



Salt Spring Island Water Preservation Society

December 2015 NEWSLETTER

Help Save the St. Mary Lake Watershed Preserve

Dear WPS Members and Friends,

WPS has had a very busy and successful year but at year end, as described in our previous newsletter, we find ourselves facing a huge new challenge. This is a lawsuit by Channel Ridge Properties and Paradigm Mortgage to reclaim the 272 acre St. Mary Lake watershed preserve transferred to WPS many years ago. These forested lands are visible in the picture below.

It offends our sense of justice that a situation that we had no part in creating and had in fact warned against over the years, i.e. a limited water supply, would now threaten the largest area of protected land in the St. Mary Lake watershed and a vital protection for its water. In this newsletter are answers to some common questions about the lawsuit. If you have other questions, please email us at ssiwps@gmail.com or call a board member.

Your support is essential for us to successfully fight this lawsuit. Normally many of you donate more than the membership fee. These extra donations are very much appreciated, because without them, we would not be able to cover our normal annual expenses. But this year we're asking you to dig deeper and thus provide a bit more to help us cover the costs of defending the lawsuit.

This newsletter lists our activities over the past year, the extent of which is truly remarkable and represents a huge effort by your Board of Directors and other volunteers. We thank those who have helped but of course could always use more help if you are able to give it.

We are proud of how we have collaborated with other SSI water-related groups over the past year. See the list inside for examples. Also, on page 4 there is an article about our project with local scientists and volunteers, who are investigating how Blackburn Lake functions. It is hoped that this will shed light on how we might mitigate algal blooms on Cusheon Lake, which is downstream.

We continue the legacy of our founders who believed that the best way to protect our drinking water is by good land-management practices in the watersheds from which the water comes. We think that nature does this job best, but we continue to look for ways to help where human activities have impacted natural systems.

Your support as members, volunteers and donors is essential to our pursuing this work. Please think about volunteering your time and giving an extra donation to WPS this year. Remember your entire donation qualifies for a tax receipt.

Best wishes this holiday season, Maxine Leichter



Photograph by Kevin Oke



WPS 2015 Accomplishments

Work conducted by WPS on WPS-owned St. Mary Lake Watershed Preserve

- Twice supervised and arranged removal of invasive species--assisted by funding through SSI Conservancy
- Worked with PARC to improve signage along WPS trails
- Worked with a biologist to conduct 2015 covenant monitoring
- Appealed and successfully lowered tax assessments on WPS-owned preserves
- Organized volunteers to remove large piles of previously cut broom
- Removed debris from illegal camping on WPS lands above Tripp Road

Public Education

- Revised WPS brochure in line with fundraising webinars
- Monitored LTC move to address threats potentially posed by zoning that allows large-scale livestock raising in the watersheds of drinking-water lakes
- Staffed the WPS table at the Film Festival and at the Water Fair
- Published 4 editions of the WPS Newsletter

Blackburn Lake Monitoring Project

- Recruited and supervised volunteers engaged in monitoring streams leading into Blackburn Lake
- Expanded the monitoring project to include streams flowing into and out of Blackburn Lake
- Received a grant from SSI Foundation to purchase a flow meter, water level recorders and to cover lab costs for Blackburn Lake Project
- Re-assessed insurance needs and increased insurance for volunteers
- Researched and approved a waiver for volunteers

Collaboration with other groups

- Provided support letters for SSI Conservancy grant applications
- Attended seminars at SSI Conservancy on wetland restoration
- Attended tour of wetland restoration projects at Cowichan Lake
- Co-sponsored and helped fund Water Council water conservation event and helped plan the Water Fair
- Collaborated with Freshwater Alliance to encourage WPS members to comment on the new Provincial Water Act

Advised agencies on drinking-water protection issues

- Monitored Local Trust Committee and SSI Watershed Protection Authority meetings for items related to drinking water protection
- Informed the Local Trust Committee regarding potential problems with allowing large-scale agriculture and livestock raising in areas zoned for drinking water protection
- Informed agencies about a trail to the shoreline of St. Mary Lake that that was created by a private individual on Ministry of Transportation Land without their permission
- Represented WPS membership on a committee advising the SSI Watershed Protection Authority about a new management plan for St. Mary Lake
- Submitted information to the SSI Watershed Protection Authority on effective public participation.



Answers to Your Questions About the Lawsuit

Question: Since this case is really about there being a shortage of water for the Channel Ridge Development, which has nothing to do with WPS, why are we being sued?

Answer: It is because WPS, the Province, North SS Waterworks and the Islands Trust (the defendants) all signed the 1986 agreement, which in part promised to transfer the St. Mary Lake Watershed lands to WPS.

Question: The agreement is very clear about the circumstances under which the lands would be returned, i.e. that the Islands Trust would not alter the zoning to reduce the densities granted to Channel Ridge. This has not happened. How can they sue WPS?

Answer: While we believe that these circumstances do make their case very weak, BC's legal system provides few constraints on who can sue whom. WPS will bring several requests to the court to try to get the case against us dismissed. It will still cost up to \$7,000 each time we bring an application to the judge. Whether to grant our request is at the judge's discretion.

