already been issued in the past and the conditions in the development permit have all been met, or the conditions addressed in the previous development permit will not be affected.

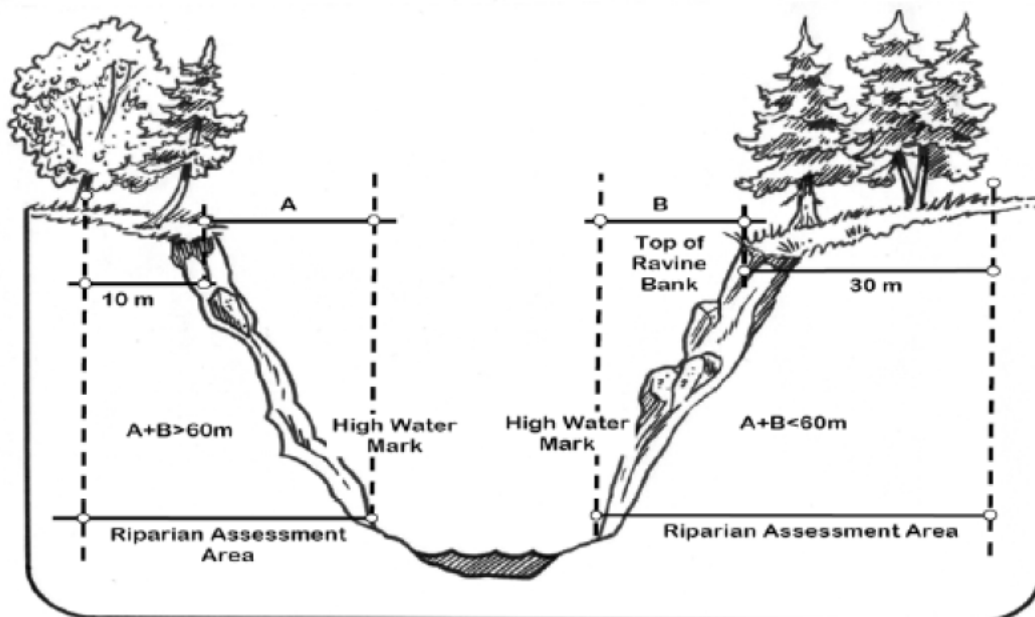


FIGURE 1: RIPARIAN ASSESSMENT AREA: means the area within 30 m of the high water mark of a watercourse; within 30 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and within 10 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse.

Source: British Columbia Ministry of Environment, *Riparian Areas Regulation Implementation Guidebook*, March 2005

Development Permit Area #2: Industrial Development Permit (IDP) Area

Category

The IDP area is designated under Section 488 (1) (a) and (f) of the *Local Government Act* for the establishment of objectives for the protection of the natural environment and form and character of industrial uses within the Plan area.

Area

1. The IDP area is comprised of all privately owned or leased lands designated as Industrial (M) on Schedule 'A.1'.

Justification