



The Corporation of the District of Central Saanich

COMMITTEE OF THE WHOLE REPORT

For the Committee of the Whole meeting on September 11, 2017

To: Patrick Robins
CAO

File:

From: Ruth Malli
Interim Manager, Planning and
Building

Priority:	<input checked="checked" type="checkbox"/> Strategic <input type="checkbox"/> Operational
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Date: September 01, 2017

Re: Brentwood Bay-Navigating the Issues

RECOMMENDATIONS:

That the following series of recommendations pertaining to the Brentwood Bay engagement "Navigating the Issues" be endorsed by the Committee and presented to Council for consideration and subsequent direction to staff:

1.1 Brentwood Bay Clean-Up

a) Authorize the allocation of staff time and use of municipal equipment (within existing resources), to assist with the clean-up of Brentwood Bay under the leadership and funding of the Province (removal of unauthorized floats, dock sections) and Transport Canada (removal of derelict/abandoned vessels and mooring buoys that are impeding navigations), commencing in mid to late October 2017.

b) Submit a request to the Capital Regional District (CRD) to waive tipping fees for portions of the clean-up initiative not funded by the Transport Canada Abandoned Boats Program.

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- c) Continue to work with the Tsartlip First Nation to facilitate the clean-up initiative, including requesting access to the Tsartlip boat launch for directly related purposes.

1.2 Designated Sewage Area

- a) Apply to Transport Canada to have Brentwood Bay listed as a Designated Sewage Area under the Vessel Pollution and Dangerous Chemicals Regulations.

1.3 Designate Navigation Channels

- a) Work with Transport Canada and the local community to encourage the establishment and marking of designated navigation channels within Brentwood Bay.
- b) Work with Transport Canada and the local community to investigate the need for a fourth designated navigation channel into Tod Inlet.
- c) Send a letter to Fisheries and Oceans Canada (Canadian Hydrographic Service) to request that the Transport Canada document outlining the navigational lines into Brentwood Bay be added to Chart 3441, with an explanation that this action would help to keep the navigable waterways into Brentwood Bay clear and safe.

1.4 Establish Direct Regulatory Authority

- a) Make Application for a (Nominal Rate) Land Act tenure over the portions of Brentwood Bay that are not already under other privately held Land Act tenures.
- b) Following the experience of other jurisdictions, create or amend the District's Official Community Plan (OCP) and Zoning by-laws to limit and designate areas, tenure and conditions for permanent moorings, length of time anchorage is permitted, live-aboards and floats in the portions of Brentwood Bay that are under municipal jurisdiction.

1.5 Establish a Management Plan

(Recommended for Approval in Principle, with further detailed information brought back to Council)

- a) Create a Management Plan for the monitoring of the tenure with partner agencies. Further information to be brought back to Council with respect to this recommendation on duration, number, location, standards and regulation.

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- b) Continue to work with local marinas to establish, promote and monitor facilities for visiting and resident boaters, ensuring access to sewage dumping, garbage disposal and parking facilities.
- c) Continue to work on a regional basis with member municipalities of the CRD, BC Parks, the Tsartlip First Nation and the community of Willis Point in the Juan de Fuca electoral area.
- d) Continue to work with the existing live aboard and upland communities to understand and consider their needs and options for housing throughout the decision-making process, including the possibility of nominal rate mooring for appropriate vessels (holding tanks required).

1.6 Utilize Intergovernmental and Community Relationships

- a) Send a letter to the Government of Canada in support Bill C-219, tabled by Member of Parliament for Nanaimo-Ladysmith Sheila Malcolmson – an Act to amend the Canadian Shipping Act 2001, aimed at reducing the environmental, economic and navigational hazards to Canadian waterways and coastlines posed by abandoned vessels.
- b) Send a letter to the Government of British Columbia to encourage adherence to the 2012 Union of BC Municipalities endorsed resolution to adopt the 'Washington model' for vessel registration and disposal.
- c) Utilize inter-governmental relationships with senior government agencies to monitor legislative changes that impact the District's on-going efforts in Brentwood Bay, and to periodically report changes to Council.
- d) Work with senior levels of government, Island Health (VIHA), Tsartlip First Nation and other Capital Regional District members and societies to monitor and address concerns about water quality in Brentwood Bay.

1.7 Related Operational Recommendations

- a) Prepare a communication and signage strategy to increase public awareness of the prohibition of sewage discharge in the Brentwood Bay area, including the associated environmental impacts.
- b) Continue to work with the community to determine and recommend ways to address ongoing parking conflicts in the Brentwood Bay area (consider a parking study, if warranted).

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- c) **Investigate and, if determined appropriate, install higher capacity garbage cans in the Brentwood Bay area.**

BACKGROUND:

Council has previously directed that action be taken to address community concerns about the impacts from a variety of uses in Brentwood Bay. This issue is a strategic priority for Council under Strategic Priority-Preserving Healthy Abundant Ecosystem

At a meeting in December 2016, Council directed a phased approach:

Phase 1 – Short Term

Item	Status
Council reach out to the Council of Tsartlip First Nation to gauge if there is a desire to work together to jointly develop a management plan for Brentwood Bay.	In progress
Council request that the provincial and federal governments provide additional resources for the proper removal and disposal of derelict and abandoned vessels, buoys and other marine refuse, and that the District approach those governments to address the regulation of pumpouts.	Completed
The District hold a public information meeting to gather feedback on the points raised and confirm or add to the understanding of the issues being experienced by the community in Brentwood Bay.	Completed

Phase 2 – Medium Term

Item	Status
Having gathered public input, Council indicate whether taking on a more direct role in the monitoring, regulation and enforcement of activities in Brentwood Bay is to be pursued as a municipal priority.	Decision pending – see recommendations
Council direct staff to prepare cost estimates for: the development of new regulatory bylaws; preparation of an application for a provincial Licence; new resources for communication, monitoring and enforcement; and any new capital improvements, for consideration in the budget and five-year financial plan.	Decision pending – see recommendations
Council direct staff to draft terms of reference for a Technical Advisory Committee to advise Council on the development of a new management plan for Brentwood Bay including new regulations covering moorage and	Decision pending – see recommendations

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live-aboards, backed by a provincial Licence of Occupation.	
Council consider inviting members of the CSPS Saanich Inlet Working Group to participate in the Technical Advisory Committee.	Decision pending – see recommendations
Council direct staff to proceed with a District-initiated bylaw process and application for provincial Licence of Occupation, public engagement and communication strategy.	Decision pending – see recommendations

On July 10, 2017 Council gave direction to proceed with the Community and Stakeholder Engagement Plan for Brentwood Bay. The purpose of the Plan was to complete an inventory of issues; leverage the work and knowledge of other agencies; prepare a list of implementation strategies for Council's consideration; and, to make application for funding under the Government of Canada Abandoned Boats Program-Assessments and Removals. Council gave further direction that staff send correspondence to the Juan de Fuca Electoral Area of the CRD seeking financial support for the Community and Stakeholder Engagement Plan.

The purpose of this report is to report back to Council on the results of the community and stakeholder engagement, as well as the status of the federal grant application and the request for funding from the Juan de Fuca Electoral Area. Recommendations on next steps are made for Council consideration.

It is further recommended that the project continue on the phased approach path, as previously directed by Council and that staff be requested to bring back further information on the Management Plan components should Council wish to proceed with the License of Occupation and Designated Sewage Area.

DISCUSSION:

Reporting Back - Community Engagement

Following Council direction that the District hold a public information meeting to gather feedback on and an understanding of the issues being experienced by the community in Brentwood Bay, a community engagement process was launched in July and continued through August.

An online engagement tool called Place Speak provided opportunities for online poll questions, a survey and several discussion topics. Over 2200 people reviewed the topic and 224 people signed up online. An open house was held in Brentwood Bay on August 22, 2017 with approximately 50 people in attendance.

A survey was conducted online and hard copies of the survey were also welcomed at designated drop-off points, which included District offices, Anglers Marina and Tsartlip First Nation administrative offices. A total of 93 hard copy surveys were received, approximately 30

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of which from Tsartlip First Nation, along with 207 completed online for a total 300 completed or partially completed surveys. Graphs and survey discussions from the online discussions on Place Speak have been summarized and combined with written responses from the open house and written surveys (Appendix A).

The online comments are available for review by Council at www.placespeak.com Brentwood Bay-Navigating the Issues. Written comments are available in Appendix B.

The Tsartlip First Nation has played an active role in the engagement and has expressed a keen interest in the harbour returning to a pristine condition in order to restore traditional food sources and harvesting. Discussions were held with members of the community, who noted that historically 'when the tide went out, dinner was served'.

Other agencies and governments have worked collaboratively to provide support within their mandates and have sought creative and innovative solutions to the issues. In addition, there has been significant involvement by the Brentwood Bay and Central Saanich communities, in particular the members of the Saanich Inlet Protection Society (SIPS) and Central Saanich Maritime Society (CSMS). The information contained in this report relies heavily on the work and efforts of both however, the recommendations are based on the community consultation process and not from any individual or organization.

Numerous other individuals and groups have offered support to the resolution of the issues and their comments and opinions are also invaluable. In summary, it is the coming together of all of these people and agencies that results in the recommended actions contained in this staff report.

Key findings of the community engagement are as follows:

- In general, the community engagement confirmed that the concerns about Brentwood Bay remain varied and inter-related. (Appendix A).
- The community was asked which activities are most enjoyed in the Bay both historically and today - beach walks, swimming, fishing and boating were most popular, as well as snorkeling, prawning, kayaking and paddle boarding.
- Sewage discharge and garbage from vessels moored and operating within the area was recognized as the most significant concern for the community. 90% of respondents support the Saanich Inlet being a 'no sewage dump zone' and 89% support strict enforcement of the required holding tank law.
- Abandoned and sunken vessels were the next highest concern, followed by the accumulation of too many vessels and navigating the crowded waters safely.

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- There is support for regulating the number of buoys in Brentwood Bay, with 78% agreement, 18% neutral and 4% is disagreement. 37% of respondents believe that acceptable, affordable moorage currently exists in Brentwood Bay, 14% disagree and 49% neutral on the question. 80% of respondents support dedicated moorage being available for visiting boaters in Brentwood Bay. It is known that moorage is not always available.
- There is a high concern about unlicensed and possibly uninsured vessels (84%).
- Navigational channels are a concern for 69% of the survey respondents.
- Discussions held at the open house and online indicate that there are varying opinions on live-aboard vessels in the harbour. Some members of the community desire no live-aboard vessels but others point to the live-aboard members of the community as the 'eyes and ears of the water' and note the contributions that some of these residents make to the overall safety and enjoyment of the harbour. In addition, there is some support in the community for live-aboard vessels offering an affordable housing option for the community. In the survey, 52% of respondents strongly agree live-aboards are a concern in Brentwood Bay (slightly higher for Central Saanich residents only at 56%)
- Garbage was cited as a concern by some people. It is recommended that the District consider in-ground, high capacity trash cans, which have been successful in other municipalities.
http://www.swrl.com/m/sybertech_waste_reduction_inground_trash_system.html
- The issue of parking in Brentwood Bay was raised as a concern by many residents (68% of the respondents agree). Residents cite certain areas where cars are parked overnight and suggest that Council consider prohibiting overnight parking in Brentwood Bay. Parking is limited in the area and options could include partnerships with existing private land in the area. More information is required to address the issue of parking and it is recommended that the situation be further investigated and that Council consider a parking study. This could be completed at relatively minimum cost utilizing existing resources. The fundamental issue is that Brentwood Bay has a lot of activity and need for parking and much of the available parking is in residential areas. The issue will therefore not be easily resolved without creative solutions.
- Noise was cited as a concern to some people, although it was the lowest ranked of all known issues. This is consistent with data from the District (police and bylaw). There are occasional concerns, which are handled through existing resources. There are no recommended changes to the current response.
- There is support for the District to dedicate more resources and funding towards long-term solutions for Brentwood Bay (86% agree).

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- Several people expressed concern about the overall water quality in Brentwood Bay, with contributions from both water and land based activities.

A considerable amount of related research was undertaken throughout the engagement period, and key findings include the following:

- Transport Canada has the authority and mandate to remove vessels, moorings or other objects that are an impediment to navigation within a designated navigation channel. Moored vessels that are not impeding navigation do not fall within this mandate.
- The Province has the authority to remove structures that occupy Crown land (including aquatic lands) unless those structures have some form of legal authority, such as a Land Act tenure. This authority does not extend to moored vessels. Any party, including the Province, may apply to the Receiver of Wrecks to remove abandoned/derelect vessels from Crown land, but if a vessel owner can be found or the vessel is not deemed to be abandoned/derelect then the application would not be approved.
- Municipal bylaws can be used to prohibit permanent live-aboard moorings within an area of water that is under municipal jurisdiction. An example of zoning being used for this purpose is the case of *West Kelowna (District) v. Newcombe* in which the trial judge held that the municipality does have the authority to prohibit permanent live-aboard moorage (but not temporary moorage, which falls under federal jurisdiction over navigation and shipping). At present, the zoning over Brentwood Bay allows for "private float facilities", but does not specifically address permanent live-aboard moorings. The official community plan (7.2.6 Policy 4) states that "Marine-based housing (live-aboards, float homes) is not supported unless it can be demonstrated that the environmental consequences of marine-based living, particularly with respect to sewage, are minimal.
- A tenure over the Crown foreshore, issued under the Land Act, could also be used to provide a stronger legal right to manage both the number and nature of moorings within Brentwood Bay. A licence of occupation does not provide a licence holder with exclusive use of the area, but does not allow other users to prevent or impede the use of the area for the licenced purpose. A Land Act tenure would also provide the District of Central Saanich with the ability to charge rental fees for mooring buoys within the tenure area. Rental fees help cover tenure monitoring costs and reduce the financial incentive to store a vessel on a mooring buoy rather than in a marina.
- In many areas of the South Coast, including Brentwood Bay, marinas are at capacity and do not have moorage readily available even for vessel owners who are willing to pay the prevailing moorage rates. A mooring buoy installed on Crown foreshore may be the only option available while the vessel owner waits for a slip in a local marina to come available.

