



TOWN OF LADYSMITH

A MEETING OF THE MUNICIPAL SERVICES COMMITTEE
WILL BE HELD IN COUNCIL CHAMBERS AT CITY HALL ON
MONDAY, OCTOBER 20, 2014 AT 6:00 p.m.

Mandate – To advise Council on a broad spectrum of issues related to departmental matters

CALL TO ORDER

1. AGENDA APPROVAL

2. MINUTES

- 2.1. Minutes of the Municipal Services Committee Meeting held September 16, 2014 1 - 3

3. DELEGATIONS – None

4. REPORTS

- 4.1. City Manager’s Report to September 30, 2014 4 - 7

- 4.2. Building Inspector’s Quarterly Report to September 20148

- 4.3. Ladysmith Fire/Rescue Reports for July, August and September 2014..... 9 - 11

- 4.4. Coastal Animal Control Services Pound Report to September 30, 2014 12 - 13

Animal Control Officer activity logs are available for review at City Hall on request. These logs are not included in the agenda package for privacy reasons.

- 4.5. Ladysmith Chamber of Commerce Visitor Information Centre Quarterly Report to September 30, 2014 14 - 15

5. COUNCIL SUBMISSIONS

6. CORRESPONDENCE - None

7. NEW BUSINESS - None

8. UNFINISHED BUSINESS

- 8.1. Derelict Vessels in Ladysmith Harbour 16 - 69

A member of Council has requested that the issue of Derelict Vessels be discussed at this meeting. Council will recall that the Town led a resolution to the Union of British Columbia Municipalities (UBCM) through the Association

of Vancouver Island and Coastal communities (AVICC) in 2012 on this subject.

The provincial government, in consultation with UBCM, has subsequently produced two documents, [*Dealing with Problem Vessels and Structures in BC Waters*](#) and [*Technical Staff Guide on Problem Vessels and Structures*](#). The Town provided input into the draft versions of these documents in November 2013. Town staff also recently completed an inventory of derelict and abandoned vessels in Ladysmith harbour.

In addition, Mayor Hutchins (on behalf of Council) wrote to the federal Minister of Transport and the provincial Minister of Forests, Lands and Natural Resource Operations in November 2013, expressing the town's frustration at the lack of progress on the issue. In January 2014, Mayor Hutchins wrote to the federal Minister of Transport, the provincial Minister of Forests, Lands and Natural Resource Operations, the Chair of the Islands Trust, and Jean Crowder, M.P. urging support for expedited action on the issue. Copies of the correspondence are attached.

The Town and the community continue to have significant concerns about the issue, which are shared by many other coastal communities.

ADJOURNMENT



TOWN OF LADYSMITH
MINUTES OF A REGULAR SESSION OF
THE MUNICIPAL SERVICES COMMITTEE
MONDAY, SEPTEMBER 15, 2014
CALL TO ORDER 5:00 P.M.

COUNCIL MEMBERS PRESENT:

Councillor Bill Drysdale (Chair)
Councillor Gord Horth
Councillor Glenda Patterson

Councillor Steve Arnett
Mayor Rob Hutchins

Councillor Jillian Dashwood
Councillor Duck Paterson

STAFF PRESENT:

Ruth Malli
Erin Anderson

Sandy Bowden
Clayton Postings

Felicity Adams
Joanna Winter

CALL TO ORDER

Councillor Drysdale called the Municipal Services Committee meeting to order at 5:01 p.m.

AGENDA APPROVAL

MS 2014-065

Moved and seconded:

That the agenda for this meeting of the Municipal Services Committee be approved with the following additions:

7.1 Gas Tax

8.1 Derelict Vessels

Motion carried.

MINUTES

MS 2014-066

Moved and seconded:

That the minutes of the Municipal Services Committee meeting held August 18, 2014 be approved.

Motion carried.

DELEGATION

Selena Martin, Jenni Capps

Community Options Society and Safer Futures Cowichan

Selena Martin and Jenni Capps provided Council with an overview of a youth dialogue initiative carried out throughout the Cowichan Region in March 2013. Approximately 100 youth from Ladysmith took part in the dialogue. The full report on the dialogue will be circulated to Council. Ms. Martin and Ms. Capps also presented a video produced by youth dialogue participants, featuring photographs taken on a safety walk and during Youth Dialogue sessions throughout the region.

REPORTS

City Manager's Report

The Committee requested that the City Manager provide an update on the organizational streamlining initiative at an upcoming meeting.

Moved and seconded:

MS 2014-067 That the City Manager's Report to August 31, 2014 be received.
Motion carried.

Financial Update to August 31, 2014

Moved and seconded:

MS 2014-068 That the Financial Update to August 31, 2014 be received.
Motion carried.

Waterfront Area Plan Review

Moved and seconded:

MS 2014-069 That the Committee recommend that Council receive the Waterfront Area Plan Review – Developing the Scope of Work document and direct staff to continue to work with the Federation of Canadian Municipalities Green Municipal Fund to secure funding for the project.
Motion carried.

Moved and seconded:

MS 2014-070 That the Committee recommend that Council establish the geographic area to be included in the Waterfront Area Plan Review to be the Waterfront Sub-Area as outlined on page 22 of the staff report titled Waterfront Area Plan Review – Determining the Scope of Work.
Motion carried.

Moved and seconded:

MS 2014-071 That the Committee recommend that Council direct staff to report back with recommendations for an appropriate timeline for completion of a Review of the Waterfront Area Plan.
Motion carried.

NEW BUSINESS

Moved and seconded

MS 2014-072 That the Committee refer the following three items to the October 2014 meeting of the Municipal Services Committee:

- Coastal Animal Control Services Pound Report
- Gas Tax Fund
- Derelict Vessels

Motion carried.

ADJOURNMENT

Moved and seconded:

MS 2014-073 That this meeting of the Municipal Services Committee adjourn at 5:59 p.m.
Motion carried.

CERTIFIED CORRECT

Chair (Councillor B. Drysdale)

Corporate Officer (S. Bowden)

Subject to Adoption



City Manager's Report

October 2014

This monthly report is from the City Manager to the Municipal Services Committee. The report highlights the prior month's activities and provides information on the progress of Council objectives for the year. A written report and public discussion supports the goal of transparent communication with our citizens.

Council has provided staff with direction on their top priorities for 2014. There are operational and additional priorities in addition to this list. Again, this report provides highlights, not a complete list of activities. Committee members are encouraged to ask questions or suggest information that they wish to be included in the report.

Respectfully submitted, Ruth Malli, City Manager

Highlights for the month ended September 2014:

Projects in progress this month:

- WWTP Stage 3 Construction
- Stocking Lake Licensing (CVRD)
- Organizational streamlining (update follows)
- Couverdon Boundary Extension application
- Succession Planning Policy and Procedure
- Downtown Parking Lot signage
- Review of upper Transfer Beach area
- Directional Signage for Forrest Field & FJCC
- City Hall replacement process
- Composting and public works yard reorganization
- Regional Housing Needs Assessment Project input
- Bayview Connector lighting improvement
- Heritage BC Grant application for Transfer Beach History Interpretive signage, SOS preparation, RFQ
- Investigate recycling options and fees
- Disposition of land
- Preparation for installation of new corporate telephone system
- Dog Licencing Bylaw Amendment to authorize issuance of tickets for dogs-at-large on private properties
- Traffic calming options on Jim Cram Drive
- Partnerships with Kinsmen Club and Festival of Lights for grant support
- Research speed and noise on highway through Ladysmith
- Machine Shop Business Case Analysis
- Investigation of Contaminated Site Profile System – opt in/out options
- Holland Creek Bridge Replacement
- RFP for the Signage Initiatives Project (Phase 1)
- Regional Community Profile Project – proposal review
- Review of the eligible properties for the Permissive Tax Exemption
- Research public bench maintenance & replacement by volunteers
- Work with Kinsmen on project details for playground at Transfer Beach Park
- SFN agreements and summary of progress report

Completed activities:

- Watershed Modelling Study
- Mailed outstanding tax notices
- Zoning Bylaw Adoption
- Service Extension Policy
- Corporate Telephone System RFP & Award
- Emergency Operations Centre Training for Staff

Bylaws Adopted:

1848 – Community Centre and Facilities Fees & Charges Bylaw

COMING UP NEXT MONTH!

Election Preparation

It is not enough to have good ideas, results come from the implementation of good ideas and that requires focus and resource allocation.

City Manager Report-September 2014

ACTIVE, RESEARCHING AND EMERGING PROJECTS

Council has identified “Community Resiliency” as the primary focus for 2014 and has chosen a specific list of top priorities for the year. This approach represents a shift in the organization – the way to achieve this objective within the existing budget is to ensure that the Town’s resources (staff and funding) are directly aligned with the new priorities. This requires strong organizational focus – staff must be clear on what is expected of them; projects/processes that do not support the top priorities will need to be stopped, delayed or deferred;

Council will support maintaining the focus (by directing what must be done and what can be put aside for now). Council has also directed that they have a medium level of risk tolerance, indicating support for creative approaches and an expectation of good value and common sense rather than perfection.

In order to ensure strong alignment, each of the new priorities must be integrated within the Financial Plan, identified as a top priority in departmental work plans, and sufficiently resourced. The Financial Plan process is a focus of the next couple of months.

EXAMPLE OF SOME OF THE CURRENT PROJECTS

Active (in progress, resources assigned)	Researching (resources pending)	Emerging (not resourced)
Infrastructure Upgrades (WWTP & Water) (long-term; ongoing)	Infrastructure upgrades-city hall, fire hall (funding and planning commenced)	Asset management and pavement management system
Land Sales-immediate	Land sales-other	Land acquisition and disposition-other
Zoning Bylaw (near completion)	Waterfront Area Plan	Holland Creek Area Plan
Liquid Waste Management Plan (complete, implementation in progress)	Partnership with CVRD-composting (underway)	District Energy System; Watershed Management Project (Holland Creek)
Sustainability Implementation Plan (Plan completed, implementation in progress)	Implement Plan, such as DCC’s low water use and other incentives	Implement Energy Plan
Information Services Strategic Plan (complete, implementation in progress)	Implement new IT systems (plan complete, implementation pending)	Technology upgrades (hardware)
Organizational Review (complete)	Lean systems (underway)	Risk analysis and business case
Payroll Systems Streamline (underway)	Succession Plan (draft completed)	Staff surveys and 360 reviews
Financial Plan (complete)	Equipment reserve fund review	25 year financial plan
Naut’sa mawt Steering Committee and services agreement (complete)	SFN servicing connection (complete)	Servicing to IR 13 (concept commenced)
Boundary expansion (application processed; AAP held)	Boundary expansion land and servicing plans (referendum required to proceed)	Boundary expansion processing and servicing
Waterfront (DL 2016, Environmental Report) (complete)	DL 651 clean up-partnerships	Marine Park and small craft launch
Connector bike routes	Downtown parking	Downtown safety issues
Heritage Brochure/Tourism maps (complete)	Blue Highway signage	Heritage Façade-painting program
EOC Training-corporate (on going)	Community EOC training (on going)	Community emergency exercise
Commissions and committees; Mayors open Door (complete)	Citizen surveys (not approved in budget)	Enhance citizen engagement-electronic and other
Dog park (research options)	Golf course culvert (planning – more funding required)	Upper Transfer Beach area review
Holland Creek bridge replacement	Partnership with stewardship groups	Ball fields at Lot 108

It is not enough to have good ideas, results come from the implementation of good ideas and that requires focus and resource allocation.

City Manager Report-September 2014

TOP PRIORITIES OF COUNCIL-STATUS

Priority	Funded in Financial Plan?	IN current workplans?	Resourced with staff?	Comments
Sewer Capital	Yes	Yes	Yes	Stage 3 Upgrade Under Way
Water Capital	Yes	Yes	Yes	Filtration pilot approved by Council. Grant announcements from Federal Govt.
Economic Development	Partially	No (new work to be defined)	No	Meetings with key stakeholders to define scope of work
Waterfront Area Plan	Pending	Pending	Pending	In process of identifying funding sources for project for waterfront area plan
Boundary Expansion	Yes	Yes	Partially	Application reviewed. AAP held. Council decision to not proceed with revised application.
Stz'uminus First Nation-partnerships & servicing	Yes	Yes	Partially	Services Agreement (100 units) complete; presentation at LGMA. Next steps-report to both Councils on work completed to date.
Organizational Streamlining	Yes	Yes	Yes	Council has requested a more comprehensive status report on this project, which follows:

Status of Organizational Streamlining Project: Work to Date:

- 1) Multiple Streamlining work sessions with staff to identify and initiate changes for more effective and efficient customer service delivery, as well as to streamline internal processes
- 2) Completed inventory of existing office-type facilities
- 3) Facilitated transition of Streamlining initiatives from consultant to staff
- 4) Mapped current position types to GOSS (Government Office Space Standards- provincial space standards) to set comparative parameters and cue support and customer service spaces that are not addressed in GOSS
- 5) Identified potential savings in workplace allocation through 'alternative officing' measures
- 6) Created spreadsheet-based planning model to provide information relevant to making key decisions about future population, staffing, and space
- 7) Rationalized provincial population projections for Ladysmith to historical data and integrate into planning model
- 8) Integrated preliminary allocations for construction cost into planning model

City Manager Report-September 2014

Next Steps:

- 1) Meet with Library representatives to explore potential for inclusion in future facility
- 2) Complete workplace allocation assumptions and quantify support space requirements
- 3) Link resource impacts to alternative development and organizational scenarios
- 4) Establish and rank-order criteria for Multiple Criteria Decision Analysis tool
- 5) Review and revise space list
- 6) Generate organizational concepts- how spaces should be organized
- 7) Complete phase II scope of work, which includes Site Stacking scenarios- to facilitate and coordinate illustrating ways to organize the facility on theoretical and candidate sites, as well as consolidating prior discussion papers into a final document
- 8) Implement further streamlining processes with staff on other services

TOP PRIORITIES OF COUNCIL-STATUS (continued)

