

**REPORT TO ENVIRONMENTAL SERVICES COMMITTEE
MEETING OF WEDNESDAY, JULY 17, 2024**

SUBJECT **Reporting Back on Collaborative Action Regional Boats Workshop**

ISSUE SUMMARY

To summarize what staff heard at the April 30, 2024 Regional Workshop: Collaborative Action to Resolve Boat-Related Issues in the Capital Region, and to seek direction on recommended next steps.

BACKGROUND

At the January 2024 Environmental Services Committee (ESC) meeting, staff delivered a report that outlined the scope of regional boat-related issues and provided options for regulation of private mooring buoys (PMBs) that are within local government control, for consideration. The Capital Regional District (CRD) Board then directed staff to host a regional workshop to discuss these options, summarize comments and report back to the ESC.

The CRD Regional Workshop: Collaborative Action to Resolve Boat-Related Issues in the Capital Region, held on April 30, 2024, brought together 57 representatives from First Nations, municipal staff and elected officials, as well as provincial government staff to review options to reduce or eliminate issues associated with the proliferation of boats and unregulated placement of PMBs in the capital region. The goals of the workshop were to:

- discuss the proposed local government options to determine if a coordinated strategy is needed
- determine appropriate locations to address the apparent need for long-term boat storage
- identify opportunities for regional advocacy to provincial and federal governments to assist local governments in providing resolutions to ongoing boat issues in the capital region

Workshop Summary and Results

To ensure workshop attendees had a common understanding and regional context, CRD and Island Trust staff presentations outlined the scope and scale of the boat-related issues, their impacts on local communities, and the complicated role boats and structures attached to PMBs play in associated affordable housing and other social needs issues. CRD staff provided an overview of the federal, provincial and local government legislation and policy tools that are, or could be, used to resolve many of these issues. This included a more in-depth look at those pertaining to PMBs and wrecked, hazardous and abandoned vessels.

Three options for PMB regulation that are fully within local government control were presented, and examples of successful implementation by other local governments in BC were provided. In small group discussions, workshop attendees discussed the benefits and challenges of the following options:

- Option 1: prohibit PMBs through zoning and land use bylaws
- Option 2: regulate allowable harbour uses, the number of and placement of PMBs and allowable structures through zoning, land use and structure bylaws
- Option 3: allow PMBs and charge a fee through Licence of Occupation (LOO)

While benefits and challenges were identified with all three options, it was clear that the diverse community needs and varied magnitude of boats and PMBs in the different harbour areas will require a flexible yet consistent approach across the capital region. Option 1 received the least support, while Options 2 and 3 received higher support due to the increased flexibility and ability to establish a more consistent regional approach. Funding and capacity for enforcement and provision of services was a significant concern for all options. The ability to charge fees to recover costs through a LOO under Option 3 was desirable; however, significant concerns regarding the potential transfer of liability to local governments due to clauses within the LOO agreement outweigh the ability to collect fees for some local governments. None of the options resolved the foundational and underlying issues driving the proliferation of boat communities and moorage areas throughout the capital region.

Throughout the workshop, six overarching themes were observed:

1. Cumulative Environmental Effects
2. Diverse Community Needs and Housing Considerations
3. Enforcement and Capacity Issues
4. First Nations Perspectives and Priorities
5. Advocacy and Coast-wide Solutions
6. Collaboration

A report detailing the overarching themes and discussions from the workshop is attached (see Appendix A).

Workshop participants made it clear that the continued increase in PMBs and boats, and ongoing challenges with capacity and funding, will require timely, collective and coordinated action across the capital region. The need for federal and provincial leadership in creating a coast-wide solution by enhancing or creating improved policy and legislation around PMBs to assist local governments in dealing with the multiple issues across the coast was also identified as a critical next step. Similarly, the importance of meaningful engagement and consideration of impacts to First Nations rights and title, and the desire for collaborative solutions should be considered moving forward. A coordinated regional and coastal approach, with significant leadership from the Province, emerged as crucial framework for taking next steps.

Proposed Approach

Staff propose the following actions:

1. Identify local government objectives and desired outcomes for each harbour area

This could include:

- engaging First Nations communities
- identifying important marine habitat and cultural areas that require improved protection
- identifying suitable areas for boat communities and moorage areas
- identifying appropriate uses, zoning and defining structure requirements through appropriate land use, zoning and structures bylaws
- defining needed services/facilities for the defined uses
- improving enforcement capacity

2. Coordinate regional action to achieve short-term improvements

This could include:

- establishing a collaborative, regional working group
- enabling meaningful engagement and discussions with First Nations partners to determine their interests and desired level of involvement

- creating consistent bylaw language pertaining to zoning, uses and structures for PMBs, long-term boat use and liveaboards that can be use by local governments to amend appropriate bylaws
- developing a more rigorous inventory of boats, PMBs and liveaboards
- supporting the identification of important habitat and cultural areas, as well as areas suitable for proliferations of boats and PMBs
- obtaining legal input on identified liability and legal concerns
- exploring collaborative enforcement options

3. Continued advocacy to provincial government for coast-wide solutions

This could include:

- requesting assistance and leadership in developing a longer-term coast-wide solution to provide assistance to local governments in resolving these issues
- bringing motions at Association for Vancouver Island Coastal Communities and Union of BC municipalities requesting that the Province establish a working group or task force
- creating funding opportunities to support local governments in resolving issues happening within their metes and bounds
- encouraging improved regulation and policy regarding placement of PMBs on provincial crown land (seabed)

4. Continued advocacy to federal government

This could include:

- requesting assistance and leadership in developing a longer-term coast-wide solution to provide assistance to local governments in resolving these issues
- amending Minor Works Regulation and PMB regulations to include prohibitions around placement in important habitat and cultural areas, such as eel grass habitat, estuary areas, clam harvesting areas and critical habitats
- encouraging collaborative enforcement and supporting local governments in realigning PMB locations, as necessary

Staff suggest that local government staff begin working towards Actions 1 and 2 above, while elected officials focus on continued advocacy, as outlined in Actions 3 and 4 above.

