

THE GREEN WATCH

The GREEN LAKE AREA (CARIBOO) RATEPAYERS' ASSOCIATION NEWSLETTER



AUTUMN
1995

representing property owners and tenants within two kilometers of Watch Lake or Green Lake

DIRECTORS:

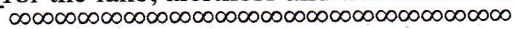
COMP. 5, SITE Q, RR#1 70 MILE HOUSE B.C. V0K 2K0

Pres. Dennis Tupman	456 2302	Don Brown (S)	456 7626	Bob Christie (N)	456 7336
V.P. Robin Rusaw	456 7707	Bev Felske (S)	1 604 942 4603	Art Watson (N/W)	456 7426
Sect.		Fred Kuyek (S)	456 2230	John Duthie(W)	unlisted
Treas. Marie Kuyek	456 2230	Helen Denning (N)	456 7318	Jack Wainwright Nsltr. Ed.	456 2256

BONUS ISSUE

Some folks thought that there was too long a gap between the summer (July) and Winter (Jan) newsletters. Two issues fit my schedule nicely, however I agree that a Fall one is warranted. I'm still trying to figure if we really do have four seasons here. Seems to me we get eight months of winter, two months of summer and a month between each that can't decide between being hot or cold. This issue is a "members only" printing.

We thought this paper should have a unique title. Like it? Green for the lake and environment, Watch for the lake, alertness and timeliness? Okay?



SUMMER AGM HIGHLIGHTS

About 30 members attended our July 29 meeting at Watch Lake Community Hall on a coolish showery day more suited to November. Meeting started at 2:05pm (That's a 2:00pm start on Cariboo time). Power went off at 2:06 leaving the congregation in the dark.... and here we were trying to shed light on the agenda! The emergency lights did not come on either but our innovative persevering crew carried on with wide open doors and a flashlight and proceeded to enlighten the audience, none of whom left early so great was the suspense. If you missed it, ya really otta get to the next one next spring as these printed ramblings only capture the essence and not the whole menu.

1. WOODLOTS: A letter received from Doug Konkin BCFS manager informed us that they will now be doing environmental studies BEFORE issuing a Woodlot licence and will then hold another public meeting in late '95 or early '96

2. NEIGHBOURHOOD WATCH: GLARA will continue to support any group wishing to form a Neighbourhood Watch as noted in the last newsletter. None have formed to date.

3. WATER STEWARDSHIP The five year budget proposal justifying our \$5000 one time government grant was outlined. The money will be spent on "deep water testing" for phosphates, clarity and temperature; "shallow water testing" for pollutants and potability; "education" by way of signs and subscriptions to the North America Lakes Management Society; and a portion of our newsletters.

D. Tupman explained why Green L. was more vulnerable than Watch L. due to the action of calcium

carbonate (marl) on phosphates. The Chair recognized the contributions of Terry Burt, Fred Kuyek and Ken Greenwood as water sample collector volunteers and Linda Caterer and Bob Christie for their contributions in getting the small signs conceived and printed. They have now been posted at access roads and other key locations. Members were encouraged to pick up a sign or two for use in their immediate areas. D.Tupman will be handling the shallow water sampling as he was the only one trained by the biologist. Samples will be taken at one Watch and seven Green locations three times this summer.

Membership comments showed ongoing concerns regarding cattle polluting the lakes, weedy growths near Watch creek culvert into Green L.(a sample of which was presented and which we will try to get identified). Questions were asked: Do we have any baseline data? - ans.: That is what the testing is establishing. Do we differentiate between biodegradable soaps and others? - ans.: No! We want no soaps, etc. used in the lakes. Have we identified other pollutants and stream contributions? ans.: Our shallow water test locations will give us this data. Concern was expressed re legality of fencing into the lake. Questioner was mostly concerned that a fence had been extended by a log which was not very visible and might pose a hazard to snowmobilers. Ans. Although fencing into the lake may not be recognized by BC Environment, it is an accepted practice by BC Parks and BC Forest Service and ranchers and therefore is an established procedure. Unmarked hazards are a different thing and may result in a successful lawsuit should injury occur.

4. TREASURER'S REPORT: We have as of this meeting 356 paid up members. (plus 172 paid until '97, and 127 paid until '98...advance fees are earning interest in a term deposit.)

Total '95 cash position stands at \$4027.16
Major expenses this term are Summer Newsletter @ \$610.34 and Water Stewardship costs @ \$366.27
Water Grant of \$5000 is in a term deposit.

