



KLWPOS

KOOTENAY LAKE WATERFRONT OWNERS SOCIETY

CARING FOR YOUR SHORELINE

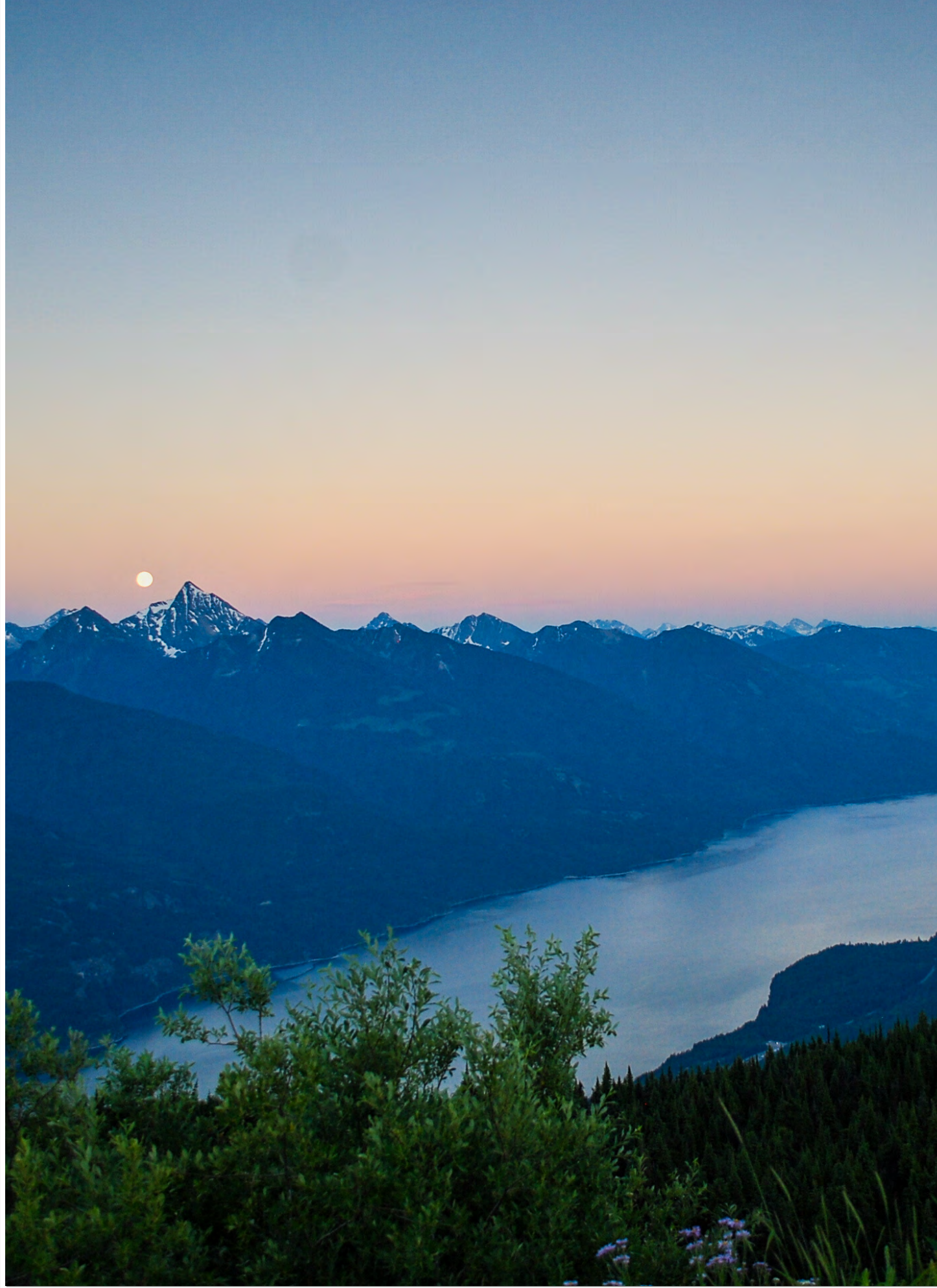
& OTHER WATERFRONT
OWNERSHIP INFORMATION

1st Edition

“

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to live in one of the
most beautiful
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”



A MESSAGE FROM THE PRESIDENT...

I remember how exciting it was when we purchased our waterfront property, something we had wanted for a very long time. We had huge plans to renovate the house and clear the yard, but our biggest dream was to build a dock to enjoy the lake to its fullest potential, which we did in year three.

15 years later, and having the opportunity of first-hand experience with waterfront owners on a day to day basis, it became clear some time ago that waterfront owners on Kootenay Lake needed a voice to communicate with governments. This led to the establishment of the Kootenay Lake Waterfront Property Owner's Society. Starting as the society's coordinator, I became the President of the Society in 2018 to help it prosper and to represent my fellow waterfront owner's views and concerns. Today, we have a secured advisory seat on the Kootenay Lake Partnership and over 80 subscribers to our e-newsletters, along with a thriving membership base.

We are lucky enough to live in one of the most beautiful places in the world, with a magnificent front row seat to the single best asset of the area – Kootenay Lake.

Whether you are new to owning waterfront or have lived on Kootenay Lake your whole life, my intention is that you find information in this guide interesting and helpful. If you haven't joined our society as a free subscriber or a paid member, we hope that you will consider doing so. Visit our website at www.klwpos.org

Be sure to take our fun knowledge test at the end to see how much you have learned!

Cheryl Graham

INTRODUCTION

Kootenay Lake, the water space itself, is public crown land and is governed by the Province of BC. Municipal governments also have some jurisdiction over their respective areas of Kootenay Lake.

‘Foreshore’ is the area between the high and low water marks – that area is also public crown land. The word foreshore seems to get thrown around a lot between waterfront owners, we’ve heard terms of foreshore rights and "foreshore leases", and we think these are old terms for outdated tenures. Foreshore, as mentioned above, is simply the area between the high and low water marks on Kootenay Lake.

As a waterfront owner, you are called the Upland Owner and have riparian rights to the water space fronting your property. Very simply that means that you have the right to unimpeded access to the water space fronting your property, and you also have the right to protect your private land from erosion. It does not mean you have exclusive use of any part of the Lake.

