

# 2022 LNID Trustee Report

Once again, this past year has presented difficulties and uncertainties associated with the COVID-19 pandemic, fires and the extreme weather situations in various parts of the province. We hope all LNID members and their extended families are safe and healthy and will continue to be so in the future. Our thanks goes out to Pam Mann as treasurer, Bill Kresowaty as secretary and, of course, Coral Brown for their help and support. The board would like to take this opportunity to acknowledge the service that Reinhard Maier has given to the LNID over the past three years as trustee. Reinhard's term as trustee will end this May and he has chosen not to run again. His advice and contributions will be greatly missed.

## Background:

There are only 2 Land Improvement Districts in BC, but we are included in Provincial regulations with Irrigation Districts (IDs) that provide water to 3 or more on one intake, such as a Community Well. The LNID is governed under the Ministry of Municipal Affairs & Housing (MoMAH). The LNID has specific regulations that must be followed and all Bylaws (operating taxes, meeting procedures) must be approved. We are a form of Government with direct access to taxation, but with a mandate for works/land improvement described as "drainage" in the 100 year old Water Act which still is our guide under the 2016 Water Sustainability Act.

We have held thirteen meetings from May 21, 2021 to May 2, 2022.

## Ongoing Business:

- At the May 19th, 2019 AGM members passed resolutions:
  1. *"That the LNID convert to a Service Area (SA) of the RDOS with recommendations from Don Dobson – letter of intent"*

*2. "That the RDOS identify the scope and the cost of the conversion and with the intent of having a LNID vote once costs are determined"*

At the beginning of 2022, after much study and deliberation, the RDOS declined our request for conversion. At issue was the concern over liability and the feeling that the focus should be on correcting the flooding issue downstream before addressing flooding upstream.

As you know, Improvement Districts (IDs), of which Lower Nipit (Twin Lake ) Land Improvement is one, are not eligible for Government Infrastructure Grants, but they can apply for Conservation Project Grants or perhaps Gas Tax Grants when approved by the Regional District (RD). This lack of access to provincial funding has been resisted by the 211 Improvement Districts, without success. Decreased access to funding has been an initiative to decrease IDs so that IDs will come under the RDs created in 1966.

There are a few possible options open to us: maintain the status quo (pumping either with our pump or a replacement pump) or proceed with the gravitational pipe independently (possible liability issues if not done correctly).

- Water levels for spring 2022 are not indicative of flooding and there should be no need for pumping this year. There is a small flow of water into the lake at this time, but there is some concern we may be facing a period of drought. The pattern has been cyclical between drought and flood at the lake and the board has been exploring some possible ways of dealing with this. Reinhard Maier is interested in continuing to work with the board in exploring some possible ways to mitigate drought and ensure water availability.
- Marg Sidney, a retired Government biologist who has volunteered with BCLSS has informed us that we have now been put on a list for the 2023 Govt. funding of lake water chemical testing in 3 different lobes of Twin Lake several times during ice off. This is a level 2 lake monitoring and will test for over a hundred different components in the lake to assess water quality. This is a direct result of (and contingent on) Shawna Willman's faithful bi-weekly Sechi Disk clarity and

Dissolved O2 testing from ice on to ice off. Thanks goes to Shawna for her continued dedication and support.

- Love Your Lake is a shoreline evaluation program developed by Watersheds Canada and the Canadian Wildlife Federation (CWF). LNID successfully applied for a \$500 grant that will be put towards a demonstration garden which will be located on access lot #3. The process and plans will be showcased on the LNID website for those interested.
- Transport Canada has informed the LNID that a recent amendment to regulations applies to Schedule 3 Waterways such as this lake. The amendment does not allow any “vessel driven by electrical propulsion with an aggregate maximum power of greater than 7.5kW in any of the waters described in Schedule 3” (of the Vessel Operation Restriction Regulations). The LNID Board has posted notices, alerted regulatory agencies, submitted an article to Skaha Matters and contacted RDOS to arrange for an updated sign at the boat launch. Please continue to protect the health and beauty of our lake by ensuring that your vessel is not powered by an oversized electrical motor or any gas powered motor. Should you notice someone using an oversized electric motor you may ask the user if they are aware of the new restrictions. Beyond that, the easiest way to report any violations of any of the above rules is by calling the RAPP 24 hour hotline. RAPP = Report All Poachers and Polluters Call 1-877-952-7277 to leave an anonymous message or fill out an online form by going to [rapp.bc.ca](http://rapp.bc.ca)

