



# The Corporation of the District of Central Saanich

## COMMITTEE OF THE WHOLE REPORT

For the Committee of the Whole meeting on December 11, 2017

**To:** Patrick Robins  
Chief Administrative Officer

**File:**

**From:** Ruth Malli

<b>Priority:</b>	<input checked="" type="checkbox"/> Strategic
	<input type="checkbox"/> Operational

**Date:** December 05, 2017

**Re:** Brentwood Bay-Navigating the Issues- Next Steps

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### **RECOMMENDATIONS:**

To implement Council direction of securing a Licence of Occupation over Brentwood Bay, that Council support a phased approach to providing an Open Water Moorage Area for Brentwood Bay, with the following recommendations:

#### **1.1 Registration and Education (Dec-Feb)**

- a) Owners of all vessels and mooring buoys within the pending Licence of Occupation area register with the District. Required information to include: owner name and proof of ownership, name of boat and license number and information, date that tenure commenced at buoy, contact information in Brentwood Bay and proof of Protection and Indemnity (P&I) insurance.
- b) Create and circulate information about the Registration process, Licence of Occupation, Designated Sewage Area and the impact to the community of these proposed changes. (FAQ sheet, PlaceSpeak, Notice Boards). Feedback during the education period to be used to refine the next phases.

#### **1.2 Establish an Open Water Moorage Area and Moorage Application Process (Feb-Apr)**

- a) **Establish an Open Water Moorage Area requiring registered vessels and mooring buoys to enter into an annual lease agreement with the District for continued occupancy. Application to be built upon information gathered in the registration process and to include proof of a recent sewage pump-out, compliance with Federal and Provincial regulations, such as the Navigable Waters Protection Act and payment of an annual fee.**
- b) **If more applications received than permitted under the Licence of Occupation, preference to be first given to Central Saanich and Willis Point residents. Within this subset, preference be first given to existing liveaboard residents within the open water moorage area of Brentwood Bay, then Brentwood Bay commercial upland land owners, then Brentwood Bay upland owners without a dock. If sufficient space is available after all DCS and Willis Point residents, then it would be made available to other Capital Regional District residents, then allocation to all others.**
- c) **Work with the BC Nautical Residents Association to facilitate a Liveaboard Code of Ethics for the Brentwood Bay liveaboard community.**
- d) **Create an inventory of all mooring buoys and vessels from the registration process. Give notice of non-compliance to unregistered buoys and vessels and notify date for removal.**

### **1.3 Approve Management Plan for Brentwood Bay Moorage Area and Establish an Advisory Group**

- a) **Approve Management Plan for Brentwood Bay Moorage Area, including following components:**
  - i. **permit up to 40 existing and compliant mooring buoys**
  - ii. **all vessels and buoys must be registered with the District**
  - iii. **all vessels must provide proof of a recent sewage pump out or have a locked Y valve on the holding tank**
  - iv. **mooring buoys must be compliant with Federal regulation (evidence required)**
  - v. **no new mooring buoys are to be installed without the District permission**
  - vi. **establish an annual fee for each mooring buoy to cover the cost of the contractor or society delivering the service**
  - vii. **initial preference given first to liveaboards then to buoys (refer to 1.2 b)**
  - viii. **initially no new mooring buoys to be installed by the District**
  - ix. **owner of buoy must be occupier (no rentals)**
  - x. **area under LOO is non-exclusive and does not interfere with the rights of other lease holders**
  - xi. **the District should not assume responsibility for Federal and Provincial jurisdiction, such as unauthorized occupancy and removal of structures placed by others**
  - xii. **liveaboards to work with the District to address parking and any other issues that arise**
  - xiii. **only one boat or vessel per buoy is permitted**
  - xiv. **no other structures, such as docks, are permitted**

- b) **Council select and appoint an Advisory Group for Brentwood Bay Moorage Area (terms of reference and appointment selection to be developed).**

#### **1.4 Request for Expression of Interest for a Contractor or Society to monitor Open Water Moorage Area (Jan-Feb)**

- a) **Issue REI for a contractor, society or other group to provide service to monitor the Open Water Moorage Area, including responding to calls for service, collecting unpaid fees, monitoring compliance to regulations, advising new vessels of the Licence of Occupation, Designated Sewage Area and Open Water Moorage Area requirements. Include in the REI that the District is particularly interested in submissions that work with the Tsartlip First Nation.**

