



**PRACTICES AND PROCEDURES  
TO BE FOLLOWED BY SHIPS IN  
THE  
PORT OF NANAIMO**

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# NANAIMO PORT AUTHORITY

## PRACTICES AND PROCEDURES TO BE FOLLOWED BY SHIPS IN THE PORT OF NANAIMO

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## **1 AUTHORITY**

- 1.1 These Practices and Procedures are established by the Nanaimo Port Authority pursuant to paragraph 56(1)(b) of the **Canada Marine Act**, S.C. 1998, c 10, as amended, and may be cited as the **Practices and Procedures to be followed by ships in the Port of Nanaimo**.

## 2 INTERPRETATION

2.1 The definitions in this section apply in these Practices and Procedures.

“Act” means the **Canada Marine Act**;

“anchor”; “at anchor”; “anchored” means a heavy object attached to a ship by cable or rope and cast overboard to keep the ship in place either by its weight or by its flukes;

“Authority” means the Nanaimo Port Authority continued pursuant to subsection 12(1) of the Act;

“Board” means the board of directors of the Authority;

“Commission” means the Nanaimo Harbour Commission established under the **Harbour Commissions Act**, R.S.C. 1985, c. H-1, as amended, and continued as the Authority;

“dangerous goods” means:

- (a) all products, substances or organisms which are defined as “dangerous goods” in section 2 of the **Transportation of Dangerous Goods Act, 1992**, S.C., 1992, c. 34, as amended,
- (b) all other goods that by reason of their nature, quantity or mode of stowage are either singly or collectively liable to endanger the lives of the passengers or imperil the ship, and includes all substances determined by the Governor in Council, in regulations made by her, to be dangerous goods, and
- (c) such other goods, products, substances or organisms which the Board declares, from time to time by resolution, to be dangerous goods for the purposes of these Practices and Procedures;

“discharge” in the context of the discharge of a pollutant from a ship means any discharge of a pollutant that results, directly or indirectly, in the pollutant entering the water and includes, without limiting the generality of the foregoing, spilling, leaking, pumping, pouring, emitting, emptying, throwing and dumping;

“dragging anchor”; “drag anchor” means action resulting from the anchor no longer being able to hold the ship in place;

“harbour” means Nanaimo Harbour comprising the navigable waters that are within the jurisdiction of the Authority as set out in Schedule A to the Letters Patent issued to the Authority, as amended from time to time by supplementary letters patent;

“holding tank” means a fixed or portable container which holds and contains black water (raw sewage) and solids until being discharged into an approved sewage reception facility;

“incident” means:

- (a) an accident causing death or injury (including death or injury resulting from a person falling overboard from a ship) or the loss of or damage to any property,
- (b) a collision (including a hard contact by a ship with a dock, port facility, structure or construction site within the harbour),
- (c) a grounding,
- (d) a fire on board a ship or in the vicinity of a ship, and
- (e) the discharge of a pollutant from a ship;

“log boom” includes a raft or boom of logs or lumber;

“pleasure craft” has the same meaning as in section 2 of the **Canada Shipping Act, 2001** (S.C. 2001, c 26), as amended;

“pollutant” means:

- (a) any substance that, if added to the waters, would degrade or alter or form part of a process of degradation or alteration of the quality of those waters to an extent that it is detrimental to their use by man or by any animal, fish or plant that is useful to man,
- (b) any water that contains a substance in such a quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to the waters, degrade or alter or form part of a process of degradation or alteration of the quality of those waters to an extent that is detrimental to their use by man or by any animal, fish or plant that is useful to man,
- (c) without limiting the generality of paragraphs (a) and (b), includes crude oil, fuel oil, heavy diesel oil, lubricating oil, any other persistent oil and any substance or any substance of a class of substances that is prescribed, from time to time, for the purposes of Part 8 of the **Canada Shipping Act, 2001**, as amended, to be a pollutant,
- (d) any other petroleum product including gasoline, kerosene and light diesel oil,
- (e) sewage,
- (f) ballast water,
- (g) any substance or organism or any substance or organism of a class of substances or organisms that the Board declares, from time to time by resolution, to be a pollutant for the purposes of these Practices and Procedures, and
- (h) engine room bilge water;

“port facility” has the same meaning as in subsection 2(1) of the Act and includes a dock;

“Practices and Procedures” means these Practices and Procedures;

“seaplane” has the same meaning as in subsection 1(1) of the **Collision Regulations**, C.R.C. 1978, c. 1416, as amended;

“ship” has the same meaning as in subsection 2(1) of the Act (which meaning includes a seaplane and a log boom).

- 2.2 Unless a contrary intention appears, words and expressions used in these Practices and Procedures have the same meaning as in the Act.
- 2.3 In these Practices and Procedures, any reference to legislation includes a reference to the legislation and to any regulations made under that legislation as that legislation or those regulations may be amended or re-enacted from time to time.

