

# Nicola Lake Public Meeting Notes – September 19<sup>th</sup>, 2012

## Nicola Lake Integrated Planning and Management Public Meeting

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### Background

Nicola Lake is a jewel in the heart of the Nicola watershed. The Lake is undergoing many pressures including but not limited to competing recreation demands, decreased water quality and fish habitat, water use and storage, increasing waterfront development, and invasive species infestations.

The Thompson Nicola Regional District and the City of Merritt would like to create a **strategic plan** that will create a long term vision for Nicola Lake (the *what*), and an **integrated planning and management process** for Nicola Lake that balances economic, social/cultural/recreational issues in the strategic plan (the *how*). The Fraser Basin Council has been tasked with facilitating this process.

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### Open House

Outside the NVIT lecture theatre, Fisheries and Oceans Canada (DFO), FrontCounter BC (FCBC), the Southern Interior Weed Management Committee (SIWMC), and the Fraser Basin Council (FBC) manned displays from 4:00 to 6:00 PM. Meeting participants enjoyed refreshments and had the opportunity to speak to agency staff and ask questions prior to the meeting start.

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### Meeting Notes

#### Welcome

The meeting commenced with a welcome from Mike Simpson to the approximately 70 people present. Amelia Washington, a member of both the Nooaitch Band and the NVIT Elders Council, welcomed meeting participants to the Territory and said a prayer. Randy Murray presented a gift to Amelia, on behalf of Thompson Nicola Regional District Directors, Susan Roline, Herb Graham, and himself.

Randy Murray, Area “M” Director, introduced the presenters, Fraser Basin staff, and recognized the groups and organizations represented in the audience. He reminded the meeting participants that the meeting was the first but was not the beginning of the effort to plan the future and guide the development of Nicola Lake; he acknowledged that many people and groups have been working for many years on Nicola Lake. Randy added that this meeting would help provide a baseline to move forward from and thanked everyone for attending.

#### **Mike Simpson, Fraser Basin Council Facilitator**

Mike stated that it was understood that this is not the first time that people have addressed issues or commenced planning around Nicola Lake or the watershed. It was also recognized that other planning processes have taken place including the Water Use Management Plan (WUMP). This planning process will not redo work that has already been done nor will it duplicate efforts.

## **Meeting Objectives**

1. Share information on the current state of Nicola Lake
2. Gather feedback from participants on issues or concerns about Nicola Lake
3. Receive input from participants on the development of a strategic plan and integrated planning and management process
4. Develop relationships and engagement of all orders of government (local, provincial, federal, first nations), landowners, industry sectors and the public

The mandate of the Fraser Basin Council (FBC) is sustainability – the integration of environmental, economic, and social issues. The FBC is a non-profit organization that facilitates “messy issues” that cross many jurisdictions that require multiple parties to find solutions. FBC has no agenda for Nicola Lake, is consensus based and operates using an inclusive process. Watersheds and watershed planning is one of the three strategic priorities for the Council. For more information on the Fraser Basin Council and watershed planning go to the Fraser Basin Council Guide on Water and Watershed Planning at: [www.rethinkingwater.ca](http://www.rethinkingwater.ca)

Strategic planning has two basic parts; the plan (the what) and the planning process (the how). In order to develop a strategic plan we need to figure out what you want Nicola Lake to look like in the future and then through collaboration between orders of government, develop the process to get there. Everything cannot be covered in a three hour meeting, hence the agencies with current regulatory responsibilities will present during this first meeting but there are many more perspectives involved.

The basic, generic steps in the strategic planning process for Nicola Lake are as follows:

- Collect issues and opportunities (tonight);
- Develop a vision, goals and objectives for Nicola Lake;
- Develop strategies to achieve vision, goals and objectives;
- Implement the plan;
- Monitor and evaluate.

## **Presentations**

### **Teri Ridley, Fisheries and Oceans Canada**

#### **Fish & Fish Habitat**

Fisheries Act definition of fish habitat: Fish habitat includes the water, the riparian area, foreshore, shoreline, native aquatic vegetation and the bed of the lake.

The definition of fish habitat is broad because different fish species and different life stages of those species have different habitat needs. For example, what a juvenile requires is different from an adult and what a Chinook requires is different than a burbot.