#### **1.5 Establish and Enhance Direct Regulatory Authority**

- a) **Increase enforcement of Central Saanich Wharf Regulation Bylaw No. 1484, 2004**
- b) **Establish fines for unauthorized long term moorage of a structure, live-aboard or float home; parking or storing a vessel on the beach (similar to Bowen Island Bylaw); placement of a mooring buoy without prior District approval.**
- c) **Authorize as an operational priority enforcement efforts for Brentwood Bay during the initial transitional period.**

#### **1.6 Alignment with other Government Strategies**

- a) **Continue to align District of Central Saanich approach with efforts undertaken by the First Nation, Regional, Federal and Provincial authorities.**
- b) **Work with BC Parks to enhance the number of visitor spaces in Gowlland Tod Park.**

#### **BACKGROUND:**

Council has previously directed that action be taken to address community concerns about the impacts from a variety of uses in Brentwood Bay. This issue is a strategic priority for Council under Strategic Priority-Preserving Healthy Abundant Ecosystems.

The purpose of this report is to update Council on the progress of their direction and to confirm next steps to complete the work.

Council previously directed a phased approach in addressing this issue at a Council meeting in December 2016:

##### **Phase 1 – Short Term**

Item	Status
Council reach out to the Council of Tsartlip First Nation to gauge if there is a desire to work together to jointly develop a management plan for Brentwood Bay.	Completed

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Council request that the provincial and federal governments provide additional resources for the proper removal and disposal of derelict and abandoned vessels, buoys and other marine refuse, and that the District approach those governments to address the regulation of pumpouts.	Completed
The District hold a public information meeting to gather feedback on the points raised and confirm or add to the understanding of the issues being experienced by the community in Brentwood Bay.	Completed

## Phase 2 – Medium Term

Item	Status
Having gathered public input, Council indicate whether taking on a more direct role in the monitoring, regulation and enforcement of activities in Brentwood Bay is to be pursued as a municipal priority.	Completed and in progress
Council direct staff to prepare cost estimates for: the development of new regulatory bylaws; preparation of an application for a provincial Licence; new resources for communication, monitoring and enforcement; and any new capital improvements, for consideration in the budget and five-year financial plan.	In progress
Council direct staff to draft terms of reference for a Technical Advisory Committee to advise Council on the development of a new management plan for Brentwood Bay including new regulations covering moorage and live-aboards, backed by a provincial Licence of Occupation.	In progress
Council consider inviting members of the CSPS Saanich Inlet Working Group to participate in the Technical Advisory Committee.	In progress
Council direct staff to proceed with a District-initiated bylaw process and application for provincial Licence of Occupation, public engagement and communication strategy.	In progress

On July 10, 2017 Council gave direction to proceed with the Community and Stakeholder Engagement Plan for Brentwood Bay. The purpose of the Plan was to complete an inventory of issues; leverage the work and knowledge of other agencies; prepare a list of implementation strategies for Council's consideration; and, to make application for funding under the Government of Canada Abandoned Boats Program-Assessments and Removals. Council gave further direction that staff send correspondence to the Juan de Fuca Electoral Area of the CRD seeking financial support for the Community and Stakeholder Engagement Plan.

Item	Status
Proceed with Community and Stakeholder Engagement Plan	Completed and on-going

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Make application for funding for removal of abandoned vessels	Completed
Seek Juan de Fuca Electoral Area financial support	Completed and on-going

On September 18, 2017 Council gave direction following the Community and Stakeholder Engagement:

Item	Status
The allocation of staff time and use of municipal equipment (within existing resources) be authorized to assist with the clean-up of Brentwood Bay under the leadership and funding of the Province (removal of unauthorized floats, dock sections) and Transport Canada (removal of derelict/abandoned vessels and mooring buoys that are impeding navigation), commencing in mid to late October 2017.	In progress. Timing aligned with LOO approval from Province
A request be submitted to the Capital Regional District (CRD) to waive tipping fees for portions of the clean-up initiative not funded by the Transport Canada Abandoned Boats Program.	Completed. CRD allocated \$100k for region
The District continue to work with the Tsartlip First Nation to facilitate the clean-up initiative, including requesting access to the Tsartlip boat launch for directly related purposes.	Completed and on going
The District apply to Transport Canada to have Brentwood Bay listed as a Designated Sewage Area under the Vessel Pollution and Dangerous Chemicals Regulations.	In progress
The District work with Transport Canada and the local community to encourage the establishment and marking of designated navigation channels within Brentwood Bay.	In progress
The District work with Transport Canada and the local community to investigate the need for a fourth designated navigation channel into Tod Inlet.	In progress
A letter be sent to Fisheries and Oceans Canada (Canadian Hydrographic Service) to request that the Transport Canada document outlining the navigational lines into Brentwood Bay be added to Chart 3441, with an explanation that this action would help to keep the navigable waterways into Brentwood Bay clear and safe.	In progress
An application be made for a (Nominal Rate) Land Act tenure over the portions of Brentwood Bay that are not already under other privately held Land Act tenures.	Completed, pending

