



Ministry of
Water, Land and
Resource Stewardship

shíshálh Nation – British Columbia Foundation Agreement and shíshálh swiya Dock Management Plan: Online Information Session Questions and Answers

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In 2018, shíshálh Nation and B.C. made history by signing the province's first Comprehensive Reconciliation Agreement (CRA), a long-term phased agreement focused on government-to-government relations that recognize inherent rights and title.

The Province and shíshálh Nation have made substantial progress together since signing the Foundation Agreement in 2018. The first phase of the Foundation Agreement concluded in 2023, at which time the Province and shíshálh Nation negotiated commitments for the second phase, represented by the Agreement renewal.

In online information sessions on March 20 and 31, 2025, representatives from the Ministry of Indigenous Relations and Reconciliation and the Ministry of Water, Land and Resource Stewardship provided details about the Foundation Agreement renewal, how it relates to the shíshálh swiya Dock Management Plan and what it means for residents of the Sunshine Coast.

The document includes questions received at the public information webinars, as well as questions submitted by email. Thank you to those who have submitted questions.

Questions have been grouped and answered by theme to reduce repetition.

In total, the Province received 329 questions. Staff have now provided answers to all questions in this document, and future updates will be posted to the [shíshálh Nation – British Columbia Foundation Agreement web page](#).

Questions in this document are direct unedited reproductions of submitted questions. Questions or comments containing disrespectful or derogatory language have not been addressed.

Questions & Answers: Foundation Agreement renewal

1. Announcement timing

Example of questions received:

- “Why were details of the agreement renewal not made public before it was signed?”

Answer:

- The Foundation Agreement renewal continues the implementation of the 2018 Foundation Agreement by setting out medium-term milestones, as required under the Foundation Agreement.
- The Foundation Agreement renewal was announced as soon as we could after Ministers were appointed and briefed after the election, and we could prepare an announcement and a celebration.
- We acknowledge that we should have found a way to announce the renewal before the election.
- Our commitment is to provide more timely information about these types of agreements to support public confidence in the work we are doing together with communities, First Nations and non-First Nations alike.
- The Foundation Agreement renewal clearly outlines our commitments to engage with local governments and other partners as we move forward in the next 5 years.

Questions received: Announcement timing

- “How come you kept your talks a secret till after the election?”
- “Why were the details of the agreement renewal not made public before it was signed?”
- “Not a question but you really do insult our intelligence by saying you ran out of time, absolutely no one believes you”
- “It's not good enough to say you "ran out of time".”
- “It was not a lesson that you learned. It was a strategy that the NDP and Premier Eby decided to move ahead with. As you chose to announce the agreement after the election, nobody trusts you.”
- “What does "run out of time mean"? Exactly? This was a crucial issue in the election!”
- “Do you understand that by not sharing this agreement prior to the election, that trust has been significantly eroded and thus undermined the gains that had been made in truth and reconciliation?”
- “Are there any other agreements that have been signed nor negotiated but not announced yet?”

2. Foundation Agreement renewal engagement

Example of questions received:

- “Why weren’t private property owners, including our local government (Sunshine Coast Regional District – SCRD), consulted on the Foundation Agreement or its Addendum?”
- “Why were details of the agreement renewal not made public before it was signed?”

Answer:

- The Foundation Agreement renewal continues the implementation of the 2018 Foundation Agreement by setting out medium-term milestones, as required under the Foundation Agreement.
- The Foundation Agreement requires shíshálh and the Province to identify priority milestones periodically, and to negotiate and conclude agreements directed at achieving those milestones.
- Over the years, shíshálh and the Province have provided updates to the Sunshine Coast Regional District and the District of Sechelt on our progress under the Foundation Agreement, including updates on place name changes, shared decision-making, and land use planning.
- We are committed to continuing to review and, where necessary, improve our approaches to engagement with respect to significant agreements with First Nations.
- We are committed to engaging with the public as we move forward on this work. This is captured in the text of the Foundation Agreement renewal which clearly outlines our commitments to engage with local governments and other partners.

Questions received: Foundation Agreement renewal engagement

- “Why weren’t private property owners, including our local government (Sunshine Coast Regional District – SCRD), consulted on the Foundation Agreement or its Addendum?” First, the Dock Management Plan was imposed on us without consultation, and now this agreement—few people are even aware that the original agreement was made in 2018. Consulting during implementation is not consultation.”
- “Why was nobody, including our local Government (SCRD), consulted either on the Foundation Agreement or the Addendum? Consultation during implementation is not the same as consultation about what is in the agreement.”
- “Why were details of the agreement renewal not made public before it was signed?”
- “Why should we believe you will listen to us now when you have clearly admitted you have not in the past.”
- “Why is the SCRD not consulted or included in this decision making”

- “Why is the SCRD not included in any decision-making regarding the Foundation Agreement, even though they are our local elected government?”
- “You committed to participation with local government in the first agreement and it never happened. Why would anyone believe you this time?”
- “what happened to our local government, why aren't they part of this process. Why is it the province over rides their authority?”
- “Where was the consultation before you released the amendment to the Foundation Agreement. Seems it is a bit late to talk about consultation.”
- “respect and protect private lands, gives no comfort to those whose land would be indentured and complicated with indigenous title, which is as you said is unique, in fact it supercedes and trumps every other type of title in Canada. Why don't you make this clear to everyone. Once again the Province is not being clear and open in my opinion.”
- “Many feel the same way, and don't trust this NDP government as they have never been forthright in promoting any laws or rules, examples, Land act changes, original PH Dock plan, Sec 7 agreement wrt to the PH DMP, and most recently Bill 7 which would allow our Provincial government to be nothing short of what the US is trying to attempt”

3. Engagement during Agreement implementation

Example of questions received:

- “How will residents be meaningfully engaged in future decisions that affect their properties and communities?”
- “Where do you share with engagement opportunities with the public?”
- “The most effective visions include the voices of ALL those impacted. Will a co-created, collective vision be created that includes the voices of everyone impacted by the decisions made on the Sunshine Coast?”

Answer:

- We are committed to engaging with the public as we move into the implementation of the Foundation Agreement renewal. This commitment is captured in several places in the text of the Agreement renewal. The Foundation Agreement renewal reflects that engaging with local governments, interest holders, and the public is important.
- The Province and shíshálh carried out a significant amount of communication and engagement during the implementation of the 2018 Foundation Agreement, on topics such as land transfers.
- In relation to the Foundation Agreement renewal, our commitment is to do more engagement to support public confidence in the work we are doing.

- In the Agreement renewal, the Province and shíshálh acknowledge and agree that the identification and agreement on transfers of Crown land to shíshálh Nation will require engagement with local government and a consideration of the interests of third parties (section 3.8).
- The Province and shíshálh have also committed to meaningfully engaging with local governments, interest holders, and the public to inform the development of land use planning initiatives (section 7.7).
- It is a requirement in the Foundation Agreement renewal that any section 7 consent-based or joint decision-making agreements must be informed by stakeholder interests (section 10.4(e)).
- As well, the negotiation of an Aboriginal title agreement will require engagement with local government, interest holders, overlapping First Nations, and the public.
- We are committed to continuing to review and, where necessary, enhance our approaches to engagement with respect to significant agreements with First Nations.
- We will continue to post information updates on the Province's work with shíshálh, including upcoming engagement opportunities, on the [shíshálh Nation – British Columbia Foundation Agreement web page](#).
- Specific information and updates about the shíshálh swiya Dock Management Plan can be found on the [shíshálh swiya Dock Management web page](#).

Questions received: Engagement during Agreement implementation

- "How will residents be meaningfully engaged in future decisions that affect their properties and communities?"
- "Moving forward, any agreement should show a dedication and partnership of all residents of our province and country to work together to ensure we pass on to the next generation."
- "#14 in the Implementing the commitment document states, "The best outcomes are achievable when Crown and First Nations decisions are aligned, in harmony, and an outcome of collaboration rather than conflict. I agree with this, but What is the Gov of BC going to do to educate and obtain input and feedback from the non aboriginal public living in around the agreement area."
- "Tom McCarthy - Will PHARA interest groups be included in discussions that impact our community?"
- "Very important that you include the public as you chose not to do this previously."
- "The most effective visions include the voices of ALL those impacted. Will a co-created, collective vision be created that includes the voices of everyone impacted by the decisions made on the Sunshine Coast?"
- "Where do you share with engagement opportunities with the public?"

- “I think Tom misunderstood the question. the hope is for engagement prior to government signing an agreement. and no, the consultation to date has been informing after the fact. that's not consultation. Will he commit to future substantive consultation before making future commitments to Shishalh?”
- “Given I am a tax paying resident, what recourse do I have if I don't agree with the decisions made in the agreement?”
- “The Provincial government has clearly prioritised reconciliation between the shishalh Nation and the provincial government itself over, and at a cost of reconciliation opportunities between residents. This occurred particularly through lack of provincial government transparency and consultation with other stakeholders over several years. Further the Province was generally dismissive of stakeholder concerns and input. What will the province do to help promote opportunities to progress reconciliation.”
- “As a resident and tax paying citizen I do not support this Foundation Agreement process as it is not propely representing the tax paying citizens. Will BC start using the referendum process for these first nation negotiations to ensure all voices are heard?”
- “You have told us repeatedly in this session that you are committed to meaningful public engagement. However the communication about these two information sessions has been very poor with only 9 words in a newspaper article -- no large paperbased ads that go to the general public. Relying only on online and social media sources is not enough. Residents should not have to learn about this foundation agreement renewal information by word of mouth.”
- “I notice the order of engagement is referenced in this order - The Province, The Swiya and the public last.”
- “As a comment it's also really important for all of you to remember that you also represent the non First Nations people that live on the coast. Listening to all of you it is very challenging to believe you have our interests in mind.”
- “to date, all negotiations concerning the foundation agreement have been held in secret- will you commit to including local government and residents in future negotiations in a transparent procedure?”

4. Aboriginal Title

Example of questions received:

- “Will Aboriginal title be negotiated over private land on the Sunshine Coast?”

Answer:

- The recognition of Aboriginal title by B.C. will respect and protect private lands – private landowners will have the same rights, privileges, and obligations that they do now.

- The Province does not include fee simple lands in any land return agreement except on a willing-buyer, willing-seller basis.
- The Foundation Agreement renewal includes a shared commitment to negotiate and attempt to reach an agreement that recognizes shíshálh's Aboriginal title within shíshálh swiya.
- At this time, negotiations have not begun. It is too early to determine the scope of a potential shíshálh Aboriginal title agreement so it is not possible to answer detailed questions about what will be in such an agreement.
- The approach to negotiating Aboriginal title taken by the Province and First Nations is different in each context – there is no one-size-fits-all type of Aboriginal title agreement. The negotiation of an Aboriginal title agreement will require engagement with local government, interest holders, overlapping First Nations, and the public.
- The precise wording and approach that shíshálh and B.C. take to reflect that will be determined when we formally start negotiations on an Aboriginal title agreement.
- The continued existence of Aboriginal title in B.C. has been confirmed by the Supreme Court of Canada, which has also explained the attributes of Aboriginal title. Aboriginal title is recognized and protected by the Canadian Constitution.
- Aboriginal title refers to the Aboriginal right to land that is a unique property right held by an Indigenous collective. It includes the right to:
 - Exclusively use and occupy the land
 - Manage and make decisions about the land
 - Benefit economically from the land
- Negotiating an agreement to recognize shíshálh Aboriginal title will require a multi-year process involving detailed negotiations and approval from Cabinet and the shíshálh Council.
- An Aboriginal title agreement would be implemented through provincial legislation and through shíshálh law.

Questions received: Aboriginal Title

- "How does the implementation of the Shishalh Nation Foundation Agreement by the BC NDP government impact private fee simple ownership on the Sunshine Coast, British Columbia?"
- "Will Aboriginal title be negotiated over private land on the Sunshine Coast?"
- "Will the nation be making decisions that affect private land?"
- "In Haida Gwaii, the law says private land will be protected even where Aboriginal Title is recognized. Does Aboriginal title give a First Nation any powers at all over private land owners, considering the definition of "Aboriginal Title" as explained in the Canadian Constitution? If so,

what are they (e.g., zoning, taxes, restrictions on sales)? And if not then, why do you need to recognize title over private property?"

- "How will the agreement affect future property transfers, sales, or development on privately owned land?"
- "Does the Foundation Agreement recognize the unfettered indefeasible title granted by the crown through the Province of British Columbia, on privately held fee simple properties within the swiya?"
- "what takes precedence Fee Simple Property Rights or Aboriginal Rights over land currently owned privately in the Swiya?"
- "How does the Government see private fee simple property ownership rights and title within the existing property regime in British Columbia, particularly in the context of the Shishalh Nation Foundation Agreement?"
- "What guarantees can the government provide to existing property owners to ensure their ownership rights are not compromised by the integration of indigenous rights with conventional property ownership?"
- "Does the Foundation Agreement title provision recognize the unfettered indefensible title granted by the crown through the Province of British Columbia, on privately held fee simple properties within the swiya?"
- "Can the Province give assurances that Aboriginal Title would not be granted over private interests in fee simple lands located in the shishalh swiya and, if so, how is it proposed that those assurances would be made in a legally binding way?"
- "please confirm that you will not be conceding aboriginal title to areas where there are fee simple titles in place- that is, no overlap with a statement saying fee simple will be "protected"
- "Will Aboriginal Title be negotiated over private land on the Sunshine Coast? If so, why are tax-paying citizens not being consulted? How is this legal? We purchased private property, and now an unelected governing body is imposing Aboriginal Title."
- "Will Aboriginal title be negotiated over private land on the Sunshine Coast?"
- "what is the benefit of recognizing aboriginal title to private land? Are the governments considering recognizing aboriginal title to private land on the sunshine coast?"
- "Can you guarantee that private owners of their property will still own their property freehold, or fee simple will still own it that way, Or are they reduced to leaseholders?"
- "With aboriginal title negotiations will private property be 'carved out' as there has been a lot of opinions with the Haida agreement that recognizes the whole area as a risk to private property. Is this something that the government will take the public's feedback on looking into to ensure that private property is protected?"
- "Does the Foundation Agreement Renewal give Indigenous people final decision authority over private property titles?"
- "How does the renewed agreement specifically protect existing private property titles and waterfront access rights?"
- "How will the agreement impact future property transfers, sales, or development on privately owned land?"

- “Firstly, thank you for taking concrete steps toward reconciliation with First Nations in British Columbia, particularly with the shíshálh Nation through the renewal of the Foundation Agreement that was signed last summer. As a land-owner and business owner on the Sunshine Coast, my concerns and questions centre primarily around the implementation of Aboriginal Title in the shíshálh swiya, per Part 13 of the Foundation Agreement. I would like to know what the Province's position is on applying aboriginal title on fee-simple land in shíshálh territory, and, I would also like to express my deep concern and alarm over how aboriginal title was applied over private property in the Haida Gwaii agreement enacted last year. The structure of the agreement with the Haida Nation has raised serious concerns and criticisms from highly experienced and respected lawyers in this field of Canadian law. ...”
- “Will all swiya crown land/public lands fall under shishalh First Nation jurisdiction?”
- “If the Shíshálh Nation is granted total governance over Crown lands and jurisdiction over land management, does this provide them with full discretion to make land use decisions, including activities such as logging or clear-cutting, without restrictions from the Province?”
- “As the Foundation Renewal Agreement only applies to Crown Land, does that mean that there is no change private land owners Provincial and local government regulations.”
- “The Agreement may lead to Legal and Economic Uncertainty, such that Property owners may face uncertainties regarding land use, land ownership and development, with the Shishalh Nation imposing restrictions or requiring consultation over private property. How does the Government think this would be of benefit for the larger community?”
- “I moved here to retire and enjoy the peacefulness of Pender Harbour and enjoy the activities I love: sailing, boating, fishing, swimming, kayaking, hiking and golfing. If the shíshálh takes control of all Crown Lands, how will my activities be restricted? Why am I suddenly, without notice, without consultation all of a sudden answering to a governing body that was not elected by the people of Pender Harbour, the Sunshine Coast or the Province?”
- “how can aboriginal title occur at the same time as Private land title, are the 2 not different in law”
- “If aboriginal title sets up the right to exclusively use and occupy the land how can private landholders continue to have the same rights, privileges and obligations as now . Communal rights by definition are directly opposed to private rights . How will this be reconciled legally??”
- “The introduction of indigenous governance may alter property market dynamics, potentially leading to shifts in property values and development costs due to new regulatory frameworks. What considerations have the Government and the Shishalh Nation made regarding this outcome and the impact on the community?”
- “What are the potential complications and challenges of intertwining indigenous rights with conventional property ownership in the existing property landscape on the Sunshine Coast, British Columbia?”
- “Thank you for the explanation of how private fee simple land will not be impacted. However, any fee simple land under or around title would seem to be in conflict with Aboriginal decision making process under Section 35 of the Constitution 1982 and the legal framework of Aboriginal title. Can you please clarify how you will address this legal conflict?”

