



July 17, 2009

Ministry of Tourism, Culture and the Arts  
PO Box 9846 Stn Prov Govt – 5<sup>th</sup> Floor  
800 Johnson Street  
Victoria, BC V8W 9T2



Attention: Peter Walters, Assistant Deputy Minister

Dear Sir:

**RE: Bear Creek Recreation Site Letter of Understanding**

This letter has been written to express our concerns regarding control of threats to drinking water sources from the trail network through the main channel, riparian zone, and surrounding slopes of Lambly Creek and tributaries.

The Bear Creek recreation site was created in 2001 by the Okanagan Shuswap LRMP. This designation provided Ministry of Tourism Culture and the Arts (MTCA) with authority to regulate recreation use in the area. The recreation area has been created over two Community Watersheds. Lambly Creek is under license to the Lakeview Irrigation District and Powers Creek is under license to the Westbank Irrigation District.

On May 27<sup>th</sup>, 2009 during a site visit to the Bear Creek Recreation Site by Rob Birtles, Drinking Water Technical Specialist for Interior Health, it was noted that two directional signs were placed within 10 ft of Bald Range Creek, a tributary to Lambly Creek, directing motorized trail riders through Bald Range Creek. The signs bore the Okanagan Trail Riders Association (OTRA) insignia. As MTCA is the recreational manager for this recreation site and has entered into a land use agreement with OTRA, we expect MTCA shares responsibility for this signage.

To date, MTCA has not provided a concept plan, GIS mapping, operations plan, or monitoring plan that clearly demonstrates how drinking water hazards arising from the Bear Creek Recreation Site will be mitigated. A recent draft source assessment of the community watershed completed by Lakeview Irrigation District's consultant has identified that motorized recreation has a high risk of sediment delivery to the stream and a very high risk for bacterial, viral and parasite loading to the stream.

Protection of drinking water sources; a valuable resource, is critical in assisting water suppliers to provide clean, affordable water to the residents and visitors in the Okanagan valley. As has been explained by Mr. Birtles at previous meetings with MTCA and various stake holders at the Bear Creek Recreation Site Advisory Committee



meetings; Health Canada and the Government of British Columbia have published guiding principles for the provision of safe drinking water and labelled these principals as the "multi barrier approach" to safe drinking water. As noted in the multi barrier approach documentation, the first guiding principle is source protection. The commitment from provincial agencies to deliver land-use management to meet these principles is described in the 2006 Memorandum of Understanding on drinking water (a copy of which can be viewed at [www.interiorhealth.ca/health-and-safety.aspx](http://www.interiorhealth.ca/health-and-safety.aspx)).

Interior Health has a mandate under the Drinking Water Protection Act to protect water sources for water systems. Under Section 23 of the Drinking Water Protection Act a person must not introduce anything or cause or allow anything to be introduced into a domestic water system, a drinking water source, a well recharge zone or an area adjacent to a drinking water source if it is reasonably foreseeable that, as a result, the owner of the domestic water system would have to limit the use of the water provided by the system on the basis that there may be a risk of a drinking water health hazard.

At this time, I must advise in writing to MTCA that continued crossing of Bald Range Creek, degradation of the riparian areas on Lambly Creek and riding on the unstable slopes that have high connectivity to Bald Range Creek can cause further contamination to the Lakeview Irrigation District source water. Lakeview Irrigation District provides domestic water to >12,000 residence in the District of West Kelowna. As such, I am advising MTCA not to allow further motorized riding through Bald Range Creek and other water sources for both Lakeview Irrigation District and Westbank Irrigation District until such time that an off-road motorized vehicle trail concept plan and GIS mapping can be completed and implemented for the Bear Creek Recreation Site. The concept plan and GIS mapping needs to identify the proposed creek crossings, riparian zones, trails within the RMZ, areas of high sediment connectivity to Lambly Creek and sediment controls (silt fencing, bridge structures, engineered trails and structures ...).

I am directing MTCA to provide a concept plan, GIS mapping, operations plan, and monitoring plan that clearly demonstrates how drinking water hazards arising from the Bear Creek Recreation Site will be mitigated. Interior Health will provide a health risk assessment and recommendations for any of the above listed documents forwarded from MTCA. Failure to mitigate drinking water threats (increased sediment loading, increased turbidity, increased fecal material...) resulting from this recreational activity within the Bear Creek RMZ is unacceptable and will result in Interior Health reviewing it's options under the Drinking Water Protection Act.

Unregulated off-road vehicle recreation is a systemic issue affecting many community drinking water sources in the Southern Interior region. Increased organization of trail networks is likely the best way forward in dealing with impacts from off-road motorized vehicles in our region. The Bear Creek Recreation Site planning process represents an opportunity to address the current gaps regarding drinking water protection and stimulate the development of some standard practices for ensuring drinking water sources are protected. We note this is consistent with MTCA's Draft Trail Strategy for



British Columbia which states "a fundamental aspect of a sustainable trail system is environmental stewardship where trails are constructed and maintained to avoid, minimize and/or mitigate adverse impacts to... water quality, including drinking water and community watersheds."

We look forward to your cooperation in protecting the health of the residents and visitors consuming Lakeview and Westbank Irrigation District water. Please contact Rob Birtles, Drinking Water Officer, Interior Health Authority to discuss the planning and mitigative steps described in this letter.

Yours truly,



Paul Hasselback MD MSc FRCPC  
Medical Health Officer  
South and Central Okanagan

cc Chairperson, Lakeview Irrigation District  
Chairperson, Westbank Irrigation District  
Mayor and Council, District of West Kelowna  
Honourable Minister Kevin Krueger, Ministry of Tourism, Culture and the Arts  
Dr. Tim Lambert , Ministry of Healthy Living and Sport  
Ivor Norlin, Source Protection Officer, Interior Health  
Roger Parsonage, Assistant Director, Interior Health  
Valerie Cameron, Chair, Southern Interior Regional Drinking Water Team  
Andy Oetter, Chair, Thompson Okanagan Managers Committee ,