5. NEWSLETTER REPORT: Printing and mailing costs are close to \$1 per copy. Eight pages (4 sheets 8 1/2"x11") is the maximum size for the cheapest postage rate. Our Spring mailing has the first page going to all owners as a reminder that membership fees are due. Full newsletters and other mailings go to members only, except in unusual circumstances. Newsletter contributions are welcomed.

6. FENCING: As requested at the May meeting, the question of fencing the range cattle out of the S Green residential area was reopened with BC Forestry. The 1993 plan that has been accepted by all relevant government departments is still available. This plan provided for a 24' cattle guard on S. Green Rd. south of Point Rd. junction; 6' and 10' cattle guards to preserve the integrity of trails where they meet the fence and a buffer zone of 25m (82 feet) beyond the property lines of the upland lots. This plan would require construction of 8 km of BCFS approved fence. Estimated cost for the project was \$36,000 which worked out to less than \$100 per property. The TNRD was to finance it and collect it back as a one time surcharge on property taxes. All we needed was 66% approval....we did not get it and had to drop the project.

Don Brown and Jack Wainwright are the current committee handling this project. In order to determine options they are surveying all S Green owners. They are also negotiating options to pay through TNRD. This time BC Forestry says they can probably provide the smaller cattle guards thus sparing us that expense and GLARA may also provide a little incentive money as this fence partly involves water stewardship for which we just got a grant.

A motion was made to strike a committee to investigate the need for cattle guards and fences at other locations. Moose Point Rd. was identified first, but the members present felt that the problem was a universal one and wanted the whole area assessed. Those volunteering for this committee are: Webb Raymur, Brian Stroud, Irv Lenz, & Bev Felske. It was noted that the two fence committees must coordinate their actions to avoid working at cross purposes when dealing with government departments.

7. NOISY BOATS: A motion to rescind the original motion to ban noisy boats from Green L. was accepted by the chair and was defeated by the meeting. The motion as circulated to all owners was then put and it passed (19 for, 9 against, plus abstentions). This motion read: that we petition the CRD and TNRD to pass a bylaw banning unmuffled boats from Green Lake. Research that surfaced after the notice of motion had been mailed revealed that both Regional Districts were loathe to do this due in part to downloading of budgetary items by senior governments and their reluctance to incur any more expenses. Much discussion also made it evident that we needed much more concrete data before we could present a convincing case. Another motion was then made to strike a committee to gather this data. This one passed unanimously. If you are interested in being on this committee call a Director and volunteer.

8. NEW BUSINESS: There was a request that we consider holding some General Meetings in the evening. A show of hands showed that most would support evening meetings.

9. ELECTIONS: Mary Greenwood thanked outgoing directors Linda Caterer and Irv Lenz for their contributions. A call for position of secretary was unanswered so we'll just carry on with various directors filling in as the need arises.

Don Brown (S), Helen Denning (N), and Art Watson (N/W) were elected to two year terms as Directors by acclamation.

10. ACCOLADES: D. Tupman publicly noted contributions made by each director and thanked them for their efforts. J. Wainwright noted that Dennis Tupman has done an excellent job for us despite his busy schedule that frequently keeps him away from home.

Oh yeah, the lights went on at 3:30, just as Wainwright was speaking which caused him to reflect on his powerful connections and oratory skills as he took credit for shedding the light in all ways! Meeting adjourned at 4pm.

TNRD and 911 SAGA

Loyal readers will recall from the last newsletter that yer editor went on a three page tirade to Darlene Mazari, Minister of Municipal Affairs. As the July Newsletter was being printed, her reply arrived.

My first suggestion was that Regional Districts should not be incurring extra expenses by holding referendums between regular elections. (the 911 one cost us \$50,000) Mazari's answer was to defend the practice because elections are held only every three years and there may be referendums that should not wait so long.

The second suggestion was that Regional Districts be made to notify all property owners anytime they were holding a money referendum. Presently the Act says they need only record it in local newspapers. Mazari's answer was that this would be unwieldy and an added expense as RDs do not have mailing records.

The third suggestion was to require Regional Districts to mail out an informational page outlining their activities and goals in the same envelope that the BC Assessment Authority sends every year to every property owner. Mazari agreed that this improvement in communication had merit and warranted further investigation. (Gee whiz, what a novel idea that those spending our tax dollar should actually have to tell us what they are doing!)

