

## POLICY

### CONSISTENT USE OF UPLAND/ADJACENT FORESHORE AND AQUATIC CROWN LAND

#### PURPOSE

1. The Province of BC is responsible for the issuance of leases, licences, and general and specific permissions as they pertain to the development of the *Foreshore* and *Aquatic Crown Land*.
2. The Columbia Shuswap Regional District (CSRD), where deemed appropriate, has enacted land use bylaws which regulate the *Use* of land, including the surface of water.
3. The CSRD receives referrals from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, requesting comments on proposed development of the *Foreshore* and *Aquatic Crown Land*.
4. In British Columbia, the Province owns nearly all freshwater *Foreshore* and *Aquatic Crown Land*. Land adjacent to *Foreshore* may be privately owned, but in common law the public retains the privilege or "bare licence" to access the *Foreshore*.
5. The *Use of Foreshore* and *Aquatic Crown Land* has an impact on the *Use* of the adjacent upland.
6. As the CSRD is a waterfront and upland owner, the CSRD must provide consent to the Province of BC for any *Foreshore* or *Aquatic Crown Land* application prior to the Province granting approvals for these adjacent lands.

#### DEFINITIONS

**Aquatic Crown land** is all the land, including the *foreshore*, from the *natural boundary* of streams, rivers, and lakes, out to the limits of provincial jurisdiction.

**Foreshore** is the land between the *natural boundary* of a stream, river, or lake, and the water.

**Natural Boundary** is 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 banks, in vegetation, as well as in the nature of the soil itself.

**Use** is the use that land, including the surface of the water, buildings and structures are put to and if not in use then the use for which they are designed or intended to be put.

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It is the policy of the CSRD that, where land use regulations are in place, the Province of BC be advised of the *uses* permitted in accordance with the CSRD's bylaws, and that any development of land, including the surface of the water, must be compatible with the *uses* permitted in such land use bylaws.

Where the proposed *use* of the *foreshore* and *aquatic crown land* is not consistent with the permitted *use* as regulated in the CSRD's land use bylaws, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development be requested to decline to issue the licence, lease, general or specific permission; alternatively, a landowner may request the CSRD to amend the land use bylaw(s) to be consistent with the proposed *use* of the *foreshore* or *aquatic crown land*, provided that any amendment is within the Board's legislative discretion and nothing in this policy shall limit or fetter such discretion. If CSRD regulations allow for the proposed use of the lands, and any CSRD required permits have been granted, the Province of BC may issue the license, lease, general or specific permission.

September 1985

Amended August 15, 2019