Fish habitat is broad but also complex; the riparian zone, the transitional zone between the water and dry upland areas, is important because it:

- Traps and stores sediment and nutrients – better water quality and clarity
- Filters and buffers water – both overland flow and within basin
- Provides and improves bank stability
- Stores water and energy - reduces damage from high water levels and wave action

- Maintains biodiversity

Jurisdiction around fisheries can be complicated. On Nicola Lake, the Federal Department of Fisheries and Oceans (DFO) manage salmon fisheries, the Provincial government manage resident fish and steelhead, and both work closely with local first nations. There are several Acts, outside of the Fisheries Act, that apply to working on or near water including the provincial Land and Water Acts and the federal Navigable Waters Act.

There is a Foreshore Inventory Mapping (FIM) project on Nicola Lake; similar projects have been conducted across the province. This mapping based project collects many different types of data including but not limited to land use, habitat modification, and level of impact. According to the FIM data, there is only 9.1% of the Nicola Lake Foreshore that has not been impacted as of 2001. The 2006 FIM report is available online at [http://www.cmNBC.ca/atlas\\_gallery/nicola-lake-habitat-atlas](http://www.cmNBC.ca/atlas_gallery/nicola-lake-habitat-atlas)

There are many resources available to the public regarding shoreline care. The Shuswap Lake Integrated Planning Process (SLIPP) website has a transferrable set of management guidelines available at: [www.slippbc.com/shoreline](http://www.slippbc.com/shoreline) and for more information go to the *Working near Water* website prior to starting a project on or near the water at: [www.dfo-mpo.gc.ca/habitat/habitat-eng.htm](http://www.dfo-mpo.gc.ca/habitat/habitat-eng.htm)

### **Megan Williams, FrontCounter BC**

#### **The Permitting Process**

FrontCounter BC (FCBC) is part of the BC Ministry of Forests, Lands, and Natural Resource Operations and is a one stop shop if you have questions regarding working on or near water. There are 28 FCBC offices across the province and these offices are the intake for all natural resource applications.

Crown land allocation is permitted by FCBC. In order to obtain tenure for use of Crown land property owners must go through the application and permitting process. Around a lake, Crown land includes all the land below the high-water mark including the foreshore and lake bed. The high-water mark is the highest point of water, which is 625.83 meters elevation above sea level on Nicola Lake. If property owners are unsure of their property boundaries, they will need to hire a professional land surveyor to determine their exact location.

FrontCounter also administers water allocation in accordance with the BC Water Act. In order to build any structure for example, a dock or to conduct any other work below the high-water mark, property owners are required to apply through FrontCounter BC for authorization.

#### **FCBC Contact Information**

- [www.frontcounterbc.gov.bc.ca](http://www.frontcounterbc.gov.bc.ca) link to authorizations and Virtual FrontCounter
- [www.frontcounterbc.gov.bc.ca/mapping/index.html](http://www.frontcounterbc.gov.bc.ca/mapping/index.html) link to Discovery tool
- **1-877-855-3222 (North America Toll Free)**
- **Merritt Office:** 3840 Airport Road (off of Hwy 5A) Phone: (250) 378-8400
- [www.youtube.com/watch?v=VjFrUY7zbQU](http://www.youtube.com/watch?v=VjFrUY7zbQU) video tour of FrontCounter BC

### **Pat Tobin, Compliance & Enforcement Section Regulatory Compliance**

Pat is the manager of Compliance and Enforcement (C & E) in the Cascades District. The C & E mandate is to manage water issues in this semi-arid area of the province; water quality and quantity are the two primary parts of their mandate.

The Water Act and the Land Act are the two many tools that C & E uses to ensure that the management of Crown land is according to the laws of the Province. The first step is to bring property owners into compliance. Owners are first contacted and informed that they need tenure, and then they are directed to FrontCounter BC to begin the permitting process.

Compliance and Enforcement are linked with the Shuswap Lake Integrated Planning Process (SLIPP) and have been very interested right from the beginning of the process. C & E have been working on a project in the Sicamous Narrows that included inspecting 65 structures to see if they are in compliance with regulations. The issues in Nicola Lake are likely not that different from Shuswap Lake.

C&E looks at moorage, marinas (permits/licences/allocations). For example, there are houseboat operators that feel they have a right to ground boats on Crown land, they don't. They also work with water use related issues such as diversions and foreshore development issues including grounded docks, and groynes. Groynes have a huge impact on fisheries; they are structures that need permission in order to be built.

There are also issues with commercial operations operating without authorization. If a commercial operation does not have tenure/authorization, they cannot be insured. If someone was injured at the operation, the Government would have to provide compensation. If property owners are planning to work on or near water, please call FrontCounter BC.