The goal of this booklet is to educate waterfront owners with environmental information, clear up some of the myths, provide some helpful advice, and help you navigate issues as they pertain to your own waterfront ownership. We have done our best to avoid too many web links that tend to change or stop working over time. When web links are used, we have also tried to provide a contact source or search reference terms.

legal Disclaimer: We aren't lawyers! This guide was written by waterfront owners for waterfront owners and is intended as a reference only.

Legal regulations are always subject to change. We have done our best to provide comprehensive and easy to understand information in plain language, but please – you should always check with the respective government agencies to see if rules or regulations have changed since the publication of this guide.

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ARCHAEOLOGICAL / CULTURAL INFORMATION – HOW IT PERTAINS TO WATERFRONT OWNERSHIP

Just like people are drawn to live by waterways now, it was the same all the way back in history to the pre-contact days. There are First Nations Groups with interests in the Kootenay Lake area. The Province of BC has a legal obligation to consult with these groups on any applications received for works and/or tenure applications on Crown Land. Therefore, if you make an application for any waterfront development, your application will be shared with First Nations for consultation purposes. As part of the application process you may be required to hire a professional archaeologist to undertake an archaeological assessment. If you are doing work on your shoreline (with a permit of course) and you come across an artifact, stop your works immediately and contact the government's Archaeology Branch at (250) 953-3334 or archaeology@gov.bc.ca.

FrontCounter BC also has a Chance Find Procedure on their website that provides more information.

<http://www.frontcounterbc.ca/pdf/archaeologicalchancefindprocedure.pdf>

(Note if this link isn't working for any reason, contact FrontCounter BC in Cranbrook – see their contact information in the Contact Sheet at the end of this guide and request the Archaeological Chance Find Procedures.

BOATING INFORMATION

BOATING REGULATIONS

On Kootenay Lake, like every other waterway in Canada, you are required to have proof of competency in boat operating skills. In British Columbia, this takes the form of the Pleasure Craft Operator's Certificate (PCOC), which certifies that you have successfully completed a boating safety course. There is no minimum age to receive the qualification, which is mandatory for everyone who operates a watercraft that has a motor and is used for pleasure boating purposes. There are several websites that offer the course and exam on-line, including the Transport Canada approved course at <https://www.boat-ed.com/canada/britishcolumbia/>

Once you have successfully completed the course (average cost is around \$40) your PCOC is recognized in all provinces of Canada and never expires.



Transport Canada offers prevention-based programs to reduce the safety risks and environmental impacts of boating on Canadian waters. For information on prevention programs and boating requirements, visit The Office of Boating Safety website.

For more information, contact the Transport Canada Office of Boating Safety Pacific Region at (604) 666-2681 or obs-pac-bsn@tc.gc.ca

The Canada Border Services Agency (CBSA) is responsible for border access, services and security. The Canada Border Services Agency web site details many answers to questions frequently asked by boaters. If any links above are not working – search Boating Regulations BC.

BOAT LAUNCHES ON KOOTENAY LAKE

NELSON

[Lakeside Park](#) public boat launch located at Lakeside Park beside the orange bridge. Unmonitored, not serviced. No overnight parking.

BETWEEN NELSON AND BALFOUR

[Kokanee Creek Provincial Park](#) Public Boat launch. No overnight parking except for campground guests. Not available during low water March-April.

BALFOUR

[Balfour Community Wharf](#), 7700 block of Balfour Wharf Road.

Not serviced, unmonitored. Can be tricky at high water.

[Balfour Beach Inn](#) 8406 Busk Road 250-229-4235 \$10 launch fee.

Not available year-round; call to check.

[Birch Grove Marina](#) 7048 Lee Road 250-229-4275 \$20 launch fee.

Fast current especially at high water. Available year round.

[Cedars Inn and Marina](#) 7782 Hwy 3A 250-229-4777 \$5 launch fee.

Fish cleaning table. Not available in winter.

AINSWORTH

[Woodbury Resort](#), Woodbury Creek 4112 Hwy 3A 250-353-7717 \$10 Launch fee, launch available all year. Boat Gas available. Pump out station \$25.

KASLO

[Lost Ledge Provincial Park](#) 25 km north of Kaslo.

Can be slippery especially at high water. Use extreme caution. Unmonitored and not serviced. Parking available.

[Schroeder Creek](#) Public Launch 15 km north of Kaslo.

No paved ramp. Not accessible in winter.

BOAT LAUNCHES ON KOOTENAY LAKE

HARROP/PROCTER

[Sunshine Bay Regional Park](#) 6915 Sunshine Bay Road Harrop
Unmonitored, not serviced

EAST SHORE

[Kootenay Bay Public](#) Launch beside Kootenay Lake ferry terminal
Unmonitored, not serviced

[Riondel Boat Club](#) 250-919-0345 \$10 per weekend, \$25 per year for launch privileges. Pay at campground or store.

[Crawford Bay Public Launch](#) just off Hwy 3A near campground.
Unmonitored, not serviced

[Fishhawk Bay Marina](#) 15660 Fishhawk Bay Road, Crawford Bay 250-227-9679 \$10 launch fee. Parking and boat gas available.

[Boswell Harbour](#) Hwy 3A at Boswell Road Launch by donation.
Unmonitored, not serviced.

[The Lakeview](#) 14729 Hwy 3A, Gray Creek 250-227-9367 Open year round depending on snowfall; phone to check. Boat gas available at the store.

[Kuskanook Harbour Marina](#) Hwy 3A Kuskanook \$10 single launch fee or \$50 for annual pass, pay at Wynndel Foods in Wynndel. Open all year depending on snowfall and water levels. Parking, toilets, picnic area available.

Boat Gas on Kootenay Lake

[Prestige Resort Marina](#) 701 Lakeside Drive Nelson 250-505-2689

[Kokanee Park Marina](#) 5110 Hwy 3A 250-825-9238 Please call to confirm as at the time of this guide, it was TBD.