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NOISY BOATS ISSUES

Some of our members have serious concerns and apparent grounds for civil suits because one or more regular boaters in their part of the lake operate at such a noise level for such an extended period of time that they can actually put a dollar figure on their loss of enjoyment and reasonable use of their property. Other members have asked what the fuss is all about because they have not been subjected to intolerable noise for any length of time.

**QUESTIONNAIRE
RESPONSE
REQUESTED
BY OCT 31**

Green Lake Area Ratepayers' directors have been requested twice now at general meetings to address the issue of noisy boats. As regular readers of this Newsletter know, GLARA is continuing to research just what can be done. There is a general feeling shared by some that we are overgoverned, over regulated and overtaxed. The last thing we want to do is add to that burden. There is also a belief that regulations must be enforceable to be relevant and effective.

If noisy boats are always a result of improper or a lack of proper muffling, then a Regional District regulation could read "...ban unmuffled boats on Green Lake". Such a regulation could be enforced by the RCMP and violators may not need to be caught in the act of being noisy, but could be cited by RCMP even when tied to the wharf. If noisy boats are the result of how they are operated rather than their muffling, then a regulation governing their level of noise is needed. This would be a general noise bylaw and would have to specify what decibel count must not be exceeded and for how long it must be exceeded before it is excessive. Such a bylaw may eventually get extended to include all sources of noise including construction noise and "all night" party noise.

As noted elsewhere, regulations regarding noise are left up to Regional Districts and Municipalities. Neither of our Regional Districts has such regulations. Municipalities such as Vancouver that do have such bylaws have had to hire enforcement staff. Considering that many of us feel overtaxed and over regulated now, there is a reluctance to request more regulations that eventually translate into increased taxes.

We feel we need a lot more data before we can justify to Regional Districts why it is we need a regulation to address this issue. We are not even sure how best to word a questionnaire, but we do need your input. We almost always hear from the people who are having a problem and therein lies our problem. The majority are saying nothing. We need all our members to take the time to tell us how they feel regarding noisy boats specifically and noise in general. Is it a general problem or isolated concerns? Should we proceed with regulations or not? Please indicate your thoughts on this matter by answering the questions below and adding any other comments that you think will help us arrive at a decision that reflects the opinions of our members.

GLARA Director Art Watson 456 7426 is chairing this committee.

.....
PLEASE COMPLETE THE FORM BELOW (by circling your choice of the words in brackets) **AND RETURN**

TO: Green Lake Area Ratepayers' Assoc. RR#1, site Q, comp 5, 70 Mile House BC, V0K 2K0

1. We (do / do not) have a concern about noisy boats on Green lake.
2. We (do / do not) support asking the Regional Districts create regulations to ban unmuffled boats on Green L.
3. We (do / do not) have concerns about other forms of noise in our area.
4. Please take the time to write comments supporting your position. If you have concerns, please tell us what, when and perhaps who the noise generators are. Be as detailed as possible and feel free to attach more pages as necessary. Comments will remain with the committee to guide them and be dealt with as confidential information. Identification and phone numbers are essential so that membership and pertinent facts can be verified.

NAMES OF MEMBERS ANSWERING THIS QUESTIONNAIRE:	GREEN L. FIRE # OR LOT LEGAL DESCRIPTION	PHONE NUMBER
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COMMENTS:

ABBREVIATED EXCERPTS FROM SEVERAL MINISTRY OF HIGHWAYS ACTS PERTAINING TO THE USE AND OPERATION OF ATVs. [refer to the acts themselves for full accuracy. Do not rely on these abbreviated or reworded excerpts for other than general understanding. Call the RCMP for interpretation] (GLARA does not make the rules. We reproduce regulations in effect in an effort to keep our members informed.)

MOTOR VEHICLE (ALL TERRAIN) ACT

1. --All Terrain Vehicles (ATVs) means a vehicle propelled by motorized power and capable of travel on or off a highway. (... dirt bikes and snowmobiles are ATVs)

-- Registration means registering the vehicle with the Supt. of Motor Vehicles and receiving a certificate and identification plate. Registration must be carried with the vehicle. (RCMP say snowmobiles registered and insured can get road crossing permits.)

4. Operation of ATV

(1) **no person shall operate an ATV**

(a) in a careless, reckless or negligent manner so as to endanger or cause injury to people or property

(b) in a tree nursery or planting ...

