



# COLUMBIA SHUSWAP REGIONAL DISTRICT

## Regular Board Meeting

### LATE ITEMS AGENDA

Date: Thursday, April 20, 2017  
Time: 8:30 AM  
Location: CSR D Boardroom  
555 Harbourfront Drive NE, Salmon Arm

Pages

**\*2. IN CAMERA**

***Motion***

THAT: pursuant to Sections 90(1)(a)(e)(i):

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the regional district or another position appointed by the regional district;

(e) the acquisition, disposition or expropriation of land or improvements, if the board considers that disclosure could reasonably be expected to harm the interests of the regional district;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

of the Community Charter, the Board move In Camera.

**\*4. Adoption of Agenda**

## 10. Business General

### \*10.2 **Amendments to Tolko Forest Stewardship Plan to add new Cutblocks and Roads**

1

The CSRD has received a referral from Tolko Industries Ltd. (Lumby) regarding new cutblocks and roads it is adding to the Okanagan Woodlands Forest Stewardship Plan (FSP). An FSP defines the areas in which timber harvesting and road construction activities may occur during the term of the FSP.

Many of these cutblocks and roads are located within the "Community Crown Interface Area" of the Okanagan Shuswap Land and Resource Management Plan (LRMP).

Several cutblocks and roads are also located in known hazard areas of the CSRD, most notably the Mara Creek/Hummingbird Creek basin directly above the community of Swansea Point.

The CSRD has received numerous emails and phone calls from Swansea Point and Salmon Valley residents who are concerned about the potential impact from the FSP amendments. Concerns have been raised about the risk of damaging landslides and debris flows but also the possible disturbance to domestic water sources and viewscapes.

The Electoral Area Directors' Committee made the following recommendation to the Board:

**THAT:** the Board recommend to Tolko Industries Ltd. (Lumby) and the Minister of Forest Lands and Natural Resource Operations that a moratorium be placed on future logging activity in the Hummingbird Creek and Mara Creek basin due to the history of large debris flows in this area;

**AND THAT:** the Board request Tolko Industries Ltd. (Lumby) to hold public engagement meetings in Sicamous, Falkland and Silver Creek to provide information and answer questions regarding the Forest Stewardship Plan amendments.

**Motion**

THAT: the Board recommend to Tolko Industries Ltd. (Lumby) and the Minister of Forest Lands and Natural Resource Operations that a moratorium be placed on future logging activity in the Hummingbird Creek and Mara Creek basin due to the history of large debris flows in this area;

AND THAT: the Board request Tolko Industries Ltd. (Lumby) to hold public engagement meetings in Sicamous, Falkland and Silver Creek to provide information and answer questions regarding the Forest Stewardship Plan amendments.

**Motion**

*WHEREAS Tolko Industries Ltd. (Lumby) is planning on amending the Okanagan Woodlands Forest Stewardship Plan (FSP) to add new cutblocks and roads in several Southern Interior Regional Districts and nearby several Municipalities;*

*AND WHEREAS significant concerns have been raised about the amendments with regard to impacts on domestic water sources, slope stability, and viewsapes;*

*AND WHEREAS local residents believe that they have not been adequately consulted about the proposed cutblocks and roads;*

*THEREFORE BE IT RESOLVED that the provincial government be asked to request Tolko Industries Ltd. (Lumby) to hold public engagement meetings in potentially affected communities to provide information and answer questions regarding the FSP amendments.*

**\*10.4      2016 Annual Report 21**

Report from Charles Hamilton, Chief Administrative Officer, dated April 12, 2017.

**Motion**

THAT: the Board receive the Columbia Shuswap Regional District's 2016 Annual Report for information.

**11.      Business By Area**

**\*11.3      Landfill Steel Plate Daily Cover System – Contract Award 25**

Report from Ben Van Nostrand, Team Leader, Environmental Health Services, dated April 11, 2017. Requesting authorization for sole source purchase of Revelstoke Iron Grizzly Alternate Daily Landfill Covers.

***Motion***

THAT:

the Board empower the authorized signatories to enter into a purchase agreement with Revelstoke Iron Grizzly for Alternate Daily Landfill Covers for landfill sites in Revelstoke, Golden and Sicamous for a total cost of \$70,000 plus applicable taxes.

**12. Administration Bylaws**

**\*12.1 Consideration of CSRD Noise Bylaw for the regulation of noise within Electoral Areas A, B, C, D, E and F**

28

Report from Lynda Shykora, Deputy Manager, Corporate Administration Services dated April 10, 2017

***Motion***

THAT: "CSRD Noise Bylaw No. 5754" be read a first time this 20<sup>th</sup> day of April, 2017;

AND FURTHER THAT: the Board support an informal opinion poll and a customized public consultation for each Electoral Area to inform, consult and to gather feedback from community residents in relation to the proposed noise bylaw.

**13. Business General**

**\*13.1 Changes to Provincial Private Moorage Program**

38

Brought forward from April 4, 2017 Electoral Area Directors' Committee meeting.

Recommendations endorsed by Committee.

Report from Christine LeFloch, Development Services Assistant, dated March 27, 2017.

Overview of recent changes to Provincial private moorage regulations and associated impacts to CSRD.

***Motion***

THAT: The Board receive the staff report for information.

***Motion***

THAT: A letter be sent to Premier Christy Clark and to Steve Thompson, Minister of Forests Lands and Natural Resource Operations, and MLA Greg Kylo, outlining CSRD concerns with the changes to the Private Moorage Program, lack of consultation with local government about the changes, and requesting that Shuswap and Mara lakes be designated as an application-only area for private moorage.

***Motion***

THAT: A letter be sent to UBCM outlining CSRD concerns regarding the changes to the Provincial Private Moorage Program, and that the letter be copied to SILGA and the District of Coldstream.

***Motion***

THAT: CSRD staff be directed to prepare communications regarding Lakes Zoning Bylaw No. 900 and Foreshore Development Permit Areas to remind the public of the CSRD bylaw requirements for docks, buoys and other foreshore structures.

# Amendments to Tolko Forest Stewardship Plan to add new Cutblocks and Roads



Development Services

## **RECOMMENDATION:**

THAT: the Board recommend to Tolko Industries Ltd. (Lumby) and the Minister of Forest Lands and Natural Resource Operations that a moratorium be placed on future logging activity in the Hummingbird Creek and Mara Creek basin due to the history of large debris flows in this area;

AND THAT: the Board request Tolko Industries Ltd. (Lumby) to hold public engagement meetings in Sicamous and Falkland to provide information and answer questions regarding the Forest Stewardship Plan amendments.

# Background

Referral letter sent February 22, 2017

**TOLKO**  
INDUSTRIES LTD.  
SOUTHERN INTERIOR WOODLANDS  
LUMBY OFFICE

Okanagan Division  
Telephone: 250 547 2111  
Fax: 250 547 1274

Columbia Shuswap Regional District  
555 Harbourfront Drive NE  
Box 978  
Salmon Arm, B.C. V1E 4P1

February 22, 2017

Attention: Howard Pinnock, Senior Planner

**RE: Forest Stewardship Plan Cutblock and Road Development Information Sharing Package  
2017-SI-05 for Tolko Southern Interior Woodlands, Lumby**

This letter is being sent to you as a local government organization and as part of our information sharing referral process of our Forest Stewardship Plan (FSP). At this time we are adding new cutblocks and roads to our FSP. Several of these cutblocks and roads are within the "Community Crown Interface Area" resource management zone of the Okanagan Shuswap Land and Resource Management Plan (LRMP). We request that you review the new cutblocks and roads on the map(s) 4, 5 and 7 posted to our internet web page for any potential impacts to your interest:

<http://tolko.com/responsibility/certification-stewardship/okanagan-woodlands>

New cutblocks are pink with a dark pink outline and new roads have a yellow highlight on top of a red dashed line.

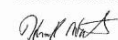
We encourage you to contact us if you have any inquiries regarding the new cutblocks and roads. Comments regarding potential impacts to your interests should be made to Tolko by April 24, 2017. After this date, we intend to proceed with development of these cutblocks and roads and to obtain Cutting Permit and Road Permit authorities.

If you would like to discuss this referral package in person, please call me to coordinate a meeting. Comments may also be emailed or mailed directly to me as per the below contact information.

We appreciate your review and comments regarding the 2017-SI-05 referral package.

Yours Truly,

Tolko Industries Ltd.  
Southern Interior Woodlands



Harold Waters, RPF  
Operations Forester Planning – Southern Interior Woodlands  
Harold.Waters@tolko.com  
250-547-1244

<input type="checkbox"/> CAO	<input type="checkbox"/> Agenda	Ownership:
<input type="checkbox"/> Works	<input type="checkbox"/> Reg Board	File#
<input type="checkbox"/> DS	<input type="checkbox"/> In Camera	
<input type="checkbox"/> FinAdm	<input type="checkbox"/> Other Mtg	
<b>FEB 27 2017</b>		
<input type="checkbox"/> Ec Dev	<input type="checkbox"/> Staff to Report	Ack Sent:
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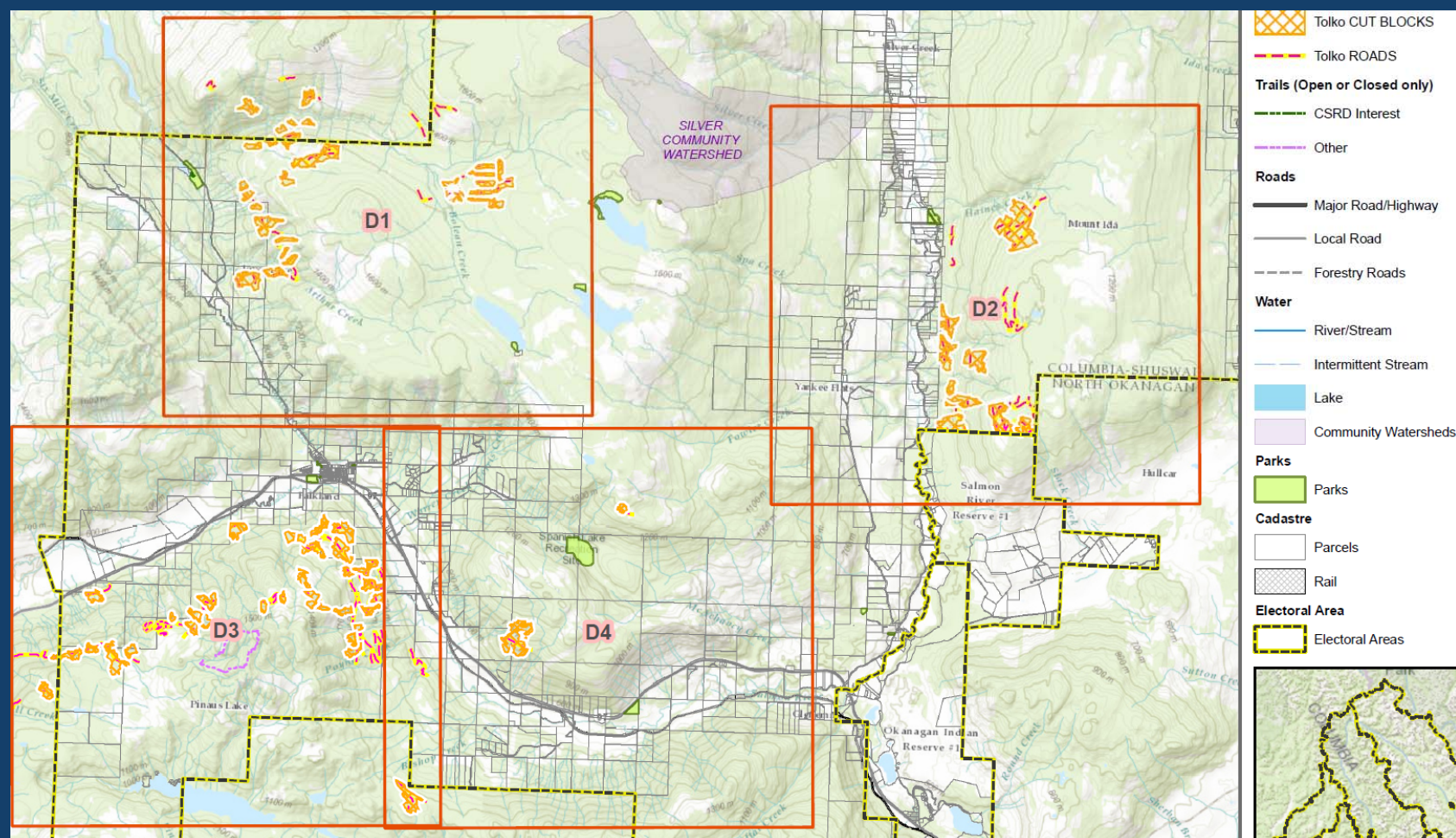
## Background

### RE: Forest Stewardship Plan Cutblock and Road Development Information Sharing Package - 2017-SI-05 for Tolko Southern Interior Woodlands, Lumby

*This letter is being sent to you as a local government organization and as part of our information sharing referral process of our Forest Stewardship Plan (FSP). **At this time we are adding new cutblocks and roads to our FSP.** Several of these cutblocks and roads are within the "Community Crown Interface Area" resource management zone of the Okanagan Shuswap Land and Resource Management Plan (LRMP).*

