

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

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**SUBJECT     Boats Management Options in Regional Waters for Local Governments**

**ISSUE SUMMARY**

The unregulated placement of private mooring buoys and proliferation of long-term moored boats, along with an increase in derelict, abandoned and wrecked boats in many bays and harbours throughout the region, has become problematic for several municipalities.

**BACKGROUND**

Determining options to reduce or eliminate issues associated with a proliferation of boats and unregulated placement of private mooring buoys is a key priority of the partners in the Saanich Peninsula Harbours Environmental Action service. That service was established in 2021 through the Saanich Peninsula Wastewater Commission, with direction to address various environmental issues, and specifically the presence and concerns around boats moored in the near shore waters around the Saanich Peninsula. The issue has implications across the region and staff were encouraged to bring the issue to the Environmental Services Committee for a broader discussion.

The Saanich Peninsula Harbours and Waterways Initiative working group determined that the proliferation of long-term moored boats (Appendix A), and the corresponding increase in derelict, abandoned and wrecked boats in Brentwood Bay and Tsehum Harbour, are a direct result of the unregulated placement of Private Mooring Buoys (PMBs). An understanding of the complex and multi-jurisdictional regulatory framework around abandoned and derelict boats and PMBs, the enforcement constraints of the provincial and federal agencies, and an unwillingness of the Province to regulate placement of private mooring buoys on provincially-controlled seabeds was gained through discussions with government and agency stakeholders in late 2021 and throughout 2022. As a result, the partners decided to focus on options that were fully within the control of local governments rather than continuing to advocate for solutions from federal and provincial jurisdictions largely responsible for the existing regulatory framework around PMBs, derelict, abandoned and wrecked boats.

Through zoning, land use and structure bylaws, local governments can better manage boat-related use of lands within their metes and bounds by regulating the placement and number of PMBs, regulating the structures associated with the PMBs and regulating uses (i.e., live-aboard, boat storage). Doing so would reduce the need for local governments to respond to incidents of derelict, abandoned and wrecked boats and could address many of the environmental, safety and neighbourhood concerns expressed by the impacted communities. Three options (Appendix B) are recommended for consideration:

1. Prohibit Private Mooring Buoys through Zoning and Land Use bylaws.
2. Regulate allowable harbour uses, the number of and placement of Private Mooring Buoys and allowable structures through Zoning, Land Use and Structure bylaws.
3. Allow Private Mooring Buoys and charge a fee through Licence of Occupation.

Staff have led significant stakeholder discussions in an effort to establish roles and responsibilities and current policy positions by the respective agencies and governments. Similar issues with a

proliferation of boats and PMBs exist in other regional harbours such as Sooke Basin, Cadboro Bay, Oak Bay and multiple bays and harbours on Salt Spring Island and the Southern Gulf Islands. It is recognized that action to resolve ongoing boat issues within the Saanich Peninsula municipalities could transfer or increase boat issues for local governments in other harbours. A regional conversation is needed to:

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

## **ALTERNATIVES**

### *Alternative 1*

The Environmental Services Committee recommends to the Capital Regional District Board: That staff host a regional workshop regarding boats management options for local governments.

### *Alternative 2*

The Environmental Services Committee recommends to the Capital Regional District Board: That this report be received for information and provided to affected local governments.

## **IMPLICATIONS**

### *Environmental & Climate Action*

The proliferation of long-term moored boats and unregulated placement of PMBs in many bays and harbours in the region has become problematic, resulting in issues such as pollution from wastewater and garbage, increase in dilapidated boats that break apart or become submerged during winter storms, increase in police and fire resources to respond to boat-related incidents and concerns, increase in the number of boats being parked for long periods of time and the unregulated placement of private mooring buoys, often in environmentally significant areas.

Environmental and community concerns include impacts to eelgrass beds and marine bird habitat, shoreline impacts due to lack of facilities and amenities to service this use of public lands, as well as an infringement upon public uses of large parts of the harbours due to the sheer number of moored boats and PMBs.

### *Financial Implications*

Some local governments have spent considerable resources dealing with dilapidated boats that have impacted their shorelines or dealing with significant community concerns associated with large numbers of moored boats and PMBs within their metes and bounds. Navigating the lengthy and complex jurisdictional framework and trying to collaborate with the multiple federal and provincial agencies involved in responding to abandoned, derelict and wrecked boats can require significant staff resources and can be frustrating.

For some options, there may be a higher initial enforcement cost (i.e., to move PMBs out) but significantly lower long-term staffing requirements, whereas municipalities wishing to regulate and manage PMBs and the long-term moorage of boats may have increased long-term financial implications.

Potential cost implications and regional collaboration to provide efficient and effective local government roles and responsibilities can be discussed through a regional workshop. Costs for the workshop could be covered by the current Core Area and Saanich Peninsula harbour services.

*Intergovernmental Implications*

The proliferation of long-term moored boats and the increase in derelict boats requiring a municipal response in bays and harbours throughout the region is a direct result of the unregulated placement of PMBs.

Unlike the need to provide temporary anchorage for a reasonable time, Transport Canada staff confirmed local governments can prohibit the placement of PMBs within their metes and bounds. Transport Canada is largely responsible for regulation and enforcement of PMBs but only as it relates to placement with respect to navigation channels or other PMBs, and to the buoy colouration, marking and anchor system requirements. The Province has chosen not to regulate the placement of PMBs on provincial seabeds, despite their ability to do so. Therefore, local governments may want to consider using their authority through zoning, land use and structure bylaws to either prohibit PMBs or regulate their number and placement.

Implementation of the any new policy may have impacts on neighbouring jurisdictions.

**CONCLUSION**

The proliferation of long-term moored boats and the corresponding increase in abandoned derelict or wrecked boats are a direct result of the unregulated placement of private mooring buoys (PMBs). Dealing with derelict, abandoned and wrecked boats requires complex jurisdictional oversight and significant municipal resources. Local governments can control the presence or absence of PMBs within their metes and bounds and need to consider their next steps. A regionally-coordinated approach is also needed to avoid moving the problem around the region.

**RECOMMENDATION**

The Environmental Services Committee recommends to the Capital Regional District Board: That staff host a regional workshop regarding boats management options for local governments.

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**ATTACHMENTS**

- Appendix A: 2021 Inventory of Boats and Private Mooring Buoys in Tsehum Harbour and Brentwood Bay
- Appendix B: Private Mooring Buoys – Regulation Options