



December 18, 2023

RDOS File No: C2022.022-TUP

Regional District of Okanagan-Similkameen
101 Martin Street
Penticton, BC, V2A 5J9

Attention: Shannon Duong, MRM, Planner II

Re: Temporary Use Permit Referral – RDOS File No. C2022.022-TP – Electoral Area “C”
380 Wilson Mountain Rd

The Ecosystems Section of the Ministry of Water, Land and Resource Stewardship has reviewed the Temporary Use Permit Application C2022.022 to the Regional District of Okanagan Similkameen. We understand that this application is to use a portion of the property at 380 Wilson Mountain Rd for outdoor storage of boats and recreational vehicles (RVs), to use a motorhome (RV) for residential and commercial-ancillary (i.e., security/office use) use, and to use an additional RV for residential purposes. We have assessed this referral based on the information available.

Ecosystems does not support development within the Very High Conservation Rank Environmentally Sensitive Development Permit Area (ESDPA) of 380 Wilson Mountain Rd, including for outdoor storage of boats and RVs or commercial-ancillary use.

In reviewing this referral, it appears that there has been a violation to the *Water Sustainability Act* (WSA); it appears that two (2) wetlands have been excavated and infilled. A wetland is considered a stream¹ under the WSA and any Changes In and About a Stream requires authorization. Applications are submitted through [Front Counter B.C.](#) For more information on the application process please go to <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/water-licences-approvals/apply-for-a-change-approval-or-submit-notification-of-instream-work>

¹ “stream” means

- (a) a natural watercourse, including a natural glacier course, or a natural body of water, whether or not the stream channel of the stream has been modified, or
- (b) a natural source of water supply, including, without limitation, a lake, pond, river, creek, spring, ravine, gulch, wetland or glacier, whether or not usually containing water, including ice, but does not include an aquifer;

These habitats likely supported multiple species at risk, as noted by the Qualified Environmental Professional (QEP) Environmental Assessment included in this application, as well as by Ecosystems Staff. Overall, Ecosystems does not support the infilling of wetlands. Due to wetlands being highly diverse and sensitive ecosystems and the significant decline in wetland habitats over the decades, we would like to see a no net loss in wetland habitat across the Region and Province. We highly recommend a restoration and/or compensation plan is developed to restore these high value habitats.

Please note, the WSA infraction will be investigated by the province and further enforcement actions may be required.

Species at Risk and Critical Habitat

The following species at risk are documented within and / or within 200 m of the subject property

The following Species and Ecosystems at Risk (SEAR) occurrences are documented within 200 m of the subject property through the BC Conservation Data Centre SEAR.

- North American Racer
- American Badger
- Alkaline wing-nerved moss
- antelope-brush / needle-and-thread grass
- Baltic rush – common silverweed

The subject property overlaps with the following mapped Critical Habitat

- Blotched Tiger Salamander
- Great Basin Spadefoot
- Great Basin Gophersnake
- Western Rattlesnake
- American Badger
- Pallid Bat

And is within 200 m of the following mapped Critical Habitat

- Lewis's Woodpecker

Critical habitat is the habitat necessary for the survival or recovery of a federally listed endangered or threatened species at risk. The *Species at Risk Act* (SARA) recognizes that protecting the habitat of species at risk is key to their conservation. Critical habitat will be identified in the recovery strategy or action plan for each listed species and posted on the SARA Public Registry. Although the federal SARA does not offer immediate protection of critical habitat on private land, Ecosystems encourages local governments to consider critical habitat within their jurisdictions, including through the use of Environmentally Sensitive Development Permit Areas where critical habitat occurs. Ecosystems recommends that local government consult the federal recovery strategies to identify activities likely to result in destruction of critical habitat for e.g. Great Basin Spadefoot, Blotched Tiger Salamander and Great Basin Gophersnake and take measures, together with landowners/developers, to avoid activities that would result in permanent destruction of the critical habitat.

For additional guidance on avoiding destruction of critical habitat for species at risk, consult an Qualified Environmental Professional or contact ECCC (*ec.planificationduretablissement-recoveryplanning.ec@canada.ca*).

Wetland and Riparian Areas

In addition to the known values and critical habitat on site, it is well known how important wetland and riparian area habitats are for many species, species at risk, and the overall health of the aquatic ecosystem.

