



200 - 1627 Fort Street, Victoria BC V8R 1H8
Telephone **(250) 405-5151** Fax (250) 405-5155
Toll Free via Enquiry BC in Vancouver 604.660-2421. Elsewhere in BC **1.800.663.7867**
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

November 15, 2013

File No.:420-20

via e-mail: mstanborough@ubcm.ca

Maria Stanborough
Senior Policy Analyst
Union of British Columbia Municipalities
Suite 60 10551 Shellbridge Way
Richmond, BC V6X 2W9

Dear Maria Stanborough:

Re: Feedback on the draft provincial Practical Manual for Addressing Problem Vessels and Floating Structures

Thank you for agreeing to receive and summarize local government comments on the draft provincial Practical Manual for Addressing Problem Vessels and Floating Structures and for your work with the Joint Working Group for the Removal of Derelict Vessels in BC. The Islands Trust Council's Executive Committee reviewed the draft manual and asked me to convey our comments.

As background, in March 2012, the Islands Trust suggested to the Association of Vancouver Island and Coastal Communities (AVICC) that the Joint Working Group for the Removal of Derelict Vessels in British Columbia produce a fact sheet for local government bylaw officers to answer commonly asked questions about abandoned and derelict vessels. This was intended to facilitate public inquiries about specific problem vessels in the period before a permanent policy fix was adopted by senior governments. In May 2012, Brenda Gibson of UBCM wrote to the Chair of AVICC on behalf of the working group to advise that the working group saw considerable benefit to such a factsheet and had agreed to produce a document by September 2012.

We are pleased that the draft has finally been released in response to our request and ask that you convey our thanks to the Province for the opportunity to provide input. We appreciate the compilation of research and interpretation of senior government authorities and responsibilities.

As a general comment, I note that the manual discusses "Who can do what" but does not address the larger question of "Who should do what". Although the draft says "it is well understood that the availability of funding is the controlling factor for resolving most problem situations" and suggests that the Province supports local government appeals for a federal government funding mechanism, it should also acknowledge that the Province has the ability to develop its own funding mechanisms, as local governments have proposed.

The manual also says that a collaborative approach is needed. Local governments have argued that unless the Province implements a comprehensive coast-wide solution, problem vessels will move from one harbour to the next, as local governments with different levels of authority and capacity enforce against derelict vessels. This is happening now. Also, in many cases it is inappropriate and/or financially difficult for local governments to respond, and in cases where zoning bylaw enforcement powers might be applicable, it is often not practical to enforce them as often the vessel owner is not known. It seems clear, at least in the case of Crown foreshore, that the Province has a responsibility to remove problem vessels and structures as a responsible steward of public land.

.../2

November 15, 2013

Maria Stanborough

Page 2

Section 4.3 of the manual invites reviewers to suggest additional opportunities for local government participation and mentions that local governments may apply to the Receiver of Wreck to take possession of problem vessels. I am reluctant to suggest more opportunities for local government participation as this is a senior government responsibility. With that said, if local governments and community groups are considering getting involved in the management and removal of problem vessels, barges and docks, they need much more practical 'nuts and bolts' advice than is offered in the current draft of the manual. I note that this was the basis of the 2012 request, and suggest that the draft be revised to include:

- The interagency contact list mentioned in the "next steps" section (6.0), since it was the primary need expressed in the 2012 request. A 'who to call' list should be broken down by different scenarios (e.g. if leaking oil, call __; if blocking navigation, call __, if touching shoreline or seabottom, call__).
- Advice on the risks of becoming vessel 'salvors' by applying to the Receiver of Wrecks for permission to remove a vessel. The Harbour Authority Association of BC advises its members to not take possession of a derelict or abandoned vessel as it would create potential liability for any pollution or liability caused by the vessel. The manual could include guidelines about how to evaluate the risk of different types of removals. (We see this as different from the priority risk matrix mentioned in the "next steps" section [6.0] which we assume will guide senior government decisions about how to prioritize problem vessel or structure for removal.)
- Advice and resources about enforcing removal of occupied structures or vessels (e.g. houses on barges etc.), including advice about how to ensure the well-being of the often socially-disadvantaged people who live on these structures.
- Advice and guidelines about best practices for vessel deconstruction and using machinery on shorelines, with special advice about recognizing and protecting forage fish habitat, and the liability risks (e.g. accidentally becoming a polluter).
- An answer to the 'frequently asked question': Is it illegal to sink a vessel intentionally? If so, who educates and enforces regulations?
- An answer to the 'frequently asked question': What steps should be taken to estimate removal costs for a problem vessel/structure?
- The reference guide mentioned in the "next steps" section (6.0) with links to relevant websites and legislation.

Thank you again for receiving these comments. We look forward to receiving the final version of the manual, and hearing about the next initiatives of the working group.

Yours sincerely,



Sheila Malcolmson
Chair, Islands Trust Council

cc. Islands Trust website