

FAQS: FREQUENTLY ASKED QUESTIONS

Amendments to shíshálh swiya Dock Management Plan – August 2024

EXISTING PRIVATE MOORAGE STRUCTURES

1. What is changing in the Dock Management Plan?

- As a result of recommendations brought forward from the Dock Management Advisory Group, changes affecting existing dock and boat house owners in the water as of July 1, 2024, have been announced.
- These changes provide greater predictability for dock and boathouse owners in the swiya and help to ensure environmental impacts are addressed in a timely manner. See [Fact Sheet](#) for more detailed information.

2. Will existing docks and boathouses be removed?

- No. Existing docks and boathouses in the water as of July 1, 2024, are eligible for the swiya-specific General Permission and will transition to a 20-year long term renewable authorization.
- However, if an existing dock or boathouse is deemed derelict and is not remediated within 2 years, progressive enforcement action may be taken, up to, and including, removal of derelict structures.
- See additional FAQs below for further details on derelict structures.

3. What is a swiya-specific General Permission?

- A swiya-specific General Permission is a form of authorization available under the *Land Act*. In the shíshálh swiya, the Province will use the swiya-specific General Permission to provide permission to a self-registered existing dock owner for their existing private moorage and/or boathouse under the *Land Act* temporarily.
- The swiya-specific General Permission legalizes the occupation of the Crown land the dock and/or boathouse is occupying while the Province transitions the permission to a 20-year long-term renewable authorization.
- Further details about the swiya-specific General Permissions will be available as the self-registration form is released publicly.
- The swiya-specific General Permission is different from the General Permission for Private Moorage available in other parts of the Province. Please refer to the Provincial Policy for Private Moorage for specific use of the General Permission elsewhere in the province.

4. When is the self-registration form going to be live?

- The self-registration system is intended to begin in September 2024.
- Provincial developers are working to ensure the registration program is user-friendly and simple to complete. Further details on the self-registration form will be released publicly prior to the self-registration system going live.

5. How do I get notified that the self-registration form is live?

- The Province will contact existing tenure holders to share next steps regarding the self-registration form and post updates on the [Pender Harbour Project website](#).
- The Province has contact details for existing private moorage tenure holders, if you have not received correspondence from the Province directly and would like to be added to the distribution list for notification of the self-registration form going live, please email ssDMP@gov.bc.ca requesting to be added to the self-registration notification distribution list.

6. Why is the Province doing a self-registration form in the swiya?

- To provide a faster, easier and more efficient process for transitioning to long term authorizations for all existing docks and boathouses within the swiya, we are using the self-registry form to:
 - o Easily gather your contact information into one place
 - o Develop our necessary work plans to transition the 1000+ of existing docks to 20-year long-term renewable authorizations. Updates on our progress will be made public, so you know what to expect and when regarding the transition to your long-term authorization.
 - o Efficiently transition existing structures into long-term authorizations to provide assurance and predictability for dock owners to make the appropriate investments in their structures in upcoming years.

7. When does the transition period start?

- The transition period begins on the date the self-registration system goes live in September 2024.
- This means that:
 - o By September 2027 (3 years from the self-registration form is made public), all decisions for transition to 20-year long-term renewable authorizations for existing private moorages should be completed.
 - o By September 2034 (the 10-year anniversary of the self-registration form):

