



# WHISTLER

## REPORT | INFORMATION REPORT TO COUNCIL

**PRESENTED:** May 5, 2020  
**FROM:** Resort Experience  
**SUBJECT:** DOCKS MANAGEMENT STRATEGY

**REPORT:** 20-031  
**FILE:** 8381

### COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

**That** the recommendation of the General Manager of Resort Experience be endorsed.

### RECOMMENDATION

**That** Council receive Information Report No. 20-031 regarding the 2020 docks, barges and boat safety improvements operational plan.

### PURPOSE OF REPORT

The purpose of this Report is to describe what actions the RMOW and provincial staff will take in 2020 to improve the experiential and environmental issues that are occurring on Whistler lakes such as unauthorized docks on municipal lands, party barge disturbances, pollution, safety issues and other compliance issues.

### DISCUSSION

Whistler lakes have a long history of recreational use, foreshore residences and docks, and for most of that time, the results were low key, fun and displayed the original Whistler spirit. In recent years though, docks and party barges are proliferating, particularly on Alta Lake, and public concern is growing about noise, pollution, unauthorized dock construction on municipal lands, and how the ambiance of the lakes is being affected. Taking action on an increased number of letters to council, plus ongoing conversations with provincial staff over various non-compliance situations, RMOW and provincial staff developed a collaborative management strategy to address key issues.

### Planning Team

Environmental Stewardship: Heather Beresford

Parks Operations: Lorne Russell

Protective Services: Lindsay DeBou, Kevin Creery

Ministry of Forests, Lands and Natural Resource Operations: Danielle Cunningham, Sean Bickerton

### Background

Many people believe the RMOW has authority over lakes, docks and barges but that is not the case as the Province has jurisdiction over nearly all freshwater and saltwater foreshore which is the Crown land between the high and low watermarks of streams, rivers, lakes, and the ocean. Land adjacent to the foreshore may be privately or publicly owned (upland owner), but the construction, placement and use of private moorage facilities on Crown land requires authorization through the *Land Act* from the

Ministry of Forests, Lands and Natural Resource Operations (FLNRO). Private moorage facilities include docks, boat ways/ramps or boat lifts that are used for private residential use. *Land Act* authorization of existing or new docks is typically provided through granting of a tenure which requires an application to the Province. The provincial regulations are enforced by FLNRO Natural Resource Officers.

More information can be found here: <https://www2.gov.bc.ca/gov/content/industry/crown-land-water/crown-land/crown-land-uses/residential-uses/private-moorage>

Additionally, buoys and vessels (which include barges with motors 10hp or over) are managed under a number of federal, not municipal, regulations:

- Small Vessel Regulation – licensing, safety requirements
- Vessel Operation Restriction Regulation – type of engines allowed
- Pleasure Craft License – boat identification and safety requirements
- Navigation Protection Act – moorings/buoys

The regulations don't speak to limiting the opportunity to own and operate a vessel as long as the regulations are followed. The federal regulations are enforced by RCMP, Conservation Officer Service, Fisheries and Oceans Canada, and BC Parks Rangers.

The RMOW has a Parks Bylaw and Nuisance Bylaw which can complement the federal and provincial regulations and are enforced by RMOW Bylaw Officers.

## **Issues**

The issues can be organized in two main categories: environmental and experiential.

Environmental issues are related to foreshore degradation with the growing number of docks, foreshore damage from docks built without authorization on municipal lands, leaking fuel containers and motors, abandonment followed by disintegration, and landowners who are non-compliant with provincial foreshore regulations. The goal is to mitigate foreshore damage, non-compliance and water quality concerns by implementing the following objectives on all Whistler lakes:

- Remove illegal docks and barges attached to municipal park lands;
- Support the provincial staff with foreshore regulation enforcement as needed; and
- Build a communal dock in Alta Lake Park in 2021.

Experiential issues are related to proliferation of party barges affecting quiet lake enjoyment, more gas engines contributing pollution into the lakes, and new docks becoming "out of scale" with the existing dock landscape. The goal is to bring barges, other vessels and docks into compliance with the provincial and federal regulations, to reduce pollutants in the lake, and to ensure docks match OCP and Recreation and Leisure Master Plan guidelines. This will be achieved by implementing the following objectives:

- Initiate process to change from gas to electric motors only on Alta and Alpha Lakes;
- Increase enforcement and boating safety education presence on the lakes;
- Share information with the public on the provincial dock approval process;
- Align provincial dock design guidelines with RMOW vision for lakes; and
- Province will conduct a compliance review of non-moorage structures and foreshore improvements associated with docks and waterfront use on lakes in the Whistler area.