**Dennis Einarson, Ministry of Environment  
Water Quality**

Dennis was not able to attend the meeting

**Jeptha Ball, Public Safety and Protection Section  
Nicola Lake Dam Operations**

The Nicola Lake dam was built by Nicola Ranch in the 1920s for irrigation and power generation. In the early 1980s the Ranch wanted to abandon the dam. The current dam was reconstructed in the mid-1980s and upgraded in 2005 using Federal, Provincial and Municipal funding.

The dam reconstruction was meant to provide water for expansion of irrigation, fisheries maintenance flows and downstream flood control. Construction problems resulted in partial development of design storage potential. All storage rights on lake are held by the Federal Government (DFO) and Province of BC (MFLNRO), all other current licences on lake are baseflow type. Since the 1990s the dam has been operated by the Provincial Government.

From April through September, inflow volume forecast are provided by the River Forecast Centre in Victoria. Weekly and daily inflow rates must be estimated from current conditions and weather forecasts, variables include:

- Snow cover and melt conditions
- Temperature

- Rainfall
- Current streamflow (inflow and outflow)
- Operator experience

All of the historical lake level and flow information is kept and used to help current operations. This past year, the dam management was highly successful as there was no flooding below the dam and no algae bloom. It is uncertain as to which variable or combination of variables resulted in such a successful year at the dam.

**Randy Murray, TNRD Area “M” Director**  
**TNRD Role**

The TNRD Regional Growth Strategy is an overarching global statement and includes the following:

- *“Protect & enhance the quality and quantity of the water of the region’s lakes, rivers, streams and groundwater source”*
- *“Develop measures to identify, conserve and protect environmentally sensitive areas”*

Nicola Lake is designated a “Critical Lake“ under these Guidelines due to water quality concerns, and a “Special Case Lake” due to irrigation and agricultural use.

**Critical Lake Management Guidelines:**

- To prevent water quality deterioration and to avoid further development or overcrowding of surface water, lakes classed **Critical** should be subject to **no** further residential subdivision or development of shore lands.
- Additional development or residential subdivision conforming to existing land use regulations (e.g., already zoned) may be considered provided no additional nutrient input into the lake is allowed.

**Special Case Lake Management Guidelines:**

**Special Case Lakes** have significant features. Their present or proposed uses require special planning such as a Lake Management Plan, before further development can be considered.

**Zoning Bylaw 2400**

LR-1 Zone - The purpose of the LR-1 Zone is to regulate low-density lake-oriented residential development. Minimum parcel size is 4000 m<sup>2</sup> if connected to community water and sewer or one hectare if no community services. Additionally, development must meet the Lakeshore Development Guidelines.

Riparian Areas Regulation - 30 metre setback unless a Qualified Environmental Professional approves a smaller Streamside Protection and Enhancement Area

Floodplain restrictions:

- Floodplain Setback (Horizontal) - 15 metres from natural boundary of Nicola Lake.
- Floodplain Elevation (Vertical) 627.9 metres GSC

We are looking at the whole picture, not any one perspective, inflow, communities, steelhead, Area “I”, etc.; we are not limiting our thinking. The funding has been applied for, we will find out at the end of September, \$500,000, if not there is \$100,000 that we will use to develop a sound long term

strategy. We need a long term strategy but some short term wins too, we need to see some change here.

### **Questions to Presenters**

1. Question: What is “SLIPP”?  
Answer: The Shuswap Lake Integrated Planning Process
2. Comment – The LR 1 zoning, 4000m<sup>2</sup>, has been in place since 2004, the ancillary building size has changed
3. Comment – SLIPP guidelines include docks, there is lots of information on dock design available
4. Question: What is wrong with having a dock on the beach (grounded dock)?  
Answer: Grounded docks disturb juvenile fish migration, aquatic vegetation growth, the flow of the water etc.
5. Question: How do docks work on Crown land?  
Answer 1: Below the high-water mark is the mean annual water mark, in a flood controlled lake there is wave action hence the high-water mark may be higher.  
Answer 2: Anything below the high-water mark is public. No structure can impede access to public land, you cannot obstruct walking on the beach, you can gate your dock but Crown land must be unobstructed.
6. Question: When a new water license is issued, is the dam regulated to include it?  
Answer 1: Water that is stored is not applied to any irrigation license downstream.  
Answer 2: When there is low water, DFO will request some water be released to allow fish to enter the river.  
Answer 3: Water is not drawn from the cool portion of the lake, if the temperature is too high, releasing water will not lower it.  
Answer 4: There are no new water licenses being issued for Nicola Lake.

