

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4753**

**A BYLAW TO AMEND THE CAPITAL REGIONAL DISTRICT WATER SUPPLY AREA
REGULATIONS BYLAW (BYLAW NO. 2804)**

WHEREAS:

- A. Under Bylaw No. 2804, "Capital Regional District Water Supply Area Regulations Bylaw No. 1, 2000", the Regional Board set out regulations and fees applicable to the regional service's water supply area, including prohibiting general public access;
- B. The Regional Board wishes to facilitate First Nations' access to the CRD Water Supply Area for traditional practices and cultural use; and,
- C. The Board wishes to amend Bylaw No. 2804 to update definitions and revise the Water Supply Area access permitting process;

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

1. Bylaw No. 2804, "Capital Regional District Water Supply Area Regulations Bylaw No. 1, 2000" is hereby amended as follows:
 - (a) In section 1, 'Definitions in this Bylaw', by inserting the definition of "First Nation" as follows:

"First Nation" has the same definition as in the *Community Charter*, SBC 2003, c 26.
 - (b) In section 1, 'Definitions in this Bylaw', by replacing the definition of "General Manager" with the following:

"General Manager" means the General Manager of the CRD Infrastructure & Water Services Department appointed by the Board and also any person lawfully acting in that capacity.
 - (c) In section 1, 'Definitions in this Bylaw', by inserting 'or "RWSC"' to the term being defined, immediately before 'means the standing committee appointed by the Board for regional water supply service purposes'.
 - (d) In section 1, 'Definitions in this Bylaw', by replacing the definition of "water supply area", with the following:

"water supply area" or "GVWSA" means any water catchment and non-catchment lands, including the bodies within the boundaries, owned and managed by the Capital Regional District, as shown on the maps attached as Schedule "A", and

includes the Leech Water Supply Area, but does not include the area marked 'Sooke Hills Wilderness Trail' shown on Schedule "A".

- (e) In Section 1, 'Definitions in this Bylaw', by inserting the definition of "written authorization" as follows:

"written authorization" means an approval in writing, with conditions as set out from time to time under this bylaw, which permits identified activities or actions within the water supply area or a portion of it, which would otherwise run contrary to this bylaw, and includes a written agreement with a First Nation.

- (f) By replacing section 3 in its entirety with:

3.

- (1) When authorized personnel find, on reasonable grounds, that a person in the water supply area is contravening this Bylaw, a permit, or any other license, written authorization, or written agreement respecting use of the water supply area, they may require that person to do one or more of the following:

- (a) provide, immediately upon request, that person's correct name, address, and information about their destination, and proposed or actual activities in the water supply area;
- (b) provide within a reasonable time identification verifying that person's correct name and address;
- (c) provide evidence, where applicable, that the person possesses a current valid license, authorization, permit, or written agreement for the activity or permitting the activity;
- (d) stop contravening the Bylaw, the permit, licence, authorization, or written agreement immediately; or
- (e) leave immediately and not re-enter the water supply area.

- (2) A person who fails to comply with a requirement of authorized personnel under this Bylaw commits an offence.

- (g) In section 5, 'Fines', by replacing '\$100.00' with '\$1,000.00'.

- (h) In section 9, 'No Entry', by replacing the word 'authority' with 'authorization'.

- (i) By inserting the following as section 11, and renumbering the remaining sections:

11. A person must not obstruct authorized personnel who are performing their duties.

- (j) In section 14, 'Signs', by inserting the words 'or designate' after 'General Manager'.

- (k) In section 15, 'Signs', by replacing reference to section '13' with '14', and by inserting 'Failure to do so is an offence' immediately thereafter.

- (l) In sections 19, 25, 27, 32, and 33, by deleting the words 'or in the Leech Water Supply Area where authorized by the terms of a written agreement between a First Nation and the CRD'.
- (m) In section 21, 'Damage', by inserting the word 'supply' after the word 'water'.
- (n) In section 23, 'Fire', by deleting the words 'or persons authorized by the terms of a written agreement between a First Nation and the CRD'.
- (o) In section 30, 'Firearms and Hunting', by removing the words 'or in the Leech Water Supply Area'.
- (p) By inserting the following as section 35(3), and renumbering the remaining sections:
 - 35.
 - (3) No person shall operate a vehicle in the water supply area in a dangerous, unsafe, or irresponsible manner.
- (q) In section 36(1), by replacing the word 'his' with 'their' and updating section references to "14, 35, 45 and 46".
- (r) By deleting section 38 in its entirety, and renumbering the remaining sections.
- (s) By inserting the following as section 38, and renumbering the remaining sections:
 - 38. Unless a person has the written authorization of the General Manager or a valid permit allowing the activity, they must not:
 - (a) sell, barter, or display for sale any goods, services, or materials in the water supply area;
 - (b) conduct any business or commercial activity, whether paid for in advance of, during, or after the activity;
 - (c) encourage any person to use the water supply area for any activity related to a business or commercial enterprise, whether or not the business or commercial aspect of the activity is carried out within the water supply area;
 - (d) operate or station in the water supply area any commercial vehicle or any motor vehicle displaying advertising or equipped with a public address system or the purpose of advertising, promoting, demonstrating, or attracting attention.
- (t) By inserting the following as section 39, and renumbering the remaining sections:
 - 39. Subsection 38(d) does not apply to a motor vehicle, vessel, or watercraft which corporate advertisement is displayed where the motor vehicle, vessel, or watercraft is used for transportation of persons within the water supply area or for services to the CRD, and not for the primary purpose of advertising.

