

Report

Date February 19, 2025
Subject Abandoned and Derelict boats

File:

PURPOSE

To clarify the role of local government and other authorities regarding abandoned and derelict marine vessels.

BACKGROUND

Recently, several derelict vessels were reported in Chemainus and Maple Bay harbours. When these come to the public's attention, the question often asked is: Who is responsible for cleaning these up? And what is the role of the local government when it comes to abandoned and derelict boats? This report provides clarity as to roles and responsibilities.

DISCUSSION

The issue of abandoned and derelict marine vessels affects all coastal communities, including North Cowichan. This report outlines the different jurisdictions and levels of responsibility for addressing the hazards of abandoned vessels.

Who has jurisdiction?

The federal government has jurisdiction over marine vessels and navigation inclusive of the area encompassed by Canada's Exclusive Economic Zone, which extends 200 nautical miles from the land and would include the waters between Vancouver Island and the mainland.

The Province of B.C. also has jurisdiction over the waters between Vancouver Island and the Lower Mainland which has been interpreted to be "inland waters" within the Province of B.C. by the Supreme Court of Canada following a reference case brought by the province that was decided in 1984. This includes the Strait of Juan de Fuca, the Strait of Georgia, the Johnstone Strait, and the Queen Charlotte Strait. This gives the province the power to legislate over the seabed and waters in these areas on subject matters within its jurisdiction (Attachment 2).

North Cowichan has jurisdictional authority in the area extending 304 metres from the shoreline out to sea in those places where the borders of North Cowichan abuts the ocean. All the powers conferred upon the municipality by the *Local Government Act* are in force for this area (Attachment 1).

Who is responsible for abandoned and derelict vessels?

The federal government of Canada has legislation related to abandoned and derelict vessels (Attachment 3).

In its essence, the legislation confers responsibility for abandoned and derelict vessels on the Canadian Coast Guard and Transport Canada. The first call when an abandoned vessel is identified should be to the Canadian Coast Guard Western Region at 1-800-889-8852.

The provincial government has authority regarding the environmental hazards arising from abandoned or derelict vessels and liveaboards (Attachment 2).

Who pays for the cleanup of abandoned/derelict vessels?

The vessel's owner is primarily responsible for costs incurred in removing a derelict vessel from the water. Transport Canada is responsible for administering the [Wrecked, Abandoned or Hazardous Vessels Act](#) by monitoring compliance in all Canadian waters and the Exclusive Economic Zone (EEZ). If no owner can be identified, then Transport Canada will sometimes absorb the removal costs. There are periodic grant programs to deal with derelict vessels, but no ongoing funding is identified for this.

What is North Cowichan's role?

North Cowichan does not have a legislated role regarding derelict vessels unless we want one; the Minister of Transport has the authority to authorize the transfer of possession of any abandoned vessel to a third party and designate a person to be 'Receiver of Wreck,' a custodian when a wreck owner is unknown or cannot be located. This can be municipal staff, such as a Bylaw Officer. We can also enact bylaws to address this topic, which would apply in the zone where we have jurisdiction.

Conclusions

While the first call for dealing with derelict marine vessels is the Canadian Coast Guard and Transport Canada, the local government can assume a role (Receiver of Wreck) if they wish. There may be funding that can be accessed to recover costs associated with disposing of a derelict or abandoned vessel, but that is not guaranteed, and staff would require diligent sleuthing to find those grants.

OPTIONS

1. **(Recommended Option)** This report is being provided for information.
2. THAT Council direct staff to review the North Cowichan bylaws related to the foreshore and marine environment and report back to Council with suggested options for consideration.
 - Currently, no municipal bylaws (with some exceptions in the Zoning Bylaw) are in place to regulate what happens on the beach and adjacent ocean. Changes to North Cowichan's bylaws could focus on the types of activities that are objectionable or liable to disturb the peace, comfort or convenience of individuals or the public. Examples include beach fires, camping on the foreshore, littering, noise-related issues, marine vessel construction activity, etc.

IMPLICATIONS

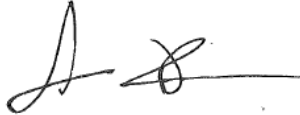
While the issue of abandoned and derelict vessels does generate local interest, it is expensive to remediate abandoned vessels, and this power (Receiver of Wreck), while available to us, should only be used in compelling circumstances. No new bylaws need to be enacted to trigger this option.

Enhancing North Cowichan's bylaws to cover the foreshore areas would have resource implications, mainly affecting how Bylaw Compliance Officers spend their time, but it would not require additional staffing. This would allow us to address issues that may arise in those locations.

RECOMMENDATION

This report is being provided for information only.

Report prepared by:



John Horn
Director, Social Planning and Protective Services

Report reviewed by:



Bill Corsan
General Manager, Corporate Services and
Community Relations

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) North Cowichan jurisdictional boundaries
- (2) Federal Legislation
- (3) Provincial Legislation