### **3 APPLICATION AND PERSONAL RESPONSIBILITIES**

#### **3.1 Application**

3.1.1 Subject to sections 3.1.2 and unless a contrary intention appears, these Practices and Procedures apply:

- (a) to and in respect of every ship in the harbour; and
- (b) to every owner, master or other person in charge of a ship in the harbour.

3.1.2 Section 4.5, paragraphs (b) to (e), inclusive, of section 5.2.1 and sections 5.3.2, 5.3.4, 5.3.5, 6 and 7.2 do not apply to pleasure craft or to the owners, masters or other persons in charge of pleasure craft.

#### **3.2 Personal Responsibilities**

3.2.1 The master or other person in charge of a ship in the harbour shall cause the ship to comply with these Practices and Procedures.

3.2.2 The owner of a ship in the harbour shall ensure that the ship complies with these Practices and Procedures.

3.2.3 Where a provision of these Practices and Procedures imposes an obligation upon several persons in the alternative, each of those persons shall be responsible to;

- (a) perform that obligation; or
- (b) ensure that one of those other persons has performed that obligation.

## **4 NAVIGATION AND MOVEMENT**

### **4.1 General**

4.1.1 The Authority may:

- (a) assign to a ship the position that the ship may occupy in the harbour and the place in the harbour where the ship may be anchored, moored, berthed, loaded or unloaded, or board or disembark passengers; and
- (b) direct the manner in which and the time when a ship may be anchored, moored, berthed, loaded or unloaded, or board or disembark passengers.

4.1.2 Unless the Authority otherwise directs, a ship shall proceed to the position or place in the harbour assigned to it by the Authority pursuant to section 4.1.1 immediately after those in charge of the ship have been notified of such assignment.

4.1.3 No ship shall anchor, moor, berth, load or unload cargo, or board or disembark passengers:

- (a) at any place in the harbour other than the place assigned to it by the Authority pursuant to paragraph 4.1.1(a);
- (b) in any manner other than the manner directed by the Authority pursuant to paragraph 4.1.1(b); or
- (c) at any time other than the time directed by the Authority pursuant to paragraph 4.1.1(b).

### **4.2 Anchoring**

4.2.1 A ship fifty (50) metres or more in overall length shall obtain permission from the Authority prior to anchoring within the harbour.

4.2.2 When making a request for an anchorage, pursuant to section 4.2.1, the following additional information shall be given to the Authority:

- (a) the name of the local agency handling the ship;
- (b) the ship's name;
- (c) the ship's overall length;
- (d) the ship's estimated time of arrival at Nanaimo anchorage area;
- (e) the ship's estimated length of stay at anchor;
- (f) the reason for the anchorage request; and
- (g) whether the ship has two fully operational anchors, including chain.

4.2.3 Notwithstanding that a ship may have been assigned an anchorage position in the harbour by the Authority pursuant to paragraph 4.1.1(a), the ship shall not anchor at any position which will, or which may prevent free and unobstructed passage for any other ship:

- (a) to and from the harbour;
- (b) to and from any port facility; or
- (c) under any bridge in the harbour.

4.2.4 No ship shall anchor within a designated waterdrome in the harbour.

4.2.5 If a ship fails to anchor in its assigned anchorage or drags out of position in the anchorage and:

- (a) the ship is endangering itself or other ships; or
- (b) the ship is obstructing the use of other anchorages,

the ship must be repositioned promptly by a pilot duly licensed by the Pacific Pilotage Authority.

### **4.3 Berthing and Mooring**

4.3.1 A ship moored or berthed in the harbour otherwise than at a privately-owned port facility shall be subject to the direction of the Authority in regard to its position at, and its removal from, such port facility.

4.3.2 In an emergency, a ship moored or berthed at a privately-owned port facility in the harbour shall be subject to the direction of the Authority in regard to its position at, and its removal from, such port facility.

### **4.4 Pilotage**

4.4.1 The harbour is within a compulsory pilotage area established by the **Pacific Pilotage Regulations**, C.R.C. 1978, c. 1270, as amended.

4.4.2 No ship that is subject to compulsory pilotage pursuant to the provisions of the **Pacific Pilotage Regulations** shall move within the harbour unless there is on board the ship a pilot duly licensed by the Pacific Pilotage Authority.

### **4.5 Warping**

4.5.1 When warping a ship, the owner, master or other person in charge of the ship shall ensure that there are sufficient lines fastened ashore at all times to arrest the ship's movement should this become necessary, but in no event shall the ship be fastened ashore by less than the number of lines referred to in section 4.5.2.

4.5.2 At all times when a ship is being warped, the ship shall be securely fastened ashore by a minimum of a head line, a forward spring line, a back spring line and a stern line.

4.5.3 Should it be necessary to release all of the ship's lines for the purpose of warping the ship,

a duly licensed pilot will be required as well as tugs sufficient in number and power to control the ships movement.

