



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Memo to General Manger of Development Services

Date of Memo: April 15, 2021
Author: Name, Planner
Subject: DEVELOPMENT PERMIT Bures & Jaeger 298 Derosa Road, Rosebery
File: 09/4260/20/2022Hn-01194.000-Bures_and_Jaeger-DP000124

Owner	Diane Bures & Warren Jaeger
Civic Address	298 Derosa Road, Rosebery
Legal Description	Lot 10 District Lot 298 Kootenay Land District Plan 10379
PID	012-938-912
Lot Size	0.18 hectares (0.45 acres)

PROPOSAL:

Activities proposed on the property involve the drilling of a well within 30 m of the Watercourse Development Permit Area of Slocan Lake. The well site will be 16 metres upland of the natural boundary of Slocan Lake, within the 30 metre DPA.

Electoral Area	H
Development Permit Area	Watercourse Development Permit

Guidelines	Meets?	Comments
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	Yes	A Riparian Assessment titled " <i>Riparian Assessment, Bures & Jaeger Lot 10 Rosebery BC</i> " has been submitted by Galena Environmental Ltd. The report was prepared by Luce Paquin, BSc., MSc., RP. Bio., P. Biol., a qualified Environmental Professionals, as defined in the Riparian Areas Regulations made under the Fish Protection Act.

<p>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.</p>	<p>Yes</p>	<p>The Riparian Assessment provided by Galena Environmental meets this guideline and concludes that:</p> <p><i>'The Project has a relatively small footprint. Encroachment into the SPEA will not occur given that drilling activities will be conducted 1 m upland from the SPEA zone. The drilling of the water well will pose no risk to water resources as the construction activities will be conducted during the dry seasons and at low water levels, keeping the construction activities well away from the water. The construction of the proposed Project will have negligible impacts on the surrounding environment providing that the mitigation strategies outlined in this report are followed. The habitat located within the footprint of the Project does not contain unique vegetation ecology and the area has not been found to contain unusually high or unique wildlife habitat. None of the species at risk listed for the area are likely to be adversely affected by this Project because key habitat elements and life history requirements were not found.'</i></p>
<p>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</p>	<p>Yes</p>	<p>This permit will enable the drilling of a water well on private land within the 30m Watercourse Development Area.</p>

the guidelines of each development permit area, to provide comprehensive stewardship of both fish and wildlife habitat.		
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Zoning	Not applicable
Zoning compliance	Not applicable
OCP	North Portion of Slocan Lake, Electoral Area 'H' Official Community Plan Bylaw No. 1967, 2009
ALR	Not applicable
Floodplain	The proposed well site is located outside of the 15 metre floodplain setback to Slocan Lake
NSFEA	Not applicable
Geohazard	Not applicable
Archeology Sites	Not applicable
Within RDCK Water System	Not applicable
Relevant Covenants and Reports	Not applicable
Review Title for Miscellaneous Charges	Complete
Security	No security required for this permit. Works are limited to the drill site. A second Watercourse Development Permit may be required when a home is constructed in the future.

REFERRAL COMMENTS:
<p>Ministry of Forests, Lands Natural Resource Operations and Rural Development, Habitat Branch</p> <p>Habitat Management’s legislated and professional responsibilities include, but are not limited to: the provincial <i>Water Sustainability Act</i>, the <i>Wildlife Act</i>, the <i>Forest and Range Practices Act (FRPA)</i> and the Government Actions Regulation under <i>FRPA</i>, as well as having provincial responsibility for the federal <i>Species at Risk Act</i>.</p> <p>These are comments based on the information provided by the proponent in the referral package. They do not represent a comprehensive evaluation, rather some advice on what to consider for mitigation of possible negative ecosystem impacts of the proposed works. They also do not remove the obligation of the proponent to comply with ALL applicable laws and statutes.</p> <p>→ This project should not create significant adverse environmental impacts if the proponent implements measures to prevent introduction and/or reduce the spread or establishment of invasive plants on site, adequately secures wildlife attractants on site, and generally follows section 6 of the Galena Riparian Assessment provided in the referral package with special attention to items listed in the table below. It is also recommended that the applicant follow through with the wildlife survey prior to the arrival of the drill on site, presented as the following the Galena Riparian Assessment:</p> <p>“Prior to the arrival of the drill onsite, a wildlife survey will be conducted onsite to assess the presence of active nests and reptiles and amphibians. If an active nest is observed within the vicinity of the drill site, the Galena QEP will implement environmental mitigation measures to prevent the</p>