[Woodbury Resort](#) 4112 Hwy 3A at Woodbury Creek, Ainsworth 250-353-7717

[Fishhawk Bay Marina](#) Fishhawk Bay Road, Crawford Bay 250-227-9679

[The Lakeview](#) 14729 Hwy 3A, Gray Creek 250-227-9367

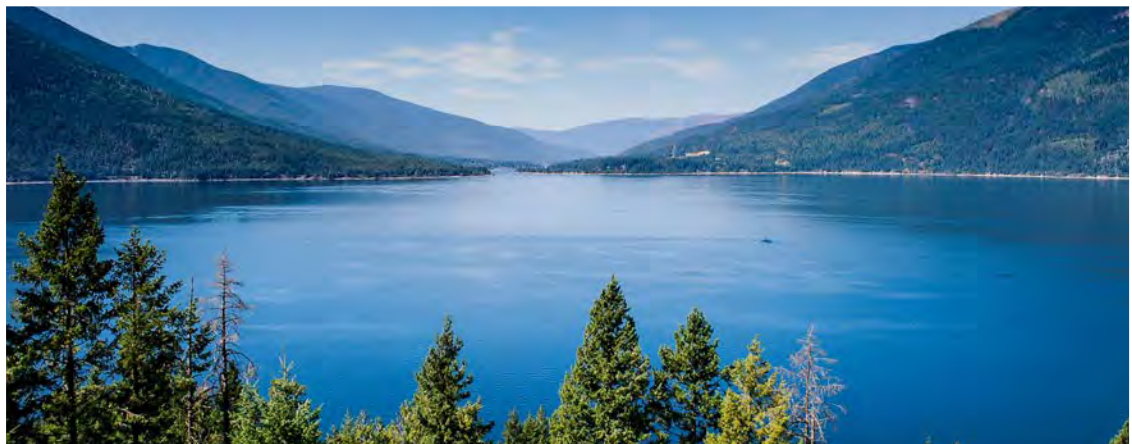
FISH HABITAT & WORK WINDOWS

On Kootenay Lake, the timing for working in and around the lake for the least disruption to fish habitat is from June 15 to August 31. The West Arm of Kootenay lake is slightly different than for the rest of the lake and lasts from June 15 to August 15.

If you are considering dock building, dropping anchors or pile driving – this is the time period of every year when these types of work should be conducted. Working outside of this work window does require a variance from our local Habitat Officer.

There are protected White Sturgeons and fresh water mussels (not to be confused with the invasive species) in certain areas of Kootenay Lake. As waterfront owners, we all need to do our part to protect these endangered species, which is why it's important obtain government permissions for our projects on or near Kootenay Lake. The government reviews our applications to ensure that we don't unknowingly damage one of the protected species

If your project requires any removal of vegetation, there could be other environmental windows regarding bird nesting to be considered.



GREY WATER & BLACKWATER

According to the Province of BC, Ministry of Environment: greywater is any wastewater discharged from showers, kitchen, bathroom and wet bar sinks, dishwashers, washing machines and hot tubs. Blackwater is wastewater from toilets. Section 13 of the province's Environmental Management Act, prohibits the discharge of both black and greywater from any vessel into Kootenay Lake.

Ministry staff is working in partnership with regional and municipal governments and local boating associations to achieve voluntary compliance. A key component of their strategy is education and a requirement that all vessels be equipped with heads and /or galleys to have the capacity to capture both grey and black water.

Pump Out Locations for boat discharge on Kootenay Lake:

Prestige Resort Marina 701 Lakeside Drive Nelson 250-505-2689
Marine gas, shore power, marine mechanic, boat pump out

Woodbury Resort 4112 Hwy 3A at Woodbury Creek 250-353-7717
Marine gas, boat pump out

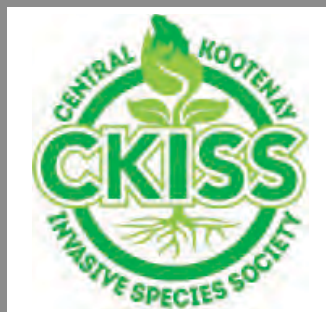
ENVIRONMENTAL ISSUES

Water Stewardship

Stewardship is about taking care of something we do not own. There are all different definitions of Water Stewardship, but as the Kootenay Lake Waterfront Property Owner's society, we define water stewardship as: The use of water that is socially equitable, environmentally sustainable and economically beneficial, achieved through a stake-holder inclusive process.

Invasive Species

The Central Kootenay Invasive Species Society (CKISS) is a non-profit group serving Kootenay Lake "striving to keep lakes pristine, forests lush, mountains healthy and economies thriving through education and managing invasive species in an effective way." Aquatic Invasive species are plants, animal and other organisms that have been introduced into Kootenay Lake where they do not naturally occur. They can spread rapidly and are difficult if not impossible to control. Just a few on the CKISS list of priorities for the Kootenay Lake area are on the following pages.



ENVIRONMENTAL ISSUES



Giant Hogweed



Curly Leaf Pondweed



Policeman's Helmet



Purple Loosestrife

ENVIRONMENTAL ISSUES



Didymo



Knotweed



Eurasian Water Milfoil

Of these, Eurasian Milfoil is of great concern in Kootenay Lake as in many other parts of the project. A study was conducted in Shawnigan Lake on milfoil and it is a goal of KLOWPOS to conduct a similar study on our lake. You don't have to look far to find milfoil growing along the shorelines of Kootenay Lake. You can help by joining our society at www.klowpos.org

ENVIRONMENTAL ISSUES

Here are some other things waterfront property owners can do to slow down proliferation of invasive aquatic species:

- Do not release your unwanted exotic pets or plants into the wild or discard of your aquarium and water garden debris into lakes, streams, rivers or storm drains. Species such as Red Eared Slider Turtles, American Bullfrog and Rusty Crayfish, as well as decorative seaweed varieties, have taken up residence in North American water bodies through inappropriate disposal of aquarium contents.
- Some invasive species have intruded on our waterways through cultivation in gardens. "Beautiful in your garden, but be aware" is a good rule of thumb. If invasive species are planted or unmanaged, they can quickly overtake your garden space, your neighbours' yards, and natural areas such as your waterfront. Do not plant or encourage invasive species in your yard or near your waterfront. One example is the Yellow Flag Iris. Although its flower is attractive, remove this plant if you have it, as it chokes out wetlands and impacts wildlife habitat if allowed to spread unchecked.



ENVIRONMENTAL ISSUES

- Aquatic water species can hitchhike from one body of water to another by attaching themselves to your boat and other water equipment. Species such as Zebra Mussels and Quagga Mussels can affect biodiversity in lakes, damage shorelines and equipment, and affect recreation activities. If you have used your boat in a province with these species of mussels in the last 30 days, you may need to have it decontaminated before relaunching into Kootenay Lake. Call 1-877-952-7277 (RAAP) to find out where to take your boat for decontaminating. It is illegal to import invasive species to British Columbia waterways.



