To: Mayor Skeels and Council

From: Bonny Brokenshire, Manager of Parks and Environment

Date: September 18, 2015  Meeting Date: September 29, 2015

Subject: Mannion Bay Restoration & Revitalization Plan – Action Steps

RECOMMENDATIONS
1. That Council approve the Management Plan and direct staff to apply for a Crown Tenure (Licence of Occupation) for Mannion Bay

2. That Council direct staff to research and draft a bylaw that outlines the uses permitted on public beaches.

PURPOSE
Expanding upon the Mannion Bay Management Strategy as outlined in an April 25, 2014 Council Report, two action steps, i.e. applying for a Crown Tenure and drafting a use of beaches bylaw, are being brought forward as part of a comprehensive revitalization strategy for the Bay.

BACKGROUND
Once a vibrant area that supported socioecological integrity\(^1\), Mannion Bay is currently a system fraught with community concerns and environmental issues. Addressing these issues, Island Plan 2015 identifies the clean-up of Mannion Bay as a priority. In particular, Strategic Pillar E: Wisely Managed Ecological Footprint includes obtaining a Licence of Occupation (Tenure) for Mannion Bay as an implementation item.

Island Plan 2015 also includes Strategic Pillar A: Well Protected Ecosystems and Green Spaces. A use of beaches bylaw fits not only within this priority but also ties into the overarching comprehensive revitalization plan for Mannion Bay that is noted in Strategic Pillar E.

CROWN LAND TENURE AQUISITION
Unrestricted mooring buoy placement and permissiveness to long-stay anchorages has resulted in an accumulation of vessels in Mannion Bay. Certain issues have surfaced such as: safety concerns e.g. vessels moored closer than 20 metres apart; loss of public enjoyment of the area e.g. overcrowding and noise; and environmental degradation e.g. harmful impacts and loss of eelgrass beds from unrestricted mooring buoy placement. Also, long stay vessels, live-aboards and boats used as floating storage units have contributed to community concerns and ecological impacts.

\(^1\) For the purposes of this report socioecological integrity refers to an adaptive state that is possible in a system such as Mannion Bay. Socioecological integrity is met when the biological-geological-physical environment and the actor groups that interact with that environment are able to absorb changes and actions without community (social) concern or impact to ecological structure and function.
Why apply for a Crown Tenure in Mannion Bay
As part of a comprehensive plan to restore socioecological integrity in Mannion Bay, the acquisition of a Crown Tenure will:

- Compliment and work in tandem with the next steps of the comprehensive plan i.e. Land Use Bylaw (LUB) amendments and bylaw education and enforcement.
- Provide legislated support, e.g. Ministry issuance of trespass notices for contravening vessels, while augmenting local autonomy, e.g. determining permitted uses through the Tenure’s management plan.
- Strengthen legal authority by explicitly naming uses in the Management Plan that would fit with the intent of the Tenure and describe those uses that would not contribute to socioecological benefits.
- Increase the ability to dissuade activities that do not coincide with the intent of Tenure (intent is outlined in the Management Plan).
- Allow for the possibility to charge nominal fees for use of the Bay e.g. mooring buoys with monies collected being funneled back into fulfilling the intent of Tenure e.g. restorative eelgrass planting.

Important Note: Adjacent property owner’s riparian rights are not affected by this Tenure option. Existing private Tenures will not be compromised by BIM’s acquisition of a Mannion Bay Licence of Occupation. Further, the Community and Institutional-Licence of Occupation option does not preclude a waterfront property owner from applying for a Crown Tenure.

Management Plan to accompany Crown Tenure application
This section outlines a management plan that, if endorsed by Council, will accompany the Crown Tenure (Institutional and Community - Licence of Occupation) as per the requirements of the application. Management of the Bay requires a multi layered approach that will ultimately supply BIM with a well-appointment tool kit and ample regulatory and legal backing.

The information included in this section of the report will appear in the Tenure application package albeit in the Provincial specified format.

Intent of the Tenure – To enhance socioecological integrity in Mannion by promoting activities that contribute to environmental and community well-being. Those activities that have historically led to environmental decay e.g. long stay anchorages and vessels being used as floating storage units will be named as uses that contravene the intent of the Tenure.

