



Land Use Operational Policy Private Moorage

NAME OF POLICY:	Private Moorage
APPLICATION:	Applies to inland and coastal aquatic Crown lands. This policy does not apply to industrial or commercial facilities.
ISSUANCE:	Assistant Deputy Minister, Rural Development, Lands and Innovation
IMPLEMENTATION:	Ministry of Forests, Lands, Natural Resource Operations and Rural Development
REFERENCES:	<i>Land Act</i> (Ch. 245, R.S.B.C., 1996) <i>Ministry of Lands, Parks and Housing Act</i> (Ch. 305, R.S.B.C., 1996)
RELATIONSHIP TO PREVIOUS POLICY:	This policy replaces the previous Private Moorage policy dated June 1, 2011.

Dave Peterson, ADM
Rural Development, Lands and Innovation
Ministry of Forests, Lands, Natural Resource
Operations and Rural Development

January 21, 2019

Date:

APPROVED AMENDMENTS:		
Effective Date	Briefing Note /Approval	Summary of Changes:

Table of Contents

1.	POLICY APPLICATION	1
2.	PRINCIPLES AND GOALS	1
3.	DEFINITIONS AND ABBREVIATIONS	1
4.	APPLICANT ELIGIBILITY	1
5.	FORM OF LAND ALLOCATION.....	1
	5.1 Permission.....	2
	5.2 Lease.....	3
6.	SURVEY.....	3
7.	AUTHORIZATIONS FOR SMALL MULTI-BERTH MOORAGE FACILITIES	4
8.	FORESHORE FILLS, BREAKWATERS AND NON-MOORAGE STRUCTURES	4
9.	PRICING POLICY	4
10.	ALLOCATION PROCESSES	4
	10.1 Applications	4
	10.1.1 Application Package	5
	10.1.2 Application Acceptance.....	5
	10.1.3 Advertising/Notification	5
	10.2 Designated Application-only Areas.....	5
11.	TENURE ADMINISTRATION.....	6
	11.1 Insurance.....	6
	11.2 Assignment and Sub-Tenuring	6
	11.3 Tenure Replacement	6
	12.4.1 Transition of Tenure Issued Under Former Policy	6
	11.4 Monitoring and Enforcement.....	7
	11.4.1 Development Requirements	7
12.	VARIANCE	7
	APPENDIX 1. PRIVATE MOORAGE POLICY SUMMARY	8
	APPENDIX 2. PRIVATE MOORAGE PROGRAM – ALLOCATION OVERVIEW	9
	APPENDIX 3 REQUIREMENTS AND BEST MANAGEMENT PRACTICES.....	10
	APPENDIX 4 APPLICATION REQUIREMENTS - EXAMPLE PLANS	13
	APPENDIX 5 PROCESS AND CRITERIA FOR DESIGNATING APPLICATION-ONLY AREAS	18

1. POLICY APPLICATION

This policy applies to the disposition of aquatic Crown land (inland and coastal) for private moorage facilities that are affixed to and/or occupy aquatic Crown land. A private moorage facility is a dock, a permanent boat way (i.e. boat ramp / rail), or a stand-alone boat lift that is permanently affixed to aquatic Crown land; it is intended for the personal and private residential use by one or a number of individuals or a family unit for boat moorage. The policy does not apply to mooring buoys used for private moorage. These are regulated by Transport Canada under the federal *Navigation Protection Act*.

Moorage facilities for strata title or condominium developments of over three berths are administered under the provisions of the Residential policy where they have no related commercial facilities (e.g. gas bars) and are intended for private use of tenants.

Group moorage facilities of over three berths are administered under the provisions of Residential policy only where they have no related commercial activities. Group moorage with commercial activities are administered under the Commercial Marina policy.

2. PRINCIPLES AND GOALS

For information on Crown land allocation principles see [Crown Land Allocation Principles](#).

The objectives of the policy are to:

- reduce risk of impacts associated with the construction and use of private moorage facilities;
- ensure that policy and procedures complement other provincial and federal agency requirements;
- provide flexibility to allow regional and site specific issues and conditions to be considered and addressed;
- provide dock owners with best management practices and requirements; and,
- provide for different forms of allocation, with a range of rights, interests and obligations to meet a variety of circumstances and proponent needs.

3. DEFINITIONS AND ABBREVIATIONS

For a glossary of definitions and abbreviations see [Glossary and Abbreviations](#).

4. APPLICANT ELIGIBILITY

Applicants must be 19 years of age or older. Applicants are not required to be a Canadian Citizen or permanent resident of Canada.

5. FORM OF LAND ALLOCATION

For standard policy information on forms of allocation see [Form of Crown Land Allocation](#).

Refer to Appendix 1 for a summary of the forms and terms of Crown land allocation available for private moorage. Appendix 2 includes a flow diagram showing how the different allocation types may be triggered.

5.1 Permission

There are two types of Permissions which are the typical forms of authorizations granted for private moorage.

Permissions do not convey rights to the land. A Permission conveys non-exclusive use for the purpose described, it is not a registerable interest that can be mortgaged and does not require a survey.

A Permission does not allow the holder to unduly impede public access along the foreshore within the permission area. However, this requirement does not preclude the permission holder from protecting improvements from damage resulting from causes other than natural wear and age. The permission holder must ensure improvements are constructed or located to allow reasonable public passage around or over the structure (e.g. raised walkways should be low enough to step onto and off, or stairs should be built to accommodate crossing the walkway).

Government may authorize overlapping and layering of tenures on the permission area.

Permissions typically do not have a fixed term or expiry date. They are granted for as long as the dock owner requires or until such time as the Authorizing Agency terminates or withdraws the permission. However, in limited circumstances it may be necessary to put a fixed term in place, e.g. to match the term of tenure remaining for the adjacent non fee-simple upland property or to run with the term of an upland owners consent (as per section 10.1.3).

