

MINISTRY OF AGRICULTURE AND LANDS
Requirements and Best Management Practices –
Designing Your Dock or Boat Launch

Protecting Our Shores and Coastlines

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

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

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

For all shoreline improvement projects, always remember:

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

Your project plan may require approval from more than one provincial or federal agency, such as the Ministry of Environment for works that fall under the *Water Act*, Transport Canada that fall under the *Navigable Waters Protection Act*, or the federal Department of Fisheries and Oceans for works that fall under the *Fisheries Act*. For further information, consult the links on page 3.

Your project must adhere to local government requirements. Consult your local bylaws and official community plans to ensure your improvement is in compliance with all applicable laws and zoning. Local requirements will supersede any less restrictive provincial or federal government requirements.

Requirements for All Private Moorage Facilities

Do not:

- **Interfere with navigation.** This can be a particular issue on rivers, coves and other narrow water bodies. Offshore end of the structure should be at least 30 metres (100 feet) from navigation channels. Ensuring this distance will help avoid contravening the federal *Navigable Waters Protection Act*.
- **Use fill below the present natural boundary.**

- **Dredge on the foreshore.**
- **Use roofed or covered structures** on or adjacent to the dock unless permitted by local bylaw.
- **Use crib foundations or solid core structures made of cement or steel sheeting.** These types of dock structures block the free flow of water and can cause erosion and impact habitat.
- **Unduly impede public access along foreshore.** Between high water and low water mark, structures cannot block public access along a beach or foreshore area, unless reasonable alternative means of passage are available to enable going around or across the structure (e.g. stairs over a dock).
- **Use structures for non-moorage purposes.** Non-moorage uses are prohibited. These uses include beach houses, storage sheds, patios, sun decks, retaining walls and hot tubs, which should only be placed on private land. In exceptional circumstances some non-moorage uses may be considered for tenure under the Residential policy; these will be considered on a case by case basis only.

Do:

- **Construct only one private moorage facility per property.**
- **Ensure that all structures (i.e. dock, boat launch, boat lifts) are five meters from the side property line (six meters if adjacent to a dedicated public beach access or park), and at least 10 meters from any existing dock or structure.** This is a federal requirement under Transport Canada's *Navigable Waters Protection Act*. All docks should be oriented at right angles to the general trend of the shoreline.
- **Ensure dock structures are not grounded at low water/low tide.** All docks must be on pilings/suspended or floating at all times.
- **Work in the water outside of spawning and nursery periods.** Consult local work timing windows, available through the Ministry of Environment: http://www.env.gov.bc.ca/esd/esd_req_ops.html
- **Work away from the water.** To avoid water contamination in the construction of your dock, conduct as many construction activities as is practicable, well back from the water.
- **Remain sensitive to views, impacts on neighbours, and orientation to neighbouring docks.**
- **The owner of the Dock keeps the Dock and the Crown land beneath the Dock in a safe, clean and sanitary condition.**

General Permission - Requirements

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

- **Do not exceed 20 m² in total surface area.** (i.e. of dock, pier, walkway).
- **Do not extend a distance greater than 30 metres from the present natural boundary of the upland parcel.**
- **Do not exceed 1.5 metres in width for access ramps or walkways and 3 metres width for any other portion of the dock.**

- **Do not use pressure treated wood.** To avoid water contamination, use unpainted and unstained preferred dock woods such as red cedar, redwood, cypress, eastern white cedar, or plastic decking and floats. Please refer to the Ministry of Environment *Guide for Works In and Around Water*, and Fisheries and Oceans Canada's *The Dock Primer* for more information (links provided below).
- **Ensure your proposed improvement is not located in an Application-Only Area.** Some local areas may prohibit General Permissions and require application for Specific Permission or lease, for reasons of environmental sensitivity or other local concerns. For more information contact FrontCounterBC, toll free at 1-877-855-3222 or visit www.frontcounterbc.gov.bc.ca to find your local office.
- **The owner of the Dock is the owner of the upland property or is the holder of a Crown land residential lease for the upland property.**
- **It is the only dock or moorage facility fronting the upland property.**

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

Specific Permission - Requirements

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

- is located on marine waters;
- is located on a lake or river and the dock is over 20m² ;
- is located on a lake or river and the dock does not adhere to any of the requirements of the General Permission;
- is located in an Application-Only Area;
- includes boat lift structures unattached to a dock or in the absence of an associated dock, or a permanent way or boat ramp; and,
- is for group moorage three berths or less.

An application is required for all Specific Permissions. If the applicant of the proposed dock is not the upland owner, written consent of the upland owner and Specific Permission will be required. Satisfying the requirements for all private moorage facilities will reduce the risk of impacts associated their construction and use, and will improve the chance of getting agency approval.

For Further Reading:

- The Dock and Shore Primer: http://www.dfo-mpo.gc.ca/regions/central/pub/index_e.htm
- Working In and Around Water: http://www.env.gov.bc.ca/wsd/water_rights/cabinet/working_around_water.pdf
- Ministry of Environment Best management Practices for Small Boat Moorage: <http://wlapwww.gov.bc.ca/okr/esd/bmp.html>

Provincial and Federal Regulatory Jurisdictions:

- FrontCounterBC: 1-877-3222 (toll-free) or <http://www.frontcounterbc.gov.bc.ca/>
- Private Moorage Policy, Ministry of Agriculture and Lands: <http://www.al.gov.bc.ca/clad/index.html>
- Fisheries and Oceans Canada, Pacific Region Operational Statements: http://www-heb.pac.dfo-mpo.gc.ca/decisionsupport/os/operational_statements_e.htm

- Water Stewardship Division, Ministry of Environment:
http://www.env.gov.bc.ca/wsd/water_rights/licence_application/section9/index.html
- Transport Canada, Docks and Boathouses and the Navigable Waters Protection Act:
<http://www.tc.gc.ca/marinesafety/TP/tp14595/menu.htm>