



File: 97250-20/121081

February 6, 2014

VIA EMAIL

Dear Participants:

**Re: Complaint 121081 – Bernstorff Spring**

This is the Board's closing letter for a complaint about livestock impacting water quality from a natural spring. In December 2012, the Board received a complaint that livestock use of a small pasture is contaminating a spring providing domestic drinking water. In addition, the complainant is concerned that new fencing restricts public access to Crown land, and that the pasture is overgrazed. This letter summarizes the results of the Board's investigation into this complaint.

The range agreement holder grazes his livestock on Crown land adjacent to the complainants' property. This 535 hectare Crown land range tenure, situated about 15 kilometres north of Penticton, is identified as the Glenfir Pasture. The Glenfir Pasture is bisected by a public road that creates a seven hectare sub-pasture between private property and the public road. Bernstorff Spring is situated on the north edge of this sub-pasture and straddles the Crown land and the private property.

There are multiple water licences for domestic use on Bernstorff Spring.

In 2013, a Forest Practices Board investigator visited the site several times. The following issues were investigated:

1. Is the sub-pasture overgrazed?
2. Does the new fencing prevent public access to Crown land?
3. Are livestock contaminating the spring?

Under the *Forest and Range Practices Act*, the *Range Planning and Practices Regulation* and the rancher's approved range use plan, there are management expectations for riparian areas, water quality, grazing pressure and fencing. The investigator used these regulations and approved plans to determine the answers to three questions.

1. ***Is the sub-pasture overgrazed?*** The current approved range use plan specifies criteria for assessing range condition, which determine when livestock can use the pasture and when they should be kept off. **The Board found no evidence of overgrazing.**

2. *Does the new fencing prevent public access to Crown Land?* In 2012, the Ministry of Forests, Lands and Natural Resource Operations authorized a new fence installation and provided the materials for fencing the sub-pasture along the public road and the spring. The fences include pedestrian access gates but no vehicle access. There is no legal requirement for the fencing to provide vehicle access. **The Board found that the fencing does not prevent public access to Crown Land.**
3. *Are livestock contaminating the spring?* Range practices must ensure that material harmful to human health does not enter a licensed waterworks. The new fencing restricts cattle access to the spring and the adjacent private land also has fencing to restrict access to the spring. There is also a water trough situated away from the spring. **The Board found that, subsequent to the new fencing and installation of a water trough, there are no signs of livestock contaminating the spring.**

This concludes the Board's involvement in this file. If you have any remaining questions or concerns, please contact Rob Thomson at (250) 213-4719.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Timothy Ryan", written in a cursive style.

Timothy S. Ryan, RPF  
Chair

cc: Minister Steve Thomson  
Kristine Weese