The Minister (or delegate) can withdraw a Permission at any time without restriction. Notice of a withdrawal of a Permission should be given as long as possible in advance (e.g. 12 months), however, it is recognized that in some circumstances less notice time may be given.

There are two types of Permission available: General Permissions and Specific Permissions.

5.1.1 General Permission

The General Permission is available for ocean, lake and river docks located on Crown land, and is granted without the need for an application. As long as a person constructs and uses their dock in accordance with the terms and conditions contained in the General Permission document they will be deemed authorized. If, however, the proposed dock or an existing dock does not meet the conditions and requirements stated in the General Permission, an application for a Specific Permission will be required.

A General Permission does not apply to docks that are in areas designated as:

- application-only areas (refer to Section 10.2 for more details);
- Land Act section 15 reserves , section 16 withdrawals from disposition or section 17 conditional withdrawals; or
- Protected Areas, such as ecological areas, parks, conservancies or wildlife management areas.

A General Permission is only granted to owners of waterfront property with riparian rights to the adjacent Crown foreshore where the dock is located; and only if no other private moorage facilities are fronting the upland property.

The General Permission document which contains the full set of conditions and requirements is available on the Crown Land Uses webpage at:

<https://www2.gov.bc.ca/gov/content/industry/crown-land-water/crown-land/crown-land-uses/residential-uses/private-moorage>

If it is unclear whether a client's dock qualifies for a General Permission, the client may be asked to provide additional information to help Authorizing Agency staff determine whether a General Permission is valid (e.g. a draft site plan showing design, location or orientation, title for upland property). In addition to meeting the criteria of the General Permission, clients may also be required to satisfy authorization requirements of other agencies and /or under other legislation (e.g. a notification of works in and about a stream in accordance with Section 11, *Water Sustainability Act*).

5.1.2 Specific Permission

The Specific Permission is the normal form of authorization granted upon application approval of a new or existing private moorage facility. Specific Permissions are available for:

- docks that do not meet the criteria of the General Permission;
- private moorage facilities that are within designated application-only areas; or
- permanent boat ways/ boat ramps and stand-alone boat lifts.

Specific Permissions are available to owners or Crown lessees of waterfront property with riparian rights to the adjacent foreshore where a private moorage facility is to be located. Only one private moorage facility is allowed per waterfront property.

Specific Permissions may be granted for strata title moorage or group moorage facilities of three berths or less (refer to section 8 for more details).

5.2 Lease

The maximum term for a lease is 20 years.

A lease for a private moorage facility is not issued for a period greater than the remaining term of the Crown land residential tenure on the adjacent upland property.

The leaseholder will not be able to interfere with public access over the lease area, or interrupt passage by the public over the intertidal area.

Only one private moorage facility is allowed per waterfront property.

6. SURVEY

Requirements for legal survey of the proposed aquatic tenure area will be at the discretion of the Authorizing Agency. Survey is not normally required where natural features define the land, or where the likelihood of boundary conflict is minimal. As the duration/intensity of use and the level of investment increase, so does the advisability of survey.

7. AUTHORIZATIONS FOR SMALL MULTI-BERTH MOORAGE FACILITIES

Group moorage facilities or strata title moorage facilities, with three berths or less may be issued a Specific Permission. For facilities with more than three berths owners must apply under the [Residential Policy](#).

Group moorage will be available to local resident groups/associations or community organizations where:

- the area has boat access only, no public transportation and there is very limited availability of public and commercial moorage; or
- group moorage may reduce cumulative impacts that could result from waterfront property owners developing multiple single docks.

Important considerations when locating a group moorage facility include availability of adjacent parking, as well as impact on neighbouring property owners and public access.

Commercial activity is prohibited at group moorage sites including the renting or selling of berths, but not including any necessary membership fees to cover maintenance and administrative costs.

A riparian agreement is required between the members of any association or group and the owner of an upland property that the group moorage facility is fronting. If the facility is located adjacent to a road allowance consent by the Ministry of Transportation and Infrastructure will be required.

8. FORESHORE FILLS, BREAKWATERS AND NON-MOORAGE STRUCTURES

Proposals are not accepted for new foreshore fills, breakwaters or other non-moorage foreshore improvements (e.g. sun decks, boat houses) that may be included with plans for a private moorage facility. In exceptional circumstances authorization for certain foreshore improvements can be considered as ancillary to residential use and may be authorized in accordance with the Residential Policy.

9. PRICING POLICY

For information on pricing see the [Pricing Policy](#).

For information on application and service fees see the [Crown Land Fees Procedure](#).

10. ALLOCATION PROCESSES

For detailed standard information on allocation processes see [Allocation Procedures - Applications](#).

Additional and special requirements for private moorage allocations are listed below.

10.1 Applications

Specific Permissions and leases are offered in response to an application. General Permissions do not require an application.

10.1.1 Application Package

In general, packages will include:

- appropriate application fees;
- requested mapping and plans (see appendix 4 for sample plans); and,
- required information about the proposed land use.

Refer to section 10.1.2 (below) for information on specific requirements.

Management Plan and Tenure Boundaries

A management plan is required to accompany private moorage applications.

When processing tenures or specific permissions, staff are to ensure that permission or tenure boundaries encompass the minimum area required to authorize the placement of necessary improvements (including boat lifts and anchor lines). The permission or tenure area should not include unoccupied open water or tidal areas between structural improvements.

Refer to Section 11.4.1, Development Requirements, as well as the Private Moorage Requirements and Best Management Practices (Appendix 3) for additional factors that may affect the placement and design of a private moorage facility.

