

## Questions prepared by the Working Group on the Draft Pender Harbour Dock management Plan, by topic:

### A. The Dock Management Plan process:

1. Why is this DMP (draft Dock Management Plan) being developed now? What triggered its development? What was wrong with the dock management system in place previously?
2. Why did the Province (Province of British Columbia) single out one small area, Pender Harbour, for discriminatory treatment under this new dock management plan?
3. There was no prior consultation and accommodation with the general public although years of consultation were provided to the SIB. Why did the Province (the Province of British Columbia) fail to consult with the public, including Pender Harbour residents and land owners, who are 98% of the people affected by the Draft Pender Harbour Dock Management Plan, when it was under development and before the draft was issued?
4. Who was in attendance at the table when the DMP was drafted? Why was our elected representative, Nicholas Simon, not included in negotiations? Why were negotiations conducted at the operational level without input from local residents or elected representatives?
5. Where are the minutes of the consultations and will they be made available to the public?
6. What criteria and data sets were used to determine the dock management plan and zone specifics? Are they available to the public?
7. Are existing docks, tenured or untenured, grandfathered within the plan?
8. If Pender Harbour held an additional Town Hall meeting, would representatives of the SIB and the Province attend to answer questions?
9. Can the period for comments and questions be extended?
10. When is the Dock Management Plan likely to be finalized and implemented?
11. Will new tenure rates and length of tenure be applied province-wide?
12. Some long-term residents without docks whose property values are based in part on the ability to have a dock are going to lose that ability under the draft plan. Who will compensate them for the decrease in their property value?
13. Isn't the governance over water a federal issue?
14. What authority does the Province have to propose a dock management plan, when oceans are a federal government responsibility?
15. Has the SIB asserted a formal land claim over Pender Harbour, or is there a formal Land Claim Agreement in place? In the absence of a claim or a formal Land Claim Agreement, does the Province of British Columbia have the authority to negotiate a reconciliation agreement with SIB?
16. You negotiated this agreement with the SIB. Why did you not involve the Pender Harbour Band?
17. A resident, who has been in Pender Harbour for 72 years, during which members of the SIB did not live here, asks "What does the SIB have to do with docks in Pender Harbour?"

18. We have heard that in Haida Gwaii and Campbell River the Province consulted with all stakeholders and partnership agreements were put in place. Why doesn't the same process apply in Pender Harbour?
19. Why is a DMP being proposed only for Pender Harbour, when SIB's land claim area includes other harbours and docks?
20. Why a DMP only in Pender Harbour, when there are similar harbours elsewhere on the coast of British Columbia?
21. Why was the SCRCD not involved in the creation of the DMP when it involved so many of their constituents?
22. Why is the Province dealing with dock management but not addressing equally serious issues like pollution in the harbour, derelict vessels both sinking and sunk, sewage outfalls and dumping from boats.
23. Were there biological and cultural studies done in order to set up the zones? If yes, why do those studies need to be done again?
24. Why was there a moratorium in the first place?
25. The word "should" is used repeatedly in the DMP, why is it not definition.

**B. Role of the Sechelt Indian Band:**

1. Does the term "collaborative management" in the DMP mean co-management of Pender Harbour docks by the Province and the Sechelt Indian Band? Is there an underlying agreement or terms of reference for co-management?
3. Does the Crown have to work with SIB to develop a DMP? Will the dock management plan allow the SIB to collect a tariff on all dock construction?
4. Does the SIB receive a benefit from water lot taxes?
5. Does the SIB currently receive funding from the Province to perform consultation within their claimed territory? If so, does that include consulting on Dock Management in Pender Harbour?
6. Does the SIB currently receive funding from the Province to allow docks in their claimed territory?
7. What is the Province paying SIB for their role in the review of dock tenure applications? If yes, is this a conflict of interest?
8. SIB islands are not part of any zone, why?
9. Will there be other bands besides SIB that will be part of this DMP?
10. Should negotiation through reconciliation be going on when the SIB is engaged in a dispute over jurisdiction with the Pender Harbour Band? Should Aboriginal Canada be consulted as to the legality of this?