- “How does the provincial government plan to mitigate the potential negative impact on property values that may result from the Foundation Agreement renewal, especially concerning the increased authority of Indigenous nations over land title and governance? Even if fee simple title is protected, prospective buyers will be concerned over the uncertainties surrounding the agreement and some about dock tenures. Will title to the Pender Harbour Golf Course be transferred to the shíshál Nation?”
- “Will the Nation be involved in planning and managing infrastructure projects like highways and hospitals/healthcare?”
- “Our biggest concern is truly our private land ownership. You said at the beginning of the presentation that we would not lose our rights; private land ownership would be respected and protected. But then, at the end, the agreement was said to have not yet been built. We found that contradictory and gives us some cause for concern. However, we expect that is your goal and the intent, which is great, and we hope that the Agreement will be worded to protect homeowners forever versus a term like 20 years (using the DMP as an example.)”
- “Does the Province have the capacity to grant Aboriginal Title (a constitutionally protected right) to lands by way of a simple agreement?”

5. Exclusive decision-making agreements

Example of questions received:

- “Can you explain what exclusive decision-making is? Could it mean shíshálh making decisions that affect non-shíshálh members?”

Answer:

- Through the Foundation Agreement renewal, we have agreed to explore an exclusive decision-making agreement.
- An exclusive decision-making agreement would recognize the jurisdiction of shíshálh to make decisions in relation to specified matters, with the Province stepping back from decision-making on those matters.
- This agreement would have a defined geographic area and agreed to principles that guide decision-making.
- An example of exclusive decision-making in other agreements is decision-making by a First Nation on wildlife harvesting for their members.
- As part of the negotiations process for an exclusive decision-making agreement, we will be conducting extensive engagement with local government, interest holders, and the public.

- As with any jurisdictional framework, accountability, transparency, and procedural fairness will be key principles in the decision of an exclusive decision-making approach. The Province and shíshálh have not begun discussions on a potential topic for an exclusive decision-making agreement. At this point, it is too early to determine the nature and scope of an exclusive decision-making agreement.
- shíshálh and the Province have agreed that this exclusive decision-making agreement will not apply to docks.

Questions received: Exclusive decision-making agreements

- “Can you explain what exclusive decision-making is? Could it mean shíshálh making decisions that affect non-shíshálh members?”
- “What does “exclusive decision-making” mean in practice? Could it allow the shíshálh Nation to make decisions affecting non-shíshálh members? Property owners did not vote for this decision-making group. Where is the democratic process?”
- “Could exclusive decision-making include docks in Pender Harbour?”
- “Did Mr. McCarthy say that independent decision making by the nation will continue to include docks? What does that look like?”
- “please confirm the two joint and one exclusive decision making topics will not concern docks, foreshore tenures or any other issues that directly affect non indigenous residents.”

6. Other decision-making agreements

Example of questions received:

- “Is there a difference between Province/First Nations shared-decision making and joint-decision making?”

Answer:

- Shared decision-making is a general term that can describe a number of ways that First Nations and the Province can work together to inform decision-making and make decisions.
- Currently, applications received by the Province related to most land and resource authorizations within the shíshálh swiya under forestry legislation and the *Land Act*, are reviewed through the shíshálh – B.C shared decision-making framework.
- Under the Foundation Agreement, the Province and shíshálh built shared decision-making processes through which shíshálh and the Province collaboratively review applications and strive to reach consensus. Recommendations are made to the decision-maker and the statutory decision-making authority remains with the Province.

- In other words, the Province makes the decision on whether to issue the authorization, informed by the recommendations from the shared decision-making process.
- The Declaration on the Rights of Indigenous Peoples Act enables the Province to enter into a Section 7 joint or consent-based decision-making agreement with an Indigenous Governing Body.
- In a consent-based decision-making agreement, both the Province and a First Nation must approve an authorization before it can be issued.
- In a joint decision-making agreement, the Province and a First Nation must make decisions together.
- Decision-making under section 7 agreements is subject to judicial review. Moreover, the Province and shíshálh have agreed in section 10.4(c) of the Foundation Agreement renewal that “decision-making processes must be predictable, transparent and administratively fair and decision makers must be accountable for their decisions.”
- Through the Foundation Agreement renewal, we have agreed to seek the required approval to negotiate two Section 7 decision-making agreements.
- A consent-based decision-making agreement, in this context, would require shíshálh Nation and B.C. to agree to the proposed activity before a provincial decision authorizing the activity.
- A joint decision-making agreement, in this context, would require shíshálh and B.C. to make decisions on an authorization together.
- Any future decision-making agreement will be related to decisions that are currently under the mandate of the provincial government. Decisions under the mandate of local governments will not be affected.
- The Province and shíshálh have not explored which decision types would be under consideration for a new decision-making agreement.
- Topics for these new decision-making agreements will not include docks.
- As part of the negotiation of new decision-making agreements, the Province will engage with local governments, partners, and interest holders. Any feedback from this engagement would be considered prior to the Province making a decision to enter into a new decision-making agreement with shíshálh.

Questions received: Other decision-making agreements

- “Is there a difference between Province/First Nations shared-decision making and joint-decision making?”
- “What are the key differences between the shared decision making process from 2018 and the new joint decision making process?”

- “Did you say that the shared decision making process was on hold? If so, for what reason?”
- “How will “shared decision-making” work in practice when there are conflicting interests between local residents and the shíshálh Nation?”
- “I am confused about “joint decision making” under Foundation Agreement. It requires agreement of the Province plus SFN, so does this not mean the Province cannot give approval without SFN agreement? Requesting clarity on this.”
- “How can the Province legally share decision-making with an unelected entity?”
- “How can the Province legally grant shared decision-making authority to an unelected entity?”
- “How can the shíshálh Nation become a decision-making authority over land and resources where they do not hold title?”
- “Does the nation having decision making powers mean that we will have representatives making decisions that we can’t vote for?”
- “Who will have final decision-making authority over land use, resources, and dock management in our region?”
- “Could you please explain again consent based decision making vs exclusive decision-making. Does consent-based decision making require First Nations agreement to proceed if there is a difference of opinion or is the final decision up to the province?”
- “Will the nation be making decisions that affect private land?”
- “The consent agreement seems to be between the Provincial government and the Shishalh, what about the involvement of the local citizens?”

7. Section 7 decision-making agreement: docks

Example of questions received:

- “Not sure we understand the implication of not moving forward with section 7 agreement related to docks. Explain in simple terms so the people on the call understand the implications.”

Answer:

- In the Foundation Agreement renewal, the Province and shíshálh Nation agreed that “the resumption of any negotiations under section 7 of the Declaration Act related to dock authorizations and the conclusion of any related agreement will include a robust public engagement with local governments and potentially affected stakeholders, and requires a subsequent mandate and legislative amendments to the Land Act.”
- In 2022, Cabinet, through Order in Council (OIC) 2022-444, gave the Minister of Indigenous Relations and Reconciliation and the Minister of Water, Land and Resource Stewardship a mandate to negotiate a joint decision-making section 7 agreement with shíshálh Nation concerning dock tenures. Another OIC would have been required for

the Province to sign such an agreement, but no agreement was ever negotiated so no such OIC was issued. Instead, the Province and shíshálh Nation decided that they are not proceeding with negotiations under OIC 2022-44. As a result, on April 7, 2025, Order in Council 2022-444 was repealed.

- As provided for in s. 17.10 of the Foundation Agreement renewal, if in the future, section 7 is to be used in relation to a consent-based agreement with shíshálh Nation on dock tenures, a new mandate provided under a new OIC will be needed.
- In addition to a new mandate and OIC concerning a section 7 agreement relating to dock tenures, amendments to the *Land Act* would also be required.
- The Province is not pursuing a new mandate/OIC or amendments to the *Land Act* for such an agreement at this time.
- In the Foundation Agreement Renewal, the Province has committed to seeking approval for two new section 7 decision-making agreements. We have not yet identified topics for these decision-making agreements; however, these decision-making agreements will not be about dock tenures.

Questions received: Section 7 decision-making agreement – docks

- “Will you be rescinding the OIC permitting negotiation of a section 7 agreement on docks? if not, why not? If you will not be rescinding the OIC will you please confirm that those negotiations will not be proceeding during your current mandate?”
- “why the change in not including the Shishalh in the dock management plan?”
- “It has been stated that the Province and Shishalh are not moving forward with a Section 7 agreement related to docks. Would you please clarify what that means in layman's terms. Can you please clarify what will be the requirements for docks going forward?”
- “Not sure we understand the implication of not moving forward with section 7 agreement related to docks. Explain in simple terms so the people on the call understand the implications.”
- Questions re S.7 agreement regarding docks: “has this agreement been cancelled?”

8. Decision making – Veto

Example of questions received:

- “Will the shíshálh Nation hold a veto on land use decisions including dock management within the swiya?”

Answer:

- In the Foundation Agreement renewal, the Province has committed to seeking approval to negotiate two new section 7 decision-making agreements with shíshálh, as well as an exclusive decision-making agreement.
- These commitments are not about a veto; they are about recognizing the self-government rights of shíshálh. These types of agreements would require the Province and shíshálh to make decisions consistent with an agreed upon process. In the Foundation Agreement renewal, the Province and shíshálh agree the decision-making process must be predictable, transparent and administratively fair and decision makers must be accountable for their decisions.
- The term “veto” suggests that one government would have the ability to override the other government’s decision. That is not what happens under consent-based or joint decision-making agreements. Rather, consent-based or joint processes recognize that both governments have authority to decide whether a particular authorization should be issued. Recognizing the jurisdiction of First Nations to make decisions is part of implementing the UN Declaration on the Rights of Indigenous Peoples, which expressly recognizes self-governance rights of Indigenous Peoples.

Questions received: Decision making – veto

- “In the Deputy Minister’s explanation of veto he indicated that coming to No for a decision would not be an outcome of the type of fair and transparent process that would result in a yes. So can a govt. statutory decision maker ever say NO to a decision. ?? If so, how is that different from a veto ???”
- “Will the shíshálh Nation have a veto on provincial land use decisions within the swiya?”
- “Since there are only 2 parties to the Foundation Agreement, aren’t both parties in the position of having what amounts to a veto? If either party does not agree with the other on an action, then that action cannot proceed. Is this correct?”
- “Will the shíshálh Nation hold a veto on land use decisions including dock management within the swiya?”
- “The joint decision framework you described would seem to give veto power to local bands with regard to crown land. Is this not prohibited by the Land Act and the Constitution?”

9. Land transfers

Example of questions received:

- “Will all swiya crown land/public lands be eventually transferred to the shíshálh Nation?”
- “If there is an existing lease or tenure across crown land in this area, would a land transfer affect this, and if it did how would the existing stakeholder who has this tenure be compensated.”

Answer:

- The Foundation Agreement renewal includes commitments for shíshálh Nation to have six square kilometres of Crown land in the swiya returned to them.
- Specifically, the Province has committed to identifying one square kilometre of provincial Crown lands within shíshálh swiya to be transferred to shíshálh Nation for cultural use purposes, and another five square kilometres of Crown lands within shíshálh swiya to be transferred for economic development purposes.
- The Province and shíshálh have not discussed what parcels these may be. As we begin to identify lands for potential transfer, the Province and shíshálh will engage with local governments and tenure holders to ensure that suitable solutions for interests have been found and agreed to by the Province and shíshálh.
- For some of the interests, it is possible that provincial encumbrances on these lands will continue, or that replacement legal interests will be provided by shíshálh. Once lands are identified and existing interests are known, the Province will engage with the interest holders.
- Financial support is being provided to shíshálh to support their purchase of certain private lands of high cultural significance. Purchase of these lands will be on a willing-buyer willing-seller basis. The Province does not expropriate private lands for the purpose of returning land to First Nations.

Questions received: Land transfers

- “If there is an existing lease or tenure across crown land in this area, would a land transfer affect this, and if it did how would the existing stakeholder who has this tenure be compensated.”
- “What inputs came about to identify the desire by shíshálh for 6 sq kms of Crown land transfers? Why 6?”
- “Will all swiya crown land/public lands be eventually transferred to the shíshálh Nation?”

- “Does that mean you are talking about expropriating land?”
- “why are you giving away all property rights without a fair recognition of the benefits to both parties. Reconciliation should be a joint benefit to both parties and should be conclusive, not a continuing exercise. The Government does not have the license to give away Crown Land and water rights without the input and benefit of all parties involved.”
- “Mr McCarthy, you have no right to negotiate the gifting our our land to another party without a clear majority of consent of all residents to do so to have a clear reason to do so, such as reconciliation”
- “What will happen to the land that is currently regarded as Crown land?”

10. Redactions in the Foundation Agreement renewal

Example of questions received:

- “What were the reasons for the redaction of Schedules A and B to the Agreement and when will the contents of those schedules be disclosed publicly?”

Answer:

- Certain sections of the Foundation Agreement renewal relate to commitments made by the Province to support shíshálh in protecting certain privately owned land parcels.
- These lands hold significant cultural importance for shíshálh Nation.
- Information on the current property owner or owners is being kept confidential, so as not to divulge the location of the lands being discussed, given that they are extremely sensitive cultural sites.
- Information in the Foundation Agreement renewal relating to these land parcels has been kept confidential to safeguard these lands from any potential disturbance or desecration.
- It is also standard practice for the Province to not release the information about private property owners during sales, to protect their interests as well.
- We do not have an estimate of the potential cost to protect some of these parcels yet.

Questions received: Redactions in the Foundation Agreement renewal

- “What were the reasons for the redaction of Schedules A and B to the Agreement and when will the contents of those schedules be disclosed publicly?”
- “Why are there redactions in an agreement intended to be public and transparent? What are we not seeing?I note that the copy of the Foundation Agreement Addendum Regarding Medium-Term Milestones dated August 16, 2024, which is posted on the BC government website, has the details of two blocks of land redacted.”

- “Can you tell me what are these lands and what is the expected expenditure of public money to acquire the land? If you cannot tell me, can you tell me why that information cannot be released to the public. It seems to me that the government should be transparent in their spending of taxpayer money. Alternatively, where can the public obtain an unredacted copy of the document?”

11. Comprehensive Reconciliation Agreements versus Treaties

Example of questions received:

- “How many 5-yr term foundation agreements are anticipated? What is the exact endgame and indeed will it end?”

Answer:

- The Supreme Court of Canada has recognized the importance of reconciliation.
- There is no “one size fits all” approach when it comes to reconciliation and negotiating with First Nations.
- Different First Nations choose different approaches, and a First Nation may change its approach to meet evolving needs. No one approach is better than another. This is fundamental to the right of self-determination held by First Nations, as recognized in the UN Declaration on the Rights of Indigenous Peoples. First Nations have a right to choose what reconciliation path they wish to be on, and what types of agreements they want to try to negotiate.
- While the Foundation Agreement is not a treaty, both treaties and comprehensive reconciliation agreements, like the Foundation Agreement, are grounded in the recognition of Aboriginal rights and both are used to reconcile pre-existing Aboriginal sovereignty with assumed Crown sovereignty.
- Not all First Nations choose to participate in the treaty process.
- Recent changes have modernized processes and created greater alignment between treaty and other reconciliation approaches.
- Comprehensive Reconciliation Agreements are typically outside of the treaty process but provide an incremental path to the goal of comprehensive, tripartite agreements recognized and protected under section 35 of the *Constitution Act, 1982*. Such an approach is in the interests of everyone, as otherwise Aboriginal title and rights disputes often end up in court, creating more uncertainty.

- The federal government is directly involved in the treaty process whereas they are not necessarily involved in negotiating a comprehensive reconciliation agreement.
- The 2018 Foundation Agreement sets out the broad vision we are trying to achieve, and the concept is the subsequent phases – intended to be every 5 years – build on each other to achieve that vision. The 2018 Foundation Agreement includes medium (5 – 10 years) and long term (10 – 25 years) milestones.

Questions received: Comprehensive Reconciliation Agreements versus Treaties:

- “The Foundation Agreement is never ending, that’s part of the problem with it. A treaty is final, and something everyone can work with, it’s specific and unless it’s found to be incomplete cannot be varied. Much better than an ongoing agreement, where changes and decisions continue almost forever.”
- “Shishahli were in treaty negotiations for many years but discontinued as they were not offered enough by the Province. That could have been rectified. Instead, this new agreement can continue giving land and money to the Shishahli almost forever, because it is so non-specific.”
- “How many 5-yr term foundation agreements are anticipated? What is the exact endgame and indeed will it end?”

12. Regional benefits of the Foundation Agreement renewal

Example of questions received:

- “In grassroots terms, what are the specific benefits of change to the taxpayer, indigenous & non-indigenous both?”

Answer:

- One of the things we can clearly see in this province is that when we partner with First Nations, whole regions benefit from it.
- Our experience shows that when we deliver agreements, they create new jobs and economic activity, and a range of other benefits.
- The Foundation Agreement renewal is about creating opportunities.
- This agreement brings predictability to the region particularly with respect to addressing shared community interests, project planning and approvals.
- The Agreement includes commitments and initiatives that will benefit everyone who lives on the Sunshine Coast. New investments in economic development, continued joint land use planning and stewardship and improvements to water supply are just some of the Foundation Agreement renewal components that will have a positive impact across the region.