4.5.4 No person shall warp a ship or cause a ship to be warped and no ship shall warp unless:

- (a) the ship is fastened ashore at all times by at least the number and types of lines referred to in section 4.5.2; or
- (b) there is a duly licensed pilot on board the ship and there are tugs sufficient in number and power present to control the ship's movement.

4.5.5 No person shall warp a ship along a dock more than half the length of the ship and no ship shall warp along a dock more than half the length of the ship without obtaining prior written approval from the Authority.

#### **4.6 Towing**

4.6.1 No ship shall tow or push another ship in the harbour unless the towing or pushing ship has sufficient power to maintain complete control of the towed or pushed ship at all times.

4.6.2 An outbound tug with one or more scows or barges in tow using deep sea gear shall not pay out its deep sea gear within that portion of the harbour lying west of:

- (a) a straight line drawn between Gallows Point light on Protection Island and Jack Point on Vancouver Island, and
- (b) a straight line drawn between Jessie Island light and Nares Point on Newcastle Island.

4.6.3 An inbound tug with one or more scows or barges in tow using deep sea gear shall close couple before entering that portion of the harbour described in section 4.6.2.

#### **4.7 Log Booms**

4.7.1 Log booms shall be moved and made fast in the harbour in such a way as to ensure that a clear channel is maintained at all times.

4.7.2 No person shall:

- (a) move a log boom in such a way, or
- (b) leave a log boom in such a position in the harbour

as to obstruct any navigable channel.

4.7.3 A log boom shall only be moved into and within the harbour by a suitable number of tugs having sufficient combined power to maintain the log boom under complete control at all times.

4.7.4 No ship shall move or tow a log boom into or in the harbour and no person in charge of a

ship shall cause or permit that ship to move or tow a log boom into or in the harbour unless:

- (a) that ship has sufficient power, or
- (b) that ship and all other ships involved in the move or tow have sufficient combined power

to maintain complete control of the log boom at all times.

4.7.5 The owner and the master or other person in charge of a ship which is moving or towing a log boom into or in the harbour are each responsible for ensuring that either:

- (a) that ship has sufficient power, or
- (b) that ship and all other ships involved in the move or tow have sufficient combined power

to maintain complete control of the log boom at all times.

4.7.6 Except as approved by the Authority, no person shall cause a log boom to be left adrift in the harbour without an attending tug standing by.

4.7.7 No person shall moor or make fast a log boom alongside or between any port facility in the harbour in such a way as to prevent a ship from entering or leaving a berth at those port facilities.

4.7.8 Except as authorized by these Practices and Procedures or as approved in writing by the Authority:

- (a) no owner, master or other person in charge of a ship shall moor or make fast any log boom, or cause or permit any log boom to be moored or made fast, anywhere in the harbour, and
- (b) no lessee or user of a water lot within the harbour shall cause or permit any log boom to be moored or made fast anywhere within that water lot.

## **4.8 Seaplanes**

4.8.1 There are two designated waterdromes in the harbour, "Area A" and "Area B" located as follows:

- (a) "Area A" is located within Nanaimo Inner Harbour as defined on Canadian Hydrographic Services Chart 3447; and
- (b) "Area B" is located in Departure Bay with boundaries as defined on the aforesaid Chart 3447 with the southern extremity in a line with Shaft Point and the northern extremity in a line with Tyne Point.

4.8.2 Unless prior written approval has been obtained from the Authority, no seaplane shall take

off, land or step taxi in any area of the harbour except “Area A” or “Area B”.

- 4.8.3 A seaplane on the water in the harbour shall comply with the applicable provisions of the **Collision Regulations**, as amended.

## 5 SAFETY – GENERAL

### 5.1 Navigation

5.1.1 The owner, master, pilot or other person in charge of a ship entering or navigating within the harbour shall at all times operate the ship, and be responsible for ensuring that the ship is operated, in a safe and seamanlike manner.

5.1.2 A ship entering or navigating within the harbour shall at all times have sufficient competent crew on board as required by law to safely navigate the ship and to safely anchor, moor or berth the ship.

5.1.3 A tug entering or navigating within the harbour and towing or pushing another ship shall at all times have sufficient competent crew on board as required by law to safely navigate both the tug and the other ship and to safely moor or berth the other ship.

5.1.4 Except as approved by the Authority:

- (a) no ship shall be adrift and unattended in the harbour;
- (b) no person shall cause a ship to be left adrift and unattended in the harbour; and
- (c) no person in charge of a ship shall permit that ship to be left adrift and unattended in the harbour.

5.1.5 If a ship is found adrift and unattended in the harbour without the Authority's approval, the Authority may move the ship to a location chosen by the Authority but the movement of the ship and the subsequent storage of the ship at that location shall be the sole risk and expense of the owner of the ship.

5.1.6 A ship which has been found adrift and unattended in the harbour without the Authority's approval and which has been moved by the Authority to a storage location in accordance with section 5.1.5 shall be deemed to have been abandoned unless:

- (a) it is claimed by or on behalf of the owner;
- (b) all of the Authority's movement and storage expenses and charges in respect of the ship have been paid; and
- (c) it has been removed from such storage location

within thirty (30) days of the Authority moving the ship to such storage location.