Identification of Users

Where application for a private moorage facility is made by more than one individual, the names of all individuals will be included in the tenure document. The exception will be for moorage facilities under the name of registered community organizations.

If possible group moorage tenures should be in the name of a registered society or association to avoid having to undertake assignments every time a member of the group changes.

10.1.2 Application Acceptance

A complete application package will include the material described in the Application Requirements Checklists for private moorage, available at the following web links:

- [Marine](#)
- [Freshwater](#)

10.1.3 Advertising/Notification

Upland Owner Consent

Individuals wishing to construct a dock that may infringe on the riparian right of access of an adjacent upland property must obtain consent from the upland owner or tenure holder.

10.2 Designated Application-only Areas

In certain designated areas General Permissions will not apply. In these areas, docks will require an application for a Specific Permission. The application process will allow for site specific evaluation and consideration to address local circumstances and conditions before authorization is granted.

Application-only areas will cover areas that will generally have a higher risk of impacts or user conflicts related to the construction and use of any size dock.

Regional operations of the Authorizing Agency may work with provincial and federal resource agencies, First Nations and communities to identify appropriate application-only areas. Once designated, information on these specific areas will be available from the Authorizing Agency.

Refer to Appendix 5 for a detailed description of the process and criteria for designating application-only areas.

11. TENURE ADMINISTRATION

For standard tenure administration information see the [Tenure Administration Procedure](#).

Additional and special requirements for private moorage allocations are:

11.1 Insurance

Authorized users are required to ensure that they keep in force a homeowner's insurance policy or other residential insurance policy, including general liability, in an amount specified in the tenure or permission document.

11.2 Assignment and Sub-Tenuring

Assignment of a Specific Permission will follow the same process as assignment of a private moorage lease.

Assignment of a General Permission is not required. If ownership of the associated upland property changes, the new owner will only need to ensure that the dock satisfies the conditions of the General Permission to be deemed the grantee.

11.3 Tenure Replacement

Permissions do not have a fixed term and will not require replacement. However, significant modification of a private moorage facility (e.g. increasing the size or dimensions, changing the orientation, adding other structures) may require replacing an existing General Permission with a Specific Permission, or replacing an existing Specific Permission with a new Specific Permission. Some modifications may only require consent of the Authorizing Agency without the need for replacement.

12.4.1 Transition of Tenure Issued Under Former Policy

An existing licence of occupation or lease issued under a previous private moorage policy is valid to term expiry. At the time of tenure expiration, if a dock satisfies the conditions of the General Permission, the dock will be deemed to have a General Permission. If the dock does not meet the criteria of a General Permission or is in an application-only area, the dock owner may apply for and replace the licence with a Specific Permission, or in some circumstances, a lease.

The holder of a lease or a licence of occupation may apply to replace their existing tenure with a Specific Permission at any time (i.e. in accordance with the conditions of their tenure and this policy). Refunds will not be provided for any prepaid tenure rental.

11.4 Monitoring and Enforcement

11.4.1 Development Requirements

Lease and Permission documents will contain development requirements and restrictions associated with providing for public access, protecting the environment, avoiding navigation hazards and protecting community values.

The General Permission has an established set of requirements that cannot be varied from, whereas the Specific Permission provides for more flexibility which is facilitated through review and consideration of the application and proposed management plan. Refer to Appendix 3, Private Moorage Requirements and Best Management Practices for further information on development requirements, restrictions and guidelines.

Private moorage facilities must also be developed and used in compliance with federal and provincial legislative requirements.

Private moorage facilities may also have to comply with other agency requirements and permits (e.g. Transport Canada, BC Ministry of Environment, Fisheries and Oceans Canada). These may be identified through the application referral process; however, it is ultimately up to the applicant to ensure that they are in compliance and have the appropriate approvals in place with these other agencies.

