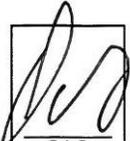


AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>June 17, 2019</u>
<input type="checkbox"/> Other:	Date: _____

_____ Dept. Manager	_____ GM/ Director	 _____ CAO
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The District of North Vancouver REPORT TO COUNCIL

May 29, 2019
File:

AUTHOR: David Stuart, Chief Administrative Officer

SUBJECT: Anchorage in Deep Cove

RECOMMENDATION:

That Council provide direction to staff as to whether or not discussions with the Port and the public should proceed with respect to a possible Designated Anchorage Area in Deep Cove.

REASON FOR REPORT:

The report is in response to requests from certain Councillors and residents that the District take action to resolve live-aboards and derelict vessels in Deep Cove.

EXISTING POLICY:

Management and control of activity in a marine environment such as Deep Cove is primarily a federal responsibility, although there is at least one instance where the courts have ruled that adjoining municipalities may assert some regulatory control providing they are not in contravention of federal legislation. The federal agencies that may become involved, depending on the circumstances, include the Vancouver Fraser Port Authority, Fisheries, Environment Canada, the Coast Guard and/or the RCMP. The legislation most often relied on includes the Canadian Environmental Protection Act, the Port Authorities Operations Regulations, the Canadian Environmental Assessment Act 2012, the Canada Marine Act, the Navigable Waters Protection Act and the Fisheries Act. Recent changes provide some improvements to federal agencies' authority to levy fees and charges associated with the seizure and disposal of derelict vessels but do not provide a comprehensive solution.

According to the Port of Vancouver, it is unconstitutional for them to prohibit anchorage if the anchorage can occur in a safe manner and it is not within shipping lanes. The Port may grant a water lease to a municipality to allow the municipality to better control anchorage within a marine area but the municipality may not prohibit it, except to the extent that the municipality prohibits motorized vessels from entering designated swimming areas adjacent to beaches or designates specific anchorage areas.

ANALYSIS:

Why Control Anchored Boats?

Concerns about anchored vessels have been voiced for decades. The primary concerns have focused on long term anchorage, live-aboards and derelict boats, although some of the issues equally apply to short term anchorage in certain circumstances.

They include:

- Environmental impacts from spills and waste from the boats;
- The potential for boats to break free from anchorage and either beach or damage other vessels and infrastructure, such as docks;
- The costs associated with seizing and disposing of derelict and abandoned boats (tens of thousands of dollars depending on the size of the boat);
- Recreational impacts, as space in a cove or inlet is compromised by increasing numbers of anchored boats (particularly in the summer months); and
- Objections from waterfront residents about the aesthetics of boats in an unmanaged anchorage area (there are often economic reasons for owners to take advantage of long-term anchorage which is evident by the value, appearance or lack of maintenance).

Municipalities such as the City of Vancouver and the City of Port Moody have entered into arrangements where they have taken responsibility for anchorage in False Creek and the Burrard Inlet, which has displaced vessels looking for long term anchorage to other locations in and around the Burrard Inlet. It is not possible to ascertain if the boats in Deep Cove have been relocated from either of those locations.

The Port's Designated Anchorage Area Initiative

In response to concerns expressed by the City of Port Moody, the Port proposed that Designated Anchorage Areas be created in Port Moody, Belcarra and Deep Cove. The DAA involves the Port entering into a Licence Agreement with the municipality to create a water lot in which the municipality assumes responsibility for the management and control of anchored boats. The reason for a DAA being proposed for all three municipalities, is in recognition of the fact that boats not wishing to anchor in the DAA in one area, would simply move to a neighbouring area.

In the case of Port Moody, the DAA is in an area of relatively shallow water that provides anchorage for up to 20 vessels for up to 3 weeks within a 40 day period. Boats anchored within the DAA must register with Port Moody and pay a nominal fee (\$12 per night). As Port Moody does not own a vessel, enforcement is left to land based observation and/or making arrangements with private vessels and/or other agencies (such as police or fire vessels) to make contact and/or arrange inspections. Management of anchorage outside the DAA remains a federal responsibility.

Port Moody elected to install only Cardinal Buoys to mark the area and did not install Moorage Buoys, which are more common in organized designated anchorages and allow for safer, longer-term stays. In Port Moody's case, the Port assumed the majority of the start-up costs and Port Moody assumed responsibility for some of the start-up costs and all of the ongoing operating costs. Ongoing operating costs for the municipality were assumed to exceed the annual revenue that would and in fact, has been generated.

