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**MEETING TYPE AND DATE:**

REGULAR COUNCIL MEETING – DECEMBER 7, 2021

**AUTHOR:**

STEVE PETRYSHYN – LANDSCAPE DESIGN TECHNICIAN

**SUBJECT:**

**CROWN LAND TENURE APPLICATION – PELMEWASH PARKWAY**

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**KEY ISSUE AND ESSENTIAL QUESTION:**

Does Council wish to approve the application for License of Occupation for two areas of foreshore along Pelmewash Parkway for Community Recreation purposes, allowing staff to continue with the permitting process for the construction of an accessible fishing pier and kayak launch?

**OPTIONS:**

- A. THAT Council approves the application for License of Occupation for community recreation purposes from the natural boundary (high water mark) to 200 metres out into Wood Lake, for the areas of foreshore that include the proposed accessible fishing pier and kayak launch (approximately 220 metres total length).
- B. THAT the application is denied, and the Pelmewash Accessible Fishing Pier and Kayak Launch project does not proceed.

**EXECUTIVE SUMMARY:**

**Key Information:**

A License of Occupation for two areas along the west shores of Wood Lake is required by the Province to proceed with permitting and construction of a proposed accessible fishing pier and kayak launch. With the support of the Ministry of Transportation and Infrastructure, the District has the ability to apply for License of Occupation along Pelmewash Parkway for community recreation use.

As part of the application package, a Council resolution is required. The attached map shows the general location of where the License of Occupation will be in effect.

**Relevant Observations:**

The District of Lake Country owns several waterfront park sites and waterfront road right of way sites that are used for recreational purposes. The Crown owns all lands below the natural boundary (high water mark); however, as the upland owner, or with approval from the upland owner in this case, the District can apply for tenure over the area below the high-water mark extending into water bodies. Currently, the District has License of Occupations covering the area in front of all District-owned waterfront property in Okanagan Centre and Carr's Landing, as well Oyama Isthmus.

To remain consistent and to ensure the District has control over areas of foreshore where public access is intended, it is important to apply for Licenses of Occupation. While these Licenses do not give exclusive use of the area under the Water Act, we do have the ability to restrict use and to be consulted by the Province before other tenures are issued.

**Strategic Questions:**

Will the application for License of Occupation contribute toward the successful completion of the Pelmeash Fishing Pier and Kayak Launch project?

**Strategic Relevance & Community Sustainability:**

This application follows through on strategies and principles in the Official Community Plan, Parks and Recreation Master Plan and the Pelmeash Parkway Concept Plan and will support improved access to our lakes.

**Key Result:**

Approval from the Province for License of Occupation on Wood Lake

**Desired Benefit of Key Result:**

As the aim is to move forward with completion of the project, License of Occupation on Wood Lake will allow the District to continue with permitting for the construction of an accessible fishing pier and kayak launch.

**Unintended Outcomes:**

There is no guarantee that the application will be approved by the Province.

**BACKGROUND/HISTORY**

Improvements to Pelmeash Parkway were completed in 2018, adding a major new lakeside recreational corridor to the District of Lake Country. Since opening, the multi-use path and other park amenities have been extremely popular with residents and visitors.

Subsequently, the Rotary Club of Lake Country and Oceola Fish and Game Club have chosen to work together with the District of Lake Country to create an accessible fishing pier and kayak launch to further enhance Pelmeash Parkway. The clubs are offering volunteer service and project fundraising to move this significant project forward, as it presents an excellent opportunity to further reinforce the positive impact they have within the community.

In 2021, a \$25,000 capital budget for design of this accessible fishing pier and kayak launch was approved by Council as part of the annual financial plan. Since that time, the District has engaged the services of a dock designer and environmental consultant to complete the necessary design and permitting works.