12. VARIANCE

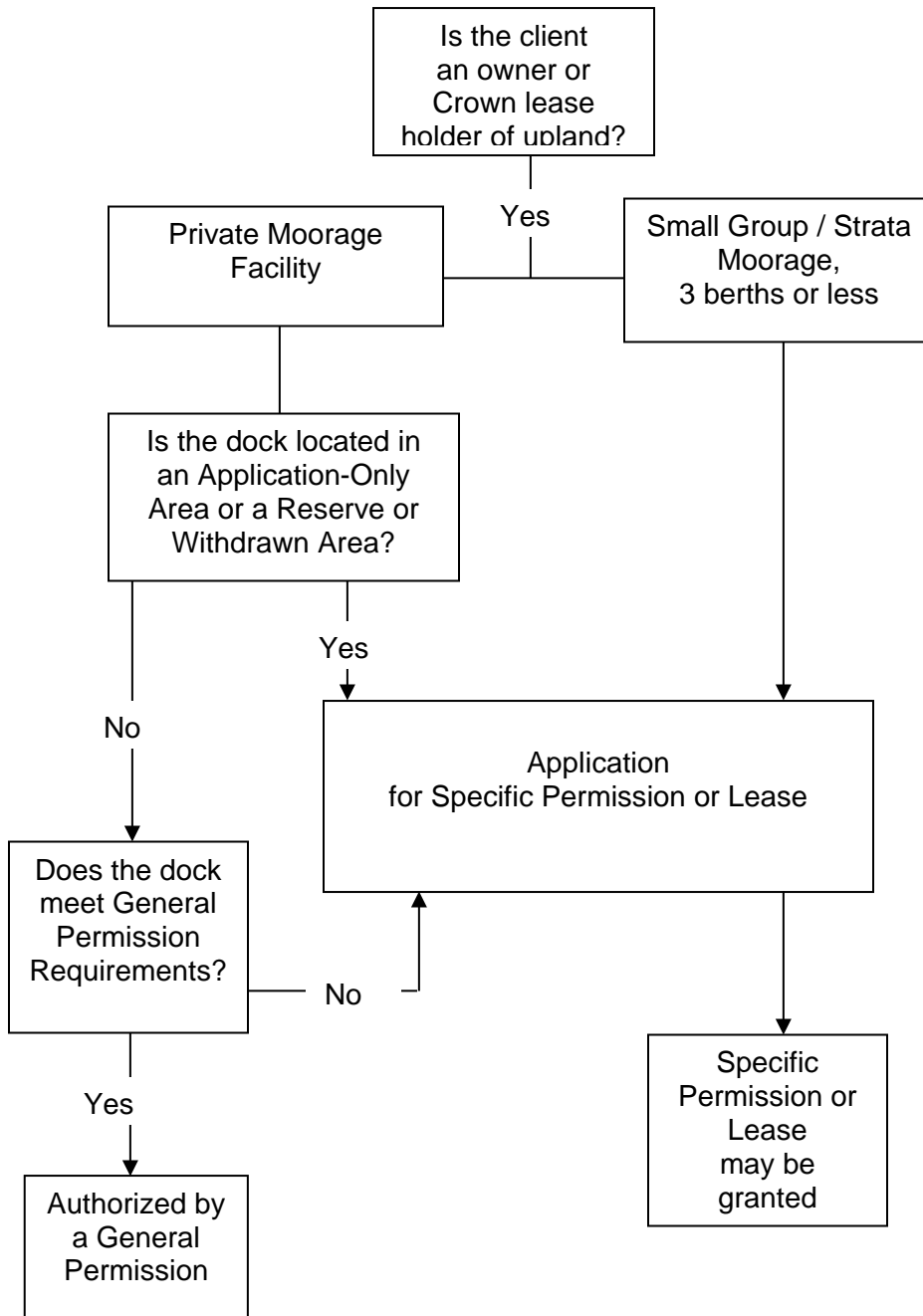
Variances to this policy must be completed in accordance with the [Policy Variance Procedure](#).

APPENDIX 1. PRIVATE MOORAGE POLICY SUMMARY

FORM OF AUTHORIZATION	NORMAL TERM	METHOD OF DISPOSITION
General Permission	No fixed term or expiry date	No application. General Permission criteria / requirements must be satisfied.
Specific Permission	No fixed term or expiry date ¹	Application. required
Lease	20 year term	Application required

¹ Fixed terms may be put in place in limited circumstances, e.g. to match the term of tenure remaining for the adjacent non fee-simple upland property,

APPENDIX 2. PRIVATE MOORAGE PROGRAM – ALLOCATION OVERVIEW



APPENDIX 3 REQUIREMENTS AND BEST MANAGEMENT PRACTICES

Designing Your Private Moorage Facility

Protecting Our Shores and Coastlines

Crown land is a public asset and the Province has a responsibility to ensure it is managed to maximize and sustain the flow of economic, social and environmental benefits to British Columbians, now and in the future. Crown land is available for the use, benefit and enjoyment of all British Columbians.

The Private Moorage policy is intended to provide owners and Crown tenure holders of waterfront property an opportunity to occupy and use the Crown foreshore fronting their property for personal and private use, and guide that use so that it does not impact the environment, navigation, safety, community values, public and First Nation interests and the legal rights of others.

This document is intended to help ensure compliance with the *Land Act* and other agency requirements. In addition, it provides recommended practices that have been demonstrated to be an effective and practical means of preventing or limiting harmful impacts associated with the construction and maintenance of private moorage facilities.

For all shoreline improvement projects, always remember:

Contact Your Local FrontCounter BC Office. FrontCounter BC staff can review your proposal and confirm whether an application is required. FrontCounter BC will also provide information on other authorizations or approvals that may be required. Call FrontCounter BC toll free at 1-877-855-3222 or visit www.frontcounterbc.gov.bc.ca to find your local office.

Your project plan may require approval from more than one provincial or federal agency, such as the Ministry of Environment for works that fall under the *Water Sustainability Act*, Transport Canada that fall under the *Navigable Waters Protection Act*, or the Fisheries and Oceans Canada for works that fall under the federal *Fisheries Act*. For further information, consult the links below.

Your project must adhere to local government requirements. Consult your local bylaws and official community plans to ensure your improvement is in compliance with all applicable laws and zoning.

Requirements for All Private Moorage Facilities

DO:

- **Construct only one private moorage facility per property** (e.g. only one dock or one boat way, not both).
- **If it is located in a marine environment ensure that it is limited to a single dock which consists of an elevated pier leading to a ramp and one moorage float only.**
- **Ensure that all structures (i.e. dock, boat way, boat lifts) are at least 5 metres from the projected side property line (6 metres if adjacent to a**

dedicated public beach access or park), and at least 10 metres from any existing dock or structure. (Note: The “projected side property line” is a perpendicular extension from the general trend of the shoreline, commencing at the intersection of the side property line and the natural boundary.)