- Private moorage owners will be required to replace all existing unencapsulated Styrofoam with encapsulated Styrofoam or alternative non-Styrofoam floatation system that ensures light penetration through decking to the sea floor.
 - Private moorage owners will be required to replace all existing private moorage decking with alternative light penetrating decking, or, as appropriate, alternative academically peer-reviewed lighting options as approved by shíshálh and BC.
 - Derelict structures including sinking docks/boathouses, docks/boathouses impeding passage, collapsing or dilapidated structures, pilings, broken mooring chains and deteriorating or spalling un-encapsulated Styrofoam will be required to be remediated within 2 years.
 - When pilings need to be replaced, they must not be replaced with creosote pilings.
- 8. Is the Province committing additional resources to ensure all tenured and untenured docks and boathouses receive a 20-year long-term authorization within the 3 years?**
- Yes, additional resources will be deployed as necessary.
- 9. What will the 20-year long term renewable authorization be and include?**
- Dock owners can expect an authorization similar to what they currently have, such as a Specific Permission or Licence of Occupation in alignment with provincial policy. Both interim and long-term authorizations will include mandatory requirements to replace unencapsulated Styrofoam and install light penetration decking or other alternative peer-reviewed lighting options as approved by shíshálh and BC by Fall 2034. When pilings need to be replaced, they must not be replaced with creosote pilings.
- 10. If I sell my property, does my dock and boathouse authorization transfer to the new owner?**
- Yes. Dock and boathouse authorizations can transfer to new upland owners.
 - The swiya-specific interim General Permission does not transfer automatically. The new property owner is able to self-register their dock to receive a swiya-specific General Permission.
 - If the dock and/or boathouse has a long-term authorization, please contact SouthCoast.TenureAdmin@gov.bc.ca to have the dock and/or boathouse assigned (transferred) to the new upland owner.

11. I have an existing Crown land authorization that's expired, what does this announcement mean for me?

- Your existing tenure will remain in an expired state until you are issued the interim General Permission when you complete your self-registration.
- The swiya-specific General Permission received through the self-registration program will be your authorization to occupy Crown land until it is transitioned to a 20-year long-term renewable authorization.

12. I have an existing Crown land authorization that's valid past the next 3 years, what does this announcement mean for me?

- As an existing dock owner in the swiya, you will need to self-register your dock to receive a General Permission under the DMP.
- Your existing tenure will remain in place, as is, until your authorization is transitioned into a long-term authorization over the next 3 years.
- Provincial staff will contact you when the review begins on the transition of your current tenure to a 20-year long-term renewable authorization.

13. I have an existing Crown land authorization for a dock but have added to it to support a larger boat. Will the current footprint of the dock be authorized?

- Yes. Existing dock and boathouses as built, whether tenured or not, will be granted a swiya-specific General Permission upon completing the self-registration and until it is transitioned to a 20-year long term renewable authorization.

14. I have an existing application for a dock authorization in the system under review, what does this mean for me?

- If your existing application is for an existing dock, you will need to complete the self-registration to receive the swiya-specific General Permission. The existing application for existing structures will be put on hold until the Province initiates the review for long-term authorization of the dock.
- If your existing application is for a new structure, it will be reviewed under the Shared Decision-Making process and will need to meet the Best Management Practices in the shíshálh swiya Dock Management Plan. Site specific variances may be considered. Provincial staff will reach out to you when your application is brought into review.

15. What does this mean for existing boathouses?

- Existing boathouses will receive a temporary swiya-specific General Permission after the self-registration is completed. Existing boathouses will be transitioned to a 20-year long-term renewable authorization over the next 3 years.
- Boathouses fall under the Province's Residential Policy and as such will be required to apply for a long-term authorization under the Residential Policy during the transition to a long-term authorization. Provincial land officers will be in touch with existing boathouse owners to discuss the process.

16. What does this mean for existing docks in the Red Zone and Purple zone in Pender Harbour?

- Existing dock and boathouses whether tenured or not, in the Red and Purple Zones, can remain and owners will need to self-register their docks and boathouses to receive interim swiya-specific General Permission and transition to long-term authorizations.

17. Will I be compensated for the costs that have been associated with the preparation of my application for an existing dock now that those requirements don't exist?

- No. Compensation will not be provided for application preparation costs.

18. I want to make a repair to my dock before I am transitioned to a 20-year long-term renewable authorization. How do I go about doing that?

- Repairs to existing docks should be made in alignment with the Best Management Practices (BMP's) within the shíshálh swiya Dock Management Plan.
- The Best Management Practices (BMP's) within the shíshálh swiya Dock Management Plan, including those existing and those to be amended, are based on science-based recommendations, important local knowledge, and advice from engineers.
- The Best Management Practices (BMP's) are recommended practices that have been demonstrated to be an effective and practical means of preventing and/or mitigating potential impacts associated with the construction and maintenance of moorage facilities.
- Further, to maintain your dock's authorization in the long-term, please keep in mind the following and conduct repairs accordingly:
 - o Unencapsulated Styrofoam is required to be replaced with encapsulated Styrofoam or alternative floatation that ensures light penetration through decking to the sea floor by approximately Fall 2034.
 - o Derelict structures including sinking docks/boathouses, docks/boathouses impeding passage, collapsing or dilapidated structures, pilings, broken

mooring chains and deteriorating or spalling un-encapsulated Styrofoam will be required to be remediated within 2 years.