### **C. Implementation and impact:**

1. Why does the Pender Harbour DMP differ from policy governing other areas with docks in the Province?
2. Why do Best Practices contained in the Pender Harbour DMP differ from those used in other parts of B.C?
3. Will other areas of the Province feel an impact if this draft plan for Pender Harbour is approved and implemented?
4. As the DMP says it is to provide guidance, does the Minister of Forests, Lands and Natural Resource Operations and/or the SIB retain some discretion to hear each application on its merits?
5. Can the Province restrict or deny access to deep water to satisfy SIB land claims or promote reconciliation?
6. Can the Province deny access to deep water for reasons other than the Navigable Waters Act, critical habitat, or to stop a dock from blocking the general public's right to access deep water?
7. Can the Province establish a DMP that is exclusive to Pender when there are other Harbours on the Sunshine Coast, in other areas of the Province and around Canada with similar political, natural and environmental characteristics?
8. What is the scope of the Preliminary Field Reconnaissance assessment of archaeological resources? Will it extend beyond the foreshore or beyond the physical footprint of the dock and ramp?
9. Will the DMP affect the conditions of my current lease? How?
10. Plan says that there must be a minimum distance of 1.5 metres of water under the dock. It is estimated that 90% of the docks in Pender Harbour do not meet this requirement. This is impractical. What will happen to the current docks that cannot meet the 1.5 metre requirement?
11. What will happen to my existing dock if it doesn't meet the 1.5 metre requirement but I could move or reconfigure it at great expense? Would I have to do that?
12. I had tenure under existing rules, but it expired a short time before the moratorium was imposed. During the 10 year moratorium the rules changed, including consultation with the SIB. I applied and met all the new rules except for the need to get SIB approval, which was denied, because of the moratorium. Now you are proposing to add a new rule that says I cannot have a dock unless it has tenure today. Is that fair?
13. Some dock owners have invested significant money to establish their docks and pay for a 10 year lease. Shortly into the lease period, the Province cancelled the lease. Shortly after that, they presented the draft Dock Management Plan, imposing new rules that will result in the dock owner having to spend a lot more money to keep that dock. Is that a fair or even legal way of doing business?
14. If property values decrease as a result of the DMP, how will the Province make up for the loss in tax revenue?

15. What assurance do we have that SIB's requirements won't change over time and result in very high lease fees?
16. Can dock tenure be inherited or transferred? Can you provide details on how this would be done?
17. Who is going to enforce the DMP and how?
18. Will government approve dock licenses that are being held up because of SIB's failure to respond in a timely way?
19. Could the community work with the Government and SIB in revising the draft DMP?
20. Reconciliation is a new term and new way to deal with native claims. Why did the government and the SIB put this together in secret? Does the BC government want to alienate us (Pender Harbour) and create bitterness towards SIB that could last for generations?

**D. The Red Zones:**

1. Why is all of Gunboat Bay a "red zone" where no new tenures will be granted?
2. What process will be followed in the "red zone" of the plan when it has been determined that an existing or new dock must be removed?
3. Are existing docks with tenure in the red zones to be grandfathered, and for how long? Why are some untenured older docks, in need of replacement, not to be granted tenure under the plan? What will happen to existing docks? How will the Province compensate residents asked to remove docks?
4. People with waterfront property in Gunboat Bay and other red zone areas that until now have not had a dock will lose about 50% of their property value if the draft plan is implemented. Who will compensate them for their loss?
5. What will happen to existing docks, tenured and untenured, in the "red zone" of the plan where it is proposed to deny all new applications?

**E. Other zone-specific questions:**

1. Will the Province donate the upland, or a road allowance, for a new dock tenure to be shared by multiple parties in the "purple zone" (zone 2)?
2. What will happen to existing private moorage facilities in the "purple zone" where the intent is to limit new dock tenures to those that can be shared by multiple parties?
3. Why is an archaeological assessment required for renewal of tenure for an existing dock? What will be the cost? When will fees be set? Why does the tenure applicant have to bear all the costs of meeting new requirements? Why are license applicants asked to redo research at their own cost in order to complete an application?
4. What will happen to existing private moorage facilities in the "yellow zone" where the intent is to limit new dock tenures to shared facilities or commercial use? Who will provide access and easement for multiparty docks?
5. What is the definition of "multiple parties" in the "purple zone"?

6. How wide are the zones indicated on the draft plan map? What is the space between the zone lines of demarcation?
7. When will the discussion about fees happen, and where?