



## Intent

The Squamish-Lillooet Regional District ("SLRD") is well-known, on a global scale, for the setting it provides for recreation and leisure based activities. Aquatic recreation and leisure activities, including swimming, boating, kayaking, paddling and fishing, are extremely popular and most citizens and residents who practice these activities utilize docks or wharves to provide access to the marine and aquatic environment. In addition, tourism focused around these activities and the associated access to the aquatic resource is a major component of the region's economy and livelihood.

The Province of British Columbia has a wide range of tenure and permitting processes to ensure the responsible and sustainable management of Crown land and aquatic resources. Regional Districts must comply with the provincial tenure permitting process to access and use the property of the Crown. As such, this policy will address the tenure and permitting process required to establish community and shared docks and wharves.

This policy addresses the establishment and operational process for Community Docks by considering a thorough list of management principles. These principles include:

- Considering each dock on its own merits;
- Requiring a service to be established to provide funding for each dock;
- Considering the implications of cost to be inherent in the review of all applicable aspects of this policy;
- Delivering operations and maintenance of a dock through a third party contractor;
- Establishing SLRD docks for public use; and,
- Ensuring that operations and maintenance policies, parking issues, liability insurance, community and neighbour impacts, waste disposal, washroom facilities, invasive species wash stations, signage and boat ramps are addressed to the satisfaction of the SLRD.

Through these principles the SLRD will ensure the safe, reliable and respectable condition of these community assets for years to come.

## Guidelines

### *Policy Application*

- This policy applies to all community floats, docks, wharves, moorings, piers and boat ramps on submerged Crown lands.

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- This policy applies to any additional amenities that may be established, including parking areas, signage, and washroom facilities, for community floats, docks, wharves, moorings, piers and boat ramps as described in this policy.
- This policy does not apply to floats, docks, wharves, moorings, piers and boat ramps for private use.

### *Definition of Terms*

**Community Dock**—means any Boat Ramp, Dock, Float, Pier, Mooring or Wharf used by the public at large and owned and managed by the Squamish-Lillooet Regional District.

**Boat Ramp**—means a permanent or semi-permanent structure or device which rests fully or partially on submerged land and is used for the primary purpose of launching or bringing ashore any type of watercraft.

**Deleterious Substance**—means any substance that, if added to any water, would degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by man or fish that frequent that water.

**Dock**—means a group of structures involved in the handling of boats or ships, usually on or close to a shore, or the structures themselves.

**Float**—means a platform or ramp supported by pontoons usually joined to the shore with a gangway. A Float is usually held in place by vertical poles referred to as pilings, which are embedded in the aquatic floor or by anchored cables.

**Foreshore**—means the part of a shore between the Ordinary High Water Mark and Low Water Mark, or between the water and cultivated or developed land.

**Low Water Mark**—means an elevation delineating the lowest water level of a water body.

**Ordinary High Water Mark**—means an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape.

**Pier**—means a platform extending from the foreshore over water and supported by piles or pillars, used to secure, protect, and provide access to watercraft.

**Submerged Crown land**—means land which is below the Ordinary High Water Mark of a body of water and includes the beds and shores of bodies of fresh water.

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Tenure—means the conditions under which land or water is held or occupied.

Wharf—means a permanent or semi-permanent structure which rests wholly or partially on submerged land and consists of a platform supported by poles, piles, cribwork or other material and is primarily used for securing watercraft.

### *Policy Directives*

#### Distinctiveness

- The diversity of the SLRD necessitates various types and styles of Community Docks to cater to the specific aquatic environment, user-base or activity type requiring its use. The following policy issues will be considered vis-à-vis each dock when the SLRD is considering taking on the establishment, acquisition and/or management of a new or existing Community Dock.

#### Use

- Community Docks established or acquired by the SLRD will be for general public use.
- General public use includes general recreational leisure activities, but does not include any commercial activity or any other activity that may be in contravention of provincial or federal law or any SLRD bylaw that may apply.
- The use of any Community Dock will comply with any rules and regulations developed for it.
- The SLRD will determine which Community Docks may be of a high enough use to require additional public amenities as described by this policy.

