



Mr. Brian Dennison  
General Manager – Engineering & Environmental Services  
Cowichan Valley Regional District  
175 Ingram Street  
Duncan, B.C., V9L 1N8

October 25, 2012

Dear Mr. Jones,

Re: A Shawnigan Creek Drainage Service Establishment Bylaw

## PART ONE

The Shawnigan Residents Association (SRA) understands that the CVRD is in the process of drafting a bylaw similar to the 2010 Bylaw # 3344 that, pursuant to the Alternative Approval Process, did not proceed to a referendum following disapproval of the proposed bylaw by 16.34% of the electors of the service area (125 of 765 electors). We also understand that the service area for the new bylaw will include the original lakefront properties along with all the properties serviced by the Shawnigan Lake North Water System and the Lidstech Holdings water system. We understand that this will significantly increase the number of electors involved in shouldering the costs of the “drainage system service” thus reducing the cost per elector and thereby increasing the likelihood of the service funding going ahead through the alternative approval process.

The SRA believes that this flood-damage prevention project is vitally important and is pleased to know that the chances of it obtaining funding are much increased by spreading the costs over a larger number of property owners. However, there is still a chance that over 10% of this larger body of electors might register objection to having to bear the cost of the project. For this reason, we suggest that an argument can be made that the costs should be borne by an even larger number of property owners. They are as follows:

1. Those that contribute to a greater than historical flooding risk through increased runoff rates. Those would be all properties within the lake’s watershed than have, over the past 15 decades, caused the rate of rainwater runoff to increase by removing trees and other flora and increasing impermeable service area by installing roads, buildings and hard landscaping. This would include any and all development, both private and public, as well as the removal of trees and vegetation by logging companies.

2. Those that contribute to increased flooding risk by reducing rate of outflow from the lake. This would include the provincial Ministry of Transportation and Infrastructure for allowing some of the protective riprap that was installed when the present Halhead Bridge was built in 1997 to be loosened and tossed in the creek bed by vandals every summer and the ministry’s failure to remove the rocks from the creek bed and to install a wire mesh cover or other method to prevent the continuous vandalism. It would also include to CVRD as owner and custodian of Masons Beach Park for allowing the imported sand at the park gradually, year-by-year, to be shifted by water currents from the park’s beach into the creek.

3. Those who would suffer damage or inconvenience in the event of a major flood such as the one that occurred in the mid 1930s. This would include the Ministry of Transportation and Infrastructure and the E & N Railway as sections of road and railway would, as in the 1930s, be inundated for several days. In addition to having a negative impact on the movement of freight and people by train and by motor vehicle, such flooding would probably cause damage to the rail bed and the roadbed.

We realize that many of the people, businesses and public agencies that would be harmed by major flooding at Shawnigan Lake cannot be linked to a particular taxable property. But it is evident that the impact of severe flooding is not likely to be limited to those property owners identified to shoulder the costs of dredging the creek by the bylaw process the CVRD is currently working on. This fact raises the question: Is it appropriate and fair to limit responsibility for paying for this project to the water systems' customers and the waterfront property owners given that a major flood would negatively impact people over a much larger geographical area? In other words, is this flood prevention initiative not a regional benefit deserving of a regional funding approach?

4. Those who have a commercial interest in the quality of the lake's water. This would include organizations (private and public) that sell lake water to consumers; namely Lidstech Holdings, Shawnigan Lake North Water System (i.e. the CVRD) and, possibly, Mill Bay Waterworks. Although these purveyors of water treat the water by chlorination, it is probable that contaminants and pathogens entering the water from submerged septic systems during a major flood would not be sufficiently removed or eliminated by chlorination alone. Clearly these three organizations have a vested interest in flood prevention and should bear some of the costs of the work necessary to "allow drainage and restoration of the natural system function at the mouth of Shawnigan Creek."

In the event of a major flood,

(1) given the probable damage to public and private property (houses, other buildings, docks, roads, railway) and the possible impact on the health of people using lake water in their homes and businesses as well as on the thousands of people on the south Island who recreate in and on the lake,

(2) given the probable impacts on businesses and agencies outside the local Shawnigan Community, and

(3) given the fact that the risk of flooding has been increased by development and logging on watershed lands including the movement of sand at Masons Beach Park and the movement of Ministry of Transportation imported rock into the creek bed, we suggest that the CVRD reconsider the rationale for limiting the cost of the drainage service project to the few thousand properties currently under consideration and explore instead the possibility of spreading the cost across the whole region or electoral area.

