



Reference:

July 25, 2024 **VIA EMAIL:**

Dear Directors of Waterfront Protection Coalition:

I appreciate the review of the Licence of Occupation (Licence) template by the Waterfront Protection Coalition. When reviewing the Licence, it is important to consider the context. There are over 40,000 tenures across the Province issued for a variety of activities including agriculture, communication towers, adventure tourism, wind, water and ocean energy, aggregates, log handling, and docks.

Given the volume of interests and the need to be efficient in the management of land in the public interest, the Province has a very standard set of terms and conditions that are consistent across tenures – regardless of the use. This is the case with these Licences as well, which contains terms that are consistent with those used to support other activities.

In your letter, you raised specific concerns with some sections of the Licence. I wanted to provide you with a response to those sections and some comfort that through these Licences, the Province will meet its commitments to dock owners and to shishalh. While many of these terms and conditions are standard, they are not often needed to be acted upon and are simply a reflection of what the Province may require in order to effectively manage the land in the public interest.

- **Article 2 Grant and Term:** The Agreement should provide for automatic, renewable sequential 20-year terms, unless the dock is derelict in which case it must be repaired prior to renewal.

Response: The Province has committed to ensuring that docks and boathouses currently in the water will be able to stay in the water, transitioning into long-term 20-year renewable Licences. At the end of the initial and each subsequent 20 year renewable term, docks and boathouses that were in the water as of July 1, 2024 are eligible to remain, consistent with Provincial policy ([Fact Sheet, BC Gov News](#)). As you have indicated, docks or boathouses that are derelict must be repaired prior to renewal.

- **Article 3 Fees:** Fees should consist of a single upfront fee not to exceed some reasonable agreed upon amount. There will be no annual fees. Fees should be determined by and remitted to the Province.

Response: Fees may be payable on an annual basis or through an upfront payment. The Province is pleased to work with individual dock owners regarding their preferred method. Any fees will be set by the Province and will be remitted to the Province.

- **Article 4 – Obligations:** There are a number of obligations that require amending. Including:
 - Contemplation of alternative solutions for transparency/lighting.
 - Elimination of the requirement for BCLS survey.
 - Remove or exempt docks/boathouses from the 1.5 meter depth requirement.
 - Remove the requirement for permits to repair/replace docks/boathouses in the event of a catastrophic failure.

Response: The Province is open to wording to allow for alternative forms of transparent decking, and is prepared to work with parties to ensure there is clarity regarding the determination of what constitutes “an approved alternative solution”.

Response: The Province does, as a standard term in Licences, include language enabling the province to ask for a survey. This is necessary for potential instances that may arise where a survey is required, such as in the event of a dispute over an encroachment of improvements beyond the boundary of what is permitted.

Response: The Province’s policy notes that the bottom of floats should be a minimum of 1.5 meters above the sea bed during the lowest tide. This is to mitigate potential adverse environmental impacts from docks or moored boats resting on the sea bed. As noted, the Province has committed to ensuring that docks in the water as of July 1, 2024 will be able to stay in the water, transitioning to long-term Licences ([Fact Sheet, BC Gov News](#)). For clarity, the Province will not include this requirement from this Licence, recognizing that the dock owners will be encouraged to meet policy guidance and best management practices within the 20-year period of the long-term renewable authorization, which include provisions to help protect the marine environment.

Response: The Province requires the authority to provide consent to repair or alterations of a dock, including after a catastrophic event. This is a common requirement and consistent across other tenures.

- **Article 7 – Assignment:** In the event of a transfer of upland property, the Licence must, upon application, transfer automatically without further requirements (eg. No requirement for environmental or other reports).

Response: As the Province is owner of the land, there is a need for the Province to be aware of who it will be entering into an agreement with on the assignment of the Licence. In a worst-case scenario, there may be instances where the assignee may owe the Province money or have a record of offences, including environmental offences, that the Province needs to be aware of prior to the assignment of an interest. While not common, it is important for the Province to reserve the right to require a report at the time of an assignment.

- **Article 7 – Assignment:** Information regarding heritage legislation and land use planning processes, including confirmation that the *Heritage Conservation Act* and planning processes will not require removal of docks/boathouse.

Response: Interests in land are subject to applicable laws and do not override legislation or regulations that are set out in other pieces of legislation. Planning processes will consider the existing uses and interests on the land base. As noted, the Province has committed to ensuring that docks in the water as of July 1, 2024 will be able to stay in the water, transitioning to long-term Licences ([Fact Sheet, BC Gov News](#)).

You also asked for clarity regarding boathouses and how those will be tenured. The Province has committed to ensuring that docks and boathouses currently in the water will be able to stay in the water, transitioning into long-term 20-year renewable Licences. At the end of the initial and each subsequent 20 year renewable term, boathouses that were in the water as of July 1, 2024 are eligible to remain, consistent with Provincial policy.

Consistent with the Province's commitments in August of 2024, boathouses fall under the Province's Residential Policy and as such will be required to apply for a long-term authorization under that Policy (Residential). While this licence is not applicable to docks with boathouses as it is outside the Residential Policy, work is underway to establish an expedited process to review and issue tenures for docks and boathouses concurrently. Provincial land officers will be in touch with existing boathouse owners to discuss the process ([FAQ's from Augst 1, 2024](#)). As with the dock Licence of Occupation fee that was recently approved for \$1688/20 year term, we will be making a recommendation to government regarding boathouse fees.

I appreciate the time and effort you have undertaken to review the Licence template and the work you have done fielding questions from individual dock owners. While there are many aspects of the contract language that are required to remain largely as is to allow the Province meet the legal obligations it has to manage the land in the public interest, I trust that this letter and the commitments above provide both you and dock owners with additional comfort regarding the go forward approach to the management of public land in the swiya.

Provincial statutes govern the acquisition, disposition, management, administration, transfer and surveying of Crown land in BC. It is the responsibility of the Ministry of Water, Land and Resource Stewardship to ensure the administration of Crown land is consistent with the existing standards of real property management and is carried out in a legal, predictable and reliable manner throughout the Province.

In closing, I am confident that we will be able to process and issue hundreds of tenures to dock owners in the coming months. Having Waterfront Protection Coalition encourage members to use the self-registration system will substantially increase the number of docks in good standing that can be processed. It is critical that this be done expeditiously, so that we are able to build trust and confidence in the model.

I am happy to meet to update you further on the progress and would appreciate your advice on what information/supports dock owners might need as we roll out the tenure process. Once again want to express my appreciation for Waterfront Protection Coalition's continued efforts in helping to implement the Dock Management Plan.

Sincerely,

Lori Halls
Deputy Minister