Question: Why are legal costs so expensive?

Answer: Costs depend largely on what the other side does. There are also court fees. The case was filed in Kelowna where Paradigm's lawyer is located, which requires travel and lodging for our lawyers. In BC a person can bring a Supreme Court case to whatever court he or she wants. We will try to get the case moved closer to where the defendants are, but we do not know if this will be granted by the court.

Question: It does not seem fair for a little organization like WPS to be sued by a big corporation.

Answer: Considering the merits of the plaintiffs' case and the circumstances it isn't fair but it is legal.

Question: What would happen if WPS failed to respond to the lawsuit or tried to respond without a lawyer?

Answer: The WPS Board has a legal duty to defend the interests of the Society and it's members. There are complex legal issues and no one on the board has the expertise to mount an effective defense for the Society. A lot is at stake for both the Society and the island as a whole. It is our judgement that the most responsible action is to retain experienced legal council, which we have done.

Question: Assuming this case follows the normal timeline, what is the schedule and likely costs?

Answer: This December we applied to the court for a "security for costs" order requiring the plaintiffs to pay cash to the court in advance to assure a costs judgment would be paid if they lose. If the judge agrees with us, the case cannot proceed against the WPS until the security amount is paid to the court. Since Channel Ridge is bankrupt, Paradigm would have to pay the ordered amount. If they think it isn't worth it, the plaintiffs can drop WPS from the case. The hearing is now scheduled for the week of February 22. Our lawyers are also planning other preliminary applications to try and get WPS removed from the lawsuit. Each time we go before the judge, the costs could be between \$5,000 and \$7,000. It is not hard to imagine that the total to defend the lawsuit, and thus protect the important watershed property, could easily reach \$100,000.

Question: How will WPS cover these costs?

Answer: We have some funds that we have saved over the years which we had hoped to have available for maintaining, restoring and protecting the very property that we are now fighting to keep. Some of this money was a bequest from one of our founders, Tom Gossett. Other money has been donated to the Society over the years by various individuals and organizations. It would be a shame for this money to now be spent on this lawsuit. And even if it is all spent, it will not be enough if the legal wrangling goes on for a long time.



OUR EXECUTIVE

President	Maxine Leichter
Secretary	Penny Polden
Treasurer	John Borst
Directors-at-Large	Nolan Magnus
	Usha Rautenbach
	Linda Steager
	Peter Steager

CONTACT US

E-mail ssiwps@gmail.com

Online ssiwaterpreservationsociety.ca

MEMBERSHIP

Membership dues are only \$15 for individuals
or \$30 for a family/couple.

Additional donations are very gratefully received and help to keep WPS active, effective, and working hard to protect our island waters. Tax Receipts will be issued.

Current members - Mail membership fee to:

Box 555, Ganges PO, SSI, BC, V8K 2W3.

New members - Please request an application form to fill out and return.

Stream-watching Report

We enjoy working outside, in all four seasons. We are Larry Appleby and Usha Rautenbach, volunteer citizen scientists, gathering data for the WPS project studying the Blackburn watershed. For a full year now, we have been consistently taking weekly measurements of the water flowing through six culverts along Blackburn Road. Throughout the summer, all but one of these tributaries had no flow to measure. We are wondering how many creeks on Salt Spring run year-round.

We use simple equipment: a wooden centimetre ruler, and a broomstick marked off in 10cm lengths to measure depths and lengths, and a regular kitchen timer and bottle corks to measure speed of flow along a two-metre stretch. We have only one tributary where the flow can be measured by timing how long it takes to fill a bucket as water cascades down out of a culvert, which gives us the flow in litres per second. But a quick measurement of the depth of the water at the lip of the outflow end of a culvert diameter of which we know, does the trick: a mathematical formula calculates the flow.

We used to use a transparent tube with secchi disk in the bottom to record turbidity, but a kindly off-island scientist loaned the project a turbidity meter - this involves checking batteries and calibrating before you begin, and a sample bottle in which you collect water, which is popped into the meter, then there are buttons to press and instructions on a little screen to follow, before waiting for the numbers to show up on the screen: this gives you the NTU reading (how clear the water is).

Larry takes the measurements while Usha writes down the readings. These measurements are passed on to the two volunteer career scientists, Drew Bodaly and Maggie Squires. And then Maggie makes graphs to correlate with the lake sampling done in Blackburn Lake; she is also monitoring the outflow creek, and sampling Cusheon water. This current data-collection stage of the project will cease June 15, 2016, and a full report can be expected before the end of that year.

Only Blackburn Creek itself continues to flow throughout the summer months: even so, surface flow into Blackburn Lake ceases for a while during the summer, despite this main stream's flow, which while significantly reduced in summer, does still seem to run beneath the gravel streambed from pool to pool. But now, after recent rainfall, the dry earth of summer has finally soaked in its fill and is letting excess water flow down the tributary beds again.

By Usha Rautenbach