



August 9, 2022

Chelsea Naylor
Captain Coal Harbour
Royal Vancouver Yacht Club
3811 Point Grey Road
Vancouver BC V6R 1B3

Re: PER No. 17-113: Coal Harbour Marina Expansion

Dear Ms. Naylor:

This letter provides my decision regarding the application of the Royal Vancouver Yacht Club (RVYC) to expand and upgrade its existing marina facility in Coal Harbour, Vancouver.

The history of this application is described in detail, with key supporting documents, in the May 13, 2022 project and environmental review report prepared by port authority staff, which I have shared with the RVYC for review and comment. I will not repeat the details here but I confirm I have considered the full report, the supporting attachments, and your response of June 29, 2022.

The decision is a difficult one as there are certain factors that are in support of approval and certain factors which are against. Further, I must make this decision considering the VFPA's mandate under the *Canada Marine Act*.

Based on my review of the staff report, and the RVYC response, I consider the following factors would favour approval of the application:

- The project would provide additional moorage and boat storage in the Coal Harbour area, which would be responsive to some local needs under section 4 of the *Canada Marine Act*.
- The RVYC has invested considerable time, energy, and resources pursuing the application.
- No other federal agencies have expressed concerns with the project.
- With mitigation measures, no significant potential adverse environmental effects are expected to occur.
- The project would not adversely impact the exercise of Aboriginal rights.
- RVYC's initial discussions with the Harbour Master suggested no significant concerns with the channel layout.

On the other hand, I consider the following factors would favour denying the application:

- There is strong opposition to the proposed project from stakeholders, including the Vancouver Rowing Club, which is based on increased risks of accident associated with increased vessel traffic, narrowing of the channel, and from altered sight lines.

- There is opposition to the project from the City of Vancouver and the Vancouver Board of Parks and Recreation based on reduced safety from narrowing of the channel and that the project could impair access to water for the public.
- While it is difficult to quantify the increased safety risk, I consider there to be at least some degree of increased safety risk associated with increased vessel traffic (congestion and change of sight lines in a busy marine area even with proposed mitigation measures), particularly where a significant portion of the users are in very small craft such as members of the adjacent Vancouver Rowing Club. In this regard, I note that one of the purposes under section 4 of the *Canada Marine Act* is to provide a high level of safety in areas within the port authority’s jurisdiction.
- The proposed project does not advance the port authority’s key mandate of trade facilitation under the *Canada Marine Act*.

I have also considered the June 29, 2022 response from the RVYC which does not provide a detailed response to, or critique of, the staff report but instead includes only a few substantive points. These points and my consideration given to them are set out below:

RVYC submission of June 29, 2022	Consideration given
<p>“RVYC’s view is that the staff recommendation is flawed, arbitrary and lacking in reason. Without the port’s direction on the design of the navigational area, RVYC would never have applied to expand the marina. Our investment into this project was done with the original understanding that the project would be approved within 120 days as of December 12, 2018. To date, it has been almost 4 years of waiting, and over \$1m in investment in reports and consultants, with very little response received.”</p>	<p>While RVYC alleges the staff report is “flawed, arbitrary and lacking in reason”, there is no specific basis provided for the statement.</p> <p>While the project application has been under discussion and consideration for some time some delays were due to concerns expressed by third parties, some delays were due to awaiting information from RVYC, and some delays were due to application processing by the port authority.</p> <p>While the RVYC has invested considerable time, energy, and resources pursuing the application, this would not alone be a reason to approve the project. But as noted above I have considered it as one relevant factor.</p>
<p>“The project was designed to conform with specific criteria for the navigation area that was provided by VFPA on May 28, 2012, and reiterated in several correspondences, including the attached letters from Chris Bishop dated June 22, 2020 and from Peter Xotta dated December 11, 2019. These correspondences were also sent to several high ranking Federal, Provincial and Municipal political leaders. These letters from high ranking officials of the VFPA confirm that the reconfigured channel is safe for all impacted users and that the channel redesign is not a part of</p>	<p>As outlined above, I considered that that RVYC’s initial discussions with the Harbour Master suggested no significant concerns with the channel layout as a factor in favour of approving the project. However, channel layout is only one factor to consider. The initial discussions with the Harbour Master took place prior to the consultation and engagement with the public and stakeholders through the PER process. Input from the Vancouver Rowing Club during the process included, for example, that the guidelines relied upon for the channel design were for racing and</p>