- shísháhlh has a history of relationships and partnerships with forestry proponents and aggregate companies in the swiya, and shísháhlh has invested heavily in these sectors. These investments and partnerships create significant broader economic benefits.
- shísháhlh's water supply plan, supported in part by funding through the Foundation Agreement renewal, will seek to increase available water quantity and help address water scarcity across the region.
- Outside of this agreement, shísháhlh continues to be a local leader in water supply planning. Through the Lower Crown reservoir project (which will be located on land transferred to shísháhlh under the Foundation Agreement), the Nation is helping to improve water security for residents throughout the region who are served by the Chapman water system.
- When we work together, everyone benefits.
- As we move forward, we are committed to communicating with local government, interest holders, and the public in the swiya to support clearer understandings about what work we are doing and how the communities will be engaged as we move forward.

Questions received: Regional benefits of the Foundation Agreement renewal

- "In grassroots terms, what are the specific benefits of change to the taxpayer, indigenous & non-indigenous both?"
- "There are many mentions of economic development in the agreement. Can you describe some of the economic development opportunities?"

13. Agreement benefits and accountability

Example of questions received:

- "How did you arrive at the amounts listed for the different projects in the agreement and will there be any audit performed to confirm that the funds are used appropriately?"

Answer:

- The Foundation Agreement renewal recognizes shísháhlh's inherent rights and title and supports the continued work towards milestones set out in the original Agreement through land transfers, cultural and language revitalization support, economic development funding and other initiatives.

- The Foundation Agreement renewal provides \$79 million of funding over 5 years to shíshálh for a number of important initiatives.
- The funding includes dollars for cultural revitalization, stewardship initiatives and economic development.
- This funding will be a positive contribution and flow into the broader regional economy.
- For example, supporting shíshálh financially on water security initiatives will benefit the whole region.
- Similarly, habitat restoration work being considered for McLean Bay, Anderson Creek, Sakinaw estuary, Oyster Bay mud flats, will benefit everyone who uses these areas.
- First Nations are critically important partners in all aspects of what we do and we're going to continue to work with them on their priorities and on the priorities of all British Columbians.
- Courts in Canada have repeatedly noted that Aboriginal title exists in British Columbia and that negotiating agreements with First Nations in relation to their Aboriginal title and other rights is the preferred path forward. Otherwise, legal disputes can drag out for years in the courts and there is uncertainty for everyone. As the Supreme Court of Canada has said, "we are all here to stay". We need to find ways to work together. The Foundation Agreement and Foundation Agreement renewal set out clear paths forward to do that.
- One of the things we can clearly see in this province is that when we address longstanding challenges in First Nations communities, not only does that specific community benefit, but the whole region benefits from it too.
- It is up to shíshálh to determine how they use the funds for economic development. shíshálh has expressed interest in investing in its forestry business through equipment and asset acquisition and improvements. However, there is no requirement for them to use the funds in any specific way.
- shíshálh will provide the Province with an annual workplan at the start of each Fiscal Year that outlines the activities associated with funds provided under the Foundation Agreement Renewal and how these activities will be achieved.
- Following receipt and review of the annual workplan, the Province will provide funding payable under the Agreement to shíshálh.
- Funding provided under all agreements with First Nations have a stringent approvals process.

- The Provincial budget, including the Ministry of Indigenous Relations and Reconciliation budget, is debated and passed annually. As part of this process, the Ministry of Indigenous Relations and Reconciliation seeks Cabinet permission related to negotiations and expenditures.

Questions received: Agreement benefits and accountability

- "Please have the Province justify spending 100 million dollars to benefit one small group on the Sunshine Coast when there are so many things where this money could be spent that benefit all residents, such better roads as most are in dire need of repair or replacement, more consistent water availability, expanded dumps and other infrastructure."
- "\$100 million dollars over 5 years has been promised to the Shishalh Nation. Will more money continue to be provided/advanced to the Nation and is this sustainable. I also thought the Shishalh Nation is a self-governing nation so why do we continue to provide BC Government dollars. This is very confusing. Please clarify. Thanks."
- "Can you expand on the \$47 million for economic development of the Sechelt. What kind of programs does that entail... examples?"
- "The costs laid out in the recent release of the Foundation Agreement update are substantial > \$100 million over the next 4 years. With economic uncertainty in the province, pending tariffs, and a trade war with the US, an ongoing fentanyl crisis on the Sunshine coast, how can these costs be justified?"
- "The Agreement may lead to Legal and Economic Uncertainty, such that Property owners may face uncertainties regarding land use, land ownership and development, with the Shishalh Nation imposing restrictions or requiring consultation over private property. How does the Government think this would be of benefit for the larger community?"
- "How did you arrive at the amounts listed for the different projects in the agreement and will there be any audit performed to confirm that the funds are used appropriately?"
- "What oversight and accountability will be in place for the nation?"
- "A total of roughly \$79 million dollars of taxpayer money is being allocated to the shishálh Nation as part of the FA. What accountability and reporting will be required in terms of how these funds will be used?"
- "Were there any trade offs, like the Tsawwassen agreements, where Indigenous benefits were reduced, because of the new agreements?"
- "Since at this time you are continuing to 'take from Peter to pay Paul', this will and does create dissention between parties especially when you continue to impede on both BC public and BC private properties Since the first nations have their own private properties, will the BC provincial gov't pivot to best represent the tax paying citizens by providing support on the existing first nations lands rather than unrealistically impacting the BC tax paying residents with these numerous extremely expensive and detrimental changes?"
- "Given that there are over 200 Indigenous Nations in BC, how does the government plan to fund these agreements (as the shishalh agreement is over \$100 million?)?"

- “Given that this Foundation Agreement may be used as a template (with adjustments) be used with First Nations throughout BC in regards to Rights and Title-will there be Crown Lands left for non First Nations peoples? Will all land/marine/fresh water in BC be negotiated on a Government to Government basis?”

14. Environmental restoration funding

Question received:

- “\$2.77 million dollars is being given to the shíshálh Nation for 'environmental and cultural restoration' work. What does this work encompass as it relates to environmental issues in the swiya?”

Answer:

- This funding is for environment and cultural restoration work within shíshálh swiya. The projects will be identified by shíshálh.
- shíshálh has indicated that restoration projects could include the following areas:
 - Sakinaw Lake estuary
 - Oysters Bay mud flats
 - Fish traps at Anderson Creek
 - Eel grass and kelp beds throughout shíshálh swiya
 - McLean Bay
- The identification of restoration projects is under the sole discretion of shíshálh.

15. Indian Act

Example of questions received:

- “How will this Foundation Agreement fit with the *Indian Act*? Will the Foundation Agreement release the shíshálh from the *Indian Act*?”

Answer:

- shíshálh Nation has been self-governing on shíshálh lands since 1986, when Canada enacted the *shíshálh Nation Self-Government Act* (previously called the *Sechelt Indian Band Self-Government Act*). “shíshálh lands” are the former reserve lands of the Sechelt Indian Band, which the federal government transferred to shíshálh in fee simple in 1986, and any additional lands owned by shíshálh that are declared to be shíshálh

lands by Canada and BC. Under this self-government Act, shíshálh Nation moved out from under the *Indian Act*.

- The Foundation Agreement renewal is a bilateral agreement between the Province and shíshálh. The *Indian Act* and the *shíshálh Nation Self-Government Act* are federal laws. The Foundation Agreement does not affect these federal laws.
- Since 1986, shíshálh Nation's law-making powers over shíshálh lands and other matters involving the Nation, such as language, education and social services, have been recognized in the *shíshálh Nation Self-Government Act*. shíshálh also has municipal functions pursuant to the *shíshálh Nation Government District Enabling Act* (previously called the *Sechelt Indian Government District Enabling Act*).

Questions received: Indian Act

- "A clarification: the 2018/24 Foundation Agreement is between the shíshálh and BC whereas the Indian Act outlines laws between Federal government and all Indigenous nations. Will the Foundation Agreement give shíshálh Nation self-government with opportunities for financial independence? How will this agreement fit with the Indian Act? Will it release the shíshálh from the act?"
- "How will this Foundation Agreement fit with the Indian Act? Will the Foundation Agreement release the shíshálh from the Indian Act?"

16. Foundation Agreement termination

Question received:

- "Can either party terminate the agreement?"

Answer:

- The Province and shíshálh Nation are committed to true, lasting reconciliation through a renewed government-to-government relationship. We have agreed that termination of the Foundation Agreement is a last resort. Provisions for termination are included in section 34 of Schedule P to the 2018 Foundation Agreement.

17. Archaeological Requirements within the swiya

Example of questions received:

- "How does the Province view the permitting authority that shishalh Nation is asserting over any ground disturbance in thier swiya?"

Answer:

- shíshálh Nation has self-government rights that are protected by Canada's Constitution.
- Lands in the swiya are ancestral to the shíshálh people and there are significant cultural and archaeological resources on these lands that shíshálh Nation is striving to protect. When you plan activities and projects in the swiya, the Province encourages you to reach out to shíshálh Nation to receive their input and to [follow their policies](#).
- You may also reach out to the Provincial Archaeology Branch to learn about whether there is a recorded heritage site that will impact whether and how a development activity moves forward in the proposed project area.
- The Province recognizes that there are challenges with how archaeology values are protected and managed under current provincial legislation and that how the Province manages these values is not always aligned with the interests of First Nations.
- Together, First Nations and the Province are engaged in the Heritage Conservation Act Transformation Project which aims to reform the Heritage Conservation Act (HCA) to ensure it is consistent with the UN Declaration on the Rights of Indigenous Peoples (UN Declaration) and improve its administration to the benefit of all people in B.C.

Questions received: Archaeological Requirements within the swiya

- "Is there guidance for business and industry regarding expectation of engaging on ground disturbance in the swiya?"
- "Does the Foundation Agreement provide shishalh First Nation with a permitting authority or jurisdiction over ground disturbance within their swiya? (within non-crown, non-public land, and not within shishalh First Nation lands)"
- "How does the Province view the permitting authority that shishalh Nation is asserting over any ground disturbance in thier swiya?"

18. Access to Crown Lands**Question received:**

- "Will the shíshálh Nation have the ability to impose water access or recreation access on crown lands and waterways within the swiya?"

Answer:

- Over the next 18 months or so, the Province and shíshálh Nation will work together to identify appropriate Crown land parcels within the swiya for transfer to shíshálh.
- As we begin to identify lands for potential transfer, we will engage with local governments and interest holders.
- We recognize that interests may include maintaining public access to certain parcels, and we will take that into account when negotiating the terms of the land transfers.
- shíshálh and the Province continue to work on a joint land use plan for the shíshálh swiya to help protect important values on the land base.
- As is the case with land use planning generally, the joint plan may result in changes to permitted uses and access to Crown lands. For example, if there is a highly sensitive and vulnerable ecosystem that needs to be protected, limits could be placed on trail building in the area.
- Where zoning occurs and what types of specific management practices should be put into place will depend on what we hear from shíshálh members, the public, local governments, and interest holders during the Land Use Plan Phase 2 engagement as well as the findings and values identified in the current condition assessments done as part of the joint land use planning work.
- The feedback collected during this phase of engagement will be used to inform the type of land designations and management zones that will be considered in the next phase: development of a recommended management approach.

19. Economic Development Opportunities for shíshálh**Example of questions received:**

- “Are commercial opportunities, such as eco-tourism, available to Tsain-Ko and other First Nations commercial entities? to private businesses?”

Answer:

- The Agreement renewal includes ongoing funding to support shíshálh Nation’s work in relation to several initiatives.
- This includes provision of \$47.58 million over five years for economic development.

- How the funds are spent is up to shíshálh.

Questions received: Economic Development Opportunities for shíshálh

- “why has the province put a liquor and pot shop in the SIB mall? Do they pay property tax and water usage to the whole of the community?”
- “Are commercial opportunities, such as eco-tourism, available to Tsain-Ko and other First Nations commercial entities? to private businesses?”

20. Foundation Agreement drivers

Question received:

- “Is this agreement a litigation risk management strategy for the Province, or is it part of a political decision to acknowledge rights for which there is no substantial likelihood of success at litigation by the shíshálh Nation? If the latter, it seems rather unfair to the citizens of the Province, to give away these rights, absent, the threat of successful litigation.”

Answer:

- The Province recognizes that shíshálh Nation’s title and rights exist in the swiya, and it is in both our respective interests to continue to foster a deeper collaborative relationship in relation to the land, resources, and economic development opportunities within the shíshálh swiya, and to ensure that shíshálh Nation’s right to self-determination, including the inherent right of self-government, is realized.
- In 1998 shíshálh filed a notice of civil claim seeking a declaration of Aboriginal rights and title in the swiya. This claim was put in abeyance to allow the Province and shíshálh to work towards reconciliation through agreements. The Courts have told us many times that reconciliation is best achieved through negotiation.
- The Province and shíshálh are strong partners and have successfully been working together for many years.
- The Foundation Agreement provides the pathway for reconciliation by supporting our shared goals of self-determination, decision-making and economic independence for shíshálh Nation. These agreements provide much more predictability for everyone in the swiya.

21. Resolving disagreements between parties

Example of questions received:

- “With respect to the renewed agreement I would like to understand how this will work when there are disagreements between the Province (democratically elected by constituents of the area covered) and the shishalt nation (not representative to the majority of the constituents living in the area)?”

Answer:

- shíshálh and the Province have agreed to resolve disputes about the interpretation or implementation of the Foundation Agreement in a respectful and collaborative manner.
- This dispute resolution process is outlined under Sections 6.4 to 6.10 of the 2018 Foundation Agreement.
- shíshálh and the Province may use whatever processes or approaches they agree are reasonable to resolve the dispute, including a longhouse visit or mediation.
- For disagreements with respect to a shared decision-making process, or a consent-based or joint decision-making process, see the response to the questions under “Resolving disagreements related to joint and consent-based decision making.”

Questions received: Resolving disagreements between parties

- “What recourse do residents have if they disagree with decisions made under this agreement?”
- “How will this agreement be administered and what controls will be in place to ensure that the administration is efficient and effective at exercising its authority?”
- “Please clarify how this agreement will be governed to support the best interests of the whole community.”
- “As most governance agreements cannot tie the hands of future governments, can the shíshálh Nation decide to rescind all agreements previously entered into with other levels of government?”
- “With respect to the renewed agreement I would like to understand how this will work when there are disagreements between the Province (democratically elected by constituents of the area covered) and the shishalt nation (not representative to the majority of the constituents living in the area)?”

22. Resolving disagreements related to joint and consent-based decision making

Questions received:

- “I am especially concerned about giving decision making powers to the shíshálh Nation. What will happen in cases where the shíshálh Nation interests are inconsistent with the public interest?”
- “In the event of an inability to reach a consensus in decision-making, will the Government of BC act as the arbitrator?”

Answer:

- Since 2018, shíshálh and the Province have built shared decision-making processes through which shíshálh and the Province collaboratively review applications related to most land and resource authorizations within the shíshálh swiya under forestry legislation and the Land Act and strive to reach consensus. Currently, the Province makes the final decision on whether to issue the authorization, informed by recommendations from existing shared decision-making processes.
- Through the Foundation Agreement renewal, we have agreed to seek the required approval to negotiate two section 7 consent-based or joint decision-making agreements. The Province and shíshálh have not yet explored which decision types would be under consideration for a new decision-making agreement.
- The Province and shíshálh will engage with potentially affected local governments and interest holders during the negotiation of a consent-based or joint decision-making agreement. Any feedback from this engagement would be considered before the Province enters into such a decision-making agreement with shíshálh.
- The Declaration on the Rights of Indigenous Peoples Act enables the Province to enter into a section 7 joint or consent-based decision-making agreement with an Indigenous governing body.
- An Indigenous governing body is an entity that is authorized to act on behalf of Indigenous peoples who hold rights recognized and affirmed by section 35 of the Constitution Act, 1982.
- Section 7 agreements structure a clear and transparent relationship between Indigenous decision making and Crown statutory decision making, consistent with the UN Declaration on the Rights of Indigenous Peoples.
- In a consent-based decision-making agreement, both the Province and Indigenous

governing body must approve a specified type of authorization before it can be issued.

- In a joint decision-making agreement, the Province and Indigenous governing body must make decisions on specified types of authorizations together.
- The Province and shíshálh have agreed in section 10.4(c) of the Foundation Agreement renewal that “decision-making processes must be predictable, transparent and administratively fair and decision makers must be accountable for their decisions.”
- Decision-making agreements will establish transparent and predictable processes to produce good decisions for the entire community and will be the outcome of comprehensive and step-by-step discussions and negotiations.
- The decision-making process will include detailed steps that will be followed by both the Province and shíshálh and explain how an applicant moves through the process.
- Decision-making agreements will include a process for how the Province and shíshálh will make their final decisions and resolve differences and will include a dispute resolution process.
- Decision-making under section 7 agreements is subject to judicial review.