Location – Figure 1 highlights the proposed Licence of Occupation area. A more detailed site map including the coordinates of the seaward extension for the proposed Tenure area is attached. In addition, for informational purposes a map of the existing Tenures in Mannion Bay is attached.

The potential Tenure area is approximately 38.21 hectares (94.42 acres). This entire area falls within the Water General (WG1) zone.
Environmental Implications – Unlike the effects that accompany applications for Crown Tenures that seek to alter an area to the potential detriment of the environment, BIM’s acquisition of this Tenure in Mannion Bay will initiate restoration and enhancement by limiting the acceptable use to those activities associated with safe and environmentally sound recreational activities. Intentional beaching of vessels below the high water mark (within the proposed Tenure area) for the purposes of cleaning and minor repairs will not be permitted.
Recreation Implications
Public access to the sea for recreational purposes, e.g. swimming and launching of small, self-propelled watercraft i.e. row boats, kayaks and canoes, will remain unchanged in the proposed Licence of Occupation area.

Financial Implications – Since January 2012 at least 10 vessels (long stay, abandoned vessels and/or floating storage units) have washed ashore or sank. The cost to taxpayers has been over $40,000 with an additional $15,000 spent on floating structure removal. These costs do not include the environmental price tag (loss of natural capital assets).

Land Use Options – In conjunction with prospective BIM LUB amendments to Mannion Bay’s Water General (WG1) zoning classification, uses of the Bay will be limited to those supporting socioecological integrity.

The southern two-thirds of the Bay has reached its carrying capacity for private mooring buoys. Current BIM LUB provisions do not allow for placement of moorages over eelgrass beds. Transport Canada Private Buoy Regulations state that a mooring cannot be placed closer than 20 metres to another mooring buoy. Also, the water way directly adjacent to Sandy Beach and extending approximately 60 meters seaward does not allow for mooring buoys or boats at anchor as per the Crown Lease agreement between the Province and BIM. Taking all of these provisions into account, very few areas of the Bay are conducive to hosting moorages.

All Island residents wishing to utilize their existing mooring buoy in Mannion Bay will be required to register their buoy. Vessels, i.e. power or sail boats, and self-propelled watercraft utilizing the registered mooring buoys and those vessels that may use a registered mooring buoy must also be registered with BIM. An owner’s name, Bowen Island address and phone number will be requested. Vessels moored in Mannion Bay must have some form of motive power, must be in seaworthy condition and must be for the exclusive use of pleasure voyages (outside Mannion Bay) taken by the vessel’s owner who must be an Island resident.

Mooring Buoy owners may be charged a nominal fee to have a buoy in Mannion Bay. The monies collected will go back into fulfilling the intent of the proposed Tenure e.g. restorative eelgrass planting.

All vessels and self-propelled watercraft wishing to anchor in the Bay will also require registration. Pursuant to the British Columbia Land Act, no vessel shall remain at anchor in Crown Land for longer than 2 weeks. Through this Management Plan, BIM requests the Province to support the intent of the Tenure by augmenting enforcement of this provision.

USE OF BEACHES BYLAW
Although a Crown Tenure along with LUB amendments will provide regulatory support to the comprehensive plan for Mannion Bay, a use of beaches bylaw with an imbedded fining schedule could deter continued misuse of certain public shoreline areas e.g. Sandy Beach.
Other jurisdictions have enacted use of beach bylaws, e.g. Qualicum & North Vancouver, to curtail undesirable activities, e.g. intentional beaching of vessels for hull cleaning and use of beach for woodworking purposes, that detract from the community’s enjoyment of public spaces.

FINANCIAL IMPLICATIONS
The application and processing fee for a Community and Institutional Licence of Occupation is approximately $550. An ongoing participatory fee for a Community and Institutional Tenure could be $500/year.

Compared to the approximate $60,000 spent on problem vessels and illegal structures in Mannion Bay during the past 4 years, the costs associated with the proactive Tenure option are minimal.

COMMUNICATION STRATEGY
The information in this report will be consolidated and reported out to the community through BIM’s Island Page in the Bowen Island Undercurrent. The Manager of Parks and the Environment could also liaise with the Communications Coordinator to develop a more extensive communications plan that would involve an information package for upland property owners and mooring buoy owners.