Priority	Funded in Financial Plan?	IN current workplans?	Resourced with staff?	Comments
Business Case / Risk Analysis Protocols	Yes	Yes	Yes	Implemented business case protocols
Inventory all plans- Zoning underway	Yes	Yes	Yes	Zoning bylaw completed
Succession Plan	Yes	Yes	Yes	Draft being reviewed
Technology Upgrade	Partially	Yes	Partially	Strategic Plan is completed, implementation in 2014 Financial Plan
Citizen/Staff Surveys	No	No	No	Project cancelled during budget deliberations
Reporting System	Yes	Yes	Partially	Tied to streamlining



TOWN OF LADYSMITH

Quarterly Building Permit Summary - YTD September 2014

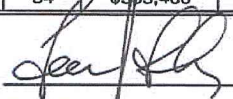
	Commercial		Industrial		Institutional		Residential (NEW)		Residential Adds, Renos, Other		Dwelling Units	Total Permits	Bldg & Plbg Permit Fees This Month	Permit Values This Month	Permit Values Year to Date 2013
	No. of Permits	Values	No. of Permits	Values	No. of Permits	Values	No. of Permits (new res)	Values	No. of Permits	Values					
SEP	1	\$ 16,000	1	\$ 17,000	0	\$ -	5	\$ 961,396	2	\$ 16,660	6	9	\$ 12,070	\$ 1,011,056	\$ 4,497,289

Year to Date

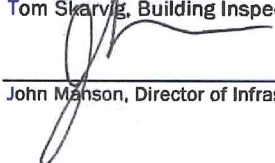
JAN	0	\$0	0	\$0	0	\$0	1	\$232,928	2	\$12,000	2	3	\$2,905	\$244,928	\$244,928
FEB	0	\$0	0	\$0	0	\$0	4	\$1,033,625	0	\$0	6	4	\$11,288	\$1,033,625	\$1,278,553
MAR	0	\$0	0	\$0	0	\$0	3	\$393,570	5	\$100,600	3	8	\$5,767	\$494,170	\$1,772,723
APR	2	\$80,000	0	\$0	0	\$0	3	\$527,880	2	\$21,000	3	7	\$8,362	\$628,880	\$2,401,603
MAY	1	\$5,000	0	\$0	0	\$0	0	\$0	7	\$102,730	0	8	\$1,257	\$107,730	\$2,509,333
JUN	0	\$0	1	\$7,000	0	\$0	1	\$206,620	5	\$21,800	1	7	\$2,758	\$235,420	\$2,744,753
JUL	3	\$146,760	0	\$0	0	\$0	3	\$0	6	\$4,800	2	12	\$2,740	\$151,560	\$2,896,313
AUG	1	\$2,000	0	\$0	0	\$0	2	\$514,050	5	\$73,870	2	8	\$6,875	\$589,920	\$3,486,233
SEP	1	\$16,000	1	\$17,000	0	\$0	5	\$961,396	2	\$16,660	6	9	\$12,070	\$1,011,056	\$4,497,289
OCT															\$4,497,289
NOV															\$4,497,289
DEC															\$4,497,289
TOTAL	8	\$249,760	2	\$24,000	0	\$0	22	\$3,870,069	34	\$363,460	25	66	\$54,021	\$4,497,289	

Demos Mth	0	Demos YTD	1
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Comparison	#DU	Value	#BP	Value
YTD 2014	25	\$3,870,069	66	\$4,497,289
YTD 2013	28	\$3,304,759	65	\$5,311,742
YTD 2012	39	\$5,953,286	72	\$8,768,205



 Tom Skarvig, Building Inspector



 John Manson, Director of Infrastructure Services



Ladysmith Fire /Rescue

P.O. Box 760 Ladysmith, B.C. V9G 1A5

Phone: 250-245-6436 · Fax: 250-245-0917



LADYSMITH

FIRE CHIEF'S REPORT

MONTH: **July 2014**

TYPE OF CALL OUT	J	F	M	A	M	J	J	A	S	O	N	D	YTD TOTALS
Alarms Activated: Pulled Station	1	1	2										4
By mistake	2	1	1	1		1	2						8
Electrical problem				2		2							4
Due to cooking	1		1		2	1							5
Assistance	1	1	1	3	1	1	1						9
Burning Complaint			2		1	1	2						6
Fire: Structure			1		1								2
Chimney	2	2											4
Interface / Bush				1			2						3
Vehicle			2	1									3
Other	1		1			2							4
Hazardous Materials	1	1	2	2	3	3	1						13
Hydro Lines: Down / Fire				1									1
Medical Aid		1			2	3	3						9
MVI		4	4	2	3	2	4						19
Rescue					2								2
Mutual Aid provided by Ladysmith to outside areas				1			1						2
MONTH TOTALS (exc.. Practises)	9	11	17	14	15	16	16	0	0	0	0	0	98
Practises (Totals for each Month)	4	4	4	5	4	4	5						30
Mutual Aid requested by Ladysmith from outside areas			1		2	1							4

ALARMS ACTIVATED (Location/Owner)

- 370 Davis Rd Coronation Mall (accidental pulling of alarm)
- LSS (Working on system. Fire Department was notified, but someone called alarm in from the parking lot.)

COMPARISONS:

Year to Date 2014	<u>98</u> (exc. practices)
Year to Date 2013	<u>84</u> (exc. practices)
Year to Date 2012	<u>95</u> (exc. practices)

APPROVED:


Fire Chief



Ladysmith Fire /Rescue

P.O. Box 760 Ladysmith, B.C. V9G 1A5

Phone: 250-245-6436 • Fax: 250-245-0917



FIRE CHIEF'S REPORT

MONTH: **August 2014**

TYPE OF CALL OUT	J	F	M	A	M	J	J	A	S	O	N	D	YTD TOTALS
Alarms Activated: Pulled Station	1	1	2										4
By mistake	2	1	1	1		1	2	1					9
Electrical problem				2		2		1					5
Due to cooking	1		1		2	1							5
Assistance	1	1	1	3	1	1	1	2					11
Burning Complaint			2		1	1	2	5					11
Fire: Structure			1		1								2
Chimney	2	2											4
Interface / Bush				1			2						3
Vehicle			2	1				2					5
Other	1		1			2							4
Hazardous Materials	1	1	2	2	3	3	1						13
Hydro Lines: Down / Fire				1				1					2
Medical Aid		1			2	3	3	5					14
MVI		4	4	2	3	2	4	3					22
Rescue					2								2
Mutual Aid provided by Ladysmith to outside areas				1			1	1					3
MONTH TOTALS (exc.. Practises)	9	11	17	14	15	16	16	21	0	0	0	0	119
Practises (Totals for each Month)	4	4	4	5	4	4	5	4					34
Mutual Aid requested by Ladysmith from outside areas			1		2	1							4

ALARMS ACTIVATED (Location/Owner)

1. 601 Sanderson Rd - False alarm
2. 1211 Cloke - La Rosa - Sprinkler problem

COMPARISONS:

Year to Date 2014	<u>119</u> (exc. practices)
Year to Date 2013	<u>106</u> (exc. practices)
Year to Date 2012	<u>116</u> (exc. practices)

APPROVED:

Ray Delcourt
Fire Chief



Ladysmith Fire /Rescue

P.O. Box 760 Ladysmith, B.C. V9G 1A5

Phone: 250-245-6436 • Fax: 250-245-0917



LADYSMITH

FIRE CHIEF'S REPORT

MONTH: **September 2014**

TYPE OF CALL OUT	J	F	M	A	M	J	J	A	S	O	N	D	YTD TOTALS
Alarms Activated: Pulled Station	1	1	2										4
By mistake	2	1	1	1		1	2	1					9
Electrical problem				2		2		1	1				6
Due to cooking	1		1		2	1							5
Assistance	1	1	1	3	1	1	1	2	3				14
Burning Complaint			2		1	1	2	5	2				13
Fire: Structure			1		1				1				3
Chimney	2	2											4
Interface / Bush				1			2		1				4
Vehicle			2	1				2					5
Other	1		1			2							4
Hazardous Materials	1	1	2	2	3	3	1		1				14
Hydro Lines: Down / Fire				1				1	1				3
Medical Aid		1			2	3	3	5	1				15
MVI		4	4	2	3	2	4	3	6				28
Rescue					2								2
Mutual Aid provided by Ladysmith to outside areas				1			1	1	4				7
MONTH TOTALS (exc.. Practises)	9	11	17	14	15	16	16	21	21	0	0	0	140
Practises (Totals for each Month)	4	4	4	5	4	4	5	4	5				39
Mutual Aid requested by Ladysmith from outside areas			1		2	1			1				5

ALARMS ACTIVATED (Location/Owner)

1. Davis Rd School - Sprinkler Problem

COMPARISONS:

Year to Date 2014 140 (exc. practices)

Year to Date 2013 117 (exc. practices)

Year to Date 2012 134 (exc. practices)

APPROVED:

Ray Delcourt
Fire Chief

RECEIVED
OCT 07 2014

COASTAL ANIMAL CONTROL SERVICES OF BC LTD

2202 Herd Rd. Duncan, BC. V9L 6A6

(250) 748-3395

TOWN OF LADYSMITH POUND REPORT

September 2014

Disposition of Impounded Dogs	Current Month	2014 Totals
Stray dogs impounded	1	11
Stray dogs claimed	1	9
Stray dogs put up for adoption	0	1
Stray dogs pending	1	2
Stray dogs euthanized	0	0
Stray livestock / cats	0	0
Other	0	1
Calls Received and Investigated	13	89
Aggressive dogs	2	11
Dogs at large	5	28
Confined dog	1	9
Noise (barking) complaints	5	24
Other non specific dog related calls	0	15
Wildlife / livestock / cats	0	0
Unlicensed	0	2
After hour call outs	0	2
Pick Up fees	\$00.00	\$35.00
Impound fees	\$50.00	\$650.00
Daily board fees	\$00.00	\$130.00
Monthly Pound and Board Fees Collected	\$50.00	\$815.00
Tickets issued	0	1
Over 3 dog limit	\$0.00	\$00.00
Unlicenced dog	\$00.00	\$00.00
Dog at large	\$00.00	\$00.00
Dog not effectively confined	\$00.00	\$100.00
Habitually noisy	\$0.00	\$0.00
Licencing Statistics		
	Tags	1
	Revenue	\$32.00
		17
		\$512.00

CAS Summary of Service Calls

Total calls by type: 13

Aggressive	2
At large	5
Confined	1
Noisy	5

01-Sep-14 to 30-Sep-14

Issue	Call #	Received	Type	Completed
Ladysmith			13 calls	
Aggressive 2				
	1257	25-Sep-14	Dog	30-Sep-14
	1249	09-Sep-14	Dog	01-Oct-14
At large 5				
	1258	27-Sep-14	Dog	
	1255	19-Sep-14	Dog	
	1253	18-Sep-14	Dog	
	1251	15-Sep-14	Dog	22-Sep-14
	1248	05-Sep-14	Dog	
Confined 1				
	1259	30-Sep-14	Dog	
Noisy 5				
	1256	22-Sep-14	Dog	
	1254	18-Sep-14	Dog	
	1252	16-Sep-14	Dog	
	1250	12-Sep-14	Dog	22-Sep-14
	1247	03-Sep-14	Dog	12-Sep-14
Total:			13 calls	

Visitor Centre Network Statistics Program Year Over Year Report 2014

LADYSMITH

Start Date: 01/01/2013

End Date: 31/12/2014

Total Hours Open	January	February	March	Q1 Total	April	May	June	Q2 Total	July	August	September	Q3 Total
2014	130.00	114.50	136.50	381.00	136.50	159.00	172.50	468.00	240.00	248.00	143.00	631.00
% change 2014 - 2013	-7.5%	-7.3%	5.0%	-3.3%	-3.5%	2.9%	-5.7%	-2.3%	-3.2%	0.0%	2.1%	-0.8%
2013	140.50	123.50	130.00	394.00	141.50	154.50	183.00	479.00	248.00	248.00	140.00	636.00

Total Parties	January	February	March	Q1 Total	April	May	June	Q2 Total	July	August	September	Q3 Total
2014	250	274	370	894	372	480	619	1,471	761	787	569	2,117
% change 2014 - 2013	-3.8%	-8.4%	0.0%	-3.8%	-5.3%	0.8%	4.0%	0.5%	-16.9%	-23.3%	-2.1%	-16.1%
2013	260	299	370	929	393	476	595	1,464	916	1,026	581	2,523

Total Parties-Event/Roaming	January	February	March	Q1 Total	April	May	June	Q2 Total	July	August	September	Q3 Total
2014	0	0	0	0	0	0	49	49	96	46	0	142
% change 2014 - 2013												
2013	0	0	0	0	0	0	0	0	0	0	0	0

Total Visitors	January	February	March	Q1 Total	April	May	June	Q2 Total	July	August	September	Q3 Total
2014	328	358	527	1,213	739	719	1,002	2,460	1,337	1,459	925	3,721
% change 2014 - 2013	-3.5%	-11.2%	-2.0%	-5.3%	27.9%	3.6%	-1.4%	7.5%	-15.9%	-19.6%	0.3%	-14.0%
2013	340	403	538	1,281	578	694	1,016	2,288	1,590	1,814	922	4,326

Total Visitor-Event/Roaming	January	February	March	Q1 Total	April	May	June	Q2 Total	July	August	September	Q3 Total
2014 Farmers Market	0	0	0	0	0	0	88	88	169	87	0	256
% change 2014 - 2013												
2013	0	0	0	0	0	0	0	0	0	0	0	0