23. Decisions by an Indigenous governing body

Example of questions received:

- “Will discussions and decisions made by the nation be subject to the same oversight as we expect from our elected government? Including things like freedom of information requests”
- “Will the Indigenous governing body, or members of the Indigenous governing body, be required to undertake the same oath required of public servant statutory-decision-makers under s. 21 of the BC Public Service Act? What conflict of interest laws or rules or policies will apply to the Indigenous governing body?”

Answer:

- shíshálh and the Province collaboratively review applications related to most land and resource authorizations within the shíshálh swiya under forestry legislation and the Land Act and strive to reach consensus.
- Currently, the Province makes the final decision on whether to issue the authorization, informed by recommendations from existing shared decision-making processes.
- Under the Foundation Agreement renewal, we have agreed to seek the required

approval to negotiate two section 7 consent-based or joint decision-making agreements. For more information on these agreements, please see questions and answers under the “Resolving disagreements related to joint and consent-based decision making” heading.

- An Indigenous governing body is not a Provincial agency, so would not be subject to the Ombudsperson Act, or BC Auditor General Act. Members of an Indigenous governing body would not be required to take an oath as required as public servants.
- As a self-governing Nation, shíshálh Nation has its own laws and constitution. Some of shíshálh Nation’s self-government rights are recognized in the shíshálh Nation Self-Government Act.
- The Freedom of Information and Protection of Privacy Act (FOIPPA) sets out the access and privacy rights of an individual as they relate to the provincial government and establishes an individual’s right to access records.
- An Indigenous governing body is not a public body as defined in FOIPPA, so would not be subject to that legislation.
- FOIPPA continues to apply to the Province. Any records related to consideration of a decision between the Province and an Indigenous governing body in the custody or under the control of the Province, would be accessible to the public through FOIPPA, subject to any applicable exceptions to access as set out in Part 2 of that Act.

Questions received: Decisions by an Indigenous governing body

- “How will non-Band-members know whether the Indigenous governing body has complied with section 9 of the shíshálh Nation Self- Government Act, S.C. 1986, c. 27 (obligation to act through the Council) or the shíshálh constitution requirements set out under section 10 of the shíshálh Nation Self-Government Act, S.C. 1986, c. 27, or the Indian Act Band Council Procedure Regulations (C.R.C. 950) (to the extent applicable)? More specifically, will non-shíshálh members be given access to shíshálh council meetings, shíshálh decision-making processes and decision records to the same extent shíshálh members are? If the shíshálh Council becomes the Indigenous governing body, will they be subject to: A) The Freedom of Information and Protection and Privacy Act in terms of protection of confidential information and the public right to seek disclosure of information? B) The Ombudsperson Act, in particular the ability of a person aggrieved by a decision of the Indigenous governing body to complain to the Ombudsperson and have the Ombudsperson investigate the matter? C) The B.C. Auditor General Act, particularly the right to conduct examinations of government organizations (either directly or through the Ministry responsible for administration of the DRIPA)?”
- “Will any fees charged by the Indigenous governing body for application processing be subject to provincial approval, and considered public monies under section 11 of the Financial Administration Act [SBC 1981] ch. 15? What conflict of interest laws or rules or policies will apply to the Indigenous governing body? Will any fees charged by the Indigenous governing body for application processing be subject to provincial approval, and considered public monies under section 11 of the Financial Administration Act [SBC 1981] ch. 15?”
- “Will discussions and decisions made by the nation be subject to the same oversight as we expect from our elected government? Including things like freedom of information requests”
- “Will the Indigenous governing body, or members of the Indigenous governing body, be required to undertake the same oath required of public servant statutory-decision-makers under s. 21 of the BC Public Service Act? What conflict of interest laws or rules or policies will apply to the Indigenous governing body?”

24. Aboriginal Title and Haida Nation

Example of questions received:

- “In the recent Haida agreement land title was awarded to Haida nation on 100% of the land. Government Communication insisted that private or fee simple land ownership would not be affected. Given Haida nation now have 100% land tile in ALL land how is it possible that two entities (Haida nation and fee simple owner) can own land title to the same piece of property?”

Answer:

- The approach to negotiating Aboriginal title taken by the Province and First Nations is different in each context. There is no one-size-fits-all Aboriginal title agreement.
- For more than 20 years, B.C. and the Haida Nation have been engaging constructively on new, successful approaches to reconciliation.
- In 2024, B.C. recognized Haida's Aboriginal title by signing the Haida Title Lands agreement and passing the Haida Nation Recognition Amendment Act.
- In December 2024, Canada signed a similar agreement with the Haida Nation, the Chiixuujin/ Chaaw Kaawgaa "Big Tide (Low Water)" Haida Land Title Agreement which covers federal portions of Haida Gwaii. This agreement will take effect once both parties agree on the effective date.
- Recognizing Haida's Aboriginal title means that all of Haida Gwaii is recognized as Haida Aboriginal title lands. Over time, the Province and Haida Nation will negotiate how to reconcile their jurisdictions.
- The agreement and legislation are clear and explicit: recognizing Haida Aboriginal title will not impact anyone's private property, whether used for residential, business or industrial purposes – now or in the future. Private property remains under B.C. jurisdiction in perpetuity.
- Similarly, recognizing Haida Aboriginal title will not affect local government jurisdiction and bylaws on Haida Gwaii.
- Local governments continue to provide all the same services to residents of the islands, and local government administration like business licenses, building permits or zoning is not affected.
- Highways, airports, ferry terminals, health care, and schools will not be impacted. Residents will continue to receive municipal services and pay property taxes in the same way they do today.
- Because of the unique set of factors applicable to First Nations in the province, an Aboriginal title agreement would look different for each First Nation.
- The provincial government is working with First Nations across British Columbia, including shíshálh Nation on mechanisms to recognize rights and title, including through negotiated agreements.

- For more information on the Haida Aboriginal title agreement, please visit the [Provincial Agreement on Haida Aboriginal Title web page](#).

Questions received: Aboriginal Title and Haida Nation

- “In Haida Gwaii, the law protects private land even when Aboriginal Title is recognized. Does Aboriginal Title give a First Nation any authority over private landowners (e.g., zoning, taxes, restrictions on sales)? If not, why is title being recognized over private property at all? If nothing changes for private property owners, why is this even necessary?”
- “In Haida Gwaii, the law says private land will be protected even where Aboriginal Title is recognized. Does Aboriginal title give a First Nation any powers at all over private land owners, considering the definition of “Aboriginal Title” as explained in the Canadian Constitution? If so, what are they (e.g., zoning, taxes, restrictions on sales)? And if not then, why do you need to recognize title over private property?”
- “Cassells LLP believes the draft agreement with Haida is not an agreement but a contract and could have legal consequences over private lands despite assurances. Is it an agreement or a contract and what are the consequences?”
- “In the recent Haida agreement land title was awarded to Haida Nation on 100% of the land. Government Communication insisted that private or fee simple land ownership would not be affected. Given Haida Nation now has 100% land title in ALL land how is it possible that two entities (Haida Nation and fee simple owner) can own land title to the same piece of property?”

Questions received: Aboriginal Title and Haida Nation (Continued)

- “Firstly, thank you for taking concrete steps toward reconciliation with First Nations in British Columbia, particularly with the shíshálh Nation through the renewal of the Foundation Agreement that was signed last summer. As a land-owner and business owner on the Sunshine Coast, my concerns and questions centre primarily around the implementation of Aboriginal Title in the shíshálh swiya, per Part 13 of the Foundation Agreement. I would like to know what the Province's position is on applying aboriginal title on fee-simple land in shíshálh territory, and, I would also like to express my deep concern and alarm over how aboriginal title was applied over private property in the Haida Gwaii agreement enacted last year. The structure of the agreement with the Haida Nation has raised serious concerns and criticisms from highly experienced and respected lawyers in this field of Canadian law. Thomas Isaac, for example, is the Chair of the Aboriginal Law group for Cassels LLP, has authored the textbook "Aboriginal Law" now in its 6th edition, and is the former Chief Treaty Negotiator for the Province of BC, among other distinguishing accomplishments. The questions and concerns that he raises are chilling if one imagines this sort of agreement being applied across the Province. The agreement in Haida Gwaii recognized Aboriginal Title across all land, including across privately owned fee-simple land. The agreement then clarifies (sections 4.4 and 4.6) that the Haida Nation agrees to "honour Fee Simple Interests" and that the agreement shall not "alter or derogate from those Fee Simple Interests...". It is the expert assertion by Mr. Isaac that Aboriginal Title and private title cannot coexist under Canadian law. There is no way to register dual titles in our Land Registry, nor a way to resolve conflicts between competing interests. It sounds as though the Crown may not have had the right to assign title over land in which they did not have an interest (Fee Simple lands). The rebuttals that I have read from the Province essentially amount to, "trust us, fee simple land is not threatened." In the above-cited Canadian Lawyer article, Graeme Cook makes the argument that the agreement is aligned with the rulings from the courts, in which the Nation did not pursue rights over private property. But the agreement includes private property under Aboriginal title, before excusing it from the incumbrances implied by that title. The agreement succeeds in moving the private land into Haida jurisdiction. Cook makes the point that the agreement says "over and over again, that the Haida Nation is going to honour these private property interests". First, note that he says the Haida Nation will recognize these rights, not that the rights are recognized by the Provincial or Federal Governments, because the land is no longer under the Crown's control. Secondly, if the agreement makes an assertion that is unenforceable, it would presumably be severed from the agreement. It is a serious possibility that the guarantees of the rights of private ownership will be struck down on Haida Gwaii in the future. Imagine now that the same structure is applied in agreements across the Province and then private ownership rights are struck from the agreements as competing with the rights of Aboriginal Title. It would be catastrophic to the Provincial economy. My understanding is that even the major banks question how to secure mortgages on land with competing Titles in Haida Gwaii. There is no case law or legal precedent for the legal strategies or theories that underpin the Haida agreement. The theories are untested, therefore, the co-existence of Aboriginal title with private property rights is a terribly reckless legal experiment. The same approach should not be carried forward into a territory with exponentially more private land value at stake; privately held land should not be included in Aboriginal title in the shíshálh territory.”

25. Fees and taxes

Example of questions received:

- “As a private land owner will I ever have to pay additional taxes or fees to an agency of the shíshálh Nation?”

Answer:

- The current property tax and development fee structure for private lands is unlikely to be affected by B.C. negotiating an agreement to recognize shíshálh Aboriginal title.
- The Foundation Agreement renewal includes a shared commitment to negotiate and attempt to reach an agreement that recognizes shíshálh’s Aboriginal title within shíshálh swiya.
- At this time, negotiations have not begun. It is too early to determine the scope of a potential shíshálh Aboriginal title agreement so it is not possible to answer detailed questions about what will be in such an agreement.
- However, we do know that the recognition of Aboriginal title by B.C. will respect and protect private lands – private landowners will have the same rights, privileges and obligations that they do now.
- The precise wording and approach that shíshálh and B.C. take to reflect that will be determined when we formally start negotiations on an Aboriginal title agreement. There will be no changes to local government authorities unless the local governments agree.
- The negotiation of an Aboriginal title agreement will require engagement with local government, interest holders, overlapping First Nations, and the public.

Questions received: Fees and taxes

- “As a private land owner will I ever have to pay additional taxes or fees to an agency of the shíshálh Nation?”
- “Can the Government guarantee the agreement will not lead to the implementation of impact fees, increased assessment or user fees and taxes, which would financially burden developers and property owners?”
- “Will the shíshálh Nation have the ability to impose new taxes in addition to existing property taxes on privately owned property within the swiya.”
- “Will this foundation agreement and title recognition permit the shíshálh Nation to impose additional taxes or licence fees for boathouses and docks within the swiya?”

26. Local government

Example of questions received:

- “How will this new relationship impact existing entities (like District of Sechelt and SCR D as examples). Is this an opportunity to combine some to reduce waste, red tape, duplicate processes, and confusion as to ‘who does what?’”

Answer:

- The B.C. - shíshálh Foundation Agreement and the Agreement renewal are focused on topics where the Province and shíshálh Nation have jurisdiction.
- While municipal authorities, regional districts, First Nation governments, and the federal government all play a role in managing land, water and other natural resources in and around the swiya, the Foundation Agreement does not impact decisions under local government jurisdiction.
- Although local governments are not signatory to the Foundation Agreement, ongoing communication and input is very important in shaping the implementation of key elements of the Foundation Agreement and Agreement renewal.
- The Province and shíshálh are committed to continuing communication and engagement during implementation on topics that are of interest to local governments and residents.

- We look forward to exploring areas of mutual interest and opportunities to discuss and work together on topics of regional significance for the benefit of all residents of the shíshálh swiya.

Questions received: Local government

- “Will map information be provided to local government so that when we consult the SCRCD GIS information, the Foundation Agreement information is available as a layer on the maps.”
- “How will this new relationship impact existing entities (like District of Sechelt and SCRCD as examples). Is this an opportunity to combine some to reduce waste, red tape, duplicate processes, and confusion as to "who does what"?”
- “We are incredibly optimistic about the Nation taking a more active lead here on the coast. For a variety of reasons (chief among which may be that we have so many different municipal governing groups), the Nation has run laps around our local governments in terms of implementing impressive and meaningful change. I look forward to seeing them supported in doing even more! Partnering and working together is long overdue!”

Questions & Answers: shíshálh swiya Dock Management Plan

27. Annual monitoring of docks

Question received:

- “During the March 20th presentation it was mentioned that “Annual Monitoring” of docks within the swiya would be conducted during 60 days of each calendar year moving forward. Could you please elaborate on what this means?”

Answer:

- The Foundation Agreement Renewal sets out a shared goal to increase collaborative monitoring in the shíshálh swiya. Field monitoring is important for tracking changes, ensuring compliance, and making informed decisions. In alignment with this goal, the Province and shíshálh will be conducting 60 days of collaborative field work annually. A 5-year strategy and field workplan will be developed over the coming year.

28. shíshálh swiya Dock Management Plan document location

Question received:

- “Where can we find a full, current Update of the DMP.”

Answer:

- In August 2024, following an engagement period, the Province and shíshálh announced updates to the shíshálh swiya Dock Management Plan. We are considering refinements to the requirements for freshwater and commercial docks and will make any necessary additional updates to the shíshálh swiya Dock Management Plan accordingly. When these are incorporated, the shíshálh swiya Dock Management Plan will be posted online on the [shíshálh swiya Dock Management web page](#).

29. Archaeological studies and the *Heritage Conservation Act*:

Questions received:

- “Why are their environmental exceptions for archeological reasons? It was announced that there would be no reports for grandfathered docks? Is this something the government would be paying for if it needs to be done?”

- “Since archaeological and environmental studies were already completed in Pender Harbour - and are NOT publicly available, do individual owners have to take on the cost of another study when applying for dock renewal?”

Answer:

- The *Heritage Conservation Act* (HCA) protects archaeological sites on public and private land, regardless of whether they have been previously recorded or disturbed, and what site features are present. Construction, renovations, and landscaping can damage and destroy an archaeological site. Property owners have a legal responsibility to ensure archaeological sites are not disturbed without appropriate permits in place.
- If an existing structure is found to be over an archaeological site, any repairs to the structure including structural or footprint changes will require further studies. Dock owners on known archaeological sites must contact the Archaeology Branch before any ground disturbance for further information about what is required to be in alignment with the HCA. During the long-term tenure authorization process, owners with docks and/or boathouses overlapping known archaeological sites will be notified.
- New or replacement docks will require archaeological and environmental studies.
- Applicants are responsible for the cost of any additional studies required.

30. Applicability of the Dock Management Plan to docks owned by shíshálh Nation

Question received:

- “Will docks and other water-based infrastructure currently owned or managed by the Sechelt Nation also be governed by the Dock Management Plan (current and future)?”

Answer:

- Yes. The shíshálh swiya Dock Management Plan applies to docks and boathouses in the swiya that are owned or managed by shíshálh Nation.

31. shíshálh swiya Dock Management Plan Advisory Group

Question received:

- “Who makes up the DMP Advisory Group?”

Answer:

- The shíshálh swiya Dock Management Plan Advisory Group was co-chaired by representatives of the shíshálh Nation (Jasmine Paul, shíshálh Strategic Advisor) and the Province (Deputy Minister Lori Halls, Ministry of Water, Land and Resource Stewardship).
- Members of the shíshálh swiya Dock Management Plan Advisory Group included:
 - A staff representative from Sunshine Coast Regional District
 - A staff representative from District of Sechelt
 - Representative from the Waterfront Protection Coalition
 - A representative from a freshwater/lake stakeholder group (Sakinaw Lake Residents Association or swiya Lakes Stewardship Alliance Comments or Ruby Lake Landholders Association)
 - A representative from the Sunshine Coast Conservation Association
 - A water-access only dock owner, and
 - A representative from the syiyaya Reconciliation Movement.

32. Boat licensing and jurisdiction of shíshálh Nation**Question received:**

- “Will the Shíshálh Nation have the ability to impose boat licenses on boats or equipment operating on the lakes and water bodies within the swiya?”