**DISCUSSION/ANALYSIS****Legislation & Applicable Policies**

The Ministry of Forests, Lands, Natural Resource Operations administers the *Land Act* and is responsible for the sale, lease and license of Crown lands throughout British Columbia. Tenure for the use of provincial Crown land, including the disposition of Crown land by lease, license of occupation, right-of-way, and easement, is issued under the Act.

**Technical Considerations:**

- **Impact on Infrastructure and Other Municipal Services**  
This application supports the vision for Pelmeash Parkway of providing safe public access to Wood Lake, promoting healthy lifestyles, and creating recreation and social opportunities for people of all ages and abilities. Denying the application would result in a lost opportunity to enhance this corridor further.
- **Impact on Staff Capacity and Financial Resources (Cost/Benefit Analysis)**  
The project has already received District funding. Denying the application would result in lost financial resources and staff time spent on the project to date.

**Comments from Other Government Agencies, Council Committees and Relevant Stakeholders:**

The District, through our environmental consultant, has had preliminary conversations regarding the design and permitting considerations with the Ministry of Forests, Lands and Natural Resource Operations. The locations

chosen for the fishing pier and kayak launch were coordinated with them to stay clear of identified kokanee zones for reasons of environmental responsibility and likelihood of approval with the Province.

**Consultation, Public Feedback, and Communication to and from the Public and the Applicant:**

The Rotary Club of Lake Country and Ocoila Fish and Game Club have been heavily involved throughout the design process. These organizations benefit from the successful completion of this project. Accessibility specialists at the Thompson Okanagan Tourism Association have contributed design input as well.

**ALIGNMENT TO COUNCIL'S VISION:**

This application for License of Occupation is aligned with Council's Vision and Mission Statement, notably within statements around healthy natural environment, sustainable infrastructure, inclusive community, balance, social wellbeing, and strategic decision making.

**ANALYSIS OF OPTIONS FOR CONSIDERATION:**

Two main options exist for consideration regarding the application for License of Occupation along Pelmeash Parkway for Community Recreation purposes:

- **Application Approved:** If Council elects to approve the application for License of Occupation, the District will submit to the Province for their review and approval. Provided the License of Occupation is granted by the Province, the District will continue with the permitting process for the proposed construction of an accessible fishing pier and kayak launch along Pelmeash Parkway.
- **Application Denied:** If Council elects not to approve the application, the permitting requirements necessary for Provincial approval will not be met and the project cannot proceed.

Respectfully Submitted,

Steve Petryshyn  
Landscape Design Technician  
Parks, Recreation and Culture

This report has been prepared with the collaboration of the following individuals:

COLLABORATORS	
TITLE	NAME
Manager of Parks & Facilities	Shaun Lesowski

This report has been prepared in consultation with the following departments:

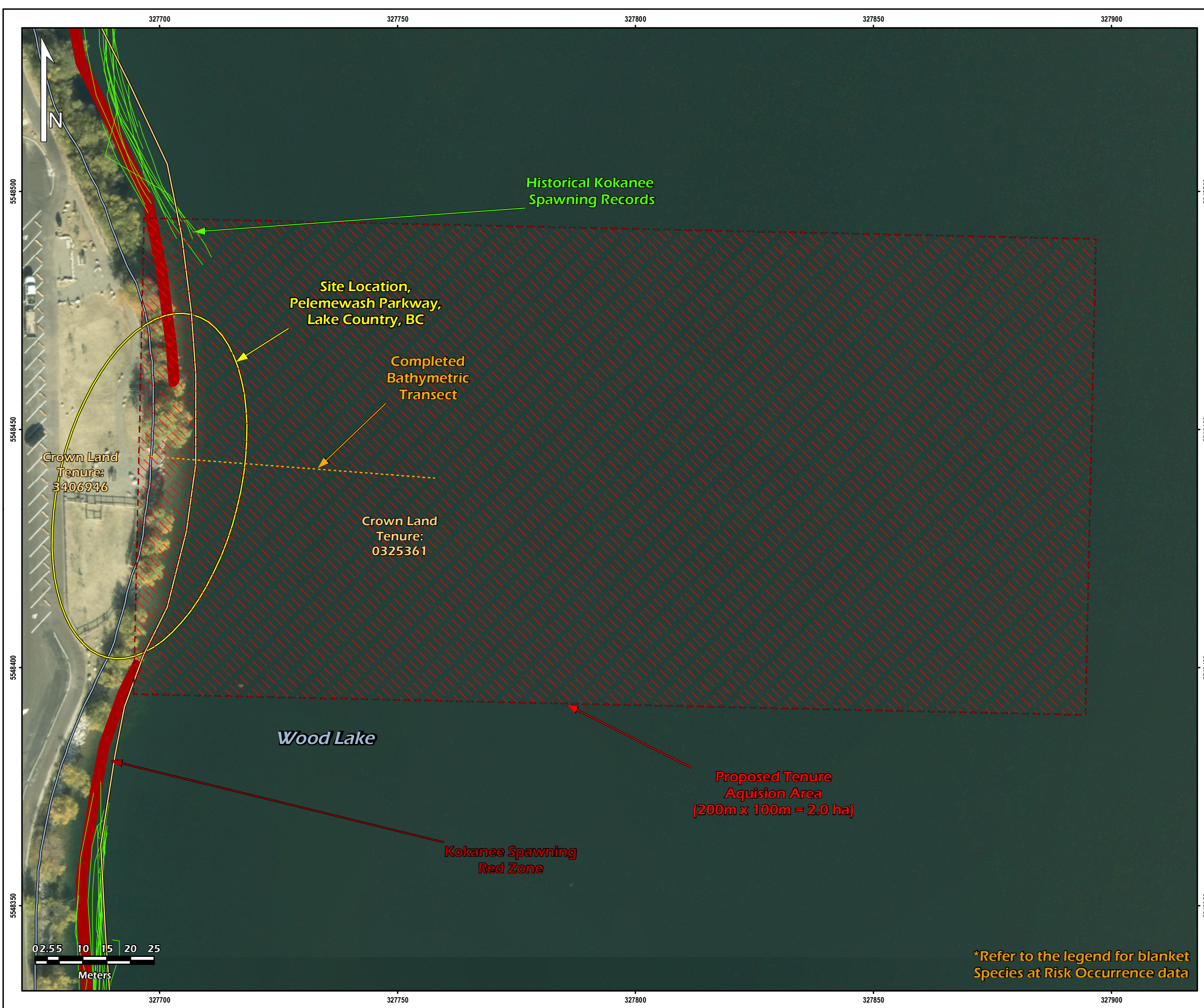
CONCURRENCES	
DEPARTMENT	NAME
Chief Administrative Officer	Tanya Garost
Director of Parks, Recreation and Culture	Matt Vader

**ATTACHMENTS:**

Attachment A – Proposed Fishing Pier Tenure Area

Attachment B – Proposed Kayak Launch Tenure Area





**FIGURE 1**  
**Proposed Fishing Dock Tenure Area**

**Project:**  
**Location:**  
**Project No.:**  
**Prepared for:**  
**Prepared by:**

Environmental Assessment  
District of Lake Country  
21-3841  
District of Lake Country  
Ecoscape Environmental Consultants Ltd.  
Dan Austin, GIS Specialist

**Coordinate System:**  
**Imagery:**  
**Field Visit:**  
**Map Date:**

NAD83-UTM Zone 11  
RDCO 2018/2019  
N/A  
November 22, 2021

**LEGEND**

●

 Segment Break

★

 WSI Incidental

▲

 WSI Survey

—

 Foreshore Inventory and Mapping (FIM)

▤

 Okanagan Critical Habitat (Species at Risk)