- **All docks should be oriented at right angles to the general trend of the shoreline.**
- **Ensure dock structures are not grounded at low water/low tide.** All docks must be on pilings/suspended or floating at all times.
- **Work in the water outside of spawning and nursery periods.** Consult [local work timing windows](#), available through the Ministry of Environment.
- **Work away from the water.** To avoid water contamination in the construction of your dock, conduct as many construction activities as is practicable, well back from the water.
- **Remain sensitive to views, impacts on neighbours, and orientation to neighbouring docks.**
- **Keep the dock and the Crown land beneath the dock in a safe, clean and sanitary condition.**

DO NOT:

- **Interfere with navigation.** This can be a particular issue on rivers, coves and other narrow water bodies. Offshore end of the structure should be at least 30 metres (100 feet) from navigation channels. Ensuring this distance will help avoid contravening the federal *Navigable Waters Protection Act*.
- **Interfere with an upland owner’s common law riparian rights**, including the right of access to deep water.
- **Use fill below the present natural boundary.**
- **Dredge on the foreshore.**
- **Use roofed or covered structures** on or adjacent to the dock unless permitted by local bylaw.
- **Use crib foundations or solid core structures made of cement or steel sheeting.** These types of dock structures block the free flow of water and can cause erosion and impact habitat.
- **Unduly impede public access along the foreshore.** Between high water and low water mark, structures cannot block public access along a beach or foreshore area, unless reasonable alternative means of passage are available to enable going around or across the structure (e.g. stairs over a dock).
- **Use structures for non-moorage purposes.** Non-moorage uses include placement of such things as beach houses, storage sheds, gazebos, raised sun decks, and hot tubs –. In exceptional circumstances some non-moorage uses may be considered for tenure under the Residential policy; these will be considered on a case by case basis only.

General Permission - Requirements

Individuals cannot build on or develop aquatic Crown land, including Crown foreshore, without the province's authorization, even if they own adjacent property or "upland." However, a General Permission is in place for use of aquatic Crown land if the dock structure satisfies the criteria and conditions described in the document:

<https://www2.gov.bc.ca/gov/content/industry/crown-land-water/crown-land/crown-land-uses/residential-uses/private-moorage>

Please note: There is no application required for General Permissions. Varying from any of the listed requirements triggers the need to apply for a Specific Permission. (Leases may also be applied for in limited circumstances; consult the policy for more information on leases.)

Specific Permission - Requirements

A Specific Permission must be applied for, if the dock or private moorage facility:

- does not adhere to any of the requirements of the General Permission;
- is located in an Application-Only Area;
- is for group moorage of three berths or less.

An application is required before a Specific Permission can be granted. Satisfying the requirements for all private moorage facilities will reduce the risk of impacts associated with their construction and use, and will improve the chance of getting agency approval.

For Further Reading:

- The Dock and Shore Primer, Fisheries and Oceans Canada: <http://www.dfo-mpo.gc.ca/Library/337927.pdf>
- Ministry of Environment Best management Practices for Small Boat Moorage: http://www.env.gov.bc.ca/okanagan/documents/BMPSmallBoatMoorage_WorkingDraft.pdf

Provincial and Federal Regulatory Jurisdictions:

- FrontCounter BC: 1-877-3222 (toll-free) or <http://www.frontcounterbc.gov.bc.ca/>
- Private Moorage Policy, Ministry of Forests, Lands and Natural Resource Operations: http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/private_moorage.pdf
- Fisheries and Oceans Canada, Measures to Avoid Causing Harm to Fish and Fish Habitat: <http://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures/measures-mesures-eng.html>
- Ministry of Environment – Working Around Water: <http://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/working-around-water>
- Transport Canada, Docks and Boathouses and the Navigable Waters Protection Act: <http://www.tc.gc.ca/marinesafety/TP/tp14595/menu.htm>