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	Council approval
A Management Plan created for the monitoring of the tenure with partner agencies. Further information to be brought back to Council with respect to this recommendation on duration, number, location, standards and regulation.	Complete and under review by Council
The District continue to work with local marinas to establish, promote and monitor facilities for visiting and resident boaters, ensuring access to sewage dumping, garbage disposal and parking facilities.	In progress
The District continue to work on a regional basis with member municipalities of the CRD, BC Parks, the Tsartlip First Nation and the community of Willis Point in the Juan de Fuca electoral area.	In progress and other First Nations included
The District continue to work with the existing live aboard and upland communities to understand and consider their needs and options for housing throughout the decision-making process, including the possibility of nominal rate mooring for appropriate vessels (holding tanks required).	In progress and BC Nautical Residents Association included
A letter be sent to the Government of Canada in support Bill C-219, tabled by Member of Parliament for Nanaimo-Ladysmith Sheila Malcolmson – an Act to amend the Canadian Shipping Act 2001, aimed at reducing the environmental, economic and navigational hazards to Canadian waterways and coastlines posed by abandoned vessels.	Completed
A letter be sent to the Government of British Columbia to encourage adherence to the 2012 Union of BC Municipalities endorsed resolution to adopt the 'Washington model' for vessel registration and disposal.	Follow up completed- Federal Govt leading
Staff utilize inter-governmental relationships with senior government agencies to monitor legislative changes that impact the District's on-going efforts in Brentwood Bay, and to periodically report changes to Council.	On going
Staff work with senior levels of government, Island Health (VIHA), Tsartlip First Nation and other Capital Regional District members and societies to monitor and address concerns about water quality in Brentwood Bay.	In progress and on going
That a communication and signage strategy be prepared to increase public awareness of the prohibition of sewage discharge in the Brentwood Bay area, including the associated environmental impacts.	In progress

That the District continue to work with the community to determine and recommend ways to address ongoing parking conflicts in the Brentwood Bay area (consider a parking study, if warranted).	In progress
The District investigate and, if determined appropriate, install higher capacity garbage cans in the Brentwood Bay area.	Complete and referred to budget
The link to the Stormwater Management Plan and the ISMP executive summary be attached to future agendas when the topic of Brentwood Bay comes forward.	Pending
Staff initiate a request to the CRD and Peninsula Streams to conduct additional water quality testing of the storm runoff into the Saanich Inlet and the waters off Island View Beach during the next 4 -6 weeks and provide a report of the results to Council in November 2017. Main motion postponed until: <i>a.</i> Peninsula Streams present their finding at a Committee of the Whole meeting or; <i>b.</i> a report is received from Peninsula Streams with the findings of their water testing.	Pending

## DISCUSSION:

Council has previously directed that an application for a Licence of Occupation (nominal rate tenure) be completed for Brentwood Bay.

The completion of the application requires a Management Plan and this draft plan is included in Appendix A. Council consideration and direction on components in the draft Management Plan is the next step in the application for the Licence of Occupation.

Several community members have contributed to the drafting of the Management Plan. This group was originally formed under the leadership of the District of Central Saanich Police, following a presentation by the Saanich Inlet Protection Society. Original members of the group include representatives from the Saanich Inlet Protection Society, District of Central Saanich, Transport Canada, Ministry of Forests, Lands and Natural Resources, Brentwood Bay Citizen Group, Central Saanich Maritime Society. The current group working on the Management Plan includes representatives from the District of Central Saanich, Central Saanich Police Service, Tsartlip First Nation, Saanich Inlet Protection Society, Central Saanich Maritime Society, Willis Point Community Association, Brentwood Bay Citizen Group, Local Marinas (2), BC Nautical Residents Organization, Brentwood Bay Marina liveaboards, Brentwood Bay ocean liveaboards, boaters and other area liveaboards.

Individual, in person presentations of the draft Management Plan have been held with Tsartlip and Tseycum First Nations, who indicate support for the Plan. Tsartlip First Nation is interested in further discussion about capacity building to play a role in the ongoing management of the

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Moorage Area; discussions have been facilitated with a community member to pursue this opportunity. Other First Nations: Malahat, Stz'uminus, Cowichan Tribes, Penelakut, Halalt, Lyackson, Lake Cowichan, Pauquachin and Tsawout have been sent the Management Plan and an invitation for an in person meeting. To date, the replies received defer to the position of the Tsartlip First Nation, which results in their support.