## PART TWO

A few aspects of the proposed drainage project are unclear to the SRA.

First is the cost and its duration. As far as we can determine from the CVRD documents that we possess, the estimated cost of the "Shawnigan Creek Drainage Service" is approximately \$18,000 per year. It also appears that the CVRD expects to spend up to this amount on an annual basis ad infinitum. Although we do not know the breakdown of work and materials involved in the \$18,000 cost estimate, we are prepared at this time to accept it as probably a reasonable estimate. What we cannot understand is why money would have to be spent every year to keep the creek flowing properly. The last time a "cleanout of Shawnigan Creek bottom" was done was in 1981 – over 30 years ago. ("Brydon and Barr [2002] reported that a channel was excavated through the natural lake outlet control to the Shawnigan weir in September 1981." Quoted from a report to the MoTI's bridge hydrotechnical engineer, M. Feduk by Northwest Hydraulic Consultants of Feb. 9/11)

We are told by local resident Jack Eaton that this 1981 dredging was done by a local resident who had a piece of heavy equipment suitable for the job. It is not clear if he did the work on a volunteer basis or was paid for his work. In any case, it has take thirty years for sand, silt and rock to build up at the creek mouth before getting to the point at which it needs to be removed. Surely a dredging project every 10 or 15 years would be adequate. If the CVRD is of the opinion that dredging or some form of “clean out” must be done annually, we would very much appreciate an explanation.

Second is the decision to frame this flood prevention project as the establishment of a “service”; the “Shawnigan Creek Drainage System Service.” This name implies some form of work or effort that, once started, goes on and on over a considerable period of time. The words “drainage system” also imply that it is a human-constructed, human-designed and human-operated arrangement of one or more connected culverts, pipes, ditches, etc. such as might be required to provide adequate removal of rainwater from a major residential sub-division development or from newly-created fields for a farm. It seems strange from our point of view to consider the restoration of proper stream flow through the removal of material that has built up on the bottom of a single stream as the provision of a “drainage system service.” Surely all that we are talk about here is a relatively minor project calling for the dredging of a few meters of a stream once every decade or so. Is it honest and accurate to call this project a “drainage system service?”

### PART THREE

When this proposed bylaw is presented to the electors, it is very important that the electors be provided with sufficient factual information about the matter to form an opinion about whether or not to take steps to oppose its adoption. It is our understanding that the document used to inform the electors is the CVRD’s BACKGROUNDER. The 2009 Backgrounder fell short of doing the job in that it did not point out the health risks associated with the inundation of septic tanks and fields. While it indicated that the project would reduce the risk of flooding to waterfront property owners, it did not describe what those risks would be. It is likely that most waterfront property owners reading the Backgrounder thought only of the possibility of damage to their houses/cottages and outbuildings. This would be a concern only to people whose land was on the flood plain, but those on higher land who have docks and structures near water level (as most do) also would be affected if a flood causes their docks to float free and drift off. It is likely that these property owners would register their opposition to the bylaw if they did not realize the full extent of possible flood damage. Moreover, all houses on waterfront properties, whether on high ground or low, who draw their water from the lake, must be made aware that a major flood will probably render their household water supply undrinkable for days and possibly weeks.

In summary, the SRA asks the CVRD to explore the possibility of spreading the cost of this dredging initiative over as large a number of taxpayers as possible in order to increase the likelihood of securing funding. We also would appreciate you providing answers and explanations to the questions we have raised. We don’t wish to be difficult or to make extra work for what we know to be a very hard-working group of public servants, but we feel a need to understand the nature of this matter as fully as we possibly can. It is important that the lake be able to drain at the greatest possible speed given the three

factors that now exist which contribute to the likelihood of a major flood: (1) climate change, (2) loss of forest cover in the watershed and (3) blockage of proper water flow at the mouth of Lower Shawnigan Creek.

Yours truly,

Garry Horwood  
President, Shawnigan Residents Association

Cc: Ken Cossey, Area B Director, Louise Knodel-Joy , Warren Jones