



Transport Canada Navigable Waters Protection Program

Presentation to the UBCM



Canada

Transport Canada's Navigable Waters Protection Program

Objective:
Ensure the Public's right of navigation

Mandate:
Ensure the protection and safety of
marine navigation, and
the protection of the marine environment
in Canadian waterways



Acts - Regulations

NWPP administers the:

- **Navigable Waters Protection Act and Regulations**
- **Canada Shipping Act 2001 – Part 7 – Wreck**
- **CSA 2001 - Private Buoy Regulations**



Canada

Navigable Waters Protection Act

Part I – Approval for the construction of works in navigable waters; also provides for the removal of any unlawful work which obstructs navigation.

Part II – Provides for the removal of obstacles and obstructions to navigation which fall beyond the scope of “works” described in Part I.



Canada

Obstacles/Obstructions to Navigation

- The “Owner” of obstruction or obstacle is responsible.
- The Minister may require removal of the obstruction from the site at the “Owner’s” expense.
- The Minister may sell the “Obstacle”.



Canada

Canada Shipping Act 2001

Transport Canada – NWPP administers

Part 7 – Wreck
and the
Private Buoy Regulations



Canada

Receiver of Wreck Program

- The Receiver of Wreck is an Officer of Transport Canada appointed to act as a custodian of wreck in the absence of the rightful owner.
- If there is a salvor, the Receiver ensures that the salvor is compensated for their efforts in preserving the wreck.



Canada

What is a Wreck?

A wreck can be a ship or boat of any description, an aircraft, or part of a ship, boat or airplane (e.g. cargo, stores, tackle) that has suffered wreck;

It can be any part of a ship, boat or airplane that floats, sinks to the bottom or lands ashore;

It can be cargo or personal belongings of the crew or those of shipwrecked persons, and includes jetsam, flotsam and lagan.



Canada

Receiver of Wreck

- The Receiver is not required to take any measures, or to direct that any measures be taken with respect to wreck. If there is no salvor, the Receiver is not required to take any action.



Canada

Receiver of Wreck – Options - Salvage

- When a person has salvaged a vessel, has filed a claim with the ROW Office and the owner of the vessel was not found, the Receiver MAY:
 - 1 – Release the vessel to the salvor in lieu of their salvage and storage costs
 - 2. – Compensate the salvor for their reasonable salvage/storage costs and dispose of the vessel through Crown assets.
 - 3. – Release the vessel for disposal in an environmentally safe manner.



Canada

Heritage Wrecks

- In BC, if an individual wishes to recover a vessel or aircraft which is currently underwater and has been underwater for 2 (two) years, it may be defined as a “Heritage” wreck and may be protected under the *BC Heritage Conservation Act*. It is an offense to alter or damage or to remove any heritage object from the wreck.



Canada

Derelict Vessel

- A vessel that has been abandoned and deserted at sea by those who were in charge of it without hope of their recovering it and without intention of returning to it.
- Implies abandonment was a result of a catastrophic event



Canada

Abandoned Vessel

- NWPA - Section 20: “If any vessel or other thing is wrecked, sunk, partially sunk, lying ashore or grounded in any navigable water in Canada, the vessel, part of the vessel, its cargo or thing is deemed to be abandoned on the day that is two (2) years from the day of the casualty.”



Canada¹³

Abandoned Vessel – Minister’s Actions

- The Minister may, under the restrictions that the Minister considers appropriate, authorize any person to take possession of and remove the vessel, part of the vessel or thing for that person’s own benefit, on giving to the owner, if known, one month’s notice; OR



Canada¹⁴

Abandoned Vessel – Minister’s Actions

- If the owner is unknown, public notice for the same period in a local newspaper published in or near to the location of the vessel or thing.



 Transport
Canada Transports
Canada

Canada

Contributing Factors

- Pleasure craft licensing regime
- No requirement for insurance on pleasure craft
- No agency has mandate for removal of abandoned/derelict vessels where there is no environmental/navigational concerns
- Province has limited ability to deal with vessels as navigation and shipping is a federal responsibility
- Offloading of liability by 3rd parties



 Transport
Canada Transports
Canada

Canada

Possible Solutions

- Annual licensing of pleasure craft
- Mandatory insurance requirements
- New or amended federal legislation
- Identify/secure source of funding
- Timely and effective enforcement of existing rules
- Prohibit sale of commercial vessels that are no longer economically viable



Canada

Recent Initiatives/Successes

- Mud Bay Dyking District/Nicomekl River
- Thetis Island Marine Association/Telegraph Harbour
- City of Vancouver/English Bay
- Barge on the shore of Kuper Island



Canada

Thank you