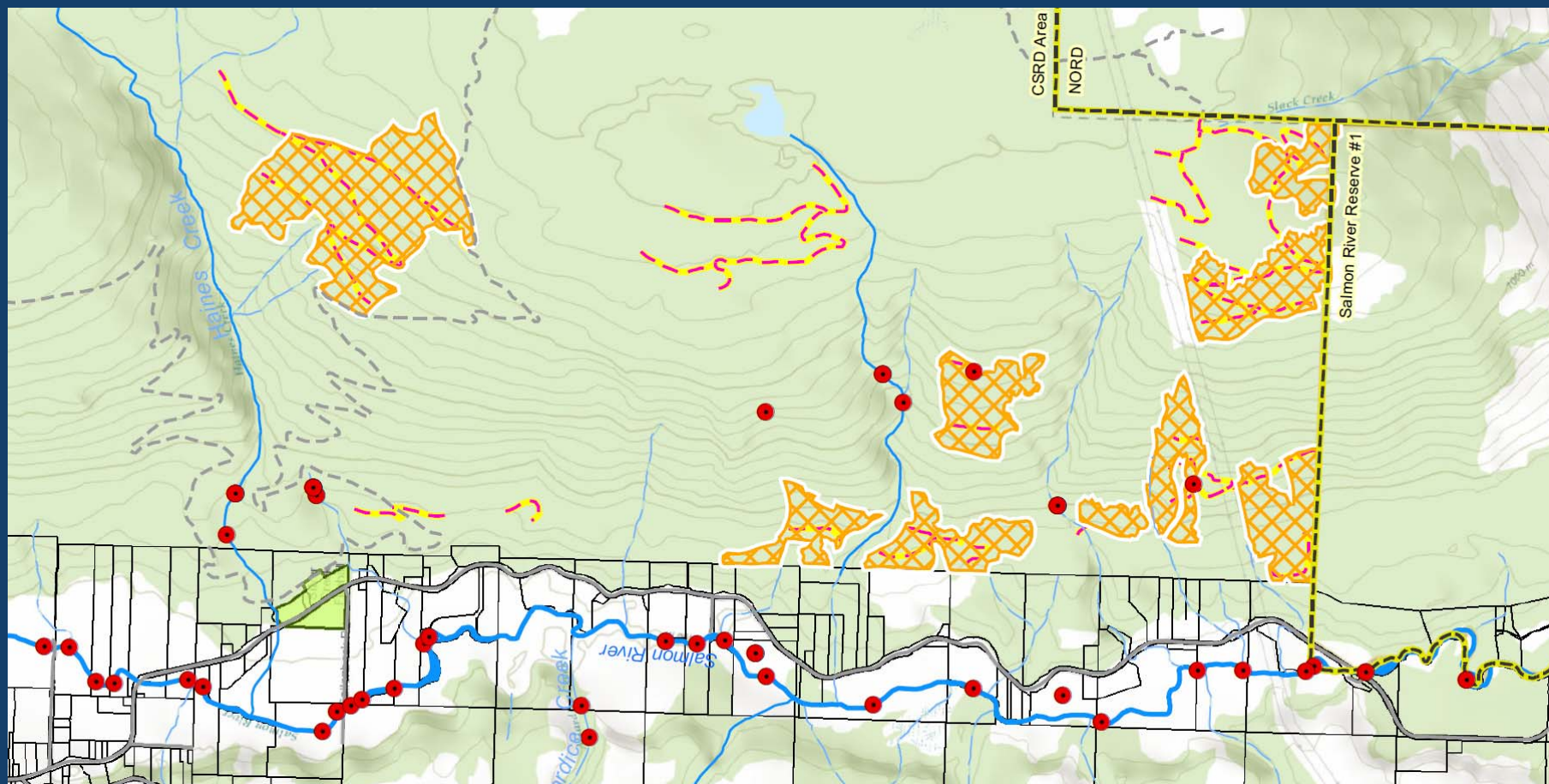
*We encourage you to contact us if you have any inquiries regarding the new cutblocks and roads. Comments regarding potential impacts to your interests should be made to Tolko by April 24, 2017. After this date, we intend to proceed with development of these cutblocks and roads and to obtain Cutting Permit and Road Permit authorities.*

