

Changes to First Narrows Movement Restriction Areas and safety zone

Background

Under the *Canada Marine Act*, all Canada Port Authorities may establish practices and procedures within their jurisdiction to be followed by ships and establish safety control zones for safe boating and recreational activities. The Vancouver Fraser Port Authority is the federal agency responsible for maintaining the safe and efficient movement of marine traffic within the Port of Vancouver and has had navigational and safe boating regulations in place within its jurisdiction for a number of years to ensure the safety of all port users.

On September 8, 2017 the port authority issued a notice of amendment to the existing regulations within the First and Second Narrows. The proposed amendments were based on initial feedback from industry and the community, and were designed to address changes in marine traffic trends through the First and Second Narrows. Following the public comment period, the port authority reviewed and considered all feedback before making updates to the regulations. The final changes reflect the port authority's commitment to promoting safety on the water for commercial traffic and recreational boaters alike and can be found in the Port Information Guide.

Overview:

The port authority received 144 email responses during the 30-day comment period between September 8 and October 8, 2017. This consideration report summarizes comments received and provides the port authority's responses to those comments.

Summary of issue or interest	Summary of comments received	Response from Vancouver Fraser Port Authority
Recreational access to Ferguson Point, Third Beach, and Siwash Rock <i>134 comments</i>	Request for port authority to provide an explanation for why Siwash Rock and Third Beach areas are under the current restricted areas when the depth of the water does not provide safe navigation for larger vessels.	The First Narrows is a busy waterway where prevailing environmental conditions challenge even the most experienced mariners. Personal watercraft such as kayaks, paddleboards and other human-powered watercraft are generally not equipped to operate in environments with high volumes of commercial and recreational vessel traffic, strong currents and a narrow channel.
	As stated on page 59 of the Draft Port Information Guide, "The purpose of the MRA-1 procedures is to facilitate the safe navigation and efficient	Experience demonstrates that personal watercraft operating in the vicinity of the First Narrows are prone to migrate toward the deep-sea navigation channel causing significant safety hazard to the operators of personal watercraft and all port users.

	<p>movement of vessels in this area of the port." If personal watercraft such as jet skis, row boats, canoes, kayaks, etc. were to be restricted to the shorelines of the channel, they would not impede Tier 1 craft transiting the First Narrows.</p>	
	<p>Access to areas of Third Beach, iconic Siwash Rock, and north of the First Narrows Bridge should be left open or be more lenient for human-powered vessels. Going ahead with this proposed restricted area would significantly alter Vancouver's identity which loves to honour self-propelled transport as part of life on the west coast.</p>	<p>There are no changes to regulations around Ferguson Point, Third Beach or Siwash Rock. Regulations prohibiting the use of kayaks and other non-motorized boats in this area have been in place for many years for safety reasons given the proximity to large deep sea commercial vessels transiting the First Narrows.</p>
	<p>The exclusion line drawn from Ferguson Point north to Navvy Jack Point has a significant impact on athletic and recreational paddling for groups such as the False Creek Racing Canoe Club.</p>	<p>The development of the First Narrows MRA-1 boundaries considered all uses of the waterway including recreational use. The port authority has, on a trial basis, amended the western boundary of the First Narrows Movement Restricted Area (MRA-1) to no longer include areas between Ferguson Point and Siwash Rock, thereby increasing access in the First Narrows for personal watercraft use, fishing and other recreational activities. We expect the operators of personal watercraft to adhere to the amended boundaries and all other existing safe boating practices, and we encourage the personal watercraft community to engage its members to increase awareness of the restrictions in place in the First Narrows.</p>
<p>Enforcement 4 comments</p>	<p>The port authority appears to have an overreach of power by restricting access to areas that don't negatively impact commercial shipping. For example, there appears to be no significant commercial traffic off Third Beach along the shoreline.</p>	<p>The port authority is responsible for maintaining the safe and efficient movement of marine traffic within our jurisdiction, and promoting safety on the water is something we take very seriously. Under the <i>Canada Marine Act</i>, Section 56, a Canada Port Authority may establish practices and procedures within its jurisdiction to be followed by ships and may also establish safety control zones for safe boating. Recreational boating and the use of personal watercraft such as kayaks and paddleboards along the shoreline of Stanley Park, between Ferguson Point and Prospect has been prohibited for a number of years. With the changes we have made to our regulations following the proposed amendment comment period, we have, on a trial basis, amended the western boundary of the First Narrows Movement Restricted Area (MRA-1) to no longer include areas between Ferguson Point and Siwash Rock, thereby increasing access in the First Narrows for personal watercraft use, fishing and other recreational activities.</p>

