

Draft Marine Zoning Regulations

June 22, 2015 Open House and
Public Input



*Thank you for your feedback,
here is what you said*



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74 Signed In at Open House Over 60 Questionnaires Received

QUESTION 1

Where do you live?

Maple Bay	38
Bird's Eye Cove	9
Genoa Bay	7
Other	15

- Chemainus
- Crofton
- Mayne Island
- Maple Bay Road
- The Properties
- Between Maple Bay & Genoa Bay
- Kelowna
- Alberta
- Stoney Hill

QUESTION 2

Do you live on land or water?

Land	62
Water (live-aboard)	5
Water (float home)	6

Comments

- *I would like to live on a boat but unfortunately have to PAY taxes on a house. If only the taxes were used wisely, I wouldn't feel so choked.*
- *We live on land, however, we spend as much time on our boat as we can, sometimes more than 5 days at a time.*

QUESTION 3

Do you agree or disagree with the draft marine zoning regulations?

Strongly Agree	4
Agree	18
Disagree	18
Strongly Disagree	8
No Response	2
Not Sure	1

Comments

- *Agree as they apply to derelict vessels, live-aboards, vessels on mooring buoys, and handling of relayed sewage.*
- *Strongly disturbed by governmental encroachment.*

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- *Strongly disagree – yachtsmen are responsible.*
- *Agree with modification.*

QUESTION 4

What would you change about the draft marine zoning regulations?

COMMENTS

- The proposed change to the zoning in the Paddy Mile Stone to Octopus Point stretch of waterfrontage should be the same as within Maple Bay M1 not M5. There are many long-term permitted leases that have been built according to prescribed. These leases were approved by the District of North Cowichan and the Cowichan Native Band.
- A "Conservation Zone" does not permit the installation of floating docks. I am opposed to the section from Paddy Mile Stone to Octopus Point being thus zoned. This stretch is occupied by permanent and seasonal residents. The purpose of buying such property is to have a boat there and sail to and from it. The bank rises vertically from the high tide mark, so a floating dock is necessary.
- There is also the safety factor. The new road is of no use if there is a forest fire on Stoney Hill. Occupiers of these properties would be trapped, unable to escape by water. Lives are at stake.
- An incident a couple of years ago underscores the value of these docks. A sudden squall almost sank boats out at the Rowing Club. Only by getting to a dock, water in the boats up to their wrists were they saved. I would change the Draft Marine Zoning Regulations to permit docks.
- My one strong area of disagreement is in connection with "Mooring Buoys". Unless there is a regulation of the number allowed and duration, our Bays will become 'choked' with moored vessels. Often they are left unattended, are poorly moored present a 'hazard'.
- For many years I was involved with the Christmas Time parade of decorated boats. It is now very difficult to take the parade, down into Bird's Eye Cove because of the number of moored boats with no anchor lights.
- Transport Canada sets out regulations for 'Permanent Mooring Buoys" and these regulations should be part of the Zoning. But, again if the number is not controlled it will become a huge problem.
- There needs to be consultation with the few major stakeholders in this community. North Cowichan is placing too many regulations without regard to the major stakeholders or considering future consequences.
- I find it difficult to believe that the Municipality would push this forward without consulting with the major stakeholders first. These new zoning regulations will severely restrict my business in the future.
- There is a strong need for a Marine Advisory Council, so there is a body that will listen to the needs of marine businesses.
- Pay attention to what Vancouver has done in regards to False Creek. Give boats 25 of 40 days to anchor in the Bay. Stop pandering to commercial interests who have already infuriated local yachtsman I know. Stop blaming the three live-aboards for problems that

COMMENTS

well remain after you have got rid of them. Base your decisions on sound legal advice and science.

- If you ask the scientists at the Oceanographic Station, one cubic metre of salt water will sterilize one flush. The live-aboards will organize themselves as they have always done. There needs to be an area put aside for visiting yachtsmen to anchor. Moorings are shared by all and managed by the person who put the mooring down. If the mooring is crowing another mooring, the offender is asked and helped to move. It is a system that has always worked through good will. Leave it be.
- I have maintained a mooring in Maple Bay for 25 years. My family have moored and anchored there for over 100 years.
- Live-aboard vessels should pay an annual fee to moor to an approved mooring buoy. The fee should be put into a dedicated fund for: a) inspection of mooring buoys and b) removal of derelicts. A study should be started to get the facts as to: a) find out and quantify any pollution problems. Does it exist? Nobody presently knows and b) find out how many boats are live-aboards. In fact, I believe there are very few. I think that asking that people who live-aboard must use pump-out facilities is ridiculous in light of the fact that there no facilities to do this. If the Municipality demands this – they must supply the facilities.
- Live-aboards are exploring an alternate lifestyle. They may have no other options or they may just prefer the lifestyle! Either way they should be allowed the option
- Also 620.5 talks about installation of heaters, etc. There are no inspectors to do this – why even attempt to regulate this – cross it out.
- A-1 Agriculture? Full of old boats Genoa Bay show by doing something first.
- M-5 Genoa Bay access – community water access – how? Where do people park?
- Change zoning from M-5 to M-1 on the northern section of the Stoney Hill Peninsula for all private property owners for the following reasons:
 - High wildfire risk
 - Very low to nonexistent road maintenance. Loss of life and/or property may result in the Municipality being held liable due to knowingly allowing one entry and egress point on the Stoney Hill Peninsula as we are alone are approximately 5km to the nearest maintained public road therefore Private Moorage as per M-1 zoning is requested.
- Part 10 (10.2 Permitted Uses Table) Floats, wharves and piers should be amended to read: "In M-5 zone, floats wharves and piers limited to "licensed" private, non-commercial use."
- As proposed it does not seem reasonable, based on any science or evidence, that an arbitrary is drawn between M-1 and M-5 zones. Many residences along M-5 have had licensed wharves/floats built to provincial and municipal standards (including assessed property taxes on the wharf/float) for over 10 years with SIGNIFICANT financial investment to ensure that they are built to standards set out by the Province of British Columbia as part of the permitting/licensing process. These wharves/floats are used for private usage and meet all the environmental standards request and required. It makes no sense that next door because of an arbitrary line that these types of wharves/floats would be permitted. The

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key is to ensure they are licensed by the Province and built and maintained to strict environmental standards. The outcome being environmentally safe, not just because you had to draw a line.