#### Lease Tenures, Permits and Applicable Legislation

The SLRD will obtain any and all tenure and permitting instruments that may be required for the establishment or acquisition of a Community Dock. This may include one or more of the following as the scale and location of the dock requires:

- Federal:
  - *Minor Works and Water Order* compliance (Transport Canada)
  - *The Navigation Protection Act* (Transport Canada)
  - *Fisheries Act* compliance, including a 'Request for Review' (Department of Fisheries and Oceans-"DFO")

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- The *Fisheries Act* applies anytime a proposed activity has the potential to deposit Deleterious Substances, when the activity requires a permit to destroy or alter fish habitat, or when the activity does not meet the criteria listed by the DFO for projects not requiring DFO approval. In these instances the project will be in contravention of Section 35 of the Fisheries Act and will require DFO review and authorization.
  - *Species at Risk Act* compliance, as may be required (DFO; Environment Canada)
    - The *Species at Risk Act* may apply anytime a proposed activity has the potential to affect a species at risk, as listed on the Species at Risk Public Registry
- Provincial:
  - Land Tenure—Community and Institutional Foreshore Lease (Ministry of Forests, Lands and Natural Resource Operations—“FLNRO”)
    - The SLRD cannot build on or develop aquatic Crown land, including Crown Foreshore, without the Province’s authorization, even if the SLRD owns the adjacent property or upland. The most common form of Crown land tenure will be a Foreshore community and institutional long-term lease.
  - Land Tenure—Lease or Licence of Occupation on adjoining upland if unowned by the SLRD (FLNRO)
  - *Water Act* and *Water Regulations* compliance, including a Section 9 *Water Act* notification (FLNRO)
    - Under Part 7, Section 44(1)(d) of the BC *Water Regulation*, the construction, maintenance, or removal of a Dock, Wharf or Pier, provided that the ebb and flow of water and movement of material under the influence of waves or currents is not obstructed, requires a Section 9 Water Act notification.
  - *Riparian Area Regulations* compliance (FLNRO)
    - The Riparian Area Regulations apply for any major or minor construction project occurring within 30 meters of a watercourse
  - *Transportation Act* compliance, including encroachment, setback or access permits (Ministry of Transportation and Infrastructure—“MoTI”)

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- Access Permits will be required for access from the highway or road to the Boat Ramp and to any designated parking areas that are established by the SLRD for use of the Community Docks.
- Squamish-Lillooet Regional District:
  - Building, Development and Zoning Bylaw compliance, including the application for variance and rezoning as may be required;
    - The SLRD will ensure that any proposed or acquired Community Docks are in compliance with applicable zoning bylaw and related amendments, or that an appropriate rezoning is undertaken.
    - The SLRD may be required to apply to its Planning and Development Services or Building Departments for the issuance of development permits, development variance permits and building permits for certain aspects of Community Docks projects where these projects require compliance with existing SLRD building and development bylaws.
  - Land Use Planning, Regional Growth Strategy (“RGS”), and Integrated Sustainability Plan (“ISP”) embracement and monitoring as may be required.

#### Service Establishment and Cost Recovery

The *Local Government Act* and the *Community Charter* require a close matching between the benefits and costs of services. The legislation provides a wide range of cost recovery mechanisms including taxes (parcel or assessment based), charges and fees and the flexibility to vary these. Upon the decision of the SLRD to acquire or establish a Community Dock, the SLRD will determine one or more cost recovery mechanisms for the facility.

- Service Establishment:
  - Community willingness will be gauged and a feasibility study conducted to determine whether the SLRD should:
    - Provide a new Community Dock service area for a certain scope, scale, area and lifespan; or,
    - Amend an existing service to provide for the addition of the new Community Dock within the existing service (i.e. within an existing recreation service).
  - Where a service is deemed to be appropriate to establish, a Service Establishment Bylaw will be considered by the SLRD Board, and, if required/deemed necessary, by the participating electorate by either referendum

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or by using an Alternative Approval Process as will be decided by the Board, and as pursuant to Section 342 of the *Local Government Act*.