- Clean, Drain, Dry all equipment, boats, motor, trailer, bait buckets and pets of aquatic debris before leaving. Never transport plants, sediment or live bait among bodies of water.
 - Do not share or purchase species that are invasive.
 - Properly dispose of aquatic invasive plants (dry out, bag and landfill or incinerate).
 - Learn to identify aquatic invasive species here: <https://ckiss.ca/species/aquatic/>
- The Invasive Species Council of BC (ISCBC) offers an in-person invasive species workshop and interactive e-learning opportunities.

Follow this link for more information: <https://bcinvasives.ca/resources/invasive-species-training/real-estate-and-land-use/> If any of the links above are not working – search Central Kootenay Invasive Species for more information.

SEPTIC SYSTEMS NEAR KOOTENAY LAKE

One of the concerns of waterfront owners are septic systems near the lake, especially older systems that aren't up to the standards of today. Interior Health advises that single sewerage complaints generally get reported to their Administration, call: 250-505-7200 option 3. The complaint is then assigned to the area EHO to follow up.

When the time comes for any septic system to be replaced, the new system will need to be done according to the current, more stringent regulations. Interior Health is the governing agency responsible for septic systems. Septic contractors are licensed. Homeowners wishing to install their own systems must do so under the guidance of a licensed septic contractor. Contact Interior Health with any Septic questions - see contact information at the back of this booklet.

SUNKEN / ABANDONED BOATS ON KOOTENAY LAKE

Sunken or Abandoned boats on Kootenay Lake can be reported to Transport Canada (see contact section for contact details.) Transport Canada will open files and deal with abandoned or sunken boats.

See Transport Canada contact information at the back of this booklet.

WATER QUALITY

The RDCK works with Interior Health for water quality monitoring on Kootenay Lake. Drinking water is checked for viruses, pathogens, turbidity and coliforms monthly. The RDCK has a responsibility to issue Boil Water Advisories when there is an unacceptable level of bacteria or organic material in the water supply. Beach water quality – water is tested by RDCK at Taghum Beach Regional Park for the presence of Fecal Coliforms during the summer season (June – Sept.) If acceptable limits are exceeded, a Swim Advisory notice will be issued by the RDCK. A swimmer's risk of infection is directly related to bacterial counts in the water. When the average E Coli counts reach 200 units per 100 millilitre sample, there is a potential for gastrointestinal illness, skin rashes, eye, ear and throat symptoms. The very young and elderly or those with weakened immune systems are more susceptible. Protect Yourself by avoiding swallowing water, swimming with an open cut or wound, or swimming for 24 hours after a significant rainfall. Also wash your hands before handling food after swimming in the lake.

KOOTENAY LAKE LEVELS

Fortis BC monitors the levels of Kootenay Lake as it is vital to the operation of their four hydroelectric dams on the Kootenay River. The lake levels are governed by the 1938 International Joint Commission order. For more information on Kootenay Lake Levels visit <https://www.fortisbc.com/in-your-community/kootenay-lake-level-monitoring>

If this link isn't working, search Fortis – Kootenay Lake Levels.

GROYNES

Groynes are piles of rocks extending into the lake, generally put there by waterfront owners to establish their property lines or to maintain sand. There are 2,000 of them on Kootenay Lake and they are NOT environmentally friendly. The fry (baby fish) along the Kootenay Lake shorelines have to navigate around the groynes where predators hang around. Please don't build any more of these. If you have them, apply for Section 11 Approval and remove them responsibly.

Be kind to Kootenay Lake and spread the rocks back out.

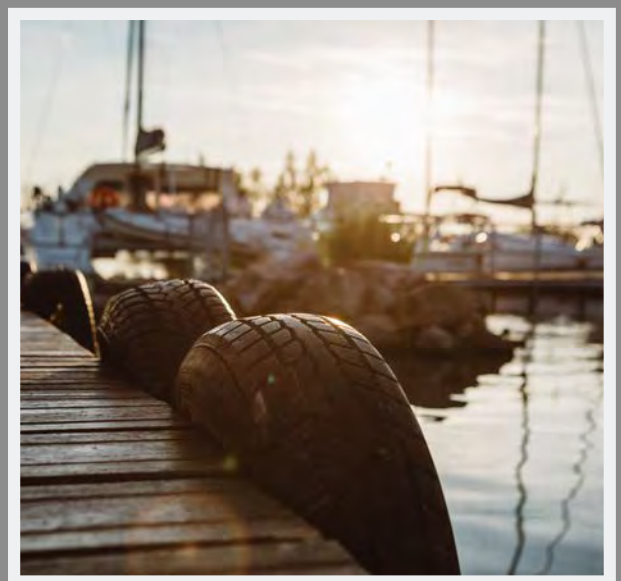


DOCKS WITH STYROFOAM FLOATS OR TIRES



Unencapsulated Styrofoam is no longer allowed under the Best Management Practices for dock building. If you have unencapsulated Styrofoam it will break down over time and pollute the shorelines. You've probably seen the white Styrofoam beads or blue /yellow chunks. We are asking fellow waterfront owners to remove any unencapsulated Styrofoam and take it to the dump.

Tires should never be used in dock building whether for stabilization or bumpers. Tires seep chemicals that are harmful to fish – if you have them on your dock, please remove them from the lake by bringing them to the dump.



INFRASTRUCTURE AND DEVELOPMENT

PRIVATE LAND – is area within your surveyed property.

If you wish to develop anything on private lands, you need to contact RDCK with regards to restrictions, regulations and building permits. See contact information at the back of this booklet.



CROWN LAND – this is any area beyond your surveyed property, which includes your foreshore (the area between the high and low water marks) and the Kootenay Lake itself (in the case of dock building). You must have approval from the Province before you install anything on Crown land- this approval is called a Crown Land Tenure.

Crown Land Tenure applications are handled through FrontCounter BC. See contact information at the back of this booklet.

NEW INFRASTRUCTURE

Government Permissions: If you are planning to build a new dock or some other infrastructure like a boat ramp, retaining wall or deck which will be built on Crown Land, the area along the shoreline past your property lines and including the lake, your first step is to call FrontCounter BC in Cranbrook (see contacts section) and talk to them about your project. Have them give you some input regarding your site, ask them to look up your property for you. FrontCounter BC is the in-take portal for both environmental and land tenure applications that you may need. Permissions are the responsibility of the waterfront owner, you can also hire someone to Act as your Agent. An Agent working on your behalf will be legally responsible for your application.