SUMMARY / CONCLUSION
A comprehensive restoration and revitalization plan for Mannion Bay requires a multi-faceted approaches and layered regulatory tools. Two such action steps have been presented that if adopted will set about to strengthen all future actions associated with reinstating socioecological integrity in Mannion Bay. A Crown Tenure will promote local autonomy by allowing the Municipality to set parameters for use of the Bay thereby relieving some of the community and environmental issues that are currently present in the Bay. A use of beaches bylaw could allow for effective enforcement by the RCMP and Bylaw Services while promoting unimpaired safe use of beaches.

ALTERNATIVES
1. That Council direct staff to apply for a Crown Tenure and that Council direct staff to research and draft a use of beaches bylaw
2. That Council not direct staff to apply for a Crown Tenure and that Council not direct staff to research and draft a use of beaches bylaw
3. Other alternatives as determined by Council

Attachments:
Mannion Bay Management Strategy Report April 25, 2014
Map of Proposed Crown Tenure area
Map of Existing Tenures in Mannion Bay

Reference:
Bowen Island Municipality Island Plan 2015

SUBMITTED BY:
Bonny Brokenshire
Manager of Parks and Environment
DEPARTMENTAL REVIEW:

Bylaw Services  ☒
Fire & Emergency  ☐
Planning  ☐
Public Library  ☐
Public Works  ☐
Recreation & Community Services  ☐
Finance  ☐
Corporate Services  ☐
TO: Mayor Adelaar and Members of Council  
FROM: Bonny Brokenshire, Senior Bylaw Service Officer  
SUBJECT: Mannion Bay Management Strategy  
DATE: April 25, 2014  

RECOMMENDATION:  
That Council direct staff to proceed with the following options as outlined in the report prepared by Bonny Brokenshire, Senior Bylaw Services Officer, dated April 25, 2014 entitled Mannion Bay Management Strategy. The options include:

1. Obtaining a Licence of Occupation for Mannion Bay  
2. Land Use Bylaw amendments  
3. Discussion regarding Bylaw Enforcement strategies  
4. Social Planning  
5. Environmental Assessment to determine source(s) of Coliform  

PURPOSE:  
Notwithstanding the ‘first wave’ clean-up completion of Mannion Bay a long-term strategy is required to ensure socioeconomic stability and environmental vibrancy. A comprehensive management plan could alleviate deleterious impacts therefore allowing for Council’s revitalization objective, Strategic Business Plan, March 25, 2013, Item 7, to be realized. This report recommends a management strategy for Mannion Bay.  

BACKGROUND:  
The ‘first wave’ of Mannion Bay clean-up was completed on March 31, 2014. Under the authorization of Transport Canada and the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) numerous contravening vessels, floating docks and mooring buoys were removed from the Bay. In order to avoid federally legislated removal and disposal, many owners brought their mooring buoys into compliance with the Transport Canada Private Mooring Buoy Regulations. Nevertheless further socioeconomic and environmental strategies are required so as to avoid inevitable deleterious effects that are likely to persist or reoccur if a comprehensive management scheme is not created.  

ATTACHMENTS:  
• Map of vessels and floating structures in Mannion Bay prior to the 2014 clean-up  
• Map of vessels and floating structures in Mannion Bay following the 2014 clean-up  

DISCUSSION:  
The following options, as part of an overall Mannion Bay Management Strategy, are provided for Council’s review and discussion.
1) Tenure Option: Obtaining a Licence of Occupation for Mannion Bay

Following extensive consultation with Keith Anderson, Manager of Authorizations for MFLNRO there is option for Bowen Island Municipality (BIM) to obtain a Licence of Occupation (LOO) for Mannion Bay under the Provincial General Commercial Land Use Policy. This option allows for commercial parameters to be set that would permit BIM to earn revenue for mooring buoys. Further, BIM could regulate the number of buoys and ensure placement of mooring buoys does not negatively impact natural attributes of the Bay.