Engagement with other impacted parties included meetings and discussions with representatives of the Willis Point Community Association, BC Ferries, BC Parks, Peninsula Streams, VIHA, Federal and Provincial agencies, Saanich Fire and other internal departments, Municipal Insurance Association, Victoria, Port Moody, Kelowna and Bowen Island municipalities and the Dead Boat Society.

In addition to the letters of support from Tsartlip and Tseycum First Nations, letters of support have also been received from the BC Nautical Residents Association, Capital City Yacht Club, Council of BC Yacht Clubs, Harbour Air, with others are pending.

In early October, a presentation was made to the Saanich Inlet Roundtable (co-hosted by North Saanich and Tseycum First Nation) about the approach being taken in Brentwood Bay.

In late November, staff attended an Engagement Session on the National Strategy to Address Abandoned and Wrecked Vessels. The National Strategy includes funding for the removal of abandoned vessels (application previously submitted by DCS), the creation of a national inventory and risk assessment methodology, and the introduction of the Wrecked, Abandoned or Hazardous Vessels Act (which covers all waterways in Canada, including Brentwood Bay). A working session explored enhancing pleasure craft licensing and funds to address abandoned and wrecked recreation vessels in the longer term.

It was confirming that the District of Central Saanich is in alignment with the Federal strategies. The legislative changes of the Federal government are intended to both deal with the immediate critical issue of the abandoned vessels and to put in place longer term solutions. The longer term approach is based on the 'Washington model', funding the removal and disposal of vessels from annual license fees.

The objective of the Federal government is to shift the risk and cost of end of life vessel disposal from taxpayer to owner responsibility. In the short term, significant investment will be required by the taxpayer to fund the issue, over time it will shift to be funded by boat owners (eg: point of purchase payment for recycling programs, similar to those in place for other products) and ongoing funding through licenses.

In addition to the work being done by the District, the Province and Federal government continue to prepare for the clean-up, which will be timed to align with the approval of the Licence of Occupation from the Province. The Provincial government has identified 17 illegal structures (docks, sheds, floats) and are working on the process of removal with the owner's involvement. The application for funding of the removal of Abandoned and Derelict Vessels resulted in many owners claiming their vessels, of the three remaining vessels, two were recently removed as they were both damaged and sinking. This removal was a co-ordinated effort between the District, Coast Guard, Transport Canada and the Capital Regional District. Vessels that are not abandoned but are no longer wanted can be signed over to the District and will qualify for funding under the Program.

NEXT STEPS:



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The proposed Management Plan for Moorage in Brentwood Bay results in the District taking on a new service. If approved by Council, it will require on going management and oversight. The overall objective of the Management Plan is to manage Brentwood Bay in a way that ensures all residents (liveaboard and on land) can enjoy the Bay, along with visitors to the area. Two key aspects are to prevent the occurrence of new issues and to make progress on existing issues. Learning from international best practices, the intention is 'education before enforcement', working with people to proactively address differences prior to issues arising, with necessary legislative support in place if needed for compliance.

It is recommended that the changes be phased in with the first phase following the model in Bowen Island (Changes are coming! Mannion Bay). This step will require all vessels and mooring buoys to register with the District if they are within the pending Licence of Occupation area. Required information to include: owner name and proof of ownership, name of boat and license information, contact information in Brentwood Bay and proof of Protection and Indemnity (P&I) insurance. The first phase can commence with Council approval in December 2017 and be implemented in January and February of 2018.

To educate and inform the community of coming changes, it is recommended that the District create and circulate information about the registration process, Licence of Occupation (including the Management Plan), Designated Sewage Area and the impact to the boating and upland community of these changes. (FAQ sheet, PlaceSpeak, Notice Boards, Q and A's).

The second phase is to establish an Open Water Moorage Area and Moorage Application Process for the new service. Registered vessels and mooring buoys who wish to continue occupancy will be required to enter into an annual lease agreement with the District. The application to be built upon information gathered in the registration process and would include proof of a recent sewage pump-out or a locked Y valve on the holding tank, evidence of compliance with Federal and Provincial regulations, such as the Navigable Waters Protection Act and payment of an annual fee. It is recommended that if there are more applications than permitted under the Licence of Occupation that preference to be given to longer term occupants (proof required). Working with the BC Nautical Residents Association, who have also offered to make a presentation to Council, it is recommended that the District facilitate a Liveaboard Code of Ethics for the Brentwood Bay liveaboard community. The second phase of the process can be implemented in Feb/April 2018.

