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The Honourable Omar Alghabra
Minister of Transport

January 15, 2021

Dear Minister Alghabra,

Congratulations on your recent appointment. The mandate of Transport Canada and your role as Minister are critical to many aspects of our national economic health, environmental responsibility and key infrastructure. This consultation deals with an issue of urgent importance to my constituency.

Thank you for the opportunity to respond to the public consultation on modernizing the Pleasure Craft Licensing Program. On its own, modernizing the licensing program will not solve the problem of abandoned vessels. Improving the program must go hand in hand with a strong enforcement regime, adequate funding and resources being directed to the appropriate enforcement authority and addressing the lack of regulation of private mooring buoys.

For the last decade, my advocacy for legislation and additional resources for the clean up and removal of abandoned vessels has been informed, in large part, by the expertise of locally impacted groups, organizations and individuals. These stakeholders have been adversely affected by the lack of management from Transport Canada and the Canadian Navigation Protection Program (NPP) as it relates to abandoned vessels. I have reached out to these local stakeholders and have included many of their reflections in this submission.

Enforcement of the Pleasure Craft Licensing Program

There must be strong, unequivocal and effective enforcement of the licensing program. The objectives of the program will never be met unless there is stringent enforcement of the registration process. The Saanich Inlet Protection Society (SIPS) shares that while there is a \$250 fine for non-compliance with the current licensing program, it is rarely enforced. Many boats are licensed through the program, but as boats age, ownership changes are seldom registered. Many boats do not display their license numbers. In other cases, data searches produce an untraceable owner or incorrect contact information.

Malcolm Falconer, of the Tsehum Harbour Task Force in my riding of Saanich-Gulf Islands, recommends that the pleasure craft licensing program must resemble a motor vehicle licensing



and registry program. Washington State has effectively put this type of model into practice. In order to operate, navigate, moor or employ a vessel in Washington, one must have a Washington title, registration card and registration decals. The registration card must be onboard whenever the vessel is being used and decals must be visible. Unless specifically exempt, boaters must title and register their vessels within 60 days of moving to Washington or within 15 days of buying the boat if bought outside of the state. Vessel operators are traceable because their information is current and accurate.

In order to mitigate the issue of abandoned vessels, Canada would benefit from implementing and enforcing a similar licensing model as Washington State. It must be both mandated and strongly enforced that a registration card or documentation must always be kept onboard. However, in many cases, stopping boats is impractical and expensive. Therefore, an external display showing current year compliance must be required. A colour decal serves this purpose on a boat just as it does for motor vehicles. Decals should also have a bar code to enable digital reads of the data in the licensing registry for emergency responders and for salvage purposes. Currently, Transport Canada recommends that pleasure craft license holders always carry their license on board and that license numbers be displayed on both sides of the pleasure craft's bow. However, if these recommendations are not enforced, they are moot.

I am pleased to see the proposal of requiring registration for all pleasure crafts above 6 meters, as opposed to pleasure crafts equipped with an engine of at least 7.5 kilowatts (10 horsepower). Under the previous regulation, many vessels were exempt, such as sailboats that do not require a powerful engine.

Immediate Transfer of Vessel Ownership

The pleasure craft licensing program must mandate the immediate transfer of ownership and operational liability of any pleasure craft that is being sold or transferred. The Transport Canada website states that if someone is selling a pleasure craft, the new owner will need to transfer the pleasure craft licence by submitting a request or by sending documentation to the Pleasure Craft Licensing Centre. There is no incentive for the new owner to transfer liability, and this places risk on the seller to be held liable for any inappropriate operation of the vessel. In the case of a sale or transfer of a vessel, all pleasure craft licenses must include a section to be signed and dated by both parties at the time of transfer. This will provide onboard documentation for the new operator that will be valid until an updated licence is acquired.

Funding and Resources

Adequate funding and resources must be directed to the appropriate enforcement authority. The delegated enforcement authority must have the practical ability to implement the fulfillment of the program. A member of the Tsehum Harbour Task Force revealed that for many years, the NPP was not equipped with a vessel that could adequately enforce the provisions of the Navigable Waters Act in terms of maintaining clear unobstructed passage, derelict or otherwise. Many complaints and calls were directed by default to the Coast Guard. The authority responsible for the enforcement of the licensing program and dealing with abandoned boats must be properly equipped and funded. Agencies at all three levels of government are involved in this issue and none of them have accepted ownership. This must be resolved. Effective enforcement will require clarity.



Regulating Private Mooring Buoys

There is a complete lack of regulation for private mooring buoys. Prior to March 2004, through the Canadian Coast Guard, DFO had a significant presence on the water. At this time, private mooring buoys were considering “works” like docks, piers and wharves and needed visual inspection and approval. However, in 2004, regulatory responsibility and enforcement was transferred from DFO and the Canadian Coast Guard to Transport Canada and the Navigable Waters Protection Program (NWPP). At this time, private mooring buoys were designated as minor works and did not require authorization if they were placed in accordance with the criteria listed in the Minor Works Order, under “Mooring Systems.” The Coast Guard was severely downsized and the only mandate concern for the NWPP was to ensure the right to navigation.

Designating mooring buoys as “minor works” has created the first come, first serve free for all that we see now. This minor works exclusion should no longer be used. It is not right that any individual or entity may place a private mooring buoy, provided it meets the requirements set out in the *Navigation Protection Act* and the *Private Buoy Regulations*, with no further authorization from Transport Canada. The failure to adequately monitor and regulate mooring buoys is creating significant navigational hazards throughout the Gulf Islands.

Mark Lindholm of WestBay Marine Village shares that “in tandem with the vessel registration program there should be a complete overhaul of the private mooring buoy regulation. This must include a registration of ownership system, much like the yacht registry, and a substantial annual fee for the placement and continued use of a private mooring buoy.” Many of my constituents have shared stories of individuals throwing engines, motors, cement blocks and car parts down to the ocean floor to anchor mooring buoys. There is no accountability or oversight. This must change. Canada must implement an approval process for private mooring buoys and a registration program to hold people accountable. Amendments to the Navigable Waters Act will be needed. Transport Canada must also incentivize the removal of mooring buoys and ground tackle when the buoys are no longer being used by the owner.

Since 2015, we have made steady progress in improving the regime to deal with abandoned vessels, but many problems remain. Taking the steps recommended by my constituents and through this submission on behalf of the Green Party will go a long way in improving safety and environmental protection along the Salish Sea.

Thank you again for this opportunity to comment.

Sincerely,



Elizabeth May O.C., M.P.
Member of Parliament for Saanich-Gulf Islands
Parliamentary Leader of the Green Party of Canada