## **Going Forward:**

The board believes it important for all LNID members to have input into the direction LNID takes going forward. The suggestion that LNID dissolve was raised by some RDOS directors, has been discussed on Facebook and raised by members at LNID board meetings. Other members feel LNID should continue to operate the pump to provide relief for the properties under threat of flooding. Other suggestions have

included allowing the LNID to go dormant or to transfer the LNID assets and responsibilities into a society.

Our purpose here is to put forward the various options and to highlight some of the feedback the board has received from various analysts and experts in the provincial government and other organizations. We are trying to put forward as balanced approach as possible, while at the same time passing along information we have received.

## **Option 1- Status Quo**

This option would involve the following:

- Operating the current 6” pump when authorized by Ministry of Lands Forests and Natural Resources (MLFNROD).
- Replacing aging pump with new 6” pump, which increases efficiency and saves on energy use (hydro). Keep older pump as backup. We currently hold savings funds for some or all of the expense.
- Possibly replacing the existing 6” piping (this would need investigation to determine if necessary). This may assist in mitigating, but may not prevent flood. It would help waters to recede faster if a flood event occurred.

The decision of whether or not to pump is based on available data, historical trends and not an exact science, so there may be years when more is pumped than the freshet brings in. Taxes would remain similar to now \$300.00. Fluctuations would be dependent on Board decisions regarding increases in saving for future capital expenditures or possible reduction in operating expenses. LNID does not pump if projections for the upcoming freshet are low or if current lake levels are below the minimum safe standard to accommodate the freshet.

**Option 2 – Upgrade the current system “works” to handle larger flood events.**

The current pump and pipe are considered “works” and significant changes to those “works” may have to meet 200 year flood standards. This would be determined when permits for new “works” were applied for. Other important considerations are whether planning permission, water licenses and other necessary requirements would in fact be issued by regional provincial authorities, Liability to the LNID is also a significant concern.

Section 39 (1) (vii) the culvert capacity is equivalent to the hydraulic capacity of the stream channel or is capable of passing the 1 in 200 year maximum daily flow without the water level at the culvert inlet exceeding the top of the culvert;

- MLFNRORD does not have to give permission to release water from the lake even if works meet the 200 year standard. Permission depends on what’s happening in Park Rill
- Ecora/Dobson Twin Lakes Flood Response Feasibility Assessment 2018
  - 12” pump and new 12” discharge pipe Ecora estimate \$800,000.00
  - 2 meter culvert with gate control Ecora estimate 1,600,000.00
- Trustees may be able to find cost savings within these options, but at this time there are no grants available and the 69 lakefront owners could expect significant tax increases to pay for the options dependant on the pricing options available.
- The Board of Trustees does have the ability to borrow funds on behalf of the Improvement District; the estimated tax increases discussed have ranged from \$500.00 per year to \$1385.00 (RDOS calculation) for 25 years, depending on option(s) chosen.

### **Option 3 - Amend Letters Patent**

Another option could be to work towards having LNID's letters patent amended. The Wasa Lake Improvement District has been successful in this, having their letters patent amended to include mosquito control.

Possible amendments could include water quality, lakeshore initiatives, geese control etc.