Visitor Centre Network Statistics Program 2014

LADYSMITH

Start Date: 01/01/2014

End Date: 31/12/2014

YEAR TO DATE TOTAL	January	February	March	Q1 Total	April	May	June	Q2 Total	July	August	September	Q3 Total
Administration Parties/Hour	1.92	2.39	2.71	2.35	2.73	3.02	3.59	3.14	3.17	3.17	3.98	3.35
# of hours	130.00	114.50	136.50	381.00	136.50	159.00	172.50	468.00	240.00	248.00	143.00	631.00
# of parties	250	274	370	894	372	480	619	1,471	761	787	569	2,117
# of parties-event/roaming	0	0	0	0	0	0	49	49	96	46	0	142
# of visitors	328	358	527	1,213	739	719	1,002	2,460	1,337	1,459	925	3,721
Visitor Origin	222	241	325	788	339	420	515	1,274	731	774	496	2,001
Local Resident	117	110	144	371	143	166	178	487	201	178	137	516
BC	67	75	119	261	112	136	172	420	214	262	157	633
Alberta	21	33	37	91	36	33	35	104	52	61	24	137
Other Canada	13	18	12	43	22	34	39	95	71	78	34	183
Washington	1	2	3	6	2	10	5	17	31	32	16	79
California	0	0	0	0	3	1	2	6	19	4	6	29
Other US/Mexico	1	0	3	4	2	5	10	17	24	22	15	61
Europe	2	3	5	10	12	30	67	109	108	117	76	301
Asia/Australia	0	0	2	2	7	4	6	17	9	18	26	53
Other	0	0	0	0	0	1	1	2	2	2	5	9
Nights in Community	84	106	159	349	176	215	300	691	456	511	245	1,212
Same day	64	83	131	278	137	175	261	573	370	439	211	1,020
1	7	6	9	22	11	7	18	36	41	28	8	77
2	1	3	3	7	5	4	2	11	9	9	8	26
3	2	3	4	9	2	10	9	21	13	13	7	33
4-6 (1 week)	3	4	7	14	10	12	4	26	12	16	4	32
7-13 (2 weeks)	3	0	1	4	4	3	1	8	3	0	0	3
14+	4	7	4	15	7	4	5	16	8	6	7	21
Information Requested (All BC)	298	422	579	1,299	682	837	991	2,510	1,556	1,687	1,100	4,343
Accommodation	8	11	2	21	26	36	42	104	87	78	54	219
Adventure Recreation	20	32	51	103	62	60	69	191	133	104	55	292
Attractions / Tours	8	24	47	79	60	86	101	247	140	184	119	443
Maps / Directions	59	46	81	186	106	159	201	466	356	431	242	1,029
Events / Conferences	14	34	61	109	59	65	68	192	98	69	25	192
Food / Beverage	19	38	47	104	43	63	85	191	119	115	99	333
Transportation	12	30	30	72	34	47	40	121	82	72	69	223
Shopping	13	33	30	76	37	25	24	86	26	50	24	100
Parks	21	30	23	74	41	80	92	213	140	111	105	356
First Nations	0	0	0	0	0	0	5	5	6	4	3	13
Community Services	42	49	54	145	61	46	37	144	51	69	55	175
Investment/Moving	20	22	25	67	32	15	14	61	28	22	15	65
Site Facilities (e.g. Washrooms)	57	71	125	253	120	123	170	413	226	303	223	752
Other	5	2	3	10	1	32	43	76	64	75	12	151
Community Specific Info (Ladysmith)	195	245	314	754	406	453	440	1,299	603	523	455	1,581
Events	15	37	72	124	63	86	80	229	102	81	38	221
Town / Gov't / Chamber	70	55	68	193	89	68	54	211	57	74	54	185
Hotel / B&B Accommodations	7	9	3	19	18	16	14	48	30	14	9	53
Camping / RV	2	1	3	6	13	19	16	48	27	33	25	85
Dining	24	38	55	117	47	56	73	176	100	95	90	285
Parks / Recreation	32	33	34	99	58	69	89	216	130	87	92	309
Arts / Heritage	9	23	35	67	48	65	52	165	74	64	79	217
Marine Visitors	0	1	0	1	7	12	15	34	25	22	9	56
Shopping	14	29	32	75	39	26	24	89	20	39	31	90
Other Businesses	22	19	12	53	24	36	23	83	38	14	28	80

DEALING WITH
**Problem Vessels
and Structures**
IN B.C. WATERS





Readers are cautioned that this paper is not legal advice. It is the intention of Ministry of Forests, Lands and Natural Resource Operations to update this paper as provincial and federal programs evolve.



Introduction

This guide deals with the subject of problem vessels and structures on Provincial Crown foreshore and Provincial Crown Land covered by water. With rare exceptions all lake and river beds in B.C., along with most sea beds are owned by the Province; however, the federal government owns or manages a number of harbours, ports and wharf or dock facilities throughout British Columbia.

In recent years, cases of unauthorized vessels or structures that are anchored or moored, sunk, beached or wrecked on Provincial Crown Land have been increasing, along with demands on government to take action.

Dealing with problem vessels and structures can be highly complex due to the mix of provincial ownership of land, federal jurisdiction over navigation and shipping and sometimes conflicting federal and provincial laws. What governments do depends on specific facts of the situation, such as whether the cause of concern is a vessel, wreck or some other type of structure; the nature of the problem; who owns the bed of the waterway in question; and what laws apply in a given situation.

Determining what laws apply can be complicated by the fact that Provincial laws or local government bylaws that would be applicable to a structure or vehicle on dry land may not apply to vessels because they either conflict with federal laws such as the *Canada Shipping Act*, or infringe on the core of the federal government's responsibility for navigation and shipping. For example, the Province normally has the ability to take action to remove unauthorized structures that are on provincial Crown land. However, the same provincial laws do not apply to vessels that are anchored for short periods while actively being used in navigation. Similarly, local government zoning bylaws that regulate the size of a floating structure will not be applicable to a vessel. Provincial laws allowing seizure of a vessel in trespass will not be operative if they conflict with federal law dealing with a "wreck."

Often, there is no simple answer to the question: *Who should be dealing with this problem?* Usually the answer will depend on the particular facts of each case; often legal advice is necessary to determine the limits of governmental authority. In some cases, there may be unavoidable legal uncertainty regarding how specific laws apply.

Because of these complexities, it is often necessary for all levels of government to work together in a coordinated manner. Solutions can involve one level of government authorizing another level to take action, with resources to solve problems coming from different levels of government as well as local groups.

Vessels, wreck and other structures

The Province's ability to take action is more limited in relation to "vessels" and "wreck" than it is in relation to other structures. Both "vessels" and "wreck" are legal terms used in the *Canada Shipping Act* and interpreted by the courts. What is or is not a vessel or wreck will depend on the specific facts of a situation.

Generally speaking, a vessel is something that floats, has been designed for navigating through water and continues either to be used or is intended to be used for navigation regardless of its means of propulsion. For example, floating houses that are not designed for or used in navigation are not vessels. Likewise, a floating wooden platform designed for boat moorage is not a vessel, even if it is registered as a ship and has an outboard attached. Here are some examples of situations where courts have said that a structure designed for navigation may no longer qualify as a vessel:

- *A ship converted to a floating restaurant from which the engines have been removed.*
- *An oil-tank barge tied to a dock and used as an office with no intention that it be used in navigation.*
- *Forestry barge camps that are towed a short distance every spring, tied to the shore, connected to onshore water and used as living accommodations for the remainder of the year.*

The *Canada Shipping Act, 2001* establishes procedures for dealing with "wreck" where the owner is unknown and these procedures are paramount to provincial process. Where there is a conflict with the federal regime, provincial law will be inoperative to the extent of any incompatibility. Under the *Canada Shipping Act*, "wreck" can include wrecked aircraft, cargo lost from vessels in distress, as well as vessels or parts of vessels that have grounded or sunk during storms at sea and rendered incapable of navigation to the point where they are effectively a total loss. "Wreck" also includes "derelict", i.e. a vessel or cargo that has been abandoned and deserted at sea without any hope of recovery. A vessel that is sunk at its moorings or has dragged its anchor and run up on the beach will not be a wreck dealt with by the Receiver of Wreck under the *Canada Shipping Act* if: the owner is known, it has not been abandoned nor damaged to the point of being a wreck.



Vessels and other structures in trespass on Crown Land

Generally, the Province requires persons building or placing structures on provincial land to obtain authorizations under the *Land Act* or other legislation. If a person does not have the required authorization, the person is in trespass, and the Province can take action to remove the trespasser. However, the ability of various governments to deal with vessels that are moored or anchored on sea, lake or river bed owned by the Provincial crown without authorization will depend on the specific facts of any situation.

If a vessel operator is exercising their public right of navigation – a right which includes a right to anchor for reasonable periods for purposes such as repair, overnighting or provisioning the vessel – neither the Province nor local governments have a power to remove or order the removal of the vessel.

Where vessels are anchored for longer periods the Province, and in some cases local governments, may take action, but this will depend on the specific facts of the situation. For example, if a vessel is moored on Provincial Crown Land without any authorization for long periods, under the *Land Act* the Province may be able to seize and sell or destroy the vessel. In some cases, the Province may seek a court order prior to seizing/removing a vessel, or imposing a monetary penalty for trespass because of contraventions of provincial legislation such as the *Land Act*.

In one recent case, the courts considered a situation where a provincially-owned lake bed was zoned by local government to allow only temporary boat moorage for upland owners. Despite the zoning bylaw the court recognized that temporary moorage for a boat owner who was not an upland owner, where such moorage was related to the active recreational use of his vessel, could not be restricted by the local government. However, long term moorage could be restricted under the bylaw.

Both local government and the Province have greater authority to deal with structures that are neither vessel nor wreck and are moored on or attached to a sea, lake or river bed owned by the Province. The Province has clear authority to remove or destroy such structures. In some cases, local government regulations related to zoning and nuisance may also apply to floating structures in the same manner as they would to dry land structures – although only a limited number of local governments currently have zoning bylaws pertaining to foreshore and water lots.

Where a vessel or other structure is a person's sole residence, special considerations arise. Seizure of a vessel that is a person's dwelling may be contrary to the *Canadian Charter of Rights and Freedoms* if it would deprive that person of shelter against the elements and endanger that person's well-being. Such situations often require an interagency approach that considers the social and human dimensions of the issue. Depending on the circumstances it may be necessary to involve agencies such as the RCMP, health authorities or social service providers.

Where an enforcement action affects a person's property or interests, authorities may have a duty of fairness to notify affected persons of any actions to be taken and give them an opportunity to be heard. Where the Province uses its powers under the *Land Act* to seize a vessel or structure it is required to give notice to the owner, if the owner is known, or post a public notice. Typically, the Province provides sufficient notice (usually 30 days) to allow the owner to respond before the property is seized.

Other situations

Beyond the ability of the Province to deal with vessels or structures that are in trespass on Crown land, there are many other situations where the Province or federal government may be able to take action or authorize others to take action. This includes situations involving structures or vessels that are sources of pollution, interfere with navigation, are wrecks or are sunk, grounded or abandoned. Structures or vessels that pose an environmental threat are a high priority for both Provincial and Federal levels of government and vessels that interfere with navigation are a priority for Transport Canada.

Pollution

For ship-source spills of oil or other noxious substances into the marine environment, the Canadian Coast Guard is generally the lead agency, while the Province's Ministry of Environment is generally the lead agency for spills or emissions of waste from structures. In some situations the province may take a role in relation to vessels – for instance issuing pollution abatement orders. Regulations under the *Canada Shipping Act* regulate emissions from vessels, including requirements for holding tanks and discharge of sewage.



The Province also operates a central reporting system for spills, environmental emergencies and pollution problems. The *Environmental Management Act* prohibits discharges that cause pollution and regulations under it and the *Public Health Act* regulate the discharge of sewage.

Impediments to navigation

The federal *Navigation Protection Act* authorizes federal officials to remove or order the removal of vessels or structures that are obstructing navigation. Obstructions to navigation can be reported to Transport Canada's Navigation Protection Program (NPP) during regular business hours. The complaint will be assigned to a NPP officer for follow up. The *Navigation Protection Act*¹ applies to most waters used by boaters in British Columbia, including all tidal waters other than waters designated by the federal government as being "Minor Waters."

.....
1 <http://laws-lois.justice.gc.ca/eng/acts/N-22/>



Sunk, grounded or abandoned vessels

A “wreck” may be treated in one of two ways: as an obstruction to navigation under the *Navigation Protection Act*, or as a wreck under the Receiver of Wreck provisions of the *Canada Shipping Act, 2001*.

Under the *Navigation Protection Act*, if any vessel is sunk, partially sunk, lying ashore, grounded or abandoned in navigable waters, Transport Canada may authorize any person to remove the vessel or parts of it for their own benefit. The person authorized to remove the vessel is required to provide registered and other owners with a 30 day notice. This provision provides a mechanism by which Transport Canada can authorize local governments, the Province or other persons to take possession of grounded, sunk or abandoned vessels.

Transport Canada may take immediate steps to remove structures or vessels or direct others to remove structures or vessels that are causing serious and imminent danger to navigation or are interfering with use of federal Crown lands.



Receiver of Wreck

Under the *Canada Shipping Act, 2001* a person who finds and takes possession of a wreck, the owner of which is unknown, is required as soon as feasible to report to the Receiver of Wreck and take actions directed by the Receiver. The Receiver of Wreck is a Transport Canada official within the Navigation Protection Program.

The key role of the Receiver of Wreck is to try to locate the owner and return their property, or dispose of a salvaged wreck(s) by various means (i.e. sell, give away, destroy, etc.) if the owner cannot be located in a reasonable time period. The Receiver of Wreck does not salvage wrecks.

Anyone other than the owner taking possession of a wreck(s) (i.e. salvaging) must notify the local Receiver of Wreck and may be entitled to a reasonable salvage award paid by the owner or from the proceeds of selling the wreck. If the owner is known there is no role for the Receiver of Wreck. Where the wreck is of limited value, the salvage reward may be limited to ownership of the wreck itself.

When the owner of a wreck cannot be found, the Receiver may authorize the removal or destruction of a wreck valued less than \$5000 at any time. When the wreck is valued at more than \$5000, the receiver must generally wait 90 days before allowing the destruction or sale of the wreck. A wreck valued at more than \$5000 is typically claimed by the registered owner or the owner's insurance company. The Receiver may also authorize the destruction or sale of a wreck where an owner abandons all interest in the vessel.

The *Canada Shipping Act, 2001*, provides a mechanism by which the Receiver of Wreck can authorize local governments, the Province or other persons to remove or destroy a wreck in cases where the owner is unknown.