RVYC submission of June 29, 2022	Consideration given
<p>RVYC’s permit application. Further, VFPA’s “Boating Safety Guide”, dated October 2021, identifies Coal Harbour as a busy port area and notes “no rowing” in that area.</p> <p>In December 2018, RVYC provided a detailed review of the multiuse waterway, which is Appendix H of our application. RVYC provided this information in anticipation of VFPA formally recognizing rowing as a permitted activity in Coal Harbour consistent with the navigational area design.”</p>	<p>so were not appropriate for the area or their membership.</p> <p>The letters from Chris Bishop (June 22, 2020) and Peter Xotta (December 11, 2019) were part of ongoing communications at the time and were clear that they were not an approval of the RVYC permit application.</p> <p>VFPA’s “Boating Safety Guide” is a communication tool for the public that provides general information about the safe use of watercraft in English Bay and Burrard Inlet. The map identifies the Inner Harbour (approximately from the First Narrows to Berry Point) as a busy port area with “No anchoring, crabbing, fishing, sailing, rowing, paddling, jet skiing, or waterskiing”. This is intended as high level guidance but not intended to preclude use of Coal Harbour by the existing Vancouver Rowing Club or the RVYC.</p>
<p>"We note that RVYC works directly with the Vancouver Parks Board on matters of parking. It should be noted that RVYC does not need more parking for this project. RVYC encourages members to minimize traffic within the park and anticipates the existing parking will be adequate."</p>	<p>I did not consider the matters related to parking to be a significant issue with respect to the project. The City of Vancouver and Vancouver Board of Parks and Recreation opposition to the project included a range of factors, in addition to the issues related to parking, and was principally focused on the shared use of the waterway, safety, and accessibility to the public.</p>
<p>“Also of note, is the RVYC marina is highly seasonal, with peak season being mid-June to Labour Day weekend. During this time, we anticipate an additional 2.5 trips per day in/out of the marina around weekends, status quo the rest of the year. Mid-July to end of August members are away for extended periods of time (2-6 weeks), and there is little traffic in/out of the marina as a result (you will find moorage mostly empty during this time). Refer to the RVYC_Input_Consideration_Report – specifically on PDF page 29 items highlighted in yellow deal with vessel traffic.”</p>	<p>As outlined above, I considered the increased vessel traffic and the potential corresponding safety risk as a factor.</p> <p>Though it is difficult to quantify, I consider there to be at least some degree of increased safety risk associated with increased vessel traffic (congestion and change of sight lines in a busy marine area even with proposed mitigation measures).</p>

On balance, and having considered all the information discussed above, I have decided to deny the RVYC application.

I have done so because I have given the greatest weight to the fact that increasing vessel traffic, changing sight lines, and narrowing of the navigation channel will inevitably increase risks to safety to some extent (though the degree is unclear), and in the absence of any benefits directly related to the port authority's trade facilitation function I believe the relatively stable and safe status quo in this busy area should not be lightly displaced. I also give particular weight to the opposition of City of Vancouver and Vancouver Board of Parks and Recreation which are presumed not to have a vested interest in the matter and are expressing views from a public interest perspective.

In reaching this conclusion I acknowledge that, prior to RVYC making the PER application, the port authority harbour master had advised the RVYC that he did not have any significant concerns with the RVYC's proposed changes to channel layout, but channel layout is only one factor to consider. The initial discussions occurred some years ago and prior to the consultation and engagement with the public and stakeholders through the PER process. Through the PER consultation and engagement process we received input from stakeholders, for example from the Vancouver Rowing Club, who indicated that the guidelines relied upon were for racing and so were not appropriate for the area or their membership. In any case, the feedback from the Harbour Master was in no way an approval of the currently proposed project.

I also acknowledge this application has taken considerable time to process, in part (but not only) due to delays in application processing and deliberations by the port authority. While I wish the application process and decision could have been completed in a more timely manner, I do not believe the application has been prejudiced by this delay, and it is not uncommon for a complex project, with various competing interests, to take a significant period of time to review.

Yours truly,

Original signed by:

Andrea MacLeod, Ph.D., R.P.Bio.
Director, Project and Environmental Review
Vancouver Fraser Port Authority