



Executive Committee Addendum

Date: Tuesday, September 18, 2018
Time: 2:00 pm
Location: Barnabas Family Ministries (Keats Island)
PO Box 309, Gibsons, BC

Pages

8. CORRESPONDENCE (for information unless raised for action)

8.1 Proactive Vessel Management discussion paper seeking feedback

8.1.1 PVM Discussion Paper

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8.3 *MP Goldsmith-Jones re WED Funding*

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Proactive Vessel Management: discussion paper

Introduction

As part of the Oceans Protection Plan, Transport Canada is developing a new initiative to work with Indigenous groups and coastal communities, as well as other waterway users and marine stakeholders, to better manage local marine traffic issues. The Proactive Vessel Management Initiative will create opportunities for dialogue and collaboration to reduce conflicts and improve environmental and cultural protection in local waterways. Learn how the Proactive Vessel Management initiative will contribute to a world-leading marine safety system and strengthened partnerships. You can contribute to the discussion by responding to various questions.

Purpose

This discussion paper provides an initial vision for Proactive Vessel Management (PVM). With this discussion paper, which we'll continue to update, we're looking to generate discussion and seek advice about:

- using a PVM approach to manage vessel traffic issues
- identifying those issues that using a PVM approach could address
- putting in place a PVM approach in local waterways

Join the discussion

We have included questions throughout the document.

Visit the Let's Talk – Oceans Protection Plan portal to re-read the questions and submit your responses, either on-screen or by uploading a Word or PDF document. You can respond to as many questions as you wish.

Background

In November 2016, we announced Canada's Oceans Protection Plan (OPP). This national initiative is designed to keep Canadian waters and coasts safe and clean for today's use and for future generations.

The OPP has four main priority areas:

- Creating a world-leading marine safety system
- Restoring and protecting the marine ecosystem
- Strengthening partnerships with Indigenous communities
- Using stronger evidence-based decision-making

As part of the plan, we are developing a new Proactive Vessel Management initiative.

The PVM initiative will allow for a more integrated, collaborative approach between the Government of Canada, Indigenous groups and coastal communities to manage local marine traffic issues.

Through the PVM initiative, we will:

- develop and implement measures to educate, improve safety, protect the environment and respect traditional uses
- contribute to a world-leading marine safety system and strengthened partnerships with Indigenous and coastal communities

Managing marine vessel traffic in Canada

To better understand the PVM as an initiative under the OPP, we are providing background on managing marine vessel traffic in Canada.

Responsible authorities

The Constitution of Canada makes the federal government responsible for regulating and managing commercial shipping and navigation. The main federal authorities responsible for managing vessel traffic in Canada include:

Transport Canada

Transport Canada is the lead federal department responsible for marine safety in Canada. It:

- promotes efficient marine transportation
- promotes safe, secure and sustainable marine practices
- oversees marine infrastructure
- helps protect the marine environment

Its key responsibilities include:

- safe operations, inspections and certification of foreign and domestic vessels
- training and certification of seafarers
- setting requirements for preventing pollution from ships

Canadian Coast Guard

The Canadian Coast Guard:

- ensures the safety of all mariners on Canadian waters
- protects Canada's marine environment
- supports economic growth through the safe and efficient movement of maritime trade in and out of Canada's waters

Its key responsibilities include:

- conducting marine search and rescue
- federal oversight for oil spill response
- icebreaking
- installing and maintaining aids to navigation and Marine Communications and Traffic Services (MCTS)

Pilotage authorities

Pilotage:

- means using qualified experienced mariners aboard-ship who use their knowledge of local waters to safely guide vessels to their destination
- is mandatory in a number coastal waterways across the country, especially in busier waterways or where vessels navigate close to shore

Pilotage authorities are responsible for providing safe pilotage in Canadian waters.