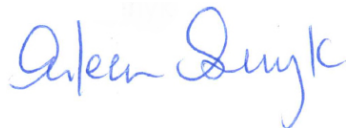
birds from being impacted by construction disturbance. The mitigation measures will be based on the nest status (i.e., nest building, presence of eggs, presence of chicks, etc.).”

Habitat Comments

Concern	Details
<p>Invasive Species</p>	<p>To support ongoing treatment efforts in the vicinity, an invasive plant management strategy is necessary throughout activities and reclamation. Practices should prevent introduction and reduce spread/establishment of invasive plants on site. To control invasive plants:</p> <ul style="list-style-type: none"> • Treat invasive plants <i>prior</i> to any activities (preferably using a qualified professional). • Ensure that equipment brought onto site is free of soil and plant material to reduce the possibility of invasive plant species spread/establishment. • Vegetation clearing and soil disturbance should be kept to a minimum. • After construction, monitor the property for the establishment of invasive species. If invasive species are found, remove plants by hand and dispose. <p>The proponent should maintain records of herbicide treatments, and should report invasive plants using the Report-A-Weed program (https://www.reportaweedbc.ca/)</p> <p>The primary risk of concern from the proposed activities is introduction and spread of invasive plants. Invasive plants are typically introduced to British Columbia through human activities. These invasive plants lack natural predators and pathogens that would otherwise keep their populations in check. Invasive plants often establish themselves in soils disturbed from development of roads, utility lines, trails, commercial recreation sites, agriculture, etc. Once established, invasive plants have a tremendous capacity to invade adjacent, undisturbed natural plant communities displace wildlife and disrupt natural ecosystem functions.</p>
<p>Aquatic Habitat</p>	<p>Work near water should be avoided to maintain water quality and fish habitat. Any works within or adjacent to a stream are subject to the Provincial Water Sustainability Act. Please review the Kootenay Region’s Terms and Conditions for Instream works and timing windows available through the Kootenay Boundary Region drop down menu at: https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/working-around-water/regional-terms-conditions-timing-windows to ensure that you can abide by these guidelines.</p> <p>In addition, follow best practises of the Galena Riparian Assessment:</p> <ul style="list-style-type: none"> • No large quantities of petroleum products, such as tidy tanks or refueling systems, will be allowed within the riparian area. • Any chemicals and or petroleum products should be stored in a weather-resistant shelter with appropriate containment measures if possible. • Store any waste fuel or used sorbent materials securely in a spill-proof container and discard at an approved facility when removed from site. • Fuel containers will be kept out of the riparian area and placed in a spill tray.

	<ul style="list-style-type: none">• Where possible, all mechanical emergency repair activities should be undertaken in a predefined area located away from the riparian area.
Wildlife conflicts	<ul style="list-style-type: none">• Secure food and domestic garbage on site during operations and dispose of it in a timely manner to reduce potential human-wildlife encounters.
Migratory Bird Window	<ul style="list-style-type: none">• If works will occur within the breeding bird window (generally April 15 to August 15) the applicant should be aware of requirements under the Migratory Bird Convention Act for addressing incidental take. More information can be found at https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html

Respectfully submitted,



Eileen Senyk, Planner

CONCURRENCE

Initials:

Planning Manager
General Manager of Development Services

ATTACHMENTS:

Attachment A – Development Permit