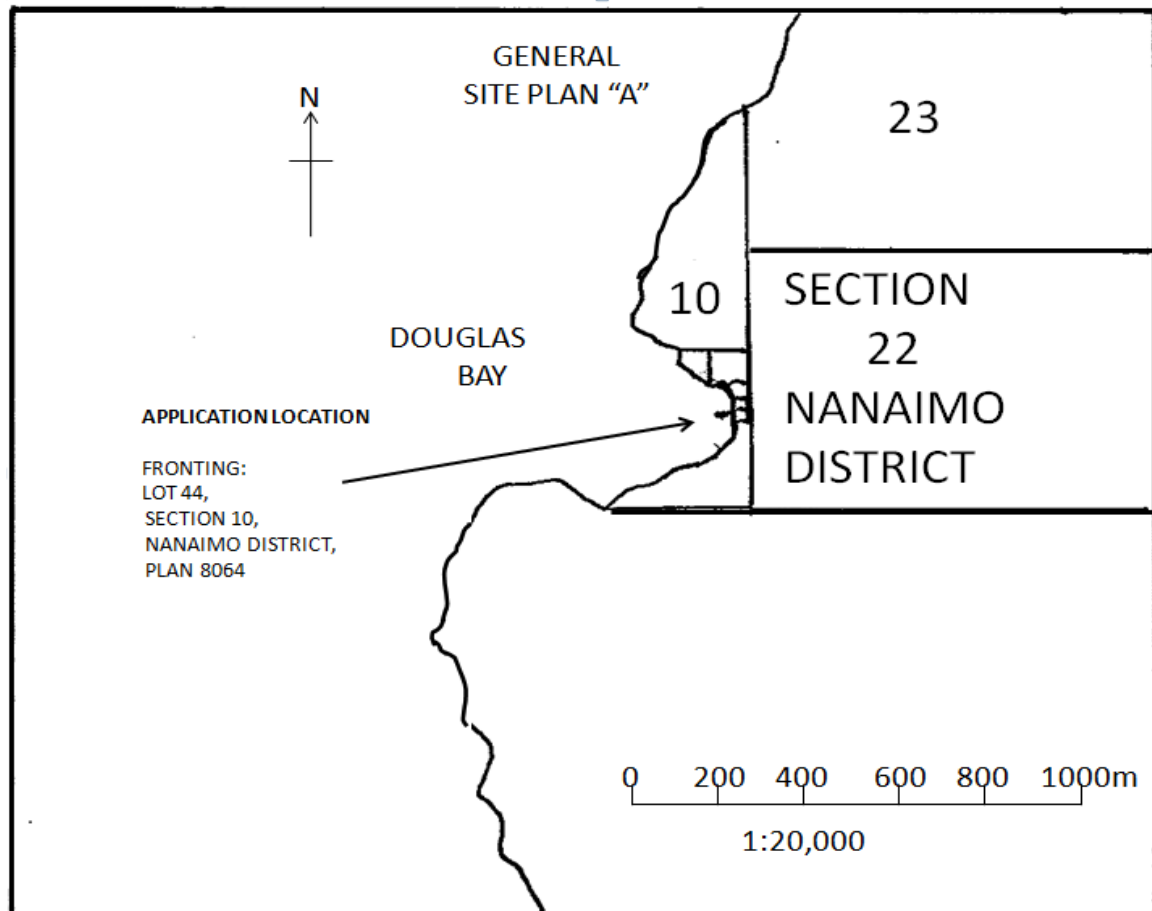
APPENDIX 4 APPLICATION REQUIREMENTS - EXAMPLE PLANS

1) SMALL SCALE GENERAL SITE PLAN 'A':

The purpose of this map is to indicate the location of the application in relation to surveyed parcels and geographic features.

The following information must be included:

- a) Scale bar (1:20,000 scale preferred; 1cm = 200 meters)
- b) Indicated true North
- c) Geographic references (named water body, river)
- d) Legal description of upland property
- e) Major survey lines
- f) Location of foreshore application.

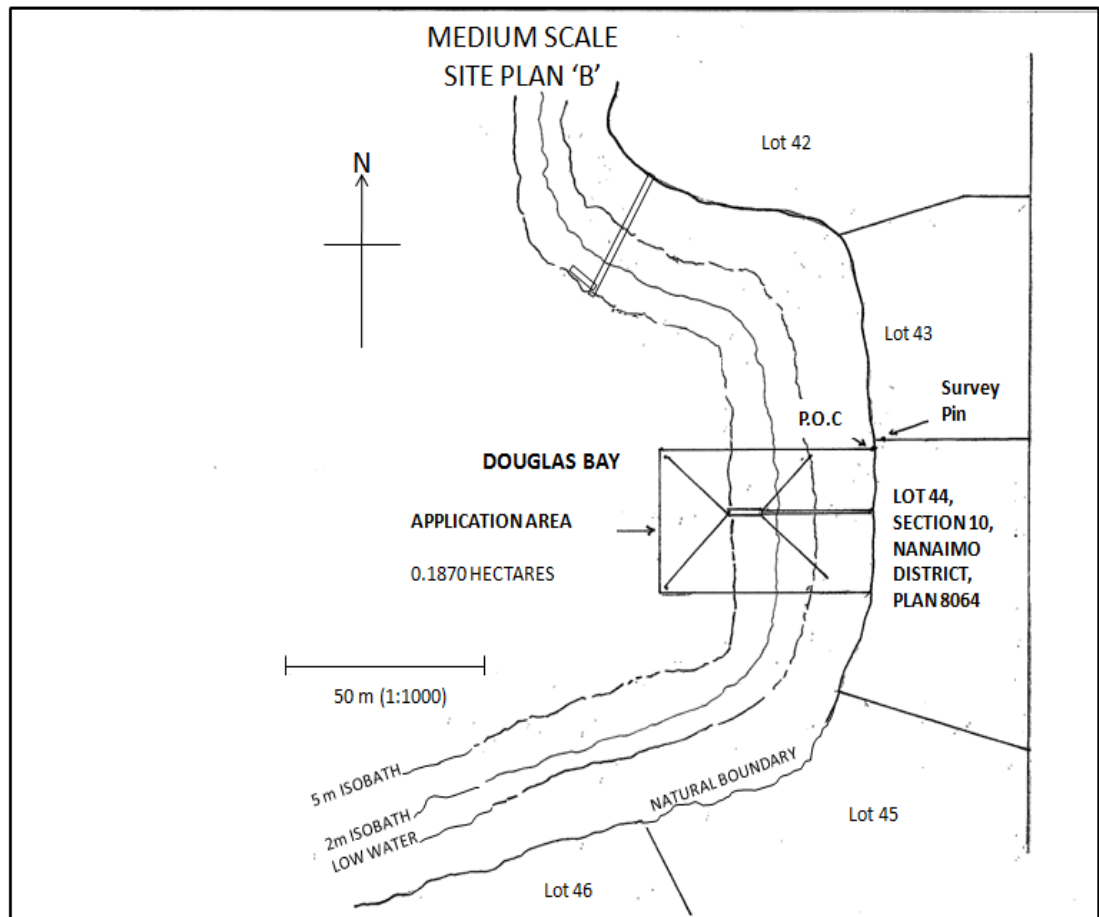


2) MEDIUM SCALE SITE PLAN 'B' USING OFFICIAL SURVEY PLAN OF APPLICANT'S PROPERTY

The purpose of this plan is to show whether or not the proposed private moorage structures would restrict the rights of other shoreland property owners to have deep water marine navigation access to their properties.