- The process to establish a service will also identify the following:
  - Specific location of the Community Dock;
  - Service area of the Community Dock, including whether the scope of the service area should be regional, sub-regional, electoral area, or local;
  - Tax base of the service area;
  - Budget for the operation and maintenance of the Community Dock;
  - Cost recovery mechanisms for the service area (i.e. tax requisition based on assessment or by parcel, user fees, etc.);
  - Impact of taxation on the homeowners, should the service be established;
  - Individual(s) and/or entities to be responsible for the operations and maintenance of the Community Dock (i.e. First Nations or local community groups).
- Costs may be recovered through ad valorem (assessment based) or parcel property taxes, user fees and charges, as determined by the Board, and as pursuant to Section 378 of the *Local Government Act*.
- Costs may also be recovered by Select Funds, Community Amenity funds or Payment in Lieu of Taxes funds as may be determined by the affected Electoral Area Director(s) and the Board.
- The SLRD will also consider the imposition of recreation and use fees for a respective Community Dock. These may include parking fees and general day-use fees for the public space (but not specifically for marine activities as this may trigger the Commercial Marine Activity insurance exclusion as discussed below) as determined by the SLRD. Fees will be established by bylaw under the authority of Section 397 of the *Local Government Act*.
  - Drop boxes utilizing the honor system should also be considered for use at Community Docks.
- The SLRD may also establish a Community Dock for a local community within the regional district and, as pursuant to Section 263(1) of the *Local Government Act*, subsequently grant or donate the Community Dock to a locally established community

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organization for the community's benefit, ongoing management and operation, and ownership.

- The SLRD may not grant or donate a Community Dock where an industrial, commercial or business undertaking is the direct beneficiary of the grant or donation, pursuant to Section 273 of the *Local Government Act*, whereby a regional district must not provide assistance to an industrial, commercial or business undertaking.

### Rules and Regulations

- The SLRD may develop and establish rules and regulations for the use of a Community Dock as determined to be necessary.
- Such rules and regulations developed for a Community Dock may contemplate the operating hours, noise and nuisance concerns, loitering concerns, boat safety issues, swimming safety issues, alcohol use, animal control, and any other provincial or federal Law, or Regional District Bylaw that may apply.
- The rules and regulations developed for Community Docks may be included in a bylaw pursuant to Section 335 of the *Local Government Act*.

### Insurance and Liability

- The SLRD has acquired liability insurance coverage through the Municipal Insurance Association of BC for all of its owned/leased facilities. The associated Liability Protection Agreement will serve to insure the SLRD from any liability that may arise from the public use of Community Docks.
- The SLRD will ensure that the Municipal Insurance Association of BC is contacted regarding the risk management and insurance considerations of each Community Dock prior to the SLRD assuming formal ownership of such facility.
- The SLRD acknowledges that the management and administration of Community Docks confers risk and so the SLRD will require any persons who operate and maintain a Community Dock to indemnify and save harmless the SLRD from all claims, including proceedings and expenses, that arise directly or indirectly in connection with the management and administration of the Community Docks.
- Any and all policies and regulations established for the ongoing maintenance, operation and use of a Community Dock must be strictly implemented and enforced to ensure compliance with established SLRD liability insurance policies.

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#### Board Policy for Community Docks and Related Facilities

- Commercial marine facilities are exempt from the SLRD's Liability Protection Agreement. These are Community Docks that would generate revenue for the SLRD directly from marine or aquatic based activities. Should the SLRD acquire or establish a Community Dock that may be considered a commercial marine facility, the SLRD will acquire additional commercial marine facility insurance coverage.

#### Operations and Maintenance

Pursuant to section 263 of the *Local Government Act*, the SLRD will enter into Operations and Maintenance Agreements with third party contractors for the ongoing operations and maintenance of a Community Dock.