(c) on any railroad tracks

(d) on private property without the owners consent

(e) in such a manner as to drive, harass, chase, run over, injure or kill wildlife or a domestic animal.

(f) in areas, seasons or periods of times prohibited by regulations.

(3) **no person unless he holds a valid drivers licence shall operate an ATV on or across a highway or highway right of way** as defined in the Highways Act.

(a) except as authorised by permit.

5. Equipment: ATV must be equipped as prescribed by regulations.

6. Accidents: must report all accidents involving injuries or fatalities within 48 hours; also must report property damage exceeding \$600 involving motorcycles or \$1000 involving cars or ATVs.

8. Offence and penalties: contravention of this Act or regulations is an offence liable to fines not exceeding \$500 (plus damages and costs)

MOTOR VEHICLE ACT

Registration and licence

23. Offences (1) A person shall not drive or operate a motor vehicle on a highway unless in addition to any other licence or permit, he holds a valid drivers licence for the vehicle being driven.

(3) (a), (b): **the driver and the vehicle must be properly insured.**

FOREST SERVICE ROAD USE REGULATIONS

2. (most) provisions of **the MV Act apply to all Forest service roads as though they were Highways.**
MVA 23 (1) applies

3. Snowmobile :- exceptions

(1) drivers licence and insurance not required for snowmobiles on Forest Service roads unless

(3) the roads are snowplowed or otherwise fit for travel by vehicles other than snowmobiles.

4. Speed:- not to exceed the lesser of posted speed or 80 km/h

12. Liability insurance:- **drivers using Forest service roads must have \$200,000 third party liability insurance; both driver and vehicle must be insured.**

South Green Fencing progress report:

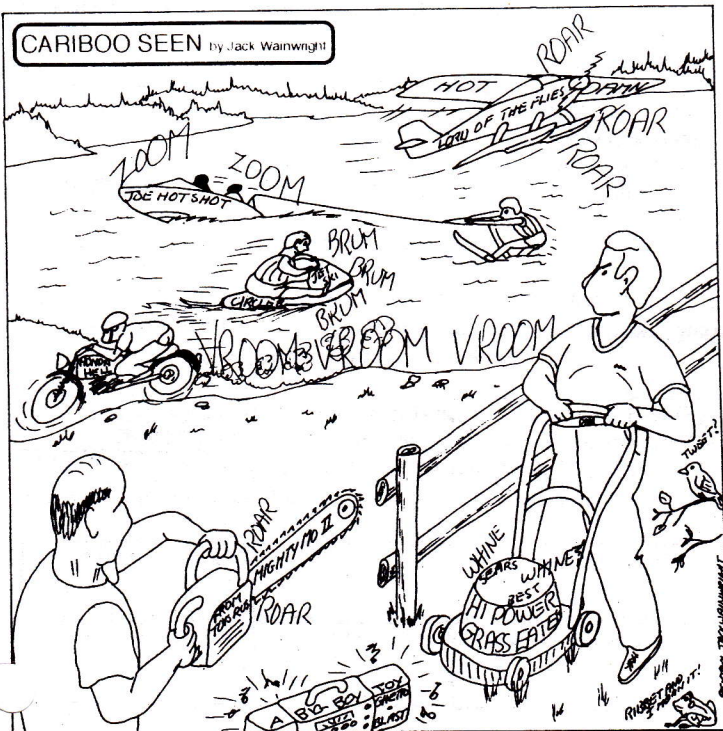
In mid August questionnaires were sent to all South Green property owners regarding their need for a range fence and their willingness to pay for it. By Aug 31, 190 responses had been received with over 82% in favour of getting this fence and paying for it through the TNRD (Thompson Nicola Regional District). The TNRD would borrow the amount needed to finance the fence and then recover it by a special levy on S. Green property owners through an item added to the tax notice. This encouraging response, we hope, will convince the TNRD to hold a special referendum authorizing the borrowing and recovery of the amount needed to build this fence.

Comments were mostly very positive and supportive of this initiative and reflect the desperation and frustration of so many folks as range cattle destroy their lawns and gardens even within apparently well fenced yards. The few negative responses were still going on about how the government collects so much in taxes that they should pay for it. We sympathise with this belief, but as governments everywhere are downloading debts we know it will never happen unless some legal court action rules that they have to pay to fence cattle out of residential areas. ...And then every residential area in BC will immediately petition the govt. to build them a fence too. BC laws read that open range is the rule and property owners must provide their own fencing (either individually or collectively). One person commented he enjoys the cattle in his yard. However, for most folks a community range fence keeping cattle away from the whole residential area and out of the lake, cannot come soon enough.