The following information must be included:

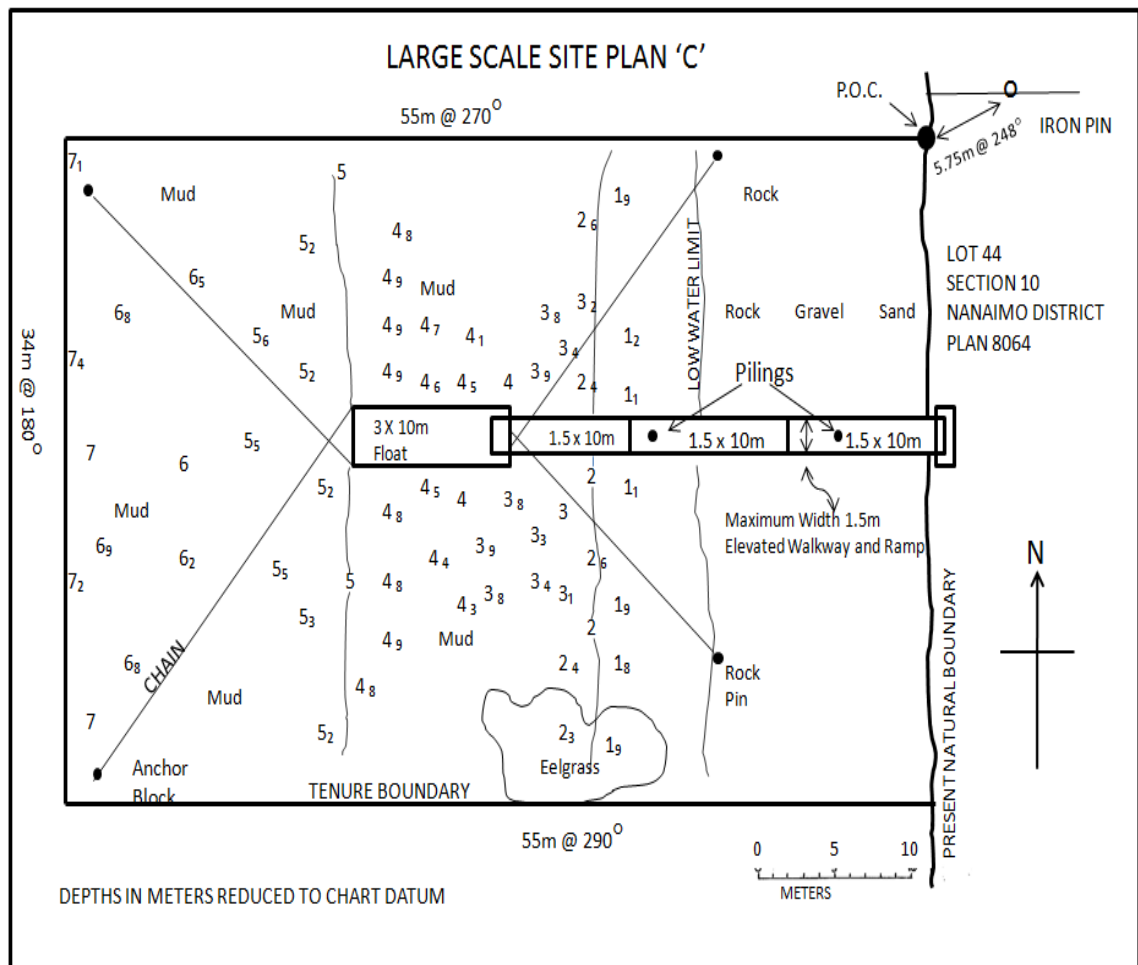
- a) Scale bar (1: 1000 – 1: 2000 scale preferred; 1cm = 10-20 meters)
- b) Indicated true North
- c) Legal description of upland property
- d) Adjacent property boundaries
- e) Point of Commencement (P.O.C.) referenced from an indicated survey pin
- f) Application area boundaries and dock structure/cables etc.
- g) 2 and 5 meter isobaths
- h) Low water mark
- i) Location of nearby existing moorage structures



3) LARGE SCALE SITE PLAN 'C'

The following information must be included:

- Scale bar (1:150-1:200 scale preferred; 1 cm = 1.5 - 2.0 meters)
- Indicated true North
- Legal description of upland property
- Application area boundaries with distances and true bearings
- Natural boundary, low water, 2 meter and 5 meter isobaths
- Depth soundings (meters) reduced to chart datum
- Plan must show all proposed structures including pilings, float, ramp, cables, chains, anchor lines, etc.
- Survey pin and Point of Commencement (P.O.C.)
- Nature of seabed (sand, mud, rock, gravel)
- Observed marine vegetation within application area (kelp, eelgrass)
- Total area of application in hectares.