There are four pilotage authorities in Canada:

- Atlantic
- Laurentian
- Great Lakes
- Pacific

Canada Port Authorities

Canada Port Authorities operate key ports across the country. They:

- provide marine infrastructure
- ensure that marine traffic and cargo move safely and efficiently
- set various traffic control measures such as:
 - speed, wind and visibility restrictions
 - minimum clearances between the bottom of the keel and the seabed
 - time and tide windows for vessel transits
 - anchoring controls and restrictions for different types and sizes of vessels

International Maritime Organization (IMO)

Most commercial, deep-sea trading vessels in Canadian waters are flagged (registered) in foreign countries. Because shipping is a global activity, marine safety and the vessel traffic management need to be consistent. This is why the International Maritime Organization (IMO) plays the most important role in how vessel traffic is managed worldwide.

The IMO is a specialized agency of the United Nations. It sets global standards for safe, secure and environmentally sound international shipping. Its main role is to create a fair, effective and worldwide regulatory framework for the shipping industry. Currently, there are over 50 IMO conventions that apply to all vessels operating in Canadian waters and to Canadian vessels operating worldwide. These are implemented and enforced in Canada through domestic laws and regulations.

Key components of the system

Vessel traffic is managed through a comprehensive system of international and Canadian laws regulations, programs and services. They regulate and manage all aspects of safe shipping and navigation, including:

- vessel operation (such as speed, routing, “rules of the road” and watch keeping)
- aids to navigation
- discharges (such as ballast, bilge and sewage)
- air emissions
- communications equipment and procedures
- standards for crew training and certification
- vessel design and construction
- safety equipment

Regulatory framework

Transport Canada is the main authority responsible for implementing regulatory measures under the authority of the Minister of Transport through the *Canada Shipping Act, 2001*. The department has the authority to regulate Canadian and foreign vessels operating in Canadian waters extending 12 nautical miles offshore, an area of water referred to as the territorial sea.

However, Canada also has obligations to foreign vessels under the United Nations Convention on the Law of the Sea (UNCLOS). The most important of these is the right of foreign vessels to “innocent passage.” Innocent passage means that foreign vessels may transit through our waters as long as they do not interfere with the peace, good order or security of Canada.

Waters extending 200 nautical miles beyond the territorial sea form Canada’s exclusive economic zone. While Canada maintains certain powers with respect to fishing and natural resource development within the zone, any traffic management measures we consider for these waters must be consistent with UNCLOS.

Also, Canada manages some waters, such as the straits of Haro and Juan de Fuca in British Columbia’s Salish Sea, cooperatively with the United States. The two countries would have to take a joint, bilateral approach when considering any measures to manage vessel traffic for these waters.

The concept of Proactive Vessel Management

Shipping is a highly regulated industry with strict safety and environmental controls. Members of Indigenous and coastal communities are raising concerns about the different uses of waterways and the potential impacts of vessels on ecologically and culturally sensitive marine and coastal areas. They have expressed strong interest in working with government and other interested parties towards solutions.

In response to these concerns and momentum from Indigenous and coastal communities to be more engaged, the PVM initiative is a new approach to addressing vessel traffic issues in local waterways and to reduce the impacts of shipping in the short and long term. This approach reflects greater collaboration between the Government of Canada and Indigenous and coastal communities, as well as key stakeholders such as the marine industry and non-government organizations, to identify issues and develop solutions that showcase knowledge and experience held by all. These solutions could include, for example:

- raising user awareness and knowledge
- improving communications on the water
- applying more vessel controls such as speed and routes

Discussion question 1

Does this concept make sense to you? Is there anything we should add or change?

Issues or conflicts linked to marine shipping that could apply a Proactive Vessel Management approach

We've heard concerns on a number of issues about how vessel traffic is managed in local waterways. These concerns fall mainly into the following categories and could be addressed using a PVM approach:

Safety and security issues	include small vessel operators' concerns about navigating near and around commercial deep-sea vessels because of their speed and the wake they create
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Environmental issues	include the types of impacts vessels can have on local environments, such as marine pollution, air emissions, illegal dumping, and noise disturbances to marine and terrestrial wildlife
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Socio-economic issues	include noise disturbance to humans above the water, impacts to aesthetic values for local industries such as eco-tourism and concerns about access to fishing
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Cultural issues	include Indigenous groups' concerns about their ability to access marine areas in their traditional territories to practice their fishing rights. This can negatively affect their ability to pass on traditional cultural practices to the next generation
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Discussion question 2

What vessel traffic issues or conflicts are you aware of in your local waterway that the Proactive Vessel Management initiative should consider? What and where is this waterway? What is your relationship to, or use of, this waterway?