You are responsible as the upland property owner to obtain all government permissions you need to undertake any waterfront building project.

There are areas in Kootenay Lake (the water space) called Reserves, the government calls these 'Application Only Areas,' however, realistically from our experience, applications are not approved for any type of development, like docks, in areas of Reserves. FrontCounter BC is the best resource to check with regarding your property and any reserves in the waterspace. Our understanding is that reserves in Kootenay Lake have been placed for environmental reasons, like protection of fish spawning areas, or in areas of conflict. The government does not notify upland property owners affected when a new reserve is implemented, and we have seen many new reserves implemented all around Kootenay Lake over the last decade.

There are also municipal government by-laws to be consulted – refer to the contacts section at the end of this booklet.

You can also access an excellent resource called the Kootenay Lake Shoreline Guidance document which discusses all types of potential waterfront works – see the Regulatory Section of the booklet for more information.

PROVINCIAL APPLICATIONS

Modification Applications are called Section 11 Notification or Approval for Instream Works (under the Water Sustainability Act of BC.) You can access these applications through the FrontCounter BC website <https://portal.nrs.gov.bc.ca/web/client/-/change-approval-for-work-in-and-about-a-stream> (if the link doesn't work, call FrontCounter BC in Cranbrook and have them send you the link or walk you through finding it through their website.)

1. Section 11 Notifications are generally for dock building, dock removals, major dock renovations, pile driving, pile removals, anchors. At the time of writing this, there is no government fee to submit a Notification application and it is processed in 45 days.
2. Section 11 Approvals are generally for alterations to the shoreline, including moving rocks, dredging, rail systems, boat ramps, that type of thing. At the time of writing this guide there is a government processing fee of \$250 (plus GST), and the time to process this type of application is unknown. If you need to make this type of application, give yourself plenty of time – several months to a year or more.

Then there is the Lands part of the application, which means getting permission to use Crown Land, including the foreshore and any area of Kootenay Lake. In terms of private docks (called Private Moorage) there are primarily two types of government permissions:

PROVINCIAL APPLICATIONS

Private moorage is the most common permissions for residential docks. Only one private moorage is permitted per property regardless of the size of the property.

<https://www2.gov.bc.ca/gov/content/industry/crown-land-water/crown-land/crown-land-uses/residential-uses/private-moorage>

General Permissions – this permission is for small docks owned by the upland property owner that meet set back regulations, width & length restrictions (generally set back at least 5m from neighboring properties and a maximum of 3 meters in width for new docks.) There are more regulations to this type of tenure so make sure you get a copy and read the entire thing to make sure your project qualifies. If so, then you will not need another Land Tenure and the General Permissions is your Tenure from the government. Basically, the government has already done all the checking and consultations for this small dock size, so you don't need to go through a complicated process. Please Note:

General Permission docks are not allowed in 'Application Only Areas' or within Reserve areas.

Supporting information is available in the General Permission Checklist and Interpretive Guide (PDF).

Specific Permissions – this is written permission for a dock that does not qualify under General Permissions due to size or for any other reason. This type of application requires a processing fee of \$250 (plus GST), site photos, scaled drawings and a management plan. After the application makes it through FrontCounter BC, you will also be responsible to pay for newspaper advertisements informing the public about your intended project. The government will also send the application to Indigenous Groups with an interest in the area for consultation.

More information and the online application is available [here](#).

PROVINCIAL APPLICATIONS

This application as well as the Section 11 Notification goes through a complex network of government agency and public referrals. You may receive letters/invoices from Indigenous Groups requesting that you pay a consultation fee. Payment of these fees is voluntary. Both First Nations and the Province have a legal responsibility to consult on applications received on Crown land; payment or non-payment of these fees does not impact the decision on the application.

If you are required to engage Habitat Consultants or Archaeological Consultants to prepare reports to support your application as part of this application process, that decision will be made by the government during your application process. The government representative who is processing your application will write to you to advise what is specifically needed.

There are other types of dock and infrastructure permissions called Licenses of Occupation, Leases, Strata Moorage and Commercial Marinas.

If your project does not qualify under Private Moorage, FrontCounter BC in Cranbrook can help you to determine the appropriate type of application for your specific waterfront development project.

Also, check with your municipality for any other local regulations, specifically the City of Nelson, Village of Kaslo, or RDCK as they have additional regulations in their jurisdictions.

Refer to the Contacts Section at the end of this booklet.

Feel free to contact us at klwpose@gmail.com if you require administrative assistance for these applications.



EXISTING INFRASTRUCTURE

Registrations

A registered dock or any waterfront infrastructure which is built on Crown Land is an asset to a waterfront property while an unregistered infrastructure can be a liability. The Kootenay Lake Waterfront Property Owner's Society, we encourage all waterfront owners who have docks to register them.

How do you know if your existing dock is registered with the Province?

Firstly, a bill from BC Assessment does not mean your dock is registered with the Province. A couple of years ago BC Assessment decided to tax all docks whether they are registered or not.

Secondly, there is NO such thing as grandfathered when it comes to dock registrations.

If your dock meets General Permission guidelines – then there is no lands registration to do, the general permission is your permission.

If your dock does not meet General Permission guidelines – you can call FrontCounter BC to find out if your dock is registered. If you don't have any paperwork, chances are it's not. You should register your dock under the same Specific Permission application or other process as if it were a new dock, however, you will not need to complete an environmental Section 11 application unless you are wanting to do more work.

If you have an existing dock located within a Reserve area, then the Province will not accept an application to register it, therefore your dock is in Trespass and it's future is uncertain. It is possible at some point in the future the Province may possibly ask you to remove it. It's probably not a good idea to invest money into something the Province could possibly make you remove.

DERELICT DOCKS

Sometimes an old dock washes up on your shoreline – what do you do?

We have not been able to find out anything you can do about this except to dispose of it in an environmentally responsible manner. Which means getting it away from the shoreline if possible, dismantling, recycling recyclable parts and taking the rest to the dump, or hire someone to do it for you.

MOORING BUOYS

There is no government registration application for mooring buoys on Kootenay Lake. Mooring Buoys are governed by Transport Canada. There are regulations about how close they can be installed to existing infrastructure and other mooring buoys, markings, etc, but there is no mandate about owning the upland property in order to install a mooring buoy.