■

 BC Conservation Data Center (CDC) Polygons\*

□

 Existing Crown Land Tenure

□

 Site Location

□

 Cadastre

—

 Historical Kokanee Spawning Records

■

 Okanagan Large Lakes Foreshore Protocol

■

 Kokanee Spawning Black Zone

■

 Kokanee Spawning Red Zone

■

 Kokanee Spawning Yellow Zone

▨

 Foreshore Plants Black Zone

▧

 Foreshore Plants Red Zone

▩

 Foreshore Plants Yellow Zone

■

 Mussel Red Zone

■

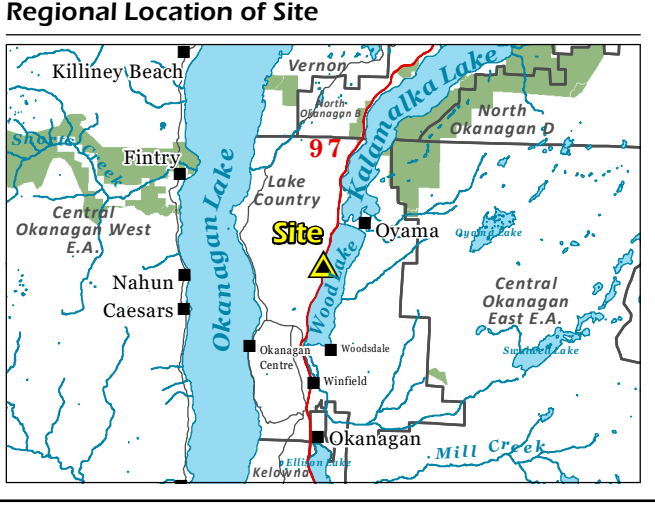
 Mussel Yellow Zone

\*A large Okanagan Critical Habitat polygon covers the entire map and subject property area representing the following wildlife species but is not shown on this figure:

- Western Rattlesnake (*Crotalus oregonus*)
- Desert Nightsnake (*Hypsiglena chlorophaea*)
- Great Basin Gophersnake (*Pituophis catenifer deserticola*)