Wetlands are among the most biologically diverse ecosystems in British Columbia. They are integral to the functioning of many important ecosystems and life forms in B.C. Most wildlife use wetlands and/or riparian areas at some point in their life cycle and many species at risk depend on these habitats for survival (Columbia Region 2019).

Wetlands and riparian areas not only provide habitat for wildlife they also contribute to the quality and quantity of water. They contribute to the absorption and filtering of sediment, pollutants, and excess nutrients, stabilize shorelines and reduce erosion, as well as store floodwater, recharge groundwater and regulate flow (Cox and Cullington 2009).

Wetland and Riparian Areas

- are essential for managing rainwater, protecting water quality, preventing floods, and conserving soil.
- by absorbing rain and snow - recharges aquifers and slowly releases stored water into watercourses.
- filters pollutants and sediments out of surface water, buffers developed areas from flooding, and prevents soil erosion (Green Bylaws Toolkit).

As the population of BC grows, water security with climate change is and will increasingly be a concern in many regions. Protecting wetlands is a cornerstone of climate change mitigation and adaptation because they help buffer climate change effects including flood and drought (Wetland Stewardship Partnership 2009).

While wetlands are highly diverse ecosystems, their occurrences can be infrequent on the landscape. In British Columbia, there is a growing concern over the escalating rate of wetland losses. In the southern regions of the province, it is estimated that 60-98% of original wetlands have been drained and filled (Wetland Stewardship Partnership 2009). Stream channelization, agricultural drainage, and housing had destroyed 85 percent of the natural wetlands in the ecologically sensitive South Okanagan (Sarell 1990). The constant and ongoing losses of wetlands are contributing to a slow but massive decline in many species. Wetlands are frequently undervalued which leads to the loss or destruction of wetlands and their benefits and function they provide are either costly or impossible to replace (Wetland Stewardship Partnership 2009).

Infilling wetlands is likely to have significant adverse impacts to the water quality, water quantity, and the aquatic ecosystem health of a stream and its associated groundwater.

Mitigation Policy

Ecosystems recommends that development follow the Environmental Mitigation Policy with avoidance being the priority. All feasible measures should be considered and applied before considering the next levels of the hierarchy. Project designs should be developed and constructed to suit existing local environmental features. If the respective property contains a wetland that restricts development, the developer must first adapt the project footprint to avoid such impacts. Rationale for moving from one level of the hierarchy to the next must be included in the plan. Please note that economic opportunity should not be considered over environmental values. Offsetting is the last step in the mitigation hierarchy and is to be applied only after all feasible options under previous steps have been duly considered.

It is expected that any wetland loss is appropriately compensated for and because wetlands are sensitive ecosystems the offset requirement needs to be substantially greater than a standard 3:1 ratio. If the decision is made to not avoid, there is a BC Habitat Offset Decision Support Tool which calculates an offset ratio based on the values and habitat quality on site. Please note that the BC Habitat Offset Decision Support Tool is not a legal requirement but a recommendation for decision makers and a starting point when discussing offsetting requirements.

Summary

Ecosystems currently supports the use of the portion of 380 Wilson Rd outside of the ESDPA for all aspects of this temporary use permit which can occur in that area. Use of RVs for residential and commercial-ancillary purposes as well as storage of boats and recreational vehicles in the portion of the property that is excluded from the ESDPA is supported by Ecosystems.

Ecosystems may consider supporting use of the ESDPA portion of the property if a QEP- developed wetland restoration plan and monitoring plan are in place and adhered to. Ecosystems recommends wetland restoration within ESA 1 prior to any rezoning changes.

Please note, the apparent WSA infraction will be investigated by the province and further enforcement actions may be required. Ecosystems requests that no permanent structures are installed within the ESDA while the investigation is underway. Additional earthworks and infilling should not occur within the ESDPA.

We appreciate the opportunity to contribute to this application. Please contact the undersigned at Dawn.Marks@gov.bc.ca or 778-622-6954 if you have further questions or require additional information.

Sincerely,



Dawn Marks, RPBio
Ecosystems Biologist / Habitat Officer
Thompson Okanagan Region

References

BC Environmental Mitigation Policy website.