The vast majority of docks in Whistler have been built without a provincial permit. For example, in 2019 there were 96 docks on Alta Lake alone that did not have provincial permits. The RMOW's area of authority over docks is limited to those that are built on municipal park lands where it is the upland owner. Docks attached to municipal park land, particularly in the Alta Lake Park area, are proliferating.

Some are built with scrap material and abandoned after a period of time with some having motors and gas tanks that leak into the water causing an environmental hazard. In addition, none of the unauthorized docks go through the proper referral process to ensure that the foreshore is not being damaged. Currently, all of the docks create some level of disturbance to the riparian zone and the numbers are growing each year. In the interest of treating all unauthorized docks equally and in accordance with provincial regulations, RMOW Parks Operations staff will place trespass notices on all docks located adjacent to municipal lands in spring 2020 in an attempt to identify the owners, alert them to the trespass, and request removal. It is preferable that the owner remove the dock, but if owners remain unidentified, Parks will prioritize and remove what is possible within the budget.

RMOW staff will connect directly with dock owners who can be identified to make a plan for removing the docks. The expectation is that all unauthorized docks on municipal lands will be removed by the end of 2020. The RMOW will plan and budget for a new communal dock to be built in Alta Lake Park in 2021 so that residents and visitors alike can continue to enjoy the waterfront.

The Province will conduct a compliance review of non-moorage structures and foreshore improvements associated with docks and waterfront use on lakes in the Whistler area and determine next steps for 2021.

For those waterfront residents who are the upland owners, it is possible to apply to the province for authorization. Information on the process will be communicated to the public in 2020 and shared on the RMOW website. Where CN Rail is the upland owner, property owners may need to engage with CN Rail for approval.

Staff is also investigating the potential for placing zoning over the lakes similar to what has been done in the Okanagan and Shuswap which would give the RMOW mechanisms to directly authorize and manage docks, barges and other aspects of lake activity.

Activities on the lakes will continue to be monitored going forward and management options adjusted as necessary.

## **WHISTLER 2020 ANALYSIS**

<b>W2020 Strategy</b>	<b>TOWARD Descriptions of success that resolution moves us toward</b>	<b>Comments</b>
Recreation & Leisure	Recreation and leisure infrastructure and practices minimize the degradation of natural areas and are transitioning toward sustainable use of energy and materials	Ensuring docks are built and maintained properly and switching to electric motors will reduce environmental impacts.
Water	Residents and visitors are educated about, and encouraged to protect and conserve natural water resources.	Following the steps outlined in the Docks Management Strategy will lead to improved protection and conservation of natural water resources by reducing pollution.
Materials and Solid Waste	Substances and chemicals that are harmful to human health are being eliminated, replaced, or managed in a way that they do not disperse in nature.	Following the steps outlined in the Docks Management Strategy will lead to improved protection and conservation of natural water resources by reducing pollution.

The Docks Management Strategy does not move our community away from any of the adopted Whistler2020 Descriptions of Success.

## **OTHER POLICY CONSIDERATIONS**

The Docks Management Strategy aligns with the draft OCP and the Recreation and Leisure Master Plan.

## **BUDGET CONSIDERATIONS**

A 2020 Parks Operations budget of \$25,000 was approved to remove unauthorized and derelict docks attached to municipal park lands. The preference is for dock owners to be responsible for removing unauthorized docks but in cases where owners cannot be identified, Parks Operations will remove the dock. The RMOW may provide some assistance to the Province in certain cases where landowners are non-compliant with regulations and the Province wants to take action. The rest of the work will be incorporated into municipal work plans.

## **COMMUNITY ENGAGEMENT AND CONSULTATION**

The Planning Team will prepare and deliver information to the community through various media outlets before actions take place.

When dock owners who have built unauthorized docks on municipal property can be identified, RMOW Parks and Bylaw Services staff will connect directly with them and develop a plan for removing those docks by the end of the 2020 season.

## **SUMMARY**

In response to growing concerns of Whistler residents and requests for action to improve boating safety on valley lakes over the last few years, and to reduce the potential for pollutants and significant risks to water quality, the RMOW collaborated with provincial staff to develop a management strategy to address environmental, ambiance and safety concerns. Staff will review the program outcomes later in 2020 and adjust as necessary for 2021.

Respectfully submitted,

Heather Beresford  
ENVIRONMENTAL STEWARDSHIP MANAGER

for

Toni Metcalf  
GENERAL MANAGER OF RESORT EXPERIENCE