

Scientific Reports, studies and earlier Dock Management Plans

In April 2015, the province released a [Draft Dock Management Plan](#) (“**Draft DMP**”) for Pender Harbour. The Draft DMP imposed strict restrictions on the owners of foreshore leases and renewals of existing leases. It also divided the harbour into [3 zones](#) (different restrictions were applied to each zone without any scientific basis). The draft DMP was withdrawn due to public outcry and following a town hall meeting in May 2015. In November 2015 former AG Barry Penner, K.C., was retained by the province to undertake an independent review of the Draft DMP. He wrote a comprehensive [report](#) (the “**Penner Report**”) which included 13 recommendations. The Penner Report is referenced in the June, 2016 [Gov to Gov agreement](#), though the majority of the recommendations were never addressed by the province. In October of 2018, the [Foundation Agreement](#) was signed with the province and the Sechelt Nation, essentially forming a joint working group to oversee foreshore leases and dock management in Pender Harbour. The [Pender Harbour Area and Residents Association](#) (“**PHARA**”) has been trying to work with the province since 2015 to find a workable solution (see the [timeline](#) from the PHARA website for reference). In 2019, PHARA retained experts directly refuting the science behind the DMP and sent the reports to the province ([environmental](#), [engineering](#) and [safety report](#)). In January 2023 PHARA sent a letter asking [22 questions](#), many regarding [Section 7](#) of the Declaration Act.

On November 24, 2023, the province released [new proposed amendments](#) (soliciting [public consultation](#) (they only asked for comments, there has been no discussion about consultation or collaboration, closing on 12/Jan/2024) allegedly based on an [engineering report](#) dated January 2023, but would not agree to make the report public. This report has been made available and posted on PHARAs website, while the ministry has continued to confirm its public unavailability. Under the new proposed amendments, the Penner Report recommendations and concerns of the community were not addressed. In the new proposed amendments the affected region will be expanded to include virtually the entire [Sunshine Coast](#) (including freshwater lakes), impose retroactive dock size restrictions, and ban all of boathouses regardless of previous tenure status.

Contacts List

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Lorne is looking into sponsoring the community's petition on the subject.

Andrew Reeve - Press Secretary for the Official Opposition

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Realtors in the area are worried about property values in a market

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Supplementary Information

Some of the DMP Restrictions & Requirements:

- Does not allow grandfathering for current docks and boathouses, this is not in keeping with current BC building code practices as they do not apply retroactively. This is also contrary to Dock Guidelines referenced by their own [engineering report](#) and referenced in the [Burrard Port Authority Study, Section 4.0](#).
- Submission of an Environmental Assessment and a dock improvement plan (with drawings) apply to new and renewal applications (starting cost around \$10,000);
- A preliminary archeological study (PARF) (costs seem to vary ~\$1,200-3,500) from the shishálh Nation directly, available from only a single vendor ([Insitu](#)).
- Docks must be constructed to allow 43% light penetration, contrary to engineering recommendations in the government's own commissioned report.

Community Concerns/Unanswered Questions

- Why is Grandfathering not an option? (Between 70-90% of docks in the area will need to be ripped out and replaced at substantial costs.)
- Why haven't the environmental impacts of retrofitting the sizes of docks been analyzed and considered?
- Why haven't the economic impacts on small and rural communities not been taken into consideration prior to the draft amendments? Many of these businesses rely on boaters in the region. No docks, no boats.
- Why is the government trying to limit boat size that a dock can accommodate by imposing a new size restriction?
- Why is freshwater and saltwater being treated the same?
- Why haven't they considered the individual costs for homeowners to comply with these rules?
- Why are Commercial marina's impact being assessed separately?

Costs

The costs of getting the assessments done as required under the DMP are significant. Existing docks that were constructed prior to the DMP are required to come into compliance which in most cases requires the assistance of a new dock design and engineer sign off. Just the application to renew a current tenure can be upwards of \$30,000 [can we prove this?] and the actual cost to bring the dock into compliance with the DMP can easily be between \$100,000 and \$200,000, and is case specific.

Community Research

<https://www.phara.ca/>

<http://www.penderharbourdockplan.com/>

Timeline

<https://www.phara.ca/wp-content/uploads/2023/10/Dmp-timeline-Horz.pdf>

22 Questions sent Jan 2023 to the government regarding Section 7

https://mcusercontent.com/08e4c089fc90e3f520a80a826/files/26ad7032-9665-aace-b6f6-d01f6bd1a91b/PHARA_Questions_regarding_Section_7_negotiations.01.pdf

Proposed Amendments to the DMP Comment Portal

<https://comment.nrs.gov.bc.ca/applications?clidDtid=2412772&id=655fd3540d24d60022df6ee3>

Government documentation on Pender Harbour Project

<https://www2.gov.bc.ca/gov/content/industry/crown-land-water/crown-land/regional-crown-land-initiatives/pender-harbour-project>

Penner Report

http://www.penderharbourdockplan.com/uploads/5/2/0/4/52047017/penner_report_2015.pdf

Map

<https://landuseplanning.gov.bc.ca/api/document/5fd2ae1c41bd9d00205cbfc1/fetch/Map%20of%20sh%C3%ADsh%C3%A1lh%20Nation%20swiya.pdf>

Shíshálh Government Agreements

2015 -

https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/consulting-with-first-nations/agreements/shishalh_g2g_2016-06-21_final_-_public.pdf

2018-

https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/consulting-with-first-nations/agreements/shishalh_nation_foundation_agreement_-_final_-_redacted_-_signed.pdf

Scientific Reports

PHARA Enviro Report:

http://www.penderharbourdockplan.com/uploads/5/2/0/4/52047017/balanced_environmental_review_march_8_2019.pdf

Gov Environment

<https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/and-water-use/crown-land/crown-land-uses/regional-initiatives/envirostudy.pdf>

Government Arch Survey

http://www.penderharbourdockplan.com/uploads/5/2/0/4/52047017/archeological_survey_summary.pdf

PHARA Engineering

http://www.penderharbourdockplan.com/uploads/5/2/0/4/52047017/engineering_review_malack.pdf

Gov Engineering

<https://www.phara.ca/wp-content/uploads/2023/11/Engineering-Review-of-Pender-Harbour-DM-P-Best-Management-Practices-McElhaney-Ltd.pdf>

Source Documents for the Gov Engineering Reports

<https://www.portvancouver.com/wp-content/uploads/2020/06/Recreational-Dock-Guidelines-for-Burrard-Inlet.pdf>

<https://vancouver.ca/files/cov/guidelines-universal-access-new-public-docks-false-creek.pdf>

Private Moorage Act

https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/and-water-use/crown-land/private_moorage.pdf?fbclid=IwAR2VGKIjJGam1BUHV9jUrzxWy6iM0dlGibmylZXL41ezczJESa8FDjYh0RI

Federal versus Provincial Jurisdiction for Canadian Navigational Waters

<https://laws-lois.justice.gc.ca/eng/acts/n-22/page-1.html#h-1198460>