An inventory of all mooring buoys and vessels will be created from the registration process. This inventory can be compared with other inventories (and site visits) and notices of non-compliance can be delivered to unregistered buoys and vessels. The removal of the vessels in non-compliance will be required by the owner by a set date. Failure to remove will be a combined effort of the District, District Police and the Province during the final approval process of the Licence of Occupation.

The components of the Management Plan are guided by harmony and fairness to all users (including who uses and who pays), the degree to which the plan meets the objectives of the

public consultation and direction of Council and ease of ongoing monitoring. The recommendations are as follows:

- i. permit up to 40 existing and compliant mooring buoys
- ii. all vessels and buoys must be registered with the District
- iii. all vessels must provide proof of a recent sewage pump out or have a locked Y valve on the holding tank
- iv. mooring buoys must be compliant with Federal regulation (evidence required)
- v. no new mooring buoys are to be installed without the District permission
- vi. establish an annual fee for each mooring buoy to cover the cost of the contractor or society delivering the service
- vii. initial preference given first to liveaboards then to buoys
- viii. initially no new mooring buoys to be installed by the District
- ix. owner of buoy must be occupier (no rentals)
- x. area under LOO is non-exclusive and does not interfere with the rights of other lease holders
- xi. the District should not assume responsibility for Federal and Provincial jurisdiction, such as unauthorized occupancy and removal of structures placed by others
- xii. liveaboards to work with the District to address parking and any other issues that arise
- xiii. only one boat or vessel per buoy is permitted
- xiv. no other structures, such as docks, are permitted

The recommendation of an annual fee for each mooring buoy came after much discussion of other alternatives such as fees for some but not all buoys, fees based on length of vessel, seasonal fees and other options. The annual fee will fund the cost of managing the area and related costs.

Cost recovery is a requirement of the Licence of Occupation (no profit can be made on the nominal rate tenure). The most significant cost will be monitoring and responding to issues arising in the Bay. Initially, this cost could be higher than in future years. Co-operation and support of the buoy owners and the 'eyes and ears of the community' can reduce the cost of monitoring. The initial proposal is \$1000 per year (in advance) for each existing buoy (up to maximum of 40), with an additional option of quarterly payments of \$100 per month. However, the actual amount will be driven by the cost of the service provided. Existing operational resources (bylaw enforcement, Police and others) will be utilized to support the service contractor. It is expected that initially this project will require dedicated operational resources, with the need tapering with time. A budget has been prepared to outline additional costs for the service and the proposed revenue sources.

The management contract is the key cost that will determine the annual fee for moorage. It is recommended that the District issue a Request for Expression of Interest for a contractor, society or other group to provide service to monitor the Open Water Moorage Area, including responding to calls for service, collecting unpaid fees, monitoring compliance to regulations, advising new vessels of the Licence of Occupation, Designated Sewage Area and Open Water

Moorage Area requirements. It is further recommended that the REI indicate that the District is particularly interested in submissions that work with the Tsartlip First Nation.

The eventual placement of the mooring buoys will be finalized during the LOO review and registration process.

Correspondence has been received from some community members that there needs to be more consideration and time given to the Management Plan. As the District proposes to take on this new service, it is recommended that as each step in the process becomes clearer that the District continue to engage with the community and make adjustments as necessary. To establish an ongoing Community Advisory Role, it is recommended that Council select and appoint an Advisory Group for the oversight of the Brentwood Bay Moorage Area (specific terms of reference and appointment selection to be developed and approved by Council).

Support of other jurisdictions and further legislative changes are required to support the Management Plan. Council previously approved that the District's Official Community Plan (OCP) and Zoning by-laws be changed to limit and designate areas, tenure and conditions for permanent moorings, length of time anchorage is permitted, live-aboards in the portions of Brentwood Bay that are under municipal jurisdiction. It is recommended that Council give support to permitting more liveaboards (currently a maximum of one boat or vessel for each fifty berths for manager or watchperson of marinas or wharfs).

It is recommended that the District increase enforcement of Central Saanich Wharf Regulation Bylaw No. 1484, 2004 and establish fines for unauthorized long term moorage of a structure, liveaboard or float home; parking or storing a vessel on the beach (similar to Bowen Island Bylaw) and placement of a mooring buoy without prior District approval.

The Federal and Provincial governments have made financial commitments in the current fiscal year (ending March 18) to remove abandoned vessels and illegal placed items in Brentwood Bay. To avoid the issues arising again, the District proposes to make application for a Licence of Occupation (nominal rate tenure) over the Bay. Other options have been considered and Council direction to date has been to continue with the Licence of Occupation. Other options remain available, but may impact the initial clean up commitments by the other levels of government.