5.1.7 Upon taking possession of any ship found adrift and unattended in the harbour without the Authority's approval, the Authority will report the ship and then deliver the ship to the receiver of wreck under the **Canada Shipping Act, 2001**, as soon as possible after the expiry of the thirty (30) day period provided in section 5.1.6 unless such delivery has been dispensed with (either specifically or generally) by the Minister of Fisheries and Oceans.

## 5.2 Ships at Anchor

5.2.1 A ship at anchor in the harbour shall:

- (a) exhibit from sunset to sunrise, and in restricted visibility, from sunrise to sunset, the lights required by the **Collision Regulations**, as amended, to be exhibited by ships at anchor;
- (b) at all times have sufficient competent crew on board to:
  - (i) reposition the ship if it begins to drag its anchor, and
  - (ii) haul its anchor and get underway quickly in an emergency;
- (c) maintain at all times a deck watch comprised of one or more competent persons, one of whom shall be qualified in the use of a radiotelephone;
- (d) maintain at all times a listening watch on VHF radio channel 11 or 16; and
- (e) at all times have its engine on standby, ready for immediate maneuvering and its second anchor ready to let go should the wind speed at the ship exceed twenty-five (25) knots.

5.2.2 The owner, master or other person in charge of a ship shall ensure that the ship's position is frequently checked by more than one recognized navigational method to confirm that the ship is not dragging its anchor.

## 5.3 Ships Alongside

5.3.1 A ship moored or berthed in the harbour shall at all times be fastened and secured in a good and seamanlike manner to the satisfaction of the Authority.

5.3.2 The owner, master or other person in charge of a ship moored or berthed at a port facility in the harbour shall provide or cause to be provided for the use of all persons going to and from the ship:

- (a) a good and sufficient gangway;
- (b) a good and sufficient net or save-all placed beneath the gangway to prevent persons from falling into the water; and
- (c) a light placed on the ship near the gangway between the hours of sunset and sunrise in such a manner that the full length of the gangway is clearly visible from the port facility and from the ship.

5.3.3 When two or more ships are lying at the same port facility with one ship outside the other and the outside ship does not have a gangway of its own extending to the port facility, the ship lying nearest to the port facility shall allow a free, safe and unencumbered passage over its decks to the ship lying outside it for the purpose of loading or unloading the outside ship

and for ordinary communication to the shore from the outside ship.

- 5.3.4 Every hawser or line used to secure a ship lying alongside in the harbour shall, if required by the Authority, be equipped with an approved metal rat guard.
- 5.3.5 A ship lying alongside in the harbour shall maintain from sunset to sunrise a deck watch comprised of one or more competent persons.

#### **5.4 Seaplanes**

- 5.4.1 Notwithstanding section 4.8.2, no seaplane shall take off, land or step taxi within 150 metres of any shoreline, port facility, structure or construction site in the harbour or work being carried on by the Authority or by any person in the harbour.
- 5.4.2 Mariners should be aware that at a particular stage during take-off or landing, a seaplane will be committed and the pilot of the seaplane will be unable to abort the take-off or landing. Ships in the vicinity of the designated waterdromes shall therefore give a wide berth to seaplanes which are taking-off or approaching for a landing.
- 5.4.3 Ships (other than seaplanes on the water) which are transiting the designated waterdromes for seaplanes (“Area A” and “Area B” referred to in section 4.8.1) shall not stop within those designated waterdromes and shall not remain within those waterdromes any longer than is reasonably necessary to complete their transit..
- 5.4.4 When transiting or navigating in the vicinity of the designated waterdromes (“Area A” and “Area B” referred to in section 4.8.1), the master and any other person in charge of a ship and the pilot of a seaplane on the water shall keep a good look-out for seaplanes approaching on the water or from the air.

#### **5.5 Speed Limits in the Harbour**

- 5.5.1 No ship shall move in the harbour, and no person in charge of a ship shall cause or permit that ship to move in the harbour, at such a rate of speed or in such a manner as to:
  - (a) endanger or injure any person; or
  - (b) cause damage to or interfere with, or be likely to cause damage to or interfere with, any ship, tow, port facility, structure, construction site or work being carried on by the Authority or by any person.
- 5.5.2 No person shall operate a ship in the harbour or cause a ship to be operated in the harbour in a reckless manner.
- 5.5.3 When passing any other ship or any port facility, structure or construction site in the harbour or any area in the harbour where work is being carried on, a ship shall reduce its speed, and the person in charge of that ship shall cause the ship to reduce its speed, sufficiently and if necessary, to the minimum speed required to maintain steerage, to prevent its wake or wash from:
  - (a) causing damage to the other ship or to the port facility, structure, construction site

or work; and

- (b) causing injury to any person on board the other ship, to any person on, in or at the port facility, structure or construction site, or to any person involved in the work.