Answer:

- No. Boat licensing, including boat license fees, is under federal authority and managed by Transport Canada. The Province has no jurisdiction related to boat licensing, so boat licensing is not part of either the Foundation Agreement Renewal or the shíshálh swiya Dock Management Plan.

33. Dock self-registration process and eligibility**Questions received:**

- “How do we self-register our dock?”
- “ALL Docks can now Self Register? Including those considered Commercial? You keep saying "everyone" but it is truly EVERYONE?”

- “We have submitted the dock self-registration form about 6 months ago. How do we get a copy and receive an acknowledgment of the submission?”

Answer:

- Existing private moorage docks and boathouses in the marine area of the shíshálh swiya may self-register their dock by completing [the online self-registration form](#).
- Completing the form is free and straightforward. A General Permission is provided immediately upon completion of the self-registration form. All General Permissions will then be reviewed for transition to a long-term 20-year tenures.
- To request confirmation that your self-registration has been received and receive a copy of your self-registration form, please email ssDMP@gov.bc.ca.
- Other types of docks in the swiya, such as commercial docks and private docks in freshwater, are not currently eligible for self-registration.

34. New docks in the marine environment

Question received:

- “Moving forward after your current grandfathering of existing docks / structures that are existing prior to fall of 2024..... Can you advise what restrictions or regulations will be on properties that currently have no docks in place on their waterfront land / property ? Will they be restricted on size ? Will they be allowed structures? What other restrictions or rules will be imposed on these properties construction of such?”

Answer:

- The shíshálh swiya Dock Management Plan updates announced in August 2024 apply to new docks in the marine environment. Updates announced then included:
 - Maximum dock length of 60metres (in alignment with the provincial maximum) with a preference for 50 meters
 - Maximum total dock area of 30 square meters or a maximum width of 1.5 meters;
 - New or replacement decking must use products that allow for a minimum 43% light penetration.
- We understand that uncertainty since November 2023 may have been frustrating for those individuals trying to renew existing tenures or apply for new ones. We want the shíshálh swiya Dock Management Plan to be implemented effectively and provide the

predictability all dock owners are looking for. The revised shíshálh swiya Dock Management Plan will be [posted online](#) soon.

35. New docks and dock decking in the freshwater environment

Questions received:

- “how would the DMP be implemented for a NEW dock that would be built this summer (2025) in the freshwater . Would it be necessary for a new dock to be built to DMP standards at this time?”
- “In lakes there is no Eelgrass, and the docks and boathouses provide shade and shelter for the juvenile fish. So, will the requirement to do transparent decking be removed for lakes?”

Answer:

- The requirements for decking in freshwater lakes have not yet been determined.
- To understand the impact of docks in the freshwater environment within the swiya and inform shíshálh swiya Dock Management Plan requirements for freshwater docks, including requirements related to decking and other design features, B.C. and shíshálh are conducting further studies and engagement over the upcoming months.
- While this work is underway, the application of the shíshálh swiya Dock Management Plan to freshwater lakes has been paused and no new docks in freshwater lakes in the swiya should be built.
- Once the freshwater dock requirements in the shíshálh swiya Dock Management Plan are finalized, this pause will be lifted. At that time, the installation of new docks in freshwater in the swiya will require approval under provincial legislation and applications will be considered in accordance with the shíshálh swiya Dock Management Plan. In the meantime, no new docks should be built in freshwater in the swiya.

36. Existing docks in the freshwater environment

Question received:

- “what ability is there to make minor changes to freshwater docks at this point?”

Answer:

- Minor changes to freshwater docks that do not change the footprint of the dock, the structure or have ground disturbing impacts can occur. Keeping your dock in a safe condition is important. We recommend adhering to the shíshálh swiya Dock Management Plan Best Management Practices. Please see [the Existing Dock and Boathouses Fact Sheet](#) for more details.
- If you have specific questions about any changes you would like to make, please contact ssDMP@gov.bc.ca

37. Commercial moorage**Questions received:**

- “What consideration has been given to extra length of tenure for community docks which can be built with minimal area of water.”
- “Is the tenure for Commercial Licenses to be longer than 20 years?”
- “I listened to your presentation last week and it was very informative. This is a question for Lori Halls as it seems to fall in her “bailiwick”. The Dock Management Plan is foremost on our minds as a community on South Thormanby Island. At the time of the submissions last Spring there appeared there could be some beneficial consideration for Group Moorage Facilities. Has there been consideration given to this type of facility so it is deemed to be a better option than private docks. We currently have one dock accommodating 41 boats rather than 41 separate moorages. It is a very efficient moorage arrangement which eliminates 41 separate “Licenses of Occupations” and is a much better use of the foreshore. Length of Tenure is important as it takes time to do larger projects. Having worked in the marina business for 46 years I am concerned that this ambitious plan will be difficult to achieve as there are not enough marine contractors on the Sunshine Coast, Vancouver Island or Vancouver available to do the upcoming work. I am not sure whether there is a marine pile driver remaining on the Sunshine Coast. It will be a challenge and expensive foe all dock owners. Thank you for your consideration in this regard.”

Answer:

- In August 2024, the Province and shíshálh announced that we may consider further changes to the shíshálh swiya Dock Management Plan, beyond what was announced at that time, including changes related to commercial moorage and strata and group

moorage. To continue to advance this work, we hosted three engagement sessions with commercial dock owners in the swiya in April 2025. These sessions will provide an opportunity for commercial dock owners to provide feedback about proposed amendments to the shíshálh swiya Dock Management Plan. Feedback will inform our updates to the shíshálh swiya Dock Management Plan for commercial moorage including strata and group moorage.

- Under the shíshálh swiya Dock Management Plan, group moorage, strata moorage and community docks that allow for many boats may be eligible for a tenure length of up to 30 years.

38. Flexibility for site-specific dock scenarios

Example of questions received:

- “Proposed dock widths are unsafe and impractical in our location. Will there be opportunity for people like us to retain current dock widths.”
- “Is there a plan in place to allow for increased dock dimensions for those of us who are full time residents on a dock access only property which is exposed, in our case, to Northwest winds and swell. Dock dimensions as set out are unsafe and impractical.”
- “What happens with well-maintained concrete docks? They are stable, have no Styrofoam etc. Please advise.”

Answer:

- The updated shíshálh swiya Dock Management Plan Best Management Practices provide more flexibility for case-specific scenarios such as shorelines with significant exposure, water access only properties, safety considerations, and other exceptional circumstances. Variances represent an exception to the standards and will only be accepted in circumstances where their application is explicitly justified by site-specific circumstances. For existing docks, variances can be considered during the review process for transition to long-term tenures.
- Generally, the shíshálh swiya Dock Management Plan requires owners of existing docks and boathouses in the marine environment with concrete floats to upgrade their decking by 2034 to light transparent decking or another shading mitigation option supported by academically peer reviewed research and approved by shíshálh Nation and the Province. Flexibility is considered on a case-by-case basis.
- Existing tenured and untenured docks in the marine environment can retain the current dock width, subject to requirements related to light penetrating decking and

the replacement of Styrofoam. Please see [the Existing Dock and Boathouses Fact Sheet](#) for more details.

- Provincial staff are available to discuss specific situations with applicants/owners and are committed to providing clarity about how the shíshálh swiya Dock Management Plan applies to their situation. We invite anyone with questions about their specific dock application or tenure, to contact ssDMP@gov.bc.ca to connect with staff.

Questions received: Flexibility for site-specific scenarios

- “Proposed dock widths are unsafe and impractical in our location. Will there be opportunity for people like us to retain current dock widths.”
- “Is there a plan in place to allow for increased dock dimensions for those of us who are full time residents on a dock access only property which is exposed, in our case, to Northwest winds and swell. Dock dimensions as set out are unsafe and impractical.”
- “What happens with well-maintained concrete docks? They are stable, have no Styrofoam etc. Please advise.”
- “What thoughts have been given to properties which are only accessible by water?”
- “In many cases remote waterfront property owners on lakes are their own first responders for firefighting and water rescue. Will you consider amending the dock management plan to recognize upland property owners’ need for adequately sized boat houses and dock moorage for emergency fire suppression, equipment deployment, for personal safety, for regular access and egress to and from properties, and for other legitimate accessibility purposes?”
- “I have several questions concerning the program and specifically our dock. We are located at the north end of Blind Bay on Nelson Island. Our dock was constructed approximately 16 ½ years ago and is constructed of Styrofoam fully encased in concrete. There no light penetration through the concrete. The dock was engineered to last a ‘life time” and shows no sign of deterioration. It is expected to be in similar condition in an additional 20 years. How is it suggested that I would be compliant with these new requirements. Note that our License / Special permission has been in place for approximately 40- years. Our dock is 12’ x 36’ As mentioned is constructed of concrete. It will not be possible to bring the dock in to compliance with these new regulations. It should be noted that the dock is located in deep water with no natural eel grass or other aquatic plants. The ramp has been designed to support the float in position without piles or anchor lines disturbing the ocean bottom What is the suggestion for compliance. Finally, the plan as I understand it goes from the congestion of Pender Harbour to remote areas of Jarvis inlet and Princess Louisa Inlet. Many cases anchored in deep water with none of the impacts the proposed Dock Management Plan is designed to address. Is there another agenda for this program.”

39. Environmental impacts of docks

Example of questions received:

- “Lori Halls - can you explain to us what impact the current docks in salt and fresh water is having on our environment and what positive impacts you expect from this type of management? As an outsider, I see the docks as being a very small impact and marine life have lots of options on our coastline, so what exactly are we talking about with any negative impacts? I feel we need to better understand that to support this. Thank you”
- “Lori Halls - can you explain why light penetration docks are important?”

Answer:

- Minimizing and mitigating the impacts of docks and boathouses on marine resource values has always been a core objective of the shíshálh swiya Dock Management Plan and is an important way that we can protect and conserve the foreshore environment. Best management practices help to avoid or minimize impacts to promote healthy and functional ecosystems for current and future generations.
- Environmental impacts of existing docks include shading, exposure to contaminants, and impacting where, how, how many, and what types of plants, algae, fish and animals use the limited but important shallow water zones along the coast. The impacts of individual docks add up cumulatively as dock numbers increase across the landscape, and in conjunction with other human impacts.
- Recent scientific studies and reports indicate that increasing the light transmissibility of overwater structures, including docks, decreases their impact to the surrounding foreshore environment. A key strategy to increase light transmissibility is to incorporate light penetrating decking which allows light to reach the water surface and ocean floor. Light transmitting docks provide a more natural environment below and beside docks with positive benefits to algae and eelgrass growth and for migrating and foraging juvenile salmonids.
- Research on shading and light penetration of docks comes from a variety of locations across the world, including the Pacific and Atlantic coasts, and studies specific to the Pacific Northwest. In assessing the applicability of research from other areas to dock management planning in the swiya, many factors were considered included the similarities of species (taxonomically and physiologically). The impact of docks in more northern areas, such as the swiya, is expected to be higher than in other southern locations where research has been done due to the impacts of light at higher latitudes.

- Research in the literature on shading has considered the orientation of docks (East-West vs. North-South) and height of dock over the sea floor or above mean sea level. Smaller docks have a smaller impact, but all docks have a shading effect with detrimental impacts to vegetation and algal growth as well as fish behaviour. Best practices include light transmitting materials to minimize impacts on the environment for big and small docks.
- A 2018 report commissioned by B.C. and shíshálh Nation, "[Impacts of Docks in Pender Harbour: Phase 2 Assessment](#)" provided empirical information based on applicable literature and field study, to support management decisions pertaining to dock management planning in the swiya.

Questions received: Environmental impacts of docks

- "Lori Halls - can you explain to us what impact the current docks in salt and fresh water is having on our environment and what positive impacts you expect from this type of management? As an outsider, I see the docks as being a very small impact and marine life have lots of options on our coastline, so what exactly are we talking about with any negative impacts? I feel we need to better understand that to support this. Thank you"
- "Lori Halls - can you explain why light penetration docks are important?"
- "Why are we protecting eelgrass everywhere when many and possibly most docks are in areas where eelgrass does not and cannot grow?"
- "what are some reviewed technical journal papers that indicate the need for daylight penetration through a dock irrespective of size?"
- "where did the research on light penetration come from. /we understand it is from Florida research which has a completely different marine environment. Is there any such supporting research in cold water areas such as BC's coast?"
- "My family and I live in Jervis Inlet on water access only property. I have been trying to understand the new regulations around dock size, orientation and light penetration requirements. I understand we will be able to keep our dock size and orientation if; we register our dock, it has been approved and it is not derelict. That is a huge relief because in our case size matters and orientation is critical. Thank you to all parties who listened to the people who raised their concerns about the practicality of limiting dock size. It is the light penetration requirement I would like to have clarified. I have searched the internet for the science behind this and the only major publication I have found is a study on two lakes in Florida. "The effects of residential docks on light availability and distribution of submerged aquatic vegetation in two Florida Lakes." Campbell K.R. and R Baird. 2009. I'm not sure how relevant that is to our Pacific Northwest Marine environment, such that a blanket requirement on all docks in the area be required, at great expense, to have 43% light penetration. I would appreciate you sharing the science that led to this decision. As many dock owners have pointed out, under a dock is the

most vibrant ecosystem. I would love to understand what the light requirement is going to do to enhance something when it is already thriving.”

40. Light penetrating decking requirements and specifications

Example of questions received:

- “Issue is light penetration... how will the light penetration levels be managed or required?”
- “Can someone share actionable insight on what “light transparency decking or another option supported by academically peer reviewed research regarding shading mitigations” means? Ex. name a product”

Answer:

- Light penetrating decking refers to any decking product or design that allows for at least 43% of light to penetrate through the decking to the surface of the water below.
- The requirement for light penetration applies to the decking of the moorage structure, not the entirety of the dock structure.
- This requirement can be achieved in many ways including using a decking product that allows 43% of light to penetrate through it directly or using grid or lattice type decking that provides 43% open space for light to pass through.
- The shíshálh swiya Dock Management Plan includes dock construction guidance related to light penetrating decking but does not provide a precise product or design recommendation as it would be inappropriate for the Province to endorse specific materials or companies.
- Questions regarding whether specific designs or materials will meet the requirements for light penetration are best discussed directly with staff to ensure advice is provided based on a complete understanding of the specific situation. We invite anyone with questions to contact ssDMP@gov.bc.ca to connect with staff.
- Based on the feedback provided through the webinars, it is evident that our public-facing information needs to provide further clarity regarding the requirements for light penetrating decking materials. We are committed to providing that clarity by developing additional resource materials on this topic. Please be sure to [check the website](#) regularly for updates.

Questions received: Light penetrating decking requirements and specifications

- "Issue is light penetration... how will the light penetration levels be managed or required?"
- "Can someone share actionable insight on what "light transparency decking or another option supported by academically peer reviewed research regarding shading mitigations" means? Ex. name a product"
- "In regards to 20-year renewable tenures, is light penetrative decking defined anywhere?"
- "is there anywhere "light penetrating decking" is defined as it pertains to the proposed dock management plan for Sunshine Coast? Our dock is currently decked with 6" wide yellow cedar planks with ½" gaps between planks. I'm wondering what we might need to do for compliance should a province-wide plan be adopted under current definitions."
- "In regards to dock requirements, will there be a clearly defined document for what "light penetrating decking" is? And how docks must be constructed? Size? Materials?"
- "43% light permissively is the specification for ONE decking material chosen as an example by the EIT that did the original report. Please review this - by default you are restricting to (and promoting) one company's product."
- "what does "light penetrating decking" mean? Will all decking on docks be required to be the "grid" type? Will it be acceptable to have 6" wide planks separated by 1/2"?"
- "Light penetration requirements should already be clear at this time since you have already come to determine that it is a requirement... so why is this information not available since your BC Govt and Shishalh nation have come to some agreement already... And what is Lori Halls talking about mentioning criminal activity? "
- "Will the government provide dock owners with the specifications needed for a float builder to be able to provide the flotation needed to keep the float floating while at the same time complying with light penetration specifications. It appears that allowing light to penetrate to the ocean floor will not provide enough space under the float to provide for sufficient flotation."
- "Why are the details on light penetrating materials not already publicly available?"
- "Will the government provide dock owners with the specifications needed for a float builder to be able to provide the flotation needed to keep the float floating while at the same time complying with light penetration specifications. It appears that allowing light to penetrate to the ocean floor will not provide enough space under the float to provide for sufficient flotation."
- "Does 43% of the light from the sun need to permeate the decking only, or does 43% of the light from the sun need to reach the seafloor under floating docks?"

41. Dock construction guidance

Question received:

- "Will there be a clearly defined document for how docks must be constructed? Size? Materials?"

Answer:

- The shíshálh swiya Dock Management Plan provides guidance for applicants wishing to construct new docks within the swiya. In August 2024, the Province and shíshálh announced amendments for existing docks and boathouses in the marine environment. The revised shíshálh swiya Dock Management Plan reflecting these announcements will be posted to [the shíshálh swiya Dock Management web page](#).
- In the meantime, the Province and shíshálh are continuing to consider possible further revisions for commercial, strata and group moorage, and freshwater docks.