<https://portal.nrs.gov.bc.ca/documents/10184/0/Mooring+Buoy+FAQ/6223d9a9-7aaf-28b3-d691-fb888fa605dc>

If this link doesn't work, search Mooring Buoy Regulations BC or contact Transport Canada (see the Contacts Section at the end of this book.

BEACH MAINTENANCE

Protect the health of your beach:

- by not feeding birds
- keeping your pets on a leash away from the beach
- don't discard food on the beach or change a baby's diaper on the beach
- never bury waste in the beach sand
- never use Round Up or Pesticides on your beach

DEVELOPING YOUR BEACH

Before you plan to do or create any of the following, it is imperative that you do your research:

- aquatic vegetation removal
- dredging
- infilling and beach creation
- erosion control and shoreline sediment control structures
- water withdrawal and use
- land development within 30 meters of the shoreline

Different projects will require guidance from and compliance with different levels of governments. Anyone who is planning to do work on Crown Land must first contact FrontCounter BC (see contact information in the back of this booklet.) Also refer to the sections of this booklet on 'permits & permissions' and 'regulatory' for more information.

Even though the area near the high water mark is private property, the crown and public still have an interest if you are considering doing any work, therefore a Section 11 Notification is required.

Whatever your plans, it is important to bear in mind the health and sustainability of the lake and its ecosystem.

LANDSCAPING YOUR BEACH

Waterfront property owners tend to want to improve their beach area with grooming and clearing vegetation, building rock or retaining walls, importing sand, and moving boulders. While this type of landscaping can be tempting—who doesn't like a nice clean expanse of sand? The truth is that it can be harmful to the health of the lake and its inhabitants. If every property owner does even a little bit of "improvement" to their piece of shoreline, the cumulative effect on the lake can be detrimental.

Those weeds growing in your sand are effective in preventing that sand from eroding away during rain, snow melt, and high water. The rocks and boulders provide habitat for living creatures like insects and snakes. Natural indigenous plants attract bees, butterflies and birds. Small rocks in the lake provide protection for fry.

How much beach do you really need? If you have a beach, consider portioning part of your beach and returning it to its natural condition. Some area landscapers can suggest native plants and assist with planting recommendations.

A permit may be required to remove vegetation from your beach. See the contact section at the back of this booklet and get in touch with the RDCK.

We all want to do what is good for the lake, to keep it and its eco system healthy and sustainable into the future. Doing that can help you enjoy your piece of paradise and keep it healthy while protecting your property's value.

BURNING ON YOUR BEACH

Having a beach fire or cleaning up debris left by high water?

All outdoor burning is regulated by the Southeast Fire Centre and the rules change according to conditions such as drought and rainfall. Size of fires are limited, or fires may be prohibited completely in summer months when vegetation is dry and rainfall scarce. Common sense rules apply including but not limited to size of fire; materials you are burning—please, no plastic or other toxic and noxious material; safety precautions including use of fire breaks (circle of stones around dug out pit, or a burn barrel or other fire safe structure intended for campfires) and having fire suppression and monitoring your fire until it is completely extinguished. For larger fires, you may need a burning permit which is available at the RDCK or through your town's municipal offices.



Southeast Fire Centre website has up-to-date information about current fire bans. Please consult it frequently especially during summer months. Severe fines and penalties may apply for non-compliance.

<https://www2.gov.bc.ca/gov/content/safety/wildfire-status/fire-bans-and-restrictions>

BEST MANAGEMENT PRACTICES FOR DOCK BUILDING

Do's

- Minimize the footprint of the dock – how big do you really need? Less is better for the environment
- Build your dock away from the shore area (to ensure construction materials are not dropped into the lake) then launch it into the lake
- Use decking that allows light to penetrate through, to benefit the submerged aquatic vegetation
- Use discontinuous flotation which allows the water to freely flow between the floats
- Use natural untreated wood, steel or aluminum frames

Don'ts

- Impede the public access along the foreshore
- Build or install docks in areas of shoreline fish spawning
- Disturb the vegetation on the shoreline area
- Redirect water flow with your dock
- Use pressure treated wood
- Use Styrofoam for flotation (it breaks down over time and pollutes the shorelines, fish eat it too)
- Use tires for flotation or bumpers (tires leach chemicals that are harmful to fish)
- Use creosote treated wood for docks or pilings

Although there are no specific government provided Best Management Practices for Dock Building specific to Kootenay Lake, there is a good reference from the Okanagan area found here:

http://www.env.gov.bc.ca/wld/documents/bmp/BMPSmallBoatMoorage_WorkingDraft.pdf

Search – Best Management Practices for Dock Building BC

DISPOSAL OF YOUR DOCK

The environmentally responsible way to dispose of a dock is to remove it from the lake and foreshore area if possible, disassemble the components.

Recycle any components that are recyclable and other components should be sorted and taken to the RDCK dumps or transfer stations. If you must disassemble the dock in or near the water, take care not to drop construction materials into the lake.

WATER LINES INTO KOOTENAY LAKE

Many waterfront owners have requested information on installing water lines into the lake for household use or irrigation purposes.

Some communities are on water meters and waterfront owners are looking for alternatives for washing cars or watering their gardens.

To draw water from Kootenay Lake, you will need to obtain a Water License:
<https://portal.nrs.gov.bc.ca/web/client/-/water-licence-application>

The water line application is available through FrontCounter BC.

If the link above is not working, contact FrontCounter BC for a new link.

None of our current members have gone through this application process, so if you do this, please let our society know how the process worked for you.



REGULATORY INFORMATION

ACCRETIONS

Accretions (a thing formed or added by gradual growth or increase) are a legal right of Kootenay Lake waterfront property owners. Basically, due to the changes in the historical levels of Kootenay Lake caused by the dams, some areas along the shoreline can be 'accreted' or joined to the upland property which makes your private property larger and closer to the shoreline. Normally this is done to the 'Natural Present Boundary.' If you think your property might be eligible for an accretion – contact a local Land Surveyor. There is a cost for the Survey and Land Titles Office Registration.

PRIVATE PROPERTY / PUBLIC PROPERTY

The foreshore area – which is the area between the high and low water marks is public. The public is allowed to walk along or use this area like any other casual use crown land area. Putting up a Private Property sign on your foreshore is like putting up a Private Property sign in a public park.