## Locations – Area D

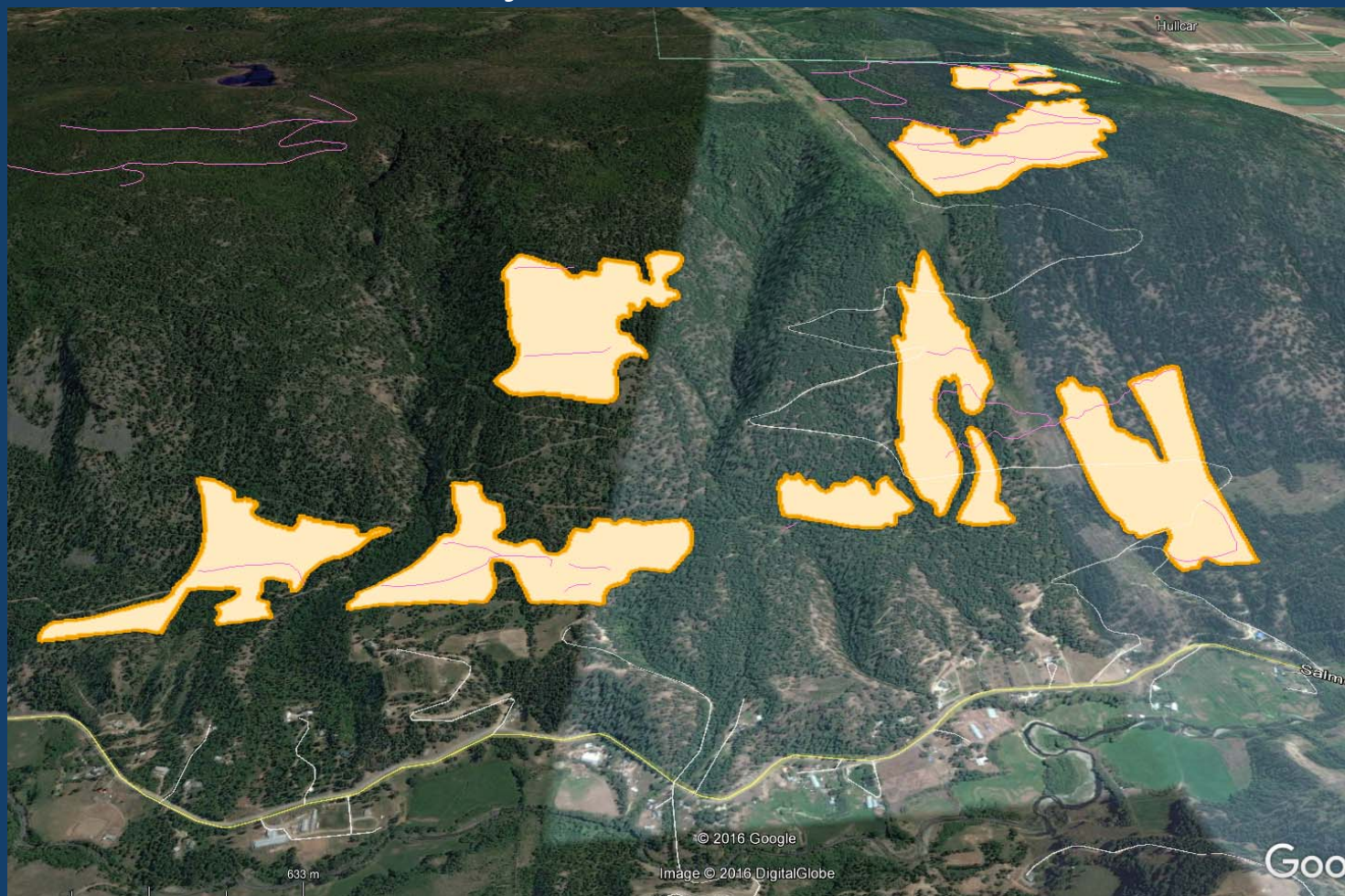




## Locations – Area D

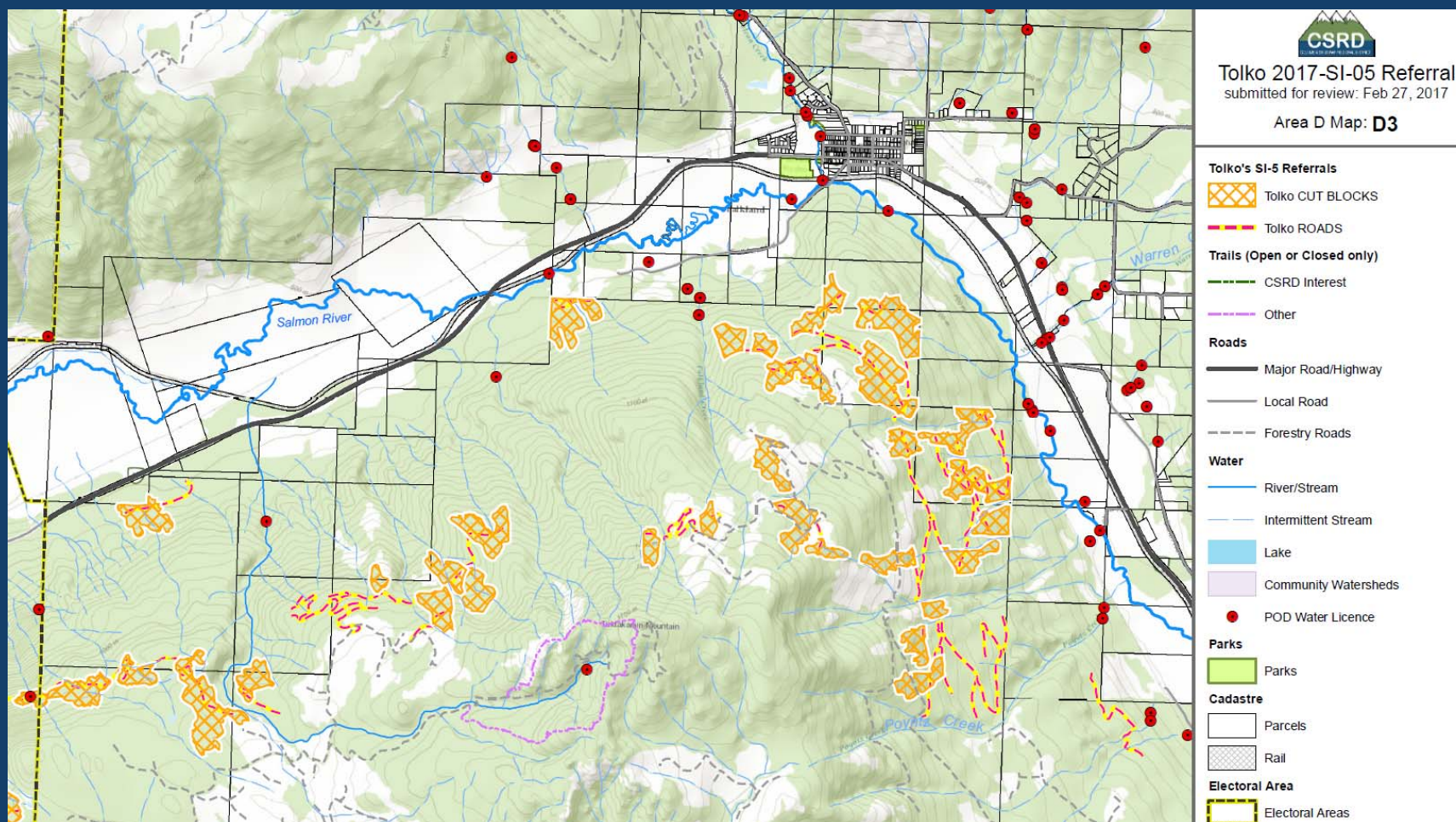


## Locations – Salmon Valley



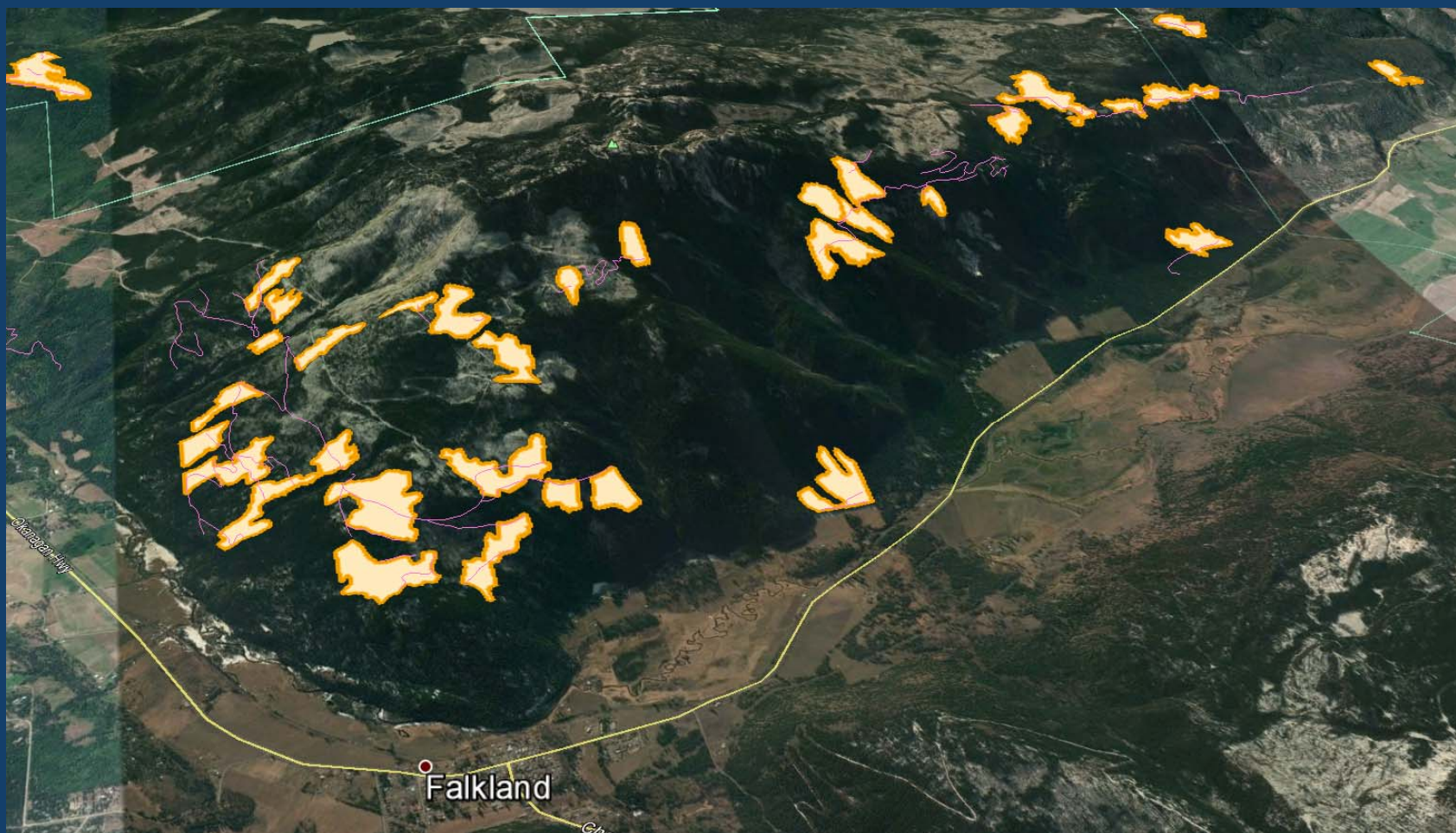


# Locations – Falkland





## Locations – Falkland

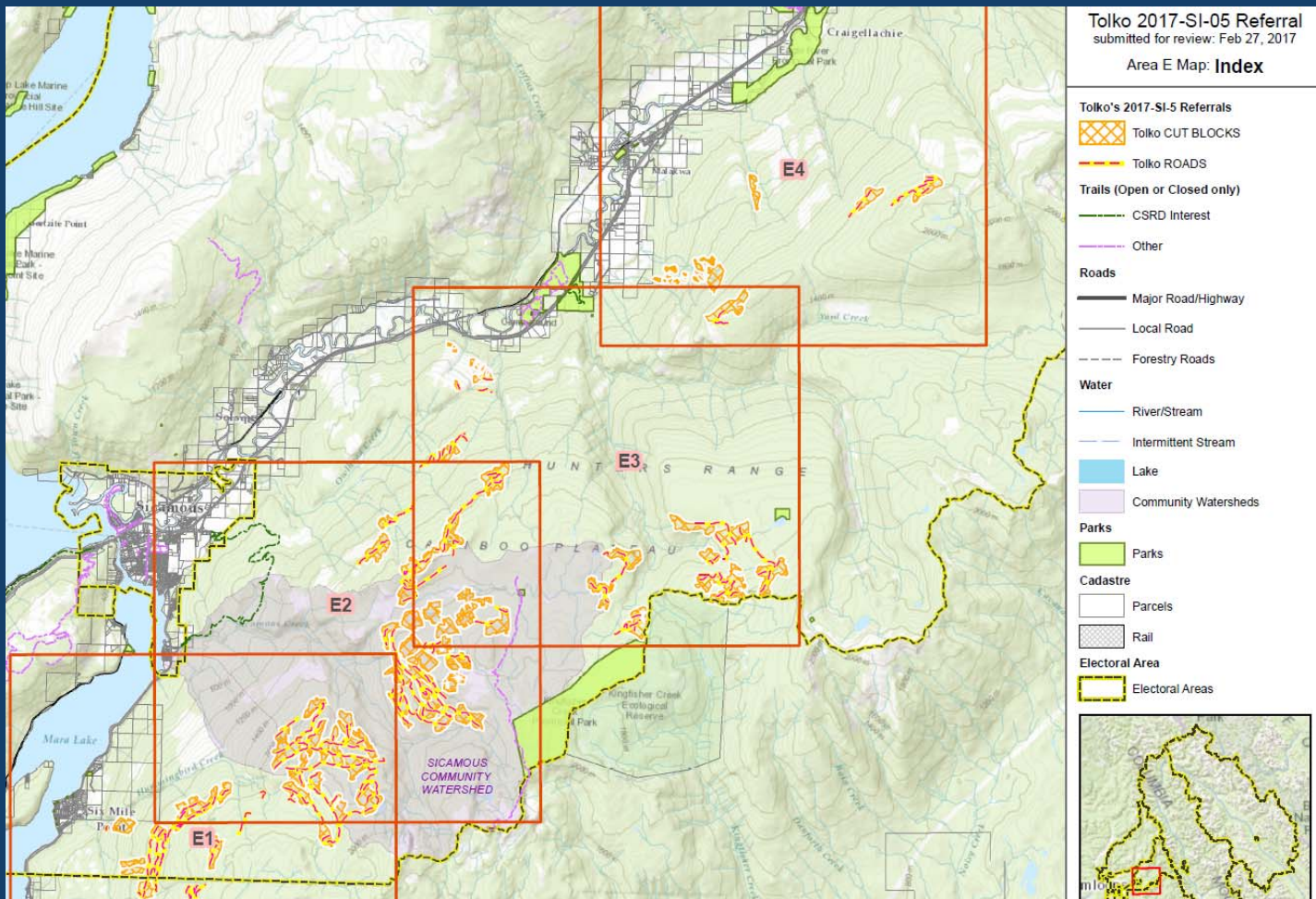




## Locations – Chase Falkland Rd.

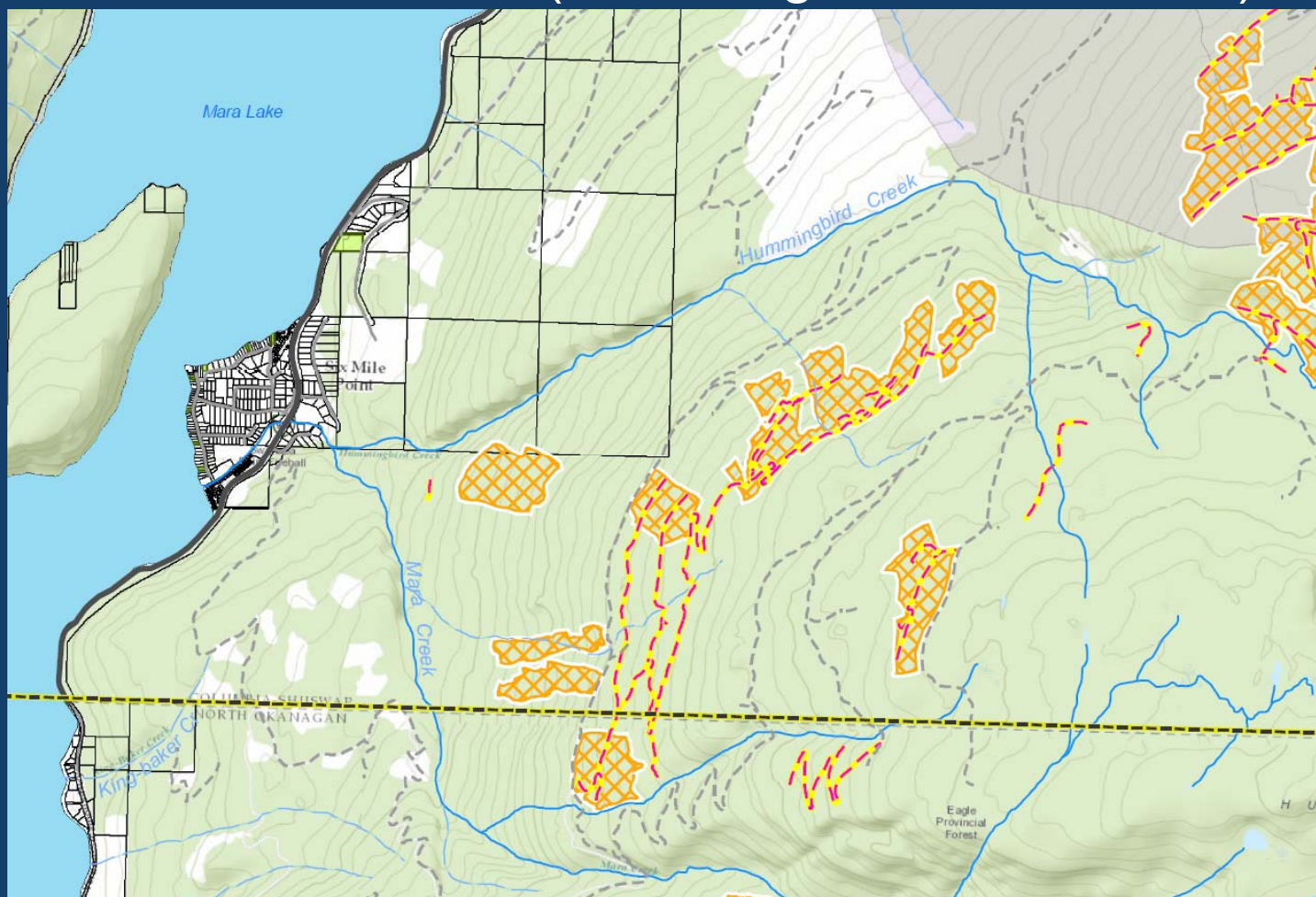


# Locations – Area E

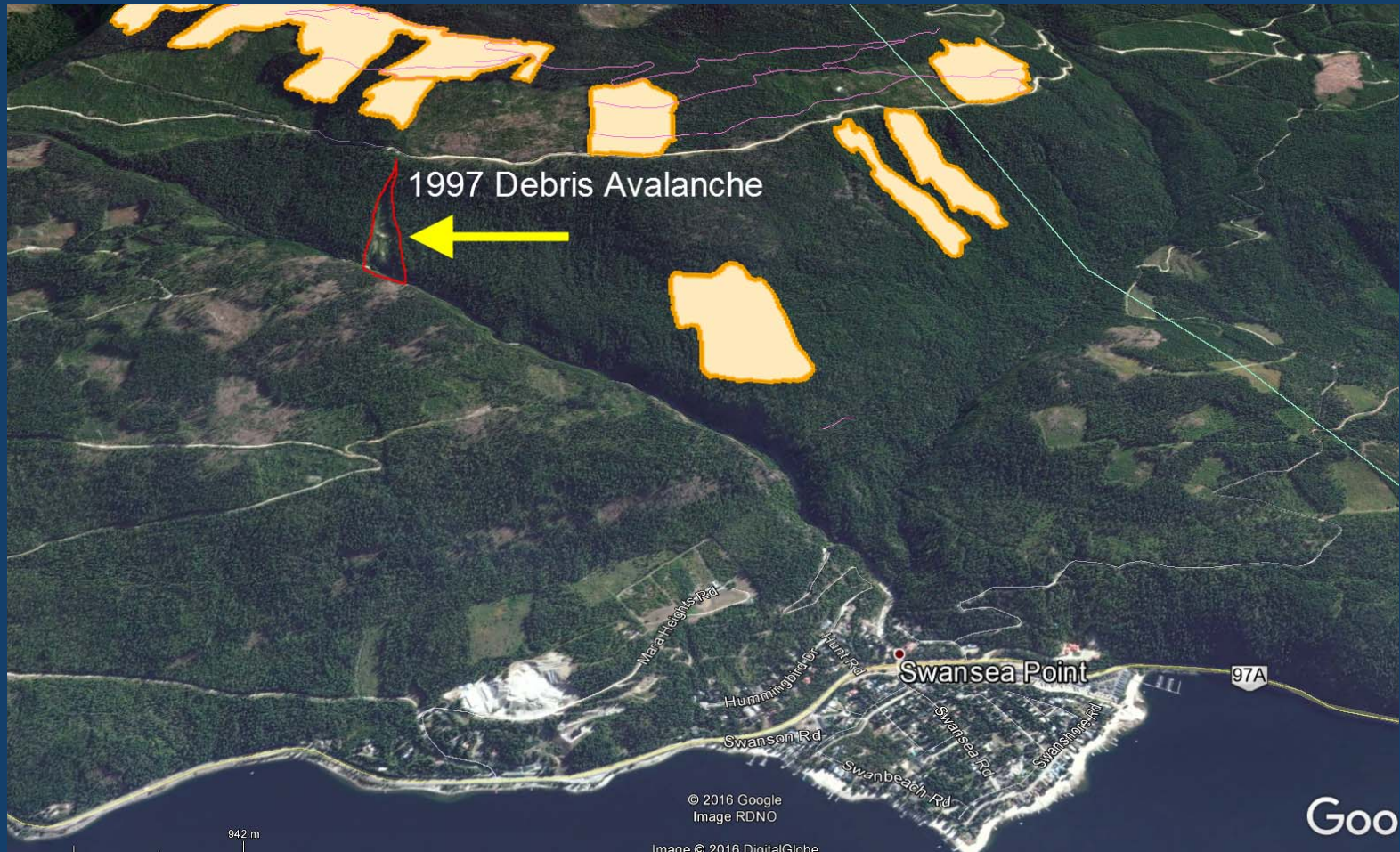




## Locations - Swansea Point (Hummingbird/Mara Creek)



## Locations - Swansea Point (Hummingbird/Mara Creek)





## Hummingbird Creek

The slope failure which occurred on the northwest slope of Hummingbird Creek on July 11, 1997 was initiated by the saturation of shallow colluvium overlying bedrock on steep terrain which has been classified as potentially unstable. It originated as a debris avalanche below a forest road culvert. Drainage area above the culvert had been artificially tripled.