42. Requirements related to dock orientation (north-south)

Question received:

- “My reading of the provisions for private docks is that docks are to oriented in only one direction. How does this make sense given the reality of the differing winds and tides that impact various bays and portions of bays?”

Answer:

- The north-south orientation Best Management Practice is intended to maximize the amount of light penetration under a moorage structure. Shading from docks impacts many ecological processes, not only vegetation and algal growth for species such as eelgrass. Dock shading also impacts the behaviour of species including Pacific salmon which is why light transmitting decking mitigation measures are required across all dock structures.
- The updated shíshálh swiya Dock Management Plan Best Management Practices provide more flexibility for case-specific scenarios such as shorelines with significant exposure, water access only properties, safety considerations, and other exceptional circumstances. Variances represent an exception to the standards and will only be accepted in circumstances where their application is explicitly justified by site-specific circumstances. For existing docks, variances can be considered during the review process for transition to long-term tenures.

43. Safety and dock size limits

Question received:

- “Was there any research done on the size specifications (1.5m or 30m2) for safety?”

Answer:

- The shíshálh swiya Dock Management Plan Best Management Practices are based on science-based recommendations, important local knowledge, and advice from engineers.
- The Province and shíshálh jointly commissioned an engineering report to address previous outstanding public engagement concerns regarding the safety of a 1.5m wide dock. The engineering report proposed a maximum area (30m²) as an alternative to the dock width requirement of 1.5m. Upon review, a proposed maximum area was proposed in 2023 because it creates flexibility in dock design and while still achieving the goals and intent of the shíshálh swiya Dock Management Plan related to environmental and archaeological protection.

44. Requirement for management plans

Question received:

- “Regarding dock/boathouse tenure renewal dates in 2026. Does a management plan have to be submitted 1 year prior to the tenure renewal date for dock/boathouse in Pender Harbour when the dock/boathouse was registered with the new system since September, 2024?”

Answer:

- No. While the Province prepares your file for the review for transition to a long-term authorization, you are not required to submit any additional documentation until a technical staff member is in contact with you regarding next steps and provides details on anything that is needed. This may include a management plan if you do not have a management plan, or your existing management plan is insufficient.

45. Timeline and next steps in the dock tenure process

Example of questions received:

- “Can current residential private moorage applicants (for new docks) expect to be contacted by an Authorization Specialist in 2025 to begin to move towards an application decision?”
- “What timeline can we expect in hearing about when new dock applications will be considered.”

Answer:

- We acknowledge that dock owners have experienced long wait times. Administering the transitions to long-term tenures is a resource-intensive process for the Province and shíshálh that is taking considerable time to plan and prepare for. Resourcing of this initiative must be balanced with the demands on the Province's team to continue processing hundreds of applications for Crown Land uses per year that include other important uses that support communities and the economy such as housing, mining, and infrastructure.
- The Foundation Agreement Renewal provides additional clarity for applicants and staff related to the shared review process and expectations. This additional clarity creates more efficient, streamlined processes and helps ensure that all parties to the application process (applicants, reviewers, and decision-makers) have clear direction.
- We anticipate being able to issue a significant number of licenses over the next several months and will start with previously authorized docks and then proceeding to other self-registered docks. We expect that as significant progress on issuing long-term authorizations for existing docks is made, applications for new docks can be accepted and considered for decision. This is not expected to occur until 2026 at the earliest.
- If you choose to make any changes to your dock before you are issued a long-term tenure, we recommend adhering to the shíshálh swiya Dock Management Plan Best Management Practices and accounting for the requirements related to unencapsulated Styrofoam and transparent decking. Please see the [Existing Dock and Boathouses Fact Sheet](#) for more details.

Questions received: Timeline and next steps in the dock tenure process

- "Can current residential private moorage applicants (for new docks) expect to be contacted by an Authorization Specialist in 2025 to begin to move towards an application decision?"
- "What timeline can we expect in hearing about when new dock applications will be considered."
- "As a member of a non-profit community organization we have had a small land-tenure application, which benefits our community. This application has been stuck in the approval process for years now. How will the new foundation agreement process benefit and/or shorten up approval processes in the future."
- "I self-registered my dock last summer and have heard nothing since. can you set an expectation on timeline for those of us who tried to follow these rules?"
- "We want to do some upgrades to our dock but are reluctant to proceed until there is an agreement in place. Our concern is the timing for approvals, your 2 and 10 year timing for some upgrades and the few number of contractors available to do the work."

46. Geographic scope of the shíshálh swiya Dock Management Plan

Question received:

- “does the dock program include Port Moody and Indian Arm?”

Answer:

- No. The shíshálh swiya Dock Management Plan only applies within shíshálh swiya which does not extend to Port Moody or Indian Arm (Burrard Inlet). Docks in that location are under the jurisdiction of the Vancouver Fraser Port Authority.

47. Applicability of the “Pender Harbour Project” including zones

Questions received:

- “Why did the name change away from The Pender Harbour Project?”
- “Is the new dock application in previous restricted area obsolete and would the new policy apply case-by-case review under the new dock management plan”

Answer:

- The Pender Harbour Dock Management Plan (amended in 2021) is now included within the shíshálh swiya Dock Management Plan. These were merged into one plan to simplify directions for those interested in building a dock within the shíshálh swiya.
- Best management practices identified in the Pender Harbour Dock Management Plan have been modified and are consistent with best management practices that apply throughout the shíshálh swiya. There have been no changes to the zoning within the Pender Harbour Management Area. These are still outlined in Section 5 of the shíshálh swiya Dock Management Plan.
- New docks are not permitted in the Red Zone. Tenured and untenured docks in the marine environment that existed as of July 1, 2024, can remain, subject to requirements related to light penetrating decking and the replacement of Styrofoam. Please see the [Existing Dock and Boathouses Fact Sheet](#) for more details.

48. Freshwater literature review

Questions received:

- “When you are doing a fresh water literature review, how will you ensure that the information used is directly related to the type of lakes and habitat we have on the Sunshine Coast?”
- “Given the DMP is supposedly being implemented to address environment concerns around dock management in the swiya, what is the budget being allocated for environmental research as part of the freshwater DMP process?”
- “What is the budget for environmental research about freshwater and the impact of docks?”

Answer:

- We are commissioning a freshwater lakes literature review, which will be conducted by an independent registered professional biologist. A fair process will be followed to determine who would be hired to conduct the review.
- The literature review will summarize available information from different jurisdictions and assess and evaluate how that information relates to the question being asked. More specifically, the researcher will consider how available research and other literature can be applied to the local environment on the Sunshine Coast.
- The budget for the literature review is \$40,000.

49. Relative environmental impacts of group and individual boathouses

Question received:

- “can you explain why it is more environmentally friendly to group boat houses together at marinas instead of allowing single boathouses to be built on single docks. please provide a scientific explanation and any supporting authorities”

Answer:

- Shared or group docks that accommodate multiple boats reduce impacts on the environment by minimizing shading while allowing for multiple users. In addition, shared spaces minimize access points through riparian and foreshore environments.
- Boathouses have a greater impact on the marine environment than docks because they create more shading and have limited options to increase light penetration.

50. Styrofoam disposal

Question received:

- “Is the Province going to provide a facility or landfill area where used Styrofoam may be disposed of as there are no facilities willing to accept them at this time.”

Answer:

- Waste disposal is under the jurisdiction of local governments. The Province does not currently have any plans to provide a facility for Styrofoam disposal. Please contact the Sunshine Coast Regional District to learn about disposal options for these materials.

51. Marinas, commercial docks, strata docks, and group docks in the swiya

Questions received:

- “We are listed as a Commercial Entity. Can we register now? Is the Province going to reach out to us? Help us get the process started.”
- “Where do you expect Strata Docks to land? Personal or Commercial”
- “There are many instances of developments on the coast that involve group ownership of the upland properties. Some have multiple individual docks, others have group docks, and others have both. Will the individual docks be subject to the standards being applied to individual properties and the group docks subject to the same requirements as a marina?”

Answers:

- The Commercial Moorage BMPs within the shíshálh swiya Dock Management Plan apply to the following types of docks: marinas, commercial docks, strata docks, and group docks in the swiya. The Private Moorage BMPs within the shíshálh swiya Dock Management Plan apply to private moorages. The shíshálh swiya Dock Management Plan does not apply to industrial docks or public wharves. To provide additional clarity, these different types of docks are defined as follows:

Type of Dock	Definition
Private moorage	Means a dock that is: <ul style="list-style-type: none"> a) Permanently affixed to Aquatic Crown Land and any ancillary structures such as a boat lift and anchor lines; and b) Is for the personal and private use by one or a number of individuals or a family unit for boat moorage and does not include a Group Moorage Facility, as defined
Industrial	Means a dock providing moorage that is ancillary to an upland general industrial use as defined under the Province’s General Industrial Use Land Use Policy
Marina	Means a Dock providing moorage on a fee for service basis, and includes ancillary uses such as marine way; boat ramp and may include the sale of gasoline, groceries, or supplies to the boating public whether provided on the dock or on the upland; and provision of scheduled service by float plane companies
Commercial Dock	Means a Dock operated year-round or seasonally as ancillary to a commercial operation and may include breakwaters and Boathouses.
Strata	Means a multi-berth moorage similar to a Private Moorage Facility but used by the residents of a waterfront strata or condominium development.
Group	Means a multi-berth moorage similar to a private moorage facility but for the personal use of a group or association of residents from the surrounding community.
Public Wharves	Refers to wharves owned by local government or eligible community groups to provide non-commercial marine-based access to the public. This can include limited commercial operations.

- In August 2024, we announced that we may consider additional changes to the shíshálh swiya Dock Management Plan’s commercial moorage provisions. In April 2025 we hosted engagement sessions with commercial dock owners on these proposed amendments to the shíshálh swiya Dock Management Plan to inform our updates for commercial moorage. Because this process is still underway, marinas, commercial docks, strata docks, and group docks are not currently eligible for self-registration.
- It should be noted that, in addition to the shíshálh swiya Dock Management Plan, there are other existing Provincial Land Use Policies that also continue to apply to all docks in the swiya. These policies include but are not limited to:
 - Crown Land Use Operational Policy: Private Moorage
 - Crown Land Use Operational Policy: Commercial – General

- Crown Land Use Operational Policy: Industrial
- Crown Land Use Operational Policy: Community and Institutional Land Use
- Crown Land Use Operational Policy: Residential

52. Application process for commercial dock tenures

Question received:

- “What is the application process for docks for commercial tenure holders?”

Answer:

- In August 2024, the Province and shíshálh Nation announced that we may consider further changes to the shíshálh swiya Dock Management Plan’s commercial moorage provisions. In April 2025, we hosted engagement sessions with commercial dock owners to further inform possible further changes. We recommend not submitting an application for a new commercial dock until this process is complete, so that your application can be informed by the updated requirements.
- Please refer to the following websites for more details on the application process for marinas, yacht, clubs, and other types of commercial moorage:
 - [Marinas and yacht clubs](#)
 - [Other types of commercial moorage](#)
- Applications for commercial moorage in the swiya go through a Shared Decision-Making process with shíshálh Nation. [Details on this process are available online.](#)

53. Questions pertaining to specific situations

Questions received:

- “My permits for my situation are and have been inspected and approved by the Coast Guard Pacific region Mr. J Schellenberg as well as The Government of Canada fisheries and oceans conservation & protection the whale protection unit. I have granted them full access if need be to dock their boat of helicopter any time it’s needed for research or bylaw enforcement or heaven forbid an emergency. I have tried to contact the powers to be to find out what is going on with dock permits deal etc. and no such luck If I decide to sell one day as I and My wife are 70 years old I want to be able to transfer my system to the new owner one day ,what is happening with that situation and

basically whom do you talk to get this resolved it's very stressful to not know what is going on with all this. I can't afford to replace my floats and ramp or pay high price to have a dock every year. We are all looking for clarity with respect to all this and the potential agreements that are proposed to be put in place over the supposed areas that affects us all."

- "I have a question about the DMP but I'm not sure this is the forum to address it. Specifically my question is about the light penetration requirement on docks. Can you advise as to the appropriate place to ask my questions."

Answer:

- The situations described in some questions we received through the webinar were complex and/or unique and staff require further information to respond and help the individuals navigate next steps.
- Provincial staff are available to discuss specific situations with applicants/owners and are committed to providing clarity about how the shíshálh swiya Dock Management Plan applies to their situation. We invite those who submitted these questions, and anyone with questions about your specific dock application or tenure to contact ssDMP@gov.bc.ca to connect with staff for further information.
- Please also [visit our webpage](#) which is updated frequently with new resources and details.

54. Decision making on docks and land use in the swiya

Questions received:

- "please confirm that the land act will not be amended to allow for joint decision making on dock tenures"
- "Why does the foundation agreement have a term in it that states the Nation and Province will work towards Amending the Land Act and what Amendments are being sought? People were under the impression the government was not going to pursue Land Act Amendments."

Answer:

- Amendments to the Land Act are not being proposed at this time.
- The Province and shíshálh Nation conduct reviews of Land Act applications through a shared decision-making process. Under the Land Act, the Ministry of Water Land and Resource Stewardship has final decision-making authority over land use, resources

and dock management.

- In the Foundation Agreement renewal, the Province and shíshálh Nation agreed that “the resumption of any negotiations under section 7 of the Declaration Act related to dock authorizations and the conclusion of any related agreement will include a robust public engagement with local governments and potentially affected stakeholders and requires a subsequent mandate and legislative amendments to the Land Act.”
- In 2022, Cabinet, through Order in Council (OIC) 2022-444, gave the Minister of Indigenous Relations and Reconciliation and the Minister of Water, Land and Resource Stewardship a mandate to negotiate a joint decision-making section 7 agreement with shíshálh Nation concerning dock tenures. Another OIC would have been required for the Province to sign such an agreement, but no agreement was ever negotiated so no such OIC was issued. Instead, the Province and shíshálh Nation decided that they are not proceeding with negotiations under OIC 2022-44. As a result, on April 7, 2025, Order in Council 2022-444 was repealed.
- In the Foundation Agreement Renewal, the Province has committed to seeking approval for two new section 7 decision-making agreements. We have not yet identified topics for these decision-making agreements; however, these decision-making agreements will not be about dock tenures.

55. Existing docks

Question received:

- "How does the foundation agreement impacts existing waterfront properties and dock usage rights"

Answer:

- The Province and shíshálh have committed that docks and boathouses in good repair that were in the water as of July 1, 2024, may remain in the water and transition to renewable 20-year licenses of occupation.
- This is subject to requirements to come into compliance with the shíshálh swiya Dock Management Plan requirements related to light penetrating decking, encapsulated Styrofoam by 2035, and not using creosote pilings if a piling needs to be repaired.

56. Flexibility for site-specific dock scenarios

Questions received:

- "The 2024 dock management plan rewarded all the owners of illegal docks, whatever size and material, while all the applicants who played by the rules and waited (up to 20+ years) for a legal dock are penalized by only being allowed a 5ft wide dock, which everybody knows is unsafe in the marine environment. How do you justify that and will safer wider 7ft docks be considered?"
- Our existing dock is exposed to strong wave action from Jarvis inlet and the float itself structurally depends on continuous wooden decking. If we were to replace any part of the wooden decking with transparent grating our float would loose its structural integrity and would succumb to the elements within a single winter season. We don't have a protected location on our lot available to relocate the float. Would the DMP consider special requirements for docks located in exposed areas, unlike Pender Harbour or Sechelt Inlet?"

Answer:

- The updated shíshálh swiya Dock Management Plan Best Management Practices provide more flexibility for case-specific scenarios such as shorelines with significant exposure, water access only properties, safety considerations, and other exceptional circumstances. Variances represent an exception to the standards and will only be accepted where their application is explicitly justified by site-specific circumstances. For existing docks, variances can be considered during the review process for transition to long-term tenures.
- Generally, the shíshálh swiya Dock Management Plan requires owners of existing docks and boathouses in the marine environment with concrete floats to upgrade their decking by 2034 to light transparent decking or another shading mitigation option supported by academically peer reviewed research and approved by shíshálh Nation and the Province. Flexibility is considered on a case-by-case basis.
- Existing tenured and untenured docks in the marine environment can retain the current dock width, subject to requirements related to light penetrating decking and the replacement of Styrofoam. Please see the [Existing Dock and Boathouses Fact Sheet](#) for more details.
- Provincial staff are available to discuss specific situations with applicants/owners and are committed to providing clarity about how the shíshálh swiya Dock Management Plan applies to their situation. We invite anyone with questions about their specific

dock application or tenure, to contact ssDMP@gov.bc.ca to connect with staff.

57. Approvability of boathouses

Questions received:

- “The foundation agreement has a term in it that states the Nation and province will work towards banning boathouses in the Swiya. Why has the Province been telling the community they are already banned across the Province, when there is no evidence of this? It is clear there isn’t a Provincial ban on boathouses. Why is our community receiving mis-information and why is the Province pushing to ban boathouses?”
- "What happens to a boathouse tenure after the initial 20 year term? It was not clear in a document I read."

