

CHRISTOPHER HARVEY, Q.C.\*  
DIRECT LINE: 604 443 1201  
EMAIL: charvey@macfuj.com  
WEB: www.macfuj.com

**MACKENZIE FUJISAWA LLP**  
BARRISTERS & SOLICITORS

\*Law Corporation

OUR FILE NO. H2821-000

March 26, 2019

**VIA E-MAIL @ [PREMIER@GOV.BC.CA](mailto:PREMIER@GOV.BC.CA)**

Honourable John Horgan  
Premier of British Columbia  
Box 9041 Stn Prov Govt  
Victoria, BC  
V8W 9E1

Dear Premier Horgan:

**Re: Paul Lake Boat Launch – Paul Lake Provincial Park – Kamloops, B.C.**

I have been contacted by the Kamloops and District Fish & Game Association (“KDFGA”) and the Kamloops Fly Fishers Club (“KFF”) regarding an unsatisfactory situation pertaining to the management of the public boat launch facility at Paul Lake. Paul Lake is located in Paul Lake Provincial Park near the city of Kamloops, B.C.

The existing approach used by your Parks staff is to manage the boat launch facility in a manner that provides access to the lake only by members of the public who are able to carry their boat to the lake. Boats transported to the lake via boat trailers cannot be launched at the boat launch due to the fact your parks staff have erected barriers (bollards) at the launch site to prevent boats being launched from boat trailers. The fact that boats transported to this lake on boat trailers cannot be launched into the lake by means of boat trailers creates a significant physical hardship for senior citizens and individuals with physical limitations or disabilities. It is bewildering to our client that your parks staff would impose such a constraint on the older and physically challenged segment of our society when such constraints do not impact able bodied citizens.

The justification for this constraint on Paul Lake purportedly relates to safety and environmental concerns. The KDFGA and the KFF have advised that these same types of concerns exist for lakes like Lac le Jeune and Heffley Lake but that the concerns for those lakes have been addressed through implementation of a boating speed limit restriction, thus impacting able-bodied and physically challenged citizens in the same way. Our clients have recommended to parks staff that similar boating speed limit regulations be put in place for Paul Lake. Implementing such a boating speed limit regulation would address your parks staff concerns for safety and environmental issues whilst not discriminating against physically challenged people.

We request that the government direct parks branch staff work with the KDFGA and the KFF to develop an arrangement whereby a trailered boat launch can be provided at this lake so as to end this discriminatory incursion on the rights of elderly and physically challenged individuals in our society. Restricting access to this lake in the current manner is unwarranted. It is regrettable that a grandfather

H2821/0001/00388763

cannot take his grandchildren fishing in his boat on Paul Lake because he does not have the physical capability to launch his boat manually as others are able to do.

Public access to a public resource is a critical component addressed in the recent court case known as Merritt Fish & Game Club v. Douglas Lake Cattle Company. The Province's actions were strongly criticized by the court in that case. It would be regrettable if the actions of parks staff at Paul Lake were condoned by your government thus restricting reasonable public access by elderly and disabled citizens to a provincial public resource.

We urge you to direct your parks staff to meet with the KDFGA and the KFF to address this unfortunate situation in a positive and non-discriminatory manner so that legal action is not necessary.

Yours truly,

**MACKENZIE FUJISAWA LLP**

Per:   
CHRISTOPHER HARVEY, Q.C.

CWH:aoy

cc. Honourable George Heyman ([env.minister@gov.bc.ca](mailto:env.minister@gov.bc.ca))  
Minister of Environment and Climate Change Strategy

Regional Director of Thompson-Nicola (via fax: 1-250-828-4000)  
Ministry of Environment & Climate Change Strategy

Elmer Fast, President ([edfkamloops@gmail.com](mailto:edfkamloops@gmail.com))  
Kamloops and District Fish & Game Association

L. P. Piggin, President ([lpiggin@telus.net](mailto:lpiggin@telus.net))  
Kamloops Fly Fishers Club