- I strongly oppose the proposed wording.
- Grandfathering may also be an option, but on the other hand, new application would have to meet environmental standards, so not sure why wharves and floats would be arbitrarily not permitted.
- The terminology of what is in existence vs. proposed draft was/is unclear to me. A staff member was available to explain a particular question re: the number, size, etc. of the over height boat house structures in Bird's Eye Cove, which was very helpful. I am grateful to have the Open House as a first step in these Draft Marine Zoning Regulations. I am unsure as to what I support at the moment. I'm confused that Stoney Hill (A2) is not allowed docks whereas the park and other areas of Stoney Hill are. Thank you.
- I, we have a "public dock" where 5 to 6 slips are rented out, sometimes/often year round and labeled reserved. This hardly a public dock.
- No to "Marine Navigation Moorage", it limits a mooring buoy to 5 days which should only apply to live-aboard or transient NOT local tax paying residents who play a buoy for keeping their boat available for use through the year (not live-aboard or derelict). Perhaps a small (50% perhaps) to identify these local boats and sure that the mooring buoys meet minimum standards. "No mooring buoys" is not acceptable. This is a boating community.
- No discussion or consultation.
- No information provide for a major stakeholder whose business is directly affected by these zoning decisions.
- Need to consult with major stakeholders before drastically changing their zoning.
- My family's business is adversely affected by this zoning change.
- Allow docks along the Fairweather Road subdivision. There is no harvesting of shellfish in this area as natives have claimed. I've lived there for 30 years and never witnessed shellfish harvesting.
- Why is Sansum Narrows different to Arbutus and Genoa Bay Road? Zone for all should be M-1.
 1. Sansum Narrows requires the waterfront option to escape fires, for medical emergencies during heavy snow fall (note: no ploughing provided) and has high risk of fallen trees preventing access/exit.
 2. A community dock would be too small for the number of lots involved and terrain prevents sharing.
 3. The docks presently have all the features outlined in the Federal (Provincial) and Oceans Canada – Marine Guide: Rocky Shoreline; preserved water bank; north to south facing; solid cement/metal pilings; grating for walkways/ramps and small in size. Care has been taken to preserve marine habitat.
 4. Sansum Narrow lots were sold as waterfront only. Docks were therefore established by residents to access them. Are they now to be removed??

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5. Beach access and shipping lanes are not impacted by Sansum Narrow docks from the shore.
 6. Rights to use the docks are a North Cowichan Council decision not Federal outside pressure groups.
 7. A community dock would be too small for the number of lots involved and public access.
- We moor in the area south of the Government Wharf, an area we understood to under Federal control. We bought the mooring when we boat the boat. The mooring has been there for decades. That is broken about the present zoning that it needs to be fixed?
 - Current zoning allows for private wharves in the proposed M-5 zone. There are a number of private wharves along the area between Paddy Milestone and Octopus Point, and current landowners purchased their properties with the right to build private wharves. All the current owners in the new M-5 areas should be grandfathered.
 - Aquaculture should not be permitted at all in the M-5 marine resource designated areas.
 - Mooring buoys in M-5 should be restricted (they are bringing more and more seldom used boats, anchoring blocks destroy sea bed).
 - Many portions are not enforceable.
 - Seems in many cases the cart has been put before the horse.
 - 6.20.6 – only one I agree with.
 - Strongly disagree with dock restrictions for private waterfront owners in M-5.
 - Why is the Muni down zoning private enterprise and private waterfront property?
 - Why can't Genoa Bay Marina have a floating hotel?
 - How will this new zoning address special circumstances?
 - I strongly disagree to downsizing of private property.
 - Length of stay for visiting boats/moored/anchored – 2 weeks.
 - We need a pump out with reasonable fee to encourage usage.
 - Not keen to see condos or hotel/motel at Marina. Would likely cause increased seaplane traffic which is already noisy enough now.
 - Pleased to see derelict boats not allowed or noisy live-aboards (ie: generator noise).
 - 6.20.2, 6.20.3, 6.20.4(b), 6.20.5(a) – the water quality in Genoa Bay is tested on a regular basis. There has never been an instance where the water quality exceeded safe limits. A sewage collection system would be a severe financial burden and would be gross over-kill.
 - I suggest there be a date by which marinas with live-aboard boats must provide pump out facilities for those vessels.
 - Could there be some pressure on the marinas to provide pump out facilities for visiting moorage customers/vessels, and for visiting boats at anchor?
 - I think anchoring needs to be a stated usage in M-1.
 - Moorage, not just mooring buoys need to be permitted usages of M-1 and M-2.
 - Now that the draft zoning refers to M-1 instead of W-1, there needs to be clarification of where "Marine Navigation Moorage" is intended as a permitted use.
 - Council directed Staff in August 2014 to investigate various key issues, including "Registered Transport Canada Mooring Buoys". I don't see any reference to that aspect in the Draft

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- Marine Regulations. That aspect needs to be included as a crucial use in M-1.
- Where is information on marine zoning for Crofton and Chemainus? Different regulations there?
 - What does M-1 – Marine access mean? Access to what - Commercial Properties and private land, and minimal community access? Where would British Columbia be if marine waters were limited so severely?
 - The definition of “marina” does not include float homes?
 - Re: Marine Transportation: why are charters or taxi service permitted in M-1 when these are commercial activities?
 - Part 5 definitions cover all sorts of possible uses for Commercial Business but very few for actual marine use.
 - Re: Marine Navigation Moorage: 5 days in what period of time? Who/what would check on 5 days? Where would the funds come from?
 - Good work. Lack of consultation as promised.
 - Grandfather the existing buoys. Have each one pay \$200 per year – use the money to remove derelict boats. Work with the people.
 - Place foreshore at Sansum Point Park into M-5.
 - Why is aquaculture allowed in closed area and protected area?
 - What rationale behind restricting Bed and Breakfast to M-3 only? This is a sustainable small business.
 - What is rationale behind unconditional use of moorage buoys? This restricts public use of areas of the Bay because of permanent use by moored boats.
 - Actually enforce no moorage in Bay (Maple) that is floating, attached to cement blocks.
 - Clean-up/dispose of dinghies attached to walk up from beach by Government Wharf.
 - Open up Government Wharf to more moorage. Get rid of “reserved” spots except for Oyster Cove boat.
 - Extend protection zone south of Chisholm Island.
 - No objection to mooring buoys in Maple Bay.
 - I would legitimize mooring buoys by charging an annual fee, allocating defined areas for placement and revisiting the moorings annually to ensure compliance. Non-compliance would result in removal. Compliance would include requiring a vessel defined as non-derelict and non-live-aboard, capable of operating under its own propulsion. This would eliminate all current mooring issues.
 - The stakeholders involved in these decisions meaning person’s livelihood is affected. Should have been consulted prior to the very expensive drafting of these regulations. Persons whose housing will be negatively affected by these zoning changes have not been asked for their input. Zoning regulations in a number of cases are not enforced now. How will this change?
 - Limit the number of mooring buoys so that there is room for transient/visitors to moor in sheltered area that is not too deep to anchor in – ideally Bird’s Eye Cove from Paddy’s Milestone south.

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- With regards to use of water for moorage of well-maintained vessels, I would like to be assured that this use will continue to be permitted as it offers a reasonable cost means of keeping a boat on the water for use and in doing so also adds to the colour and eye appeal of the Bay.
- Lengthen the stay for visiting moored boats (on anchor or mooring ball) – 2 weeks.
- We need a pump out facility in Maple Bay with REASONABLE fee and possibly mobile version as well.
- Not keen on possibilities of hotel/condo at Marina – not keen on increased sea plan traffic.
- Good idea to outlaw derelict boats.
- As waterfront owners with a recently acquired boat, we'd like to ensure we will have the right to install a mooring buoy close to our property. We pay high property taxes and if the number of buoys were ever limited, we feel we should have priority over non-waterfront owners.
- Waterfront owners should have rights to put down mooring buoy. Waterfront owners pay high property taxes.
- No change in use of sea required.
- Provide sewage pump out at Maple bay.
- Continue private moorings as per *Canada/Shipping Act*.
- Improve and enlarge Government dock at Maple Bay.
- No taxation of private MOORINGS! Permitted at all!
- Back off with all of the authoritarian nonsense. Start thinking FOR users, not AGAINST them. Encourage freedom and independence. Stop penalizing it, stop commodifying it.
- As they apply to derelict vessels, live-aboards, vessels on mooring buoys and handling of related sewage change them to reflect the intent.
- Leave the Marina alone, it's a red herring.
- What is Community Water Access? Public Wharf? Our Wharf was put in with all parties signing off – what happens to Wharf in place?
- This is special interest groups dictating how North Cowichan runs North Cowichan (tail wagging dog).
- With our boat and Wharf in place, we have rescued countless boaters, one in the middle of the night -17 below. What would have happened if not able?
- Around Wharf are mussels, small fish, ducks starting to come back to clean Wharf. Kelp beds starting to grow. Mostly rock beaches no harvesting of shell fish.
- Move mooring buoys away from Government Wharf.
- Live-aboard vessel.
- Okay grandfather some people – faze others out.
- Please don't pander to local business interests.
- Lindstrom Marine has a wharf and pump out possibilities.
 - a) Definition of Derelict Vessel
 - b) When is a vessel abandoned?
 - c) When is a vessel at sea?