Who to contact

Is the concern about a vessel or structure obstructing navigation?	Contact Transport Canada at 604-775-8867 or pacnpp-ppnpac@tc.gc.ca
Is the concern about leaking harmful substances (i.e. oil)?	Contact BC Provincial Emergency Program at 1-800-663-3456
Is the concern about sewage discharge?	Contact BC Provincial Emergency Program at 1-800-663-3456
Is the concern about other types of pollution?	Contact BC Provincial Emergency Program at 1-800-663-3456
Is the concern about objects that were once part of a wrecked or stranded vessel and you want to salvage the items?	Contact the Receiver of Wreck at 604-775-8867 at pacnpp-ppnpac@tc.gc.ca
Is the concern about objects from a wrecked or problem vessel causing a public safety concern?	If there is an imminent concern regarding public safety contact the Joint Rescue Coordination Centre Victoria at 1-800-567-5111 (toll free), #727 (cellular); 250-413-8933 (satellite, local or out of toll free area), or jrccvictoria@sarnet.dnd.ca . If the concern is not imminent contact the Receiver of Wreck at 604-775-8867 or pacnpp-ppnpac@tc.gc.ca
Is the concern about a problem structure anchored or grounded on Crown land?	Contact BC Ministry of Forests, Lands and Natural Resource Operations at 250-387-1772 and ask for regional office
Is the concern about a vessel anchored or moored for extended period on aquatic land owned by the Province?	Contact BC Ministry of Forests, Lands and Natural Resource Operations at 250-387-1772 and ask for regional office
Is the problem related to local government by laws (i.e. noise or, residential or commercial use)?	Contact the local government
Is the concern about leaking harmful substances (i.e. oil)?	Contact BC Provincial Emergency Program at 1-800-663-3456
Is the concern about sewage discharge?	Contact BC Provincial Emergency Program at 1-800-663-3456
Is the concern about other types of pollution?	Contact BC Provincial Emergency Program at 1-800-663-3456

Ministry of Forests, Lands and Natural Resource
Operations

Technical Staff Guide on Problem Vessels and Structures

Land Tenures Branch, Tenures, Competitiveness and Innovation Division

British Columbia

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- *NOTE: This paper is not legal advice. The law applicable to any given situation will often depend on specific facts and the information presented in this paper may not always reflect the most up to date information.*

1. DEFINITIONS AND ACRONYMS

“Derelict” generally means vessel or cargo which has been abandoned and deserted at sea by those who were in charge of it without any hope of recovering it.

“DFO” means Fisheries and Oceans Canada -Department of Fisheries and Oceans.

“FLNR” means the British Columbia Ministry of Forests, Lands and Natural Resource Operations.

“Liveaboard” means a boat, typically a small yacht or houseboat, or floating structure used as a residence.

“Minor Waters” means waters designated as minor waters by the federal Minister of Transportation for the purposes of the NPA.

“Minor Works” are works that are designated under the [Minor Works Order](#) under the [Navigation Protection Act](#). Minor Works that comply with restrictions in that order can proceed without a notice to the federal Minister of Transport.

“MOE” means the British Columbia Ministry of Environment.

“NPA” means the federal *Navigation Protection Act*.

“NPP” means Transport Canada’s Navigation Protection Program.

“Provincial Aquatic Land” means land owned by the Provincial government that is covered by water, including foreshore.

“Scheduled Waterway” means navigable waters listed in the [schedule to the NPA](#). These are Canadian waters of importance that support busy commercial or recreational activity, are accessible by ports and marinas and are often in close proximity to heavily populated areas.

“Structure” means something built by humans that is neither a Vessel nor Wreck.

“Vessel” means something that floats that was designed for navigating through the water – without regard to its means of propulsion or reliance on being towed -- and continues either to be used for navigation or to be intended for such use.

“Wreck” means, at common law, vessels and parts of vessels, that have grounded or sunk after having met such danger as to render them no longer capable of navigation and effectively a total loss. The *Canada Shipping Act* expands this definition. See section 2.3 for more information.

2. INTRODUCTION

This paper deals with subject of “problem” Vessels or other “problem” Structures which are anchored, beached, moored, sunk or grounded in waters covering Provincial Aquatic Land.

Problem Vessels and Structures include vessels or structures that are anchored or moored for extended periods on Provincial Aquatic Land, that are interfering with navigation, that are sunk, beached or wrecked on Provincial aquatic land, or that are causing pollution. Also included within the scope of this paper is ‘Wreck’, which includes derelict and wrecked vessels and any cargo or other things that may have been part of, or on, a derelict and wrecked vessel.

One of the purposes of the paper is to identify which levels of government can do what in different situations and identify key points of contact for getting problems resolved.

This paper is a “living document”. It is the intention of the Ministry of Forests, Lands and Natural Resource Operations (“FLNR”) to update this paper as provincial and federal programs change, as the need for additional information becomes clearer and as laws change or relevant legal principles change or become clearer.

Readers are cautioned that this paper is not legal advice. The law applicable to any given situation will often depend on specific facts and the information presented in this paper may not always reflect the most up to date information.



2.1 Land ownership and legislative jurisdiction

The question of who can do what in relation to vessels and structures located on foreshore and waterways of the Province is particularly complicated because it can depend both on who owns a particular area of seabed or foreshore and which level of government has authority under the constitution.

The province owns much of the underwater land around the coast and in inland waterways and lakes. Based both on its powers as the owner of the Provincial Aquatic Land and its constitutional powers, the province has significant authority to control how this land is used and activities on Provincial Aquatic Land.

However, the exclusive ability to make laws dealing with navigation and shipping lies with the federal government. Depending on the circumstances, provincial laws may not apply if they intrude into core federal legislative jurisdiction over navigation and shipping, or they may not operate if they conflict with federal legislation. There are often uncertainties regarding which provincial laws are applicable in a given situation, and specific legal advice may be necessary to determine whether a specific law applies in any given situation.

The province's authority is far more limited areas where the foreshore or sea bottom is owned by the federal government. Not only does the province no longer have authority based on its ownership of the land, provincial laws will not apply if they infringe on federal authority over management of federally owned land.

The federal government owns areas of submerged land and foreshore in areas such as Department of National Defence land, national parks, harbours and ports. In particular, the federal government owns, administers or regulates many of the harbours and ports in British Columbia. This paper does not deal with problem Vessels in areas that are owned or administered by the federal government.

It is recommended that persons concerned with problem Vessels or Structure in such areas determine whether the Vessel is located in an area owned or administered by the federal government (in some cases the federal government may only operate a relatively small wharf). For problem Vessels in these areas, usually the first point of contact is the port authority, harbour commission or agent managing the harbour. The first step in determining whether a harbour, port or facility is federally owned or operated in BC is consulting the linked list of federal harbours, ports and facilities in BC (see Appendix A).

2.2 Vessels and Structures

One issue that affects the province's ability to take effective action is whether something is a "Vessel" or "Wreck" under the *Canada Shipping Act*, or whether it a "Structure" – i.e. something built by humans that is neither a Vessel nor Wreck.

'Vessels' are defined and regulated by federal legislation (particularly, the *Canada Shipping Act*). The province has limited jurisdiction with respect to Vessels within the meaning of the federal legislation. For instance, while the province has authority to seize or destroy Structures that are trespassing on provincial land, it may in some cases be unable to do so for Vessels, even if a Vessel is in trespass on Provincial Aquatic Land. Similarly, zoning bylaws regulating the size and dimensions of buildings may not be applicable to Vessels as defined by the *Canada Shipping Act*.

Generally speaking, something that floats is a Vessel if it is designed for navigating through the water – without regard to its means of propulsion or reliance on being towed -- and continues either to be used for navigation or to be intended for such use.

On the other hand, something that floats which was not designed for navigation will be a Structure rather than a Vessel. Floating houses that are not designed for or used in navigation are not Vessels. A floating wooden platform designed for boat moorage is not a Vessel, even if it is registered as a ship and has an outboard attached.

Sometimes something that previously qualified as a Vessel will no longer be a Vessel if it is no longer used for and intended for navigation. Examples of situations where a Structure designed for navigation may no longer be a Vessel include:

- a ship converted to a floating restaurant in which engines have been removed;
- an oil-tank barge tied to a dock and used as an office with no intention that it be used in navigation;
- forestry barge camps that are unused in the winter but towed a short distance every spring to a location where they are docked or anchored against the shore, connected to onshore water, and remain in that place for the remainder of the year as living accommodations.

Each case will depend on specific facts, and in some cases the distinction between Vessel and Structure is not obvious.

The province may have more latitude to deal with nuisance Structures that are not Vessels when these are located in waters covering provincial land. For instance, local government

authority in relation to zoning and nuisances may apply. However, even if a Structure is not a Vessel, federal laws related to navigation and shipping will apply to it in appropriate circumstances, notwithstanding any provincial laws.

2.3 Wreck

Another key issue in determining authorities of provincial and federal governments is whether something is a “Wreck”. Where the owner of a Wreck is unknown, the *Canada Shipping Act* lays out procedures for determining its ownership and disposition and provincial laws will be inoperative to the extent of any conflict with federal laws. At common law “wreck” means vessels and parts of vessels, that have grounded or sunk after having met such danger as to render them no longer capable of navigation and effectively a total loss. The *Canada Shipping Act* expands this definition:

“wreck” includes

- (a) jetsam, flotsam, lagan and derelict and any other thing that was part of or was on a vessel wrecked, stranded or in distress; and
- (b) aircraft wrecked in waters and anything that was part of or was on an aircraft wrecked, stranded or in distress in waters.

Many of the terms in the above definition are drawn from the common law and have specific meanings. “Derelict” generally refers to property, whether Vessel or cargo, which has been abandoned and deserted at sea by those who were in charge of it without any hope of recovering it. “Jetsam,” “flotsam” and “lagan” are goods originating from Vessels that have been lost at sea or were in distress.

A Vessel that is sunk at its moorings or dragged anchor and run up on the beach may or may not be a wreck depending on whether it is abandoned or damaged to the point of being a wreck. And it may not be subject to the *Canada Shipping Act* provisions dealing with ownership if the owner is known.

2.4 Financial considerations

It is important to stress that while a government ministry or department, local government, volunteer groups or individual may have or obtain the legal authority to take actions such as seizing and destroying a derelict and wrecked Vessel, the practical ability to act will always be affected by the need to prioritize any potential action in light of limited resources and other key responsibilities.

2.5 Collaborative approach among all levels of government and volunteers

A collaborative approach, bringing together various parties that have appropriate legal authority, expertise and resources is often essential to solving problems.

The inclusion of volunteer effort to address problem Vessels or floating Structures has proven to be a viable approach. Combining government resources with volunteer labour and equipment to clean up debris or remove problem Vessels and floating Structures has proven to be successful. As explained further in section 3.4.1, it is possible in some situations for volunteer organizations or local governments with appropriate authorizations under federal law to obtain a reward for their efforts in salvaging Wreck, either in the form of money paid by the owner of Wreck or obtaining ownership of Wreck which may have some residual value.

When volunteers are working under the supervision of a government agency or local government, these volunteers might be deemed to be workers for the purposes of the *Workers Compensation Act*. Agencies working with volunteers must be knowledgeable regarding the expectations related to volunteers and should seek independent advice from their own, internal sources and from *WorkSafe BC*.

It should be a priority of the government agency or local government supervising the project to provide for the safety of all workers, paid or volunteer.



2.6 Other considerations

Finally, when taking action based on its authority under legislation, both the province and the federal government may sometimes be constrained by other legal duties and responsibilities. These may include a duty of fairness where a planned action affects a person's property or interests, limits imposed by the *Charter of Rights and Freedoms* or a duty to consult and possibly accommodate aboriginal interests where a planned action may impair the exercise of aboriginal rights. Even where there is no duty of fairness or no impact on aboriginal rights, governments generally try to consider the interests of all parties.

3. SPECIFIC SCENARIOS AND QUESTIONS

This part of the paper deals with a number of situations and suggested persons to contact. It should be noted that a particular circumstance may fall under multiple headings, e.g. Structures on Provincial Aquatic Land (section 3.1) might also be interfering with navigation (section 3.3).

3.1 What can be done about non-Vessel structures that are anchored or moored, sunk or grounded in waters covering Provincial Crown Land?

Both local government and the province may have authority to deal with Structures (i.e. neither Vessels nor Wreck) located on Provincial Aquatic Land. Generally, the province requires persons building or placing Structures on Provincial Aquatic Land to obtain tenures under the *Land Act* or to have a permission to erect the structure. (See for instance, [*General Provincial Permission to Use Crown Land for a Private Moorage Dock*](#)).

The province generally has the authority to remove or destroy Structures that are in trespass on its land, and local government powers related to zoning and nuisances may apply to floating Structures in the same manner as they would to dry land Structures.

Contact FLNR in relation to structures that are on Provincial Aquatic Land that you believe may not have authorization under the *Land Act* or have the requisite permission. See Appendix B for contact information. If the Structure is within local government boundaries you can also make enquiries with the local government as to whether their zoning or other bylaws apply.

Where an enforcement action affects a person's property or interests, authorities may have a duty of fairness, notifying affected persons of actions to be taken and giving them an opportunity to be heard. Where the province uses its powers under the *Land Act* to seize a vessel or structure it is required to give notice to the owner, if the owner is known, or post a

public notice. Typically the province provides sufficient notice (30 days is typical) to allow the owner to respond before the property is seized.

See section 3.3.1 for Structures that are interfering with navigation.

See section 3.4 for Structures that are causing or threatening to cause pollution.

3.1.1 Structures used as a dwelling

Addressing Structures used for living quarters presents additional considerations. If on Provincial Aquatic Land such Structures require tenure under the *Land Act* or other legislation. Persons without the tenure will be in trespass. Local government bylaws may also apply to floating dwellings.

Where a vessel or other structure is a person's sole residence special considerations arise. Seizure of a vessel that is a person's dwelling may be contrary to the Canadian *Charter of Rights and Freedoms* if it would deprive that person of shelter against the elements and endanger that person's well-being. Such situations often require an interagency approach that considers social and human dimensions of the issue. Depending on the circumstances it may be necessary to involve agencies such as the RCMP, health authorities, or social service providers.