- For any operations and maintenance contracts, the SLRD will give preference to local First Nations and/or community organizations and will follow the SLRD's Purchasing Policy.
- The SLRD will develop a list of operations and maintenance procedures and parameters, including the work to be undertaken, for the respective Community Dock. These procedures and parameters may be duplicated for another Community Dock of a similar type.
- As stated above, the SLRD requires operations and maintenance contractors to acquire valid and sufficient liability insurance, and indemnify and save harmless the SLRD from all claims, including proceedings and expenses, that arise directly or indirectly in connection with their management and operations of the Community Docks.

#### Design and Construction

The SLRD will determine the general design and construction specifications (i.e. type, size, etc.) for an acquired or established Community Dock.

- The SLRD will instruct staff to utilize the services of a general contractor through a process in accordance with the SLRD's Purchasing Policy, and the general contractor will adhere to Best Management Practices that may be defined by the SLRD.
- The SLRD will consider the location, geographical limitations and potential user base of the Community Dock when determining the particular style, type and related amenities of the Community Dock.
- A combination of a permanent Float, or permanent and portable Dock may be required for certain water bodies.

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- Where the Community Dock is located on a water body that freezes throughout the winter season on a permanent or regular basis, the Community Dock should be portable in that it can be removed from the water and pulled on shore to prevent damage. A storage area for the beached Community Dock should be acquired and secured through the land tenure application process, local community members, or other organizations.
- Community Docks must not be constructed in such a way as to unduly impede access along the Foreshore.
- The design considerations of the Community Dock will take into account impacts to neighbouring residents, foreshore access, and to the environment. Preference will be given to project locations and designs that:
  - Minimize the effects of boat wakes on adjacent shoreline areas and reduce the potential for sediment accumulation on the ramp;
  - Do not require significant dredging, blasting and/or placement of fill below the water body's Ordinary High Water Mark to facilitate Dock construction. If such activity is necessary, then operational best management practices should be closely followed;
  - Do not require excessive future maintenance dredging;
  - Do not interfere with navigation—the offshore end of any structure should be at least 30 meters from navigation channels;
  - Are constructed at least 5 meters from the side of the adjoining upland property boundaries and at least 10 meters from any other Community Dock or structure, as per federal requirements under the *Navigable Waters Protection Act*;
  - Are not constructed in such a way as to be grounded at low water or low tide. All Community Docks must be on pilings, suspended, or floating at all times;
  - Have a minimum width of 1 meter per individual section;
  - Consider using Floats where the water depth is at least 1.5 meters at the Low Water Mark;
  - Consider orienting Docks at right angles to the general trend of the shoreline, or consider the use of a breakwater to protect the Dock;
  - Are constructed using durable materials which do not leach chemicals or toxins into the water body;
  - Use high-quality, dock-specific, galvanized hardware.

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- In all cases, the design footprint of proposed structures below the water body's Ordinary High Water Mark should be minimized to limit potential environmental impacts.

#### Timing of Works:

- Community Dock construction and maintenance should be completed during the 'instream works reduced risk timing window' approved for our region, and made available by the Ministry of Environment ("MOE").
- If pile driving is proposed, Staff or contract operators should refer to the procedures and timing for pile driving operations also made available by MOE.
- Work should be undertaken during favourable weather and low water conditions to minimize impacts to the water body, and to prevent the release of Deleterious Substances and the Harmful Alteration, Disruption or Destruction ("HADD") of fish habitat.
- Work should be completed as quickly as possible to minimize impacts and disturbance to fish and wildlife species.

#### Boat Ramps

Through the development and/or establishment of any Community Dock, the SLRD will consider whether a Boat Ramp is required.