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- d) Who will determine whether a vessel is at sea, at anchor, on a mooring, or a dock?
- e) What about the legal code of mariners who must aid any vessel in distress whether it has a crew or not?
- f) Live-Aboard Vessel
- g) Has always been 6 months and a day.
- h) Five days is an appropriate length of time.
- i) Twenty-five of 40 days consecutive days is more reasonable, people go on holidays and they stay on their boats.
- j) 6.20.5 live-aboards must have sewage options.

- Electrosan Disposal, Traditional Holding Tank and Pump Out, Composting Toilet, Holding Tank and 2 mile shore limit pumping as per Transport Canada regulations.

- Marine Navigation Moorage – 5 days not long enough, 25 of 40 consecutive days as per Vancouver Port Authority for False Creek.
- 6.20.5 Transport Canada has much better things to than certify live-aboard vessels. Land owners can and do install furnace, toilet and fireplaces, chimneys without certification by anyone. Insurance companies need assurance for proper installations. All boat owners are by far aware of safety involving heat, gas and electricity. Furthermore, I insist that all homes within 1000 metres of any creek, lake, stream, and ocean have 2015 certification by CSA for their electrical systems, sewage, electrical and heating.
- My wife and I applaud the Municipality for the position they are taking on the marine issues for we believe that these waters are akin to “Common Lands” and should be protected and available for all to use without any monopolization by individual For almost 20 years we have lived in Maple Bay on our waterfront lot and are directly affected by some of the issues the Municipality are proposing to control, namely uncontrolled moorage, live aboard vessels and sewage disposal from these boats.

I have been sailing for 60 years and between us my wife and I have extensively cruised our sailboat, in BCs local waters, the western coast of North and South America , the Eastern coast of Canada including Greenland and Arctic waters, the breadth of the Pacific to Australasia and the waters all around the UK and northern France. We therefore speak with some experience.

The suggestions we make below ([highlighted in blue](#)) are made with a view to keeping the Municipalities involvement in enforcement to the absolute minimum by passing that to either other agencies or other persons.

- **Live-aboard vessels, ensuring use of pump out facility**

These vessels are both on moorings and tied up in marinas. Maple Bay marina for instance has in excess of 20 live aboard vessels tied to their docks for which they charge additional

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fees but are not at present responsible for compliance with non-discharge.

In our experience live aboard boaters either on a mooring or at a dock is there to save money. If they can, they will avoid pump out fees so both the live aboard on a mooring or at the docks has no incentive to follow the correct course (follow the new bylaws) and pump out at any station provided.

Marine areas within the State of California overcame this problem by sealing the boats discharge through hulls with lead seal and wire to ensure that no illegal over board discharge takes place.

We believe that a similar process can be instituted here and by having the marina(s) responsible for the live aboard vessels in their marina (they are already responsible for the float homes in their marina) and also make them responsible for the provision of the pump out facility. The marina will be empowered to seal the through hull fittings and police the avoidance of use of the pump out facility for it is in their interest to ensure a return on their pump out construction costs.

Similarly the live aboard on a mooring would have his through hull sealed and the record of pump outs available for checking.

Holding tanks on boats are limited in size and pump out is normally required about every 5 days or so.

- **Definition of derelict boats**

We feel that your definition of a derelict vessel could be improved, for instance a sail boat anchored without an engine could be classed as derelict. We have looked at many definitions, most from the USA covering derelict boat. Some cover the last time it moved etc., others its appearance but we believe that they all have some problem. We suggest a different approach.

Since the water any boat is on is public domain similar to the public highway system, one way we favour is to avoid defining "derelict boats" by requiring "all boats on moorings or anchored within the waters governed by the municipality to at least carry current "Third Party" insurance."

This requirement would protect the Municipality and others in the Bay from damage either to their facilities, underwater outfalls, cables, docks or boats in the event of a vessel going adrift or even sinking and becoming an environmental or physical hazard and should protect the waters from what we all see as derelict vessels.

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If there were concerns about a vessel the Municipality could request a copy of that certificate.

Currently insured boats need a survey in and out of the water on a four year basis. Such a requirement would ensure that users of the Bays waters are responsible and by calling for insurance the Municipality has avoided the designation of "derelict boats" and has made use of the Insurers efforts to see that a vessel is in good shape and looked after.

- **Density of moored boats and mooring buoy description**

We note that nowhere in the draft by-laws has the Municipality covered spacing or density of moorings.

We feel this should be addressed on two counts.

Firstly to allow transient moorage to take place, allowing visitors to the Bay to use restaurants and commercial facilities. At the present rate and density of moorage being placed (40% increase in 2 years) there will be nowhere for transients to stop overnight.

Secondly we find it hazardous to transit the area of moored boats in the dark on the way to our property for non-carry anchor lights and they are too densely packed

We suggest that the Municipality state [that permanent moorage conform to the Federal MOT regulations for buoy details, spacing and clearances](#). The use of such regulations would give room for the transient to stay and would give a standard consistent with all marine areas. This approach again passes responsibility to the Federal body to ensure compliance.

- What is stop a person copying this Questionnaire a hundred times on the 4th box Question 3 to give the wrong bias? It will happen I'm afraid. Questionnaires should be signed with an address.
- I do not feel that a few live-aboards would harm the Bay. Why not make folks comply with the accepted method of using Holding tanks and dumping sewage at the Maple Bay Marina pump out station that was supposed to be constructed as part of their permit requirements for the sewage treatment plant which is part of the development of their upper lands.
- Set the limit on the amount of live-aboards and have them registered at the Municipality. This would make things orderly and you would know who you are dealing with. Make them have insurance and comply with Transport Canada moorage requirements. No docks allowed to attach to moorage buoys. One boat only. Just a few common sense things could make the bay alive in the winter and live-aboards are good insurance against theft and marine tomfoolery, as they live there and want to keep things clean and orderly.
- Noise is not a problem as it would be the same as a house on the waterfront. Rules that

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apply to houses apply to boats. Not hard to manage if the numbers are low.