5.5.4 No ship shall move, and no person in charge of a ship shall cause or permit that ship to move, at a speed in excess of five (5) knots through the water:

- (a) in Newcastle Island Passage between Pimbury Point and Bate Point; and
- (b) between Protection Island and Newcastle Island.

5.5.5 Subject to section 5.5.6, no ship shall move in the harbour, and no person in charge of a ship shall cause or permit that ship to move in the harbour, at a speed in excess of five (5) knots through the water:

- (a) within 365 metres of a beach;
- (b) within 180 metres of a swimmer;
- (c) within 120 metres of another ship which is moored or anchored;
- (d) within 150 metres of a seaplane which is taking-off, landing or step taxiing;
- (e) within 60 metres of a water skier; or
- (f) within 30 metres of any shoreline, port facility, structure, construction site or area where work is being carried on by the Authority or by any person.

5.5.6 The speed limits in section 5.5.5 do not apply to the following types of ships or to the persons in charge of those types of ships:

- (a) pleasure craft towing one or more water skiers in an area of the harbour in which the conduct of such activity has been authorized by the Authority;
- (b) ships which are participating in an event which has been approved by the Authority;  
or
- (c) ships involved in or responding to an emergency situation.

5.5.7 Notwithstanding sections 5.5.4, 5.5.5 and 5.5.6,

- (a) a ship navigating in close proximity to another ship which is exhibiting International Code flag "B" or an all round red light (indicating that the ship has dangerous goods or explosives on board, or is conducting bunkering or refueling operations) shall reduce its speed to the minimum speed required to maintain steerage; and
- (b) the person in charge of a ship navigating in close proximity to another ship which

is exhibiting International Code flag “B” or an all round red light shall cause his or her ship to reduce its speed to the minimum speed required to maintain steerage.

- 5.5.8 No ship shall tow, and no person in charge of a ship shall cause or permit that ship to tow, one or more water skiers within a designated waterdrome for seaplanes (Area “A” and Area “B” referred to in section 4.8.1).

## **5.6 Fires and Other Emergencies**

- 5.6.1 In the event of a fire or other emergency situation occurring on or near a ship while underway, while at anchor, or while moored or berthed at a port facility in the harbour, the owner, master or other person in charge of the ship or the agent of the ship shall forthwith give the alarm and such persons and any other person who is aware of the fire or other emergency shall forthwith notify the Authority as provided in section 5.6.2

- 5.6.2 In the event of a fire or other emergency situation occurring in the harbour, the Authority shall be notified either:

- (a) by contacting the Authority through Victoria Marine Communications and Traffic Services (“Victoria MCTS” or “Vessel Traffic”) on VHF radio channel 16 or 11; or
- (b) by calling the Authority directly at (250) 753-4146 during business hours from 08:30 to 16:30 Monday to Friday or at (250) 755-3787 after hours or on holidays.

- 5.6.3 Every person on watch on a ship in the harbour shall forthwith respond to a call, hail or inquiry of any officer of the Authority, the police, the Canadian Coast Guard, the Department of Fisheries and Oceans, and any federal or provincial pollution prevention officer.

## **5.7 Abandoned Ships and Other Property**

- 5.7.1 Every person who finds any ship or other property adrift within the harbour shall, as soon as possible, give notice thereof to the Authority.

- 5.7.2 No person shall abandon, set on fire, burn or break up a ship in the harbour without prior written approval of the Authority.

- 5.7.3 Subject to section 5.7.4, the Authority may remove and sell, or destroy and dispose of, at the owner’s risk and expense, any ship or other property that has been left or abandoned in the harbour for more than ninety (90) days.

- 5.7.4 Upon the Minister of Fisheries and Oceans dispensing (either specifically or generally) with the delivery by the Authority to the receiver of wreck of a ship in the possession of the Authority which was found adrift and unattended in the harbour without the Authority’s approval, or in the absence of such dispensation by the Minister, with the approval of the receiver of wreck, the Authority may sell, at the owner’s expense, any such ship which is deemed to have been abandoned in accordance with section 5.1.6.

## **5.8 Compliance With all Laws**

5.8.1 The owner, master or other person in charge of a ship entering or within the harbour shall comply with:

- (a) all applicable laws of Canada; and
- (b) all applicable laws of the Province of British Columbia which are not inconsistent with these Practices and Procedures.

## **5.9 Information to be Provided to Officers of the Authority**

5.9.1 The owner, master, pilot or other person in charge of a ship entering or within the harbour shall, upon request by a person designated by the Authority under subsection 58(1) of the Act:

- (a) provide the following information in respect of the ship to that designated person:
  - (i) the name, address, date of birth and telephone number of the master, pilot, person in charge of the deck watch and any other person in charge of the ship; and
  - (ii) the name, address and telephone number of the owner of the ship; and (iii) if the ship is registered, the name of the ship and its port of registry; or (iv) if the ship is not registered, the Ministry of Transport licence number of the ship; and
- (b) produce for inspection by that designated person the following documents:
  - (i) the licence of the master, pilot, person in charge of the deck watch and any other person in charge of the ship to operate or have conduct of the ship; and
  - (ii) if the ship is registered, the certificate of registry for the ship; or
  - (iii) if the ship is not registered, the Ministry of Transport licence for the ship.