- Where it is determined that a Boat Ramp is required, the SLRD, with the assistance of a qualified professional, will determine the appropriate location and social and environmental impact mitigation actions for the construction or renovation of the Boat Ramp.
- The construction of new Boat Ramps will invoke Section 35 of the Fisheries Act and will require DFO review and authorization, among other federal and provincial permissions noted above.
- Boat Ramps must comply with all provincial and local motorized boating regulations for the applicable water body;

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- Boat Ramps will not be considered or permitted on water bodies where boating is not permitted;
- Double width Boat Ramps, or an additional non-motorized Boat Ramp, may be considered in order to speed up the loading and unloading times of boaters and to facilitate trailer navigation;
- The offshore limit of proposed Boat Ramps should be located no less than 1 meter below the Low Water Mark during the proposed season(s) of use to provide adequate water depth to float an average boat from its trailer.
- Hard surface Boat Ramps should be located and designed so that the majority of any required excavation occurs above the Ordinary High Water Mark of the water body.
- Boat Ramps should have launch gradients above water of between 2%-10% with a target grade of 5%, and under water of between 10%-15% with a target grade of 12%;
- Pre-cast concrete planks are recommended for construction of the underwater portion of hard surface Boat Ramps.

#### Environmental Impact Mitigation

- The establishment or development of Community Docks should strive to minimize the alteration or any disturbance of all natural systems.
- Design and location may be critical to ensuring compliance with legislation and minimizing impacts to the environment. A Qualified Environmental Professional (QEP) may be required to ensure that the site assessment and design considers the following factors:
  - Local soil characteristics;
  - Local shoreline and stream mouth accretion/erosion dynamics;
  - Historical lake water levels during the proposed season(s) of use;
  - Existing or potential fish and wildlife use, aquatic and riparian habitat;
  - Potential disturbances from machinery or other equipment, if required;
  - The ability to access, repair and maintain the works with minimal impact;
  - The potential for invasive aquatic plants and any control measures that may be required;

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- Minimizing the potential for storm-water and contaminated runoff from parking areas;
- Minimizing the footprint of the works and associated foreshore disturbance.

#### Environmental Monitoring:

- Construction and maintenance should be monitored on a full-time or daily basis during project construction or maintenance and during any instream work or sensitive activity periods. The environmental monitor(s) should be an approved qualified professional(s) and should be provided with written authority to modify and/or halt any construction activity if deemed necessary for the protection of fish and wildlife populations or their habitats.

#### Community Engagement and Impacts

- Public participation is essential to understanding the needs of the community. Engagement activities will seek to involve those who are affected by decision making processes to obtain their input and feedback on the establishment or acquisition of a Community Dock.
- The SLRD will engage with various affected community groups, citizens, stakeholders, and First Nations through meaningful and well-managed engagement activities, as determined by the SLRD for feedback and community requirements.
- When determining the location of new Community Docks and/or any related improvements, staff will avoid interfering with adjacent riparian areas, owners, users, and facilities, and will remain sensitive to views, existing marine access points, trails, paths, noise and nuisance impacts and other community and recreation assets.

#### Signage

The SLRD will determine the appropriate scale and type of signage, if any, which may be necessary at the entrance area of a Community Dock. Signage will be clear and legible and will have the purpose of informing users of any dangers and regulations which may not be known or immediately apparent.

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### Parking

Through the development and/or establishment of any Community Dock, the SLRD will consider whether sufficient parking space, including off-street parking, is available for public users of the Community Dock.

- Parking related matters will be dealt with on an ad hoc basis in accordance with the specific needs and requirements of each Community Dock, and will comply with any requirements found in Electoral Area Zoning Bylaws and MoTI regulations and guidelines, where applicable.
- Before commencing with a Community Dock establishment project, the SLRD will first analyze the availability of off-street parking space, including the availability of privately owned land that may be leased or secured through an occupancy agreement. If sufficient space is available, the SLRD may engage with a contractor for the planning, design and construction of off-street parking areas.
- The SLRD will develop appropriate signage and parking regulations as may be required for a Community Dock.
- Parking fees will be considered and may be implemented (as described above) to assist with the cost recovery of a Community Dock.