(u) In section 42, 'Water Supply Area Access Permits', by replacing subsection (1) with the following:

42.

(1) No person shall conduct or carry on any special use or enter into or remain within the water supply area except where authorized by permit or written authorization.

(v) In section 42(2), by replacing reference to section '40(1)' with '42(1)', and by inserting the words 'for permit purposes,' immediately thereafter.

(w) By inserting the following as section 42(3), and renumbering the remaining sections:

42.

(3) The RWSC may set categories of permits considered routine, with conditions set from time to time by the General Manager under section 48, which are pre-approved by RWSC, and which may be issued by the General Manager.

(x) In section 43, by replacing reference to section '40' with '42', and by inserting 'or written authorization' after the word 'permit'.

(y) In section 44, by replacing reference to section '40' with '42'.

(z) In section 46, by inserting the words 'or those persons possessing written authorization' after the words 'permit holders'.

(aa) By replacing section 47 in its entirety with the following:

47. The General Manager or authorized designate may issue a written authorization if conditions imposed under section 48 are met by the applicant and may issue a permit approved by RWSC by resolution or within the category of pre-approved permit types under section 42(3).

(bb) By inserting the following as section 48, and renumbering the remaining sections:

48. In the issuance of a written authorization or permit, the General Manager or RWSC may impose any condition they deem necessary, including one or more of the following conditions:

(a) a requirement that the permit or authorization holder provide security in an amount and form acceptable to the CRD to cover estimated cleanup or remediation costs following the event, activity, or thing;

(b) requiring the holder of the permit or written authorization to defend, indemnify, and hold harmless the Capital Regional District, its directors, officers, employees, volunteers, contractors, and agents, in relation to any loss, damage, or expenses arising from

the issuance of the permit or written authorization to the holder, including for third party personal injury or property damage which occurs to third parties, the holder, its invitees, or anyone it is responsible for at law;

- (c) public liability insurance, including wildfire and pollution endorsements, in an amount and form acceptable to the CRD's Risk Management division;
- (d) that the event, activity, or thing is limited to one or more specified locations within the water supply area;
- (e) limiting the duration of the written authorization or permit, including setting curfew hours for water supply area access;
- (f) limiting the number of individuals who may access the water supply area, or, if an event, limited the number of participants (including staff and volunteers);
- (g) requiring the holder of the written authorization or permit to provide traffic control for the event, activity, or thing;
- (h) requiring that the holder of the written authorization or permit remove all waste, remediation ground conditions, or take such steps as may be directed by the General Manager to restore the lands and area to the state it was prior to the access;
- (i) requiring the written authorization or permit holder to provide specific facilities for special use purposes, including without limitation waste collection facilities;
- (j) requiring production of a research report prepared by or on behalf of the permit or written authorization holder;
- (k) requiring specific signage;
- (l) restricting the manner and application of any restricted method which the General Manager is permitting or approving by way of written authorization that would otherwise be prohibited under this bylaw;
- (m) any such other matter or condition restricting or limiting use, access, and behaviour within the water supply area in the interests of the Regional District.

(cc) By replacing section 49 in its entirety with the following:

49.

(1) Neither the RWSC nor the General Manager are obligated to issue any written authorization or permit, and, without in any way limiting the generality of the foregoing, may:

- (a) refuse to issue a permit or written authorization to any person or group who has previously contravened this Bylaw; and

(b) revoke a permit or written authorization if the special use is conducted in a manner which contravenes this Bylaw.

(2) Neither the CRD nor any of its elected or appointed officers, employees, servants, agents, contractors, licensees or representatives accepts or assumes any responsibility or liability for any claims, demands, proceedings, actions, suits, costs, expenses, fines, losses or damages in respect to death, injury, loss or damage to persons or property, however caused, arising out of or in connection with the issuance of a permit or written authorization or activities contemplated thereunder.

(dd) By inserting the following as section 51, 'Agreements with First Nations', and renumbering the remaining sections:

51.

(1) The RWSC may approve one or more agreements with a First Nation for access to the water supply area or a portion of it. Such agreements may act in place of a permit or written authorization to permit an activity under this bylaw which otherwise would require a permit or written authorization and shall impose or establish conditions for entry that are substantially similar to those set out in section 42(2) section 48.

(2) Where a written agreement with First Nation remains valid, in so far as its terms are complied with, those individuals acting in accordance with its terms, under the authority and with approval of the First Nation, are exempt from the requirement in this bylaw to obtain a permit or written authorization to the extent set out in the written agreement.

(ee) By deleting Schedule "A" in its entirety and replacing it with Schedule "A" attached to this bylaw.

2. This bylaw may be cited for all purposes as "Capital Regional District Water Supply Area Regulations Bylaw No. 1, 2000, Amendment Bylaw No. 3, 2026".

READ A FIRST TIME THIS	th	day of	20__
READ A SECOND TIME THIS	th	day of	20__
READ A THIRD TIME THIS	th	day of	20__
ADOPTED THIS	th	day of	20__

CHAIR

CORPORATE OFFICER