Funding and capacity issues at all levels need to be resolved. For CRD staff to play a coordinating role in moving forward with Action 2, mandate and resources are required, and a regional service should be considered.

ALTERNATIVES

Alternative 1

The Environmental Services Committee recommends to the Capital Regional District Board:

1. That staff bring back a report that considers expanding the core area harbours service to a regional service, including costs and resourcing requirements;
2. That the report, *What We Heard Summary Report: Regional Workshop: Collaborative Action to Resolve Boat-Related Issues in the Capital Region*, be provided to local governments and First Nations in the capital region for consideration; and
3. That the CRD Board continue to advocate to the provincial and federal governments to take a leadership role in developing a coast-wide solution that will support local governments.

Alternative 2

That this report be received for information and provided to affected local governments.

IMPLICATIONS

Environmental & Climate Action

Concern regarding the cumulative environmental effects of proliferations of PMBs, boats and structures, and liveboards, was expressed by workshop participants and was one of the leading drivers for collaborative and timely action.

Local Government Implications

Each affected harbour area has differing issues, community needs, resources and services. Local governments need to define their desired outcomes and what they wish to achieve in their areas of jurisdiction. This will help to inform regional actions and direction.

Local government staff in the capital region could collaboratively develop model land use, structure and zoning bylaw language. Over the short-term, a collaborative approach from a place of local government control is likely to achieve improvements more quickly than awaiting the results of advocacy to the provincial and federal governments.

First Nations Implications

First Nations representatives at the workshop wanted to ensure meaningful participation and respect for their interests, including hunting and fishing rights, cultural practices and self-governance. Through the provincial Coastal Marine Strategy, the role of First Nations regarding the seabed and marine environment may evolve. Any actions moving forward to address boat-related issues need to include First Nations.

Intergovernmental Implications

In 2023, there were an estimated 1,185 private mooring buoys and 862 boats and structures creating floating communities and floating moorage areas throughout 21 bays and harbours in the capital region. A review of orthophotos in 1996, 2005, 2013 and 2023 revealed a significant increase in PMBs with boats or other structures attached, following transfer of authority from Fisheries and Oceans Canada to Transport Canada, and subsequent inclusion of PMBs as a “minor works and removal of authorization” requirement in 2009.

Furthermore, the lack of provincial regulation around the placement and use of PMBs on provincial seabed, and their deference to federal authority, is problematic for local coastal waters. The unpermitted and long-term placement of PMBs and associated boats and structures on provincial crown land needs to be regulated by the Province. If a similar situation occurred on terrestrial provincial crown land, the Province would consider it trespassing and would require the trespasser to move on. The inventory and regional context highlighted how deregulation at the federal level and lack of regulation at the provincial level has exacerbated a growing problem for coastal communities across this region and coastal BC. The Regional Boats Workshop affirmed the need for ongoing advocacy to federal and provincial agencies to improve PMB regulation, achieve a coast-wide solution, and to move forward with a collaborative approach.

Financial Implications

The financial implications of dealing with the growing proliferation of boats and PMBs are potentially significant and continue to impact the ability of all levels of government and First Nations communities to resolve some of these issues. Reliance by all levels of government for another level of government to provide funding and resources to resolve these issues has led to a state of collective inaction. A regional approach would achieve economies of scale and efficiencies by working together; however, appropriate resourcing and staffing will be required.

Service Implications

CRD staff do not have the capacity to coordinate regional action, nor is there a regional service to manage unregulated placement of PMBs. Expansion of Core Area and Saanich Peninsula Harbours services could have been considered; however, in April 2024, after discussion with the participants, the Saanich Peninsula Harbours Service did not proceed to requisition funding. While it remains an active CRD service, there is no intention by the participants to utilize or fund it at the present time. Consideration could be given to expanding the Core Area Harbours Service to a regional service to support a role for the regional government.

CONCLUSION

The proliferation of long-term moored boats and the corresponding increase in abandoned derelict or wrecked boats result from the unregulated placement of private mooring buoys (PMBs). Dealing with these boats requires complex jurisdictional oversight and significant municipal resources. Local governments must control the presence or absence of PMBs within their boundaries and consider increasing enforcement of existing regulations. A regionally coordinated approach and continued advocacy to federal and provincial governments for leadership and assistance are also necessary.

RECOMMENDATION

The Environmental Services Committee recommends to the Capital Regional District Board:

1. That staff bring back a report that considers expanding the core area harbours service to a regional service, including costs and resourcing requirements;
2. That the report, *What We Heard Summary Report: Regional Workshop: Collaborative Action to Resolve Boat-Related Issues in the Capital Region*, be provided to local governments and First Nations in the capital region for consideration; and
3. That the CRD Board continue to advocate to the provincial and federal governments to take a leadership role in developing a coast-wide solution that will support local governments.

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ATTACHMENT

Appendix A: What We Heard Summary Report: Regional Workshop: Collaborative Action to Resolve Boat-Related Issues in the Capital Region – July 2024