Definitions:

- **Commercial Business (Rural)**

I would argue that the boat maintenance business in M-3 has developed way beyond conducting a local amenity type business necessary: Boats are brought in from Vancouver, the States and from the region in general in huge quantities I am not against the successful business, but I'd like to point out that an activity as such is in need of careful management: The properties west of the M-3 Zoning are zoned R-1 and are not buffered from the quasi industrial activity at the marina. The lack of buffering allows noises into the 80 plus decibel range to ascend to our residences and on hot days are followed by odors from refuse storage.

I'd like to point out that I have succeeded by assessment review some years ago to have a considerable reduction of our assessments: that the lower part of our property which has subdivision potential is virtually useless because of above stated negative emissions .. It is only a matter of time that neighbouring properties will show similar reductions of assessment and/or that it becomes clearer why adjacent vacant lots might not be selling as expected.

Other negative impacts from the commercial area are avoidable noises from a floatplane being started up daily at 7am on the west side of boathouses next to the shoreline and next to R1 zoned properties.

The negative influence of glare reflected of boathouse enclosures, the unsightly massing of these structure and the effect of these structures on view lines and the market value of adjacent properties has been much discussed and is difficult to remediate. Future marina developments in regard to restaurants and other tourist amenities will be impacted by these past planning mistakes.

As indicated above I think that in general the zoning as envisioned might be acceptable , but the outcome will be depending on how details are regulated and monitored: boatlifts can be much more quiet by spending some effort on silencing and muffling airplanes can be stored and started up at locations which are not next to residential areas: possibly making use of the barricading qualities of the much maligned boat enclosures ...The M-3 area could potentially be buffered in a better way by structures in between Genoa Bay Rd and the more industrious area however to allow up to 12m high improvements will make a "canyon " out of Genoa Bay Road and certainly would not give that feeling envisioned by previous and present OCPs.

- **Marine Navigation Moorage**

COMMENTS

A permissible stay of 5 days appears to be too short: 14 or 21 days max appears to be more customary. I think False Creek stay is restricted to 14 days.

- **Marina**

If marina activity would include the rental of "personal watercraft" as in Seadoos I think the operator of the marina would stir up more animosity than business ...

2) Site Specific Developments

Even if zoned already in a certain way - should only be allowed after close consultation with the neighbouring community and their residents association. (DP Process).

- **Comment in General**

I have lived on the Bay close to 15 years. It is obvious that float plane activity is increasing steadily. Float planes are a nice convenience for some, but a dehumanizing nuisance for people enjoying the environment and being affected by them as they reside in the proximity of their use. Bird's Eye Cove and Maple Bay are sound chambers like Greek amphitheaters. The noise comes straight up the hill sides and is increasing steadily. The difference in real estate prices in between the Lower Mainland and our area will increase this pressure. I would like council to keep this in mind as servicing this area is coming up.

We have designated airports and we don't have to accept more "filth" as pointed out by other than me !

- I would like to see enforcement of proper sewage disposal by float homes and live-aboards whether anchored or moored.
- New bylaw should address the spacing and placement of mooring buoys as per Federal regulations.
- Can we get M-5 to include Chisholm Island and the water area immediately South?
- I would like to see the area behind or south of and including Chisholm Island part of the Conservation designation M-5. This is in Bird's Eye Cove.
- Permanent moorage of boats should conform to the Federal law on buoys and spacing.
- Strict enforcement against sewage discharge from people who live on their boat either at a dock or moored out.
- You allowed homes to be built in that conservation area. Why not around conservation around the Point instead. No population and same type of area.
- I believe in Conservation however, you have chosen to address the wrong areas – you should concentrate on the areas over populated – Bird's Eye Cove should be cleaned up and small conservation area designed there. Why choose the south area shore over the north area shore in Maple Bay for conservation. Is the First Nations influenced here?? Or Voters??
- North Cowichan seems to be punishing those poor people who have gone through so

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much with the road. THEY NEED DOCK!!

- Change M-5 Zoning on north shore of Maple Bay Peninsula to M-1. Change M-1 zoning adjacent to Municipal forest lands and parkland to M-5.
- Clarify wording regarding mooring buoys.
- On June 22, 2015 I attended the presentation at the Maple Bay Fire Hall related to the draft Marine Zoning Regulations proposed by the municipal planning department.
- I should point out that my wife and I own property at 7953 Stoney Hill Road. I spoke with each of the municipal councillors and Mayor related to my view of the proposed changes. During the conversations it was requested by one of the councillors that I articulate my thoughts as it relates to the draft and send a note to council for their consideration.
- I believe a lot of thought has been put into the issue of derelict boats and moorage and how to deal with the float home process moving forward. I fully support the planning department suggestions and applaud their efforts. Improved structure in the area of Birds Eye Cove is long overdue.
- I do not however support the proposal to disallow foreshore leases in the area between Paddy Milestone and Octopus Point. If I had requested a foreshore lease 2 ½ years ago it would have been a virtually automatic approval process from the provincial government. In fact a number of landowners in this area have done that and have docks in place. The provincial government turned this approval responsibility over to municipal government, and there has been a moratorium on further approval ever since.
- Council has every right to downzone property within its jurisdiction under the law, and it has already moved in that regard by requiring waterfront property owners to apply for a development permit if change is to occur. This in itself is restrictive, but now compounding it with the inability to receive a foreshore lease is further eroding the ability of landowners to enjoy the property they purchased by again changing the rules. Down-zoning (not exactly the right term under these circumstances) results in landowner opposition based on perceived and real impacts on property value. These changes will result in a corresponding negative effect on property values for the affected properties.
- Further, I request you listen to the owners of the land in this area. Although Cowichan Tribes is a good neighbour and we need to listen to their concerns, the issues of land use and ownership as it relates to Cowichan Tribes fall clearly on the shoulders of the provincial and federal governments. There is no reason for municipal council to satisfy others at the expense of those holding fee simple lands with the municipality. The treaty processes currently underway will define what rules will apply moving forward so there is no need to restrict the enjoyment of the waterfront landowners at this time.
- The issue of community docks was discussed by council in lieu of individual docks as a way to address concerns by some to the perceived visual effects on the waterfront. I suggest if a community dock were to be considered, the expense would be significant, and since it would be available to the community as the name infers; it would need to be funded by the community at large and not restricted to landowners in Stoney Hill. The cost of this facility would be huge compared costs associated with individual facilities, and I am quite certain

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the community at large would not support a facility with their tax dollars in this remote location.

- To sum up, I ask council to disregard the proposed section of the Draft Marine Zoning Regulations as it relates to foreshore leases between Paddy Milestone and Octopus Point. Resurrect the draft bylaw that was proposed last year but shelved, and allow foreshore leases.
- On closer inspection of the Draft Marine Zoning Regulations, it's unclear as to the intent of the Draft and the Planning Department regarding anchoring of boats and the long-term use of mooring buoys by boats. If it is the intent of the Bylaw to restrict anchoring of boats and use of mooring buoys in Zone M1 to no longer than 5 days, then I object strongly to the Draft.
- Promised consultation with user groups particularly the Boaters Group has not occurred and this does not bode well for the intent or the transparency of the Planning Department staff. I retract the first line of my previously submitted questionnaire complimenting the "Muni Planning staff". Please refer and pay attention to the following for my recommendations for changes to the draft marine zoning regulations.
- With reference to the Municipal Council meeting of July 10, 2014 and the commitment to communicate with concerned boat owners I hereby submit our recommendations and suggestions regarding the issues that have arisen as a result of the attempted Zoning Bylaw 2950 –Section 64.1 enforcement. The issues as we understand them are:
 1. Anchored boats
 2. Presence of mooring buoys.
 3. Derelict boats
 4. Liveboards
 5. Sewage
- In the interests of clarity and objectivity, I will address the issues separately starting with the issues that relate to Zoning W1 specifically.