Answer:

- Province-wide, the Province is not banning existing boathouses. However, new boathouses for private/residential use are discouraged in provincial land use policies.
- Within the swiya, boathouses that existed prior to July 1, 2024, can remain in the water and are eligible to transition to 20-year renewable licenses. Boathouse owners would be encouraged to make repairs to the structure in alignment with the [Best Management Practices](#) wherever possible, but these repairs are not mandatory.
- At the end of the initial and each subsequent 20-year term, boathouses that were in the water as of July 1, 2024, are eligible for renewal.
- To manage the environmental and cultural impacts of structures within the foreshore, the shíshálh swiya Dock Management Plan limits the construction of new boathouses within the swiya for private use (i.e. on private docks, group docks, or strata docks)
- The shíshálh swiya Dock Management Plan does not prohibit new boathouses on commercial docks.

58. Dock tenure renewability

Question received:

- “is it a renewable 20 year term”

Answer:

- Docks and boathouses that existed prior to July 1, 2024, can remain in the water and are eligible to transition to 20-year renewable licenses.
- At the end of the initial and each subsequent 20-year term, docks and boathouses that were in the water as of July 1, 2024, are eligible for renewal.

59. Existing authorizations

Question received:

- “Will the new License of occupation negate previously granted tenures?”

Answer:

- If a dock owner has received a temporary authorization by self-registering for a shíshálh swiya General Permission, this authorization will be in place while the Province works to transition the authorization to a 20-year renewable license of occupation. The license of occupation will then supersede the temporary General Permission, meaning that the General Permission will no longer be valid, and the authorization for the dock will be under the license of occupation.
- Staff are available to provide further details based on a review of specific circumstances. We invite those who submitted this question, and anyone with questions about their specific dock tenure, to contact ssDMP@gov.bc.ca for further information.

60. Taxes and fees for boathouses and docks

Question received:

- “Will this foundation agreement and title recognition permit the Shíshálh Nation to impose additional taxes or license fees for boathouses and docks within the swiya?”

Answer:

- No. The Foundation Agreement does not provide shíshálh Nation the jurisdiction to

levy fees or taxes related to docks or boathouses in the swiya.

- The Province continues to hold the authority to charge fees associated with dock tenures, such as rent and security. Note that the Province does not levy taxes for docks or boathouses.

61. Impacts on property values

Question received:

- "Will property owners be compensated for devaluation resulting from changes to dock permissions or other land use restrictions?"

Answer:

- No. Compensation will not be provided for claims of devaluation of private property resulting from changes to the permissible uses of Crown land. This approach is standard practice across British Columbia and is not unique to the shíshálh swiya Dock Management Plan. Nothing in the shíshálh swiya Dock Management Plan imposes land use restrictions on the private property of dock owners.

62. Annual monitoring

Question received:

- "Hi folks. Can you provide some more information about the collaborative environmental monitoring and enforcement, ecological and environmental studies, restoration and conservation projects?"
- "Will non-Indigenous residents have input into who is selected to conduct the dock impact reviews?"

Answer:

- As part of the Foundation Agreement Renewal, shíshálh and the Province have committed to increasing collaborative environmental monitoring and restoration efforts in the shíshálh swiya. A key component of this work includes conducting 60 days of collaborative field monitoring annually, which supports tracking ecological changes, ensuring compliance, and informing decision-making. Over the coming year, a 5-year strategy and field workplan will be developed, potentially including further review of dock impacts.

- In addition, funding has been provided to support environmental and cultural restoration, with the shíshálh Nation leading the identification of priority areas for studies and restoration in collaboration with the Province. These efforts reflect a shared commitment to protecting and restoring the natural and cultural values of the swiya for future generations.
- Monitoring will be completed jointly by the Province and shíshálh, by staff or by contractors retained in alignment with applicable procurement processes of each government. As with the initial inventory completed in Fall 2024, consideration will be given to having volunteer participants in annual field monitoring. It is not anticipated that these procurement processes will include a public input phase, unless required by the applicable procurement policy.

63. Self-registration

Question received:

- "If I have a waterfront leasehold, with no dock or buoy, do I need to register?"

Answer:

- The self-registration portal allows those who have a private dock in the marine environment in the swiya that was built as of July 1, 2024 (including tenured and untenured docks), to register their dock with the Province. The self-registration portal is not currently open to other dock scenarios.
- Provincial staff are available to discuss specific situations with any individual seeking clarity about their situation including whether or not they should self-register. Please contact ssDMP@gov.bc.ca to connect with staff.

64. Requirement to provide a rationale in dock applications

Questions received:

- "The Dock Management Plan requires an applicant to include a reason why a dock is desired, a strange requirement in a supposedly free society. Does this mean that if someone in authority doesn't like the reason, the application will be rejected? If so, what criteria will be used to decide if the reason is "good enough"?"
- "How do decisions get made taking into account "why" someone may desire to have a dock?"

Answer:

- The Provincial application process for all Crown Land tenures requires the applicant to describe why they are requesting use of public land and how it will be used. This is not a unique requirement under the shíshálh swiya Dock Management Plan. Rather, this is required across all Crown Land application types. This information helps the Province understand if the proposed use is for personal/private or commercial purposes.

65. Dock tenure application fee

Question received:

- "A number of residents have paid the \$300 provincial application fee for registering our docks. Will those funds be returned to the applicants? Do we need to request this."

Answer:

- Docks and boathouses in the swiya that existed as of July 1, 2024, are currently eligible for self-registration. Self-registration is free, and there is no application fee.
- Some dock owners have applied for a new Land Act tenure outside of the self-registration process. These dock owners will have paid the standard application fee of \$250 plus tax. If this application fee is changed in future, Provincial staff will identify any applicants who have already paid the application fee and contact them directly to discuss next steps.

66. Cost of dock tenures

Questions received:

- "There was mention of a cost for dock tenures. Order of magnitude? \$100 a year? \$1000 a year?"
- "In these tight economic times how does the BC government justify charging such low rents, lease and license of occupation fees for the use of valuable public land?"
- "Will there be a fee for the long term lease for docks and if so what will it be?"
- "The amount of the annual license fee would seem to be an imperative piece of information for a party to enter into an agreement. Why would it not have been determined prior to requiring registration?"

Answer:

- A review of rental rates for docks was recently completed to determine an appropriate current rent value based on a fair return for the use of public land. This review was informed by many consideration factors, including type of land, type of use, and nature of legal rights conveyed, as well as principles such as fair administration, transparency, and administrative efficiency.
- Based on this review, the rental rate for private docks in the swiya is now \$1,668 for a 20-year term. For clarity, this fee is only charged once for the duration of the 20-year term.

67. Rights conveyed with a license of occupation**Question received:**

- "Does a license of occupation enable a license holder to exclude others?"

Answer:

- Licenses of occupation are non-exclusive tenures, meaning that a license holder cannot restrict public access to the foreshore in their tenure area.
- License holders may restrict public access to their dock specifically, unless that access is to provide temporary accommodation to any vessel that is disabled or that seeks shelter from weather conditions in which it may be unseaworthy.

68. Timeline and next steps in the dock tenure process**Question received:**

- "How long will it take to process all the applications and issue Temporary Authorizations and then Long Term tenure."

Answer:

- We acknowledge that dock owners have experienced long wait times. Administering the transition to long-term tenures is a resource-intensive process that is taking considerable time to plan and prepare for. Resourcing must be balanced with the demands on the Province's team to continue processing hundreds of applications for Crown Land uses per year including other important uses that support communities and the economy such as housing, mining, and infrastructure.

- The Foundation Agreement renewal provides additional clarity for applicants and staff related to the authorization process. This additional clarity creates more efficient, streamlined processes and helps ensure that all parties have clear direction.
- We anticipate being able to issue a significant number of renewable licenses for existing docks over the next several months. As significant progress is made, we anticipate being able to consider reopening the authorization process for new docks. This is not expected to occur until 2026 at the earliest.
- If you choose to make any changes to your dock before you are issued a long-term tenure, we recommend adhering to the shíshálh swiya Dock Management Plan Best Management Practices and accounting for the requirements related to unencapsulated Styrofoam and transparent decking. Please see the [Existing Dock and Boathouses Fact Sheet](#) for more details.

69. Archaeological studies

Question received:

- "As part of the Foundation Agreement, BC now requires designated property owners to conduct archeological studies before any significant development occurs on such properties. As it is currently organized, the total costs of the archeological studies required are placed on the individual property owners rather than on the province as a whole, which is where it should reside. This is patently unfair, in our opinion. When we bought our property twenty years ago, no such regulation existed. We bought it free and clear of encumbrances. Our property has been seriously devalued due to this relatively new government regulation, to which we had no input. This is an example, we believe, of taxation without representation. If the province wants to implement regulations with such significant consequences, then the Province should accept responsibility for those costs."

Answer:

- The shíshálh swiya Dock Management Plan does not require owners of docks existing as of July 1, 2024, to conduct a new environmental or archaeological study as part of the long-term tenure authorization process. However, studies may be required under the Heritage Conservation Act (HCA) if these existing docks are over an archaeological site.
- The HCA protects archaeological sites on public and private land, regardless of whether these sites have been previously recorded or disturbed and what features

are present. Under the HCA, property owners have a legal responsibility to ensure archaeological sites are not disturbed without appropriate permits in place.

- During the long-term tenure authorization process for existing docks, owners will be notified if their dock overlaps an archaeological site. The dock will be allowed to remain as built, however any repairs to the structure including structural or footprint changes will require further studies, to be determined in consultation with the Archaeology Branch, to ensure alignment with the HCA.

70. Importance of the swiya lakes to shíshálh Nation

Question received:

- “Why are docks and boathouses on the Sunshine Coast of interest to the Indigenous people? Is the Lake a major source of their sustenance? If not, and they are no longer using it as such, why do they have an interest in what is in place now?”

Answer:

- shíshálh Nation holds and exercises rights and title throughout shíshálh swiya as outlined in the Foundation Agreement. Additionally, shíshálh Nation holds stewardship responsibilities to protect its lands and waters pursuant to its own laws and protocols. shíshálh is committed to ensuring its rights and lands remain healthy and protected for current and future generations.
- shíshálh Nation has provided the following additional details about the laws and protocols that guide its stewardship:
- “Water is central to the shíshálh way of life, spirituality, culture, economy, and society. Water has been a source of life for countless past generations of shíshálh people and is essential to the lives of our present and future generations.
- “shíshálh laws speak to the duties we all hold to honour, respect, and protect the water of our swiya. The importance of lakes is prominent during the creation of the shíshálh swiya along with the spelemulh (shíshálh first ancestors). The shíshálh creation story and the first ancestors story tell of how our ancestors and resources have been interconnected since time immemorial. Today, lakes are used for physical and cultural training in the ways of shíshálh culture, rites of passage and spiritual ceremonies.
- “Our Title and Rights include the water resources throughout our swiya. The

resources within the waters of lakes and the swiya surrounding have always been of great significance, providing medicines, harvesting berries, hunting trout, etc.

- “Water, for the shíshálh People, is sacred as it gives life. Lakes in the shíshálh swiya have significance through legends, myths, and stories or our ancient and recent history that match our values and connections to the swiya.
- “Our self-determination, as affirmed by United Nations Declaration on the Rights of Indigenous Peoples, includes the practice of our cultural and spiritual relationships with water, and the exercise of authority to govern, use, manage, regulate, recover, conserve, enhance, and renew our water sources, without interference.
- “The shíshálh swiya Dock Management Plan is a joint plan drafted by the province and shíshálh Nation describing how dock authorizations will be managed in the foreshore of marine and freshwater lakes to protect environmental and archaeological values of ongoing importance to both to shíshálh Nation and residents of the shíshálh swiya more broadly.
- “shíshálh Nation has title and rights protected and affirmed under section 35(1) of the Constitution Act, 1982 and is a governing entity responsible for the stewardship and protection of the shíshálh people’s relationship to the lands and resources of their swiya.”

71. Dock impacts and the shíshálh swiya Dock Management Plan in freshwater environments

Questions received:

- “What are the next steps for freshwater docks?”
- “The DMP began with concerns around the preservation of eel grass. How did these discussions expand to include lakes where there is no eel grass?”
- “Is the research proposed for fresh water lakes On the Sunshine Coast going to include this invasive species. What research is proposed for fresh water lakes? When is this research being done. What is the budget for this research? Will we be supplied with results of this lake Research and given a future time to ask Questions and concerns? Link: <https://cdnsiencepub.com/doi/full/10.1139/cjc-2024-0042>”
- “Garden Bay lake supplies drinking water for Pender Harbour. Why are there multiple small illegal wharfs and turned over boats all around the shoreline of this lake? How

healthy is this? Is there going to be research on the drinking water quality for Sakinaw Ruby and Garden Bay Lakes being performed throughout the Summer season? During the March 20th Zoom meeting a panel member stated the proposed research for fresh water lakes would likely duplicate the salt water research done in Pender Harbour. Is there no research funding for the safety of and quality of drinking lake water? No difference between tidal ocean water and lake water? Really???"

- "The only existing wharf with plastic decking is located at the boat launch on Ruby lake. It was installed by the SCRD approximately 10 years ago. The wharf surface with plastic material is wearing out and small broken plastic pieces are sinking to the lake bottom to stay there forever. UV exposure combined with foot traffic wear is contaminating Ruby lake waters with micro plastics. How is this safe for our present and future environments? Research on plastic in our bodies estimates we are consuming the equivalent of a plastic credit cards worth every week. 1.5 meters of wharf width on lakes are unsafe . Huge waves are created by heavy wake boats in order to surf down the created waves. These not safe tippy wharfs will throw people into the water or down onto the wharf. Our required wharf liability insurance will be tested in court law suits. How long after settlements will we be able to get wharf liability Insurance ? Was there any research done on wharf construction safety?"

Answer:

- In March 2024, the Province and shíshálh announced a pause on the application of the shíshálh swiya Dock Management Plan in freshwater due to the need for further studies and engagement to understand the impact of docks in the freshwater environment and to consider revisions accordingly.
- A freshwater literature review and study will be commissioned in 2025 to review the potential negative and positive ecological impacts of docks and boathouses on freshwater lake ecosystems in the swiya and provide recommendations to help mitigate any impacts. The literature review and study will inform any potential amendments to the shíshálh swiya Dock Management Plan and including best management practices for site selection, design, construction and maintenance of docks in freshwater environments in the swiya based on their unique characteristics. Engagement with members of key freshwater lake associations is also underway to ensure freshwater dock and boathouse owners' voices are heard.
- While the freshwater study will provide insight into water quality for ecological functioning, a focus on drinking water quality is not within scope. The Sunshine Coast Regional District holds responsibility for managing water quality for drinking water.

- We have also announced that docks and boathouses in freshwater that were built as of July 1, 2024, may remain in the water. It is expected that once shíshálh swiya Dock Management Plan elements for freshwater are finalized, these docks and boathouses will follow a similar process to the existing marine docks and transition to long-term authorizations.
- One of the questions received is about invasive species in freshwater environments. As it is unclear which invasive species is being referred to, we are not able to respond specifically. More broadly, we can clarify that the shíshálh swiya Dock Management Plan is not intended to address concerns about invasive species in marine or freshwater environments in the swiya. Rather, it is intended to protect existing habitat and cultural resources. Funding is available under the Foundation Agreement to support shíshálh Nation to advance environmental stewardship initiatives, and environmental stewardship is an important driver for the [ongoing land use planning project in the swiya](#).

72. Engagement with freshwater lake stakeholders

Question received:

- "The Swiya dock management plan will eventually include lakes within the Swiya. Lois Lake is one of those lakes. Has the ownership group of float cabins on that lake been contacted such that they can be engaged? Beside Lois Lake is Powell Lake, in the Tla'amin territory. Is it the intent of the BV Government and Tla'amin to implement a dock management plan for Tla'amin lakes and tide water similar to the work ongoing in the Swiya?"

Answer:

- The swiya Lakes Stewardship Alliance (sLSA) is a key contact for the Province and shíshálh to help us better understand the interests and concerns of lake community members in the swiya, including community members at Lois Lake. The sLSA represents the three key lake associations and the majority of lakeshore property owners in the swiya.
- The sLSA has helped to inform the approach and focus for the freshwater lakes literature review and study and will be an important ongoing point of contact as we consider updates to the shíshálh swiya Dock Management Plan for freshwater.
- More information about the sLSA can be found [on their website](#).

73. Ownership of the foreshore at lakefront properties

Question received:

- "Who owns the foreshore on lakefront property? How will it be managed?"

Answer:

- In British Columbia, most of the foreshore (the land between the high and low water marks on water bodies) is public land under the jurisdiction of the Province. There may be some exceptions to this in certain areas, for example due to historic grants or land transfers. The ownership of the foreshore is always reviewed and confirmed by the Province as part of the tenure issuance process.
- The shíshálh swiya Dock Management Plan is a joint plan drafted by the Province and shíshálh Nation describing how docks will be managed in the foreshore of marine areas and freshwater lakes to protect environmental and archaeological values of ongoing importance to both to shíshálh Nation and residents of the shíshálh swiya more broadly.