5.9.2 In section 5.9.1 “owner” means:

- (a) in relation to an unregistered ship, the actual owner; and
- (b) in relation to a registered ship, the registered owner.

## **6 DANGEROUS GOODS AND EXPLOSIVES – SPECIAL SAFETY AND SECURITY MEASURES**

### **6.1 Ships Navigating, at Anchor and Alongside**

- 6.1.1 No ship that has dangerous goods or explosives on board shall enter the harbour without prior notice to the Authority.
- 6.1.2 No ship that has dangerous goods or explosives on board and that is experiencing mechanical difficulties, or that has experienced mechanical difficulties within the forty-eight (48) hour period before the ship's estimated time of arrival in the harbour, shall enter the harbour without the prior approval of the Authority.
- 6.1.3 No ship that has dangerous goods or explosives on board and that has no power or that is incapable of moving under its own power shall enter or move in the harbour and no person shall move such a ship or cause such a ship to enter or be moved in the harbour unless such ship is under tow or being pushed by one or more tugs suitable in number and power for safely towing or pushing the ship.
- 6.1.4 Except with the prior approval of the Authority, no ship that has dangerous goods or explosives on board shall move into or in the harbour and no person in charge of such a ship shall cause or permit such ship to be moved into or in the harbour unless there is clear visibility of at least one (1) nautical mile.
- 6.1.5 No ship that has dangerous goods or explosives on board shall anchor, moor or berth anywhere in the harbour and no person in charge of that ship shall cause or permit that ship to be anchored, moored or berthed anywhere in the harbour except at the places set aside for that purpose by the Authority and more particularly described in Schedule I.
- 6.1.6 A ship that has dangerous goods or explosives on board and that is capable of moving under its own power shall:
- (a) if the ship does not require one or more assist tugs to get underway, be ready at all times to get underway under its own power; or
  - (b) if the ship requires one or more assist tugs to get underway:
    - (i) have the required number of assist tugs suitable for towing and assisting the ship standing by at all times; and
    - (ii) be ready at all times to get underway under its own power with the assistance of the assist tugs.
- 6.1.7 A ship that has dangerous goods or explosives on board and that either has no power or is incapable of moving under its own power shall have the required number of tugs suitable for towing the ship standing by at all times.
- 6.1.8 The hatches of a ship that has dangerous goods or explosives on board shall be kept closed at all times except during loading or unloading.

## **6.2 Lights, Flags, Watches and Signs**

6.2.1 A ship in the harbour that has dangerous goods or explosives on board, or that is loading or unloading dangerous goods or explosives, shall:

- (a) exhibit from sunrise to sunset, International Code flag “B” and from sunset to sunrise, and in restricted visibility, from sunrise to sunset, an all-round red light visible from all directions;
- (b) maintain at all times a deck watch comprised of one or more competent persons, one of whom shall be qualified in the use of a radiotelephone; and
- (c) maintain at all times a listening watch on VHF radio channel 11 or 16.

6.2.2 A ship at anchor in the harbour that has dangerous goods or explosives on board shall exhibit the flag and light referred to in paragraph 6.2.1(a) in addition to;

- (a) the lights required by the **Collision Regulations**, as amended, to be exhibited by ships at anchor from sunset to sunrise and in restricted visibility from sunrise to sunset; and
- (b) the shapes required by the **Collision Regulations** to be exhibited from sunrise to sunset.

6.2.3 A ship that is loading, unloading or carrying dangerous goods or explosives shall display “No Smoking” signs at prominent locations on board the ship.

6.2.4 The owner, master or other person in charge of a ship that is loading, unloading or carrying dangerous goods or explosives shall ensure that “No Smoking” signs are displayed at prominent locations on board the ship and at prominent locations on shore in the vicinity of the ship.

## **6.3 Prohibited Activities**

6.3.1 No person shall place dangerous goods or explosives on board or near a ship until the ship has complied with these Practices and Procedures and is ready to take them on board.

6.3.2 Except as permitted by these Practices and Procedures or by the Authority, no person shall handle dangerous goods or explosives on board or near a ship in the harbour.

6.3.3 No person shall engage in or cause any other person to engage in any activity on board or near a ship that has dangerous goods or explosives on board or that is loading or unloading dangerous goods or explosives and no person in charge of such a ship shall permit any other person to engage in any activity on board or near that ship if such activity might cause a spark, fire or explosion or the discharge of a pollutant or endanger persons or property in the harbour in any other manner.

## **6.4 Firefighting**

6.4.1 A person who is handling, loading or unloading dangerous goods or explosives on, onto or from a ship shall:

- (a) provide and maintain at all times adequate fire extinguishing equipment on or near the ship; and
- (b) have such fire extinguishing equipment ready for use at all times while such dangerous goods or explosives are being handled, loaded or unloaded.