Anchored Boats
- Boats at anchor in Bird's Eye Cove in our opinion have never been problematic. We recommend that there be no restriction of anchoring in Bird's Eye Cove for the following reasons:
 1. The anchorage in Bird's Eye Cove has been a safe haven for boats for generations.
 2. Visitors, both local & foreign (contributors to the local economy) regularly anchor here to patronize local businesses such as the Shipyard Restaurant, marine stores, taxi services and shopping in Duncan as well as services such as haul-out facilities and fuel supplies at the several marinas. Eliminating anchoring in Bird's Eye Cove sends a message of exclusion and unfriendliness to boaters that prefer to anchor. Information about such attitudes travels rapidly through the boating community and boating publications and will cause long term damage to Maple Bay's reputation as a desirable destination.
 3. We recommend that no time limit be associated with anchoring in Bird's Eye Cove for the

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following reasons:

- Almost all vessel anchoring occurs during the summer boating season from mid-May to mid-September. During that period, by observation, boats do not anchor for more than 3 to 4 days. In general, these boats are in transit north or south and anchor in Bird's Eye Cove for provisions, repairs or to enjoy the amenities of Maple Bay.
 - Anchoring in Bird's Eye Cove from October to May, if it happens at all, is very short term and is risky because of questionable holding ground in the strong winds that occur during that period. Also, very few people use their boats in the off-season because of rain and colder temperatures.
4. Visiting boats have been seen to be confused by the "information buoys" which effectively reduce the anchorage area in Bird's Eye Cove. In some cases, boats have been observed to 'give up' and leave Bird's Eye Cove for other destinations. With the planned relocation of Maple Bay Marina's fuel and aircraft dock to the north near the mouth of Bird's Eye Cove, a "navigation channel" through the Cove to Chisholm Island is unnecessary and the "white information buoys" will serve no purpose. With their removal and no fuel & aircraft traffic, Bird's Eye Cove will provide the ideal anchorage with easy access to local businesses and services.
 5. We recommend that all vessels at anchor be capable of making way under their own power.

Mooring Buoys

- Mooring buoys are a feature everywhere on the BC coast and have existed in Bird's Eye Cove for decades. We recommend that mooring buoys be allowed in Bird's Eye Cove under a revised Zoning Bylaw with the following requirements:
 1. That all mooring buoys conform to Government of Canada Private Buoy Regulations SOR/99-335. <http://laws-lois.justice.gc.ca/eng/regulations/sor-99-335/page-1.html>
 2. That all mooring buoys be placed in accordance with Transport Canada's requirements, ANNEX A and ANNEX B. <http://www.tc.gc.ca/eng/marinesafety/tp-tp13585-mooringbuoys-3006.htm>
 3. That each mooring buoy be registered with the Municipality of North Cowichan with the following information:
 - The name, address and phone number of the owner of the mooring buoy.
 - Its location by GPS co-ordinates.
 - An assigned number by the Municipality of North Cowichan. This number is to be clearly visible on the mooring buoy in letters similar to those required by <http://laws-lois.justice.gc.ca/eng/regulations/sor-99-335/page-1.html>
 4. That all vessels attached to private mooring buoys be capable of making way safely under their own power.

Derelict Vessels

- The Government of Canada has no clear definition of an abandoned or derelict vessel. In the United States, Washington State has a Derelict Vessel Removal Program and provides

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the following Guidelines. http://www.dnr.wa.gov/Publications/aqr_dv_guidelines_0907.pdf
2.1 Abandoned Vessel A vessel is considered abandoned if the vessel's owner is not known or cannot be located, or if the vessel's owner is known and located but is unwilling to take control of the vessel, and the vessel has been left, moored, or anchored in the same area without the express consent, or contrary to the rules, of the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five day period. "In the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands.

- *2.4 Derelict Vessel A vessel is considered derelict if the vessel's owner is known and can be located, and exerts control of a vessel that:
 - a) *Has been moored, anchored, or otherwise left in the waters of the state or on public property contrary to chapter 79.02.300 RCW or rules adopted by an authorized public entity;*
 - b) *Has been left on private property without authorization of the owner; or*
 - c) *Has been left for a period of seven consecutive days, and:
 - i. *Is sunk or in danger of sinking;*
 - ii. *Is obstructing a waterway, or*
 - iii. *Is endangering life or property.***

RCW 79.02.300 is a Washington State Legislature statute that relates to prosecutions for trespass, waste & damages. <http://apps.leg.wa.gov/rcw/default.aspx?cite=79.02.300>

1. In Bird's Eye Cove, the vessel that probably contributed to the Maple Bay Community Association's complaint to the Municipality – a black tugboat – has been removed from the Maple Bay area as of July 29, 2014
2. Currently, there are no vessels in Bird's Eye Cove that would qualify under the terms of the Washington State Derelict Vessel Program.
3. In requiring all vessels at anchor or on moorings to be capable of making way under their own power, the Municipality has a tool for removal of abandoned or derelict vessels.

Live-Aboards

- Currently, all boats, including liveaboard boats, are required to conform to Transport Canada's regulations regarding Sewage Holding Tank Systems. See: <https://www.tc.gc.ca/eng/marinesafety/tp-tp1332-appendix2-1582.htm>
- There are 2 full-time liveaboard boats on mooring buoys and an unknown number of liveaboard boats in the three marinas in Bird's Eye Cove. Common sense dictates that if liveaboard boats are allowed in the marinas, then why not on moorings? With our recommendations regarding registration of mooring buoys, the Municipality and local on-shore residents can be assured that the maritime character of Bird's Eye Cove will be maintained.

Sewage

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- All boats in Bird's Eye Cove, whether liveaboard or not, have the exact same problem in that there is no immediate way for them to pump out their holding tanks. The Port of Nanaimo has an Eco Barge with a pump-out station that is open and free all year round. We recommend that the Municipality of North Cowichan provide a pump-out facility similar to that of the Port of Nanaimo that is suitably located for all boats and that is connected to the existing underutilized sewage treatment plant operated by the Municipality of North Cowichan at the north end of Maple Bay Marina.
- **SUMMARY OF RECOMMENDATIONS & SUGGESTIONS**
 1. We recommend that there be no restriction of anchoring in Bird's Eye Cove.
 2. We recommend that no time limit be associated with anchoring in Bird's Eye Cove.
 3. We suggest that the "information buoys" marking a so-called "navigation channel" are unnecessary when the Maple Bay Marina fuel & aircraft dock is moved toward the northern end of Bird's Eye Cove.
 4. We recommend that private mooring buoys be allowed in Bird's Eye Cove under a revised Zoning Bylaw with the following requirements.
 - That they are marked and placed according to Government of Canada requirements.
 - That they be registered with the Municipality of North Cowichan and identified by location, owner and number.
 - That all vessels attached to mooring buoys be capable of navigating under their own power.
 5. We recommend that the Municipality of North Cowichan provide a pump-out facility similar to that of the Port of Nanaimo that is suitably located for all boats and that is connected to the existing underutilized sewage treatment plant operated by the Municipality of North Cowichan at the north end of Maple Bay Marina.
- 6.20.6a: If sewage units are not available to live-aboard marinas, will those marinas get priority over new land developments? You shouldn't enact a bylaw that can't be complied with. I know one marina in Cowichan Bay that has the required pump out equipment and storage tank but can't connect to the sewer system due to lack of sewage units despite newer land developments getting sewage units.
- Marinas were there long before the subdivisions. It is the marine history of the community that has led to the attractiveness of the surrounding land development.
- I would like to see the bylaw amended that forces the city to provide all marinas with adequate sewage units so they can comply with a no-discharge of sewage bylaw.
- 6.20.6b: Isn't a boat survey sufficient? Boat insurance companies require a boat survey. I would like to see an addition to allow a boat survey or boat insurance as evidence of compliance with safety regulations. Government certification sounds like another onerous step. For example, Shelter Island Marina requires evidence of insurance to prove compliance.