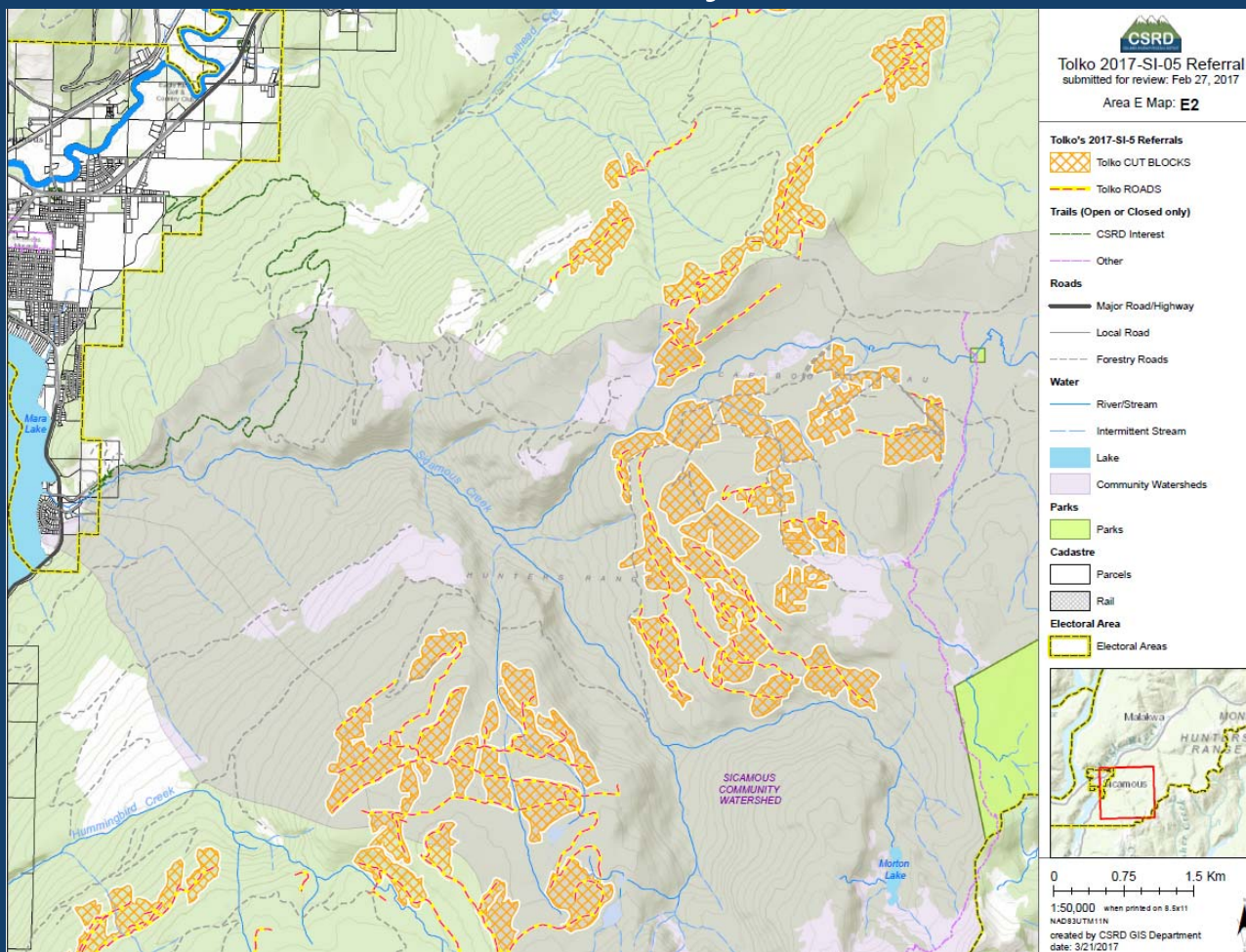
The 25,000 m<sup>3</sup> debris avalanche triggered a debris flow that destroyed several homes, scoured roads, and caused extensive damage through inundation by silts and sands. Approximately 92,000 m<sup>3</sup> of solid material was deposited during the event – the largest non-volcanic debris flow recorded in BC to date. \*

Subsequent flash flood in 2012 caused further damage. Hwy 97 culvert replaced with bridge – channel repair work on Hummingbird Creek.

\* *Source:* Hydrogeomorphic Hazards in the British Columbia Coast Mountains: Floods to Flows (Geertsema, 2006)



# Locations – Sicamous Community Watershed



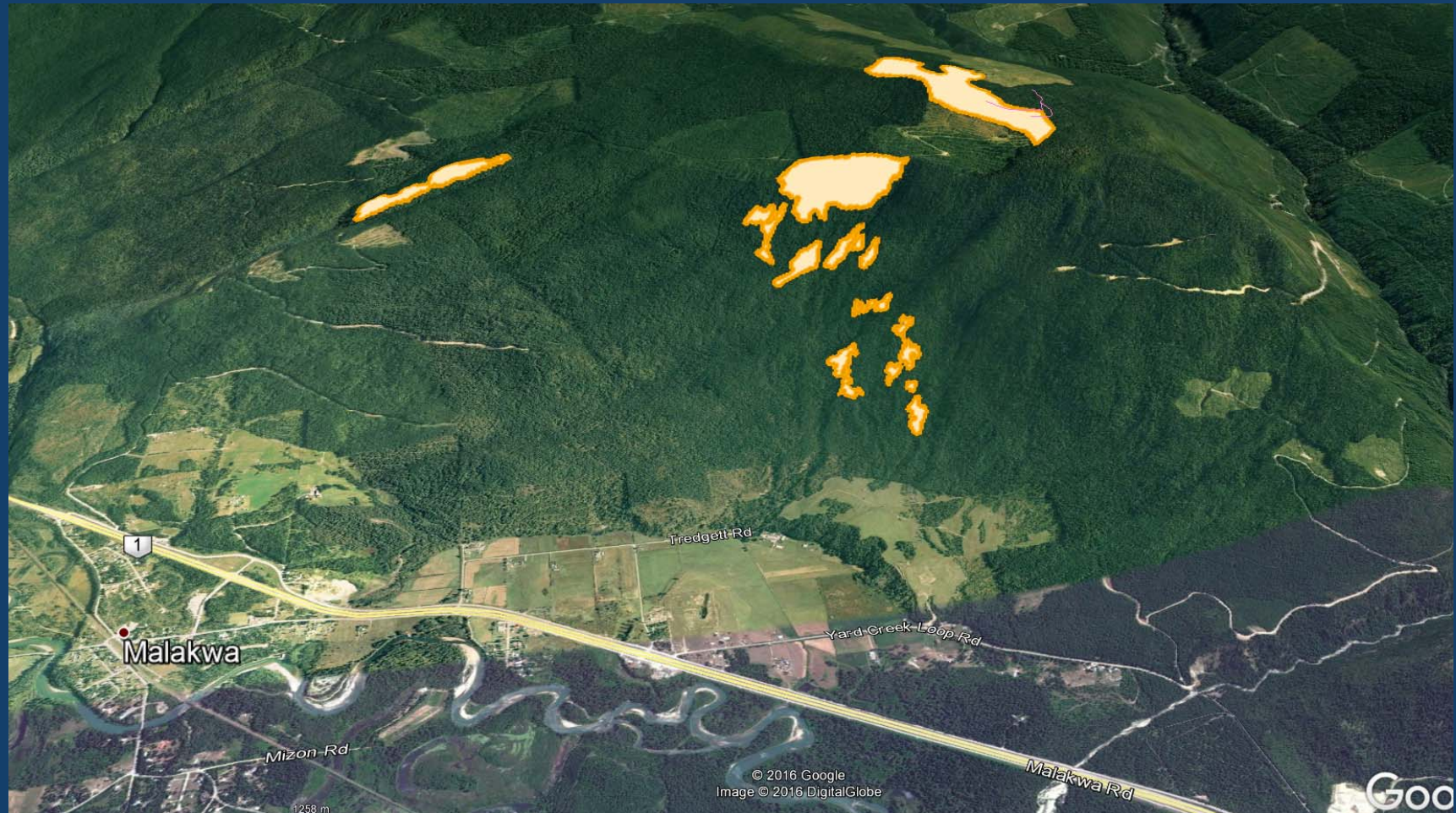


## Locations – Sicamous Community Watershed





## Locations – Malakwa



## Public response

The CSRD has received numerous emails and phone calls from Swansea Pt. and Salmon Valley residents who are concerned about the potential impact from the new cutblocks and roads. Concerns have been raised about the risk of damaging landslides and debris flows (Swansea Pt.) and also the possible disturbance to domestic water sources and views (Salmon Valley).

## Statement from Tolko

*"We want to reassure residents that we are in the initial stages of planning and assessment and will not proceed with any new cutblocks and roads until our assessments are complete and indicate we can put a plan in place that allows us to conduct harvesting activities in a safe and sustainable manner."*

Janice Lockyer, Tolko Communications Advisor



**RECOMMENDATION:**

THAT: the Board recommend to Tolko Industries Ltd. (Lumby) and the Minister of Forest Lands and Natural Resource Operations that a moratorium be placed on future logging activity in the Hummingbird Creek and Mara Creek basin due to the history of large debris flows in this area;

AND THAT: the Board request Tolko Industries Ltd. (Lumby) to hold public engagement meetings in Sicamous and Falkland to provide information and answer questions regarding the Forest Stewardship Plan amendments.



# BOARD REPORT

**TO:** Chair and Directors

**File No:** 1470 02

**SUBJECT:** 2016 Annual Report

**DESCRIPTION:** Report from Charles Hamilton, Chief Administrative Officer, dated April 12, 2017.

**RECOMMENDATION:** THAT: the Board receive the Columbia Shuswap Regional District's 2016 Annual Report for information.

## SHORT SUMMARY:

Annual reports are an important means of communication for local governments throughout British Columbia. In December 2015, the CSRD marked its 50th anniversary. In celebrating this milestone, we looked back on the past half century and observed our successes, our failures, and how we have evolved as an organization along the way. Through this process of self-reflection, we identified a need to improve the way in which we communicate with our citizens and tell our story.

Although great progress has been made to improve our overall communication efforts through our website and social media, it was also decided that we should create an annual report.

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<b>VOTING:</b>	Unweighted Corporate	<input checked="" type="checkbox"/>	LGA Part 14 (Unweighted)	<input type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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## BACKGROUND:

The reasons for creating an annual report is based on the following:

- It is an opportunity to promote our accomplishments and to better inform our residents on the types of programs and services that we deliver on a region-wide, sub-regional and local basis;
- It offers a way of thanking and acknowledging the work of the Board, staff, volunteers, partners and other stakeholder on whom we rely to deliver our services throughout the region; and
- It promotes a sense of openness and transparency about what we are doing as an organization and allows us to account for the manner in which tax dollars are being spent.

Municipalities in BC produce annual reports as required by the *Community Charter*. With this in mind, I reviewed annual reports from other jurisdictions in order to have a model to help base our annual report on. In keeping with best practices, it was determined that the best format for the annual report was to develop an electronic report. Creating an electronic report allows an opportunity to provide more information which helps meet our objectives. The electronic report format allows for it to be aesthetically pleasing and to expand upon various elements with embedded video and/or hyperlinks which also help the report be more interactive. We've also noticed that visits to our website have increased as has our online presence. This expanded presence in the online forum allows an opportunity for us to have greater, more efficient, distribution with an electronic report.

## POLICY:

The Columbia Shuswap Regional District's 2016 Annual Report was developed in keeping with the Brand Guidelines that were implemented in 2015.

**FINANCIAL:**

There were nominal costs associated with the development of the annual report as it was developed in house by our Webmaster/Communications Technician, in partnership with senior management and administrative personnel.

Funds for advertising the annual report have already been set aside in the 2017 budget. Note that our staff did look into the cost of a full page insert in the Shuswap Market News, Revelstoke Times Review and the Golden Star and noted that, at \$8,800, it is outside of the CSRD's advertising budget for 2017.

**KEY ISSUES/CONCEPTS:**

As this is our first attempt at creating an annual report, I have no doubt that there will be room for improvement; it is my expectation that we will make refinements and improvements to the document in the coming years. Any feedback would be appreciated and can be directed to [communications@csrd.bc.ca](mailto:communications@csrd.bc.ca).

**COMMUNICATIONS:**

The annual report has been uploaded to the website and will be promoted through social media after the Board receives the report. The annual report speaks to a wide variety of stakeholders so the report will be distributed via eblast, our newsletter system, to the subscribers of all lists for a total of 3,325 subscribers. The annual report will be circulated to the local media agencies for their reference. The annual report will also be advertised in all of the local newspapers in order to help capture the print media audience. These ads will direct public to the electronic report.

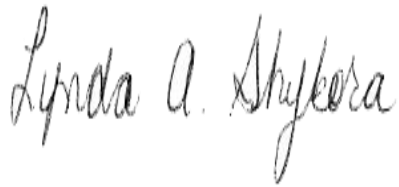
**BOARD'S OPTIONS:**

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**Report Approval Details**

Document Title:	2017-04-20_Board_CA_LATE_Annual Report.docx
Attachments:	- Annual-Report-Cover_2016.pdf
Final Approval Date:	Apr 19, 2017

This report and all of its attachments were approved and signed as outlined below:



**Lynda Shykora - Apr 19, 2017 - 11:23 AM**

**No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora**

**Charles Hamilton - Apr 19, 2017 - 11:26 AM**





# COLUMBIA SHUSWAP REGIONAL DISTRICT **ANNUAL REPORT**

**2016**

**VIEW REPORT**





# BOARD REPORT

**TO:** Chair and Directors **File No:** 5360 04

**SUBJECT:** Landfill Steel Plate Daily Cover System – Contract Award

**DESCRIPTION:** Report from Ben Van Nostrand, Team Leader, Environmental Health Services, dated April 11, 2017. Requesting authorization for sole source purchase of Revelstoke Iron Grizzly Alternate Daily Landfill Covers.

**RECOMMENDATION:** THAT:  
the Board empower the authorized signatories to enter into a purchase agreement with Revelstoke Iron Grizzly for Alternate Daily Landfill Covers for landfill sites in Revelstoke, Golden and Sicamous for a total cost of \$70,000 plus applicable taxes.