### **Verbal Feedback from the Participants in the Room**

**The following is a list of feedback provided, without filtering/synthesis.**

1. What do you want Nicola lake to look like in the future
  - a. Eurasian watermilfoil under control and eventually eradicated
  - b. Aesthetically clear
  - c. Reduce blue/green algae
  - d. No cattle walking in drinking water
  - e. More water quality monitoring, into the lake not just at the lake
  - f. Clarity on how development occurs on the lake, residential/commercial
  - g. Good to have a vision for the Nicola valley, in the context of the lake- holistically
  - h. Ongoing successful flood control, operation of the dam
  - i. Communication from the dam regarding closures, to the people downstream
  - j. Would like to see balance ongoing, there are multiple users, need to keep a good balance, recreational/agriculture/transportation/traffic safety – the use of the highway
  - k. Would like to be able to dredge, would like to make the lake a little deeper and a little friendlier in spots, need to be able to change the bottom profile – for sailing needs

- l. Would like to have water storage in the larger watershed, look at other possibilities to store more water for all usages
- m. Carry on and incorporate the vision and goals from WUMP, round table etc.
- n. Align all orders of government with objectives of this plan, we need their support, buy in, commitment, dollars alignment, and cooperation
- o. Clean water, a nice place to visit and be a part of, but need to control money, politics, resources, if you don't do this then this is just a paper exercise
- p. Contained recreational development
- q. Need local governance, meaning a decision making framework
- r. We need a really good vision or the rest won't work
- s. We need to have local experts and local knowledge, need to use what already exists, WUMP etc.
- t. Master planning process – that includes a vision

## 2. Issues & Opportunities

- a. Agricultural water storage, water quantity
- b. Drinking water
- c. Milfoil
- d. Economic/environmental balance
- e. Sustaining agriculture
- f. Lack of clarity in development
- g. Flooding and the dam
- h. Water quality
- i. Need to dredge the narrows down to the dam
- j. First nations' food fisheries balanced with recreational fisheries, summer and winter (burbot) summer (kokanee). First nations need time to fish on the lake, need to be able to have the two types of fisheries flow together
- k. Recreational boaters/sea-doo's etc. – big loud boats and lake recreation
- l. Need a water quality presentation – water quality! Need water testing/monitoring and ongoing funding to do this
- m. Lots of wildlife on ranches including endangered species. Ranches provide large tracts of land, biodiversity.
- n. Economics – there have been lots of studies, areas are defined for development, development can fund activities on the lake, studies, provision of tax base
- o. Coon tail (aquatic invasive plant species) in the lake – it isn't confirmed present
- p. Terrestrial invasive species management? Prevention for aquatics, include invasive species
- q. Educational component – we need people to be educated about how to use the lake, deal with invasive species etc. We need bylaws for boat size/noise/speed etc.
- r. Erosion of lake shore

## 3. Who is missing that needs to be here?

- a. Terry Lake/Dennis Einarson as MoE representative
- b. Camp ground operators, BC Parks representative
- c. Quilchena
- d. Ed Fast
- e. Nicola Valley Rod and Gun Club
- f. Nicola Valley Naturalists

- g. Nicola Valley Community Watershed Roundtable
- h. Nicola Bay First Nation - Jamie Jack

**4. Lake or watershed?**

- a. Water Use management Plan looked at the whole watershed, took 6 years and 100 meetings and the plan was not implemented
- b. Lake for some short term actions and consider the larger watershed for a long term plan

**5. Next Steps**

- a. Focus on Nicola Lake for some quick wins, i.e. treat Eurasian watermilfoil
- b. Treat invasive species, conduct inventory
- c. Review WUMP recommendations, build on what exists
- d. Develop a clear vision

**6. Working Group Volunteers**

- a. Peter Schmidt – property owner
- b. Michael McDonald – property owner
- c. Kim Poupard - Kamloops sailing Association & QEP
- d. Guy Rose – property owner
- e. City of Merritt – Municipal government
- f. Randy Murray and Herb Graham – TNRD
- g. First nations
- h. Dave Pehl and or Teri Ridley - DFO
- i. Kim DeRose and or Dennis Einarson – MoE (water quality)

**7. When should we have a larger public meeting?**

- a. Spring

**Closing Comments**

“I am dedicated to finding funding for this process, we will make this happen.” ~ Randy Murray

For ongoing information and update on the Nicola Lake Integrated Planning Process please go to the website at: [www.nicolaplan.ca](http://www.nicolaplan.ca)