A framework for Proactive Vessel Management

The PVM initiative recognizes that no single sector or jurisdiction can address vessel traffic issues alone. It requires an approach that includes anyone who has a role in addressing vessel traffic issues. A PVM approach provides a framework to guide how to:

- engage participants by establishing forums for dialogue and collaboration, or leveraging existing ones
- determine roles and responsibilities
- gather and exchange information
- identify issues
- decide which issues to include and not include
- share and use information, technical expertise and traditional knowledge
- make decisions

The framework:

- will help guide all the participants in the forum to identify issues, assess and implement potential measures to address vessel traffic issues that arise in their local waterways

- supports ongoing conversations with First Nations, key stakeholders and jurisdictional partners to enhance collaboration and build partnerships
- will depend on making the most of relationships with and among all partners and stakeholders to be successfully put in place

Framework principles

The framework will also require a set of principles that represent a shared vision for addressing vessel traffic issues. The following principles are examples from discussions that emerged during regional engagement sessions across Canada with partners and stakeholders.

- The need to balance responsible economic development opportunities with protecting community resources and livelihoods is integral, and will be supported through the inclusion of diverse perspectives
- Effective communication, education, and knowledge exchange amongst all partners can enhance transparency, increase awareness of concerns, and boost overall confidence in the marine safety system
- A consensus-based approach to decisions facilitates trust and cooperation among diverse partners and stakeholders
- The implementation of voluntary measures to address vessel traffic issues provides a degree of flexibility that does not exist within regulation
- The decision-making process will be based on evidence supported by traditional and local knowledge, and science

Discussion question 3

Do you agree with these principles? What other principles should we consider in the development of the proactive vessel management initiative?

Implementing a Proactive Vessel Management approach

The following steps have been identified for consideration in a PVM approach to collaboration on vessel traffic issues in local waterways.

Some notes about these steps

- Depending on the complexity of the vessel traffic issue, these steps may be done quickly or slowly
- Collaboration, knowledge exchange and education underpin these steps, including how to bring the knowledge from different participants into the conversation to deepen understanding of each issue

- The forum must determine what a success outcome will look like from the onset and what evidence will be needed to demonstrate success

Step 1: Engagement and Dialogue

To put a PVM approach in place, we'll need strong engagement from partners, stakeholders and other responsible authorities to establish a forum for area-specific vessel traffic issue(s) related to the local waterway. As we noted above, the framework will provide guidance on how this can be achieved. However, the most important thing will be to establish a forum of people representing diverse perspectives who can contribute to productive dialogue.

Step 2: Identifying and prioritizing issues

Once partners and stakeholders are engaged in the forum, it will be important to identify and prioritize any vessel traffic issues impacting their waterway. These issues will likely fall into the four categories listed above, under Issues or conflicts linked to marine shipping that could apply a Proactive Vessel Management approach. Participants will need to clearly and concretely define the scope of each issue so that they can see how they will contribute to the process.

Step 3: Gathering and analyzing information

Next, it will be important for participants to thoroughly analyze each issue, taking into consideration traditional knowledge, technical information and science. These methods will ensure that all relevant information is considered. After this step, participants may determine that a PVM approach is not the best way to address the issues. If this is the case, the framework will provide guidance on what to do.

Step 4: Exploring and assessing options

Participants will be able to use a "toolbox" of options so they can choose how to minimize safety risks and reduce the impacts of the vessel traffic issue impacting the local waterway. They will need to analyze and assess potential measures for safety and risk as well as for economic impacts.

Measures could include:

- setting speed and routing restrictions for certain sizes and classes of ships
- requiring additional pilots
- using escort tugs
- creating areas commercial that deep-sea vessels must avoid, and other restrictions near ecologically or culturally sensitive sites

Measures may be voluntary or regulatory, but with a strong focus on education and knowledge exchange. We will encourage the use of voluntary measures over regulatory ones. Researchers have examined similar forums to address vessel traffic issues, and have noted that voluntary measures allow for rapid readjustment and adaptation in response to monitoring and evaluation. In addition, voluntary measures provide an opportunity for compliance through cooperation and understanding rather than through enforcement.

