

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 Interest¹ and provide information to FrontCounter BC -(regional operations).
- FrontCounter BC will maintain a list and/or map of these areas (e.g. NOIs are included in the ILRR);
- FrontCounter BC will provide information on the location of NOI areas to clients in response to enquiries
- Land Tenures Branch will monitor for implementation and address any policy issues that may arise.

Clients

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

Process

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

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

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

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

Criteria

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

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