The Proposed Deep Cove Designated Anchorage Area

A DAA in Deep Cove has a number of challenges not present in Port Moody, including:

- Except for areas closer to the shoreline, the depth in the Cove is generally not conducive to anchorage;
- The area in the cove is smaller and there is significant non-motorized activity, which poses more potential for conflict and compromises to safety;
- There is no waste pump-out facilities available to the public in Deep Cove; and
- The general preference expressed by residents tends to be to outright opposition to any long term anchorage.

While these challenges can be resolved by using Moorage Buoys (see attached map), limiting the number of vessels allowed (i.e. 4-6) and providing a pump-out facility at the public dock, it is not clear without further consultation as to whether or not there is public support for limited time anchorage (i.e. 48 hours max.). The use of Moorage Buoys and installing a pump-out facility would increase both the initial costs and the ongoing operating costs. Enforcement would require some arrangement with a partner in the Cove to utilize a small boat for inspections and enforcement. Administration and enforcement costs would likely outstrip revenue, especially if the District found itself in the position of having to dispose of derelict or abandoned boats.

In general terms, before any proposed approach is discussed with the public, Council must decide whether or not the risk proposed by the current situation warrants the District assuming the responsibility, liability and costs associated with assuming what is essentially a federal matter.

TIMING/APPROVAL PROCESS:

Assuming that Council wishes to proceed, public consultation could occur before the end of May and an agreement with the Port, based on the Port Moody arrangement, could be negotiated concurrently so as to put some form of DAA in place by July. Installation of Moorage Buoys could take place this summer. Installation of a marine waste system would not likely be ready for this season.

CONCURRENCE:

Internal discussions will have to occur as to whether Bylaws or Parks would be responsible for administration and enforcement.

FINANCIAL IMPACTS:

Finalization of the DAA, negotiations with the Port and further internal discussions are necessary before accurate estimates can be provided. Start-up costs could easily run up to \$100,000 including initial enforcement, signage, communications and Buoys. The cost for installing and maintaining a marine waste collection system in this location is not known at this time and would require analysis and design to hook a system uphill from the dock into the District's sanitary system. A fee could be charged for accessing the system to recover costs.

LIABILITY/RISK:

The District has little or no liability or risk for enforcement and removal of derelict boats under the current circumstances but would assume both if a DAA agreement was entered into. It is unlikely that the District could recover from the owners the \$10,000-\$30,000 cost of derelict boat disposal.

ENVIRONMENTAL IMPACT:

Creating a DAA and managing it may reduce the risk of spills and waste in the Cove, although this risk is not substantial at this time, unless one of the boats sinks for some reason.

PUBLIC INPUT:

The MP for the area held an open house in January 2018 attended by members of the Deep Cove community, a number of the boaters anchored in the Cove and various federal agency representatives. No public input has been sought on a possible DAA at this time. Some discussions have been held with the Mayor and CAO of Belcarra as they would likely enact an arrangement similar to whatever the District may put in place.

OPTIONS:

Council may:

- 1. Take no further action at this time;
- 2. Direct staff to engage in discussions with the Port and the public on a possible DAA in Deep Cove; or
- 3. Identify some variation on the elements identified in this report to consider.

Respectfully submitted,

David Stuart
Chief Administrative Officer

REVIEWED WITH:					
<input type="checkbox"/> Community Planning	_____	<input type="checkbox"/> Clerk's Office	_____	External Agencies:	
<input type="checkbox"/> Development Planning	_____	<input type="checkbox"/> Communications	_____	<input type="checkbox"/> Library Board	_____
<input type="checkbox"/> Development Engineering	_____	<input type="checkbox"/> Finance	_____	<input type="checkbox"/> NS Health	_____
<input type="checkbox"/> Utilities	_____	<input type="checkbox"/> Fire Services	_____	<input type="checkbox"/> RCMP	_____
<input type="checkbox"/> Engineering Operations	_____	<input type="checkbox"/> ITS	_____	<input type="checkbox"/> NVRC	_____
<input type="checkbox"/> Parks	_____	<input type="checkbox"/> Solicitor	_____	<input type="checkbox"/> Museum & Arch.	_____
<input type="checkbox"/> Environment	_____	<input type="checkbox"/> GIS	_____	<input type="checkbox"/> Other:	_____
<input type="checkbox"/> Facilities	_____	<input type="checkbox"/> Real Estate	_____		
<input type="checkbox"/> Human Resources	_____	<input type="checkbox"/> Bylaw Services	_____		