a) Financial Impact
- The Commercial LOO requires that 5% of the generated gross revenue (minimum $500) be paid to the MFLNRO on an annual basis
- LOO Application Fee: $250 plus GST
- LOO Documentation Fee: $250 plus GST

b) Time Frame
- Provincial processing time of applications is a minimum of 140 days

c) Staffing Costs
- Application completion and submission approximately $250 (7 hours)

d) Socioeconomic
- Mooring buoys in Mannion Bay will be regulated by BIM and thus all vessel owners wishing to utilize mooring buoys will be required to pay a fee
- Any vessels or mooring buoys interfering with BIM’s commercial operation as prescribed within the LOO will not be permitted (this may include vessels that remain at anchor for extended periods and existing private mooring buoys)
- BIM’s commercial activities would generate revenue
- Improved aesthetics
- Increase to staffing costs i.e., establishment of a patrol, fee collection and monitoring scheme
- Opportunity for augmented tourism with rental buoys available for visiting boaters
- BIM would be responsible for all costs associated with removal of beached wrecks and floating dock structures

e) Environmental
- Protection of substantial eelgrass beds from negative impacts due to inappropriately located mooring buoys and placement of associated anchoring systems in ecologically sensitive areas
- Ensuring the carrying capacity\(^1\) of the Bay is not exceeded (could be determined by a Professional Biologist)
- Decreased likelihood of vessels sinking or ending up on shore as beached wrecks

f) Implications for Adjacent Upland Property Owners
- No deleterious impacts to riparian rights
- This tenure option does not allow for exclusive use therefore adjacent upland property owners remain entitled to apply for tenures and private moorages
- Adjacent upland property owner’s consent is not required in order for BIM to apply for this LOO

\(^1\) For the purposes of this report carrying capacity refers to the maximum number of vessels that can co-exists before persistent deleterious socioeconomic and environmental issues become entrenched
The MFLRNO will continue to receive and review tenure and private moorage applications prior to asking for comments from other agencies including BIM.

As is presently the case, BIM will review MFLRNO referrals for accuracy and adherence to all applicable land use, zoning and building bylaw provisions.

**Note:** No legal survey of Mannion Bay is required to obtain this form of tenure.

2) **Proposed Land Use Bylaw Amendments**

In order to establish a comprehensive management strategy, **BIM Land Use Bylaw (LUB) No. 57, 2002 amendments** are suggested. Currently bylaw zoning regulates water uses up to 300 meters off shore but **BIM LUB provisions** enable a person to place any number of mooring buoys within this marine area. Many coastal communities have included restrictions allowing for only one or two mooring buoys per upland property.

Supplemental definitions are suggested for some terms contained within BIM LUB. **Recreational Use, Upland Property, Mooring Buoy** are three terms that, if defined, could enhance clarity. In addition, embedding and defining other terms may further augment the applicability of BIM LUB as bylaw enforcement ambiguity could be eliminated.

Ultimately, as part of the proposed strategy, Bylaw Services and Planning Staff would work together to prepare and bring forward LUB amendment options to ensure that the Mannion Bay Management Strategy is supported by local zoning. Bylaw amendments will require public consultation and a public hearing.

   a) **Time Frame**
   - Concurrent or subsequent to the acquisition of the Commercial LOO

   b) **Associated Costs**
   - Staffing costs associated with research and presentation approximately $2500-$3500 (50 hours Bylaw Services plus Planning Staff time)
   - Printed materials and hall rental for Public Consultation approximately $1000

3) **Option for Bylaw Enforcement of Live-A-Boards and Long Stay Anchorages**

Mannion Bay is zoned **Water General (Coastal) 1 (WG1).** Consequently the following excerpt from LUB Section 4.13, **Information Note** applies:

   "The purpose of the Water General Coastal 1 Zone is specifically to provide public recreational opportunities [and] to preserve and protect the natural qualities of Bowen Island’s shoreline..."

Further, currently Live-A-Boards are not a permitted use in WG1 zones. Approximately 7 vessels moored and anchored in Mannion Bay are currently contravening BIM LUB. Among these 7 vessels, approximately 4 are Live-A-Boards and the remaining are non-recreational, long-stay anchorages.

A report will be brought forward to Council at a future date to discuss enforcement strategies.