## **6.5 Danger, Accident or Fire**

6.5.1 If any danger, accident or fire occurs on or near a ship that has dangerous goods or explosives on board, the persons on watch on board the ship shall immediately notify the Authority as provided in section 5.6.2.

## **6.6 Requirements are Additional**

6.6.1 The requirements of this section 6 are in addition to and not in substitution for the other requirements of these Practices and Procedures.

## **7 ENVIRONMENTAL PROTECTION**

### **7.1 Bunkering and Refueling**

7.1.1 No ship exceeding fifty (50) metres in overall length shall bunker or refuel within the harbour unless:

- (a) approval has been obtained from the Authority;
- (b) a Fuel Safety Check List in the form set out in Schedule II has been completed and signed:
  - (i) by the master, first officer or chief engineer of the ship, and
  - (ii) by an authorized representative of the fuel supplier;and
- (c) all the questions set out in the Fuel Safety Check List to be answered on behalf of the ship and on behalf of the fuel supplier have been answered in the affirmative.

7.1.2 No person shall cause or permit any ship exceeding fifty (50) metres in overall length to be bunkered or refueled within the harbour unless:

- (a) approval has been obtained from the Authority;
- (b) a Fuel Safety Check List in the form set out in Schedule II has been completed and signed:
  - (i) by the master, first officer or chief engineer of the ship, and
  - (ii) by an authorized representative of the fuel supplier;and
- (c) all questions set out in the Fuel Safety Check List to be answered on behalf of the ship and on behalf of the supplier have been answered in the affirmative.

7.1.3 No ship shall bunker or refuel and no person in charge of a ship shall cause or permit that ship to be bunkered or refueled at any place in the harbour except at a designated bunkering and refueling facility listed in section 7.1.5.

7.1.4 No person shall supply bunkers or fuel to any ship at any place in the harbour except at a designated bunkering and refueling facility listed in section 7.1.5.

7.1.5 The following port facilities are designated bunkering and refueling facilities for the purposes of sections 7.1.3 and 7.1.4:

- (a) Pacific Biological Station Dock

- (b) BC Ferries Departure Bay Terminal
- (c) Ocean Construction Ltd.
- (d) Imperial Oil Dock
- (e) Seair Ltd
- (f) Petro-Canada Bulk Plant
- (g) Nanaimo Shipyards
- (h) Petro-Canada Barge
- (i) BC Ferries – Cameron Island
- (j) Seaspan Coastal Intermodal Dock
- (k) Nanaimo Assembly Wharves
- (l) BC Ferries Duke Point Terminal
- (m) Port of Nanaimo – Duke Point Terminal
- (n) Port of Nanaimo – Duke Point Barge Ramp
- (o) Canexus Chemicals Canada LP
- (p) Island Timberlands Ltd
- (q) Nanaimo Forest Products Ltd
- (r) BC Ferries – Descanso Bay
- (s) Seaplane Terminal – Commercial Inlet Boat Basin
- (t) Large commercial ship anchorages – A through G

7.1.6 If at any time prior to the actual commencement of or during a bunkering or refueling operation a change of circumstances occurs such that the answer on behalf of the ship or on behalf of the supplier to any question set out in the Fuel Safety Check List, if answered at that time, would be in the negative, the bunkering or refueling operation shall be stopped immediately and the operation shall not be recommenced until:

- (a) a new Fuel Safety Check List has been completed and signed by the master, first officer or chief engineer of the ship and by an authorized representative of the fuel supplier; and
- (b) all questions set out in the new Fuel Safety Check List to be answered on behalf of the ship and on behalf of the supplier have been answered in the affirmative.

7.1.7 The master or agent of the ship receiving the fuel from the supplier shall fax or deliver to the Authority as soon as possible after completion of a bunkering or refueling operation:

- (a) the completed and signed Fuel Safety Check List referred to in sections 7.1.1 and 7.1.2;
- (b) any completed and signed new Fuel Safety Check List as required by section 7.1.6; and
- (c) a brief statement as to the reason why the bunkering or refueling operation was stopped and a new Fuel Safety Check List completed as required by section 7.1.6.

## **7.2 Discharge of Ballast Water**

7.2.1 In accordance with the Authority's Ballast Water Exchange Policy, officers and employees of the Authority will carry out a ballast water inspection of every ship arriving in the harbour. The form of the Ship Inspection Record is set out in Schedule III.

7.2.2 No ship shall discharge any ballast into the harbour and no person shall cause or permit any ship to discharge any ballast into the harbour unless:

- (a) the ship has carried out a mid-ocean ballast water exchange and the owner, master or other person in charge of the ship is able to prove by the ship's logs and records that it has carried out a mid-ocean ballast water exchange; or
- (b) the owner, master or other person in charge of the ship has proof of a Vancouver Port Authority ballast water check conducted not more than five (5) days before the ship arrived in the harbour and proof that the samples of the ship's ballast water which were drawn and analyzed by a representative of the Vancouver Port Authority met the required standard; or
- (c) the ballast on board was taken on in the waters of ports on the west coast of the United States of America (North of Cape Mendocino), British Columbia or Alaska; or
- (d) there is less than one thousand (1000) metric tonnes of ballast to be discharged; or
- (e) the ship has approval from the Authority to do so.