## Option 4 - Dissolution

### ***Improvement District Dissolution General Context***

- *Dissolution occurs in the rare instance when the objects of the improvement district are no longer feasible, and the B.C. government and the improvement district agree that provision of these services is no longer viable.*
- Improvement district restructure involves amending or repealing an improvement district's letters patent. Amending or repealing letters patent requires approval of the B.C. government. Before this takes place, B.C. government staff reviews the request to ensure statutory requirements are met and consultation with affected stakeholders, such as ratepayers, has taken place. This is best done through the Annual General Meeting.
- Once that occurs, and the Board of Trustees are confident that dissolution has community support, they can make the decision to proceed and make a formal resolution/application to the provincial government to make the necessary review of the proposal. This would spur on Ministry involvement around dispersal of the assets and liabilities of LNID and how that would occur”.
- *This may involve a study to determine if the service should be continued through a regional district or municipality. It should be noted that dissolution does not simply mean the improvement district no longer exists, not only are the assets dispersed among ratepayers, so are the liabilities. While this would mean that ratepayers would not be paying directly to the improvement district, they would be responsible for any necessary infrastructure upgrades or they may expect significant increases to their insurance costs, which would negate any possible savings by no longer paying directly to the improvement district.*
- *“The objects of the improvement district shall be the acquisition, maintenance, and operation of works for land improvement purpose and all matters incidental thereto.” For dissolution to occur, the provincial government needs*

*to be convinced that the objects in the letters patent are either unnecessary or can be met through alternative means.*

Even if a majority of ratepayers agree to a dissolution, it is not guaranteed. Dissolution of an Improvement District is rare and Ministry staff would need to work with various agencies on next steps. If it is deemed that the risk is too great for ratepayers, it may not be a viable path forward. The Improvement District's responsibilities are then generally transferred to the Regional District, but in discussions with a program analyst at the Ministry of Municipal Affairs, RDOS' rejection of LNID as a service area means the provincial government would likely not pursue this as an option. The LNID would likely need to hire a lawyer to advise and guide us through the process.

Dissolution involves the dispersal of assets and liabilities among ratepayers, and the disestablishment of the improvement district as a legal body. The board has not been able to get a clear indication from Ministry Staff on how the assets and/or liabilities would be transferred as this is such a rare occurrence. We were also not able to get a clear picture of what would happen to the pump and whether or not the provincial government would consider our letters patent "complete" without a resolution to the flooding/drought issue.

One thing we were able to determine is what would likely happen to the water licenses that LNID holds. According to the Senior Authorizations Specialist-Water from the Ministry of Forests. *"I don't know what entity would take on the responsibility, liability and cost of operating and managing the system. If there is no entity that is going to take on the responsibility, one of the options would be to have the LNID apply to abandon their licenses. Approval of the abandonment would include terms and conditions for the removal of works and remediation of impacted land. Another option would be for the Province to initiate cancellation of the licenses, with the same terms and conditions."* Without the water licenses, no other entity could pump water from the lake or divert water from Horn Creek.

## **Option 5 - Go Dormant**

Another suggestion is that the LNID go dormant and then start up again if needed. Improvement Districts are required by law to elect trustees, provide financial documents, hold an AGM and submit tax bylaws and reports. When this option was presented to the provincial analyst the board was advised the trustees would likely be held negligent. The current board would not support this option.

## **Option 6 - Transfer to a Society**

This option is possible, but again there is no guarantee that the assets of LNID would transfer into the society since the LNID would need to dissolve and we don't know how the assets and liabilities would be dealt with. Another issue is the raising of funds as contributions and memberships are voluntary. Without the water licenses, pumping would not be possible

The LNID website is complete. It contains information including the budget, LNID board meeting minutes, upcoming events, water reports, Twin Lake history and more. The URL is [www.twinlake.ca](http://www.twinlake.ca)

Please feel free to email us at [lnidcttee@gmail.com](mailto:lnidcttee@gmail.com).

Respectfully Submitted by the May 2021 – May 2022 Board of the Lower Nipit (Twin Lake) Land Improvement District. Trustees: Glenda Stewart-Smith, Sandie Wilson, Reinhard Maier, Director: Coral Brown, Treasurer: Pam Mann and Secretary: Bill Kresowaty