4) **Social Planning Option**

Mannion Bay is currently home to approximately 4 individuals. Over the years the number of vessel dwellers has fluctuated. In the summer of 2013 approximately 7 people resided in Mannion Bay. Displacement and homelessness creation could result if the BIM LUB provisions pertaining to Live-A-Boards and non-recreational, long-stay anchorages are enforced.
Various Social Service Agencies available to assist BIM in developing and implementing a Social Plan for Mannion Bay have been identified i.e., Bowen Island Community Foundation, North Shore Family Services, Lookout Emergency Aid Society, Vancouver Coastal Health, and British Columbia Mental Health and Addiction Services. However, as many agencies are faced with budget and time constraints, an experienced Social Planning Professional may be required to produce an initial Social Plan framework specific to the issues in Mannion Bay. Once this foundation is created, BIM Staff could facilitate extracting implementation resources from the wide variety of identified Social Service Agencies.

a) **Time Frame**
   - Subsequent to enforcement strategy decision

b) **Associated Costs**
   - Approximately $2000-$2500 for the development of a Social Plan by a Social Planning Professional
   - Acquiring and facilitating support from Social Service Agencies would require approximately $900 (30 hours)

5) **Environmental Studies**

a) **Completed**
   - Islands Trust funded Eelgrass Mapping Study of Bowen Island including Mannion Bay

b) **Current**
   - Islands Trust Fund is paying for a Forage Fish Beach Spawning Habitat Assessment Study of Bowen Island including all areas of Mannion Bay’s shoreline that may provide essential lifecycle habitat for a variety of small fishes i.e. sand lance and surf smelt
   - Mannion Bay beach water quality sampling is being performed by BIM. The analysis is being conducted at the British Columbia Centre for Disease Control. Funding for the analysis is provided by Vancouver Coastal Health

c) **Future Environmental Assessment Option**
   - BIM Beach Water Quality testing from three locations within Mannion Bay has been carried-out since 2009. Samples are analysed for Coliform levels as concentrations of 200 Coliform per 100 millilitres (mls) of water is considered a threshold by the Canadian Recreational Water Guidelines. The risk of acquiring an infection is increased at this level of contamination. During the summer months of 2012 and 2013, 35% of Mannion Bay water samples contained levels of contamination close to or exceeding 200 Coliform/100mls. In comparison, 10% of samples from Bowen Bay and 3% of samples from Tunstall Bay contained contaminant concentrations close to or exceeding the threshold. An Environmental Assessment (EA) to determine the source(s) of Coliform in Mannion Bay would allow for subsequent mitigation measures to be explored. Depending upon the scope of an EA, the cost of the study would be between $5,000 - $7,000.

6) **Upcoming Installation: Sandy Beach ‘Stick Boom’**
Friends of Mannion Bay fundraising is projected to cover the cost of a ‘stick boom’ installation around the periphery of BIM’s Sandy Beach Water Lease area to ensure that a well-defined swimming area remains clear of boats.
7) Financials
An amount of $20,000 was budgeted for Mannion Bay in 2014. As of April 25, 2014, $8,177 has been spent. Thanks to the fundraising efforts of Friends of Mannion Bay donations have gratefully been received and currently total $4,025.

CONCLUSION:
Items 1 to 5 noted above form a proposed Mannion Bay Management Strategy. Council may decide to pursue all recommended options, individual options or others as deemed appropriate. A phased approach to implementation of this plan may be opted for as some options could be acted upon immediately.

SUBMITTED BY:

______________________________
Bonny Brokenshire
Senior Bylaw Services Officer

______________________________
Kathy Lalonde
Chief Administrative Officer
Figure 1: Site Specific Map of Proposed License of Occupation Area

Legend:
- Proposed License of Occupation Area-Deliniation Coordinates

Proposed License of Occupation Area- Deliniation Coordinates

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Scale: 1:8,000

September 18, 2015

Mannion Bay
Pebble Beach
Sandy Beach
Snug Cove
Dorman Point
Ecclestone Rd
Cardena Dr
Senator Rd
Bowen Island Trunk Rd
Pebbly Beach
Sandy Beach
Existing Tenures within the Proposed License of Occupation Area

Figure 2
September 18, 2015

Legend
- Proposed License of Occupation Area
- BIM Tenure
- Private Tenures

Scale 1:8,000