Other Options to the District obtaining a Licence of Occupation over the area:

1. Status Quo: Take no further action and do not apply for a Licence of Occupation.
2. Continue with LOO, with more community consultation: Widely circulate the draft Management Plan for community consultation and return feedback to Council for consideration before taking next steps.
3. Wait and See: Do not take a Licence of Occupation and see if the proposed changes in the federal government Oceans Protection Plan will fully address concerns in Brentwood Bay.

4. Encourage others to take LOO: For example, encourage the Capital Regional District to acquire the Licence of Occupation over the area of Brentwood Bay and manage the area.

## **CONCLUSION:**

Council has directed staff on a number of actions to address community concerns about activities in the Brentwood Bay area. This report provides an update on the actions and recommends next steps in the process, including a Management Plan.

The long-term strategy for the management of Brentwood Bay has been drafted in coordination with Tsartlip First Nations, and it is supported by several other First Nations. The draft management plan is based on the needs of the community and the solutions proposed are drawn from ones we have seen be successful in other jurisdictions, such as Bowen Island and Port Moody. It proposes Central Saanich apply for a "Licence of Occupation" that would grant the ability to monitor the bay. What we have seen work well is a very modest regulatory program:

The program would:

1. Ensure there is only a certain amount of buoys in the bay (40 proposed)
2. Ensure the buoys are located in areas that avoid navigational channels
3. Ensure existing live-aboards with insurance, holding tanks and receipts to prove pumping are granted initial priority for a buoy

The program would be operated by a contractor or group on a cost-recovery model. The first step in the program would be for vessels and existing buoys to register with the District.

It is recommended that Council support a phased approach to providing an Open Water Moorage Area for Brentwood Bay; That Council support the issuance of an Expression of Interest for a contractor, society or group to monitor the Open Water Moorage Area, the funding of this service to be from annual space rental fees for up to 40 existing and privately owned mooring buoys and that Council select and appoint an Advisory Group that represents a cross section of persons with an interest in Brentwood Bay to monitor and make recommendations to Council on changes to the Management Plan over time.

## **ATTACHMENTS:**

Appendix A Management Plan

<p><b><i>Administrator's Recommendation:</i></b> <b><i>I concur with the recommendation contained in this report.</i></b> <b><i>Patrick Robins</i></b> <b><i>Chief Administrative Officer</i></b></p>
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**District of Central Saanich**  
**Proposed Management Plan for a Nominal Rent Tenure for Transient and Permanent Moorage in**  
**Brentwood Bay**

**Proposed Tenure Location:** The waters and foreshore of Brentwood Bay, as described below but excluding all existing tenures within the described area:

Point of Commencement at the end of a beach access lane on Willis Point at 48.57518° North, 123.47861° West, then to a point at 48.57965° North, 123.47437° West, then approximately 350 metres east to the shoreline at the end of Stellys X Road at 48.57966° North, 123.46973° West, then following the natural boundary of Brentwood Bay south and west to the boundary of Gowlland Tod Provincial Park at 48.56855° North, 123.47275° West, then northerly along the boundary of Gowlland Tod Park to the shoreline of Willis Point at 48.57232° North, 123.47405° West then northwest along the shoreline of Willis Point returning to the Point of Commencement. Containing approximately 73 hectares. The proposed tenure boundary is shown on Map 1, attached.

**Intended Land Use and Benefits of the Proposed Tenure:** The intended land use for the application area is community use for both transient and permanent moorage. The proposed use will be managed by District of Central Saanich and will help to meet local moorage requirements in a manner that minimizes the impact of vessel moorings on the environment, commercial navigation, First Nations and recreational users of the waters of Brentwood Bay.

There are currently over 100 vessels, floating platforms/dock sections and other objects moored on Crown foreshore (outside of private tenures or commercial marinas) within Brentwood Bay. There are rising local concerns associated with the high density of vessels permanently moored on the Crown foreshore including discharge of sewage, impacts on navigation and on other recreational users, vehicle parking and congestion at public beach access points and visual aesthetics. Management of the moorings in the Brentwood Bay is currently reactive only (i.e. actions taken by Transport Canada only when moorings are clearly impeding navigation).