**APPROVED for Board Consideration:**

*Meeting Date: April 20, 2017*

*Charles Hamilton, CAO*

**SHORT SUMMARY:**

In 2008, the CSR D partnered with Sperling Hansen Associates Engineering and Score Construction in Revelstoke BC to examine the feasibility of using rigid metal plates as an alternative to daily soil cover over waste to save money and landfill airspace. A prototype was developed and utilized at the Revelstoke Landfill site with support from the CSR D and the Ministry of Environment. This alternate daily cover system became known as the Revelstoke Iron Grizzly Alternate Daily Landfill Cover. This cover system was promoted and sold to landfill owners throughout North America. The covers are custom made by Revelstoke Iron Grizzly and provide exceptional value.

<b>VOTING:</b>	Unweighted Corporate <input type="checkbox"/>	LGA Part 14 (Unweighted) <input type="checkbox"/>	Weighted Corporate <input checked="" type="checkbox"/>	Stakeholder (Weighted) <input type="checkbox"/>
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**BACKGROUND:**

The Revelstoke Iron Grizzly Alternate Daily Landfill Cover was pioneered in the CSR D and has resulted in significant cost and landfill airspace savings. The cover system consists of either 24 foot long or 32 foot long modified rigid iron plates that can be easily applied and removed by landfill operators using heavy equipment. These plates are applied over the working areas of the landfill site at the end of each day which minimizes wind-blown scatter of garbage, vector introduction, and the need for daily soil cover. The CSR D purchased the cover systems for all four of its landfills sites in 2008, and the time has come to replace the covers at the Golden, Sicamous and Revelstoke landfills. Before 2008, the CSR D employed tarps as alternate cover systems which were not as effective in minimizing scatter of refuse or introduction of vectors.

**POLICY:**

In accordance with Policy No. F-32 "Procurement of Goods & Services", Board authorization must be obtained for any sole sourced contract over \$10,000.

**FINANCIAL:**

The 2017 Solid Waste Management Budget (219) includes the capital purchase of the custom made Revelstoke Iron Grizzly Alternate Daily Landfill Cover for up to \$70,000.

**KEY ISSUES/CONCEPTS:**

The utilization of an alternate daily cover system that provides maximum efficiencies at the landfill sites.

**IMPLEMENTATION:**

Purchase and delivery of new Revelstoke Iron Grizzly Alternate Daily Covers will be carried out upon approval of the Board.

**DESIRED OUTCOMES:**

The Board approve the recommendation to purchase the Alternate Daily Covers from Revelstoke Iron Grizzly.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

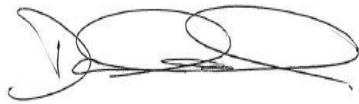
**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. 2008 Report – Sperling Hansen Associates – Focus Course on Improving Landfill Efficiency.

**Report Approval Details**

Document Title:	2017-04-11_Sole_Source_Revelstoke_Iron_Grizzly_Covers.docx
Attachments:	
Final Approval Date:	Apr 19, 2017

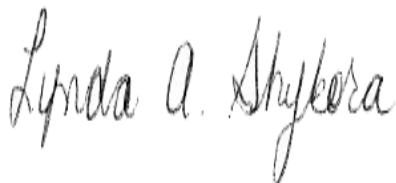
This report and all of its attachments were approved and signed as outlined below:



**Darcy Mooney - Apr 18, 2017 - 4:02 PM**

**No Signature - Task assigned to Jodi Pierce was completed by assistant Chelsea Kraft**

**Jodi Pierce - Apr 18, 2017 - 4:08 PM**



**Lynda Shykora - Apr 18, 2017 - 4:35 PM**



**Charles Hamilton - Apr 19, 2017 - 8:15 AM**





# BOARD REPORT

<b>TO:</b>	<b>Chair and Directors</b>	<b>File No:</b> BL 5754 2300-10
<b>SUBJECT:</b>	Consideration of CSR D Noise Bylaw for the regulation of noise within Electoral Areas A, B, C, D, E and F	
<b>DESCRIPTION:</b>	Report from Lynda Shykora, Deputy Manager, Corporate Administration Services dated April 10, 2017	
<b>RECOMMENDATION</b>	<p>THAT: "CSR D Noise Bylaw No. 5754" be read a first time this 20<sup>th</sup> day of April, 2017;</p> <p>AND FURTHER THAT: the Board support an informal opinion poll and a customized public consultation for each Electoral Area to inform, consult and to gather feedback from community residents in relation to the proposed noise bylaw.</p>	

**APPROVED for Board Consideration:**
*Meeting Date: April 20, 2017*
*Charles Hamilton, CAO*
**SHORT SUMMARY:**

Bylaw No. 5754 is attached for consideration of First Reading (introduction), to be followed by the opportunity for Electoral Area Directors to gather public input from community members in relation to the proposed noise bylaw within Electoral Areas A, B, C, D, E and F.

<b>VOTING:</b>	Unweighted Corporate	<input checked="" type="checkbox"/>	LGA Part 14 (Unweighted)	<input type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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**BACKGROUND:**

At the February 7, 2017 Electoral Area Directors' Committee meeting, discussion took place about moving forward with a Good Neighbour Bylaw, initially intended for the regulation of noise and property maintenance (unsightly premises), in Electoral Areas A, B, C, E and F. The outcome of the discussion was a recommendation to the Board *"that staff be directed to draft a Noise Bylaw pertaining to Electoral Areas A, B, C, D, E and F for first reading, to be followed up by a public consultation process in the affected communities."* At its March 23, 2017 Board meeting, the Board supported the recommendation of the Electoral Area Directors Committee.

**POLICY:**

The CSR D, pursuant to supplementary Letters Patent dated October 1, 1981, was granted the power to exercise the authority under Section 932 of the Municipal Act, pertaining to control of noise.

Section 324 of the Local Government Act provides that the Board may, by bylaw, regulate or prohibit the making or causes of noise.... that disturb or tend to disturb the quiet, peace, rest, enjoyment,

comfort or convenience of the neighbourhood or persons in the vicinity OR that the Board considers are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

Bylaw Enforcement Policy A-69, adopted February, 2017 - Noise Complaints, as per the policy, would be considered by staff to be Class 2 violations:

- "Class 2 violations do not pose an immediate hazard to persons or property and typically do not involve significant environmental impacts. Such violations tend to have limited off-site implication and may be cosmetic in nature. Investigation of Class 2 complaints will be ranked in the order received and investigated subject to staffing, other priorities, and budgetary resources."
- "To initiate enforcement action by the Regional District, complaints must be submitted in accordance with the following criteria:
  - two (2) complete written bylaw complaints signed by unrelated complainants from within the Electoral Area in which the property is located;
  - one (1) complete written bylaw complaint signed by a complainant whose property is located within 100 metres of the subject property; or,
  - one (1) written or verbal complaint from an RCMP officer.

This means that two written complaints would need to be received by bylaw enforcement staff about the same complaint, one which would need to be from a property owner/resident residing within 100 metres of the property or place subject to the noise complaint. Alternatively, a complaint received from the RCMP would be investigated.

How the RCMP chooses to utilize the proposed Noise Bylaw for the enforcement of noise issues will be based on criteria established by the RCMP.

### **FINANCIAL:**

The Bylaw Enforcement Officers would investigate and enforce as required noise complaints during normal business hours, within the existing Bylaw Enforcement budget, and based upon the newly adopted Bylaw Enforcement Policy A-69.

Depending on the how the proposed Noise Bylaw is utilized by the RCMP, there may additional budget requests made by the RCMP to the CSRD. This matter was discussed at the Electoral Area Directors meeting in February, where the CSRD indicated that it would consider cost-sharing with the RCMP, on a case by case basis, in relation to costs for RCMP personnel to attend court proceedings.

In terms of communications needed to obtain public feedback on the adoption of a noise bylaw within the electoral areas, there are incidental administrative costs for items such as preparing and hosting an on-line opinion poll. There are also costs to advertise and inform the public that the CSRD is seeking feedback on a noise bylaw for their area. It is anticipated that such costs will be captured within the existing administration budget allocations.

**KEY ISSUES/CONCEPTS:**

The CSRD currently does not have a bylaw to regulate noise in the Electoral Areas.. The noise bylaw is a tool that will assist the CSRD in those escalating noise issues, and more particularly the RCMP in dealing with noise issues during evenings and weekends. Before proceeding with adopting noise bylaw regulations, the Electoral Area Directors wish to gather comments from area residents.

The key aspects of the proposed Bylaw are contained in Part III – Noise Regulations. There is a section on General Regulations, a section on Specific Prohibitions (ie the creation of certain noise [music, construction] between 10 pm and 8 am), and an Exemptions section (ie farm operations noise is exempt).

For the Board's information:

- the draft bylaw does not contain noise regulations pertaining to noise generated by the operation of a boat/vessel (ie engine/motor noise) as the CSRD does not have the authority to control noises produced by the operation of vessels or another aspect of navigation that is a federal matter of regulation.
- the draft bylaw does not apply to barking dogs.

The reference to 'vessel' within the Noise Bylaw Specific Prohibitions would provide the authority to address noise generated by the occupant(s) of a boat/vessel (ie party noise). The enforcement of noise created from on or within a boat/vessel is included as an option that may be utilized by the RCMP. who may have the authority to enter a boat/vessel, whereas the CSRD Bylaw Enforcement Officers do not. Although included in the proposed Noise Bylaw at this time, there are some inherent difficulties in enforcing noise generated from occupants of boats/vessels.

**COMMUNICATIONS:**

If the Board gives First reading to Noise Bylaw No. 5754, it will be reported in the April, 2017 Board in Brief which will be published on the CSRD website, Facebook and Twitter pages.

Administratively, an opinion poll will be made available on the CSRD website and at the CSRD office. Other methods of communicating information about the proposed bylaw and opinion poll include emailing the information to community associations within the electoral areas.

It is assumed that the individual Electoral Area Directors will develop and carry out their own customized method(s) for community consultation best suited to their particular electoral area, whether it be speaking to residents at community events, community hall association meetings, utilizing existing Committee meetings such as the Area A Local Advisory Committee, etc..

**DESIRED OUTCOMES:**

That CSRD Noise Bylaw No. 5754 be read a First Time.

It is proposed that the public input be compiled and that outcomes of the feedback be presented at a future Board meeting in approximately two to three months time.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*

3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

**Report Approval Details**

Document Title:	Noise Bylaw No. 5754.docx
Attachments:	- BL5754 Noise Bylaw for First Reading.pdf
Final Approval Date:	Apr 19, 2017

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read 'C. Hamilton', with a stylized flourish at the end.

**Charles Hamilton - Apr 19, 2017 - 10:41 AM**

COLUMBIA SHUSWAP REGIONAL DISTRICT

BYLAW NO. 5754

A BYLAW TO ENHANCE THE QUALITY OF LIFE  
FOR THE CITIZENS OF THE COLUMBIA SHUSWAP REGIONAL DISTRICT

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WHEREAS, the Board of the Columbia Shuswap Regional District desires to protect the quality of life for its citizens, endeavours to promote civic responsibility, and strives to encourage good relationships between neighbours;

AND WHEREAS the Board wishes to exercise its authority under Section 324 of the Local Government Act related to noise control;

AND WHEREAS the Columbia Shuswap Regional District, pursuant to supplementary Letter Patent dated October 1, 1981, was granted the power to exercise the authority under section 932 of the Municipal Act pertaining to control of noise;

NOW THEREFORE BE IT RESOLVED that the Board of the Columbia Shuswap Regional District in open meeting assembled, hereby ENACTS AS FOLLOWS:

**PART I - INTERPRETATION**

- 1.1 Words or phrases defined in the British Columbia Interpretation Act, Motor Vehicle Act or Local Government Act or any successor legislation, shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.
- 1.2 Terms used in this Bylaw are defined in Schedule "A" attached to this Bylaw.
- 1.3 A reference to an enactment refers to an enactment of the Province of British Columbia and a reference to an enactment, including a bylaw of the Regional District, refers to that enactment as it may be amended or replaced from time to time.
- 1.4 The headings contained in this Bylaw are for convenience only and are not to be construed as defining, or in any way limiting, the scope or the intent of the provisions of this Bylaw.
- 1.5 If any part of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

**PART II – GENERAL REGULATIONS**

- 2.1 No *person* shall obstruct or interfere with a *bylaw enforcement officer* in the exercise of their duties.
- 2.2 A *bylaw enforcement officer* or peace officer shall have the right to enter upon the property of any owner or occupant at all reasonable times and in a reasonable manner to inspect and determine whether the requirements, restrictions and regulations of this Bylaw are being met.

## PART III – NOISE REGULATIONS

### 3.1 General Prohibitions:

- (a) No *person* being the owner, occupier or tenant of *real property* shall allow or permit such *real property* to be used so that noise or sound which occurs thereon or emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any *person* or *persons* on the same property or in the neighbourhood or *vicinity* of that property.
- (b) No *person* shall make or cause, or permit to be made or caused, any noise or sound on a highway or other public place in the *Regional District* which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any *person* or *persons* in the neighbourhood or *vicinity* of that place.

### 3.2 Specific Prohibitions:

Without limiting the generality of Section 3.1 herein, any of the following sounds are deemed by the Board to be objectionable and disturbing the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public and are, therefore, generally prohibited:

- (a) between the hours of 10 p.m. and 8 a.m., the use of a megaphone, microphone or other voice amplification device, or shouting, clamouring, banging or making similarly disruptive sounds, whether produced outdoors or from the occupants within a premises, vehicle or vessel, such that the sound can be heard from a neighbouring lot or from another premises in the vicinity;
- (b) between the hours of 10 p.m. and 8 a.m., sound from a radio, stereophonic equipment, television, musical instrument, computer or other instrument or other apparatus for the production or amplification of sound, whether produced outdoors or from within a premises, vehicle or vessel, such that the sound can be heard from a neighbouring lot or from another premises in the vicinity;
- (c) between the hours of 10:00 p.m. and 7:00 a.m., no person shall construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner so as to generate any noise that can be heard from a neighbouring lot or from another premises in the *vicinity*.