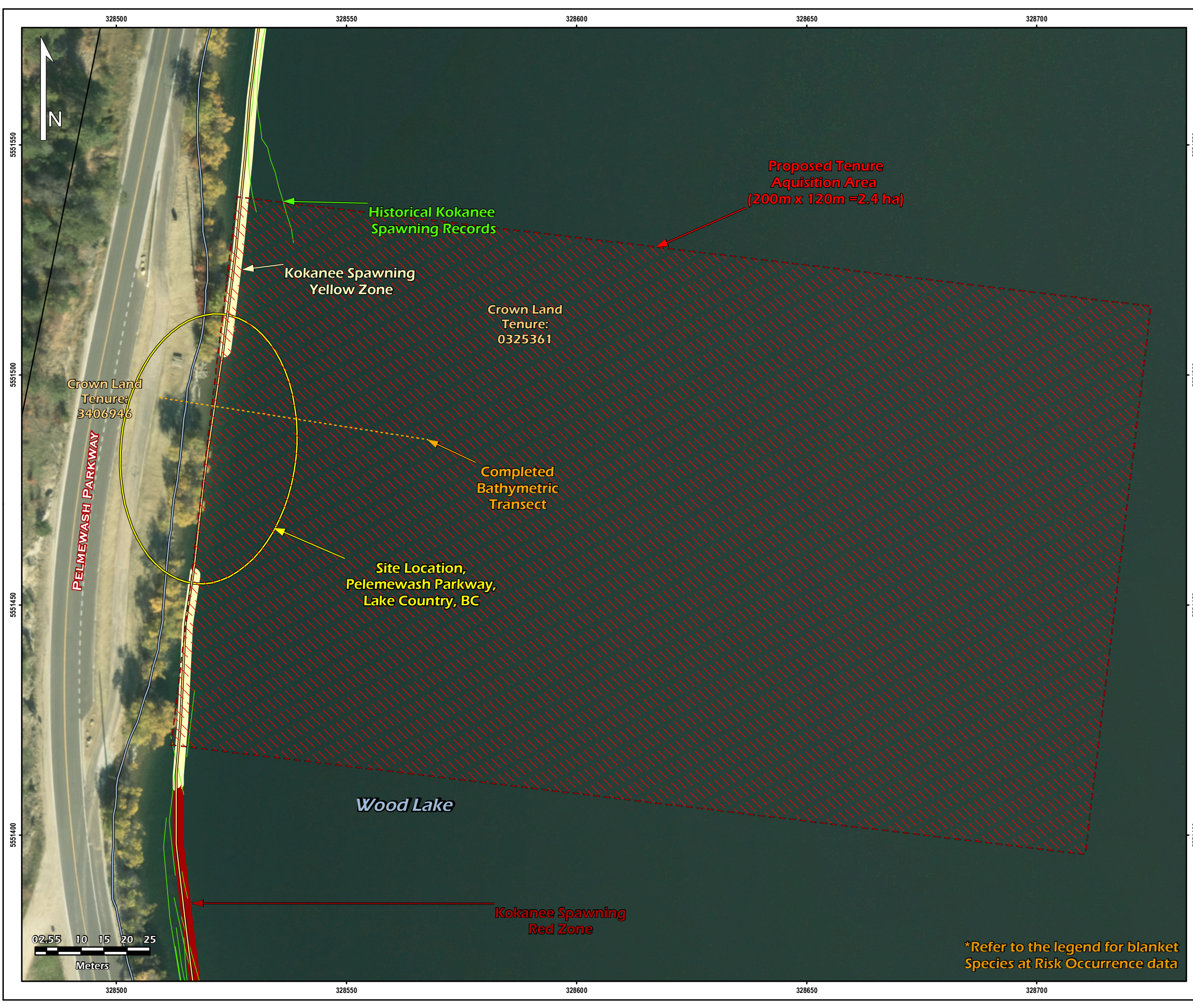
Large Conservation Data Center (CDC) polygons include:

- American Badger (*Taxidea taxus*)



**DISCLAIMER**  
The data displayed is for conceptual purposes only and should not be interpreted as a legal survey or for legal purposes. If discrepancies are found between the data portrayed in this report and that of a legal survey, the legal survey will supersede any data presented herein.





# FIGURE 1

## Proposed Kayak Launch Tenure Area

Project:	Environmental Assessment
Location:	District of Lake Country
Project No.:	21-3841
Prepared for:	District of Lake Country
Prepared by:	Ecoscape Environmental Consultants Ltd. Dan Austin, GIS Specialist
Coordinate System:	NAD83-UTM Zone 11
Imagery:	RDCO 2018/2019
Field Visit:	N/A
Map Date:	November 22, 2021

### LEGEND

● Segment Break

★ WSI Incidental

▲ WSI Survey

— Foreshore Inventory and Mapping (FIM)

▨ Okanagan Critical Habitat (Species at Risk)

■ BC Conservation Data Center (CDC) Polygons\*

□ Existing Crown Land Tenure

□ Site Location

□ Cadastre

— Historical Kokanee Spawning Records

**Okanagan Large Lakes Foreshore Protocol**

■ Kokanee Spawning Black Zone

■ Kokanee Spawning Red Zone

■ Kokanee Spawning Yellow Zone

▨ Foreshore Plants Black Zone

▨ Foreshore Plants Red Zone

▨ Foreshore Plants Yellow Zone

■ Mussel Red Zone

■ Mussel Yellow Zone

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- Desert Nightsnake (*Hypsiglena chlorophaea*)
- Great Basin Gophersnake (*Pituophis catenifer deserticola*)

Large Conservation Data Center (CDC) polygons include:

- American Badger (*Taxidea taxus*)

### Regional Location of Site

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\*Refer to the legend for blanket Species at Risk Occurrence data