Voluntary measures are established by developing guidelines in collaboration with industry and would be supported with a targeted program of education and communication. Because the marine industry has a solid track record of respecting voluntary guidelines, compliance would likely be high.

Through the PVM process, participants may also identify opportunities to amend existing regulations or to propose new ones. Other federal departments, such as Fisheries and Oceans Canada and Environment and Climate Change Canada, administer legislation and regulations in the marine environment that may also apply.

Step 6. Decision-making

Once participants review all options and identify the potential measures, they will need to determine which one(s) is/are most suitable to address the vessel traffic issue at hand. Although the framework will guide decisions, participants will make decisions in the spirit of reaching consensus.

Step 7. Implementation

This is the step where it is time to try out the measure to see if it works. The framework will provide guidance on:

- how to implement the measure
- delegate roles and responsibilities based on specific areas expertise to ensure successful implementation

Step 8. Monitoring

Participants will need to regularly monitor the measure to ensure that its implementation is working. The framework will provide the parameters for monitoring the measure, including how data is collected, so that participants can get timely and relevant information. They will need to monitor in a systematic way to make ongoing adjustments.

Step 9. Evaluation and adaptation

Participants will need to evaluate over the short and long term to inform any corrective actions that are required. Information on evaluation and adaptation will contribute to the evidence base for further policy development and provide justification for ongoing implementation.

Discussion question 4

Do you agree with the steps identified for a PVM approach? Is there anything missing that should be added?

Next steps

Between now and 2019, we will:

- put the PVM initiative into practice by carrying out two pilot projects with Indigenous and coastal communities in the Arctic and British Columbia
- establish a forum to support the pilots where participants are engaged and come together to address any area-specific vessel traffic issues related to their impacted waterway
 - Any issues to be addressed will:
 - be determined by the forum's membership
 - reflect community priorities that are informed by traditional knowledge, scientific and technical information, and navigation safety

Conclusion

The intent of the Proactive Vessel Management initiative is to establish a proactive and collaborative process to identify issues and potential measures to:

- improve marine safety
- improve environmental protection
- reduce conflicts between waterway users

This will require the sustained collaboration of Indigenous and coastal communities, other levels of government, industry, pilotage and port authorities and non-governmental organizations. The information gathered from this initiative will help us understand what is required to develop policy and regulations that support collaborative decision-making and are adaptable to the changing needs of Indigenous and coastal communities.

August 15, 2018

The Honourable Navdeep Bains, P.C., M.P.
Minister of Innovation, Science and Economic Development
House of Commons
Ottawa, ON K1A 0H5

Dear Minister Bains,

Re: Request that Islands Trust Area be eligible for Western Economic Diversification Program Funding

Thank you for your leadership in helping Canadian businesses grow, innovate and export.

I write in support of the Islands Trust Council motion passed at their recent quarterly meeting on Saturna Island:

"That Trust Council request the Chair to write to the federal Minister of Innovation, Science and Economic Development, responsible for Western Economic Diversification of Canada, to request that the Minister designate all islands in the Islands Trust Area as eligible for Community Futures funding and other granting programs for rural communities."

On behalf of the Islands Trust Council, how can I help to achieve this designation so that the Islands Trust Area is eligible for Community Futures funding and other granting programs for rural communities? This funding will go toward projects that benefit rural communities and will help spur innovation and sustainable economic growth supporting all Canadians.

As Member of Parliament for West Vancouver – Sunshine Coast – Sea to Sky Country, I represent several island communities in Howe Sound, in the Salish Sea, and I fully support their equal opportunity to build sustainable, resilient communities.

I appreciate your consideration.

Sincerely,



Pamela Goldsmith-Jones, M.P.

cc: Nicholas Simons, MLA
Sue Ellen Fast, Bowen Island Municipal Councillor and Islands Trustee

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