### 3.3 Exemptions:

Section 3.1 does not apply to persons engaged in any of the following:

- (a) operating or in charge of Fire Department, Police or Ambulance or Emergency vehicles while in the execution of their duties;
- (b) operating any motor vehicle, machinery or other apparatus or thing during an emergency or for a civic, provincial or federal purpose such as avalanche or rock fall control, snow removal, civil defence exercises, construction, alteration, excavation, maintenance, improvement and repair

of highways, water and sewer mains and other public works, buildings and structures and park property;

- (c) performing works of an emergency nature for the preservation or protection of life, health or property; or
- (d) farm operations conducted on land designated by the Province as a farm area or agricultural land reserve or that is the subject of an aquaculture licence, and in accordance with normal farm practices under the Farm Practices Protection (Right to Farm) Act.

#### **PART IV - ENFORCEMENT**

- 4.1 The provisions of this Bylaw may be enforced by a *Bylaw Enforcement Officer* or by a *peace officer* unless otherwise specified.

#### **PART V - PENALTY**

- 5.1 A person who contravenes any provisions of this Bylaw, or who directs, permits, suffers or allows any act or thing to be done in contravention or violation of any of the provisions of this Bylaw, commits an offence and each day that the offence continues constitutes a separate offence.
- 5.2 If proceedings are brought under the Offence Act, a person convicted of an offence under this Bylaw is liable to pay a fine in the maximum amount established under that Act, and any further penalties, costs, fines and compensation that may be ordered by the court under that Act or the Local Government Act, or both.
- 5.3 If proceedings are brought under the CSRD Ticket Information Utilization Bylaw No. 5296, a person convicted of an offence is liable to pay a fine of up to \$1,000.

#### **PART VI – APPLICATION**

- 6.1 The provisions of this Bylaw apply to lands located within Electoral Areas A, B, C, D, E and F situated within the geographic boundaries of the Regional District.

#### **PART VII – TITLE**

- 7.1 This Bylaw may be cited as the “CSRD Noise Bylaw No. 5754”.

READ a FIRST TIME this \_\_\_\_ day of \_\_\_\_\_, 2017.

READ a SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2017.

READ a THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2017.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2017.

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Chair

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Chief Administrative Officer



CERTIFIED true copy of Bylaw No. 5754, as adopted.

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(Deputy) Manager, Corporate  
Administration Services

**SCHEDULE “A”****Attached to CSRD Noise Bylaw No. 5754****In this Bylaw:**

“Bylaw Enforcement Officer” means the persons duly appointed by the Board as such, and shall include any peace officer, the Chief Administrative Officer or designate, Corporate Officer or designate, Manager, Development Services or designate; and the Manager of Operations or designate;

“Board” means the Board of Directors of the Regional District;

“peace officer” has the same meaning as in the British Columbia Interpretation Act and includes a bylaw enforcement officer;

“person” includes a natural person, a company, corporation, partnership, firm, association, society, or party and the personal or other legal representatives of a person to whom the context can apply according to law;

“premises” means any place occupied by an individual as a residence;

“real property” means land, with or without improvements so affixed to the land as to make them in fact and in law a part of the real property, and includes, as the context requires, individual premises located on the real property;

“Regional District” means the Columbia Shuswap Regional District or the area within the geographic boundaries of the electoral area as the context may require.

“vicinity” means close to neighbouring or near a particular place of origin.



# EAD REPORT

<b>TO:</b>	<b>Chair and Electoral Area Directors</b>	<b>File No:</b> BL900 GEN
<b>SUBJECT:</b>	Changes to Provincial Private Moorage Program	
<b>DESCRIPTION:</b>	Report from Christine LeFloch, Development Services Assistant, dated March 27, 2017. Overview of recent changes to Provincial private moorage regulations and associated impacts to CSRD.	
<b>RECOMMENDATION #1:</b>	THAT: The Board receive the staff report for information.	
<b>RECOMMENDATION #2:</b>	THAT: A letter be sent to Premier Christy Clark and to Steve Thompson, Minister of Forests Lands and Natural Resource Operations, and MLA Greg Kylo, outlining CSRD concerns with the changes to the Private Moorage Program, lack of consultation with local government about the changes, and requesting that Shuswap and Mara lakes be designated as an application-only area for private moorage.	
<b>RECOMMENDATION #3:</b>	THAT: A letter be sent to UBCM outlining CSRD concerns regarding the changes to the Provincial Private Moorage Program, and that the letter be copied to SILGA and the District of Coldstream.	
<b>RECOMMENDATION #4:</b>	THAT: CSRD staff be directed to prepare communications regarding Lakes Zoning Bylaw No. 900 and Foreshore Development Permit Areas to remind the public of the CSRD bylaw requirements for docks, buoys and other foreshore structures.	

## APPROVED for EAD Consideration:

*Meeting Date: April 4, 2017*

*Charles Hamilton, CAO*

## SHORT SUMMARY:

Effective January 17, 2017 the Provincial Private Moorage Program was amended to streamline Provincial approval processes for private docks. Specifically, the General Permission was expanded to include a larger number of individual private docks and the maximum size requirement was replaced by a set of prerequisites which must be met in order to qualify for a General Permission. General Permissions are not granted in areas designated as "application-only areas", ecological reserves, parks, or where there are recorded archaeological sites. Due to the ecological and archaeological significance of Shuswap and Mara lakes, as well as the recreational and residential growth around these lakes, it is recommended that the Board request that it be designated as an "application-only area".

It is also recommended that the Board support the District of Coldstream in their request that the General Permission be amended to explicitly require that General Permission for private moorage requires compliance with any local government regulation pertaining to the construction, placement

and use of private moorage; and that Front Counter BC reinstate its practice of referring applications for private moorage to local governments.

**BACKGROUND:**

The CSRD was advised by copy of a letter from Greg Kockx, Manager Land Tenures Branch, Ministry of Forests Lands and Natural Resource Operations, to Gary MacIsaac, Executive Director, UBCM, dated January 17, 2017 that the Provincial Private Moorage Program had been amended to expand the General Permissions for residential docks. At their meeting held on February 7, 2017, the Electoral Area Directors Committee passed a motion that Development Services staff be directed to review the amendments to the Provincial Private Moorage Program and its impacts to Lakes Zoning Bylaw No. 900, foreshore tenures and parcel taxes. This report provides an overview of the recent amendments to the Private Moorage Policy, discusses impacts related to Bylaw No. 900, and provides a summary of the impacts on parcel taxes for dock owners.

Related to this issue, the Board passed a resolution at their meeting on February 16, 2017 to be brought forward to the Southern Interior Local Government Association (SILGA) encouraging the Province to work with UBCM to better address the multijurisdictional dock and buoy issue, by consulting with local governments to align areas of overlapping regulation and to increase provincial resources to deal with illegal docks on lakes and to lobby the Government of Canada to increase Transport Canada's resources to more effectively regulate and remove buoys on lakes that have been illegally placed, are unsafe or undocumented, or of unknown ownership. A copy of the SILGA resolution is attached to this report.

**POLICY:**Crown Land Use Operational Policy – Private Moorage

This policy is administered by the Ministry of Forests, Lands and Natural Resources Operations (FLNRO) and has been in effect since May 26, 2011. Since that time it has been amended four times, two of which have been amendments to the parameters surrounding General Permissions.

Under the original policy docks having up to 20 m<sup>2</sup> of surface area were authorized under a General Permission. In August of 2013 this size was increased to 24 m<sup>2</sup> to match up with DFO regulations. Lakes Zoning Bylaw No. 900, adopted in August 2012 was written to include a maximum upward facing surface area of 24 m<sup>2</sup> for docks in residential zones as it was understood that the Provincial regulations were in the process of being amended to 24 m<sup>2</sup> and this would create consistency between all applicable agencies.

In the summer of 2016 FLNRO conducted a review of the Private Moorage Policy, and in January of 2017 made further amendments to the policy based on the results of that review without consultation with local government. Under the updated policy General Permissions are allowed as follows:

**Section 6.1.1 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 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 11.2 for more details);*
- Land Act section 15 reserves, or section 16 or 17 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.*

*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)."*

## **Section 11.2 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. (Appendix 5 is provided as an attachment to this report.)*

The General Permission document which contains the full set of conditions and requirements is attached to this report. A summary of the key changes is provided here:

<b>General Permission (2013)</b>	<b>General Permission (2017)</b>
'Province', 'Dock', and 'Upland Property' were the only terms defined.	List of definitions expanded to include 12 additional terms, including 'mobile dock' which is equivalent to the term 'floating dock' as used in Bylaw No. 900
Size requirements: <ul style="list-style-type: none"> <li>• 24 m<sup>2</sup> excluding the walkway portion of the dock,</li> <li>• maximum of 3 m in width for the float,</li> <li>• maximum of 1.5 m in width for the walkway</li> </ul>	Size requirements for freshwater docks amended to: A freshwater dock must not: <ul style="list-style-type: none"> <li>a. extend beyond a distance of 42 m from the point where the walkway begins, measured perpendicular from the general trend of the shoreline;</li> <li>b. have more than a 3 m wide moorage</li> </ul>

	<p>platform and float; or</p> <p>c. have more than a 1.5 m walkway connecting the platform or float to the shore; and</p> <p>d. for mobile docks located in waterbodies that have seasonally fluctuating water levels, the outermost extent of the dock must not be more than a distance of 60 m from the present natural boundary.</p> <p>*based on these parameters the maximum size of a dock which could qualify under the General Permission if all other requirements are met would be 120 m<sup>2</sup>.</p>
<p>Location requirements: The Dock including boat lift must be at least:</p> <ul style="list-style-type: none"> <li>a. 5 m from the projected side property line; or</li> <li>b. 6 m from the projected side property line if adjacent to a dedicated public beach access or park, and</li> <li>c. 10 m from any existing dock or other foreshore structure</li> </ul>	<p>Location requirements are unchanged.</p> <p>*These are the same property line setback requirements used in Bylaw No. 900.</p>
<p>Use requirement:</p> <ul style="list-style-type: none"> <li>• Dock to be used for private, non-commercial moorage purposes only and owner not to make dock available to others for a fee.</li> </ul>	<p>Use requirements:</p> <ul style="list-style-type: none"> <li>• statement regarding non-commercial use of dock only is now included as a prerequisite.</li> <li>• Condition regarding keeping the dock in and the Crown land beneath it in a safe, clean and sanitary condition has been moved to the Use section</li> <li>• Additional condition included to state that the owner shall not cause a nuisance to adjacent owners</li> </ul>
<p>Other requirements:</p> <ul style="list-style-type: none"> <li>• Dock will be subject to any other restrictions, requirements or specifications which the Minister may impose from time to time;</li> <li>• Dock owner must observe, abide by and comply with all other bylaws and regulations of any governmental authority having jurisdiction</li> <li>• Dock must not obstruct public access along the foreshore or beach.</li> </ul>	<p>Other requirements:</p> <ul style="list-style-type: none"> <li>• The original requirements still apply;</li> <li>• New requirement included to allow different siting and size parameters for docks in the Thompson Okanagan and Kootenay Boundary regions depending on the date of construction of older docks – owner to provide proof of date of construction if requested. If proof not provided current conditions apply.</li> </ul>

**FINANCIAL:**Parcel Tax implications:

Starting in 2015 provincially registered dock owners were issued a second folio by BC Assessment. As not all docks are registered with the Province, BC Assessment is now using information from multiple sources to generate folios for unregistered docks. They hope to have accounted for all docks by next year. Since licences issued by the Province are not the only source of information being used to generate folios for docks the Private Moorage Policy changes do not impact on the ability of BC Assessment to generate new folios for foreshore structures.

#### Communications:

If the Board directs staff to prepare communication materials as recommended there would be associated costs related to advertising in local newspapers.

### **KEY ISSUES/CONCEPTS:**

#### Review of Private Moorage Program

In the summer of 2016 the Ministry of Forests Lands and Natural Resource Operations (FLNRO) conducted a review of the Private Moorage Policy in order to identify and address operational issues. Conversations with FLNRO staff along with publications on the FLNRO website indicate that the objective of the review was to ensure that the program is effective and efficient with respect to authorizing activities and maintaining stewardship. They also indicate that former regulation was found to be onerous and required significant staff time to process applications and deal with unauthorized construction, and that this was true even when the proposed or existing docks under application had a low risk of impact. FLNRO media publications state that the changes that have been introduced are intended to reduce workload associated with lower risk docks. CSRD staff are not aware of any consultation with local government regarding these changes. FLNRO staff were also not aware of any consultation with local government.

#### Changes to General Permission

The main changes that were made to the Private Moorage Policy were to the requirements regarding which docks qualify for General Permission and which ones require an application for a Specific Permission. Previously, only freshwater docks less than 24 m<sup>2</sup> in surface area were subject to the General Permission. Under the amended policy General Permissions have been expanded and will now apply to larger freshwater docks, as well as marine docks, subject to satisfying a set of conditions and requirements. The "surface area" limit has been replaced with limits on dimensions of private moorage structures (width, length, distance from shore etc.) resulting in an overall increase in maximum dock size from 24 m<sup>2</sup> to 120 m<sup>2</sup>. Many of the other previous requirements remain unchanged. The document has also been restructured to improve readability.

