

Fact Sheet:

Changes for existing dock and boathouse owners in the shishálh swiya

The Province and shishálh Nation heard from some Dock Management Plan Advisory Group members that providing more clarity for existing dock and boathouse owners was important. With this feedback in mind, the changes to the Dock Management Plan (DMP) are intended to simplify the process for existing dock and boathouse owners. The changes provide owners with time to make any necessary improvements to their legacy structures in a cost-effective manner.

In alignment with existing provincial policy, new docks require an application. New docks must be in compliance with the DMP. The following applies to all existing marine private moorages (docks) and boathouses in the water as of July 1, 2024.

These changes will be reflected in the updated shishálh swiya DMP.

You can find the actions that owners of existing built dock and boathouse may need to take highlighted in blue.

Self-registration and transition planning for long-term authorizations

- The Province and shishálh Nation will begin a 3-year transition period in which we will work to provide existing tenured and untenured docks and boathouses with 20-year long-term renewable authorizations subsequent to the review outlined below.
- All tenured and untenured dock and boathouse owners will be asked to self-register their structure by filling out a new form that will be available in September. The self-registration form will be simple and free.
- Owners of all existing tenured and untenured docks and boathouses will be given a general permission for the existing structure as-built subject to the upgrade requirements outlined below. The interim authorization will expire when the structure is transitioned into a new 20-year long-term renewable authorization. Before the issuance of a 20-year renewable authorizations, repairs to docks or boathouses may be required.
- Starting September 2024, existing dock and boathouse owners will be given the following timelines for repairing or upgrading dock and boathouse components to be more environmentally sensitive:
 - Dock and boathouse owners will have 10 years to update Styrofoam to encapsulated or a non-Styrofoam floatation system.
 - If Styrofoam is actively breaking apart, dock and boathouse owners will have 2 years to replace it with encapsulated Styrofoam or a non-Styrofoam floatation system that ensures light penetration through the structure to the sea floor.

- Dock and boathouse owners will have 10 years to upgrade to light transparency decking or another option supported by academically peer reviewed research regarding shading mitigations approved by shishálh and the Province.
- When dock and boathouse owners need to replace pilings, they must not be replaced with creosote pilings.
- To support the overall health of the marine environment, dock and boathouse owners are encouraged to make repairs to their structures in alignment with the other DMP Best Management Practices (BMPs) wherever possible, but they are not mandatory.

Inventory of all docks and boathouses

- The Province and shishálh will complete an inventory of all docks and boathouses in the swiya this summer and fall. As part of the inventory, all docks and boathouses will be assessed and given a condition-rating to inform work planning for the transition to a 20-year renewable authorization.
- **Derelict Structures** will be identified, and the Province will follow-up directly with dock and boathouse owners. Owners with derelict structures will be asked to submit a remediation plan that outlines the repairs that will be completed within a 2-year period, which must be in alignment with the requirements noted above. If repairs are not completed the province will undertake progressive enforcement steps, which may include directing the removal of the dock or boathouse.
- The Province and shishálh will continue with annual monitoring to ensure we continue to protect and restore important marine ecosystems and cultural resources.

Transition to long-term authorizations

- During the transition period, the Province and shishálh will work together to review self-registered docks and boathouses prior to issuing a 20-year long-term renewable authorization. The review will ensure that docks and boathouses are maintained in good condition and are in compliance with all applicable provincial legislation and requirements of federal and municipal governments.
- The Province and shishálh will work through the transition process and will provide ongoing updates that will be made public. The Province will contact dock owners if there are any questions during the review. Existing dock owners do not need to contact the Province to initiate the review.
- If a dock or boathouse owner is required to complete a remediation plan because their dock or boathouse is derelict or not in compliance with the general permission authorization, the repairs will have to be completed within two years and before a 20-year renewable long-term authorization can be issued.
- A Management Plan will be required for each long-term authorization. Existing tenure holders who have previously submitted a Management Plan will not be required to submit a new one. Owners of untenured docks and boathouses, or those without an existing accurate Management Plan will be required to submit a Management Plan. No

environmental or archaeological studies will be required as part of the Management Plan except as outlined below.

- Existing, tenured or untenured, boathouses will be concurrently reviewed with the associated dock. Untenured boathouse owners will need to apply for authorization and the boathouse will be reviewed per the provincial Residential Policy requirements.
- Owners of docks and boathouses on registered archaeological sites will be notified during the review and referred to the provincial Archaeology Branch, which may direct additional work.
- Docks in culturally sensitive areas such as clam beds, clam gardens, fish weirs, and canoe skids, that are protected under the *Heritage Conservation Act* will be reviewed during the 3-year transition period and may have additional terms and conditions applied to their 20-year long-term authorization.

A few additional things to note about repairs and replacements:

- Repairs to docks and boathouses to maintain the structural integrity will be considered repairs. When making repairs, notwithstanding the above, a updated Management Plan will be required, and dock and boathouse owners will be encouraged to make repairs in alignment with the other DMP Best Management Practices wherever possible.
- Replacing pilings in the same location or with minor footprint changes will be considered a repair, but when a dock owner is making structural changes to a dock to help mitigate or avoid impacts to an archaeological site dock owners will be required to submit a new application for review.
- Full structure replacements, structural changes, or changes to a dock's footprint will not be considered repairs. In these cases, a new application will be required, and the DMP must be followed. Replacement of boathouses will not be allowed.
 - If any existing docks in the red zones within the kalpilin Management Area need to be replaced within the term of the authorization, a new application will be required, and DMP Best Management Practices must be followed when designing a replacement dock.
- Existing boathouses can stay until end of life; however, no new boathouses will be permitted on private, group, community, and strata moorages, including if a boathouse needs to be replaced within the term of an authorization. Boathouses will be allowed on commercial moorages.
- Replacement of structures (docks or boathouses) due to a sudden catastrophic loss of the structure due to natural disaster or fire will be allowed but owners are expected to meet the requirements around Styrofoam, light penetrating decking and non-creosote pilings and, where possible, other (BMPs) are encouraged but not mandatory.
- When it comes time to renew an authorization or replace a dock, an updated **Management Plan** will be required.

A few additional things to note about environmental and archaeological studies:

- Applications for new docks will require an environmental study and archaeological assessment.
- When a dock is replaced, an environmental study and archaeological assessment will be required as a part of that application.
- When proposed changes to the footprint of the structure are expected to have a ground disturbing impact, an archaeological assessment and environmental study will be required, except in cases when minor footprint changes are needed to accommodate replacement pilings where the same structure can be used. Owners on known archaeological sites must contact the Archaeology Branch before conducting any ground disturbance in the archaeological site to ensure any necessary protection measures are taken.
- As docks age and near replacement timeframes, dock owners will be able to bundle the environmental studies and archaeological assessments with neighbors in anticipation of studies being required. Studies completed within 5 years of when replacement is necessary will be accepted.

Working together, we can restore and steward the marine environment for generations to come.

Definitions

- **Derelict Structure** – For the purpose of the Dock Management Plan, derelict structures include sinking docks/boathouses, docks/boathouses impeding passage, collapsing or dilapidated structures, broken pilings broken mooring chains, and deteriorating or spalling un-encapsulated Styrofoam.
- **Management Plan** – The document that details the specific requirements for an authorization, including the nature and siting of the improvements. For private moorage, it contains information such as, but not limited to: dimensions and distances from property lines, explanation of why the moorage is required and indication of distance from closest marina/group moorage facility, and size and dimensions of planned (and/or existing) improvements. A template will be available online.