OF NOISEAND BOYS AND TOYS AND JOYS

Unmuffled boats conversations drown
which cause us consternation.
But some machines do useful things
for them we make exception.
Chainsaws cut the firewood stacks
and clear the powerline,
While lawnmowers and snowblowers
through their own seasons whine.
Float planes roar off the lake
as high tech transportation
While yet bound to earth the motorbikes
roar in anticipation!
Jet Skis roar in circles
there's not much else they do.
While cattle on the doorstep
just bawl and poo and moo!
Then down the lake a music buff
cranks up his Hi Fi speaker
And his neighbour counters with a tape
of loquacious Howie Meeker!
The total noisy package sounds
really very inconceivable
But mostly the sounds are fleeting
and should so be quite receivable.
A little respect by all of us
for a neighbour's right to peace,
And a little tolerance by others
for noise to say the least
Will mean we all are winners
though we all have noisy toys.
Does everyone not understand
that boys must just be boys?
But you know for me dear friend
the sound I mostly fear?
It's that damned mosquito after dark
droning in my ear!

by Jack Wainwright



Humph, at least we're productive. They're just having fun!

CIVIL SUITS FOR ENJOYMENT?

Well, suing for loss of enjoyment really does not sound like the Canadian way. Our stereotype as viewed by outsiders is one of tolerance and live and let live. Most folks I know prefer it that way and it certainly helps to reduce overall stress. There does come a time though when even the most tolerant are pushed beyond their limits. In some areas of Green Lake it is noisy boats that reportedly are so loud that folks cannot carry on a normal conversation outdoors. Most of us hear a noisy craft as it quickly passes by and that is not a problem. If the same noise is confined in your bay for hours at a time, your enjoyment of your property is significantly affected. Property owners thus riled up start acting in self defence.

The obvious first step is to chat with the offender and make certain that there is no misunderstanding as to what he is doing that is so annoying. Try to keep it amicable and be ready to accept compromises. Realise that whereas you want peace and quiet, his idea of enjoying his property may be fast noisy boats, jet skis, motorbikes and all night parties.

Having not been able to arrive at a compromise, the next step has been to look for outside help. There is no federal or provincial law limiting noise. It is all left up to Regional Districts and municipalities. The CRD and TNRD have no general noise bylaw. They are reluctant to pass one because of the extra expenses incurred. Bylaws must be enforced. The RDs passing such bylaws might find it necessary to hire an enforcement officer and pass the cost on to us through increased taxes. Nothing is free! GLARA has now a motion on the books to petition the RDs to pass a bylaw limiting unmuffled boats on Green Lake. We are creating a committee to gather the data supporting such a move. Fortunately there was no time limit placed in the motion. As we research our options it becomes increasingly apparent that Civil suits are surprisingly the most effective answer.

Advice we have received from sources in Victoria suggest civil suits for damages and costs resulting from loss of reasonable enjoyment of property are not difficult to win and the loser has to pay all court costs, too. Obviously you would have to document your case thoroughly, prove that you had tried all other means to solve the problem and show that you had suffered damages to which you can attach a dollar figure.

If you have waterfront lease property which you can only use for long weekends and a few weeks in the summer and half the time the noise level impairs that use, then for starters, half of your lease fee and taxes should be recoverable.

I personally would be unhappy to see neighbour vs neighbour in the courts. For every winner, there is a loser and that's not the way to get the most enjoyment out of life. Respect for your neighbours and tolerance, that's the Canadian way, eh?

POLICE CHECKS:

Clinton RCMP patrolled Green L. about the third week in July. They checked around 30 boats most of which were in violation. Most common was no sound device (eg. a horn) and insufficient life jackets. Several vessels towing tubes or skiers failed to have a responsible person watching the tow.

The Canadian Small Vessel Regulations are enforced by the RCMP on lakes. The minimum required equipment for a vessel up to 5.5m (18') long is one approved lifejacket or PFD per person on board. As well each boat must have two paddles or oars, one bailer and a sound signaling device. Fire extinguishers are required on inboards and vessels with built in gas tanks. Lights, if permanently fitted must comply with "collision regulations". Persons being towed and sail-boarders must have a PFD. The tow boat in addition to the driver must have a responsible person on board to watch the tow. These regulations cover all vessels including motorboats, canoes, sail boats, row boats and kayaks. All boats with motors of 10 hp or more must be licenced. Customs Canada has application forms for the free licence. The radar detector requirement is waived where it is not essential for safety or is impracticable to fit.