3.2 What can be done about problem Vessels that are anchored or moored in waters covering Provincial Aquatic Land?

Unless an anchored vessel is interfering with navigation, or is anchored contrary to restrictions in the Vessel Operation Restriction Regulations -- which restrict anchorage in Vancouver's False Creek and operation of vessels, or certain types of vessels, in certain waters listed in the regulation -- Transport Canada officials will not take action in relation to vessels anchored or moored on Provincial Aquatic Land. At the same time, powers that the province or local governments may enjoy in relation to problem floating or grounded Structures are much reduced in relation to Vessels. There are two main limitations in this regard. Generally, the province cannot unreasonably restrict the public right of anchorage that is part of the common law right of navigation, and provincial laws allowing the seizure, sale and destruction of Structures or property in trespass on Crown land may not be operative in situations where they conflict with federal law.

3.2.1 The right of navigation and trespass

The right of navigation includes an incidental right for vessels to anchor for reasonable periods for purposes associated with navigation such as loading, unloading, overnighting, weathering storms and repair. Provincial laws have been interpreted by the courts so that they do not apply in a manner that interferes with the public right of navigation. For instance, the courts recently considered a situation where Provincial Aquatic Land was zoned by West Kelowna to only allow temporary boat moorage for upland owners. Despite the zoning bylaw, the court recognized that temporary moorage by a boat owner who was not an upland owner could not be restricted by the local government, so long as the moorage was directly incidental and related to the active recreational use of his vessel. However, the court ruled that longer term moorage where the owner was not actively making use of the vessel, including in that case moorage through the week when the boat owner was only using his vessel on weekends, could be restricted by the zoning bylaw.¹

Thus, the province may not have authority to stop persons from anchoring temporarily while actively using their Vessels for navigation, but may be able to take action if a person moors or anchors for longer periods. Similarly, municipalities may not limit short term moorage incidental to navigation through land use zoning.

¹ This case is currently under appeal, set for hearing in October 2014.

3.2.2 Practical problems with Provincial regulation of vessels

Practically, it may be difficult for the province to effectively enforce trespass laws against Vessels and their owners. First, attempts to enforce the *Land Act* against vessel owners or seize vessels may simply result in vessel operators moving more frequently to avoid a finding of trespass or avoid their vessel being seized. Second, provincial laws allowing the seizure, sale and destruction of Structures or property in trespass on Crown land may not be operative in certain limited situations in relation to Vessels. In those situations, the province may still issue notices of trespass in relation to Vessels that have anchored for unreasonable periods, impose penalties under the *Land Act* against Vessel owners, or seek court injunctions, but these options may not be practical solutions in all cases either because of difficulties in enforcement or due to cost.

Finally, where a Vessel is a Liveaboard, the same issues arise as in relation to Structures that are dwellings. (See section 3.1.1)

3.2.3 What can a Crown land tenure holder do to remove a Vessel from their tenure area?

The terms of Crown land tenure agreements include provisions granting rights to a specific parcel of land for specific purposes, and the *Land Act* allows the tenure holder to sue unauthorized users of the land in trespass or take actions of recovery of possession. Depending on the terms of the tenure, the tenure holder may be able to take legal action to prevent a mariner from mooring a Vessel for long periods of time. However, tenure holders do not have any authority to exclude mariners from exercising their rights of public navigation which generally include rights to anchorage incidental to navigation.

3.2.4 Contacts for Vessels anchored for extended periods on Provincial Aquatic Land

Contact FLNR in relation to vessels anchored or moored for extended periods on Provincial Aquatic Land. See Appendix B for contact information. Where complaints are received, FLNR will assess the situation in accordance with ministry policy.

If the Vessel is within local government boundaries you can also make enquiries with the local government as to whether their zoning or other bylaws apply.

See section 3.3.2 for Vessels that are interfering with navigation.

See section 3.4 for Vessels that are causing or threatening to cause pollution.

3.3 What can be done about Vessels and Structures that are impeding navigation?

The federal *Navigation Protection Act* is federal legislation administered by Transport Canada that is intended to protect the ability of mariners and boaters to navigate Canada's waters. It applies to navigable waters listed in the [schedule to the NPA](#) with some exceptions for Minor Waters. It applies to most waters used by boaters in British Columbia including all tidal waters.



3.3.1 Structures interfering with navigation

With respect to Structures, with some exceptions for certain Minor Works, a person proposing to construct, place or rebuild a Structure in, on or over a Scheduled Waterway other than a Minor Water is required to give notice to the Transport Canada, and may be required to obtain an authorization if Transport Canada determines that the work will substantially interfere with navigation. Where an unauthorized Structure is an obstruction to navigation, Transport Canada may order it removed or take action to remove it and pursue cost recovery from the owner.

Mooring buoys and other mooring systems have been designated as Minor Works under the *Navigation Protection Act*, and can be placed without notice to Transport Canada so long as they comply with the requirements of the federal [Minor Works Order](#).

3.3.2 Vessels that are anchored, adrift or moored

Similarly, if Vessels are left anchored, moored or adrift in Scheduled Waters other than Minor Waters so that they obstruct navigation, the Minister may order the owner or person in charge of the Vessel to secure it and remove it to an appropriate place.

3.3.3 Contact Information for the Navigation Protection Program

Obstructions to navigation can be reported to Navigation Protection Program during regular business hours by calling 604-775-8867 or e-mail to pacnpp-ppnpac@tc.gc.ca. The complaint will be assigned to an NPP Officer for follow up.

3.4 What can be done about Wreck or Vessels which are sunk, grounded or abandoned?

A person who finds a Vessel or Wreck is not generally entitled to take the Vessel or Wreck into their possession or destroy the Vessel. A ship that sinks or goes aground, or cargo that is lost over the side is still the property of the original owner – the shipper, the company to which a Vessel is registered or an insurance company.² However, there are several mechanisms by which Transport Canada's Navigation Protection Program can either help find an owner to take responsibility for a Vessel, or allow others to do so.

It is strongly recommended that a person considering taking possession of a damaged, sunk or grounded Vessel or Wreck contact the NPP to determine how they should proceed. The Navigation Protection Program and Receiver of Wreck can be contact by telephone at 604-775-8867 or by e-mail, at pacnpp-ppnpac@tc.gc.ca.

The Union of BC Municipalities has published a [Derelict Vessel data collection sheet](#) that can be completed to provide Transport Canada with information on problem Vessels (<http://www.ubcm.ca/assets/Resolutions~and~Policy/Policy/Environment/DerelictVesselInventory.pdf>).

3.4.1 Where the owner of Wreck is not known

The Receiver of Wreck is a Transport Canada official, currently situated within the Navigation Protection Program, designated under the *Canada Shipping Act, 2001* to act as the custodian of found and recovered Wreck where the owner is not known. The Receiver's primary responsibilities are to identify the owner(s) of Wreck and return their property, or to dispose of salvaged Wreck by various means (i.e. to sell, give away, destroy).

Under the *Canada Shipping Act*, a person who finds Wreck, or takes possession of Wreck, the owner of which is not known, is required to as soon as feasible report to the Receiver of Wreck and take measures that the Receiver directs. Such a person, known as a salvor, may be required to keep the Wreck in their possession in a manner that protects it, or deliver it to the Receiver.

The Receiver of Wreck will determine salvage award for the salvor's efforts. The owner may pay these expenses, or if the owner cannot be found, or abandons interest in the Wreck, the salvage award may be the Wreck, or all or part of the proceeds of its sale. Generally, salvors

² A salvor who saves a vessel or cargo from danger may in certain circumstances have a lien against the vessel.

will only have a reasonable assurance that their costs and expenses will be compensated if the Wreck has sufficient value.

Identifying ownership of Wreck can be difficult because, even where a Vessel is licenced or its ownership recorded in the Canada Registry of Vessels, ownership information may not be current. Many vessels are not licenced. When the owner of Wreck cannot be found, the Receiver may authorize at any time the removal or destruction of Wreck that is valued less than \$5000.00. When the Wreck is valued at more than \$5000.00, the Receiver must generally wait 90 days before considering whether to allow the destruction of the Wreck, or disposing of the Wreck to salvors or third parties. A Wreck valued at more than \$5000.00 are usually claimed by the registered owner or the owner's insurance company. The Receiver may also authorize the destruction or disposition of Wreck where the owner abandons all interest in the Vessel.

Salvors should not attempt to salvage or otherwise disturb or take possession of military Wreck, wrecks that have historical or heritage value or wrecks that contain dangerous goods.

The *Canada Shipping Act* provides a mechanism by which the Receiver of Wreck can authorize local governments, the province or other persons to remove or destroy Wreck where the owner is unknown.

3.4.2 Vessels that have grounded, sunk, or are abandoned

Under the *Navigation Protection Act*, if any Vessel or Wreck is sunk, partially sunk, lying ashore grounded or abandoned in Scheduled Waterways other than Minor Waters, Transport Canada may authorize any person to remove the Vessel or parts of it for their own benefit, but only on the person giving the registered owner and others with an ownership interest 30 days' notice.



If the owner is unknown, the person removing the Vessel must give 30 days' public notice in a publication specified by the Minister (usually a local newspaper published in or near to the location of the Vessel).

The *Navigation Protection Act* provides a mechanism by which Transport Canada can authorize local governments, the province or other persons to take possession of grounded, sunk or abandoned Vessels.

3.4.3 Other situations

See section 3.5 for Vessels that are causing or threatening to cause pollution.

See section 3.3 for Vessels or Wrecks that are impeding navigation.

3.5 What can be done in relation to Wreck, a Vessel or a floating or grounded Structure that is causing pollution?

The Canadian Coast Guard is generally the lead agency for ship-source spills of oil or other noxious substances into the marine environment, while the province's Ministry of Environment is generally the lead agency for spills or emissions of waste from Structures. There may, however, be situations where the province takes a role in relation to pollution from ships – for instance issuing pollution abatement orders, and the federal government enforces laws under the *Fisheries Act* and *Canadian Environmental Protection Act* that are applicable to pollution from Structures. The province also operates a central reporting system for spills, environmental emergencies and pollution problems.

3.5.1 Pollution from Vessels

When the a Vessel causing pollution is identified and is willing and able to respond, the Canadian Coast Guard will advise the polluter of their responsibilities. Once the Canadian Coast Guard is satisfied with the polluter's intentions and plans, it monitors the action being taken to observe the actions of the responsible party and to provide advice and guidance as required. In situations where the polluter is unknown, unwilling or unable to respond, the Canadian Coast Guard will assume the overall management of the incident and ensure an appropriate response. The province may also have authority in some situations in relation to pollution from Vessels.

3.5.2 Pollution from Structures

The province's Ministry of Environment is responsible for enforcing the *Environmental Management Act* which prohibits discharge of waste in a manner that causes pollution, as well as discharge of waste from certain industries.

3.5.3 Disposal of sewage at sea

The federal [*Vessel Pollution and Dangerous Chemical Regulations*](#) include provisions that dictate the conditions whereby Vessels may dispose of sewage while underway, moored or anchored. The application of the regulations is dependent upon Vessel size, location and the Vessel speed or tidal conditions at the time of discharge. Regulatory enforcement can be executed by an authorized agency (e.g. Transport Canada or the RCMP).

Regulations under the province's *Public Health Act* prescribe discharges of domestic sewage to tidal or surface waters as a health hazard, but regulations normally applicable to minor discharges of domestic sewage do not apply to vessels or structures on land covered by water.

3.5.4 Reporting of spills and discharges

Regulations under the provincial *Environmental Management Act*, as well as the federal *Fisheries Act*, *Canadian Environmental Protection Act, 1999* and *Canada Shipping Act, 2012* require reporting of spills and releases out of the usual course of events.³ In most cases, spills, environmental emergencies and pollution problems should be reported to the Emergency Coordination Center of the Provincial Emergency Program at 1-800-663-3456. Reporting is mandatory in certain circumstances – especially in relation to reporting by persons in charge of a substance that is spilled where the release is an unauthorized discharge and exceeds minimum amounts. The Emergency Coordination Center should be contacted if a Derelict Vessel contains hazardous substances where there is a threat of the substances being spilled. The Emergency Coordination Center should not be contacted where the environmental threat is largely limited to the unsightliness of Wreck or abandoned Vessels.

Persons calling the Emergency Coordination Centre should be able to describe:

1. Whether the source originates from a Vessel or floating Structure (or if uncertain, describe the relevant facts);
2. The type of environmental issue (e.g. oil leaks, garbage, other harmful substances);
3. The location of the problem Vessel or floating Structure. It is helpful if the person making the report can communicate whether the problem is situated within a provincial park, federal harbour or commercial/industrial operating area (e.g. marina, log sort, ferry terminal, shipyard).

³ See B.C.'s *Spill Reporting Regulation*, and the following federal regulations: *Release and Environmental Emergency Notification Regulations* (CEPA, 1999), *Deposit Out of the Normal Course of Events Notification Regulation (Fisheries Act)*, and section 132 of *Vessel Pollution and Dangerous Chemicals Regulation (Canada Shipping Act)* that may be applicable to a particular spill.

In cases of spills from ships or oil handling facilities, federal regulations require reporting federal officials.

3.6 How can owners of Vessels and floating Structures responsibly dispose of their property?

It is illegal to abandon or intentionally sink a Vessel. Some landfills accept Vessels and the remains of floating Structures. Before taking a Vessel or floating Structure to a landfill, owners (or persons authorized by the Receiver of Wreck to destroy Wreck) should contact the operator of the landfill to learn about the types of components or substances that may be restricted for disposal at that facility, and about disposal requirements.

There are commercial/industrial operators near major centers that are able to recycle large Vessels and Structures. A search of telephone directories under the headings of salvage or recycling may identify these commercial operators. Transport Canada is currently compiling an inventory of all facilities capable of recycling and disposing Vessels. When the inventory is complete, this information will be made available to the public.