<https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/laws-policies-standards-guidance/environmental-guidance-and-policy/environmental-mitigation-policy>

Columbia Region: Draft Wetlands & Riparian Areas Action Plan. 2019. Fish & Wildlife Compensation Program. Available at <http://fwcp.ca/app/uploads/2019/07/Action-Plan-Columbia-Region-Draft-Wetland-Riparian-Jul192019.pdf>

Cox, R.K. and J. Cullington. 2009. Wetland Ways: Interim Guidelines for Wetland Protection and Conservation in British Columbia. Wetland Stewardship Partnership

Green Bylaws Toolkit.

https://stewardshipcentrebc.ca/PDF_docs/GreenBylaws/GreenBylawsToolkit_3rdEdition_2021.pdf

Sarell, M. 1990. Survey of Relatively Natural Wetlands in the South Okanagan (1990). B.C. Ministry of Environment, Lands and Parks.

Wetland Stewardship Partnership (2009). Wetland Ways. Victoria: Government of BC

Lauri Feindell

Subject: FW: Temporary Use Permit Referral - RDOS File No. I2023.032-TUP - Fortis Property Referral #2023-1602

From: Referrals <Referrals@fortisbc.com>

Sent: December 12, 2023 3:08 PM

To: Planning <planning@rdos.bc.ca>

Subject: Temporary Use Permit Referral - RDOS File No. I2023.032-TUP - Fortis Property Referral #2023-1602

Fortis Property Referral #2023-1602

Hello,

Please be advised FortisBC Energy Inc. (Gas) has no concerns as we have no gas in this area.

Thank you,

Liz Dell

Lands Department, Property Services Assistant

16705 Fraser Highway | Surrey BC V4N 0E8

P: 778-578-8038 / referrals@fortisbc.com



drive. Thank you.

Lauri Feindell

Subject: FW: Wilson Mountain Rd, 380, RDOS (C2022.022-TUP)

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: December 13, 2023 10:46 AM
To: Planning <planning@rdos.bc.ca>
Subject: Wilson Mountain Rd, 380, RDOS (C2022.022-TUP)

Some people who received this message don't often get email from steven.danielson@fortisbc.com. [Learn why this is important](#)

With respect to the above noted file,

Land Rights Comments

- There are no immediate concerns or requests for additional land rights, however there may be additional land rights requested stemming from changes to the existing FortisBC Electric ("FBC(E)") services, if required.

Operational & Design Comments

- There are FortisBC Electric ("FBC(E)") primary distribution and transmission facilities bisecting the subject property but no facilities appear to be within the proposed Temporary Use Permit area.
- All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.
- The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries.
- For any changes to the existing service, the applicant must contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.

- Electrician's Name and Phone number
- [FortisBC Total Connected Load Form](#)
- Other technical information relative to electrical servicing

For more information, please refer to FBC(E)'s overhead and underground design requirements:

FortisBC Overhead Design Requirements
<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification
<http://www.fortisbc.com/InstallGuide>

If you have any questions or comments, please contact us at your convenience.

Best Regards,

Steve Danielson, AACI, SR/WA
Contract Land Agent | Property Services | FortisBC Inc.

2850 Benvoulin Rd
Kelowna, BC V1W 2E3
Mobile: 250.681.3365
Fax: 1.866.636.6171
FBCLands@fortisbc.com



This email and any files transmitted with it, are confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you are not the original recipient or the person responsible for delivering the email to the intended recipient, be advised that you have received this email in error, and that any use, dissemination, forwarding, printing, or copying of this email is strictly prohibited. If you receive this email in error, please notify the sender immediately.

This email was sent to you by FortisBC*. The contact information to reach an authorized representative of FortisBC is 16705 Fraser Highway, Surrey, British Columbia, V4N 0E8, Attention: Communications Department. You can unsubscribe from receiving further emails from FortisBC by emailing unsubscribe@fortisbc.com.

*"FortisBC" refers to the FortisBC group of companies which includes FortisBC Holdings, Inc., FortisBC Energy Inc., FortisBC Inc., FortisBC Alternative Energy Services Inc. and Fortis Generation Inc.

This e-mail is the property of FortisBC and may contain confidential material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. FortisBC does not accept liability for any errors or omissions which arise as a result of e-mail transmission. If you are not the intended recipient, please contact the sender immediately and delete all copies of the message including removal from your hard drive. Thank you.