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- The cost of moorage in a marina may also deter some vessels owners, even if moorage is available. Moorage at commercial marinas in the area is priced at \$11 to \$15 per foot per month, which equates to about \$3600 to \$5400 for annual moorage for a 25 to 30-foot boat. Vessel owners with limited financial resources may not be able to afford such fees. Many vessel owners that can afford such fees will still choose the lower cost alternative of a mooring buoy.
- A mooring buoy installed on Crown foreshore does not provide the same ease of access or level of security against vessel loss as moorage in a marina, but many vessel owners are willing to accept higher risk and inconvenience given the substantial cost savings.
- For considerably less than the cost of one year's moorage at a marina, vessel owners can have a mooring buoy installed with a concrete block or other suitably heavy anchor holding it in place. A local contractor currently offers installation of a mooring buoy with concrete anchor for about \$2500. Home-made mooring buoys and anchors used by many vessel owners can be installed for less than \$1000. Once installed, there are currently no additional annual costs. There appears to be some mooring buoys that are not in active use.
- Boat recycling (including grinding of fiberglass hulls for reuse in other products) is not readily available on southern Vancouver Island. Boat recycling is available in the Lower Mainland, but may be too expensive (minimum \$100 per foot based on recent market research) to be an attractive option for some vessel owners. However, a discussion with one private operator on the lower mainland indicates that there is a business opportunity for innovation in this area.
- Other options for managing disposal have been proposed and endorsed by the Union of British Columbia Municipalities. In 2012, a motion from Ladysmith was supported for the Province to establish a program similar to that of Washington State (Appendix C). Vessels are licensed and the revenue from those licenses funds the disposal and removal of vessels in Washington waters. This ensures that issues are dealt with comprehensively and not moved from one jurisdiction to the next. This is a good long-term strategy for addressing the problem of derelict and abandoned vessels and it is recommended that Council encourage the Province to follow through on this type of program.
- Detailed tidal flow studies and modelling completed in 1996 indicate that the area has relatively poor flushing by tidal action due to several geographic factors and that inflow from freshwater sources (Hagen Creek and Tod Creek) are also insufficient to create good flushing action within the area. All of Brentwood Bay and Tod Inlet are under year-round shellfish harvesting closures due to sanitary contamination concerns.

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- A Designated Sewage Area under the *Vessel Pollution and Dangerous Chemicals Regulation* has been discussed for the Saanich Inlet for many years. In researching the topic, it seems that a formal application has not been made for the inlet or Brentwood Bay.
- Several factors appear to be contributing to sewage discharge from vessels within the area. Cost and convenience of discharging directly into the ocean (rather than using available pump out facilities) are likely the two most significant factors. Section 96 of the *Vessel Pollution and Dangerous Chemicals Regulations* allows for the discharge of untreated sewage from vessels within 3 nautical miles of shore subject to specific conditions (travelling at a minimum 4 knots, on an ebb tide and in the deepest water possible), but prohibits such discharge if a reception facility that can receive the sewage in an environmentally safe manner is available.
- There are two pump-out facilities located within the area as well as a mobile pump out; however, not all vessels have sewage storage tanks. Some permanent live-aboard vessels moored within the area may not be capable of accessing pump out facilities (e.g. vessels are not powered) and some vessel owners may not be willing to wait to have their storage tanks pumped when facilities are busy and not immediately available. It should be noted that this summer, one of the marinas was upgrading their facilities and the pump out was not operational. The conclusion of the upgrades to the marina will see the return of the pump out facility.
- Enforcing a prohibition of sewage discharge is difficult unless it is witnessed by law enforcement officials and vessel owners may argue that they are in substantial compliance with the regulations if they are in transit while discharging or local pump out facilities are not readily available.
- Alternatives for improving compliance include raising awareness of the problem within the local boating community, random inspections by enforcement agencies and ensuring that sewage pump-out facilities are available to the public at local marinas. Local marinas are willing to explore partnerships with the District to provide (and in some cases, have already provided) pump out services for a low cost to the public. Staff will bring back for Council consideration in the future options for these partnerships.
- A recent inventory completed by volunteer's shows that there are currently over 100 moored items (mooring buoys, moored platforms/dock sections, anchored vessels) within the area. In comparison, Montague Harbour Provincial Marine Park, which is already a Designated Sewage Area under the *Vessel Pollution and Dangerous Chemicals Regulations*, maintains a total of 40 mooring buoys for short term moorage use by park visitors.

Reporting Back – Federal Grant Application

The Abandoned Boats Program involves a three-step application process, beginning with authorization to take possession of the vessels. The second step includes an application for funding towards assessment of the vessels (up to \$5,000 per vessel), and the third step involves an application for funding in the amount of \$50,000 per vessel towards removal and disposal. An application to take possession of ten vessels was completed with information compiled by community members. Transport Canada is currently reviewing the applications for these vessels.

Reporting Back – Funding Request to Juan de Fuca Electoral Area

Discussions were held with Juan de Fuca Electoral Area and their decision is to continue to participate in the Capital Regional District efforts for the removal of vessels.

ANALYSIS:

Based on the key community engagement and research findings outlined above, this section identifies critical issues and discusses possible implementation strategies for Council's consideration – these are reflected in the report recommendations.

- Inclusion of the Brentwood Bay area in the list of **Designated Sewage Areas (DSA)** under the *Vessel Pollution and Dangerous Chemicals Regulations* would help to manage the problem of sewage discharge by providing a very clear standard (no sewage discharge allowed) that will be more easily enforced than the terms under which sewage may currently be legally discharged (under Section 96 of the Vessel Pollution and Dangerous Chemicals Regulations). The OCP specifically mentions supporting the designation of the Saanich Inlet under the Federal Pleasure Craft Sewage Pollution Protection Guidelines. (See OCP 2008 section 7.2.5 to 7.2.7 which speaks to specific encouragement for public use and enjoyment of the local waters as well as protection of ecological values). Options for monitoring compliance to the DSA are Conservation Officers, Police, Fisheries Officers and termination of moorage agreements.
- The Province and Transport Canada are willing to lead and the clean-up of Brentwood Bay in mid to late October of this year. These efforts are *considered a high priority for the Province only if the District is willing to enter into a license of occupation* for the area. This ensures that the clean-up efforts do not require repeating in a couple of years.
- Live-aboard members of the community can currently reside at marinas as caretakers and residents. *Council direction is requested on the options for live-aboard vessels in the harbour*, (including nominal rate mooring for vessels meeting compliance requirements such as holding tanks). The number and placement of vessels can be part of the analysis with partner agencies for the monitoring of the tenure. The OCP does not support live-aboards or float homes unless the consequences to the environment (particularly with respect to sewage) are minimal. Changes to the Zoning Bylaw may be required to permit live-aboard vessels in the harbour.

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- For considerably less than the cost of one year's moorage at a marina, vessel owners can have a mooring buoy installed with a concrete block or other suitably heavy anchor holding it in place. This factor is likely the most significant "root cause" behind vessel owner's decisions to install their own mooring buoys in Brentwood Bay. Any actions that can be taken to make available alternatives more attractive will reduce the number of permanent moorings in Brentwood Bay. Therefore, *Council may wish to consider including nominal rate mooring for a limited number of vessels.*
- An expansion of local marina facilities could help to reduce the number of permanent moorings within Brentwood Bay. A portion of the vessel owners that currently use permanent moorings may opt for the convenience and security of a marina if moorage is available, especially if an increase in the supply of available dock space results in a reduction in moorage rates. Many marinas do not allow owners to live aboard (and current zoning limits), so an increase in available dock space may only be an inducement to owners that are not living on their vessels. *Expansion of local marina facilities could be encouraged*, but the decision to do so would be up to marina operators as well as to community and Council desire.
- Owners of vessels that have deteriorated to the point that they are no longer operable and have little to no value may view installation of a mooring buoy as the lowest cost option for storing and disposal of their vessels. Options presented to UBCM include following a successful program that has been operating in Washington. A similar program in B.C. would address the issue of derelict and abandoned vessels and it is recommended that *Council encourage the Province to follow through on this type of program.*
- The issue of abandoned vessels exists throughout coastal areas in Canada. It is recommended that Council send a letter to the Government of Canada in *support Bill C-219*, tabled by Member of Parliament for Nanaimo-Ladysmith Sheila Malcolmson – an Act to amend the *Canadian Shipping Act 2001*, aimed at reducing the environmental, economic and navigational hazards to Canadian waterways and coastlines posed by abandoned vessels.
- Shellfish harvesting is prohibited within Brentwood Bay as it falls within a year-round Sanitary Contamination Closure that covers all waters inside a boundary that extends from Henderson Point (the next point north of Sluggett Point) to Willis Point. Restoring the waters to previously enjoyed conditions is of particular importance to the Tsartlip First Nations. Discussions were held with members of the community, who noted that historically 'when the tide went out, dinner was served'. Several members of the Tsartlip and greater Central Saanich community expressed a desire for enhanced water quality monitoring in Brentwood Bay. It is recommended that the District work with senior levels of government, VIHA, Tsartlip First Nations and other Capital Regional District

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members and societies to *monitor and address concerns about water quality in Brentwood Bay.*

- *It is also recommended that Council to send a letter of request for the use of the boat launch for the clean-up of the harbour and include the Tsartlip community in the role of monitoring the tenure, should Council support that direction.* The OCP supports including First Nations in the long term strategizing and planning and specifically mentions the Tsartlip boat ramp being highly valued by the community.
- The community continues to come together to address issues of concern in Brentwood Bay. It is recommended that the District *create a plan for the monitoring of the tenure with partner agencies* (this could include a Technical Advisory Committee). Further information to be brought back to Council with respect to this recommendation on duration, number, location, standards and regulation.
- **Local businesses continue to offer solutions to some areas of concern. It is recommended that the District continue to work with local marinas to establish, promote and monitor facilities for visiting and resident boaters, ensuring access to sewage dumping, garbage disposal and parking facilities.**
- It is critical that the actions of the District do not create unintended consequences to others. Therefore, it is recommended that the *District continue to work on a regional basis with member municipalities of the CRD, BC Parks, the Tsartlip First Nation and the community of Willis Point in the Juan de Fuca electoral area.*

Financial Implications:

The application for a nominal rate tenure from the Province is a high-priority recommendation. Council had previously considered a “ballpark” estimation of costs. Depending upon the decisions of Council and the proposed Technical Advisory Committee recommendations, the Nominal Rate tenure could be cost neutral to the taxpayer. Additional initial costs could be incurred for the acquisition of marker buoys and installation of high capacity trash containers. The revised budget follows and is illustrative of costs that could be incurred. All financial aspects should be referred to financial planning discussions.

Capital Costs (one-time start up)	Original “Ballpark” Estimate (\$)	Revised Budget (\$)	Comments
Marker Buoys (original) \$1,500 x 24)	36,000		Additional cost if fourth channel;
Marker Buoys (revised) \$10k per channel		30,000	Assume 'own' mooring
Moorage Buoys (revised) \$2,500 x 30)		75,000	buoys for nominal rate rental

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Wharf pump out facility	90,000	N/A	Marinas willing to partner and therefore not necessary
Wharf webcams	3,000	N/A	Marinas willing to partner
Wharf refuse cans	400	10,000	High capacity cans
Porta-potty distribution	4,000	N/A	Marinas willing to partner
Additional signage	2,000	2,000	
Application for LOO	50,000	1,000	Nominal Rate Tenure
Public Engagement	25,000	15,000	\$12,500 authorized for Engagement Plan; additional funding for LOO and DSA consultation
Total	\$210,400	\$133,000	Recommend reallocating budgeted wharf pump-out funding towards this cost-balance to budget discussions (\$12,500 already funded)
Operating Costs (annual)	Original "Ballpark" Budget (\$)	Revised Budget (\$)	Comments
Revenue: Nominal rate 10 x \$50 a month		(6,000)	
Market rate (seasonal) 30 x \$20 night x 75 nights		(45,000)	
Additional compliance staff	45,000		
Pump-out and maintenance	4,500	N/A	
Communication	7,000	5,000	Ongoing education
Garbage Collection	4,000	3,000	
Patrol Boat	6,000	0	
Contract operator		51,000	
Total	\$ 66,500	\$8,000	

Implementation Schedule:

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Brentwood Bay Action Items: estimated timelines based on Council approval on Sept 18, 2017

Recommendation	Start	End	Responsibility	District Commitment
1.1 Brentwood Bay Clean-Up				
a. Clean up and remove unauthorized floats, docks, derelict/abandoned vessels, mooring buoys impeding navigation	Oct 2017	Dec 2017	<ul style="list-style-type: none">• Transport Canada• Province• District	Existing staff and equipment reallocated, minimal staff time
b. Request CRD waive tipping fees	Sept 2017	Oct 2017	<ul style="list-style-type: none">• Staff	Write letter, minimal staff time
c. Work with Tsartlip First Nation-access to boat ramp	Sept 2017	Oct 2017	<ul style="list-style-type: none">• Staff	Write letter, monitor with Tsartlip staff, minimal staff time
1.2 Designated Sewage Area				
a. Apply to have designated Sewage Area	Oct 2017	Mar 2018 (estimated time for TC to process application 4-8 months)	<ul style="list-style-type: none">• Staff• TC staff	Draft prepared, consultation required, minimal staff time
1.3 Designate Navigation Channels				
a. Designated Navigation Channels	Sept 2017	Dec 2017	<ul style="list-style-type: none">• Staff• TC staff	minimal staff time
b. Fourth channel	Sept 2017	Dec 2017	<ul style="list-style-type: none">• Staff• TC staff	minimal staff time
c. Add to Chart 3441	Sept 2017		<ul style="list-style-type: none">• Staff• FOC staff	minimal staff time
1.4 Establish Direct Regulatory Authority				
a. Application for a (Nominal Rate) Land Act tenure	Sept 2017	Jan 2018 (estimated 120 days)	<ul style="list-style-type: none">• Staff• Province	Draft prepared, consultation required (minimal cost)
b. Amend OCP and Zoning bylaws	Sept 2017	Jan 2018	<ul style="list-style-type: none">• Staff	Dedicated staff time required and

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				consultation
1.5 Establish a Management Plan				
a. Create a Management Plan	Sept 2017	Jan 2018	<ul style="list-style-type: none"> • Staff • Police • Partners • Technical advisory group • Tsartlip • CRD • Willis Point • Province • TC 	<p>Dedicated staff time required</p> <p>Budget referral on marker and mooring buoys.</p> <p>Staff to provide project charter and reports for Council consideration</p>
b. Work with local marinas	Sept 2017	Jan 2018	<ul style="list-style-type: none"> • Staff • Marinas 	Dedicated staff time required
c. Work on a regional basis	Sept 2017	Jan 2018	<ul style="list-style-type: none"> • Staff • CRD • Tsartlip • Willis Point 	Dedicated staff time required
d. Work with the existing live aboard and upland communities	Sept 2017	Jan 2018	<ul style="list-style-type: none"> • Staff • Community 	Dedicated staff time required
1.6 Utilize Intergovernmental and Community Relationships				
a. Letter of support Bill C-219	Sept 2017	Sept 2017	<ul style="list-style-type: none"> • Staff 	Minimal staff time
b. Letter of support UBCM 2012-Washington model	Sept 2017	Sept 2017	<ul style="list-style-type: none"> • Staff 	Minimal staff time
c. On going monitoring of legislative changes	Nov 2017	On going	<ul style="list-style-type: none"> • Staff • VIHA • Tsartlip • CRD 	Minimal staff time
1.7 Related Operational Recommendations				
a. Communication and signage strategy to increase public awareness of the prohibition of sewage discharge	Mar 2018	Sept 2018 Refer to budget for approval and focus on boating	<ul style="list-style-type: none"> • Staff • Contractor 	Minimal staff time within existing resources. Some budget for design and signs.