During times of high water on Kootenay Lake, there are some areas where the foreshore will actually become under water for a time, so if someone from the public is walking along the shoreline during that time, there is a potential for the public to be trespassing on private lands.

Here's a link for more information:

<https://www.bcnature.ca/wp-content/uploads/2015/03/Section4-17.pdf>

RIPARIAN RIGHTS

In very short and simple terms, as a waterfront owner, you have the right to unimpeded access to the water space fronting your property, but it is very vague as to how far out into the water those rights extend. You also have the right to protect your land from erosion, but that right is implied to your private land, any erosion protection on the foreshore area would require approval from the government. Here is a link to detailed information Riparian Rights in BC including some history – worth a read if this topic interests you.

https://www.obwb.ca/fileadmin/docs/riparian_regulations_BC_Gov.pdf

KOOTENAY LAKE SHORELINE GUIDANCE DOCUMENT

The Kootenay Lake Partnership (KLP) is a group of members from Fisheries & Oceans Canada, RDCK, the Lower Kootenay Bank, the Ktunaxa Nation Council, Canadian Columbia Inter-tribal Fisheries Commission, the Ministry of Forests, Lands and Natural Resource Operations, Ministry of Transportation and Infrastructure, Interior Health Authority and the City of Nelson. Your Kootenay Lake Waterfront Property Owner's society also has an advisory seat with the KLP and believe it is our single most important function as a Society, to ensure waterfront owner's have a voice with this group as we are ultimately the ones who live with some decisions made by this group.

There is a wealth of information in the Shoreline Guidance Document regarding all kinds of waterfront development, types of works allowed and not allowed, environmental information regarding your property, Indigenous consultation interests. This guide was originally designed for use by government officials, and governments often refer this first to waterfront owners seeking information. It is long and complicated, but in brief, it was created to bring all the environmental and cultural information regarding Kootenay Lake to one spot, and it is public.

<http://kootenaylakepartnership.com/wp-content/uploads/2018/08/Kootenay-Lake-Guidance-Document-FINAL-June-6-2018.pdf>

Tip: The Kootenay Lake Waterfront Owner's Society is concerned that the Shoreline Guidance Document can be interpreted by a waterfront owner inaccurately*. It may be understood that you should start your process for development by contacting an Archaeological or Heritage Consultants. Contact FrontCounter BC first to discuss any potential development projects before you spend any money on consultant fees. The government will also proactively advise you during the process should you require any consultant reports to support your application.

You should also access the Shoreline Guidance interactive map and look up your own property. Tip: *This is not a legal map so make sure you look up your property first on either the RDCK map to ensure you are looking at the correct property.

<http://rdck.maps.arcgis.com/apps/webappviewer/index.html?id=0255808369564091bae2f2756885edd8>

*Note that these Waterfront Owner's concerns have been communicated to the KLP on many occasions.

COLUMBIA BASIN TRUST

Post-World War II, people on both sides of the Canada-US border were beginning to use and demand more hydroelectric power, leading to both federal governments looking at ways to maximize the output of the Columbia River in supplying power needs to Canada and the US. Plans were drawn up to build three dams in British Columbia and one in Montana with no consultation with those who would be affected by the building of the dams—namely, the people who lived and worked in the Columbia River Basin. Thousands of hectares including farms, forests, and towns were flooded. BC got the largest number of water reservoirs from the damming, but these were unusable to build on as their water levels were controlled by the dams and couldn't be relied on by development around the reservoirs. All the downstream benefits were to the US through the hydroelectric power they were able to harvest from the project.

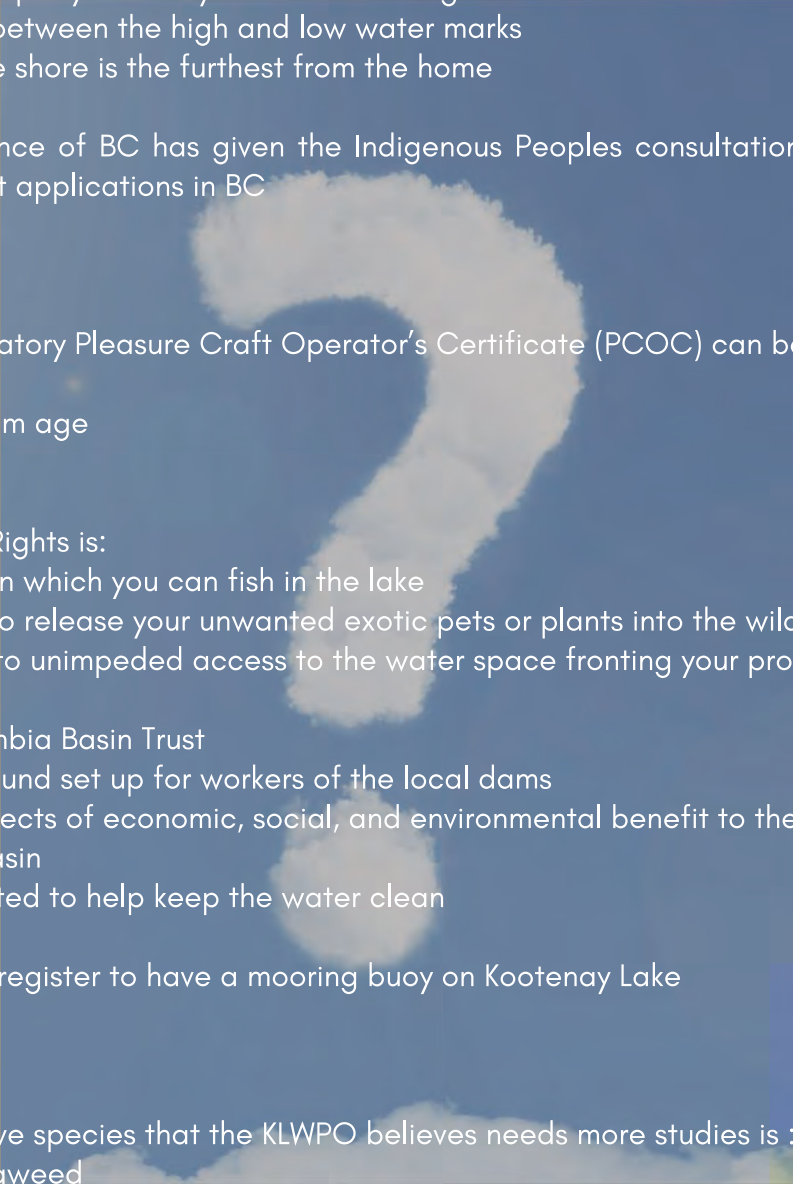
In response to the people of the Columbia Basin and their demands to share in revenue from the dams, and in restitution to the communities affected by the dams, the government in 1995 established the Columbia Basin Trust, endowing it with \$276 million for investments in hydroelectric projects and a further \$45 million for other investments. The trust invests the money in power projects, Basin businesses, and market securities which generate income. The income in turn funds projects of economic, social, and environmental benefit to the residents of the Columbia Basin.