General Permissions are not granted for docks proposed to be located in Application-only Areas or Areas of Special Interest. Areas of special interest include known archaeological sites, ecological reserves, parks, and protected areas. Ministry staff have confirmed that there are no Application-only Areas, ecological reserves, parks, or protected areas in the residential foreshore areas of Shuswap or Mara Lakes. However, CSRD staff are aware that there are known archaeological sites on Shuswap and Mara Lakes, that these lakes have ecological significance due to the Adams River Sockeye salmon population, and are known to be important lakes for First Nations. These lakes are also heavily used recreationally, have a number of public beaches and parks, and are experiencing residential growth along the shorelines resulting in significant pressure for new residential moorage. The CSRD also has local government regulations related to foreshore development including Lakes Zoning Bylaw No. 900, Foreshore Development Permit Areas (DPA) in Electoral Areas C and F, and a proposed Foreshore DPA for Electoral Area E.

Under the Private Moorage Policy, Application-only Areas may be designated by the Ministry of Forests Lands and Natural Resource Management due to known concerns or issues within these areas. Appendix 5 of the Private Moorage Policy indicates that the Ministry will work with provincial and federal resource agencies, local government and First Nations, as needed to identify potential application-only areas based on certain criteria. These criteria 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 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.

As many of these criteria would be applicable to Shuswap and Mara Lakes, staff are recommending that the Board send a letter to the Minister of Forests Lands and Resource Operations requesting that Shuswap and Mara Lakes be designated as an application-only area. If designated, all new docks on Shuswap and Mara Lakes would require an application for Specific Permission from FLNRO.

#### Effect on Lakes Zoning Bylaw No. 900

While the width requirements for docks and walkways remain the same, the changes to the General Regulation have virtually eliminated the maximum area requirement for docks at the Provincial level. This means that any efforts to regulate overall dock size are now at the discretion of the applicable local government. Lakes Zoning Bylaw No. 900 currently limits the upward facing surface area for single family residential docks at 24 m<sup>2</sup> which is consistent with the former Provincial standard. Without this local level regulation individual residential docks could become as large as 120 m<sup>2</sup>. Staff feel that the new provincial maximum size permitted is excessive and that the size limits should remain in Bylaw No. 900 in order to prevent residential docks from becoming overly large. Variances to this standard would continue to be addressed on a case by case basis.

While the changes to the General Permission document do not directly affect Bylaw No. 900, this may not be well understood by the general public. To mitigate any misunderstandings staff suggest that notices be posted on the CSRD website, social media and in local papers reminding the public that despite changes to provincial dock regulations, local government regulations are still in effect and remain status quo. This would also be a good time to remind the public of the Lakes Zoning Bylaw No. 900 and applicable Development Permit requirements.

#### Local Government Response

In response to the recent changes to the Private Moorage Policy the District of Coldstream has adopted a resolution which has been sent to Premier Clark and will be forwarded to the Southern Interior Local Government Association (SILGA) to seek support with the intention of presenting the resolution at the 2017 UBCM Convention. The resolution requests that FLNRO amend the General



Permission to explicitly require that a General Permission for private moorage requires compliance with any local government regulation pertaining to the construction, placement and use of private moorage; that Front Counter BC reinstate its practice of referring Private Moorage applications to local governments, and further that if the Ministry does not amend the General Permission, that the Thompson Okanagan area be designated an "application-only area". The Village of Harrison Hot Springs has provided a letter of support to the District of Coldstream regarding their requests. It is suggested that the CSRD write a letter to Premier Clark, the Minister of Forests Lands and Resource Operations and MLA Greg Kylo requesting that Shuswap and Mara Lakes be designated as an Application-only Area and to the District of Coldstream endorsing their resolution to SILGA.

### IMPLEMENTATION:

If the Board endorses the staff recommendation, two letters will be prepared for signature by the Chair. One to be sent to Premier Christy Clark, FLNRO Minister Steve Thompson, and MLA Greg Kylo requesting that Shuswap and Mara Lakes be designated as an Application-only Area. The second letter would be sent to UBCM, with copies sent to SILGA and the District of Coldstream, endorsing their resolution to the Southern Interior Local Government Association. This letter would be circulated to other UBCM member municipalities and regional districts.

### DESIRED OUTCOMES:

That the Board endorse staff recommendations.

### BOARD'S OPTIONS:

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Electoral Area Directors Committee.*

### LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Provincial General Permission for the Use of Crown Land for Private Moorage, dated January 17, 2017	Attached to Board Report: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
2. Letter from Greg Kockx, Manager Land Tenures Branch, MFLNRO, to Gary MacIsaac, Executive Director, UBCM, dated January 17, 2017	Attached to Board Report: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
3. Letter from District of Coldstream to Premier Clark, dated February 22, 2017	Attached to Board Report: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
4. 2017 CSRD Board Resolution to SILGA re: Enforcement of Provincial and Federal Dock and Buoy Requirements	Attached to Board Report: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
5. Private Moorage Crown Operational Policy Appendix 5 – Process and Criteria for Designating Application Only Areas	Attached to Board Report: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>



**Report Approval Details**

Document Title:	2017-04-04_EAD_DS_new provincial dock regulations.docx
Attachments:	<ul style="list-style-type: none"> <li>- private_moorage_general_permission 2017.pdf</li> <li>- Letter from Greg Kockx re changes to Private Moorage Program.pdf</li> <li>- Letter from District of Coldstream dated February 22, 2017.pdf</li> <li>- 2017 SILGA Resolution - Dock and Buoy.pdf</li> <li>- Appendix 5 - Process and Criteria for Designating Application-Only Areas.pdf</li> </ul>
Final Approval Date:	Apr 3, 2017

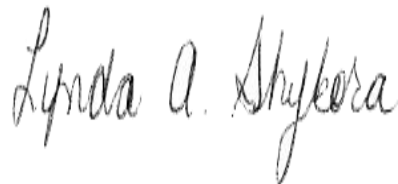
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Apr 3, 2017 - 1:57 PM**



**Gerald Christie - Apr 3, 2017 - 2:07 PM**



**Lynda Shykora - Apr 3, 2017 - 2:59 PM**



**Charles Hamilton - Apr 3, 2017 - 3:01 PM**

# Ministry of Forest, Lands and Natural Resource Operations

## PROVINCIAL GENERAL PERMISSION FOR THE USE OF CROWN LAND

### FOR PRIVATE MOORAGE

VERSION: January 17, 2017

*(Land Act)*

#### WHEREAS:

- A.** The Ministry of Forests, Lands and Natural Resource Operations (“the Ministry”) has responsibility for the management of Crown land, including foreshore land and most submerged land;
- B.** The Minister has the authority to authorize the use of Crown land on terms and conditions which the Minister considers appropriate;
- C.** The Minister wishes to provide permission for the use of Crown land for private moorage purposes.

ACCORDINGLY, the Minister declares a general permission for the use of Docks (as herein defined), on the following terms and conditions.

#### 1. Definitions

In this document,

**“Aquatic Crown land”** means all Crown land situated below the natural boundary or below the highest, high water mark of any water body unless, otherwise Crown Granted to another party.

**“Application-only Area”** means a designated area of submerged Crown land where the owner of a dock must apply for an authorization under the *Land Act*.

**“Area of special interest”** means known archaeological sites, areas of eel grass, ecological reserves, parks, protected area designations or any combination of these.

**“Dock”** means an aquatic structure used for the purpose of mooring boats and for providing pedestrian access to and from the moored boats, together with improvements in accordance with this document.

**“Freshwater”** means lakes, rivers and similar bodies of inland waters.

**“Foreshore”** means that land lying between the highest water mark and the lowest water mark that is alternatively covered by water and exposed with the normal rise and fall of the level of the body of water.

## Ministry of Forest, Lands and Natural Resource Operations

**“Marine”** means coastal waters including oceans and seas.

**“Mobile dock”** means a dock with movable walkway and float used in lakes with seasonally fluctuating water levels, that can be readily moved away from the natural boundary as lake levels decrease, such that the required depth of water for boat moorage is achieved.

**“Natural boundary”** means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water is so common and usual, and so long continued in all ordinary years as to mark on the soil of the bed of the body of water a character distinct from that of its the banks in vegetation, as well as in the nature of the soil itself.

**“Platform or float”** means that portion of the dock structure that is generally used for mooring boats. (Note that while attached boat lifts generally do not contribute to structure width, boat lifting devices installed on decking are considered part of the moorage platform.)

**“Province”** means Her Majesty the Queen in Right of the Province of British Columbia.

**“Riparian vegetation”** means the vegetation growing on areas bordering streams and lakes that link water to land.

**“Riparian rights”** means certain common law rights that run with an upland property, and include access to and from the water.

**“Upland property”** means a non-aquatic land parcel that is bordering on a water body where the Dock is accessed from dry land.

**“Walkway”** means the structure that provides pedestrian access between shore and the boat mooring portion of a dock (i.e. the mooring platform or float).

## 2. Prerequisites

2.1. This permission applies only under the following circumstances:

- a. The owner of the Dock is the owner or Crown lessee of the Upland Property.
- b. A Dock shall be used for private residential moorage purposes only and the owner of the dock must not use the dock for commercial purposes or make the dock available to others for a fee.
- c. The Dock is not located over an **Area of Special Interest** (*refer to definition*).
- d. The Crown land over which the Dock has been installed, or will be installed, is not a designated **Application-only Area**, or an area that has been designated as a reserve or withdrawal prohibiting authorization of a dock under sections 15, 16 or 17 of the *Land Act*.
- e. There are no other authorizations for use of the Crown land which would prevent an overlapping permission on that land.

## Ministry of Forest, Lands and Natural Resource Operations

- f. There is only one Dock fronting the Upland Property, and no boat ramps or stand-alone boat lifts.

### 3. Construction

- 3.1. A Dock platform or float, and walkway, must be either floating or suspended above the water.
- 3.2. A Dock may not have crib foundations or solid core structures made of cement or steel sheeting.
- 3.3. No new fill may be used in the construction or maintenance of a Dock.
- 3.4. No dredging may occur on Crown land.
- 3.5. **Riparian vegetation** on Crown land shall not be unduly disturbed.
- 3.6. A Dock must be connected to the shore and the connection must provide pedestrian access to the dock.
- 3.7. The only improvements authorized to be part of a Dock are those improvements necessary for mooring a boat (including non-overhead boat lifts, pilings and anchor lines,), and a **walkway**. No beach houses, storage sheds, boathouses, roofs, sun decks, hot tubs or other similar improvements are permitted.
- 3.8. A Dock in a **freshwater** environment must not:
  - a. extend beyond a distance of 42m from the point where the **walkway** begins, measured perpendicular from the general trend of the shoreline;
  - b. have more than a 3m wide moorage **platform or float**; or
  - c. have more than a 1.5m wide **walkway** connecting the platform or float to the shore; and
  - d. for **mobile docks** located in waterbodies that have seasonally fluctuating water levels, the outermost extent of the dock must not be more than a distance of 60m from the present **natural boundary**.
- 3.9. A Dock in a **marine** environment must be no more than:
  - a. 60m in distance from the present **natural boundary**, measured perpendicular from the general trend of the shoreline
  - b. 14m for the length of the moorage **float**
  - c. 3.7m for the width of the moorage **float**
  - d. 1.8m wide for the **walkway** connecting the float to the shore
- 3.10. Construction in or around water must only take place during the appropriate timing window specified by Fisheries and Oceans Canada.
- 3.11. Construction "... in and about a stream" (including a lake or river) must only take place in accordance with a *Water Sustainability Act*, section 11 Notification or Approval.
- 3.12. Construction materials must not contain toxic substances.

## Ministry of Forest, Lands and Natural Resource Operations

### 4. Location

4.1 A Dock must be oriented at right angles to the general trend of the shoreline and must not interfere with the **riparian rights** of an adjacent property.

4.2 The offshore end of the Dock, including boat lifts and anchor lines, must be at least 30 metres from navigation channels.

4.3 The Dock (including boat lift) must be at least:

- a) five meters from the “projected side property line”<sup>\*</sup>; or
- b) six meters from the “projected side property line” if adjacent to a dedicated public beach access or park, and
- c) ten meters from any existing dock or structure on the foreshore.

<sup>\*</sup>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.

### 5. Use

5.1 The owner of the Dock keeps the dock structures and the Crown land beneath the structures in a safe, clean and tidy condition.

5.2 The owner of the Dock will not commit any wilful or voluntary waste, spoil or destruction of the Crown land beneath or in the vicinity of the Dock or do anything on that Crown land that may be or become a nuisance or annoyance to an owner or occupier of land in the vicinity of the Crown land.

### 6. Other Requirements

6.1 A Dock will be subject to any other restrictions, requirements or specifications which the Minister may impose from time to time.

6.2 An owner of a Dock must comply with all laws that apply to the installation and use of a Dock as contemplated by this permission.

6.3 The Dock must not unduly obstruct public access along the foreshore or beach.

6.4 Before construction of a new marine Dock (i.e. *one constructed after the effective date of this general permission*) the owner must obtain and adhere to a Marine Habitat Assessment Report for the site which must be completed by a qualified registered professional biologist. This report must be provided to the Authorizing Agency upon request.

6.5 Subject to the following schedule, within the Thompson Okanagan and Kootenay Boundary regions, a Dock that was built or altered during the periods indicated may have different standards apply, in place of the current setback, width and length

## Ministry of Forest, Lands and Natural Resource Operations

provisions of this permission. If requested, the owner must provide proof of when the Dock was built and/or altered. If proof is not provided current conditions apply.

Structural Element	Prior Standards		
	Construction Year		
	Pre-2007	2007-2009	2009 onwards**
Property Line Setback	≥ 3m/6m*	≥ 5m/6m*	≥ 5m/6m*
Walkway width	≤ 3.7m	≤ 3.7m	≤ 1.5m
Platform / float width	≤ 3.7m	≤ 3.7m	≤ 3m
Distance from shore	≤ 42m	≤ 42m	≤ 42m

\* 6m setback required if adjacent to a dedicated public beach access or park

\*\* Same as current standards for these specific structural elements.