To: Patrick Robins, CAO

September 01,
2017

For: September 11, 2017 Committee of the Whole

Re: Brentwood Bay-Navigating the Issues

		season for timing		
b. Continue to address parking conflicts	Mar 2018	May 2018	<ul style="list-style-type: none">• Staff• Police	Dedicated staff time within existing resources Consider parking study in budget
c. Investigate and install high capacity garbage cans	Mar 2018	May 2018 Refer to budget	<ul style="list-style-type: none">• Staff	Minimal-Dedicated staff time within existing resources. Budget for purchase

CONCLUSION:

Council has directed that a public consultation be conducted to inventory community issues in Brentwood Bay. A public consultation was held in July and August, the results of which are to be presented to a Committee of the Whole meeting on September 11, 2017.

There are twenty recommendations to address the issues raised by the community. Some recommendations require further investigation. Information (and project charters) will be brought back to Council for approval, including referrals to budget.

The key decision to be made at this time is Council direction on the Designated Sewage Area and Licence of Occupation. An opportunity exists for an immediate clean-up of the harbour, led and funded by senior levels of government. This clean-up can commence in mid October of this year. To be considered a high priority for the Province, a decision is required on Council's willingness to enter into a nominal rate tenure over Brentwood Bay (License of Occupation). Prior to concluding the License of Occupation, the District would complete a Management Plan. The Management Plan will be brought back to Council for approval, following consultation with impacted users and other governments and agencies.

Council's consideration and direction are respectfully requested in order to continue implementation of this strategic initiative.

To: Patrick Robins, CAO

September 01,
2017

For: September 11, 2017 Committee of the Whole

Re: Brentwood Bay-Navigating the Issues

ATTACHMENTS:

Appendix A Survey Results

Appendix B Comments

Appendix C UBCM 2012

Appendix D Draft application for Designated
Sewage Area

Appendix E Draft application for a Nominal
Rent Tenure

Appendix F Bill 219

Endorsed by:
Norm Doerksen
Superintendent of Public Works

Endorsed by:
Chris Hall
Interim Manager of Current Planning

Endorsed by:
Paul Murray
Director of Financial Services

Endorsed by:
John Manson
**Interim Director of Engineering and
Public Works**

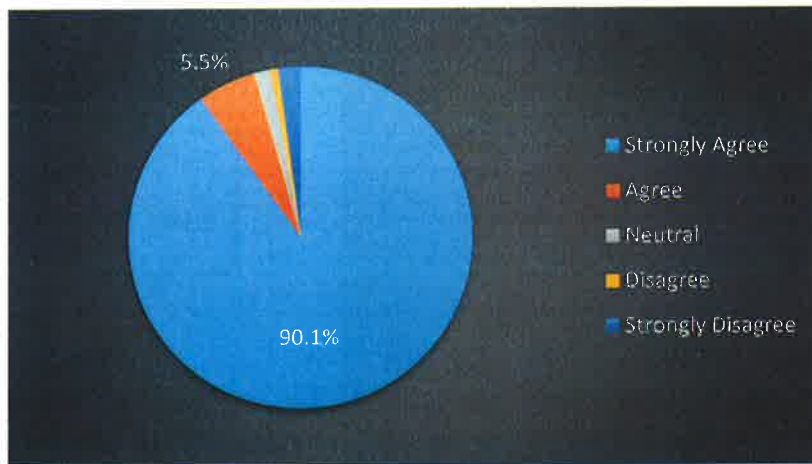
Administrator's Recommendation:
**I concur with the recommendation
contained in this report.**
Patrick Robins
Chief Administrative Officer

Appendix A

Brentwood Bay – Navigating the Issues

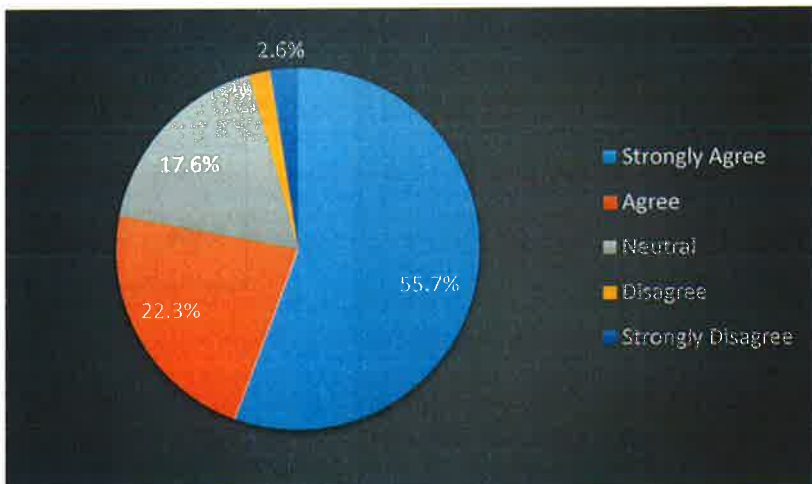
Fall 2017 Survey results

Q1: Saanich Inlet should be a 'no sewage dump zone.'
(273 responses, 196 from Central Saanich)



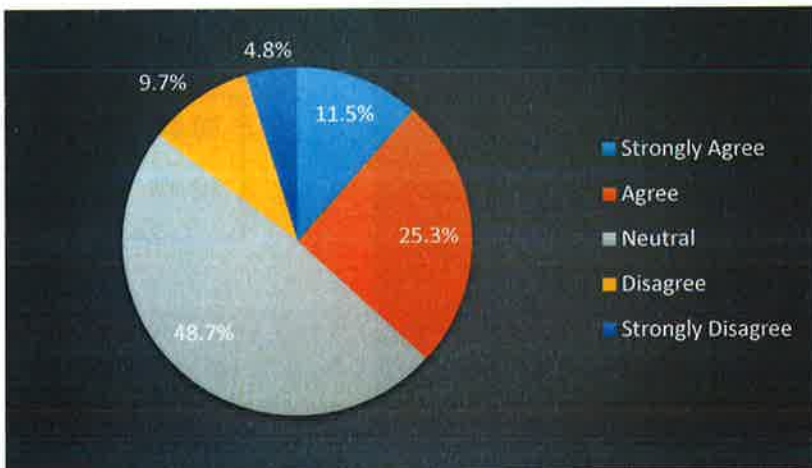
95.6%	Agree
2.9%	Disagree

Q2: The number of buoys in Brentwood Bay should be regulated.
(273 responses, 196 from Central Saanich)



78.0%	Agree
4.4%	Disagree

Q3: Acceptable, affordable moorage currently exists in Brentwood Bay.
(269 responses, 193 from Central Saanich)



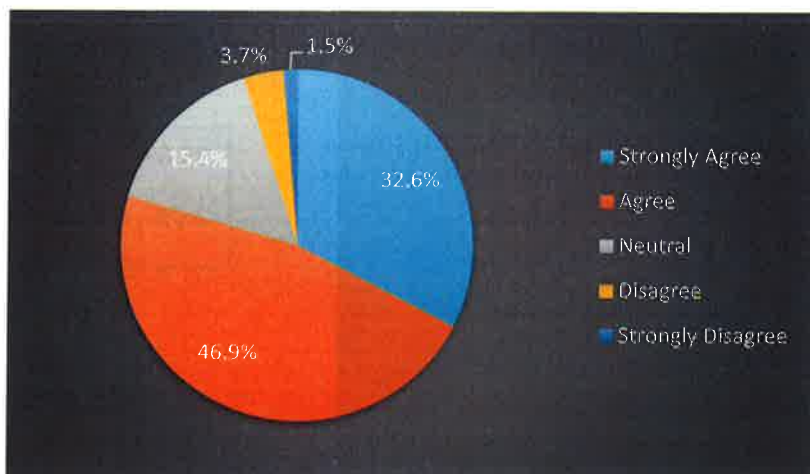
36.8%	Agree
14.5%	Disagree

Appendix A

Brentwood Bay – Navigating the Issues

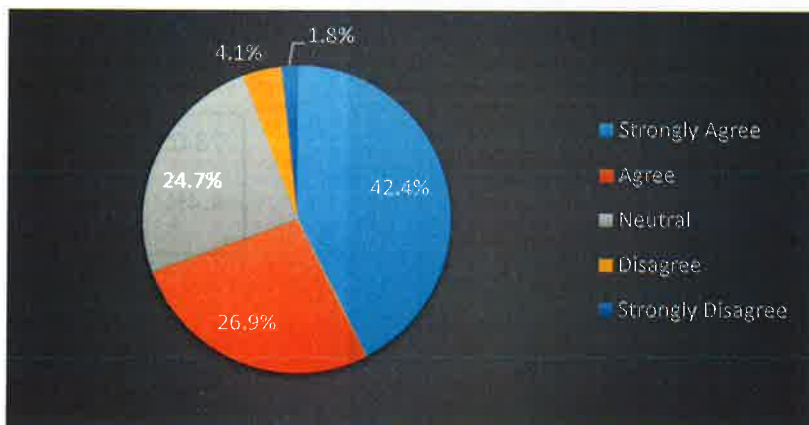
Fall 2017 Survey results

Q4: *There should be dedicated moorage available for visiting boaters in Brentwood Bay.*
(273 responses, 196 from Central Saanich)



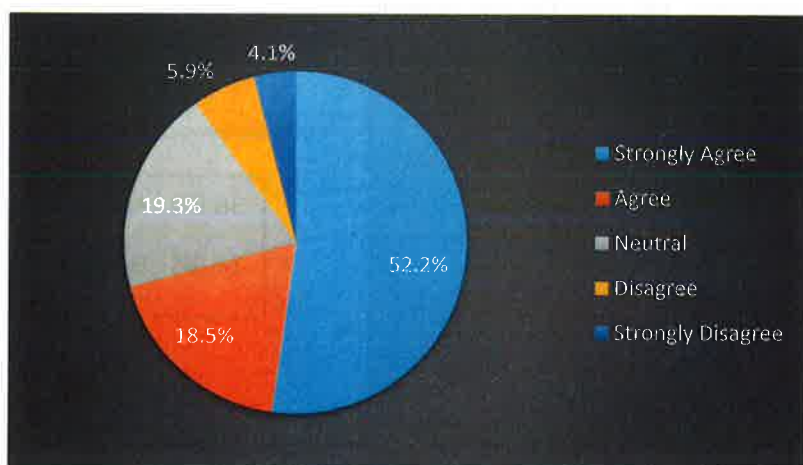
79.5%	Agree
5.1%	Disagree

Q5: *Navigational channels are a concern in Brentwood Bay.*
(271 responses, 195 from Central Saanich)



69.4%	Agree
5.9%	Disagree

Q6: *Liveaboards are a concern in Brentwood Bay.*
(270 responses, 194 from Central Saanich)



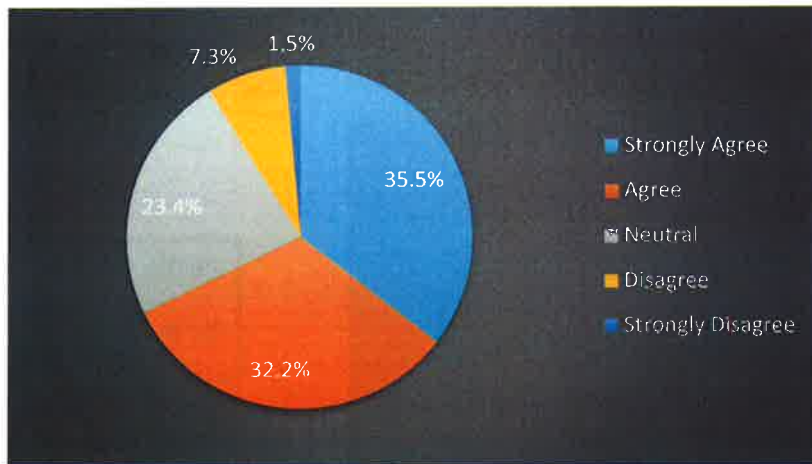
70.7%	Agree
10.0%	Disagree

Appendix A

Brentwood Bay – Navigating the Issues

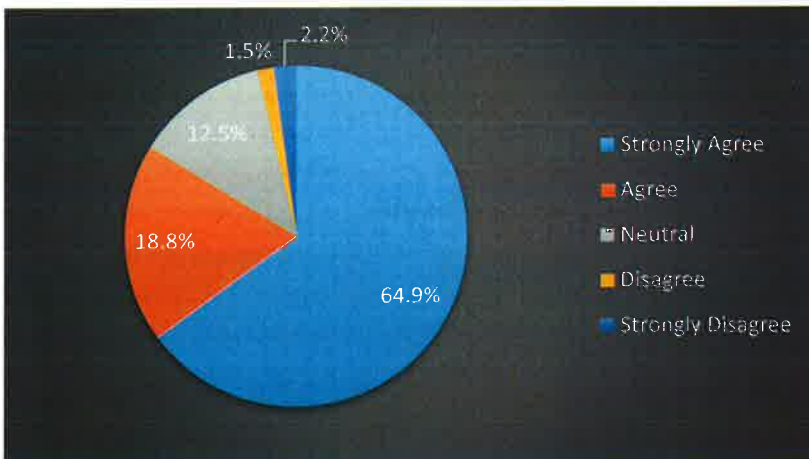
Fall 2017 Survey results

Q7 Parking is a concern in the area.
(273 responses, 196 from Central Saanich)