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- In general, I am concerned that land users will have priority over boaters regarding anchorages. (Imagine if the tables were turned and boaters had influence over land use decisions.) Municipalities need to understand maritime law and maritime tradition if they are to become stewards of this federal national resource.
- "MARINE NAVIGATION MOORAGE" I see no acknowledgement of private mooring buoys. So I assume the 5 day limit applies to all vessels. This short limit is more reminiscent of "safe haven" to weather out storms or to effect repairs (like the 3 days given to the battleship Graff Spee during WWII). But Maple Bay is tourist destination. Here is an "Economic Opportunity".
- After visiting by sailboat, my partner and I decided to move here because of the available anchorage and thoughts of eventually installing a private professionally installed mooring buoy. Initially, Vancouver's False Creek used to allot a maximum of 30 consecutive days, with a maximum of 60 days total per year. But that was the thin edge of the wedge, and they've restricted it to 14 days (high season) and 21 days (low season). But that's a busy crowded urban waterway; Maple Bay is not. Additionally, I'd like to see a minimum spacing requirement, like four times the Mean High Water depth, between vessels, to avoid collisions.
- CIVIL STATUS OF REGISTERED VESSELS Still, I adamantly disagree with any anchoring or mooring time limit. In the same way, you cannot outlaw homelessness, as supported by BC Court decisions allowing the homeless to occupy parks, you should not outlaw anchorages for boats, especially registered boats (Canadian or foreign) which are afforded the rights of "civil status". It's really no different to the concept of a "Healthy & Safe Community" with a range of accommodation from homeless shelters to rentals to property ownership. This concept should be extended to boats and their owners.
- One of the reasons why I registered (as opposed to licensed) my sailboat when I sailed offshore was to get the protection of the state. Municipalities need to respect that registered boats are afforded "civil status". In my mind, under maritime law, boarding and seizing a registered vessel without permission and without due process amounts to piracy. That is why the outcry to last year's actions by the city toward vessels at mooring buoys.
- NON-RESIDENT PROPERTY ELECTOR In the event that private mooring buoys are effectively banned, boats would be forced into marinas. I think if you're going to force somebody to pay for moorage at a marina, it effectively amounts to indirect taxation. Taxation without representation is unacceptable.
- In that scenario, boaters mooring their boat in a marina should qualify as a non-resident property elector. If not, then they should have the option of anchoring out.
- ENCOURAGING "SUSTAINABILITY" There's a push in the Cowichan Valley for food sustainability, energy sustainability through solar energy, water sustainability, etc. If a boat is self-sustaining, why is it being penalized? A boat at anchor is not directly using any municipal service. If a person has a home in the area, they are paying property taxes already. Mine went up 9.1% this year. If a boater is visiting the city, then it's no different than a motorist visiting the city. They are likely to buy products and services and contribute to the

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local economy. But if they don't come ashore, then they're not using local government services. A boat that is totally self-sufficient, with solar panels/ wind generators and a water maker, like mine, and not using any city services should not be penalized by being forced to go into a marina to pay for services (electricity, water) they don't require.

- DERELICT VESSELS Firstly, I think "Abandoned" and "Deserted" should be defined to specify that the owner or master does not intend to return, as opposed to being temporarily away. This consideration was included in the definition in this UBCM report: <http://www.ubcm.ca/assets/Library/Convention/Convention2010/Session~Presentations/September~30/GOWE.Derelict%20Vessels.pdf#page=6>
- Secondly, I think the recent concerns over derelict vessels isn't really over derelict vessels but rather neglected or unseaworthy vessels. I think the distinction is important. But the determination of seaworthiness is a subjective matter. Both derelict vessels and unseaworthy vessels present risks of financial liability for the city in the event of sinking or being adrift, causing physical and environmental damages.
- Thirdly, the clause about not being able to "operate under its own power" is not a necessary condition for a derelict vessel. Some vessels (sailboats, ocean-going rowboats) can't operate under its own power, but that does not make them derelict.
- FINAL WORDS I haven't had a lot of time to consider the long term implications or further suggestions for the draft marine zoning regulations. As a resident of Maple Bay village, I appreciate the opportunity to provide input. But I only heard about this survey through the Maple Bay Community Association, not through my North Cowichan e-mail subscription. I suspect the real stakeholders, members of the boating community, have not been adequately petitioned. Has the city forwarded this survey to all of the yacht clubs and associations in BC, Pacific Yachting Magazine, or the Council of BC Yacht Clubs? As stewards of a federal waterway, the city's obligation goes beyond that of the residents & marinas of North Cowichan and the CVRD. The city and its residents need to respect the liberties of the boating community.
- It was wrong for DNC to board vessels and issue eviction notices.
- The only real concern is that we cannot have derelict vessels that damage property or environment.
- Seasonal pleasure craft that have been moored safely within the zones that allow for mooring buoys for many years must be 'grandfathered in' and allowed to stay. They do no harm and we like seeing them in Maple Bay.
- I support the 5 new zones subject to allowing existing, well moored, non-polluting pleasure craft to remain where they are.
- After centuries of maritime law and regulations administered federally, the District of North Cowichan administrators apparently believe that private moorage on tidal waters falls under municipal jurisdiction and that local zoning is now required to provide another level of regulation on the freedom and actions of citizens. Why? Is this an attempt at ever deeper revenue extraction from the citizenry? We object to these by-laws being used for extracting revenue from non-commercial users. Safe moorage is a rule of the sea and a basic right

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under maritime law.

