

Ministry of Forests, Lands and Natural Resource  
Operations

# Technical Staff Guide on Problem Vessels and Structures

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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.<sup>1</sup>

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.

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<sup>1</sup> 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](mailto: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.<sup>2</sup> 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](mailto: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

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<sup>2</sup> 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.<sup>3</sup> 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).

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<sup>3</sup> 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 <a href="mailto:PACNPP-PPNPAC@TC.GC.CA">PACNPP-PPNPAC@TC.GC.CA</a>  |
| 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 <a href="mailto:PACNPP-PPNPAC@TC.GC.CA">PACNPP-PPNPAC@TC.GC.CA</a>   |
| 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 <a href="mailto:JRCCVICTORIA@SARNET.DND.CA">JRCCVICTORIA@SARNET.DND.CA</a>.</p> <p>IF THE CONCERN IS NOT IMMEDIATE CONTACT THE RECEIVER OF WRECK AT 604-775-8867 OR <a href="mailto:PACNPP-PPNPAC@TC.GC.CA">PACNPP-PPNPAC@TC.GC.CA</a></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](mailto: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](mailto: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>