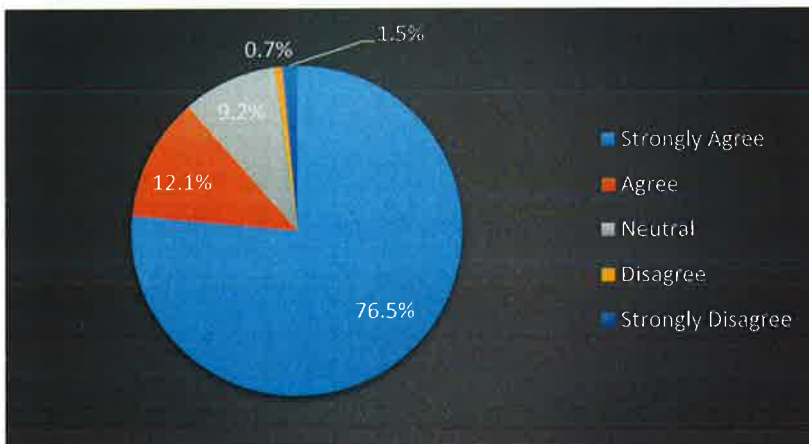
67.8%	Agree
8.8%	Disagree

Q8: Unlicensed and possibly uninsured vessels are a concern in Brentwood Bay.
(271 responses, 194 from Central Saanich)



83.8%	Agree
3.7%	Disagree

Q9: I would like to see strict enforcement of the required holding tank law.
(272 responses, 195 from central Saanich)



88.6%	Agree
2.2%	Disagree

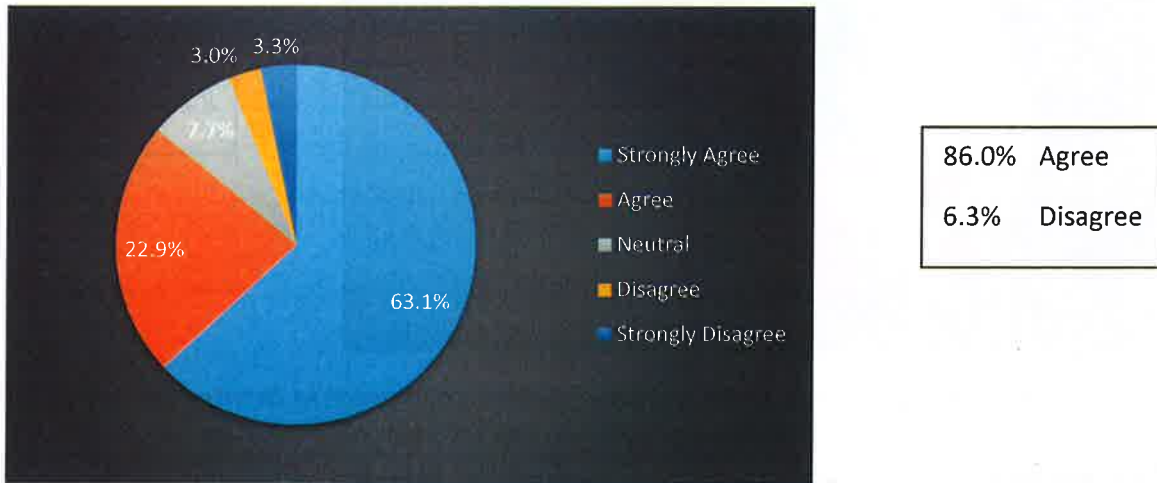
Appendix A

Brentwood Bay – Navigating the Issues

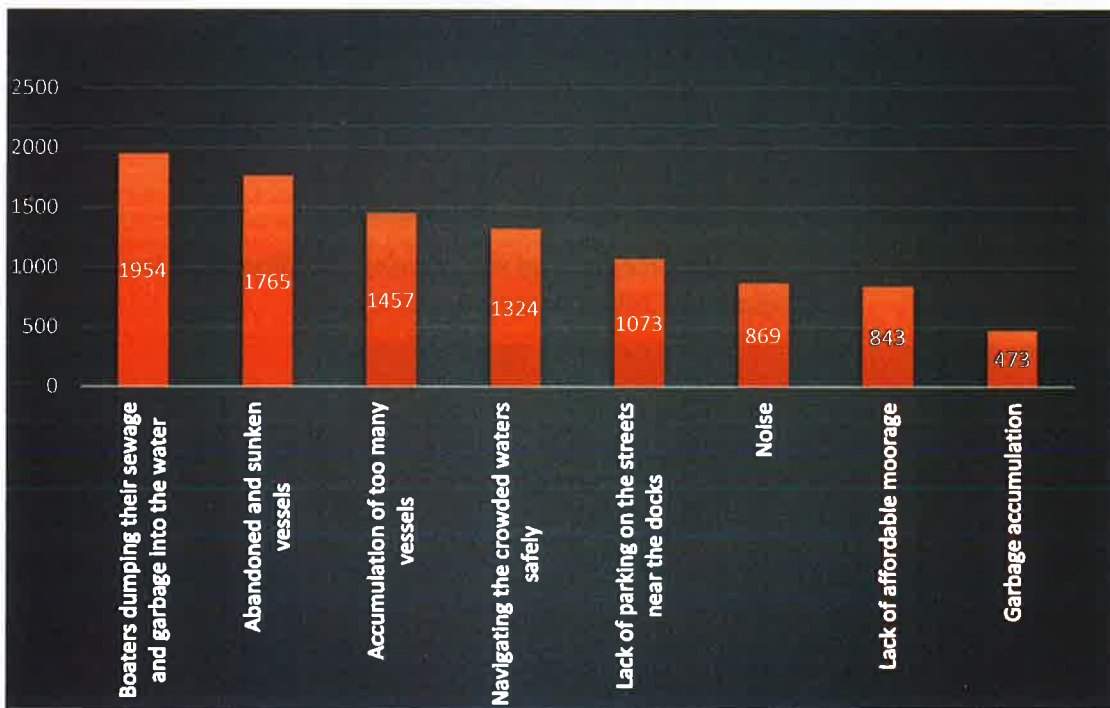
Fall 2017 Survey results

Q10 I would support the District of Central Saanich dedicating more resources and funding towards long-term solutions for Brentwood Bay (such as more Bylaw Enforcement officers, facilities, etc).

(271 responses, 196 from Central Saanich)



Relative Ranking of Key Issues



Fall 2017 Survey results

[illegible]

Field summary for q1501695386323

Do you have additional ideas or concerns that haven't been addressed?

Answer	Count	Percentage
Answer	93	49.47%
No answer	95	50.53%

ID	Response
24	High Density Family Units and Traffic flow through Brentwood. I've been a resident of Brentwood since 1985. I'm all for progress in our community BUT too many multiple family units have been constructed in the past few years that have increased traffic flow through Brentwood. I really don't think the traffic circle has added any real benefit. Like to see a turning lane on the corner of West Saanich and Wallace Drive (heading south on west saanich) in front of Fairways - currently there is a parking spot.
13	I strongly believe live aboard vessels IN MARINAS are an asset to the marinas and the community. Marinas with live a boards typically have the boats hooked up to sewage systems. Live a boards outside of the marinas, particularly right outside the park entrance are typically run down boats dumping sewage overboard. Additionally, there are no navigable channels into Anglers marina as boats are now blocking them. As we can't stop people from living aboard on their own anchors and buoys, I believe that they need to be monitored for sewage compliance.
6	That the idea of LNG in the Saanich Inlet is even being considered!?? This is an insane, shortsighted idea that is absolutely no good for any community on either side of the water. Central Saanich council must speak out against this project and I am dismayed to see that at least two of our councillors "LIKE" Steelhead LNG.
8	Suggest looking at option of having harbor master to monitor and regulate activity in the Bay, charging fee for use of mooring cans and have boat owners keep log of sewage disposal.
20	Noise Pollution is the number one issue that Central Saanich needs to address both on the road and on the water. It is obtrusive.
9	nobody enforces the parking so whats the point ?
10	1. Boats anchoring in Tod Inlet are also an issue. Anchoring should not be allowed as it does not allow for eelgrass and other marine plants important to the marine ecosystem to regenerate. There could be a small number of mooring buoys for visitors to tie up to for one night each and after that, boats would need to move elsewhere. 2. Speeding along Brentwood Drive - I walk regularly along Brentwood Drive and there is no shoulder along most of it. There is a 30 km/hr zone where there are sharp bends and poor visibility but I regularly see vehicles driving 50 to 60 km/hr along that stretch. I don't feel safe walking at times. 3. More walkway access in Brentwood Bay would be appreciated. Unfortunately when the waterfront was developed, there were too many private waterfront properties developed. At least we have Saunders Land and the Port Royale walkway. It would be nice if there connected with something other than Brentwood Drive. 4. Noise from Butchart Gardens fireworks - I have lived in Brentwood Bay for 33 years and have been frustrated by the noise every Saturday night in the summers. I've always had dogs and/or cats that are terrified of fireworks and am concerned for all wildlife and pets in the area.
11	As a resident of Central Saanich I find it quite difficult to enjoy the Inlet side of our District. Partially due to parking, but as well as beach access, shoreline restaurants, and lack of information of pathways and public areas on that side of the District.
21	Residential parking only on Brentwood Drive. The live aboards do not pay any property taxes, can get a mooring buoy for \$2500 and that is the total cost of setup. This is a municipal, provincial and federal issue and should be dealt with swiftly.
17	Regulate the number of buoys...with some sort of licensing or permit to ensure the anchors are strong enough and in good condition. This permission should include proof of insurance in case of a breakaway causing damages to others.
22	None
50	The usage of the Brentwood/Mill Bay Ferry has been steadily increasing over the years. The parking (or lack there of) has become a big issue in the area. People are leaving their cars on the road in front of businesses and in small residential cul de sac's to walk on to the ferry,

- leaving them overnight & some for days/weeks at a time. This has a negative impact on the community for many reasons. Safety. Often people are frustrated at the ferry wait and driving dangerously in area's where there are many children, pedestrians, cyclists etc. This also takes away from the tourism and recreational users that want to simply park for a few hours to enjoy the beautiful scenery of Brentwood Bay.
- 26 Sewage release from vessels is just one of the sources of pollution in the inlet waters. I'd like to see some effort put into cleaning up the numerous storm water drains and other exit points into the inlet. Most of these are obvious in the winter months when water is running, and easily spotted by the bright green algae color and strong smell. Options could be explored, including collecting and treating water, eliminating fertilizers, creation of artificial estuaries to filter the water naturally, etc
- It would be nice to see support for habitat restoration of streams, eel grass beds, and other former features that have deteriorated over the years in the inlet. Removing sunken vessels is just one piece of that puzzle. I believe some of these programs exist already, but it would be nice to see them all come together in a collective manner for restoration of the inlet. (a longer term goal)
- 37 Full disclosure, I don't own a boat so I can't speak to how busy the bay and inlet are in terms of marine traffic. I do think that there needs to be strict controls surrounding the dumping of sewage into the inlet, and I do think that dedicated moorage for visitors sounds like a great idea.
- In terms of money, I am fine with upping the spending to control sewage and waste in the bay. After this, I would prefer to see our money continue to go towards smart development in the District; i.e. continuing to densify the village centers while protecting the farmland around it. I am a big fan of this approach to growth. Keep up the good work.
- 28 Some of the boats are more like homeless camps and the people who live there row dingy's onto the beach at the bottom of Clark Road. I can't take my kids there anymore because they seem like unsafe people. Possibly mentally ill or addicted etc. While I have compassion for them, I also believe that residents should be able to feel safe in public places.
- 30 The overnight parking along Brentwood Drive, the garbage along Brentwood Drive, the erosion of the banks of Brentwood Bay due to King Tides and increased deer activity creating paths down to the bay and eroding the bank.
- 31 I think that the big issue of concern for all communities that share the Saanich Inlet is the floating LNG project that Steelhead and the Malahat First Nations is proposing. It affects all of us and if that gets approvals to be built, in my opinion, none of these other items matter in the slightest. Our environment and the peace & beauty of Saanich Inlet will be lost forever.
- 32 No - over the last few years the place looks better than it did.
- 45 The biggest issue for me is the knowledge of who owns any vessel so that when an issue occurs the owner is known. Accompanying this need for licensing is the need for insurance it should be mandatory just as it is for autos. The lack of enforcement of existing laws is inexcusable
- 43 1) Lack of parking near the ferry dock. It is a very high traffic area, with many people wanting to use the kayak launch for kayaks, canoes, and SUP's. Vehicles end up using commercial parking lots or parking unsafely on neighbourhood streets.
2) Lack of traffic direction for the Mill Bay Ferry. Many drivers don't understand the system of lanes or loading, and are unaware of the vessel's capacity. It is impossible to get to businesses at the foot of Verdier Ave when the ferry is busy.
- 46 We have until Sept 30th to apply for federal funding to address the issue of derelict boats. I know the CRD has applied for funding but hoping individual municipalities can as well and hope the Central Saanich Municipality has looked into this. I know it will not solve the issue but will help educate and assess to further resolve the issue of abandoned boats in our region.
- 49 There needs to be a maximum stay for boats tied to buoys of 30 days
- 51 I think that it would be beneficial for the District to liaise with stakeholder groups such as the Sidney Anglers Association, who are concerned about habitat restoration and enhancement of our waterways so that recreational fishing may be enjoyed for generations to come.
- 53 Feel that Central Saanich should look at some of the steps currently being taken by the City of Victoria around a License of Occupation and only allowing short term moorage in the bay for visiting boats.
- 210 Unregulated mooring can installations in active water channels.
- 54 Yes.
Speed, no trucks ,trucks of certain weight, are some of the signs you see posted even(dogs; pick up.....no dogs allowed and keep on leash) . What signs do we have on the water front? (Speed, garbage, droppings etc. An incomplete survey or maybe report is being done on

