

**From:** "Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>

**To:** "Direct to Mayor and Council - DL" <CCDTMACDL@vancouver.ca>

**Date:** 4/11/2017 4:31:35 PM

**Subject:** False Creek Waterways

**Attachments:** PB - GMO - False Creek Waterways - Memo to Mayor and Council- 2017-04-11.pdf

Dear Mayor and Council,

Please see attached memo from Malcolm Bromley, General Manager, Vancouver Board of Parks and Recreation, with regard to the possibility of the City of Vancouver temporarily restricting access to certain areas of False Creek during the 2017 Dragon Boar Festival.

A short summary of the memo is as follows:

- The Federal Vessel Operation Restriction Regulations (VORR) currently do not permit restricting temporary anchoring and/or access for events on False Creek, as it is an open waterway under the Canada Shipping Act and must be available to all waterway users.
- 2009 MOU between Transport Canada, Marine Branch Pacific Region and the City of Vancouver allows the City to:
  - a) Administer and enforce Federal regulations related to anchoring in False Creek
  - b) Ensure unrestricted access to False Creek by all users
  - c) Improve safety in False Creek for all users
- Over the years representatives from Engineering and the Vancouver Police Marine Unit have been in discussions with Transport Canada to find short and long term solutions that would balance the needs of various user groups.

As relevant updates become available they will be forwarded for information and consideration.

Best  
Sadhu

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April 11, 2017

MEMO TO : Mayor and Council

COPY TO : Sadhu Johnston, City Manager  
Paul Mochrie, Deputy City Manager  
Janice MacKenzie, City Clerk  
Lynda Graves, Manager, Administration Services, City Manager's Office  
Rena Kendall-Craden, Director, Communications  
Kevin Quinlan, Chief of Staff, Mayor's Office  
Katie Robb, Director, Communications, Mayor's Office  
Naveen Girn, Director, Community Relations, Mayor's Office  
Jerry Dobrovolny, General Manager, Engineering

FROM : Malcolm Bromley, General Manager, Vancouver Board of Parks and Recreation

SUBJECT : **False Creek Waterways**

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Dear Mayor and Council,

In response to motions from Vancouver City Council and Park Board, staff recently explored the possibility of the City of Vancouver temporarily restricting access to certain areas of False Creek during the 2017 Dragon Boat Festival.

The Federal Vessel Operation Restriction Regulations (VORR) currently do not permit restricting temporary anchoring and/or access for events on False Creek, as it is an open waterway under the Canada Shipping Act and must be available to all waterway users. This is noting that the navigable waterway through the centre of False Creek prohibits anchoring.

The 2009 Memorandum of Understanding (MOU) between Transport Canada, Marine Branch Pacific Region, and the City of Vancouver was entered into allowing the City of Vancouver to:

- Administer and enforce Federal regulations related to anchoring in False Creek
- Ensure unrestricted access to False Creek by all users
- Improve safety in False Creek for all users

As per the MOU, the Vancouver Police Department's Marine unit, assisted by Park Board staff at Heather Marina, enforce current Federal regulations. In order for the City of Vancouver to further restrict anchoring and access on False Creek, a change to Federal legislation would be required. There is a process to change the legislation, however, it will require extensive public consultation and a considerable amount of time. Additionally, prior to undertaking this work, more investigation should be done to determine the likelihood that this would be successful, as there may be underlying legal issues that are difficult to resolve.

Over the years, representatives from Engineering and the Vancouver Police Marine unit have intermittently been in discussions with Transport Canada to find short and long term solutions that would balance the needs of various user groups on False Creek. Currently staff from Parks and Recreation and Engineering are in the process of re-establishing a pro-active working relationship with Transport Canada in an effort to review current regulations and the MOU as they relate to the current uses and needs of False Creek users. The goal is to amend



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the applicable legislation that will allow the City of Vancouver, as the local authority for False Creek, greater flexibility in managing waterway activities in False Creek.

On April 5, 2017, Sev Araujo, Manager, Commercial Operations and Paul Storer, Manager, Transportation Design met with Transport Canada representatives to discuss the various issues and challenges associated with motorized and non-motorized activities in False Creek. The meeting resulted in a commitment from all parties to pro-actively work on short and long term solutions that will achieve a balance between the needs of the various user groups. Over the coming weeks Transport Canada will be investigating the possibility of amending current legislation and regulations, as well as developing a timeline to collaboratively update the current MOU.

As relevant updates become available they will be forwarded for information and consideration.

Sincerely,

A handwritten signature in black ink, which appears to read "Malcolm Bromley".

General Manager - Vancouver Board of Parks and Recreation  
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