### Waste Disposal

Through the development and/or establishment of any Community Dock, the SLRD will consider whether a waste disposal bin(s) and a corresponding collection service is required.

- The SLRD will consider the scope and scale of usage of the Community Dock when considering whether waste disposal facilities will be provided.
- When waste disposal is provided, the SLRD will determine the placement of the bins, and whether to include the collection of waste with an existing waste disposal and collection service, or within the maintenance and operations contract that may be established for the Community Dock.

### Washroom Facilities

Through the development and/or establishment of any Community Dock, the SLRD will consider whether washroom facilities are required.

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- The SLRD will consider the scope and scale of usage of the Community Dock when considering whether washroom facilities will be provided;
- It may be determined that washroom facilities are desirable or required. In this case, the SLRD will undertake an assessment of the site to determine the most appropriate type, style and location of the washroom facilities, which may be assisted by a qualified professional (i.e. Vancouver Coast Health) if deemed necessary.

#### Invasive Species

The threat of the introduction of invasive alien species from the use of Community Docks is a risk the SLRD will attempt to mitigate.

- The SLRD will supply development plans for new Community Docks to either the Sea to Sky Invasive Species Council or the Lillooet Regional Invasive Species Society, or a similar society(s), depending on the location of the Community Dock for input.
- Upon recommendation by either invasive species organization, the SLRD will attempt to provide warning signage and potentially boat and equipment washing and rinsing facilities at a Community Dock to assist in preventing the introduction and spread of invasive alien species to the water body.

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## Employee-Contractor Checklist

### Community Dock Establishment Factors

#### Distinctiveness and Use

- Considered vis-à-vis other Community Docks?
- Established/Acquired for general Public Use?
- Established for Recreational Activities, and not Commercial Activities?
- Rules and regulations for nuisance and safety issues developed?
- Use high enough to necessitate additional public space facilities?

#### Tenures, Permits and Applicable Legislation

- Navigation Protection Act* reviewed? (Transport Canada)
- Minor Works and Water Order* compliance? (Transport Canada)
- Fisheries Act* compliance, including 'Request for Review'? (DFO)
- Species at Risk Act* compliance? (DFO, Environment Canada)
- Land Tenure--Community and Institutional Foreshore Lease?(FLNRO)
- Land Tenure--Lease/Licence on upland property if unowned? (FLNRO)
- Water Act/Water Regulations* Section 9 compliance? (FLNRO)
- Riparian Areas Regulations* compliance? (FLNRO)
- Transportation Act* compliance, including access/setback permits ? (MoTI)
- Building, Development and Zoning Bylaw Compliance?(SLRD)
- Land Use, Regional Growth Strategy, Integrated Sustainability Plan? (SLRD)

#### Service Establishment and Cost Recovery:

- Community willingness gauged for new Community Dock service?
- Community Dock Feasibility study conducted?
- Service Establishment Report & Bylaw drafted/presented?
- Select Fund, Community Amenity Funds, PILT Funds to be used?
- Recreation, Use & Parking Fees to be considered/implemented?
- Community Dock to be donated/divested to local organization?

#### Rules and Regulations

- Rules and regulations determined to be necessary?
- Rules and Regulations consider operating hours, noise/nuisance, loitering, boat safety, swimming safety, alcohol use, animal control, and other provincial/federal regulations?
- Rules and Regulations to be enacted as regulatory bylaw?

#### Insurance and Liability:

- Risk Management Analysis (MIA) on Community Dock carried out?
- Insurance Review (MIA) on Community Dock undertaken?
- Assurance that user fees do not constitute Commercial Marine Facility?

#### Operations and Maintenance:

- Preference given to First Nations and Local Groups for O&M Contracts?
- Ensure all policies for O&M drafted and implemented?
- Selected contractor has all licencing and insurance?
- Indemnity received by contracted operator?

Responsibility		Reviewed	Completed
Employee	Contractor	Y/N/NA	Date







## Community Dock Establishment Factors

Environmental Monitors appropriately qualified?