- coliform count is being done by Island Health on fresh and salt water. Two locations in Brentwood Bay (the new beach in Tod Inlet is missed), Langford Lake for its size gets two). Let's do a good report by CRD like the Wastewater one they did. Saltwater is complex and tide, tide level, temperature, date etc. Should all be recorded and recorded carefully. Maybe all of GV should be done by CRD.
- 60 There are many mooring buoys that have been dropped for the sole purpose of preventing others from mooring or anchoring even if only temporarily. This practice is just as big a problem regarding navigation and is or should be against the law. Legitimate yachtsmen and travelers should not be denied access to safe moorage by this practice. All mooring buoys should be registered and used regularly or removed.
- 72 no
- 66 Yes. The placement of crab and shrimp traps in navigational waters where the movement of vessels is required to access certain areas such as harbours, coves and private docks.
- 68 Impaired boaters is a problem. Saw several near accidents during fireworks evening. Kayaks power boats all jamming together, people partying, seemingly lacking in boating skills.
- 70 The parking restrictions for people wishing to use the beaches during the day at Willis Point are overly restrictive.
- Public intoxication is an issue among people living on boats. I have experienced this as a beach goer and liquor store retail worker.
- 75 As a Community we should be promoting Brentwood bay as a mooring hub. These are very protective waters for our region. Boater are very environmentally friendly and respectful of the water. They live mostly on solar and wind power, and use very small quantities of water. Federal law already dictates that black water holding tanks are mandatory, and its a federal violation to not have the system locked while in our waters. Boaters are a major benefit to the local economy as they walk for services and provisions. The money they spend goes directly into the Brentwood bay economy. More mooring balls are needed and the community needs to promote this extremely valuable asset that promotes low impact environmental living. Brentwood bay is a safe haven during bad weather and pushing boaters out, places lives and emergency resources at risk. Look at all the Caribbean islands and much of Europe, the tourism dollars that supporting mooring fields bring in has huge Micro-local economic benefits. In short, mooring makes good economic sense, promotes environmental sustainability, and sailboats are beautiful to look at.
- 81 Clean it up and make the bay more tourist accessible. Bring in revenue by holding eco tours and traditional native cultural tours etc rather than people spending money in victoria
- 79 Safe conduct of vessels in the Bay..... establish and enforce a 5 knot speed limit from a Line between Willis Point and Tsartlip.
- 80 There should be a maximum amount of days that a vessel can be occupied and moored, anchored or otherwise in any given area, not unlike the rules in provincial campgrounds, unless they are unoccupied and have a registered mooring boy or are keeping there vessel at a marina or private dock.
- 84 Control of seaplane taxi route and specification of a no take off inside a line drawn between Willis Point and Henderson Point - the noise and smell of aviation fuel can be problematic to owners of houses along the shore before this point.
- 86 I would like to see at least one or two "free" Discharge pumping facilities in the bay for all vessels to have access to.
- Kick all the "pirates" out of the bay. they are thieves and have absolutely no respect for the community or the people who live in it.
- 89 No additional ideas or concerns, just want to in the strongest terms possible state that the unlimited moorage and derelict boat issue is going to only get worse as various locations around the coast get closed off to this sort of use. So the sooner it is strongly dealt with here, the better it will be.
- The slow flush rate of this inlet makes it very susceptible to impacts by these issues and cleaner up is way more complicated and expensive than prevention.
- 88 There are too many boats in Tod Inlet leading to excessive noise and pollution especially in the summer months during long weekend holidays.
- Butchart Gardens should be asked to use noiseless fireworks on summer Saturday nights - current fireworks are far too noisy disturbing the peace and frightening the wildlife.
- More needs to be done to bring the fish and other wildlife back to the waters around Brentwood Bay. How about setting up spawning sites for herring as a way to attract predatory fish, birds and maybe even whales.

See <https://www.theglobeandmail.com/news/british-columbia/a-herring-revival-spawned-from-the-depths-of-darkness/article550737/>

Also set up nesting boxes on the water for purple martins - the ones at Tod Inlet are very successful - these birds keep down bugs and are beautiful to watch and to listen to.

In summary cut back on development and boating; concentrate instead on restoring nature in our area.

90 Our community and services continue to be stressed by liveaboards who appear to contribute little or perhaps nothing, but rather have seemingly become adept at sliding between the cracks of government regulation and individual responsibility. The number of moored vessels in the bay is unsupportable by any measure.

94 There is a law requiring vessels be equipped with holding tanks. This is not being enforced; consequently raw sewage is being dumped into Brentwood Bay and that is disgusting!

92 My family (myself, husband and three children) used to walk our dog down to the bay a few times a week as it is a 5 minute walk from our house there's a small beach and we left the child's enjoy and explore and our dog swims but for the last little while we haven't gone there, due to concerns of the water quality from all the boats and waste, as well as the small beach area had broke bottles and garbage thereand also row boats just left on beach. It is disappointing to see the place being treated that way. but in general if you give some thing to people for free and or set no rules it wouldn't be respected. It is a terrible shame especially for the people that live in Brentwood Bay that they are no longer enjoying the beautiful spaces. We travel to other places outside of Brentwood bay to enjoy a clean and safer environment for our family. I would love to see a change as we all need respect other and the environment we live in.

95 Too much congestion on Verdier where ferry and local traffic converge.

102 Please stop The sewage been dumped, protect the water

99 none

98 I cannot stress strongly enough my apprehension upon seeing the absolutely disgusting sight of all those abandoned vessels. Liveaboards should be policed much more than they are now, if they are policed at all now. I realize this takes more time and manpower than you have. Perhaps had this been done when this started there would not be all these problems now. Please I beg you for the future of the inlet, fix this problem.

108 Please act on these issues speedily! We have been waiting a lot time to see these problems dealt with!

111 The waves beside & between the closely moored boats result in all moving traffic into a very small space. It is also very difficult to determine which boats are moving towards you quickly. This is avery unsafe situation.

The lack of parking for business users & ferry foot passengers over and above the local residents who wish to use the Bay for activities.

109 No

106 I find that coming and going from our Marina, Anglers Anchorage is quite quite stressful. From about Seanus I Island in we have to be hyper aware, check for traps yes!! People don't awards use visible floats,kayakers 3 on the port side 2 on starboard, where's the ferry? Coming or going? Any seaplanes around? Prince of Whales? Ok the rock is off our port side, now we just have to wend our way through the moored boats. See any dingys on the move? No, good, the engine is running at tick over not the best thing if a breeze comes up. I've got it lined up a straightforward clear path between the boats/mooring bouys to the entrance of the marina. There must be more than 50 boats out here. My head feels like it's on a swivel. Check for the Butchart boats,kayaks, dingy's again, and there they are , just when you think you have a clear route, 3 paddle boarders zip out into the "Chanel" from behind one of the moorings, totally oblivious, earbuds in, zigzagging along , appearing to be totally unaware of what's behind them. Dang, is that guy doing yoga? (I know there are many paddleboarders out there who are aware,courteous and cautious. But there are also many people who rent or purchase boards without any awareness of basic marine safety.). Just ask the Brentwood Bay ferry captains, we often hear 3-5 blasts from their horns, not gentle blasts, darned annoyed blasts. We live on the water near Anglers and I must say that noise does not appear to be a problem and I haven't noticed much garbage, I hope people are not dumping sewage, but they probably are. It opens lots of questions, what do you do with your boat when it comes to the end of it's lifespan? Is it worth it to spend \$4,000 a year for moorage for a boat that may only have a value of \$9 or 10 thousand and rapidly depreciating. Can people choose to live an alternate lifestyle especially when they are on a fixed or low income? Housing is an issue . Look at the government docks at Fulford and in Ganges, as a transient boat it is difficult to find moorage there, and there are large numbers of derelict boats taking up that space as well are they insured? I doubt it. We would like to see

Quick statistics

Survey 853723 'Navigating the Issues'

- respectful shared use for our beautiful Brentwood Bay, but we do need some controls on the moorings / seaworthiness of the boats moored out and I think perhaps proof of insurance should be the benchmark to be provided on an annual basis as a requirement for mooring permits would be the answer.
- 114 Accumulation of tenders/dingys and other craft on public beaches and beach accesses.
- 153 Very concerned with garbage accumulation on the reserve and the lack of adherence to building codes. New houses get built right in front of old ones that are abandoned. This is a safety hazard for children. Also why are houses allowed to have patio doors that do not lead out onto a deck? This is very dangerous in my view.
- 115 Love to see the parking lot across from the lodge installed. Verdier needs a sidewalk on the north side of lower Verdier to the bus stop at Brentwood road. A port authority Should be investigated. Also the federal vessel disposal program should be pursued for funding the assessment and removal. Live aboard should pay municipal tax for their assessed value and require a parking permit. A second public dock should be considered for lower Verdier. Recent the Brentwood resort gated their dock, and the current government dock is under utilized. Central Saanich should also continue to fund to local volunteer royal Canadian Marine search and rescue unit who provides rescue response in the inlet, drowning prevention and safe boating programs. install the sidewalk along Stellys asap, 120+ more homes means more traffic out citizens could be safer along this important corridor. Earthquake resiliency could be improved by putting the power under. Ground from Verdier and Stellys. Both the ferry terminal and boat ramp would probably be utilized in the event of an earthquake. Establish Sean amid island as part of the southern gulf islands national park reserve or give it to Tsartlip. Love to see a walking / riding trail through the my newton valley back to Brentwood on west Saanich (fully recognizing mt newton requires a pedestrian path as well). Continue partnership in remediation of Todd inlet.
- 122 Vessel noise, vessel speed, shoreline restoration, environmental restoration, commercial fishing, tourism (economic growth), job creation opportunities, housing.
- 117 How stupid can they get? CS council takes away parking on Brentwood Drive, and now asks how to solve the lack of parking!!
I don't like the idea of CS taking over authority for the Bay. Other jurisdictions that have done this have taken out all the mooring buoys, then charge citizens exorbitant fees to use theirs. Port Moody and Bowen Island come to mind. It's just a money grab and giving in to a few waterfront and marina owners who feel entitled to control of the waterfront. Marinas have partially caused the proliferation of mooring buoys by charging exorbitant fees. There must be other ways to stop the dumping of holding tanks or discharge of sewage into the Bay. Get the federal government to change the regulations. Navigation channels should be marked with a few buoys to ensure access to marinas and waterfront properties. Boats are a beautiful addition to the Brentwood Bay waterfront views. Most countries' waterfront are public property, for public access. Let's not become like the US, where many bays are private and the boating public are kept out. Boating should not be only for the wealthy!
- 120 We have submitted letters to CS suggesting that they establish a mooring "grid" which could be revenue neutral by charging a mooring fee to cover costs. Once established, all other moorings would have to be removed. To "rent" a mooring from CS, the vessel would have to be insured, so anyone uninsured would have to go elsewhere or bring their boat up to standard and get insurance. Also we strongly recommend CS establish a "licence of occupation" so they could enforce the rules including the MOT harbour speed limit of 4 knots.
- 118 Limit the number of permanent moorings permitted in the bay. Charge for their use, inspect them annually and monitor for abuse. Fine violators. Enforce harbour speed limits to MOT standards out to the municipal water boundary. Allocate a space for visitors to anchor and limit the time to say 5 days.
- 121 Thank you for making some process with are beautiful bay. I hope it's not to late it . Portside marina is almost completely live aboards. We watch some of these boat untie go out into the bay for 5 minutes and then come back to tie up. The only reason we can think of is to dump the holding tank. In Anacortes WA live aboards we're told, are required to display a receipt of prove they are pumped once a week and the marina charges this to the monthly moorage rates. Seems like a great solution for sewage. If they have no holding tank they can not live on their boats. Abandoned crab traps is also a concern In the states you can not crab on Monday Tuesday and Wednesday so if a trap is spotted you are incoraged to pull it as it's most likely abandoned. This law keeps their waters much safer as well as the crabs and prawns are more plentiful.
- 126 Authorities also need to continue consultation with Tsartlip and need to ensure that any new Bylaws or regulations do not try to supersede or infringe on the Douglas treaty rights of the

- WSANEC People's and specifically that of the Tsartlip First Nation.
- 123 Issue of whether vessels are insured.
- Issue of whether vessels have holding tanks.
- 130 Vessels on bouys in the bay some w barges of junk attached need to be checked for holding tanks.
- There are too many junker that been to be pulled away..
- Some have registered numbers to follow up on for last owner..
- Owners need to be responsible for leaving junk there.
- Willing to help you sort this out.. my boat is moored at paid dock in the bay.
- You do not need to recreate a new system.. learn from others in the region who are dealing w this.
- 131 Boaters that currently have moorings in Brentwood Bay have invested considerable money in installing and maintaining them and many will not be able to afford or find alternate moorage.
- 133 Accessibility to docks, stores, and shorelines and beaches - for people with wheelchairs, walkers, strollers as well as the 'normals'
- Lack of accessible footpaths and bus stops
- Lack of accessible parking/handicapped parking both in town and at Marinas
- Public dock - pier - can't use power wheelchair safely - wheels could go through the slots
- Traffic lineups at the ferry that block businesses, cars
- Lack of a boardwalk - should go from Butchart to Stelly's Beach
- Noisy float planes taking off and landing (plus the pollution)
- Noisy helicopters at 4 am and other strange hours
- Lack of water taxis for people who visit by boat, or who want to access different places such as Butchart, McKenzie Bite, Bamberton camping
- Lack of ways to bring boaters into the village and beyond to spend their \$ here vs just at the tourist destination. E.g. trolleys, footpaths, pedi-cabs, transit,
- Noisy fireworks at Butchart that cause pollution. They are fun, but maybe they could switch to a laser show?
- Lack of awareness about the pending doom of the LNG plant.. It is still a go-forward but nobody realizes that. We are all bickering about derelict vessels, when the elephant in the room is there will be 3 floating platorms, blasting out noise at 100 debibals, with a yet-unknown explosion blast zone, and dumping so much crap into the inlet, the waters will never recover.
- We could turn part of this bay into a marine sanctuary - that would better serve all than arguing about harbour management and it could attract more tourist \$.
- A harbour authority might be a good idea...not sure on that.
- 134 Neighbourhood security?? Boaters wandering through the streets of Brentwood Bay using public services and they do not pay taxes for the services.
- 145 Most boaters are responsible operators. The means needs to be created or funded if already in place, to respond to irresponsible behaviour quickly and effectively.
- 140 As waterfront owners, we are taxed 4/5 times what people with like sized properties across the road, or elsewhere in central saanich pay!!! If they had unsightly vehicles or yards, in their neighbourhood, they could call the bylaw office, and get some satisfaction!! For us our view, and the pollution of the water is in our front yard!! Something NEEDS to beDONE about it!!!!
- 136 The bay should be considered a multi purpose and multi user area and not the private reserve of waterfront householders
- 137 Anglers Lane should not be a two-way street. It is too narrow to support such a use. It should either be one way or closed to traffic. It is also a blind corner and potentially dangerous for children playing and pedestrians. Too many vehicles try to make the corner when they are moving too fast or are too large to be able to make it without taking down the no parking sign, or a chunk of hedge.
- 139 The Brentwood Bay waterfront should be a resource/asset for members of the broader community, not just those who are fortunate to live along the shore. There is need for more kayak launches, beach accesses, parking, etc, for people who come from other parts of the municipality and beyond.
- 147 Mandatory pump out evidence once per season (invoice from pumping out) like the CRD Septic Field program. Keep it simple to keep costs down.
- Mandatory registration of vessels in order to be moored within defined area
- Mandatory Holding tanks for boats over certain size to be moored within defined area.
- Limit number of mooring buoys - transition or grandfather existing ones.
- Partner with existing pump out facilities to provide cheap pump outs - no need to build a third one in our area.

