
INFORMATION BULLETIN

For Immediate Release
2017FLNR0132-001267
June 28, 2017

Ministry of Forests, Lands and Natural Resource
Operations

How to replace your dock

VERNON – As the Thompson-Okanagan starts to recover from high water levels and spring flooding, provincial government staff are assisting local governments, businesses and residents with recovery efforts.

One key area of focus is the estimated 1,200 to 1,500 docks that may need repairing or replacing along the shores of Okanagan Lake. The ministry will be offering FrontCounter BC services in Kelowna and will have dedicated staff on its toll-free line to assist dock owners with the necessary approvals.

In the meantime, dock owners should become familiar with the Province’s legal requirements as outlined in the Water Sustainability Act and Land Act, in addition to meeting requirements set by local governments.

Water Sustainability Act and Regulation

Section 39(1) of the water sustainability regulation requires any works in or about a stream, river or lake related to the construction, maintenance or removal of a dock to have a notification submitted for instream work to the Province for approval. To help expedite the process, terms and conditions specific to damage caused by this year’s high water have been set. Terms and conditions are also specific and have been standardized to each habitat sensitivity zone. Terms and conditions are usually returned to applicants within 45 days. All maintenance and rebuilding works will be required to go through this process.

More information is available by telephoning FrontCounter BC at 1 877 355-3222 or online: <http://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/water-licences-approvals/apply-for-a-change-approval-or-submit-notification-of-instream-work>

Land Act

General Permission

The Province streamlined its private moorage policy in January to make administration of new and replacement docks easier for dock owners and government.

Dock owners can have their dock authorized under a “general permission” if:

- The dock owner is the owner or lessee of the property fronting the foreshore;
- The dock being used for residential use only;
- The dock not being located in an area of special interest, designated Land Act

- “application-only area” or reserve;
- There are no other authorizations for the section of Crown land proposed for the dock; and
- The dock is built to a specified standard and within size restrictions.

More information on General Permissions is available online:

<http://www2.gov.bc.ca/gov/content/industry/natural-resource-use/land-use/crown-land/crown-land-uses/residential-uses/private-moorage>

Specific Permission

Property owners who want to build larger docks or docks in environmentally sensitive areas, or application only areas, must still go through a detailed application process. When making an application online, dock owners will be able to see whether their proposed dock falls into a special application zone. Link to online application and guidance:

https://portal.nrs.gov.bc.ca/web/client/activity-page/-/activity/docks_and_marinas

Public Access

Private moorage tenures require the tenure holder to maintain public access across Crown-owned foreshore. Crown foreshore is located below the line where private land ends and Crown land begins, and typically encompasses the beach and near shore waters. The boundary between private and Crown land is the normal high-water mark. Fences on Crown land foreshore are prohibited. Docks that do not maintain public access are subject to trespass action and removal under the Land Act.

People should report infractions to 1 877 952-RAPP (7277) or online:

<https://www.for.gov.bc.ca/hen/nrv/>

A backgrounder follows.

Contact:

Media Relations
Ministry of Forests, Lands and Natural
Resource Operations
250-356-5261

Connect with the Province of B.C. at: www.gov.bc.ca/connect

FREQUENTLY ASKED QUESTIONS

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Thompson-Okanagan: Rebuilding and replacing docks

What is a General Permission?

General Permission dock owners can have their dock authorized under a “general permission” if:

- The dock owner if the owner or lessee of the property fronting the foreshore;
- The dock being used for residential use only;
- The dock not being located in an area of special interest, designated “application-only area” or reserve;
- There are no other authorizations for the section of Crown land proposed for the dock; and
- The dock is built to a specified standard and within size restrictions.

What are the standards and size restrictions for a General Permission dock?

A freshwater dock must not:

- extend beyond a distance of 42 metres from the point where the walkway begins, measured perpendicular from the general trend of the shoreline;
- have more than a three-metre-wide moorage platform or float; or
- have more than a 1.5-metre wide walkway connecting the platform or float to the shore.

Existing docks constructed to satisfy previous government guidelines may be eligible for a general permission even though they have slightly different dimensions.

The only improvements authorized are those improvements necessary for mooring a boat (including non-overhead boat lifts, pilings and anchor lines,), and a walkway. No beach houses, storage sheds, boathouses, roofs, fences, sun decks, hot tubs or other similar improvements are permitted.

How much does a General Permission cost and how long does it take to get one?

Before a dock can be built under a General Permission, a Notification of Instream Works (section 11 - Changes in and About a Stream under the water sustainability regulation) is required, which generally takes up to 45 days to process. There are no associated application fees.

What is a Specific Permission?

A Specific Permission is the form of tenure issued under the Land Act for a dock. A Specific Permission is required for docks in environmentally sensitive areas, application-only areas, and for docks that do not fall into the criteria for a General Permission dock.

How much does a Specific Permission cost and how long does it take?

Applications under a Specific Permission cost \$262.50 and can take up to 140 days to process.

How do I determine whether I need a Specific Permission or General Permission?

Refer to the detailed criteria online:

<http://www2.gov.bc.ca/gov/content/industry/natural-resource-use/land-use/crown-land/crown-land-uses/residential-uses/private-moorage>

or call FrontCounter BC for assistance at 1 877 855-3222

When is the application for Changes in and About a Stream under the Water Sustainability Act required?

All works in about a stream or lake require authorization under the Water Sustainability Act.

How much does a Water Sustainability Act application cost and how long does it take?

There is no cost for submitting a Notification for Instream Works and applications are usually processed within 45 days.

What local government bylaws apply?

As each local government has different requirements, dock owners should check with their local government.

What does the ministry consider in reviewing applications?

The ministry reviews the application to ensure it meets the criteria specified in the General Permission and assesses the site for any site specific factors such as sensitive habitat or archaeological site. Ministry staff also assess non-conforming docks for the potential for them to be rebuilt to meet current standards.

Given the number of docks affected by the flooding, what steps is the ministry taking to expedite approvals for rebuilding docks?

Ministry staff have been communicating with local dock builders to ensure they understand the legal requirements.

For dock owners who were required to submit notifications under section 9 of the Water Act or Section 11 of the Water Sustainability Act from Jan. 1, 2015, to present, their existing approval still stands, if a copy of their letter is submitted along with photos of the damaged dock and previously approved site plan identifying what is being repaired/replaced. In some instances, additional modifications may be required to bring non-conforming docks up to current standards.

Blanket Terms and Conditions will be issued upon application from Dock Builders to address minor repairs, such as replacing deck boards, however, docks located in critical Kokanee spawning habitat may require a move toward “flow through” decking when replacing decking in these instances.

Will illegal docks be allowed to be rebuilt?

Unauthorized or illegal docks will not be allowed to be rebuilt to the way they were. Existing non-conforming docks may be authorized if they meet the criteria set under a General Permission or Specific Permission.

How will the ministry ensure that public access is maintained to the Crown foreshore?

One of the conditions of issuing a tenure for any Crown land use is that public access be maintained. Crown foreshore is the line where private land ends and Crown land begins. Fences are prohibited and docks must provide and maintain public access. Non-compliance is subject to trespass action and removal under the Land Act.

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