3.7 What responsibilities do persons carrying out activities on beaches have for protecting marine habitat?

Damage to fish habitat on beaches, or release of pollutants while removing or destroying Vessels or Structures can potentially be a breach of federal law or provincial law. Fisheries and Oceans Canada (DFO) has resources that can guide parties wishing to undertake a cleanup activity. This information covers factors such as the use and maintenance of machinery and the restoration of the shoreline after the work is complete. The guide entitled, "Working Near Water in BC & Yukon" can be found at the DFO website; <http://www.pac.dfo-mpo.gc.ca/habitat/index-eng.htm> and additional information on "Projects Near Water" can be found at: <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>.

Parties engaged in the cleanup of problem Vessels and Structures can limit their liability for unintended contamination or damages caused by the cleanup effort by working collaboratively with federal and provincial agencies.



Appendix A: Federally owned or managed ports, harbours and facilities in BC

Although both Transport Canada and Fisheries and Oceans Canada have recently been divesting small ports and harbours, both federal agencies continue to administer many ports, harbours and related facilities, either directly, through port and harbour authorities or through contractors.

Harbours under the *Fishing and Recreational Harbours Act*.

The Department of Fisheries and Oceans administers a number of fishing and recreation harbours in British Columbia. A full listing of the harbours is contained in the [Fishing and Recreational Harbours Regulation](#) and Fisheries and Oceans Canada's website includes a [listing of harbours](#) with location details and information on the harbour authorities that manage the harbours under lease from Canada.

Public Ports

Victoria and a number of relatively remote ports are designated as "public ports" under the *Canada Marine Act*, and owned and administered by Transport Canada. The linked [map](#) provides a 2009 listing of the public ports owned by Transport Canada.

Port Authority Administered Ports

British Columbia's most significant ports are governed by Port Authorities under the *Canada Marine Act*. The following list of port authorities in BC includes links to the port authority sites.

- [Nanaimo Port Authority](#)
- [Port Alberni Port Authority](#)
- [Prince Rupert Port Authority](#)
- [Vancouver Fraser Port Authority](#)

Appendix B: Who should you contact

Type of Concern or Problem	Agency to Contact
IS THE CONCERN ABOUT A VESSEL OR STRUCTURE OBSTRUCTING NAVIGATION?	CONTACT TRANSPORT CANADA AT 604-775-8867 OR PACNPP-PPNPAC@TC.GC.CA
IS THE CONCERN ABOUT LEAKING HARMFUL SUBSTANCES (I.E. OIL)?	CONTACT PROVINCIAL EMERGENCY PROGRAM AT 1-800-663-3456
IS THE CONCERN ABOUT SEWAGE DISCHARGE?	CONTACT PROVINCIAL EMERGENCY PROGRAM AT 1-800-663-3456
IS THE CONCERN ABOUT OTHER TYPES OF POLLUTION?	CONTACT PROVINCIAL EMERGENCY PROGRAM AT 1-800-663-3456
IS THE CONCERN ABOUT OBJECTS THAT WERE ONCE PART OF A WRECKED OR STRANDED VESSEL AND YOU WANT TO SALVAGE THE ITEMS?	CONTACT THE RECEIVER OF WRECK AT 604-775-8867 AT PACNPP-PPNPAC@TC.GC.CA
IS THE CONCERN ABOUT OBJECTS FROM A WRECKED OR PROBLEM VESSEL CAUSING A PUBLIC SAFETY CONCERN?	<p>IF THERE IS AN IMMEDIATE CONCERN REGARDING PUBLIC SAFETY CONTACT THE JOINT RESCUE COORDINATION CENTRE VICTORIA AT 1-800-567-5111 (TOLL FREE), #727 (CELLULAR); 250-413-8933 (SATELLITE, LOCAL OR OUT OF TOLL FREE AREA), OR JRCCVICTORIA@SARNET.DND.CA.</p> <p>IF THE CONCERN IS NOT IMMEDIATE CONTACT THE RECEIVER OF WRECK AT 604-775-8867 OR PACNPP-PPNPAC@TC.GC.CA</p>
IS THE CONCERN ABOUT A PROBLEM STRUCTURE ANCHORED OR GROUNDED ON CROWN LAND?	CONTACT BC MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS AT 250-387-1772 AND ASK FOR REGIONAL OFFICE
IS THE CONCERN ABOUT A VESSEL ANCHORED OR MOORED FOR EXTENDED PERIOD ON AQUATIC LAND OWNED BY THE PROVINCE?	CONTACT BC MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS AT 250-387-1772 AND ASK FOR REGIONAL OFFICE
IS THE PROBLEM RELATED TO LOCAL GOVERNMENT BY LAWS (I.E. NOISE OR, RESIDENTIAL OR COMMERCIAL USE)?	CONTACT THE LOCAL GOVERNMENT

Appendix C: Web and information links

Federal statutes and regulations

- <http://laws-lois.justice.gc.ca/eng/index.html>

Fisheries and Oceans Canada

- "Working near Water in BC & Yukon" <http://www.pac.dfo-mpo.gc.ca/habitat/index-eng.htm>
- "Projects Near Water" <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>

Ministry of Environment

- Provincial role for environmental protection: <http://www.env.gov.bc.ca/epd/index.htm>

Ministry of Forests, Lands and Natural Resource Operations

- Locate FLNR Regional Offices: <http://www.for.gov.bc.ca/mof/regdis.htm#wcr>

Navigable Waters Protection Program

- <http://www.tc.gc.ca/eng/programs-621.html>

Obstructions to navigation:

- To report call 604-775-8867 or e-mail to pacnwp-penpac@tc.gc.ca

Transport Canada's Private buoys regulation and guide:

- <http://www.tc.gc.ca/Publications/en/TP14799/PDF/HR/TP14799E.pdf>.
- Private Buoy Regulations: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-99-335/index.html>
- Navigation Protection Program at 604-775-8867 or e-mail pacnpp-ppnpac@tc.gc.ca.

Provincial statutes and regulations

- <http://www.bclaws.ca/>.

Role of Receiver of Wreck:

- <http://www.tc.gc.ca/eng/programs-629.html>

Vessel Registration and Licencing:

- <http://www.tc.gc.ca/eng/marinesafety/oep-vesselreg-menu-728.htm>



BRIEFING NOTE

Town of Ladysmith Sponsored Resolution to Association of Vancouver Island and Coastal Communities R10 – “Abandoned and Derelict Vessels”

2012.04.11

PURPOSE

The purpose of this briefing note is to prepare Council members for discussion on the following resolution at the Association of Vancouver Island Municipalities convention.

R10 REMOVAL OF DERELICT & ABANDONED VESSELS FROM COASTAL WATERS Ladysmith

WHEREAS derelict and abandoned vessels in the waters of coastal British Columbia can pose a threat to the aesthetics, environment, health and safety of coastal communities;

AND WHEREAS the current regulatory regime for the removal of derelict and abandoned vessels from the waters of coastal British Columbia is not serving our communities with effective and timely removal of such vessels:

THEREFORE BE IT RESOLVED that the Association of Vancouver Island and Coastal Communities call upon the federal and provincial governments to implement a Derelict Vessel Removal Program modelled after the Washington State program, and to designate the Canadian Coast Guard as the receiver of wreck in the case of every abandoned or derelict vessel in the waters of coastal British Columbia.

KEY ISSUES

- Some of BC's coastal waters have become 'dumping grounds' for abandoned vessels and infrastructure. Examples include:
 - the five barges that were brought to Chemainus Harbour for use in the Chemainus Quay development and then abandoned when the project was discontinued
 - the abandoned vessels in Ladysmith's 'Dogpatch'
 - the former Hood Canal bridge from Washington State that was towed to Cowichan Bay and left there
 - the large sinking vessel in Cowichan Bay

- Jurisdiction over the abandoned vessels is unclear – they tend to fall through the cracks in terms of a lead agency to take responsibility for removing the vessels.
- The federal Department of Fisheries and Oceans will take action when the vessel poses a ‘threat to navigation’ or an environmental emergency; this is often after damage has been done
- Various state governments in the United States are making efforts to address this issue, and the National Oceanic & Atmospheric Agency is coordinating a national approach with research and planning.
- Ladysmith’s resolution cites Washington State’s *Derelict Vessel Removal Program*. *Program highlights are:*
 - Reimbursement of up to 90% of the cost of removal and disposal
 - Remaining 10% of the cost can be in the form of “in-kind” services
 - Authorized public entities not able to undertake the removal of a derelict vessel may ask the state Department of Natural Resources to assume the lead
 - Priority for the use of funds is for vessels in danger of breaking up, sinking, or blocking a navigational channel, or vessels that present a risk to human health, safety or the environment
 - Program is funded through an additional \$3 fee placed on annual vessel registration fees and an additional \$5 fee added to the cost of obtaining a non-resident vessel permit fee. The DVRP also can accept donations.
 - Organizations who are authorized to carry out the removal and receive reimbursement are the state Department of Natural Resources, Department of Fish and Wildlife, Parks and Recreation Commission, metropolitan park districts, port districts, cities, towns, or counties with ownership, management, or jurisdiction over the aquatic lands where the vessel is located.

AVICC RESPONSE TO LADYSMITH RESOLUTION

- Delegates at the AVICC convention will be provided with the following comments from the AVICC Resolutions Committee on the Town of Ladysmith resolution:

The Resolutions Committee notes that the membership has previously considered and endorsed two resolutions regarding derelict and abandoned vessels. Resolution 2005-B112 called for the federal government to remove any derelict vessel left unoccupied in a harbour for more than six months upon request of the community, and resolution 2010-B30 called on the provincial and federal governments to develop a coordinated approach to removal of derelict and abandoned vessels, barges and docks.

The Provincial response to the 2010 resolution indicated in part that “The Ministry recognizes that the multi-jurisdictional nature of managing abandoned vessels is a key challenge when resolving these issues” and that a working group was established to explore options and address this issue. Working group membership includes provincial ministry of Forests, Lands and Natural Resource Operations, Transport Canada, Islands Trust and UBCM.

The Federal response to the 2005 resolution indicated in part that “the current

legislation does not allow the removal of a derelict vessel unless it is a hazard to navigation under the Navigable Waters Protection Act”.

The Committee notes that the Washington State program may be challenging to replicate in BC, given the complex nature of the legislative framework for vessels in Canada along with shared federal, provincial and local government jurisdiction. However, the Committee also notes that providing responsibility for managing a derelict vessel program to one agency may help to facilitate removal of these vessels.

- Note that the Town’s resolution states “modelled after” the Washington state program, not “identical to”

PROJECT BACKGROUND / HISTORY

- The UBCM has passed two previous resolutions on this topic – in 2005 and 2010 (attached)
- Jean Crowder, M.P. for Nanaimo-Cowichan, has initiated Bill C-231, a private member’s bill intended to Amend the Canada Shipping Act, in the House of Commons (received first reading June 16, 2011). The purpose of the bill is to designate a “Receiver of Wreck” (Canadian Coast Guard) and create regulations that would oblige the Receiver of Wreck to take action on any derelict or abandoned vessel, not just those that pose a hazard to the environment or to navigation

LIST OF ATTACHMENTS

- UBCM Resolutions 2005 B112 and 2010 B30
- Bill C-231 (Jean Crowder’s’ Private Member’s Bill)
- Bill C231 Backgrounder
- News Release issued by Jean Crowder et al
- Washington State Derelict Vessel Removal Program brochure

UBCM Resolutions regarding Derelict Vessels

2005 B112 – Harbour Protection - Derelict Vessels

Sponsor: Ladysmith

WHEREAS the Town of Ladysmith has made several appeals to the provincial and federal governments to remove derelict vessels from Ladysmith harbour;

AND WHEREAS there has been no action to date by either the provincial or federal governments to enforce removal of derelict vessels from Ladysmith harbour;

AND WHEREAS the risk of environmental contamination and the aesthetic blight posed by derelict vessels is of concern to all coastal communities affected by this issue:

THEREFORE BE IT RESOLVED that the Union of British Columbia Municipalities strongly recommend to the Province, the federal Department of Fisheries and Oceans and the Canadian Coast Guard that immediate action be taken by them to remove any derelict vessels that have been unoccupied for a period of six months or longer from the harbours of any communities requesting such action.

Provincial Response

Federal Response

FISHERIES AND OCEANS CANADA [Liberal Government] Resolution B112, forwarded by the Town of Ladysmith, asks DFO and the Canadian Coast Guard to remove derelict vessels from harbours in British Columbia once such vessels have been unoccupied for six months

Convention Decision: Endorsed as Amended

2010 B30 – Derelict & Abandoned Vessels, Barges & Docks

Sponsor: AVICC Executive

WHEREAS UBCM has previously endorsed a resolution on the topic of derelict vessels in 2005 and the issue of derelict and abandoned vessels, barges, and docks continues to be of significant concern and cost for local governments and harbour authorities in British Columbia;

AND WHEREAS there are many derelict and abandoned vessels, barges and docks that pose safety hazards, risks of environmental contamination and visual pollution:

THEREFORE BE IT RESOLVED that the UBCM petition the provincial and federal governments to develop a coordinated approach to the timely and adequate removal of all types of derelict and abandoned vessels, barges and docks in all situations and consider the following strategies:

- funding mechanisms such as a fee on vessel registrations or a surcharge on marine fuel to fund the removal of derelict and abandoned vessels, barges and docks;
- designated disposal areas where owners can take their unwanted boats and structures to provide an alternative to abandonment on public property; and
- education and vessel product stewardship programs, for example fibreglass boat recycling centres.

Provincial Response

Ministry of Natural Resource Operations

The Province of BC has been engaged in regular, collaborative discussions with the agencies mandated to address derelict and abandoned vessels since 2009. The Ministry recognizes that the multi-jurisdictional nature of managing abandoned vessels is a key challenge when resolving these issues. The Minister communicated with former Minister of Transportation, Infrastructure and Communities Canada, John Baird, former Minister of Fisheries and Oceans Canada, Jim Prentice, and former Minister of Environment Canada, Gail Shea, seeking support to establish a senior-level working group to address the very concerns raised by the AVICC and UBCM.