- 146 Lack of proactive bylaw enforcement by municipality. They respond only to complaints. Floating docks and multiple boats rafting to them. Abandoned floating docks extremely hazardous at dusk and later. Construction work on moored vessels with waste into water. (sawdust, paint, varnish, etc.) At times very abusive and threatening language from some occupants of moored vessels to residents.
- 143 My boat has been hit and damaged twice by uninsured boats that have been moored insecurely in Brentwood Bay. I believe that it should be mandatory for boats anchored or moored in the bay to be licensed and insured. The insurance should cover third party liability, and the cost of clean up of sunken or grounded vessels, or vessels that are a pollution threat. It is not reasonable to expect the public to bear this cost for boaters. Virtually all marinas around the world, and many public moorage areas in Europe, Australia, and New Zealand require this type of insurance.
- 148 Not at this time.
- 211 I would like to see a similar survey regarding sidewalks and lighting. Also quite concerned about the increase of crime in the area.
- 154 Live a boards should be Allowed and regulated at marinas. Eviction notices were sent out at our marina to the current legal live a boards : it forces out people to drop a buoy and no access to fresh water and pump out facilities. Those live aboards are part of the community and part of our security at the marinas. No security system can replace the presence of people, and the are the first responders in case of required assistance.
- 204 If live aboards are forced off the water we are not dealing with the real issues of the homeless on the bay. I would rather see support for making holding tanks affordable and simple to install and supporting the community on the water to live on their boats without dumping gray and black water. Tod Inlet is also a concern, as dumping is most likely happening there as well. Now that the beach is restored, there are many more recreational swimmers who are at risk. Making the entire Saanich Inlet a no dumping zone with enforcement attached would be a good step forward. Thank you.
- 155 Increased foot traffic up marchant from dock by Blues Bayou Cafe.... need additional security patrols. Wonder if private landowners each had own webcam for their own property, then Saanich provided a website on which live feeds could be streamed (posted to site on a voluntary basis by landowners) we could augment physical blockwatches supported by CSPD liaisons and blockwatch volunteers could sign up for "shifts" watching the community landowner feeds using a simple coordinative app?
- 171 You should note that I am a resident of North Saanich
- 159 Yes, I believe the vast majority of complaints come from wealthy property owners who resent people living at low cost in "their neighbourhood". My wife and I live aboard on a very nice, well equipped power yacht several months a year in Brentwood Bay and am very familiar with the environment. I have seen little evidence of garbage on the shoreline (at least anything different from the refuse that washes up on all our local beaches) , and what there is, given that the prevailing winds blow from the west/northwest, there's no way to determine if the occasional chunk of trash came from a boat in the Bay or blew in from Saanich Inlet. And without extensive testing it's impossible to say if pathogens are polluting the Bay, or if boats are the source of any such contamination. I would also be very curious to know what kinds of chemical contaminants leach into the bay from surrounding properties, as well as through storm sewers etc.
- As far as safely navigating into the Bay, I've had no problems getting in and out to Angler's Marina with my 50' yacht to fill up with fresh water every two weeks, and I've also witnessed vessels over 100' work their way in and out the marina on a regular basis. Even floatplanes regularly pass between Butchart Gardens and Saanich Inlet without difficulty.
- We lived for 7 years aboard at Fisherman's wharf in Victoria's inner harbour, and Brentwood Bay is much quieter. We don't like noise, and not once have we been disturbed by raucous parties/music. In fact, if there's noise, more often than not it comes from folks enjoying themselves on their docks, which I don't condemn them for at all. As far as derelict vessels go, I understand that less than 10% of the vessels in the Bay fit this criteria (two are next to me, and they shouldn't be, as the owner is trespassing on someone's buoy), so that's hardly a huge issue.
- My biggest concern is that this is largely a class issue, where wealthy landowners resent sharing their viewscape with others who didn't spend millions for the privilege, as they did. Social research has shown us that the wealthy prefer to segregate themselves and create

exclusive enclaves where they don't have to encounter people outside of their elite class. That's easy enough on land, where property values keep the riff-raff out, and bylaws prevent people from squatting or living alternative lifestyles nearby. But liveaboards are the one exception where people of either limited means or alternative values prefer to live simply right under the noses of the powerful and wealthy, and the latter resent it enormously. An example of this attitude was evident at the public meeting at the library - I read on a white board a comment where one resident complained about how much he has to pay, while we live for free. He chose an extremely complex, expensive lifestyle while we chose simplicity and low impact, and yet his solution seems to be to remove our option, not his.

People also assume we are degrading the natural environment, without any evidence, and yet hypocritically refuse to acknowledge the impact of suburbia, of their own homes, on the natural environment.

Awhile ago we were looking for parking for a motorhome in James Bay, and when we went to Robbin's Parking the clerk was very concerned that we weren't going to live in it. They had a lot of complaints, he told me, because someone was living there for awhile. I knew of that person. I figured he was living there because we were nearby neighbours and there was often a scooter parked outside the motorhome. That was the limit I ever saw to the impact he had on the neighbourhood. I mentioned this to the clerk, and he told me that the one guy kept calling, telling him that he had paid over a million dollars for his condo and yet he had to look down at "that." The motorhome had a right to be there regardless (it was a public parking lot), so it wasn't the motorhome that offended the complainant, but that he knew someone was living in it for \$60.00 a month, in "his" neighborhood.

I believe this kind of class warfare is rampant, and in 99% of the time, the rich and powerful win. They cleared people out of the Gorge waterway in Victoria for the same reasons as the complaints here, and yet I never saw any verified evidence that those boaters were polluting, littering, or damaging the environment (for which there are already bylaws). People SAY they did, but those people had an agenda of clearing out the bottom-class marginalized individuals that lived there so they could own the view for themselves. I'm deeply, deeply concerned that the same kind of complaints listed above are merely a pretext for clearing away us liveaboards so the rich and powerful can again lay claim to the landscape.

163 We need to ensure that there is no heavy industry such as floating LNG in Saanich Inlet. Local governments including First Nations need to take a stance against the Steelhead proposal.

174 I am concerned that the affordable sailing opportunity for our young family will be compromised because of problems caused by few. Marinas have become unaffordable due to u.s. Property tax laws. Homelees types have infested our precious places causing undue cost and stress on hardworking tax payers. We've seen this problem before. Brentwood bay is a beautiful unique place. We should be encouraging responsible behaviour and punishing bad. A strict holding tank bylaw would be a bare minimum. A yearly fee to 'moor' would be great as long as it is affordable (\$1 a foot per foot would be about right) the fee would force one to a, register the vessel and b, have it in a seaworthy state. " floaty shantys" should definitely be dealt with but i'd hate to lose my lifestyle to the rich , or lose my house in a legal quagmire should my boat have an unavoidable mishap (like a broken mooring or the like) many of us have had a respectable vessel in brentwood bay for some time.

I'm sure i'm not the first with concerns but i am one of the concerned.

Thx in advance, for your time.

165 Transport Canada and Provincial Government should also be involved. Derelict boats should not be removed at the cost of tax payers, but at the cost of the boat owner and should be fines for dumping sewage into water.

Amazed at the increase of vessels in the Bay in the past year. Difficult to manoeuvre when kayaking.

176 Marina user parking on the streets close to marinas is critical - we live close to Portside i many days in the summer I can not get out of my driveway because marina users are parked on my narrow lane - please ensure all development has adequate parking.
I would also like to mention that the proliferation of ugly backlit signage in the Brentwood Village is terrible - we have design guidelines that should protect us from looking like a strip mall - please, please keep Brentwood Village and the ferry/Moodyville commercial area looking attractive.

- 208 There is a newly partially sunken vessel near the U22 buoy in Brentwood Bay. Based on the visible condition of many currently moored vessels in Brentwood Bay, future sinkings (and associated cleanup costs) are expected. It is imperative that action is required to remove liveaboards, unsafe and channel-obstructing vessels and nuisance dinghies (currently stored on Brentwood Bay's limited beaches and government dock space. Sewage dumping into the Bay should also cease.
- 177 The number of derelict boats moored in the waters of the Saanich Inlet, N. Saanich, (around the Saanich Peninsula) is out of control. Also, the trapping of Crab and Prawns have greatly diminishing those stocks. There have been significant drop in numbers in the past few decades. I feel there needs to be far greater policing in this matter. Perhaps put the policing in the hands of concerned citizens. If there are traps out on the water certain days of the week, it would be our civil duty to pull them out. People that are setting these traps need to be far more responsible...there are too many and they are a hazard to wildlife and boaters. Our salmon stocks are dwindling, clam beds are fewer and fewer...we must always look at the big picture...not what might suit us today or this generation...we need to be stewards of this great earth for the generations to come. Thank you.
Every boat should be registered and insured!
- 178 I like the idea of liveaboards but some sort of accountability needs to be maintained. The folks
195 that just leave their boats, garbage and sewage for some one else to take care of is my biggest concern
- 180 At one time the government dock was the place for visiting boats to dock. Currently, due to the large number of dinghies that are moored day and night, contrary to Central Saanich's bylaw, visiting boaters are not able to moor here. If the bylaw was enforced, it would go a long while to providing moorage for visitors.
There are also spots for moorage at the local marinas. To me, this is no different than those individuals who choose to travel in campers and RVs. If you choose an alternate mode of travel, you must be prepared to cover your own costs.
Re: funding for long-term solutions - there are already bylaws that would eliminate all of these problems. The bylaws just need to be enforced. I do not believe that there would be any more substantial cost to this enforcement.
Re: the holding tanks. This came into effect in 2007, with a 5 year grace period for installation. Any responsible boat owner installed a holding tank within this period. Other boat owners did not - and they seem to be rewarded for their lack of responsibility by people doing nothing about it. This is just not a fair, consistent way in which to deal with such a significant problem as raw sewage!
- 187 Consider turning the lights off at the dock on Verdier on Saturday nights during the summer so the locals can watch the Butchart Gardens fireworks. It seems like a waste of hydro as well!
- 201 Sewage in the water should be the primary concern. Enforcement of large fines for anyone who dumps sewage within Saanich Inlet will reduce and hopefully eliminate the problem. An easily accessible pump out dock should be provide if one doesn't already exist. As it is difficult to monitor the public needs to be the one reporting incidents as some boaters will dump sewage in the middle of the night. Signage in the area on land and in the bay that sewage dumping is prohibited and how to report an incidence will help with public enforcement and awareness.
- 200 Responsibility is an issue. The channels for all marinas are compromised and evidence has been provided but no one is assuming responsibility. The ad hoc positioning of moorings and overcrowding as live aboard(s) move north from Oak Bay and Gorge locations due to pressure from other municipalities is having an effect on water safety and quality.
These are our waters, not Dept of X and we benefit or will pay the price for clean up. We have already seen that the cost to remediate a sinking boat is MUCH more expensive than being proactively responsible!
- 203 In the event of a police incident on a vessel in Brentwood Bay or any other area on the shoreline of Central Saanich, do the municipal police have jurisdiction or is it RCMP? To my knowledge, Central Saanich Police do not have a boat.
- 205 Having an accessible pump out available would be helpful. It is disappointing that more places don't have them available and the ones that do appear to charge far more than is necessary.

Brentwood Bay – Navigating The Issues Open House 17Aug22

Setting a Course Towards a Preferred Future

- Support the Indigenous Nations
- Herring & salmon came back to the Bay
- Municipality needs to apply for Licence of Occupation so our citizens can get control of everything in the Bay
- Whales in the Bay
- Regulate boats, moorings and sewage in Bay – start licence system for boats to control derelicts
- Get jurisdiction locally so regulation can occur
- No sewage from boats allowed in Saanich Inlet
- Recovery of ecosystem, herring spawn and all the life that comes with it
- No sewage or run off fertilizers from houses on Brentwood Bay

Navigating Issues of Today (What Concerns You?)

- Live aboard boats. Their sewage, aggressive animals & people
- Parking – live aboards parking in residential areas for days/weeks at a time
- Ferry traffic and people parking to walk on the ferry
- Dumping sewage overboard. People play in that water
- Too many mooring boys – unregulated
- Allow regulated live-aboards
- Address channel / waterway concessions
- Regulate buoys – charge annual fee
- Undefined jurisdiction of the water and these issues
- Keep water clean

- Regulation needed – buoys, live aboards, sewage
- Too many boats in inlet
- Water quality / ecosystem quality, ability to recreate on the water, maintain community feel, traffic around the dock
- Water pollution
- Ferry traffic – at last! – 2 staff hired by BC Ferries to tell cars not to block driveways, how many ferry sailings wait. Need proper signage for no-parking area, bike lanes need to be re-painted
- Police need to enforce no-parking zones

Navigating Issues of Today (Your Positive Experience)

- My kids love swimming, paddle boarding & playing on the beach
- Beautiful community with very friendly residents
- Pollution in Bay, people putting in multiple buoys and owning multiple boats, using as a storage facility of boats and wharves result in all moving traffic being forced into small spaces – safety issues – SLOW DOWN
- Swimming Tod Inlet, kayaking, paddle boarding, great walking – move ____ ?
- Boats with no holding tanks = pollution and health risks – if we go too far down this path we may not recover from it
- Swimming not any more
- I love fishing, swimming with friends, walking along the water and paddle boarding
- Love walking around the Bay in early morning and swimming in the evening
- The tranquility and marine life of the Bay from a paddle board and shore
- Rowing my boat, swimming and reflections in the water

Tell Us Your Story

- 1941 BF & salmon in Saanich Inlet
- 1970's fish still in Bay
- 1980's renting boats & fishing in Brentwood Bay
- 1950's swimming, fishing, water skiing off public dock
- 1999 California seals on marina dock
- 1950's catching young Coho (Blue Backs) off Willis Point side with fly rod, spinner, and polar fly

Any Other Thoughts!!