≥ - greater than or equal to

≤ - less than or equal to

### 7. Termination of Permission

- 7.1 The Minister may revoke permission for a Dock at any time in his sole discretion without incurring any liability to the owner of the dock or any users of the dock and, within the period specified in a written notice of revocation of the Minister's permission, the owner of the dock must remove all parts of the dock from Crown land.
- 7.2 When the owner of a Dock removes the dock he must leave the area of Crown land over which the dock had been placed in a safe, clean and tidy condition.
- 7.3 If the owner of a Dock fails to remove all parts of the dock as required in a notice under section 8.1, the Minister may cause any or all remaining parts of the dock to be removed at the sole expense of the owner of the dock.

### 8. Other Dispositions

8.1 This Permission is subject to the following provisions:

- a) other persons may hold or acquire rights or interests in the Crown land in accordance with the *Land Act*, *Ministry of Lands, Parks and Housing Act*, *Coal Act*, *Forest Act*, *Geothermal Resources Act*, *Mineral Tenure Act*, *Petroleum and Natural Gas Act*, *Range Act*, and *Water Act*, or other Provincial legislation; such rights may exist as of the date this Permission takes effect or may be granted or acquired at a later date and may affect or take priority over your use of the Crown land;
- b) there is no right to compensation from the Province and no acceptance of any claim, action or demand arising out of any conflict between the use of the Crown land under this Permission and the exercise or operation of the interests, rights, privileges and titles described in subsection (a).



## Ministry of Forest, Lands and Natural Resource Operations

### 9. Liability and Indemnity

- 9.1 Ownership of and liability for a Dock shall pass to and be binding upon the heirs, executors and assigns of the Dock's owner.
- 9.2 The owner of a Dock assumes all responsibility and liability associated with the dock and must indemnify the Province for any loss or expense incurred by the Province as a result of the existence or use of the dock by any person, including, without limitation, any conflict between the existence or use of the dock and the land use or riparian rights of any person.
- 9.3 Without limiting the Dock owner's obligations or liabilities the dock owner must, at his or her expense, effect and keep in force a Homeowner's Insurance Policy or other insurance policy which expressly covers the use of the dock, including Comprehensive Personal Liability in an amount of not less than \$2,000,000 per occurrence.



Date: January 17, 2017

Gary MacIsaac, Executive Director  
 Union of British Columbia Municipalities  
 525 Government Street  
 Victoria, BC V8V 0A8  
 (Sent by e-mail)

Re: Notice of amendments to the Private Moorage Program

To local government members:

The purpose of this letter is to advise you of recent changes to the Provincial Private Moorage Land Use policy that provides direction on the authorization of residential docks.

The Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) has made changes to the private moorage program that will reduce red-tape and streamline administration, while maintaining public safety and environmental standards.

Effective January 17, 2017 more residential docks will be eligible to be authorized under a "General Permission" rather than an application-driven Crown land tenure. The General Permission will grant authority for a residential dock, subject to a dock owner complying with a set of specific conditions. These conditions have been established to avoid environmental impacts and interference with the public and other stakeholders, as well as to provide a high level of certainty that the dock will satisfy provincial and federal legislation. Some of the key requirements include:

- the dock owner must be the owner or lessee of the property fronting the foreshore where the dock is sited;
- the dock is not located in an area designated as being environmentally sensitive, or overlapping with other authorizations or Crown land reserves;
- the dock is not in a designated "application-only area" (i.e. where special circumstances dictate that all private moorage proposals require submission of an application);
- the dock is built to a specified standard and within set size limits; and
- the dock is constructed and placed to not unduly impede public access and to avoid impacts to neighbouring property owners.

**Ministry of Forests,  
 Lands and Natural  
 Resource Operations**

Land Tenures Branch

Mailing Address:  
 PO Box 9352  
 Victoria BC V8W 9M1

Phone: 250 387-6730  
 Fax: 250 356-6791

- 2 -

Docks that do not satisfy the conditions of the General Permission will require an application for a tenure, which will be subject to the standard ministry application review process, currently in place.

The policy changes expand the applicability of the private moorage General Permission which was introduced in 2008 and previously only applied to certain types of freshwater docks. The new policy now provides for moderately-sized docks, and docks located in marine waters to be eligible for general permission, subject to meeting all required conditions.

The changes to the private moorage policy do not affect local government zoning or bylaws. Prospective dock owners must continue to adhere to all local government requirements.

The rules and regulations of the Water Sustainability Act, including compliance with “works in and about a stream (waterbody)”, and those of other agencies, such as Federal Fisheries and Oceans Canada, and Transport Canada – Navigable Waters program, will continue to apply to all docks whether covered under a General Permission or not.

For further details of the Private Moorage Policy, as well as, the full list of conditions and requirements of the General Permission, please refer to the following website:

<http://www2.gov.bc.ca/gov/content/industry/natural-resource-use/land-use/crown-land/crown-land-uses/residential-uses/private-moorage>

If you have questions or would like further information on how this may affect docks in your area please contact FrontCounter BC at: <http://www.frontcounterbc.gov.bc.ca/contact/>.

Sincerely,

Greg Kockx, Manager  
Land Tenures Branch  
Ministry of Forests, lands and Natural Resource Operations

E-mail: [Greg.Kockx@gov.bc.ca](mailto:Greg.Kockx@gov.bc.ca)

BL 900 Gen.



## DISTRICT OF COLDSTREAM

9901 KALAMALKA ROAD, COLDSTREAM, BC V1B 1L6

Phone 250-545-5304 Fax 250-545-4733

Email: [info@coldstream.ca](mailto:info@coldstream.ca) Website: [www.coldstream.ca](http://www.coldstream.ca)

"Rural Living At Its Best"

February 22, 2017

File: 0230-20 SILGA 2017 Resolution

The Honourable Christy Clark, M.L.A.  
Premier of British Columbia  
PO BOX 9041 STN PROV GOVT  
Victoria BC V8W 9E1

VIA EMAIL: [premier@gov.bc.ca](mailto:premier@gov.bc.ca)

**COPY**

Dear Premier Clark:

**Re: Provincial Private Moorage Program**

At their meeting held February 14, 2017, The District of Coldstream Council adopted the following resolution:

*THAT the Ministry of Forest, Lands and Natural Resource Operations amend the Provincial General Permission for the Use of Crown Land for Private Moorage to explicitly require that a General Permission for private moorage requires compliance with any local government regulation pertaining to the construction, placement and use of private moorage;*

*AND THAT Front Counter BC reinstate its practice of referring Private Moorage applications to municipalities;*

*AND FURTHER THAT if the Ministry does not amend the Provincial General Permission for the Use of Crown Land for Private Moorage, that the Thompson Okanagan area be designated an "Application Only Area".*

The District has forwarded this resolution to the Southern Interior Local Government Association to seek support at the 2017 Annual Convention with the intention of presenting this resolution at the 2017 UBCM Convention. The District hopes that you will support our efforts to ensure that local government requirements are protected as they relate to the construction of docks in our communities.

Yours truly,

Jim Garlick  
Mayor

ENCL. 2017 SILGA Resolution and Background Information  
Pc:

- Eric Foster M.L.A. Vernon-Monashee, via email [eric.foster.MLA@leg.bc.ca](mailto:eric.foster.MLA@leg.bc.ca)
- Honourable Steve Thomson, Minister of Forests, Lands and Natural Resource Operation, via email [FLNR.Minister@gov.bc.ca](mailto:FLNR.Minister@gov.bc.ca)
- Greg Kockx, Manager Land Tenures Branch, Ministry of Forests, Lands and Natural Resource Operations, via email [Greg.Kockx@gov.bc.ca](mailto:Greg.Kockx@gov.bc.ca)
- UBCM Member Municipalities

<input type="checkbox"/> CAO	<input type="checkbox"/> Agenda	Ownership:
<input type="checkbox"/> Works	<input type="checkbox"/> Reg Board	File #
<input type="checkbox"/> DS	<input type="checkbox"/> In Camera	
<input type="checkbox"/> Fin/Adm	<input type="checkbox"/> Other Mtg	
FEB 23 2017		
<input type="checkbox"/> Ec Dev	<b>RECEIVED</b>	Ack Sent:
<input type="checkbox"/> IT	<input type="checkbox"/> Staff to Report	<input type="checkbox"/> Fax
<input type="checkbox"/> Parks	<input type="checkbox"/> Staff to Respond	<input type="checkbox"/> Mail
<input type="checkbox"/> SEP	<input type="checkbox"/> Staff Info Only	<input type="checkbox"/> Email
<input type="checkbox"/> HR	<input type="checkbox"/> Dir Mailbox	
<input type="checkbox"/> Other	<input type="checkbox"/> Dir Circulate	



**RESOLUTION TO THE**  
**Southern Interior Local Government Association**  
**(SILGA)**

**Provincial Private Moorage Program**

**District of Coldstream**

**WHEREAS** the Ministry of Forests, Lands and Natural Resource Operations has amended the private moorage program permitting residential docks to be authorized under a "General Permission" rather than an application-driven Crown land tenure;

**AND WHEREAS** residential docks authorized under a "General Permission" will not require a referral to the local government for compliance with local government requirements;

**THEREFORE BE IT RESOLVED** that the Ministry of Forests, Lands and Natural Resource Operations amend the Provincial General Permission for the Use of Crown Land for Private Moorage to explicitly require that a General Permission for private moorage requires compliance with any local government regulation pertaining to the construction, placement and use of private moorage;

**AND THAT** Front Counter BC reinstate its practice of referring Private Moorage applications to municipalities;

**AND FURTHER THAT** if the Ministry does not amend the Provincial General Permission for the Use of Crown Land for Private Moorage, that the Thompson Okanagan area be designated an "Application Only Area".

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**BACKGROUND INFORMATION**

Under the previous process applications for a dock approval included a form of tenure for the area of the waterbody where the dock was to be located. Previously a person would receive tenure over the area, usually for a ten-year period of time. Through that process the local government would receive a referral to confirm compliance with use and dock dimensions. If the local government's requirements were satisfied and the dock met provincial guidelines, tenure would be granted and the dock permitted.

Under the new General Permission standards, tenure is not granted; the property owner has the right to install a dock on the water provided it meets the provincial guidelines.



One of the conditions to comply with the General Permission is that the dock has to comply with any local government requirements. Unfortunately there is no check at the provincial level to see if it complies, nor is there a referral to the local government for comments.

When an application is submitted to the province, provided it meets provincial requirements and environmental criteria, the owner will be advised that they can construct the dock. That approval is conditional to the dock meeting local government requirements.

The onus is then on the property owner to check with the local government to make sure the local government requirements are met.

This creates a scenario where people will believe they have what they need once the province "signs off" and may not check with the local government for their requirements.

It would be better for all parties if the province were to continue to refer applications to the local government prior to allowing the General Permission.



# COLUMBIA SHUSWAP REGIONAL DISTRICT

PO Box 978, 555 Harbourfront Drive NE, Salmon Arm, BC V1E 4P1  
T: 250.832.8194 | F: 250.832.3375 | TF: 1.888.248.2773 | www.csrdd.bc.ca

Sent via email to: [yoursilga@gmail.com](mailto:yoursilga@gmail.com)

February 16, 2017  
File No.: 0400 20 01

Southern Interior Local Government Association (SILGA)  
PO Box 27017 Cityview PO  
Kamloops, BC V2E 0B2

Dear Chair Eliason and SILGA Resolutions Committee,

**Re: 2017 Board Resolution to SILGA  
Enforcement of Provincial and Federal Dock and Buoy Regulations**

At its February 16, 2017 Board meeting, the Columbia Shuswap Regional District (CSRD) Board adopted the following resolution:

*WHEREAS local governments in the Province of BC have limited enforcement options, staff resources and cost effective legal tools to deal with the significant number of unlawfully placed docks and buoys on lakes and rivers;*

*AND WHEREAS the Province of BC is responsible for the management of Crown lands, including lakes and rivers, for the benefit of the public, and is responsible for the enforcement of provincial regulations pertaining to the placement of structures such as docks on lakes;*

*AND WHEREAS the Government of Canada, through the Department of Transport Canada and the federal Navigable Waters Protection Act and Canada Shipping Act, is responsible for the regulation and enforcement of mooring buoys on lakes;*

*THEREFORE BE IT RESOLVED that the Province of BC be requested to work with the Union of BC Municipalities (UBCM) to better address this multijurisdictional dock and buoy issue, by consulting with local governments to align areas of overlapping regulation (e.g. zoning and provincial dock permissions), and to increase provincial enforcement resources to deal with illegal docks on lakes;*

*AND FURTHER that the Province of BC and UBCM lobby the Government of Canada with regard to increasing Transport Canada's resources to more effectively regulate and remove buoys on lakes and rivers in BC that have been illegally placed, are unsafe, or are undocumented or of unknown ownership.*

On behalf of the Board, I would appreciate your consideration of this resolution and look forward to seeing it on the agenda at SILGA's Annual Convention in Sun Peaks in April.

Yours truly,  
**COLUMBIA SHUSWAP REGIONAL DISTRICT**

Per:

Rhona Martin  
CSRD Board Chair

#### ELECTORAL AREAS

A GOLDEN-COLUMBIA  
B REVELSTOKE-COLUMBIA

C SOUTH SHUSWAP  
D FALKLAND-SALMON VALLEY

E SICAMOUS-MALAKWA  
F NORTH SHUSWAP-SEYMOUR ARM

#### MUNICIPALITIES

GOLDEN  
REVELSTOKE  
SALMON ARM  
SICAMOUS

## 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, FLNR regions 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 Interest<sup>1</sup> 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.

---

<sup>1</sup> 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.