The proposed use will be non-exclusive and will accommodate both temporary visitors and permanent moorage, including liveaboard vessels. Up to 40 mooring buoys meeting all Transport Canada specifications will be established in specific portions of the proposed tenure area, and will initially give preference to accommodate permanently moored liveaboard vessels already present in Brentwood Bay. Moorage fees (annual or quarterly) will be collected by District of Central Saanich, or a contracted moorage operator operating on behalf of District of Central Saanich. The exact number and placement of the mooring buoys within the tenure area will be refined during the consultation and referral process, with input from Transport Canada, local stakeholders and First Nations. Mooring buoys will not be placed within 50 metres of existing private foreshore tenures or in the proposed navigation channels shown on Map 2 (attached), and will be secured to the seabed using heavy concrete or steel screw anchors (whichever proves to be most secure and cost effective). Four existing mooring buoys placed and owned by Butchart Gardens and not in the main area of Brentwood Bay are exempt from this plan.

Consistent with the terms of a nominal rent tenure, fees will be established by District of Central Saanich at a rate that allows for cost recovery only. A financial model based on estimated operating costs and required moorage fees is shown in Table 1, attached. The estimated maximum number of mooring buoys that may be placed within the proposed licence area was based on an estimated swing diameter of 60 metres for each mooring (calculations shown in Table 2, attached).

Use of the proposed moorages will require agreement to terms of use established by District of Central Saanich. The terms of use will include provisions requiring vessel licencing, insurance, and the installation of sewage holding tanks in all liveaboard vessels and prohibiting the discharge of untreated sewage, except in local pump-out stations. Two pump out stations are already available at local marinas and operation of a privately run mobile pump out service for vessels that are unable to access the pump out stations is also being explored. Temporary (e.g. overnight) anchoring that does not impact on the operation of the tenure will continue to be allowed, but Installation of permanent mooring buoys within the tenure area by parties not authorized by the District of Central Saanich will impact on the lawful use of the tenure and will not be allowed.

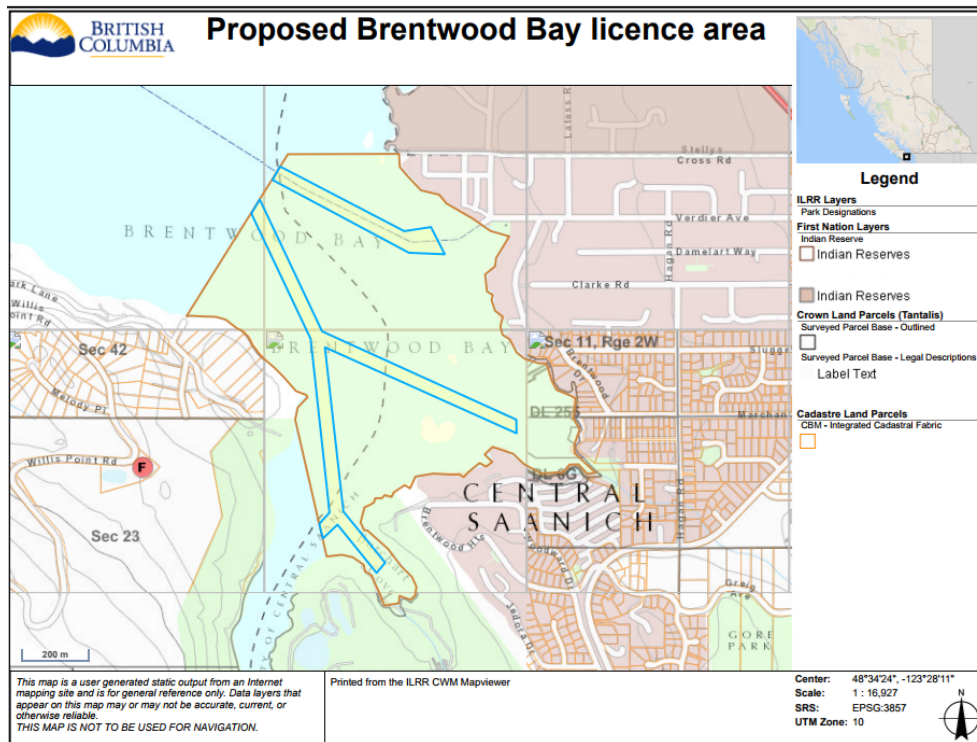
#### **Consistency with Crown Land Allocation Principles:**

The proposed nominal rent tenure will ensure that Brentwood Bay is managed for a wide public benefit. At present, there is no management of moorings with the proposed tenure area and the high number of unauthorized moorings is beginning to create conflict between vessel owners, waterfront property owners and commercial and recreational users of the waters. Management of the tenure including enforcement of tenure terms by the District of Central Saanich will help to reduce environmental impact caused by improperly installed mooring anchors, ensure that permanent moorings do not conflict with established navigation corridors and will help to reduce or eliminate the discharge of sewage within the tenure area. Fees associated with public use of the moorings within the tenure area will be relatively inexpensive and will only be used to cover the costs of managing the tenure. Local First Nations are generally supportive of improved management of Brentwood Bay, especially the elimination of sewage discharge as the area is currently closed to all shellfish harvesting due to contamination.