Today the Columbia Basin Trust funds hundreds of projects, all of which benefit the Basin in one or more of the early criteria: economic, social or environmental projects. These projects are proposed by residents all over the Basin and funding is granted if the project benefits a significant number of Basin residents and criteria is met. This information document is one example of work funded by the Trust.

<https://ourtrust.org/>

WATERFRONT OWNERS KNOWLEDGE TEST

Fun test to review what you've just learned!

- 
1. "Foreshore" is:
 - A. private property that only the owner has rights to
 - B. the area between the high and low water marks
 - C. where the shore is the furthest from the home
 2. The Province of BC has given the Indigenous Peoples consultation on all waterfront development applications in BC
 - A. true
 - B. false
 3. The mandatory Pleasure Craft Operator's Certificate (PCOC) can be obtained at age:
 - A. 18
 - B. no minimum age
 - C. 21
 4. Riparian Rights is:
 - A. the area in which you can fish in the lake
 - B. the right to release your unwanted exotic pets or plants into the wild
 - C. the right to unimpeded access to the water space fronting your property
 5. The Columbia Basin Trust
 - A. is a trust fund set up for workers of the local dams
 - B. funds projects of economic, social, and environmental benefit to the residents of the Columbia Basin
 - C. was created to help keep the water clean
 6. You must register to have a mooring buoy on Kootenay Lake
 - A. True
 - B. False
 7. The invasive species that the KIWPO believes needs more studies is :
 - A. Giant Hogweed
 - B. Eurasian Milfoil
 - C. Yellow Flag Iris

Answer key is after electoral areas.

CONTACTS SECTION

Regional District of Central Kootenay

- Your best source of information for issues on your private land.

Telephone: 1-800-268-7325

FAX: 250-352-9300

Email: info@rdck.bc.ca

Office: Box 590, 202 Lakeside Drive, Nelson BC V1L 5R4

FrontCounter BC

- For issues on Crown land or in or on the water.

Nelson Telephone: 250-354-6333

Nelson FAX: 250-354-6332

Castlegar Telephone: 250-365-8600

Castlegar FAX: 250-365-8568

Cranbrook Telephone: 250-426-1766

Cranbrook FAX: 250-426-1767

Service Number: 1-877-855-3222

Email: FrontCounterBC@gov.bc.ca

Interior Health

- The governing agency responsible for septic systems and for water quality monitoring on Kootenay Lake.

Phone: 250-505-7200 (option 3)

Toll Free: 1-877-221-3388

Fax: 250-505-7211

Transport Canada

- Governs Mooring Buoys, will deal with abandoned/sunken boats and has information on prevention programs and boating requirements.

Telephone: 604-775-8867

FAX: 604-775-8828

Email: NPPAC-PPNPAC@tc.gc.ca

820-800 Burrard St, Vancouver BC V6Z 2J8

Central Kootenay Invasive Species Society

- Your best source of information for issues on your private land.

Telephone: 1-844-352-1160

Email: info@ckiss.ca

Office: 614 Josephine Street, Nelson BC

Ktunaxa Nation

Council Referrals Coordinator – Michelle Dunn
Telephone: 250-489-2464
Email: referrals@ktunaxa.org

Ministry
of Transportation and
Infrastructure

Telephone: 250-354-6318
Office: 310 Ward Street, Nelson BC V1L 5S4

Columbia
Basin Trust

Telephone: 1-800-505-8998
Email: info@ourtrust.org

City of Nelson

Telephone: 250-352-8260
Email: development@nelson.ca

Village of Kaslo

Telephone: 250-353-2311
413 Fourth Street, Box 576, Kaslo BC V0G 1M0



Kootenay Lake
Waterfront Property
Owners Society

<http://www.klwpos.org/>

klwpose@gmail.com

ELECTORAL AREAS

Electoral Areas in the Regional District of Central Kootenay have Comprehensive Land Use Bylaws (CLUBs) which outline in detail the regulations for planning and building in those specific areas.

You can find the detailed CLUBS here:

Area 'A' (East Shore): Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013
https://rdck.ca/assets/Government/Bylaws/Land~Use-Planning/2315_A_CLUB-2.pdf#search=%22building%20a%20dock%22

Area 'D' (Ainsworth): Electoral Area 'D' Comprehensive Land Use Bylaw No. 2435, 2016
https://rdck.ca/assets/Government/Bylaws/Land~Use-Planning/2435-D-CLUB_No_Schedules.pdf#search=%22building%20a%20dock%22

Area 'E' (Balfour, Harrop, Procter, Queens Bay, Bealby, Taghum Beach, Nelson to Cottonwood Lake):
https://rdck.ca/assets/Government/Bylaws/Land~Use-Planning/2260_E_OCP-1.pdf#search=%22building%20a%20dock%22

Area 'F' (Beasley, Taghum, Bonnington, North Shore of Kootenay Lake) Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2011)
https://rdck.ca/assets/Government/Bylaws/Land~Use-Planning/2214-F_OCP_Consolidated_2574.pdf

MUNICIPALITIES

Nelson: City of Nelson Official Community Plan No.3247, 2013
<https://www.nelson.ca/DocumentCenter/View/227/Schedule-A---Goals-Objectives-Policies-PDF>

Kaslo: Village of Kaslo Land Use Bylaw 1130, 2018
<https://kaslo.civicweb.net/document/8639>

THANK YOU

We are filled with gratitude for our sponsors – without their support, this publication would not have been possible.



Our Society's mission is to get this booklet printed and delivered to every waterfront owner on Kootenay Lake. If you or your company would like to sponsor this page to help us achieve our goal, please contact us at klwpos@gmail.com

We would also like to thank each of you for taking the time to read this booklet and we hope it has helped shed some more light on the rules, facts and information we can all benefit from for years to come!