- In dealing with the forces of nature, regulations must comply with the laws of physics as they apply to marine traffic. If these bylaw proposals are to be supported by sea-faring citizens, the interests of safe passage and secure mooring on tidal waters must be protected without regard to financial considerations or revenue streams. To my knowledge, no need has been shown for any further regulation of marine activity along the coasts of southern Vancouver Island. The occasional hazard to navigation that may be incurred or placed by trouble-makers can and has been dealt with adequately and there is no need to compromise popular access to natural marine activity which serves to enhance community and provide recreational outlet at no civic cost. In the future perhaps, when all of Canada flock to North Cowichan because of its climate and natural beauty, it may be useful to assign zones for appropriate use of the waterfront simply to avoid congestion but we are nowhere near that time at present. In their far-sightedness, our municipal administrators have unfortunately neglected some aspects for consideration...
- On my perusal of the draft zoning regulations presented at the Maple Bay firehall June 22, 2015, (unfortunately without public discussion) I noted the clarity and detail with which these drafts were presented - as though they were a concession to the public input received from the noisy meeting the previous year. The fact is that this incursion into marine territory by municipal government remains an entry into untried jurisdictions and these zoning proposals seem geared to provide civic licence for exerting tax pressure on users who maintain their own resources without cost to the community.
- If the purpose of these draft zoning regulations is to protect and serve the interests of the community, then let the regulations provide that assurance, however, no part of the draft regulations affirms the right of citizens to undertake private moorage of their vessels on tidal waters according to existing Federal standards and regulations. The staff present at the June 22nd meeting failed to acknowledge this oversight.
- So I appeal to the mayor and council members to ensure and provide assurance that no boat owner will be forced to vacate a mooring placed in accordance with the federal guidelines for private moorings and buoy placement as provided under the Canada
- Shipping Act and the Navigable Waters Protection Act, and that no fee will be exacted from those who place their moorings privately at their own cost.
- Many vessel owners prefer private moorage over the services of a marina for a variety of reasons, not the least of which is because of high costs. No extra burden should be placed on boat owners acting responsibly to protect their own interests. Thank God we still have a harbour such as Cowichan Bay where one can find an assortment of every kind of interesting vessel tied up, moored, anchored, or even washed up on the shore. Accidents of nature do happen but they are usually handled responsibly by those whose vessels are involved. There is no need for reactive measures accommodating individuals who object to a particular temporary "eyesore" which is an entirely subjective matter. These days we must also consider those who are unable to afford land-based housing, and if all they can afford is a boat, that choice must also be protected by the leadership of our community.

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- Is the government dock at Maple Bay (another piece of infrastructure) being properly maintained, and made more accessible to local boat owners? Is there a public holding-tank pump-out facility in place at the Maple Bay marina yet? Marine zoning is not the issue and no so-called "clean-up" of our local coastal communities is currently required.
- I for one would like to know what makes the District of North Cowichan think that private moorage on tidal waters falls under municipal jurisdiction. What gives North Cowichan the authority to usurp federal authority and place tidal waters under municipal zoning designations?
- So two answers please...
 1. What gives the District of North Cowichan the authority to usurp federal authority and place tidal waters under municipal zoning designations?
AND
 2. What measures will be taken to provide assurance that no boat owner will be forced to vacate a mooring placed in accordance with the Canada Shipping Act and the Navigable Waters Protection Act?

Derelict Vessel

- The definition does not include vessels which are not abandoned but will never be seaworthy again. We have four such vessels in Genoa Bay. The owner is unwilling or cannot afford to restore the vessels to serviceable condition. They are unsightly and are in danger of sinking and creating an environmental hazard.
- I would like to learn if MNC is truly prepared to remove and incur the significant costs of disposing derelict vessels. This is especially so when the owner of the derelict vessel cannot be found or does not have the means to pay for the disposal costs.

Sewage collection

- As you are most certainly aware, we do not have a municipal sewer system in Genoa Bay. We would be shocked to discover that MNC was prepared to incur the costs of installing such a system in Genoa Bay. So how does the Genoa Bay Marina and its float home and live aboard residents comply?
- If you are not prepared to permit alternative systems, such as composting toilets, the inference is that the 11 family units at the Genoa Bay Marina will no longer be permitted to live there. This has harsh consequences for those family units. Forcing these paying tenants out removes an important source of revenue for a local business – a local business which pays taxes, provides employment and is a key part of the region's tourism infrastructure.
- M5 was "conservation" – now (40.1 description of zones): "for sustainable resource use? What is sustainable resource exactly? This means farms, etc...? Is this true? Why this change?
- Folklore, common understanding in Maple Bay: especially because of octopus and lingcod beds – that there have been conservation areas.
- Where does it state that the Muni is responsible for/will enforce Fed. Regulations RE buoys (marine navigation moorage).
- What of Bird's Eye Cove beyond and including Chisholm Island. Is this not meant to be conservation zone?

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- Where does "conservation" area exist in draft marine zones – are there now no conservation areas?
- Marine fuel tanks be fully located on land excellent.
- See enclosed article "Installing your own Ball" from Pacific Yachting July 2015 p.51-52. All About Mooring Buoys. M1 in Bird's Eye Cove has too many mooring buoys, too close together. This must be regulated.
- M5 – Marine Resource Zone – "...with opportunities for sustainable resource use." What could that be? Aquaculture is a permitted use in this zone? This must not be allowed. In 1985-86 a campaign was launched and eventually won by the residents of Maple Bay against an application for a fish farm in the bay at Paddy Mile Stone. More info can be found with the Maple Bay Community Association.
- The area from Chisholm Island south should be designated M5 or conservation with limited floats for property owners work is being done to replant eel grass and encourage small fry.
- 6.20.3 I agree that live-aboard vessels at a marina must be connected to a sewer system (as well as a float home)
- The big question: how to prevent sewage from entering local waters from people living on moored out vessels. What happens to the sewage from Atraveeta?
- The following are reflections, rather than changes:
- Thank you for the opportunity to talk to planners about the Draft Marine Zoning Regulations. Discussions were helpful and reassuring.
- We understand that the time limit of e.g. 5 days refers to boats at anchor for the purpose of provisioning, awaiting haul-out etc. [The only reason that I can foresee boaters being on a mooring for this short a time would be if the mooring were borrowed.]
- We understand that boats can be attached to mooring buoys indefinitely, provided those mooring buoys are in compliance with Transport Canada regulations.
- We also heard that the marine zoning regulations may take until the fall of 2015 to be put in place, once the report to Council has been made on July 15th, followed by possible changes as a result, and then the 3 Readings.
- I wish some thought had been given to communication during the last ten months. We of the Bird's Eye Cove Boaters' Group have tried often to obtain some form of communication from the Planning Dept, especially as the June 30 2015 date loomed closer and closer.
- A great deal of angst and worry could have been avoided had we been contacted during these ten months to inform us
 - a) that all residents of the Cowichan Valley would have the opportunity in mid-June to respond to a questionnaire in regards to marine regulations in North Cowichan
 - b) that an Open House was planned as the beginning of a consultation process that June 30 2015 was not a date by which there would be any decision relating to last year's eviction notices and subsequent rescindment of those notices
- We see that North Cowichan has both a Community Liaison Coordinator and a 2013 Council Communications Plan. It is very disappointing that neither seemed to be active in relation to this crucial matter. It is well-known that, in the absence of information,

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assumptions are often made. Various boaters assumed that a) we were being ignored; or b) that other stakeholders were being included in a consultation process – but not us; or c) that last year's nightmare of July 9th/10th might happen all over again on June 30th 2015 – or all three! Perhaps planners assumed that we could mind-read or were waiting patiently till the deadline. None of those assumptions was helpful – and all could have been avoided.