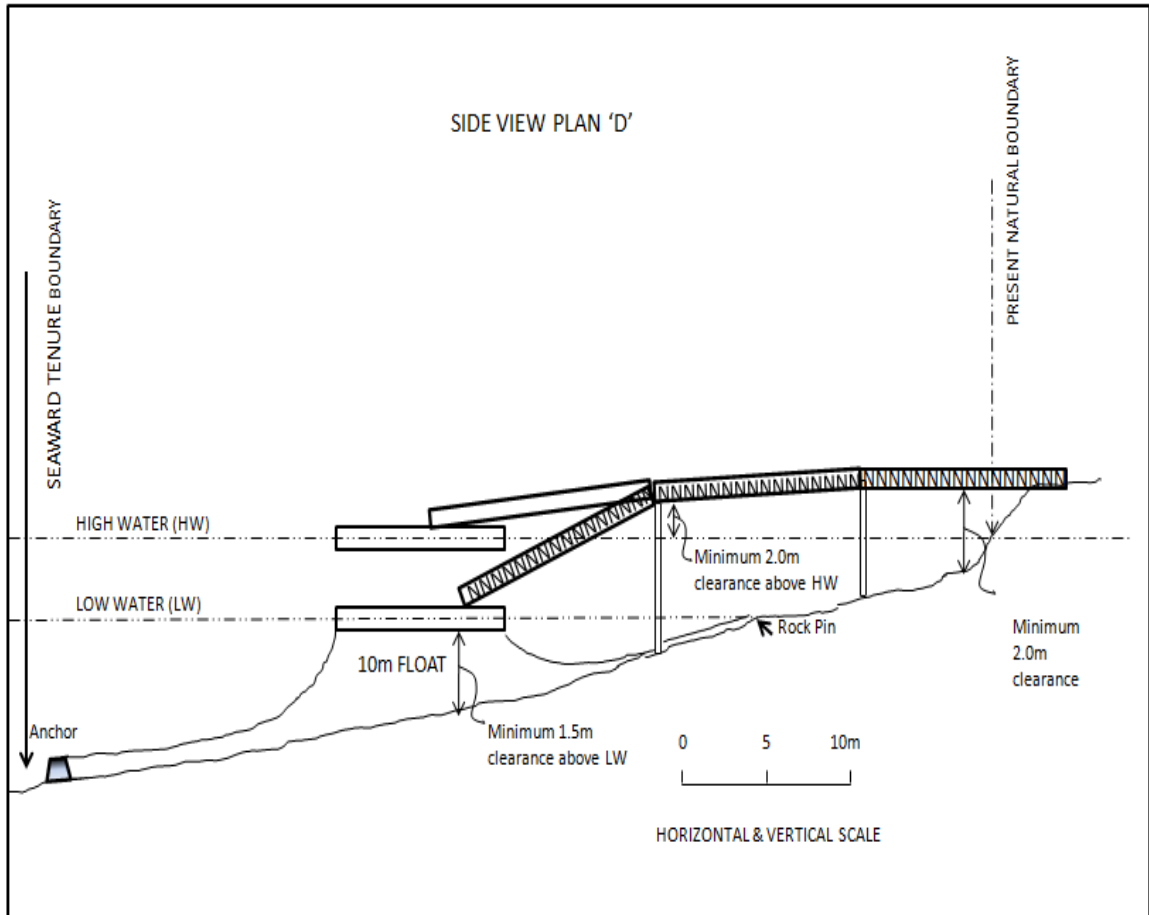


4) SIDE VIEW PLAN 'D'

The HORIZONTAL scale bar must be IDENTICAL to Plan 'C'. A VERTICAL scale bar must be shown if the vertical scale is different from the horizontal scale.

The following information must be included:

- Scale bar (1:150-1:200 scale preferred; 1cm = 1.5-2.0 meters)
- High and low water must be depicted on the plan as shown on example below
- Seaward boundary of the application site
- Profile of the shoreland property bank
- Present natural boundary
- All improvements seen in side view plan D including anchors, cables, float, ramp, walkway, rock pin, pilings, etc.



NOTES:

Walkways and access ramps should be a minimum of 2.0 meters above the highest high water and have a minimum clearance of 2.0 meters above the seabed to allow unimpeded pedestrian passage along the foreshore at low tide.

The bottom of floats should be a minimum of 1.5 meters above the seabed during the lowest tide; this minimum will need to be increased if deep draft vessels are to be moored.

APPENDIX 5 PROCESS AND CRITERIA FOR DESIGNATING APPLICATION-ONLY AREAS

Purpose

As part of the revised Private Moorage program, General Permissions for small docks can be granted without an application. However, regional authorizations have the discretion to designate areas as application-only areas within which General Permissions will not be granted. Due to known concerns or issues within these areas, proposals for small docks will be required to undergo site specific evaluation through the application process. Specific Permissions will be the normal form of authorization granted for docks within application-only areas.

The intent is to provide an added tool for mitigating risks known to be associated with specific locations and areas of interest.

Roles and Responsibilities

Agency staff

- The Regional Executive Director or designate, for the Ministry Responsible for the *Land Act* will be responsible for designating application only areas.
- the Ministry Responsible for the *Land Act* will work with provincial and federal resource agencies and First Nations, as needed, to identify potential application-only areas.
- the Ministry Responsible for the *Land Act* will create these areas as Notations of Interest¹ and provide information to FrontCounter BC (regional operations).
- FrontCounter BC will maintain a list and/or map of these areas (e.g. NOIs are included in the ILRR);
- FrontCounter BC will provide information on the location of NOI areas to clients in response to enquiries
- Land Tenures Branch will monitor for implementation and address any policy issues that may arise.

Clients

Clients are encouraged to contact FrontCounter BC with information on their small dock proposal (location, site plan, design, etc.), so that staff can inform clients whether or not an application is required (i.e. is the proposal in an Application-Only area) and if appropriate, provide them with a web link to the General Permission.

Process

The Ministry responsible for the *Land Act* may designate broad areas as application-only areas. These areas will be identified with input from resource agencies, local government and First Nations.

For instance, if a particular lake is known to have numerous user conflicts, the entire lake area may be designated through the use of a Notation of Interest. Further refinements to the areas, e.g. designating specific coves rather than the entire lake area, will be done as better information becomes available.

¹ These areas may also be identified by additional tools to provide easier map identification by the public

Note that the designations are not done through a legal instrument; they are simply providing a description of the location for administrative purposes.

Criteria

Application-only areas can include, but are not limited to:

- narrow water bodies where riparian rights are at risk of being infringed, or navigation and safety compromised (e.g. small coves, channels and sections of rivers);
- areas important for public access and use (e.g. beaches, areas adjacent to waterfront parks);
- areas subject to local requirements associated with foreshore development
- environmentally sensitive areas (e.g. fish spawning, critical habitat areas mapped by Ministry of Environment);
- areas where First Nations have generally expressed a strong interest, or have specifically requested consultation on all private moorage proposals;
- areas which contain *Land Act* dispositions or other government authorizations that are at risk of being in conflict with dock placement and use; and,
- areas that are experiencing significant growth and concerns associated with waterfront development.