	The inshore area is invisible to both vision and radar, unless the port authority plans to conduct patrols. It is likely that people will ignore your restrictions without enforcement. One should not make a law or regulation that cannot be enforced.	In partnership with other agencies, the port authority regularly assists to keep shipping lanes clear of small vessel traffic. On a daily basis, the port authority's harbour patrol vessel team monitors the waterways within our jurisdiction and responds to unsafe boating practices, as necessary.
Safe boating education <i>7 comments</i>	Request for education rather than restriction. More safe boating education should be implemented to help manage safety and navigational risks.	Promoting safety on the water is something we take very seriously and the port authority regularly takes the opportunity to educate the public on safe boating, by drawing awareness to navigation hazards related to port operations through publications on safe boating practices. Throughout the course of the year, and especially during the summer months, we work to educate the public on safe boating practices through media releases and outreach, social media, advertisements, and on our website . Port authority representatives are also on the water daily and at special events to increase awareness of safe boating practices.
	Measures such as increased signage, public education, additional marker buoys could be used to allow continued access to this area in a safe manner.	Our safe boating map outlining the busy port areas is on our website and has also been distributed to marinas, boat rental shops, boating clubs and directly to boaters by the port authority's harbour patrol officers on the water. We encourage boaters to learn more about how to be safe on the water by reading our safe boating guide . The installation of marker buoys is a service provided by the Canadian Coast Guard Aids to Navigation. The port authority has identified and requested additional aids to better identify the boundaries of the First Narrows MRA-1.
Consultation Process <i>13 comments</i>	Many were unaware of the Port Information Guide amendments made in 2016 where restrictions seemed more expansive. A more thorough effort to communicate with boaters, paddlers and stakeholders is requested.	Port users are responsible for being familiar and aware of the practices and procedures that apply to all vessels in the port. This includes operators of pleasure craft and recreational vessels, as well as other port users, including tenants. This information is contained with the Port Information Guide , which is available online at portvancouver.com
	There was no notification to the BC Marine Trail Association, Sea Kayak Association of BC, Pacific International Kayak Association and the largest public kayaking website westcoastpaddler.com that applies to all of British Columbia.	Port users can subscribe to receive notification of future amendments by registering at the following link: Marine Operations email list
	Impact to businesses does not seem to have been considered.	The amendments considered all uses of the waterway. The port authority has, on a trial basis, amended the western boundary of the First Narrows Movement Restricted Area

		(MRA-1) to no longer include areas between Ferguson Point and Siwash Rock, thereby increasing access in the First Narrows for personal watercraft use, fishing and other recreational activities.
	Concerns that stakeholders such as frequent kayakers, paddle boaters and other human-powered craft users have not been taken into consideration.	The Port Authority considers all comments received with respect to use of the waters within its jurisdiction. Practices and procedures developed for the First Narrows MRA-1, and all other port areas, are for the purpose of promoting safe and efficient navigation and environmental protections in the waters of the port.
	Request for consultation with affected groups and more time for public feedback before moving further.	Members of the public were invited to submit comments during a 30-day comment period between September 8 and October 8, 2017. Following the public comment period, the port authority reviewed and considered all feedback before making updates to the regulations.
	Request for a clearer, more user-friendly maps of proposed changes	Our safe boating guide clearly outlines the boundaries for safe boating in and around the First and Second Narrows. This document, along with our Port Information Guide are available on our website .
	Request for a statement of why these changes are being proposed	The port authority is responsible for maintaining the safe and efficient movement of marine traffic within our jurisdiction, and promoting safety on the water is something we take very seriously. Under the <i>Canada Marine Act</i> , Section 56, a Canada Port Authority may establish practices and procedures within its jurisdiction to be followed by ships and may also establish safety control zones for safe boating. Over the past few years, we have seen an increase in the use of kayaks, paddleboards and other recreational activities in shipping lanes in or around Burrard Inlet. At the same time, cruise ships and container ships are getting bigger and have limited room to maneuver through the First Narrows and Burrard Inlet. To address the increased size of these vessels, the port authority has amended the First Narrows Movement Restricted Area procedures for commercial vessels to ensure safe navigation through the area. We worked closely with the Pacific Pilotage Authority and BC Coast Pilots to determine appropriate safety measures. We also amended our existing safety control zones, to reflect feedback received from the public.
Commercial fishing	Request for leniency to allow the commercial fleet to fish or trap crabs outside of the shipping lane on both sides of the entrance of the Narrows.	Fishing and crabbing west of the First Narrows is allowed in certain areas where it is safe. However, these activities, among others, have not been allowed within the boundaries of

<i>9 comments</i>		the navigational shipping channel as outlined in our Port Information Guide and our Safe Boating Guide.
	Concerns were raised about how the commercial fleet will be compensated for business loss as this area becomes closed and as access becomes increasingly reduced.	No new fishing and crabbing closures are included in the amendments to the Port Information Guide. In fact, we have amended the safety zone to increase access around the fishing area west of the Lions Gate Bridge, as well as an opening of a new fishing area east of the Second Narrows. Fishing or the use of fishing-related equipment has been and continues to be prohibited between Capilano Light Beacon and Brockton Point, as marked on Canadian Hydrographic Service Charts.