- If the boating community is going to be a partner in maintaining safe and respectful use of marine waters in North Cowichan, there needs to be both trust by the Municipality (staff and Council), as well as transparency. We want our waters to be clean, safe and free of abandoned and derelict boats.
- One further change:
- Re noise and wake: though there is a sign about allowable speed in Bird's Eye Cove as 5 knots [I think – or is it 5 mph?], many boats ignore that instruction. This is a problem a) because of safety in a congested area; b) because of noise; c) because of the potential damage to boats, docks, etc. as a result of excessive wake.
- I believe there needs to be some kind of control over personal water-craft, such as Sea-Doos. These are dangerous at high speeds, which is how they are typically used. They also contribute greatly to noise pollution in bays that are surrounded by high hills, such as Maple and Genoa Bays.
- A marine advisory committee is needed.
- I fail to see how the new zoning addresses what I understand as sewage, derelict & abandoned vessels – etc.
- There is too much ambiguity in the proposed changes that makes it impossible to support.
- Concerned as well about the tax breaks for yacht clubs, etc. Why should I as a resident subsidise their recreation?
- There are plenty of marinas and good choices for boats to moor in the area without my help!
- a) I feel it important to properly and with moderation fairly regulate our waterways. There are problems with all manner of vessels occurring from time to time that should elicit authority intervention. Any vessel anywhere regardless of status perceived as proposed in this Municipal regulation, already have rules and regulations set down for ALL aspects of type and operation. The real problem is two fold:
 - i. the enforcement of these existing regulations. There isn't any; and
 - ii. the unreasonable municipal and provincial tax burden placed on marinas.
- b) Most of the operational laws already enacted lie at the provincial and federal government level. Between the two levels of government there appears no one single authority with both mandate and proper funding to enforce or react properly to ANY marine situation that is not immediately apparent to be life or death and even then the U.S. Coast Guard helps Canada out. Examples of which are the two incidents in Birds Eye Cove over the last twelve months with large derelict vessels going rogue and sinking. In both cases there was sufficient time and cause to intervene before the crisis. In both cases it is most likely that the vessels were well outside the 1000ft mandate of the province and

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municipality. I would like to suggest that North Cowichan band together with other tidal jurisdictions to spend their very limited resources on forcing higher levels of government to properly care for that which they regulate instead of creating a whole new level of bylaw beaurocracy. Attention from all communities to the bigger picture on behalf of all coastal populations, when successfull, will reduce the upfront and ongoing financial burden on North Cowichan.

- c) Approximately 50 percent of all marina revenues currently go to taxation. Moorage rates have gone up 300 percent in Bird's Eye Cove in less than twelve years. Most of that upwards rate drive has been spurred through the robber baron taxes imposed by municipal and provincial governments. Marinas are more expensive to operate than almost any other type of business save perhaps the oil industry. Our federal government subsidizes and undertaxes them to keep them profitable. What has taken place along the entire coast is an exodus of small budget vessels from all marinas. This in part has created a huge mess in harbours and fairways from a complete (and most often legal) random clutter of moored boats. Possibly even worse with almost no recourse are all the abandoned mooring blocks and chains on the sea floor inhibiting the freedom of properly operated pleasure craft from anchoring in protected harbours (where they most often go ashore to spend money). Marinas should be taxed at a very low rate to allow moorage rates to be as low as possible so the greatest possible economic activity may be generated. On the coast there are almost no young families who go boating in the summers. This is in stark contrast to the situation 40 years ago. Now, the young boater of 40 years ago is the grey beard of today. Unless there is much greater consideration given to marina operators in a very few years there will not be a viable industry providing a tax base to the municipality. Urgent action is required to reverse this trend!!
- d) in summation, I urge North Cowichan to become the leader for fair taxation, beaurocracy avoidance and leading a league of coastal communities to pressure higher levels of government to act in the greater interest of the general public.
- First of all – after attending the open house I was more confused than when I arrived.
- Existing zoning works in my opinion – is clear for commercial and restrictions gas and to understand.
- The new zoning proposed does not clearly define the area – nor the permitted use.
- If enforcement is a goal – why not begin by enforcing existing simpler definitions.

OTHER COMMENTS - Tell Us What You Think?

- My sailboat has been moored at the Maple Bay Government Dock for 15 years and the mooring has been there even longer. I want to keep it there for convenience and security. Please don't make it illegal.
- My husband's family has been cruising these waters for 115 years, are you really going to make us leave. Float homes need to be grandfathered.
- Five days for moorage is not an appropriate time frame and should be struck from the

Draft Marine Zoning Regulations

June 22, 2015 Open House and Public Input

OTHER COMMENTS - Tell Us What You Think?

paragraph. Concentrate on derelict vehicles please!

- What are the permitted uses for M-1-2-3-4-5?
- Where is Maple Bay's pump out station?
- Saltwater rule = not a Municipal affair ... it is Federal in every country with foreshore.
- What does accessory mean?
- Pump outs accessible to all size of vessels. Give us pump outs!!
- Provide FREE for "any" boat sewage pump out!
- Will the District of North Cowichan provide free space on a Wharf with pump out for live-aboards who can afford conventional moorage?
- Please limit mooring buoys in area. Plus there are no rules regarding access skiffs, cluttering up beach (way too many, no control!!)
- We're glad to see W-1 changed to M-1 in recognition of these waters as marine use.
- Private docks should be allowed on waterfront property. Private docks should be allowed in M-5.
- We have a "public dock" where five of six slips are rented out year round and labelled "reserved". That is hardly a public dock.
- In "Marine Navigation Moorage" it limits a mooring buoy for a maximum of five days which should only apply to live-aboard or transient NOT local tax paying residents who place a buoy for keeping their boat available for use through the year (not live-aboard or derelict). Perhaps a small \$50/year) to identify these local boats and ensure the buoys meet standards "No Mooring Buoys" is NOT acceptable.
- Leave the Marinas alone this not about them. It is about the District's dumping and mooring boats.
- Allow foreshore docks on private land between Paddy Milestone and Octopus Point. Reasons: 1) Current proposal takes away a right I have had! 2) OCP has a new requirement to a DPA for changes on my property. Therefore, the proposed Bylaw takes away another right I have enjoyed (now have a riparian zone). Why waterfront if both issued!!!! Leave my right to a dock!!!
- After centuries of maritime law, the District of North Cowichan believes that private moorage on tidal waters falls under municipal jurisdiction and that local zoning is required to provide another level of regulation on the activity of citizens.

However, no part of the draft regulations affirms the right of citizens to undertake private moorage of their vessels according to existing Federal standards and regulations. Would the staff present at this meeting please acknowledge this oversight and provide assurance that no boat owner will be forced to vacate a mooring placed in accordance with the 28 page *Canada Shipping Act* "owners guide to private moorings" and "private buoy regulations". Many vessel owners prefer private moorage over the services of a marina for a variety of reasons. No extra burden should be placed on boat owners acting responsibly to protect their own interests.

Draft Marine Zoning Regulations

June 22, 2015 Open House and Public Input

OTHER COMMENTS - Tell Us What You Think?

The Government Dock in Maple Bay needs to be improved, enlarged and made much more accessible for local boat owners. Marine zoning is not an issue and no so-called "clean-up" of our local coastal communities is called for.

What gives North Cowichan the authority to usurp federal authority and place tidal waters under municipal zoning designations? I for one would like to know what makes the District of North Cowichan think that private moorage on tidal waters falls under municipal jurisdiction.

So, two answers please:

1. What gives the District of North the authority to usurp federal authority and place tidal waters under municipal designations?

AND

2. Would staff at this meeting please provide assurance that no boat owner will be forced to vacate a mooring placed in accordance with the 28 page Canada Shipping Act "owners guide to private moorings" and "private buoy regulations".