- User pay system similar to the roads (eg. rego, insurance, buoy parking fees)
- People that live on the water pay for higher taxes, and if they have docks or boat ramps, pay a tax for that plus a water usage fee. Boat people have equal access to views and swimming but pay nothing!!
- License all boats
- People who live on the water choose a simple, non-consumption life style and have a far, far smaller environmental impact than the massive homes crowding the shore. Our environment is still viable – their environment is paved, covered in lawn, and have massive houses on them. Who is the destructive lifestyle?
- Liveaboards are okay provided they do not dump that sewage and garbage in the waters we all use

Appendix C

Town of Ladysmith Sponsored Resolution to Association of Vancouver Island Municipalities 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

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:

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



Washington Department of Natural Resources

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Derelict Vessels

[Derelict Vessel Background](#)

[Bid on Removal Contracts](#)

[Notices of Intent](#)

[Derelict Vessel Inventory](#)

[Vessel Requirements](#)

[Vessel Turn-In Program](#)

[Restoration](#)

[Aquatic Assessment and
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[Aquatic Science](#)

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[Seaweed Harvesting](#)

[Shellfish](#)



Recovering Derelict Vessels

Derelict or abandoned vessels put public safety and the health of our marine and fresh waters at risk. DNR's Derelict Vessel Removal Program is the state's key mechanism for addressing the problem of derelict or abandoned vessels in Washington's waters, and has been cited as a model for other jurisdictions seeking to deal with the problem of sunken or neglected watercraft.

Since the program was [instituted](#) in 2002, more than 580 abandoned or neglected vessels have been removed from Washington waterways.

Thanks to a \$4.5 million infusion from the Legislature for the 2013-15 biennium, DNR's Derelict Vessel Removal Program was able to remove several larger vessels that were threatening navigation and the environment. These large, abandoned hulks included the *Helena Star* (costing \$1,176,324 to remove); the *Murph*, (\$923,498), and the *Golden West* (\$594,068). In total, over the course of the biennium, DNR worked with ports and local governments to remove 100 vessels.



PREVENTION: ADDRESSING BOATS BEFORE THEY BECOME A PROBLEM

In 2014, DNR also instituted a new program to help owners of boats in disrepair voluntarily dispose of their boats before they become problems in the water. The [Vessel Turn-In Program](#) allows owners of vessels less than 45 feet long to get rid of their boats, if they cannot afford to dispose of it themselves.

In 2013 and 2014, the Legislature established [requirements](#) that sellers of boats more than 65 feet long and more than 40 years old to have the vessel surveyed and provide the buyer and DNR with a copy of the survey. The seller must also require the buyer to show proof of insurance for the vessel.

CONTACTS

Troy Wood

Derelict Vessel Removal
Program
1111 Washington St SE - MS
47027
Olympia, WA 98504-7027
360-902-1574
dvrp@dnr.wa.gov

RELATED LINKS

DNR Links

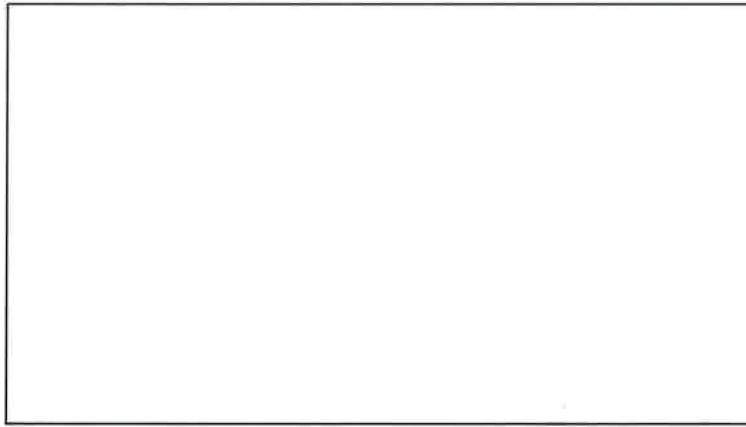
[Derelict Vessel Removal
Program](#)
[Derelict Vessel Bidders Info](#)
[Derelict Vessel Inventory and
Funding](#)
[Vessel Turn-In
Program](#)
[Derelict Vessel Program
Brochure PDF](#)
[Notices of Intent to Obtain
Custody](#)

Other Links

[Chapter 79.100 RCW - Derelict
Vessels](#)

RELATED FILES

[Vessels of Concern Reporting
Form](#)



WORKING TO HELP LOCAL AGENCIES REMOVE PROBLEM BOATS

The following authorizing public entities may remove derelict or abandoned vessels within their jurisdictions:

- DNR
- Washington Department of Fish and Wildlife
- Washington State 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.

DNR can assist those entities in funding removal in the following ways:

- 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 DNR 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.
- Providing guidance and assistance to agencies.



For more information see the Derelict Vessel Removal Program [Guidelines](#). Sample custody postings are available from DNR upon request.

CONTRACTING WITH DNR TO REMOVE DERELICT VESSELS

Most of the work to remove and dispose of derelict and abandoned vessels on state-owned aquatic lands is done by private contractors. Information on bidding on derelict vessel removal contracts can be found [here](#).

You can see a list of vessels currently pending custody action [here](#).

Appendix D

Application for Establishment of a Designated Sewage Area under the *Vessel Pollution and Dangerous Chemicals Regulations*

1. Applicant Information

The Corporation of the District Of Central Saanich
1903 Mount Newton Cross Road,
Saanichton, B.C.
V8M 2A9

Primary contact: Ruth Malli – Manager of (Building and Planning)
Phone: 250 544 4500 local 4500
E-mail: Ruth.Malli@csaanich.ca

2. Description of the Body of Water

The waters and intertidal foreshore of Brentwood Bay and Tod Inlet, lying inside a line drawn from Sluggett Point at 48.5815° north latitude and 123.4703 west longitude to Willis Point at 48.5777 north latitude and 123.4876 west longitude. The red line on Map 1 (attached) shows the boundary of the area proposed for designation (the subject area).

The subject area is immediately adjacent to the District of Central Saanich, which is the largest community on Saanich Inlet with a current population of almost 17,000. The waterfront properties immediately adjacent to the subject area are primarily residential, with most commercial development being a block or more back from the waterfront.

Water based activities in the subject area include high levels of both recreational boating and liveaboard moorages. Tod Inlet is especially popular with recreational boaters due to its proximity to the Butchart Gardens, which holds weekly fireworks displays that may be viewed from Tod Inlet. Three commercial marinas operate within the subject area, two of which currently offer pump out facilities for the proper disposal of sewage from vessels with storage tanks.

Kayaking, paddle boarding and swimming are also popular activities within the subject area.

Shellfish harvesting is prohibited within the subject area as it falls within a year-round Sanitary Contamination Closure that covers all waters inside a boundary that extends from Henderson Point (the next point north of Sluggett Point) to Willis Point.

3. Description of the Problem

Sewage discharge from vessels moored and operating within the subject area presents a risk of impact to the marine environment and a health risk to other users of the waters. The high level of use by both recreational boaters and permanent live-aboard vessels moored in the subject area creates the potential for significant levels of sewage discharge. Detailed tidal flow studies and modelling completed in 1996 indicate that the subject area has relatively poor flushing by tidal action due to several geographic factors and that inflow from freshwater sources (Hagen Creek and Tod Creek) are also insufficient to create good flushing action within the subject area. All of Brentwood Bay and Tod Inlet are under year-round shellfish harvesting closures due to sanitary contamination concerns. The subject area does not have any municipal sewage or industrial outfalls that would contribute to sewage contamination.

A recent inventory completed by the District of Central Saanich shows that there are currently over 100 moored items (mooring buoys, moored platforms/dock sections, anchored vessels) within the subject area. In comparison, Montague Harbour Provincial Marine Park, which is already a Designated Sewage Area under the *Vessel Pollution and Dangerous Chemicals Regulations*, maintains a total of 40 mooring buoys for short term moorage use by park visitors.

Several factors may be contributing to sewage discharge from vessels within the subject area. Cost and convenience of discharging directly into the ocean (rather than using available pump out facilities) are likely the two most significant factors. Section 96 of the *Vessel Pollution and Dangerous Chemicals Regulations* allows for the discharge of untreated sewage from vessels within 3 nautical miles of shore subject to specific conditions, but prohibits such discharge if a reception facility that can receive the sewage in an environmentally safe manner is available to receive it. There are two pump-out facilities located within the subject area. However, not all vessels have sewage storage tanks, some permanent live-aboard vessels moored within the subject area may not be capable of accessing pump out facilities (e.g. vessels are not powered) and some vessel owners may not be willing to wait to have their storage tanks pumped when facilities are busy and not immediately available.

4. Alternative Options

Inclusion of the subject area in the list of Designated Sewage Areas under the *Vessel Pollution and Dangerous Chemicals Regulations* would help to manage the problem of sewage discharge by providing a very clear standard (no sewage discharge allowed) that will be more easily enforced than the terms under which sewage may currently be legally discharged (under Section 96 of the *Vessel Pollution and Dangerous Chemicals Regulations*). Alternatives for improving compliance that have already been implemented include raising awareness of the problem within the local boating community, random inspections by enforcement agencies and ensuring that sewage pump-out facilities are available at local marinas. Another option that has been proposed is for the District of Saanich to hold a right to manage moorings within the subject area (outside of existing private tenures) through a licence of occupation issued by the Province. This option would allow the District of Central Saanich to control the number, location and terms for moorages. However, management of the subject area under a licence of occupation will require compliance and enforcement abilities that would be enhanced by having the subject area included in the list of Designated Sewage Areas under the *Vessel Pollution and Dangerous Chemicals Regulations*.

5. **Consultation Process (will have to complete public consultation before finalizing)**

A. List of Stakeholders Consulted:

Stakeholder	Contact Information	Position on proposed designation
Moored vessel owners		
Marina operators		
Adjacent property owners		
First Nations		
B.C. Yachting Council		
Watersports assoc. (e.g kayaking,		

B. Description of the Consultation Process

- Consultation schedule
- Methods used to invite public and stakeholder comments
- Copies of all notifications sent to stakeholders
- Minutes of all meetings with stakeholders (including on-line forum).

6. **Benefits and Costs of Designation**

Benefits:

- Improved ability to enforce a prohibition of sewage discharge from vessels within the area. At present, vessel owners may hold the view that they are discharging sewage in substantial compliance with Section 96 of the *Vessel Pollution and Dangerous Chemicals Regulations* (e.g. discharging while in transit and on an ebb tide, or perhaps argue that pump-out facilities may be so busy as to be considered unavailable). The clear prohibition of sewage discharge within a Designated Sewage Area will eliminate any ambiguity or misunderstanding for vessel owners and facilitate compliance and enforcement actions.
- Significantly reduced levels of sewage discharge from vessels within the subject area will minimize potential health risks (e.g. fecal coliform exposure) to other users of the local waters.
- Impacts to the marine environment that are linked to sewage discharge (unnatural plankton blooms, low oxygen levels in surface waters) may be reduced.
- Ability for First Nations to exercise treaty rights (e.g. shellfish harvesting) within the area may eventually be improved with an elimination of sewage discharge from vessels

Costs of Designation:

- Increased sewage disposal costs to vessel owners (via commercial pump out facilities)
- Some liveaboard owners may not be able to comply unless a mobile pump out service is established in the area as their vessels may be unable to access a pump out facility based in a marina
- Ensuring compliance within a Designated Sewage Area will require staff time and appropriate vessels to carry out compliance inspections and investigation of suspected non-

compliance. A licence of opportunity held by the District of Central Saanich (discussed in Section 4 of this application) would provide an opportunity for cost recovery through annual moorage rental fees collected from vessel owners wishing to moor within the licence area. Inspection frequency and compliance and enforcement costs may be reduced over time if there is good voluntary compliance by vessel owners.

7. Enforcement of the VPDCR

- Successful enforcement of a sewage discharge prohibition would likely require direct observation of a contravention. District of Saanich police, RCMP, Conservation Officers and other law enforcement personnel that are authorized to enforce the VPDCR will be advised of the Designated Sewage Area designation, to improve awareness should sewage discharge be observed within the area.
- District of Central Saanich may also prepare an application for a Crown land tenure over the area which would provide improved management over moorings, including an improved ability to enforce a sewage discharge prohibition and sewage holding tank requirements through terms of use agreements with vessel owners.