A boat, air cushion vehicle, water skis, surf board or any towed object operated in a dangerous manner is a criminal offense that may result in a fine or imprisonment.

As well as on-water safety checks, the RCMP were checking for valid fishing licences where boaters were fishing.

RCMP road checks on S. Green Rd. resulted in several tickets for RV violations such as riding on or across a road or road allowance. The RCMP tells us motorized vehicles including all dirt bikes, ATVs, etc. must abide by the Motor Vehicle Act. This means that to be operated on any highway they must be licenced, carry liability insurance and the operator must have a valid drivers licence. The RCMP is interpreting "highway" to mean all Forest service roads whether they are in current use or not and all road allowances. To be in a legal position, all underage and unlicenced RVs cannot use any part of a highway while under power. Riders may use the trails but they must dismount and push their vehicles across the road.

The same rules with a few exceptions apparently hold for snow-mobiles. The RCMP will issue permits for crossing roads under power as long as they follow a certain protocol. Call the Clinton RCMP detachment for further information.

GLARA told the RCMP that we would publicize the above activities and the regulations they were enforcing. They said their mandate was to enforce the motor vehicle act and promote safety. They sent us a copy of the MV Act with the suggestion that we quote the Act and not try to interpret it as interpretation is the prerogative of the courts.

In August two young dirt bikers riding double on the S Green "firehall" Forest Service road had a collision with a log that resulted in serious injuries. In a separate incident, RCMP confiscated a dirt bike being ridden on S. Green Lake road allowance.

NORTH GREEN & WATCH FENCES

This committee is Irv Lenz 456 7504, Webb Raymer 456 7302, Art Watson (chairman) 456 7426. Call them with your concerns and suggestions for fencing range cattle out of your area. Call by Nov. 15

SOUTH GREEN FENCE

This committee is Don Brown, Jack Keough, Brian Stroud, Dennis Tupman and Jack Wainwright (chair). A letter has gone to each S Green property owner with the options for financing this fence and includes a questionnaire to be returned by August 31.

FISH STORIES?

Witnesses report seeing a boat on Green boasting three trout guessed at up to 10lbs. Next day three more at 4, 5 & 7lbs! Witness boat hooked one each of two days but lost them at the boat. All this action was on the Labour Day weekend. Anyone catch Yardley our 37" 17lb 4oz resident trout yet? Call me!

BUSINESS DIRECTORY

The following is a listing of members who provide services in our area. There is no charge other than membership (\$10) to be listed. Register with the treasurer. GLARA provides this listing as a service to members and has not screened for quality or reliability of services. If our next general meeting approves, we will have a provision for those located outside our two kilometer zone to become nonvoting Associate members.

BUSINESS SERVICES		
Accounting & Tax Preparation	L. Caterer	456 7526
CRAFTS and ART		
Applique Sweatshirts	Pat Kent	456 7436
PERSONAL SERVICES		
Hair cutting	Karin Forbes	456 7740
SUPPLIES		
Food, Meals, Gas	Little Horse Store & Restaurant	456 7524

(As this is a new service, the listings above are just a sample of things to come. Members are encouraged to take advantage of this service.)

✂ Membership expiry date is printed on your mailing labels

APPLICATION FOR MEMBERSHIP in Green Lake Area (Cariboo) Ratepayers' Association (GLARA)
 Membership is open to property owners and tenants living within two kilometers of Watch or Green Lake
 Membership fees are \$10 per year or \$30 for three years. Make Cheques payable to GLARA and mail to RR#1, Site Q, Comp. 5, 70 Mile House BC, V0K 2K0. Receipts will not be mailed out but may be picked up at the treasurer's home or at any general meeting. Business listings appear in every Newsletter.

CHEQUE FOR \$ IS ENCLOSED

NAME (print: surname/first name)	LOCAL ADDRESS, LOT DESCRIPTION OR FIRE NUMBER	PHONE NUMBER
MAILING ADDRESS (one newsletter per membership)	HOME PHONE (if different)	FAX NUMBER?
		SIGNATURE

If you wish a business listing please complete the boxes below

BUSINESS DIRECTORY LISTING: MAIN BUSINESS (18 CHARACTERS)	BUSINESS NAME (18 CHARACTERS MAX.)	BUSINESS PHONE
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