At a regional level, the Ministry of Natural Resource Operations (MNRO) is working with the Navigable Waters Protection Division (Transportation and Infrastructure Canada), Environment Canada and the Harbour Authority Association of British Columbia to explore options to efficiently manage concerns raised by abandoned vessels. There exists a cooperative spirit in the work done at the regional level, and suggestions to resource the removal of abandoned vessels is a primary topic of discussion.

The BC Ministry of Environment has investigated the potential to include fibreglass boats in a recycle scheme known as Extended Producer Responsibility (e.g., surcharges to recycle batteries and tires). It was determined that the volume of material to be included and the lack of potential for marketing the recycled product makes this option cost prohibitive. Currently, vessel owners are able to dispose of derelicts at a private operation in Richmond and at landfill sites subject to the terms and conditions imposed by local governments.

In January 2011, a Joint Working Group for the Removal of Derelict Vessels (JWG) was established to explore options and address this issue. NRO, the Union of BC Municipalities (UBCM), Transport Canada's Navigable Waters Protection Division (NRPD) and Islands Trust are represented on the JWG. The JWG has met in January and March of this year to discuss possible short- and long-term solutions and explore options to defray costs associated with disposing of vessels abandoned on public land. MNRO staff are preparing a submission to ELUC for the creation of an interim derelict vessel fund in partnership with the Ministry of Finance.

Transport Canada has the authority to dispose of derelict and abandoned vessels considered to be a hazard to navigation or a source of pollution. Transport Canada assesses each incident and has a record of taking action on priority cases. The NRPD has the authority to intervene

when a derelict or abandoned vessel poses an impediment to navigation. NRPD assesses each incident and also has a record of taking action on priority cases.

Federal Response

Other Response

Convention Decision: Endorsed

C-231

First Session, Forty-first Parliament,
60 Elizabeth II, 2011

HOUSE OF COMMONS OF CANADA

BILL C-231

Act to amend the Canada Shipping Act, 2001 (derelict vessels and wreck)

FIRST READING, JUNE 16, 2011

MS. CROWDER

411164

SUMMARY

This enactment amends the *Canada Shipping Act, 2001* to strengthen the requirements relating to derelict vessels and wreck by ensuring that regulations are made to establish measures to be taken for their removal, disposition or destruction. It provides that the Canadian Coast Guard shall be designated as a receiver of wreck for the purposes of Part 7 of the Act, and requires receivers of wreck to take reasonable steps to determine and locate the owners of the wreck.

Also available on the Parliament of Canada Web Site at the following address:

<http://www.parl.gc.ca>

1st Session, 41st Parliament,

60 Elizabeth II, 2011

HOUSE OF COMMONS OF CANADA

BILL C-231

Act to amend the Canada Shipping Act, 2001 (derelict vessels and wreck)

2001, c. 26

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 154 of the *Canada Shipping Act, 2001* is amended by adding the following after subsection (1):

Canadian Coast Guard
designated

(1.1) In addition to any designations that may be made under subsection (1), the Minister shall, after consultation with the Minister of Fisheries and Oceans, designate the Canadian Coast Guard as a receiver of wreck for the purposes of this Part.

2. Subsections 155(2) and (3) of the Act are replaced by the following:

Locating owner

(2) If wreck has been reported to a receiver of wreck or observed by a receiver of wreck or a person authorized or within a class of persons authorized under subsection 154(2), the receiver of wreck shall take reasonable steps to determine and locate the owner of the wreck, including by giving notice of the wreck in the manner that the receiver considers most effective and appropriate.

Taking measures

(3) A receiver of wreck shall, in the circumstances described in

regulations made under subsection 163(1.1) take, or direct persons authorized or within a class of persons authorized under subsection 154(2) to take, measures in accordance with those regulations in order to remove, dispose of, or destroy wreck.

3. Section 163 of the Act is amended by adding the following after subsection (1):

(1.1) The Governor in Council shall, on the recommendation of the Minister and the Minister of Fisheries and Oceans, make regulations respecting

(a) the appropriate measures that receivers of wreck are to take, or that persons authorized or within a class of persons authorized under subsection 154(2) may be directed to take, to remove, dispose of, or destroy wreck; and

(b) the circumstances in which the measures referred to in paragraph (a) shall be taken.

4. The Act is amended by adding the following after section 164:

REPORT TO PARLIAMENT

Review and report by Minister

164.1 Every five years, the Minister must review the operation of this Part and have laid before each House of Parliament a report setting out the results of the review.

Published under authority of the Speaker of the House of Commons

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Services

Bill C-231: An Act to Amend the Canada Shipping Act 2001 (Derelict Vessels) Backgrounder:

In many Canadian coastal communities, derelict and abandoned vessels have a negative impact on the natural aesthetics of their harbours, and some pose a threat to the local environment. While major environmental dangers from derelict and abandoned vessels are dealt with swiftly by the Canadian Coast Guard, many are left to simply rot away and leach chemicals into the surrounding environment. If an abandoned and derelict vessel is not a major environmental concern and is not posing an obstacle to navigation, there is usually no action taken.

It has previously been confirmed by the Minister of Transport that Transport Canada can become involved in the following situations:

- Transport Canada can currently take a lead role in instances where a vessel is the cause of an obstruction to navigation. However, vessels in the intertidal zone are rarely an obstruction to navigation.
- Transport Canada has also been supportive of salvage claims made to the Receiver of Wrecks when questionable vessels appear ashore or in waters adjacent to communities. However, salvage claims are rarely made against derelict vessels.
- Transport Canada can take a lead in making an assessment as to whether a vessel may pose a threat of polluting. However, an abandoned or derelict vessel that is deemed non-polluting is not dealt with.

The current regulatory regime is not serving our communities, and this has been reflected in the complaints lodged with the constituency office of the Member of Parliament for Nanaimo-Cowichan. These communities depend on tourism, which is threatened by the growing number of derelict and abandoned vessels present in the water or beached in the intertidal zone.

Objectives and Purposes of this Private Member's Bill:

- To obligate the government to act when derelict vessels are abandoned
- It will strengthen the requirements relating to derelict vessels and wreck by ensuring that regulations are made to establish measures to be taken for their removal, disposition or destruction.
- It provides that the Canadian Coast Guard shall be designated as a receiver of wreck for the purposes of Part 7 of the Act, and requires receivers of wreck to take reasonable steps to determine and locate the owners of the wreck.

CROWDER, IANNIDINARDO, AND MALCOLMSON CALL FOR THE REMOVAL OF DERELICT VESSELS

Abandoned vessels and wrecks are a hazard to coastal communities

Cowichan – Responding to requests from local municipalities and constituents, Nanaimo-Cowichan MP Jean Crowder (NDP) introduced a Private Member’s Bill that requires the federal government to take steps to remove derelict vessels and wrecks from Canadian coastal waters.

“Derelict vessels range from small pedal boats that slip free and become a hazard to navigation to large ships that may pose a risk to the environment from stored fuel on board,” Crowder said. “In many Canadian coastal communities derelict and abandoned vessels have a negative impact on harbours, and may pose a threat to the local environment.”

“Many community members have come to me with their concerns about the derelict vessel in Cowichan Bay that could be causing major environmental damage,” added Lori Iannidinaro, Area D Director. “It is important that this and other abandoned vessels are dealt with appropriately; we do not want this vessel to simply be moved to another location where it would continue to be a hazard.

“Despite the increasing number of abandoned and derelict vessels that litter our coastlines, residents are still encountering the same problems when trying to get help from the federal government,” said Sheila Malcolmson, Chair of the Islands Trust Council. “The problem is falling through the cracks of government jurisdiction.”

Our current laws are a mish-mash of responsibility and do not obligate the Ministers of Transport, Environment, or Fisheries and Oceans to take action unless there is an imminent danger. That means it can take years to have a vessel removed.

“I, as well as many other coastal MPs, have long heard complaints from our constituents about abandoned vessels. This bill ensures that these vessels are properly disposed of and that our harbours and waterways are protected from contamination and debris,” added Crowder.

Crowder’s bill would make the Canadian Coast Guard the receiver of wrecks responsible for the removal of these derelict vessels from the waters around Canadian communities.

B23 REMOVAL OF DERELICT & ABANDONED VESSELS FROM COASTAL WATERS

Ladysmith

WHEREAS derelict and abandoned vessels in the waters of coastal British Columbia can pose a threat to the aesthetics, environment, health and safety of coastal communities;

AND WHEREAS the current regulatory regime for the removal of derelict and abandoned vessels from the waters of coastal British Columbia is not serving our communities with effective and timely removal of such vessels:

THEREFORE BE IT RESOLVED that UBCM call upon the federal and provincial governments to implement a Derelict Vessel Removal Program modelled after the Washington State program, and to designate the Canadian Coast Guard as the receiver of wreck in the case of every abandoned or derelict vessel in the waters of coastal British Columbia.

ENDORSED BY THE ASSOCIATION OF VANCOUVER ISLAND & COASTAL COMMUNITIES

UBCM RESOLUTIONS COMMITTEE RECOMMENDATION: *Endorse*

UBCM RESOLUTIONS COMMITTEE COMMENTS:

The Resolutions Committee notes that the membership has previously considered and endorsed two resolutions regarding derelict and abandoned vessels. Resolution 2005-B112 called for the federal government to remove any derelict vessel left unoccupied in a harbour for more than six months upon request of the community, and resolution 2010-B30 called on the provincial and federal governments to develop a coordinated approach to removal of derelict and abandoned vessels, barges and docks.

The Committee would point out that the Washington State program includes, in part, authority for various public entities to remove and dispose of derelict and abandoned vessels and funding to reimburse a portion of the public entity's costs to do so. However, the program may be challenging to replicate in BC, given the complex nature of the legislative framework for vessels in Canada along with shared federal, provincial and local government jurisdiction. The Committee also notes that providing responsibility for managing a derelict vessel program to one agency may help to facilitate removal of these vessels.

The Committee notes that in 2012 UBCM surveyed local governments about derelict and abandoned vessels and provided that information to the federal government as part of a national survey. Although the national results have not yet been released, the 32 responses to the UBCM survey indicated that the majority felt that this should be an issue of federal or provincial responsibility. Some respondents indicated that local governments could deal with these vessels if appropriate federal or provincial agency would not, or if the power to regulate was transferred to local governments; however funds were needed for local governments to remove abandoned and derelict vessels.

The Committee notes that the approach proposed in this resolution differs from existing policy, since 2005-B112 called for federal removal, and from 2010-B30 which requests a coordinated approach, but did not suggest that the Canadian Coast Guard become the receiver of wrecks. The Committee also notes that this resolution differs from resolution 2012-B78 which calls for enhanced municipal authority to deal with derelict, abandoned and hazardous vessels and to enforce the eviction of illegal float home and house boat squatters.

The policy set if this resolution were to be endorsed is not inconsistent with that that would be set if B78 were also be endorsed, because the additional local government authority proposed under resolution B78 could co-exist with a program coordinated at a provincial level to allow various public entities to remove derelict vessels and to provide grant funding to do so.

See also resolution B78.

Conference decision: _____

B24 INCREASED FUNDING & RESOURCES FOR STREAM PROTECTION

Kelowna

WHEREAS the protection and restoration of watercourses are of benefit to local governments and the general public insofar as healthy watercourses and supporting ecosystems provide valuable ecosystem services, such as filtration, purification and delivery of water; mitigation of floods; renewal of soil and soil fertility; maintenance of biodiversity; and cultural and spiritual value;

AND WHEREAS the protection of water resources is principally a responsibility of the Province under the *Water Act* and the *Fish Protection Act*;

AND WHEREAS reduced provincial funding for critical water resource regulatory and enforcement services is placing increased pressure on local governments to take on additional responsibility for the regulation of development in and about watercourses:

THEREFORE BE IT RESOLVED that the Province provide increased human resources to the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) in order to uphold its mandate, and additional resources to support local government efforts in protecting and restoring watercourses.

ENDORSED BY THE SOUTHERN INTERIOR LOCAL GOVERNMENT ASSOCIATION

UBCM RESOLUTIONS COMMITTEE RECOMMENDATION: *Endorse*

UBCM RESOLUTIONS COMMITTEE COMMENTS:

The Resolutions Committee notes that the UBCM membership endorsed resolution 2011-B97, which requested adequate funding and resources to provincial ministries to ensure the adequate protection of BC lakes and rivers; and also requested enabling regulatory authority and financial means for local governments to properly protect and manage lakes and rivers at the local level, should they so wish.

In response to the resolution, the provincial government indicated that it was reviewing the results of the 2010 Lakeshore Development Compliance study "to determine what can be done to enhance the effectiveness of current programs and regulations which protect the Province's lakes and rivers". The Province referenced "local collaborative processes and mechanisms such as the Shuswap Lake Integrated Planning Process (SLIPP) and the Cowichan Watershed Board" that are designed to improve coordination, public outreach and compliance.

The provincial government also highlighted the requirements in the Riparian Areas Regulation as well as the Intergovernmental Cooperation Agreement with UBCM and DFO, ensuring local governments' ability to deal with non-compliant development activities that impact stream and lakefront fish habitat. Further, the Province pointed out that it is developing a new Water Sustainability Act and reviewing Part 7 of the Water Regulation (Changes in and about a Stream).

Conference decision: _____

B25 ENERGY EFFICIENCY IMPROVEMENTS FOR HOMEOWNERS

Terrace

WHEREAS the Province of British Columbia has provided funding and programs to homeowners for energy efficiency improvements;

liability and meet their commitment to become carbon neutral. The framework includes three options, one of which is to invest in Alternate Community GHG Reduction Projects. This option recognizes that local governments may have projects that provide for measurable emission reductions which they wish to develop and use to counterbalance their remaining corporate emissions. So long as the estuary restoration project meets project eligibility requirements (e.g., being outside the local government corporate emissions boundary; emission reductions are credibly measured) a local government may use the project to counterbalance corporate emissions.

Conference decision: _____

B77 PROTECTION OF POTABLE WATER

Cariboo RD

WHEREAS sources of potable water are increasingly being lost due to contamination and overuse;

AND WHEREAS water is vital to human life and must be protected:

THEREFORE BE IT RESOLVED that UBCM lobby both the provincial and federal governments to protect water aquifers and all bodies of potable water through the enactment of a national strategy that will ensure that Canadian water sources are protected and conserved so that all Canadians have access to clean water sources now and in the future.

