

Hon Omar Alhabra MP
Minister of Transport

Hon Joyce Murray MP
Minister of Fisheries, Oceans and the Canadian Coast Guard

November 1, 2021

Dear Ministers

Derelict Boats: What is Needed is Preventative Action

Derelict boats are an overwhelming problem in just about every sheltered anchorage on the BC coast. The Coast Guard is mistaken when it claims that systematically cleaning up derelict boats is going to solve the problem¹. Without addressing the reasons why so many boats become derelicts, the problem will never be solved. Works legislation², designed to prevent derelicts from becoming a problem, is the responsibility of Transport Canada. Unfortunately Transport Canada has neglected these responsibilities for the last 15 years as it has few boats and limited capacity.

What needs to be addressed is *why every year there are more and more unloved and unwanted boats left to rot in bays on the BC coast?* This is what Transport Canada should be focussing on. What is urgently needed are preventative actions based on legislation already in force. While derelict boats (in government speak “vessels of concern”) are a national problem, a large majority of them are located along the West Coast of Canada (B.C.). Government of Canada numbers suggest 80% of all Canadian “vessels of concern” are on the west coast.

With an estimated 2.6 million pleasure craft in Canada there is a continuing and increasing number of older, unwanted, unseaworthy, boats. On the BC coast there were about 1,600 derelict boats in 2014, according to the Coast Guard. Currently there are at least 4,200, and perhaps as many as 6,000, according to the local Dead Boat Disposal Society. These vessels are often attached to unregulated mooring buoys, with a large percentage of them left unattended, pillaged for parts, or actually abandoned after which they deteriorate to the point where the boat eventually sinks. This predictable cycle needs to be broken through preventative action.

¹ Robert Brooks, National Director of the Vessels of Concern Program at Canadian Coast Guard (CCG) Times Colonist Sunday October 10 2021

² Mooring buoys are “works”. They should no longer be classified as “minor works”, by either legislation or regulation.

Unused and Unenforced Legislation

Legislation that has been in place for many years could be used to solve this problem. Some examples are:

1. Works legislation of mooring buoys first became law in Canada in 1886³. The present Transport Canada regulation relies on an unrealistic expectation of voluntary user compliance, that has failed. For the last 15 years the lack of Transport Canada enforcement has created the misconception that mooring buoys can be placed anywhere.
2. The pleasure boat license system has been allowed to lapse. Many boats that display a license number may no longer be owned by the person listed with Transport Canada. It is now almost impossible to find the owner of unattended boats.
3. Navigation lanes are filled with mooring buoys and no action is taken. A local example is the three navigation lanes to Anglers Anchorage Marina in Brentwood Bay. All three were blocked by moorings until the marina owner, out of necessity, acquired the legal map of these lanes from Transport Canada. The marina installed eight marker buoys, at the marina's expense, to mark the central lane, and assisted moored boats to relocate. Other than supplying the legal map Transport Canada was not able to help.

Transport Canada has not yet effectively enforced the Wrecked, Abandoned and Hazardous Vessels (WAHV) Act

The big accomplishment of the long anticipated WAHV Act (2019) was to make it illegal to abandon a boat. The intent of the Act was to prevent boats becoming derelict and to simplify procedures needed to do this. Transport Canada has failed to enforce the Act because of the following delays and difficulties:

1. Transport Canada has so far defined "abandoned" in such a manner that makes it almost impossible to prove any boat is abandoned⁴.
2. Dilapidated (the new term for derelict) has so far been interpreted by Transport Canada to mean no boats are dilapidated and hence no action can be taken before they sink.
3. Administrative red tape from Transport Canada in establishing ownership of derelict boats has delayed work on the BC Government's \$2 million Salish Sea Indigenous Marine Stewardship project for southern Vancouver Island. The project aims to remove 100 derelict boats from the ocean by the Songhees Development Corporation, Salish Sea Industrial Services and Dead Boat Disposal Society.
4. CCG boats are the ones we see when a boat sinks. The Coast Guard cleans up the mess (wrecks) created by Transport Canada's delays.

³ Statutes of Canada Revision 1, 1886. Chapter 92. An Act Respecting Certain Works Constructed in or over Navigable Waters.

⁴ "In WAHVA abandoned is a vessel that is unattended for a period of 2 years. It is very clear that these vessels are being attended in some manner and are not abandoned". Ryan Greville, email 28 April 2021 in response to SIPS report of six dilapidated boats. Two of the six have sunk since then.

Communities can help but only if there is Transparency

The Government of Canada has touted accomplishments of the Oceans Protection Plan (OPP), which includes abandoned and derelict boats. OPP reports are vague and uninformative when dealing with Derelict boats. We ask Transport Canada for:

1. Consultation with local governments and affected First Nations in taking action on all requests in this letter.
2. Timely publication of which derelicts have been assessed, the criteria used for assessment, and the results of such assessments.
3. The “100 point check list” used by the Coast Guard to assess vessels of concern should be published. We find it astonishing that so many points are required to assess whether the vessel is either abandoned, dilapidated, or a hazard.
4. Details of resources that are available for action on derelict boats should be made available from each of Transport Canada and Canadian Coast Guard (financial, boats on the water, and trained human resources).
5. A written description of processes available for derelict boat prevention and removal.

We therefore ask Transport Canada to:

1. Effectively enforce regulations of the Canada Shipping Act, the Navigable Waters Act and the Fishing and Recreational Harbours Act, regarding licensing, placement of mooring buoys and maintenance of safe navigation,
2. Re-establish a visual review and approval process for enforcement of works legislation concerning mooring buoys,
3. Create a current and complete registry of private vessels, similar to that in other countries,
4. Urgently review procedures currently used for enforcement of the WAHV Act including assessment criteria for dilapidated and/or abandoned boats. The objective is to identify deteriorating boats and boats that are effectively abandoned, in a timely manner before they sink,
5. Provide transparent and timely reporting of progress with all these requests. We should no longer have to rely on FOI requests to obtain basic information, and
6. Adequately fund a program dedicated to removal of abandoned, derelict, dilapidated and hazardous vessels and remove non-conforming mooring buoys.

Thank you for your time and attention to this rapidly deteriorating situation on the BC coast.

Sincerely

Signees on following page

Signed



Saanich Inlet Protection Society

Michael Simmons, Vice Chair



Friends of False Creek Society

Zaide Schneider, Campaigner

Tsehum Harbour Task Force

Malcom Falconer, Co-ordinator

Roberts Bay Residents Association

Jocelyn Gifford, Chairperson



Saanich Peninsula Environmental Coalition

Bob Peart, Co-ordinator

CC

Laurel Collins MP, Hedy Fry MP, Elizabeth May MP

Brenda Bailey MLA, Adam Olsen MLA, Murray Rankin MLA

Mayor Fred Haynes, Mayor Cliff McNeil-Smith, Mayor Kevin Murdoch, Mayor Geoff Orr, Mayor

Kennedy Stewart, Mayor Ryan Windsor