



REASONS FOR DECISION

FILE NUMBER: 4405612

APPLICANT: Pedley Heights Community Association

BACKGROUND:

In 2018, the Pedley Heights Community Association re-applied for a *Land Act* Licence of Occupation to locate a 90 berth group moorage facility on aquatic Crown land fronting their privately-owned upland parcel (Lot A DL 705 KD Plan 4321) fronting Windermere Lake on Baltac Bay. The application for a proposed moorage structure was to provide boat berths to member residents of the Pedley Heights Community Association. At the time of application, the proposed number of berths was 90, over an approximate 1.0 hectare of aquatic Crown land. The number of berths was reduced to 60 berths during the application process, to comply with Regional District of East Kootenay bylaws. The aquatic Crown land under application was reduced to approximately 0.56 Hectares.

In 2015, The Pedley Heights Community Association submitted a *Land Act* application for group moorage purpose in the same location. It was not approved for similar reasons.

DECISION: PROCESSED – APPLICATION NOT APPROVED

REASONS FOR DECISION:

1. Un-mitigated environmental concerns:

- The group moorage structure was proposed in a key habitat area, as identified in the East Kootenay Integrated Lake Management Partnership's Windermere Lake Shoreline Management Guidelines for Fish and Wildlife Habitats (February 2009).
- Insufficient evidence was provided by a qualified environmental professional, demonstrating that a group moorage structure at this location would not cause detrimental impacts to the environment.
- An environmental mitigation strategy or environmental management plan, prepared by a qualified professional, which addresses the negative impacts outlined in the "Baltac Beach Floating Dock Facility Environmental Assessment" (VAST Resource Solutions Inc., September 25, 2015) was not provided by the proponent, in support of the group moorage application.

2. Impacts to public access, use, and enjoyment of Crown land:

- Though members of the Pedley Heights Community Association may have gained access, use, and enjoyment of a group moorage facility at this location, the public would gain no social or economic benefit from such a structure.



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3. Impacts to First Nations' communities:

- Evidence indicates that the proposed group moorage facility would have adverse impacts on Aboriginal interests.

4. A *Land Act* authorization would not provide authority to remove private buoys:

- No evidence exists indicating that locating a group moorage facility over the subject aquatic Crown lands would result in a reduction in the number of private moorage buoys.

DECISION MAKER:

Name: Erin Keith, P.Ag.

Title: Acting Senior Authorizations Officer

Delegated authority under *Land Act* s11.

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