ENDORSED BY THE NORTH CENTRAL LOCAL GOVERNMENT ASSOCIATION

UBCM RESOLUTIONS COMMITTEE RECOMMENDATION: *Endorse*

UBCM RESOLUTIONS COMMITTEE COMMENTS:

The Resolutions Committee advises that the UBCM membership has not previously considered a resolution calling for the creation of a national strategy for the protection and conservation of Canadian water sources. However, members have consistently endorsed resolutions calling for the enactment of measures that would protect potable water sources.

In particular, the membership endorsed Resolution 2007-B27, which called on UBCM to work with all levels of government to develop water policies that protect and conserve natural sources of water, and ensure that the delivery, management and regulation of water and services is a public responsibility, affordable and accountable to BC citizens. Similarly, the membership has endorsed resolutions calling for groundwater regulation (2011-B43), a ban on the export of bulk water (2003-B31), opposition to the privatization of water services (2006-B147), and greater control over watersheds (2011-B129).

Conference decision: _____

**B78 REGULATION OF ABANDONED BOATS & DERELICT STRUCTURES
ALONG PUBLIC WATERWAYS**

Delta

WHEREAS abandoned boats, derelict structures and squatters in float homes and boats along public waterways can cause significant environmental damage, and pose a hazard to navigation and public health and safety;

AND WHEREAS the current regulatory framework, with overlapping jurisdictions, makes it difficult and costly for municipalities to deal effectively with the problem:

THEREFORE BE IT RESOLVED that the provincial and federal governments be requested to implement regulatory changes that will provide municipal authority to enforce the removal of abandoned, derelict or hazardous structures along public waterways, and to enforce the eviction of illegal float home and house boat squatters.

ENDORSED BY THE LOWER MAINLAND LOCAL GOVERNMENT ASSOCIATION

UBCM RESOLUTIONS COMMITTEE RECOMMENDATION: *Endorse*

UBCM RESOLUTIONS COMMITTEE COMMENTS:

The Resolutions Committee notes that the membership has previously considered and endorsed two resolutions regarding derelict and abandoned vessels. Resolution 2005-B112 called for the federal government to remove any derelict vessel left unoccupied in a harbour for more than six months upon request of the community, and resolution 2010-B30 called on the provincial and federal governments to develop a coordinated approach to removal of derelict and abandoned vessels, barges and docks.

The Committee notes that in 2012 UBCM surveyed local governments about derelict and abandoned vessels and provided that information to the federal government as part of a national survey. Although the national results have not yet been released, the 32 responses to the UBCM survey indicated that the majority felt that this should be an issue of federal or provincial responsibility. Some respondents indicated that local governments could deal with these vessels if appropriate federal or provincial agency would not, or if the power to regulate was transferred to local governments; however funds were needed for local governments to remove abandoned and derelict vessels.

The Committee notes that the approach proposed in this resolution differs from existing policy, since 2005-B112 called for federal removal, and 2010-B30 requests a coordinated approach. The Committee also notes that this resolution differs from resolution 2012-B23 which calls on the provincial and federal governments to implement a Derelict Vessel Removal Program modelled after the Washington State program, and to designate the Canadian Coast Guard as the receiver of wreck in the case of every abandoned or derelict vessel in the waters of coastal British Columbia.

The policy set if this resolution were to be endorsed is not inconsistent with that that would be set if B23 were also be endorsed, because the additional local government authority proposed under this resolution could co-exist with a program coordinated at a provincial level to allow various public entities to remove derelict vessels and to provide grant funding to do so, which is proposed under resolution B23.

See also resolution B23.

Conference decision: _____

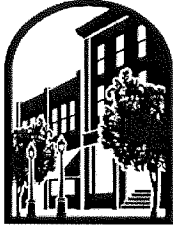
**B79 ENABLING FISH ACCESS TO HISTORICAL SPAWNING
GROUNDS AT BC HYDRO DAMS**

Maple Ridge

WHEREAS the normal movement of fish in rivers and streams may be blocked by the location of hydroelectric dams contrary to Section 20-1 and 35-2 of the federal *Fisheries Act*;

AND WHEREAS this may restrict the rearing and spawning activity of certain species of fish:

THEREFORE BE IT RESOLVED that UBCM urge the provincial government to require that BC Hydro include some form of appropriate access of passage for fish to their historical spawning grounds including fish ladders or bypass canals, where possible, at existing dam sites.



LADYSMITH

TOWN OF LADYSMITH

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November 12, 2013

Our File: 0400-60-01

Ms. Maria Stanborough
Senior Policy Analyst
Union of British Columbia Municipalities

Via e-mail to mstanborough@ubcm.ca

Dear Ms. Stanborough:

RE: TOWN OF LADYSMITH INPUT TO DERELICT AND ABANDONED VESSELS MANUAL

On behalf of Council of the Town of Ladysmith, I am writing to provide our comments on the draft *Practical Manual for Addressing Problem Vessels and Floating Structures*.

We would first like to express our appreciation to the Ministry of Forests, Lands and Natural Resource Operations for developing the Manual as an overview of the serious and troubling issue of derelict and abandoned vessels in the waters off B.C.'s coastal communities.

The Town of Ladysmith has a particular interest in the issue due to the number of such vessels in our own harbour. In 2012, we were the original sponsor of a resolution from the Association of Vancouver Island and Coastal Communities calling for the federal and provincial governments to implement a Derelict Vessel Removal Program modelled after the Washington State program, and to designate the Canadian Coast Guard as the receiver of wreck in the case of every abandoned or derelict vessel in the waters of coastal British Columbia. This resolution was subsequently endorsed at the 2012 Union of British Columbia Municipalities.

The Ministry of Forests, Lands and Natural Resource Operations defines the manual's purpose as explaining the powers of different levels of government, identifying key points of contact for problem resolution and outlining the options for a collaborative approach in regard to the most serious issue of 'Problem Vessels and Floating Structures.

Ladysmith Council wishes to express our serious concern that while the manual achieves its stated intent of providing an overview of the jurisdictional issues, we believe that it does not go far enough in addressing the need for meaningful, timely and effective action in regard to the problem at hand. Its emphasis on process generally fails the test of being a necessary and sufficient condition for solution-focused action by coastal communities.

Derelict vessels are a blight on the beauty of our coastal communities, a serious detriment to marine tourism and a grave threat to public safety and the environment and we believe stronger action must be taken.



cowichan



Section 4.4 (inclusion of volunteer effort to address problem vessels or structures) is not in any way a viable approach to deal with the serious and troubling consequences of derelict and abandoned vessels in the waters off B.C.'s coastal communities, most particularly the severe economic impact upon local tourism as an economic driver in coastal communities.

In addition, although the manual does provide a good summary of jurisdictional issues and recommendations for addressing various situations involving derelict and abandoned vessels, we are disappointed that there remains a lack of clarity regarding jurisdictional responsibility and a severe lack of resources to assist local municipalities to dispose of vessels when the senior governments either cannot or will not do so.

For example, the Town of Ladysmith is faced with the problem of a sinking barge in Ladysmith Harbour. The provincial government has ensured that it does not pose an environmental threat. Similarly, it does not currently pose a hazard to shipping. The Town has been advised that the best recourse is to tow the vessel ashore and dismantle it on dry land, hauling the scrap away. There are no funds for this type of expenditure in a small local government. In addition, this is only one of several vessels currently in various stages of rot and disrepair in our harbour.

Although helpful, the manual does not offer solutions to deal with this type of problem.

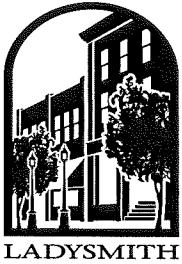
In conclusion, we do appreciate the opportunity to provide input into the draft manual, but strongly reiterate that without jurisdictional clarity and the resources to address the matter, the manual alone will not assist local governments to address the growing negative economic, safety and environmental impact of derelict and abandoned vessels in our coastal waters.

Sincerely,



Rob Hutchins
Mayor

Copy: Hon. Steve Thomson, Minister of Forests, Lands and Natural Resource Operations



TOWN OF LADYSMITH

410 Esplanade, P.O. Box 220, Ladysmith, B.C. V9G 1A2

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November 21, 2013

Our File:

Hon. Lisa Raitt, P.C., M.P.
Minister of Transport
Tower C - 330 Sparks St.
Ottawa, Ontario, Canada K1A 0N5

Dear Minister Raitt:

RE: DERELICT AND ABANDONED VESSELS IN LADYSMITH HARBOUR

On behalf of Council and the citizens of the Town of Ladysmith, I am writing to express our collective deep and ongoing frustration with the lack of progress in removing a derelict barge and other vessels from the Ladysmith Harbour, and our serious concerns about the resulting public safety, liability and environmental issues.

Derelict vessels are a blight on the beauty of our coastal communities, a serious detriment to marine tourism and a grave threat to public safety and the environment and we believe strong action must be taken in the very near future before serious damage to marine and public health and safety, as well as to our marine-tourism dependent coastal communities, occurs.

In 2012, the Town of Ladysmith was the original sponsor of a resolution from the Association of Vancouver Island and Coastal Communities calling for the federal and provincial governments to implement a Derelict Vessel Removal Program modelled after the Washington State program, and to designate the Canadian Coast Guard as the Receiver of Wreck in the case of every abandoned or derelict vessel in the waters of coastal British Columbia. This resolution was subsequently endorsed at the 2012 Union of British Columbia Municipalities.

However, despite this and other resolutions, we have seen little or no action, the situation in our harbor continues to deteriorate, and our Town is virtually powerless to resolve it.

For example, the Town of Ladysmith is faced with the problem of a sinking barge in Ladysmith Harbour. The provincial government has ensured that it does not pose an environmental threat. Similarly, it does not currently pose a hazard to shipping. The Town has been advised that the best recourse is to tow the vessel ashore and dismantle it on dry land, hauling the scrap away. There are no funds for this type of expenditure in a small local government. This is only one of several vessels currently in various stages of rot and disrepair in our harbour, and the Ladysmith Harbour is only one of many up and down our coast experiencing similar issues.

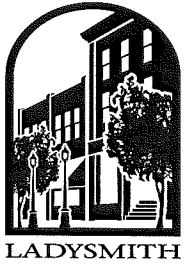
We recently had the opportunity to provide input into the draft provincial *Practical Manual for Addressing Problem Vessels and Floating Structures*. Our message to both the provincial and federal governments is the same – coastal communities need the federal and provincial governments to take immediate action to resolve issues of interjurisdictional responsibility for derelict and abandoned vessels and to provide sufficient resources to assist local municipalities to dispose of vessels when the senior governments either cannot or will not do so.

We look forward to hearing what your Ministry will do to address the growing negative economic, safety and environmental impact of derelict and abandoned vessels in our coastal waters.

Sincerely,

Rob Hutchins
Mayor

Copy: Hon. Steve Thomson, Minister of Forests, Lands and Natural Resource Operations



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January 10, 2014

Our File: 6740-20

Hon. Lisa Raitt, P.C., M.P.
Minister of Transport
Tower C - 330 Sparks St.
Ottawa, Ontario, Canada K1A 0N5

Dear Minister Raitt:

RE: DERELICT AND ABANDONED VESSELS IN LADYSMITH HARBOUR

Further to my correspondence of November 21, 2013, I am writing on behalf of Council and the citizens of the Town of Ladysmith, to urge expedited action on behalf of the federal government to address the increasingly dangerous issue of derelict and abandoned vessels in the waters off coastal communities in British Columbia.

Derelict vessels are a blight on the beauty of our coastal communities, a serious detriment to marine tourism and a grave threat to public safety and the environment and we believe strong action must be taken in the very near future before serious damage to marine and public health and safety, as well as to our marine-tourism dependent coastal communities, occurs.

We look forward to hearing in the very near future exactly how your Ministry will address the growing negative economic, safety and environmental impact of derelict and abandoned vessels in our coastal waters.

Sincerely,

Rob Hutchins, Mayor

Encl.: Letter dated November 21, 2013

Copy: Hon. Steve Thomson, Minister of Forests, Lands and Natural Resource Operations



cowichan





TOWN OF LADYSMITH

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January 10, 2014

Our File: 6740-20

Ms. Sheila Malcolmson
Chair, Islands Trust Council
Islands Trust
200 - 1627 Fort Street
Victoria, B.C. V8R 1H8

Dear Ms. Malcolmson:

RE: DERELICT AND ABANDONED VESSELS IN COASTAL WATERS

Council has had considerable discussion in recent months about the increasing impact of derelict and abandoned vessels on our community's economy, environment and safety.

We have provided input to the proposed new manual for dealing with derelict and abandoned vessels and have also expressed our deep and growing concern about the issue and the seeming lack of action to both the federal and provincial governments.

We recognize and appreciate the leadership role that you have taken on behalf of BC's coastal communities in this matter, and would greatly appreciate being informed of any new information you can provide with respect to related developments or activity.

I look forward to hearing from you, and in the meantime, on behalf of Council, urge you to continue your efforts on behalf of Ladysmith and all the other coastal communities being adversely affected by this issue.

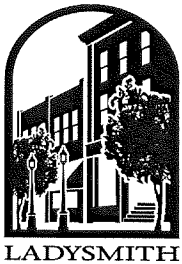
Sincerely,

Rob Hutchins, Mayor



cowichan





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January 10, 2014

Our File:

Jean Crowder, M.P.
Nanaimo-Cowichan
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Ms. Crowder:

I am writing on behalf of Council of the Town of Ladysmith to express our appreciation for all your efforts to date on the issue of derelict and abandoned vessels in the waters of coastal British Columbia.

We know that you fully appreciate the detrimental impact of these vessels to our communities' economies, environment and safety. We are confident that you will continue to advocate strongly for swift and meaningful action by the federal government to address the issue and we look forward to positive results in the near future.

I send you best wishes for a productive and successful 2014.

Sincerely,

Rob Hutchins, Mayor