- Private moorage decking should be replaced with alternative light penetrating decking, or as appropriate, alternative peer-reviewed lighting options as approved by shíshálh and BC by Fall 2034.
- When pilings need to be replaced, they must not be replaced with creosote pilings.
- If changes are not made as required above, progressive enforcement action may be taken.

19. Will there be variances allowed if you want to change your footprint within your 20-year long term authorization?

- Structural changes in footprint during the interim or long-term authorization term are not considered repairs and will require a new application.
- Site-specific variances to the Best Management Practices may be considered.

20. What if my existing dock and/or boathouse is over an archaeological site?

- 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, the dock is allowed to remain as built, however 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.

21. How are the Province and shíshálh going to take into consideration the environment for the existing docks?

- Over time, as existing structures require replacement due to long-term wear and tear, new structures will be required to be designed and built in alignment with the Best Management Practices current at that time.
- Environmental studies undertaken by the owner will be required for new and replacement docks.

- Derelict structures including sinking docks/boathouses, docks/boathouses impeding passage, collapsing or dilapidated structures, pilings, broken mooring chains and deteriorating or spalling un-encapsulated Styrofoam will be required to be remediated within 2 years.
- shíshálh and BC will work to undertake comprehensive environmental and archaeological studies in the swiya where work has not already been completed.

22. What if my existing dock or boathouse is destroyed through a natural disaster or fire?

- If destroyed through a natural disaster or fire and requiring a rebuild, the upland owner of an existing dock or boathouse would be able to apply for authorization to rebuild the structure within the same footprint as the previously approved boathouse under the DMP.

23. How will my application be treated in 20 years when I need to renew my authorization?

- Upon expiry of the long-term authorization, an application for a renewed authorization will need to be submitted under the *Land Act*.
- The application will be reviewed through the Shared Decision-Making process and will be reviewed in alignment with the shíshálh swiya Dock Management Plan current at that time.
- As private moorage owners are required to make updates to unencapsulated Styrofoam and private moorage decking within 10 years (September 2034), applications will be required to demonstrate the updates have been completed. See [Fact Sheet](#) for more details regarding mandatory updates to private moorage structures.
- Derelict structures including sinking docks/boathouses, docks/boathouses impeding passage, collapsing or dilapidated structures, pilings, broken mooring chains and deteriorating or spalling un-encapsulated Styrofoam will be required to be remediated within 2 years.
- If the dock or boathouse existed prior to July 1st, 2024, docks and boathouse owners will be encouraged to make repairs to their structures in alignment with the other DMP Best Management Practices wherever possible, but they are not mandatory.
- Full structure replacement, 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.

24. Is there an appeals process?

- One of the recommendations from the Dock Management Plan Advisory Group was to establish an appeal mechanism for decisions on docks and boathouses.
- Currently, there are no plans to implement an appeals process.
- Any such appeals process would require legislative changes to the *Land Act* and would need to be considered by the next incoming government.

NEW AND OTHER MOORAGE STRUCTURES

25. When will the Dock Management Plan be finalized?

- The Province and shíshálh are committed to incorporating the changes for existing docks and boathouses into a revised Dock Management Plan in a timely manner. As part of this work, BC and shíshálh will also consider the other recommendations put forward by the Dock Management Plan Advisory Group.
- The changes announced in August 2024 provide more clarity for individuals who already have docks and boathouses.
- We understand that uncertainty since November 2023 may have been stressful for those individuals trying to renew existing tenures or apply for new ones. We want to make sure we built a plan that can be implemented effectively and provides the predictability all dock owners are looking for.