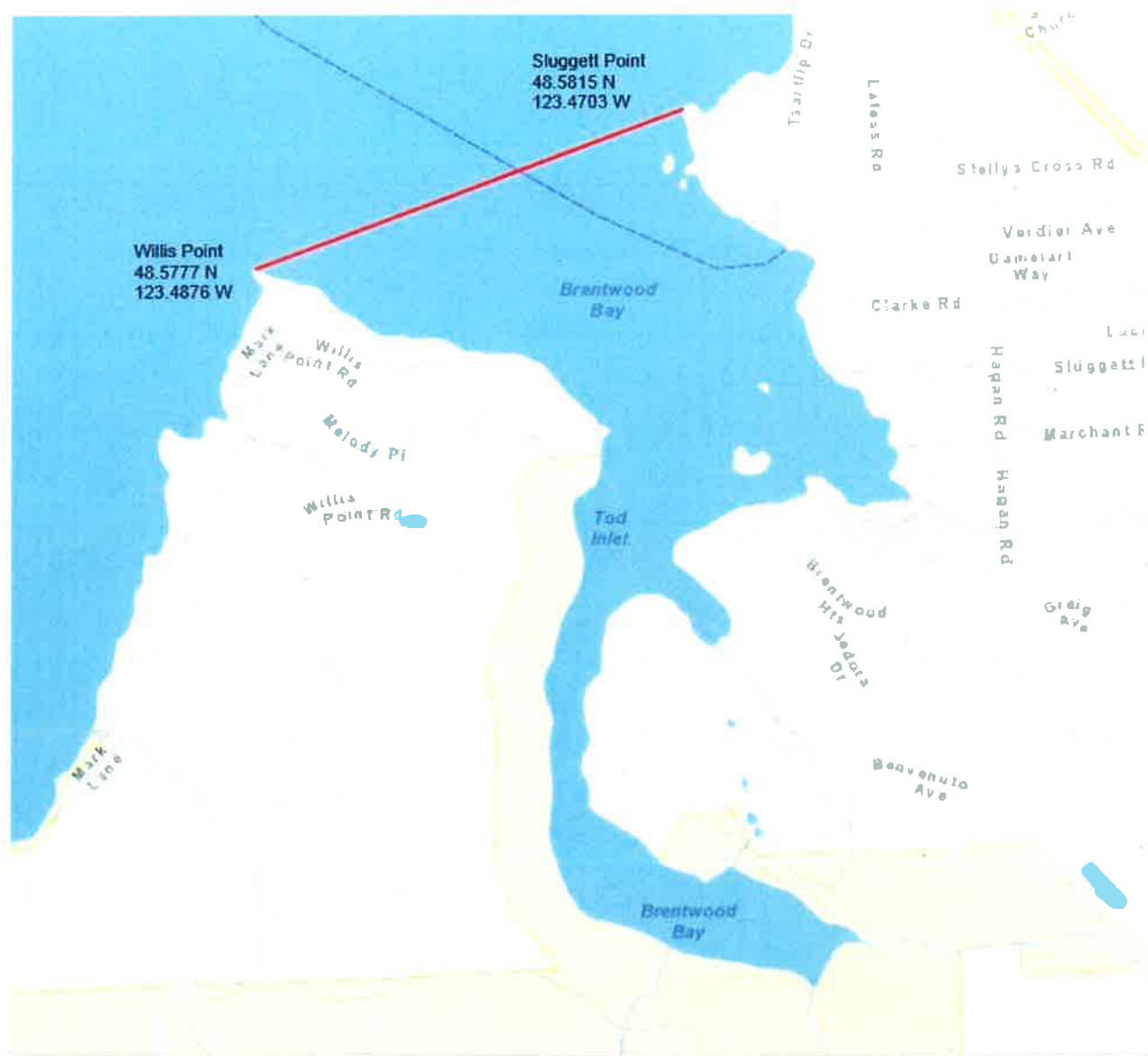
8. Communication Plan

- Need to attach a general comm plan for raising awareness of the designation
- Need to attach a plan for notifying stakeholders (especially moored vessel owners) about the designation once it has been completed

9. Applicant Signature

Name:	
Organization:	
Date:	
Signature:	

Map 1 – Proposed Designated Sewage Area



Appendix E

District of Central Saanich

Proposed Application for a Nominal Rent Tenure for Transient and Liveaboard Moorage Purposes

Proposed Tenure Location: The waters and foreshore of Brentwood Bay, as described below but excluding all existing tenures and established navigation corridors within the described area:

Point of Commencement on Willis Point at 48.5777 North, 123.4703 West, then to Sluggett Point at 48.5815 North, 123.4703 West, then southerly along the natural boundary of Brentwood Bay to the boundary of Gowlland Tod Provincial Park, then northerly along the boundary of Gowlland Tod Park to the most northeasterly corner of Gowlland Tod Park, then along the shoreline of Brentwood Bay returning to the Point of Commencement. Containing approximately 90 hectares. The proposed tenure boundary is shown on Map 1, attached.

Intended Land Use and Benefits of the Proposed Tenure: The intended land use for the application area is community use for both transient and permanent liveaboard moorage. The proposed use will be managed by District of Central Saanich and will help to meet local moorage requirements in a manner that minimizes the impact of vessel moorings on the environment, commercial navigation, First Nations and recreational users of the waters of Brentwood Bay.

There are currently over 100 vessels, floating platforms/dock sections and other objects moored on Crown foreshore (outside of private tenures or commercial marinas) within Brentwood Bay. There are rising local concerns associated with the high density of vessels permanently moored on the Crown foreshore including discharge of sewage, impacts on navigation and on other recreational users, vehicle parking and congestion at public beach access points and visual aesthetics. Management of the moorings in the Brentwood Bay is currently reactive only (i.e. actions taken by Transport Canada only when moored vessels are clearly impeding navigation).

The proposed use will be non-exclusive and will accommodate both temporary visitors and permanent liveaboard vessels. Mooring buoys will be established in specific portions of the proposed tenure area, and will be made available for both temporary and permanent moorage, for a fee that will be collected by District of Central Saanich, or a contracted moorage operator operating on behalf of District of Central Saanich. Consistent with the terms of a nominal rent tenure, fees will be established by District of Central Saanich at a rate that allows for cost recovery only. Use of the proposed moorages will require agreement to terms of use established by District of Central Saanich. The terms of use may include provisions requiring the installation of sewage holding tanks in all liveaboard vessels and prohibiting the discharge of untreated sewage, except in local pump-out stations. Temporary (e.g. overnight) anchoring that does not impact on the operation of the tenure will continue to be allowed, but Installation of permanent mooring buoys within the tenure area by parties other than the District of Central Saanich will impact on the lawful use of the tenure and will not be allowed.

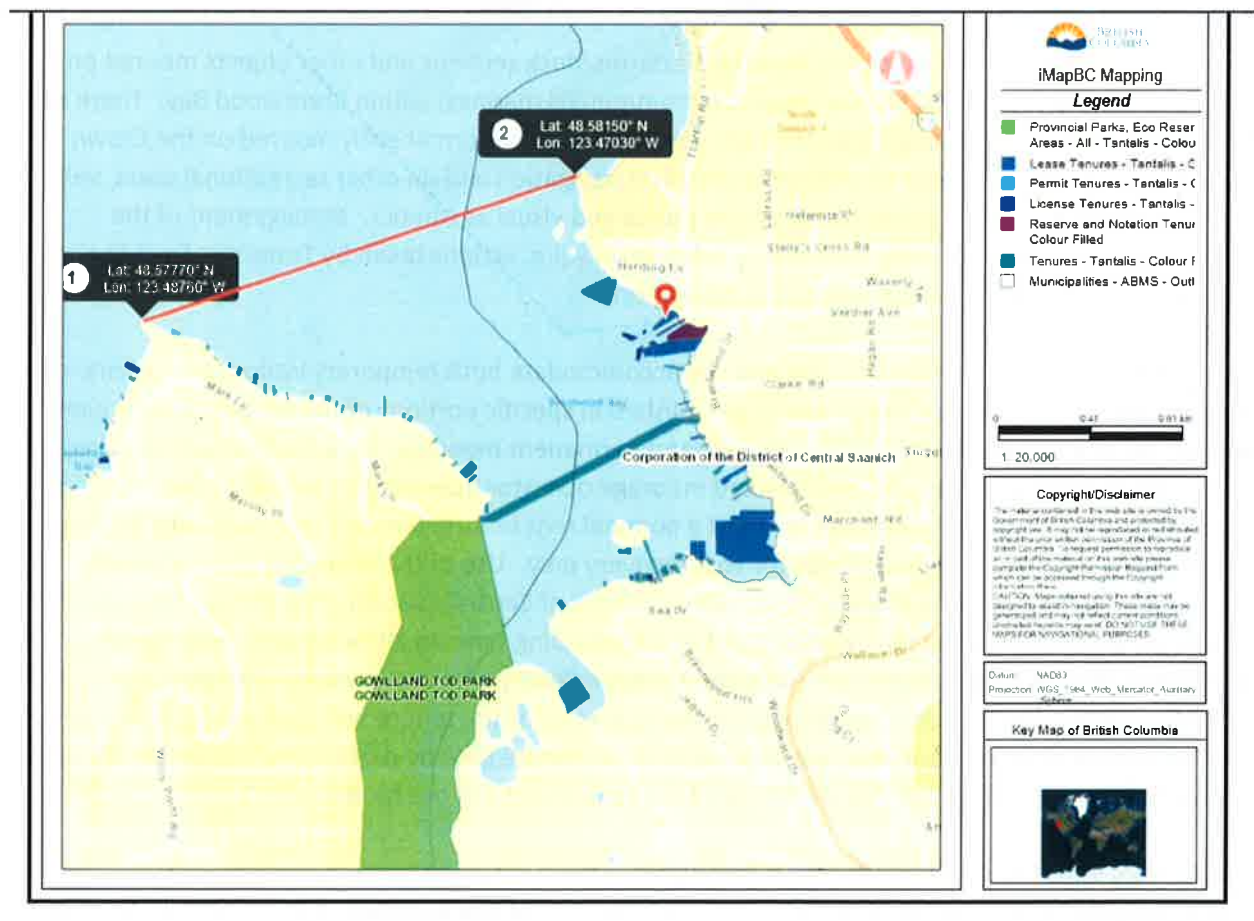
Consistency with Crown Land Allocation Principles:

The proposed nominal rent tenure will ensure that Brentwood Bay is managed for a wide public benefit. At present, there is no management of moorings with the proposed tenure area and the high number of

unauthorized moorings is beginning to create conflict between vessel owners, waterfront property owners and commercial and recreational users of the waters. Management of the tenure including enforcement of tenure terms by the District of Central Saanich will help to reduce environmental impact caused by improperly installed mooring anchors, ensure that permanent moorings do not conflict with established navigation corridors and will help to reduce or eliminate the discharge of sewage within the tenure area. Fees associated with public use of the moorings within the tenure area will be relatively inexpensive and will only be used to cover the costs of managing the tenure. Local First Nations are supportive of improved management of the proposed tenure area, especially the elimination of sewage discharge as the area is currently closed to all shellfish harvesting due to contamination. The District of Central Saanich understands the non-exclusive nature of a nominal rent licence of occupation, and that the tenure area may be amended over time to accommodate higher value tenure applications such as expansion of commercial marina facilities.

An amendment to current zoning that would prohibit permanent moorings within the tenure area, except on moorings established by the District of Central Saanich for that purpose may also be considered by the District to further reinforce management of the proposed tenure area.

Map 1 – Proposed nominal rent tenure boundary in Brentwood Bay



First Session, Forty-second Parliament,
64 Elizabeth II, 2015-2016

Première session, quarante-deuxième législature,
64 Elizabeth II, 2015-2016

HOUSE OF COMMONS OF CANADA

CHAMBRE DES COMMUNES DU CANADA

BILL C-219

PROJET DE LOI C-219

An Act to amend the Canada Shipping Act,
2001 (wreck)

Loi modifiant la Loi de 2001 sur la marine
marchande du Canada (épaves)

FIRST READING, FEBRUARY 4, 2016

PREMIÈRE LECTURE LE 4 FÉVRIER 2016

Ms. MALCOLMSON

M^{ME} MALCOLMSON

SUMMARY

This enactment amends the *Canada Shipping Act, 2001* to strengthen the requirements relating to wreck by ensuring that regulations are made to establish measures to be taken for their removal, disposition or destruction. It designates the Canadian Coast Guard 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 owner of the wreck.

SOMMAIRE

Le texte modifie la *Loi de 2001 sur la marine marchande du Canada* afin de renforcer les exigences relatives aux épaves en prévoyant la prise de règlements qui établissent les mesures à prendre pour l'enlèvement, l'aliénation ou la destruction de ces épaves. Il désigne la garde côtière canadienne à titre de receveur d'épaves pour l'application de la partie 7 de la loi et oblige les receveurs d'épaves à prendre des mesures convenables pour déterminer et localiser les propriétaires des épaves.

BILL C-219

An Act to amend the Canada Shipping Act, 2001
(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 Subsection 154(1) of the *Canada Shipping Act*,
2001 is replaced by the following:**

Canadian Coast Guard designated

154 (1) The Canadian Coast Guard is designated as a re-
ceiver of wreck for the purposes of this Part.

Designation

(1.1) The Minister may designate any other persons or
classes of persons as receivers of wreck.

**2 Subsections 155(2) and (3) of the Act are re-
placed by the following:**

Locating owner

(2) If wreck has been reported to or observed by a receiv-
er of wreck, the receiver shall take reasonable steps to de-
termine 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) Except in the circumstances described in regulations
made under subsection 163(1.1), a receiver of wreck shall
take measures, or direct that measures be taken, in ac-
cordance with those regulations in order to remove, dis-
pose of or destroy wreck.

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

421102

PROJET DE LOI C-219

Loi modifiant la Loi de 2001 sur la marine marchande
du Canada (épaves)

2001, ch. 26

Sa Majesté, sur l'avis et avec le consentement du
Sénat et de la Chambre des communes du Canada,
édicte :

**1 Le paragraphe 154(1) de la *Loi de 2001 sur la
marine marchande du Canada* est remplacé par
ce qui suit :**

Désignation de la garde côtière canadienne

154 (1) La garde côtière canadienne est désignée à titre
de receveur d'épaves pour l'application de la présente
partie.

Désignation

(1.1) Le ministre peut désigner toute autre personne ou
catégorie de personnes à titre de receveurs d'épaves.

**2 Les paragraphes 155(2) et (3) de la même loi
sont remplacés par ce qui suit :**

Localisation du propriétaire

(2) S'il est fait rapport d'une épave au receveur d'épaves
ou si ce dernier constate l'existence d'une épave, il prend
les mesures qu'il estime convenables pour en déterminer
et en localiser le propriétaire; il donne notamment avis
de la découverte de l'épave de la façon qu'il estime la plus
efficace et indiquée.

Prise de mesures

(3) Sauf dans les circonstances prévues par règlement
pris en vertu du paragraphe 163(1.1), le receveur d'épaves
prend les mesures nécessaires — ou il en ordonne la prise
— conformément à ces règlements pour enlever, aliéner
ou détruire l'épave.

**3 L'article 163 de la même loi est modifié par ad-
jonction, après le paragraphe (1), de ce qui suit :**

Regulations — Minister and Minister of Fisheries and Oceans

(1.1) The Governor in Council may, 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 direct to be taken, to remove, dispose of or destroy wreck; and

(b) the circumstances in which the obligation to take measures under subsection 155(3) does not apply.

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 cause to be laid before each House of Parliament a report setting out the results of the review.

Règlements — ministre et ministre des Pêches et des Océans

(1.1) Le gouverneur en conseil peut, sur recommandation du ministre et du ministre des Pêches et des Océans, prendre des règlements concernant :

a) les mesures nécessaires que doivent prendre les receveurs d'épaves — ou dont ils doivent ordonner la prise — pour enlever, aliéner ou détruire les épaves;

b) les circonstances dans lesquelles l'obligation de prendre des mesures au titre du paragraphe 155(3) ne s'applique pas.

4 La même loi est modifiée par adjonction, après l'article 164, de ce qui suit :

Rapport au Parlement

Examen et rapport du ministre

164.1 Tous les cinq ans, le ministre procède à l'examen de l'application de la présente partie et fait déposer devant chacune des chambres du Parlement un rapport de son examen.