74. Provincial and federal marine jurisdiction

Question received:

- "How does the agreement align with federal and provincial marine regulations and where they differ"

Answer:

- Both provincial and federal agencies have responsibilities and jurisdiction in marine environments. The province has jurisdiction over provincial submerged land and associated land use, as well as other responsibilities such as heritage conservation and regulating hazardous substances and waste discharge. Federal responsibilities include but are not limited to navigation, regulation of vessels, shipping and ports, fisheries and protection of fish and fish habitat, as well as environmental regulations and species at risk.
- The Foundation Agreement and shíshálh swiya Dock Management Plan are aligned with provincial regulations. The shíshálh swiya Dock Management Plan also requires that dock comply with applicable federal laws and regulations, such as the Fisheries Act, the Canadian Navigable Waters Act, and Species at Risk Act.

75. Zones in kalpilin (Pender Harbour)

Questions received:

- “There has never been a rational explanation given for the zones in Pender Harbour, can you provide one and if it relies on a scientific explanation please provide the scientific basis for same and supporting authorities”
- “Will new zoning (culturally sensitive or otherwise) jeopardize/ cancel 20 year-renewable tenures?”

Answer:

- The shíshálh swiya Dock Management Plan defines requirements for dock design and construction that apply throughout the swiya and further identifies three zones in kalpilin (Pender Harbour) where additional requirements or restrictions apply.
- In general, zoning decisions are informed by the best available information and consider scientific information as well as other considerations such as impacts to economy, safety, ecology, and society’s interests. The kalpilin (Pender Harbour) zones were initially delineated based on the location of natural and cultural resources. Following the completion of the “Impacts of docks in Pender Harbour: Phase 2 Assessment (2018)”, the zones were refined to better reduce impacts in areas with high abundance of eelgrass, rockfish and other fish species. The Pender Harbour Archaeological Survey identified that no locations in the project area could be considered to have low potential archaeological value.
- The kalpilin (Pender Harbour) dock management zones are not proposed to be changed through the shíshálh swiya Dock Management Plan updates or land use planning process currently underway.
- Outside of kalpilin (Pender Harbour), new management areas (or zones) may be established as part of the land use planning process currently underway. New management areas would be established based on information gathered on the current condition of the coastal foreshore across the swiya including location of environmentally sensitive areas, and feedback we receive through public engagement. New management areas will help ensure that we appropriately mitigate impacts or protect important sensitive areas and may include restrictions on new development in the foreshore.

76. Light penetrating decking benefits and alternatives

Questions received:

- “Is there any research being planned to study the cost versus benefits of light-permissible dock surfaces and/or viable alternatives like artificial lighting? I imagine that the cost versus benefit varies considerably depending on the environment under the dock and at times it may be more advantageous for the ecosystem as a whole to find a more cost-effective rehabilitation project to invest in rather than spend a large amount of money (and create waste) to replace docks.”
- “Victory island is our full time residents I have a ramp and floats at our place they have been in place for many years and I have them inspected annually the system is all approved and permitted since day one, the ramp is 6 ft wide to accommodate handy cap movement and the movement of materials and supplies as well the floats themselves are concrete they were built to hold a helicopter for possible emergency reasons such as fire and possible medical reasons not only for us but for other cottage owners in the area as most do not have a landing area as far as light penetration goes please see the short clip showing the sun on my floats it is like that all day every day it's like the 4th of July the light that penetrates under my floats sun or no sun is over the top. I get sun from the min it comes up to the minute the sun goes down ,it beats down on and under my floats and ramp areas it's so bright under my floats it's crazy there is also an amazing amount of fish under my floats hiding from larger fish it's over the top and I think I've seen some with sun glasses on its so bright. We do not live on the equator the sun is on an angle not directly overhead so light penetration is not an issue on most if not all dock's in the proposed Shishalh area . I also have no Eel Grass under my floats it is solid rock and whatever grows with in that bottom cover makes Bucharth gardens look weak. Eel Grass doesn't grow under my floats it's not the right growing medium for it nothing to do with light. I have a friend that also has a concrete dock and floats in the area no supposed light penetration and he has Eel grass growing under his floats do to the light flooding under his floats as well. So I guess what I am trying to point out is all docks and floats should be looked at individually to assess the light penetration and what other concerns whom ever may have.”
- “You've mentioned light transparency requirements as a justification for the proposed dock regulations. Can you specify which scientific studies you're relying on that are directly relevant to the coastal conditions in BC? Much of our coastline—particularly around Gambier Island—is deep water or over bedrock, with little to no submerged

aquatic vegetation. So what's the ecological benefit in our context?"

- "Sakinaw lake is a cooking and drinking water source for the majority of water front property owners. The replacement of clear plastic decking and black plastic incasement plastic Flotation will be exposed to increasing U V Degradation. This will result in the forever Pollution of micro plastic chemicals and minute pieces in our waters and lands. Many studies have established the increasing toxicity of plastic in all forms of our environments. Even being discovered in human bodies and fish. This increasing worldwide contamination will in the future result in more than bans of plastic straws and grocery bags. Locally produced sustainable untreated Lumber is a healthy renewable resource for decking material. It will protect the black Plastic U V degradation used to encase Styrofoam under the decking. Wood decking has proven over time to be an environmentally safe product. Plastic has not."

Answer:

- The shíshálh swiya Dock Management Plan establishes minimum standards for light penetration through dock decking to help to avoid or minimize impacts and promote healthy and functional ecosystems. Minimizing and mitigating the impacts of docks and boathouses on marine resource values has always been a core objective of the shíshálh swiya Dock Management Plan and is an important way that we can protect and conserve the foreshore environment.
- Light transmitting decking is required on all docks because eelgrass is not the only species that is impacted by shading from docks. For example, dock shading also impacts the behaviour of salmon.
- Research on shading impacts from docks has been done in a variety of locations across the world, including the Pacific and Atlantic coasts, as the Pacific Northwest. In assessing the applicability of research from other areas to dock management planning in the swiya, many factors were considered included the similarities of species (taxonomically and physiologically). The 2018 report, "[Impacts of Docks in Pender Harbour: Phase 2 Assessment](#)" provided empirical information, based on applicable literature and a field study, to support dock management planning in the swiya. In general, the impact of docks in more northern areas, such as the swiya, is expected to be higher than in other southern locations due to the impacts of light at higher latitudes.
- The Province and shíshálh are not planning research into alternatives to light penetrating decking, though remain open to considering alternative academically peer-reviewed lighting options.

- Regarding concerns about microplastics, the Shíshálh swiya Dock Management Plan does not specify a particular material or product that must be used to achieve 43% light penetration and available options are not limited to plastic decking. This requirement can be achieved in many ways including using other decking materials in a grid or lattice type design that provides 43% open space for light to pass through.

77. Light penetrating decking over flotation

Questions received:

- "In anticipation of the planned Virtual Public Meetings on March 20 and March 31, please clarify if the float deck material, located over the necessary flotation that has zero light transmissibility, is still required to meet the light transmissibility requirements of the DMP."
- "In our existing wooden float the encapsulated Styrofoam flotation takes up approximately 40% of the total float surface area. Do we need to provide transparent decking over non-transparent flotation?"

Answer:

- Light penetrating decking refers to any decking product or design that allows for at least 43% of light to penetrate through the decking to the surface of the water below. This requirement can be achieved in many ways including using a decking product that allows 43% of light to penetrate through it directly or using grid or lattice type decking that provides 43% open space for light to pass through.
- The requirement for light penetration applies to the decking of the moorage structure, not the entirety of the dock structure. Light penetrating decking is not required over flotation devices; however, dock design should provide ample light penetrating decking/open space between flotation devices.

78. Outdoor dock lighting

Question received:

- "I was wondering if you and/or the Shíshálh Nation had investigated whether the Foundation Agreement about docks on the Sunshine Coast should have provisions regulating lighting on docks and approaches to docks. I sent a message today to the Shíshálh Nation on this same issue for their consideration as well. I don't know if this also engages the federal Fisheries and Wildlife people, but if it does perhaps you could

pass it along to the appropriate person(s). If there is nothing said about lighting in the regulations, a dock owner could install floodlights that blazed away through the night, disturbing the peace and quiet (and dark) that neighbors and the marine and land environment and the wildlife should be able to enjoy. Given the ongoing work about coming to appropriate regulation for docks, I thought I'd ask the question and make a suggestion that it be done. The Coast Reporter article from February about the Gibsons bylaw about "Intrusive Lighting" in that city and it made me think of this in relation to docks: <https://www.coastreporter.net/local-news/gibsons-cracks-down-on-intrusive-light-10189176#:~:text=The%20bylaw%20prohibits%20residential%20property,enjoyment%2C%20comfort%20or%20convenience.%E2%80%9D> I have a property near Sargeant Bay and would hate to see disruption from development that allowed for blazing lights through the night. In passing, from looking online I did not find anything about docks and waterfront properties concerning excessive lighting at night. But I did find a Ministry of Transportation guide here: <chrome-extension://efaidnbmninnibpcjpcglclefindmkaj/https://www2.gov.bc.ca/assets/gov/driving-and-transportation/transportation-infrastructure/engineering-standards-and-guidelines/electrical/electric-design-manual/300/section-300-lighting-design.pdf> Page 24 of that (page 30 of 64 of the pdf pages) has this discussion: 305.1 INTRODUCTION Obtrusive light, or light pollution, is a concern to the general public and is monitored by organizations such as the International Dark-Sky Association. Obtrusive light can detract from the enjoyment of a nighttime setting and has also been shown to have negative effects on biological systems. Most obtrusive light is misdirected light that does not reach the intended target area and can therefore be considered a wasted energy. The reduction of obtrusive light will typically lead to superior lighting designs, increased energy efficiency, and eliminate a potential source of contention with the public. Obtrusive Light can be classified into three categories: Light Trespass: This is light that strays from its intended target and becomes an annoyance, nuisance, and/or a detriment to visual performance. Sky Glow: This is the result of stray light being scattered into the atmosphere resulting in the glowing effect commonly seen above cities from a distance. Glare: Glare is an unwanted source luminance, and is defined by the IESNA as "the sensation produced by luminance in the visual field that is sufficiently greater than the luminance to which the eye has adapted to cause annoyance, discomfort, or loss of visual performance and visibility". I don't know if that would be a direct parallel to docks. Highways, roadside convenience stations and the like are somewhat different. But the concerns about "obtrusive lighting" in all its categories is something worth considering and addressing. I hope this is a worthwhile suggestion.

Answer:

- The amendments proposed to the shíshálh swiya Dock Management Plan in November 2023 include the addition of a Best Management Practice that outdoor lighting should be minimized and should be on a timer or motion detector. This can be found in the [draft shíshálh swiya Dock Management Plan](#) in section 8.16 (regarding outdoor lighting on private docks) and 9.16 (regarding outdoor lighting on commercial docks).

79. Sewage (wastewater) outfall

Question received:

- “Sewage out fall should be looked at and made sure it does not end up in the ocean I feel that is a big problem in the Pender harbour area lots of old structures are still in use they should be checked to make sure the sewage is being dealt with properly.”

Answer:

- The management or regulation of sewage (wastewater) is not within scope of the shíshálh swiya Dock Management Plan. More information about how sewage is managed can be found on the [Government of B.C. website](#).

80. Timeline for compliance with the shíshálh swiya Dock Management Plan

Question received:

- “What happens if you have a renewal of a legal dock with a renewal in 2027 - where Styrofoam is required to be encapsulated. Do we now have 10-years (from 2024) to meet that or are we required to meet the current requirement of 2027 to comply?”

Answer:

- All tenures or permissions (whether new or a renewal) issued from this point forward will require that unencapsulated Styrofoam is replaced with encapsulated Styrofoam by approximately Fall 2034. Unencapsulated Styrofoam in good condition need not be addressed before a new tenure is offered to you.
- Styrofoam that is spalling (actively breaking apart) must be replaced as part of your obligation to keep the land in clean, safe and tidy condition within two years.

81. Commercial moorage engagement

Question received:

- "Will the information sessions on April 17, 23 and 30 be open to the public or only to invitees?"

Answer:

- Three engagement sessions on the application of the shíshálh swiya Dock Management Plan to commercial, group, and strata moorage in the swiya were co-hosted by the Province and shíshálh Nation in April 2025. These sessions were by invite-only to commercial dock tenure holders in the swiya or their delegates.
- The purpose of the sessions was to share a summary of the currently proposed changes to the shíshálh swiya Dock Management Plan as it applies to commercial moorage, share a summary of feedback heard so far on the proposed changes, and solicit further feedback.
- A What We Heard report will be published on the [shíshálh swiya Dock Management web page](#).

82. Public engagement on the shíshálh swiya Dock Management Plan

Question received:

- "why were dock owners not involved in discussion related to the DMP?"

Answer:

- The Province and shíshálh have been working hard to provide opportunities for dock owners to provide input into the shíshálh swiya Dock Management Plan updates.
- Recent and upcoming engagement opportunities include public engagement from November 2023 to February 2024, the establishment of a Dock Management Plan Advisory Group with representation from dock owners in 2024, engagement sessions with commercial dock owners in April 2025, and current engagement with groups representing freshwater dock owners.

83. Damages against the Crown

Question received:

- "Does the license of occupation 'contract' allow an action for damages against the Crown? As every contract would allow. I am concerned that this is a mere conditional permission, not a contract."

Answer:

- The licence of occupation that will be used to tenure docks in the swiya is a contract and the normal legal remedies available to a party to a contract will apply.

84. Addressing misinformation

Question received:

- "How is the BC government addressing the blatant misinformation being disseminated about the Dock Management Plan and Foundation Agreement"

Answer:

- The Province and shíshálh have provided numerous and ongoing opportunities for the public to learn more about the shíshálh swiya Dock Management Plan and Foundation Agreement including opportunities to ask questions and receive regular updates online. We are also working with stakeholder groups directly to enable them to provide current and accurate information to their members and to provide input into our implementation process.
- We welcome and encourage community members to refer others in the community to the [shíshálh swiya Dock Management Plan](#) and [shíshálh Nation Foundation Agreement](#) web pages as trusted information sources.

85. Prioritization of dock management planning

Questions received:

- "Why was the dock management system under these Foundation Agreements moved ahead with so quickly compared with the other land management issues?"
- "why is the prioritizing for low-impact, high-cost initiatives like this, while major environmental issues like watershed health, runoff, and upland development

pressures remain largely unaddressed?"

- "Why is this only a Dock Management plan, and not a Harbour Management Plan? For example, there may be a derelict boat or boats that are polluting our harbour far worse than likely the majority of the docks. What is to be done about harbour polluting abandoned boats? As well, this does not address the issue of having a new conforming dock, but what is there to stop a potential polluting vessel or barge that may be moored to said conforming dock? if we really want to protect our waters, why are we looking at only foreshore and not the entire waterways?"

Answer:

- Dock management in the shíshálh swiya has been an area of collaborative work between the Province and shíshálh Nation since the early 2000s. This collaboration arose given our shared interest in managing the foreshore for the important ecological and cultural values it sustains.
- The Foundation Agreement commits the Province and shíshálh Nation to work together to develop and implement the shíshálh swiya Dock Management Plan as a tool to manage private moorage in the swiya, and to collaborate on numerous other initiatives including an extensive Land Use Planning process currently underway.
- The Province and shíshálh recognize that docks are just one element within the complex foreshore marine and that in many cases, other management efforts will be needed to ensure the ongoing stewardship of the values we care about.

86. Timeline to finalize the shíshálh swiya Dock Management Plan

Question received:

- "When will the DMP be updated"

Answer:

- We are committed to a timely update of the shíshálh swiya Dock Management Plan.
- The need for certainty must be balanced with our commitment to meaningfully consider feedback received through engagement with commercial and group moorage tenure holders and the Dock Management Plan Advisory Group and continue our ongoing work to better understand dock impacts in freshwater environments.

- Our goal is to build a plan that can be implemented effectively and provides the predictability all dock owners are looking for.
- In the meantime, the changes announced in August 2024 provide more clarity for individuals who already have docks and boathouses.

87. Public engagement on the shíshálh-BC land use plan

Question received:

- "Will the general public have a say in the land use plan for the Swiya? We all use the public land around our communities?"

Answer:

- The Foundation Agreement provides direction for the development of a joint shíshálh-BC Land Use Plan for the public lands in the swiya. The shíshálh-BC Land Use Plan will provide clear management direction on biodiversity, watershed integrity, resources important to shíshálh culture, and sustainable economic development.
- Collaboration and engagement with local governments, stakeholders, industry, communities, and the public is a core principle of land use planning to assist in building healthy, thriving communities. Building on this core principle, the Province and shíshálh Nation have built multiple engagement opportunities into the land use planning process. Find out more by visiting our [Land Use Planning webpage](#).

88. Unclear questions

Question received:

- "Re what heard about DMP updates "So everything I did is null and void?""

Answer:

- We require further information to understand this question and respond accurately. We invite those who submitted this question to contact ssDMP@gov.bc.ca to connect with staff for further information.
- Please also visit [our webpage](#) as we frequently update it with more resources and details.