26. How long do you anticipate a decision on the remaining considerations (freshwater, commercial, new applications) for the DMP will take?

- The Province and shíshálh are committed to confirming the changes for existing docks to the Dock Management Plan in a timely way and continue to undertake work for freshwater and commercial considerations.

27. What does this mean for freshwater docks?

- It was clear from the feedback received that we needed to pause the application of the Dock Management Plan in freshwater lakes and take some more time to understand the impact of docks in the freshwater environment.
- The Province and shíshálh are continuing with the pause on freshwater docks applications until the literature review and mapping of habitat is completed and any further changes are finalized.
- After the pause, existing tenured and untenured dock owners in freshwater will be expected to comply with any mandatory requirements and encouraged to adopt best management practices, similar to the process followed within the marine environment.
- Existing freshwater docks and boathouses will be transitioned to a 20-year long-term renewable authorization.

- No new docks applications will be considered in freshwater until studies are complete.
 - o Freshwater lakes provide a wide range of important habitats, and mitigating impacts from humans helps maintain the important ecological functions and biodiversity which are necessary for resilient and stable ecosystems.
- BC and shíshálh will communicate closely and often with freshwater dock owners throughout the swiya.

28. When can we expect further information for freshwater docks?

- We will be planning our next steps for freshwater docks in the Fall 2024.
- BC and shíshálh will communicate closely and often with freshwater dock owners throughout the swiya as updates become available.

29. What does this announcement mean for commercial moorage within the swiya?

- Consistent with the announcements made in March 2024, proposed updates to the Dock Management Plan include:
 - o More flexibility to allow for a diversity of commercial operations
 - o No maximum length limitations for commercial moorages
 - o New boathouses will be allowed on commercial moorages
- Engagement will continue with commercial moorage holders on commercial considerations for the shíshálh swiya Dock Management Plan, further changes may be contemplated and communicated with commercial moorage tenure holders.

30. What does this announcement mean for new applications for private moorage within the swiya?

- Further considerations from the announcement in March 2024 are ongoing after contributions and recommendations received from the Dock Management Plan Advisory Group.
- Consistent with the March 2024 announcement, for new private dock applicants, we will update the guidelines (known as 'Best Management Practices') to provide more flexibility.
- In addition to added flexibility, we plan to make these specific enhancements:
 - o A maximum dock length will be set at the provincial maximum – 60metres – with a preference for a 50 meters length.
 - o Docks can have a total area of 30 square meters or a maximum width of 1.5 meters.
 - o New or replacement decking must use products that allow for a minimum 43% light penetration which does not include floatation.

31. What does this mean if I want to build a new boathouse in the swiya?

- Applications for new boathouses on private, group, community or strata moorages within the swiya will not be accepted.
- To manage the environmental and cultural impacts of structures within the foreshore, the shíshálh swiya Dock Management Plan prohibits the construction of new boathouses.

INVENTORY AND MONITORING

32. How will shíshálh and BC be doing this inventory of docks?

- shíshálh and BC will be monitoring docks in the field and through existing aerial imagery.
- Monitoring ensures the prioritization of resources on the structures causing the most significant impacts on the foreshore, including safety concerns and significant environmental and cultural impact.
- The monitoring will include an assessment of the condition of a dock using a publicly available Condition of Improvement Rating-Scale to determine if it is in a derelict state.

33. When are shíshálh and BC starting this inventory?

- BC and shíshálh have already started planning the inventory work and are scheduled to begin field work this fall.

34. How will I know if my dock is derelict, and I need to complete a remediation plan for the Province?

- The Province will contact dock owners directly if their dock is in a derelict state, requiring remediation and provide details on the requirements to bring the dock into an appropriate state.
- The Province and shíshálh will make public the Condition of Improvement Rating-Scale used to determine the condition of docks. Dock owners can consider the condition of their current dock and whether upgrades or repairs might be required to bring it into a safe, sanitary and clean condition.
- Derelict structures including sinking docks/boathouses, docks/boathouses impeding passage, collapsing or dilapidated structures, pilings, broken mooring chains and deteriorating or spalling un-encapsulated Styrofoam will be required to be remediated within 2 years.