The District of Central Saanich understands the non-exclusive nature of a nominal rent licence of occupation, and that the tenure area may be amended over time at the discretion of the Province to accommodate higher value Crown land applications such as expansion of commercial marina facilities.

An amendment to current zoning that would prohibit permanent (liveaboard) moorage within the tenure area, except on moorings established by the District of Central Saanich for that purpose may also be considered by the District to further reinforce management of the proposed tenure area. The District of Central Saanich assumes that any moorings that are placed illegally by persons and without the consent of the District of Central Saanich, will be dealt with jointly by the Province and the District, using all available enforcement capability. Notwithstanding, the District does not assume responsibility or liability for vessels, moorings or any other object placed within the tenured area without the Districts' permission.

Map 1 – Proposed nominal rent tenure boundary in Brentwood Bay



Map 2: Potential mooring buoy layout within proposed licence area

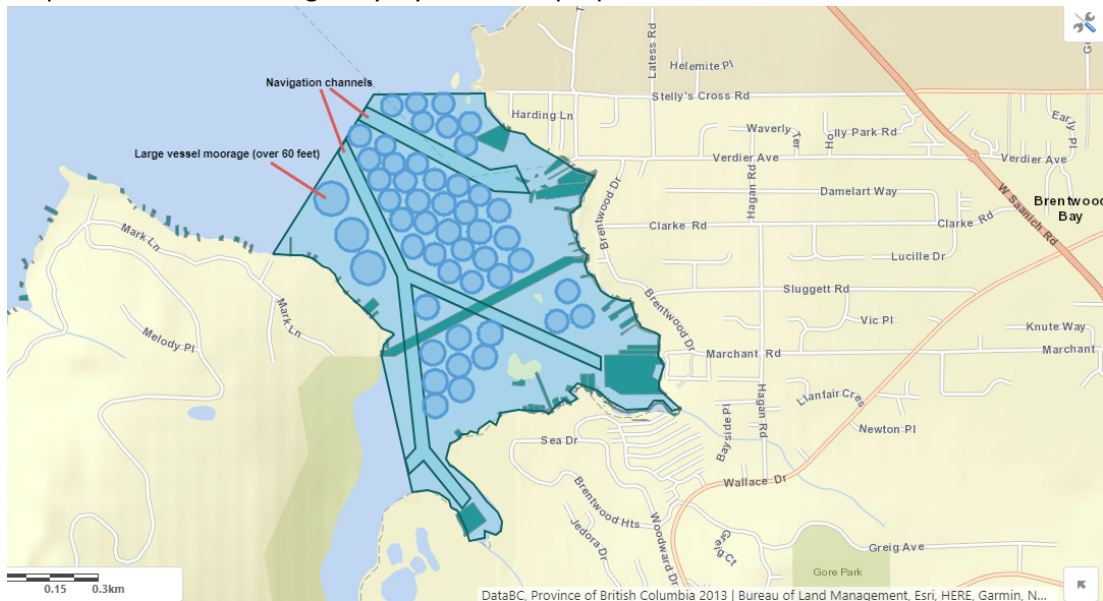


Table 1: Financial model for proposed nominal rent tenure in Brentwood Bay

<b>Up front and capital costs</b>			Number of buoys	price per buoy	sponsor		
Install navigation channel buoys			36	\$1,500	\$15,000	\$	39,000
Install mooring buoys			40				-
New signage at wharfs and access points							5,000
Communications							5,000
High capacity refuse cans							10,000
				Total		\$	59,000
<b>Annual operating costs</b>							<b>\$/year</b>
Reserve for mooring buoy replacement						\$	4,000
Reserve for navigation buoy replacement							1,000
Management contract							35,000
Communication and other							4,000
				Total annual costs		\$	44,000
							Revenue
<b>Annual operating revenue</b>			# of moorings	Quarterly fee	Annual fee		<b>\$/year</b>
Permanent moorage (annual)			20		\$1,000	\$	20,000
Permanent moorage (quarterly payments)			20	\$300.00			24,000
				Annual revenue, permanent moorage		\$	44,000
				Total annual revenue		\$	44,000



Table 2: Calculation of mooring spacing requirements

Chart depth (m)	High tide depth (m)	High tide Angle of drift (from vertical)	High tide Horizontal swing (m)	Rode length (m)	Low tide horizontal swing (m)	Boat length (m)	Total area occupied (diam. In metres)
12	17	30	9.81	19.63	15.53491	15	61.07