7.2.3 The owner, master or other person in charge of a ship shall, upon request, produce for inspection by the officers and employees of the Authority:

- (a) all of the ship's logs and records relating to the taking on or pumping of the ship's ballast since the ship's last port of call; and
- (b) if available, proof of a Vancouver Port Authority ballast water check conducted not more than five (5) days before the ship arrived in the harbour and proof that the samples of the ship's ballast water which were drawn and analyzed by a representative of the Vancouver Port Authority met the required standard.

7.2.4 If the owner, master or other person in charge of a ship in the harbour is unable to produce for inspection by an officer or employee of the Authority the information, documents and records required under clause 7.2.2(a) or clause 7.2.2(b), the ship (unless it is a ship to which clauses 7.2.2(c), (d) or (e) apply) shall not discharge any ballast water into the harbour and

no person shall cause or permit that ship to discharge any ballast water into the harbour until samples of the ship's ballast water have been drawn and analyzed by a representative of the Authority and such samples have been found to meet the required standard.

- 7.2.5 If after a representative of the Authority has drawn and analyzed samples of a ship's ballast water, such samples are found not to meet the required standard, the Authority will require that the ship leave the harbour and exchange its ballast water in the outgoing current of the north side of the Strait of Juan de Fuca west of Race Rocks before returning to the harbour.

All charges for the movement and any delay of the ship will be for the owner's account.

- 7.2.6 If the ballast water of any ship entering the harbour was not exchanged at sea, the reason for failing to discharge ballast at sea must be given to the Authority, in writing, either by delivery to the Authority's representative or by fax to the Authority at the fax number set out in Schedule IV.

The following reasons will be acceptable as a defense for non-compliance:

- (a) Stress of weather;
- (b) Stability or hull stress concerns.

Safety of the ship is paramount and the master will only be required to carry out a ballast exchange if it is safe to proceed.

### **7.3 Discharge of Sewage or Other Pollutants into the Harbour**

- 7.3.1 No ship shall discharge any sewage or other pollutant in the harbour.
- 7.3.2 No person in charge of a ship shall cause or permit the ship to discharge any sewage or other pollutant in the harbour.
- 7.3.3 No person on board a ship shall discharge any sewage or other pollutant in the harbour.

### **7.4 Engine Room Bilge**

- 7.4.1 The engine room bilge over-board discharge valve or valves of the ship will be sealed by an officer or employee of the Authority during a ship inspection.
- 7.4.2 The owner, master or other person in charge of a ship shall be responsible to ensure that no seal placed by an officer or employee of the Authority on the engine room bilge over-board discharge valve or valves of the ship is removed or interfered with.
- 7.4.3 No person shall remove or interfere with any seal placed by an officer or employee of the Authority on the engine room bilge over-board discharge valve or valves of a ship in the harbour without prior approval of the Authority.

## **8 REPORTING INCIDENTS**

- 8.1 The owner, master or other person in charge of a ship which is involved in an incident in the harbour shall:
- (a) forthwith report the incident to the Authority verbally by telephone, radiotelephone or VHF radio as provided in section 5.6.2 or by any other means; and
  - (b) as soon as practicable thereafter, and in any event before the ship leaves the harbour, deliver to the Authority a written report giving full details of the incident.
- 8.2 The report referred to in paragraph 8.1(b) shall contain the following information:
- (a) the name of the ship, the type of ship and its full particulars, including its flag, port of registry, gross tonnage, register or net tonnage and length;
  - (b) the name, residential address, date of birth, telephone number and fax number (if any) of the person making the report and the person's relationship to the ship (e.g., owner, master or person in charge and if the latter, the person's title);
  - (c) the name of the owner of the ship and;
    - (i) if the owner is an individual, the owner's residential address, telephone number and fax number (if any); or
    - (ii) if the owner is a corporation, the owner's business address, telephone number and fax number (if any);
  - (d) the name of the master of the ship and the master's residential address, telephone number and fax number (if any);
  - (e) the name, business address, telephone number and fax number (if any) of all the insurers of the ship including the Hull and Machinery insurers and the Protection & Indemnity insurers and the limits of all third party liability coverage including the limits of all environmental liability coverage;
  - (f) the names of the other ships involved in the accident, collision or discharge and as many particulars for each other involved ship as possible including, but not limited to, the type of ship, its flag and its port of registry;
  - (g) in the case of an accident involving an injury or death, the names, addresses and telephone numbers of any persons injured or killed and the nature of the injuries suffered;
  - (h) in the case of an accident involving loss of or damage to property, a description of the property which was lost or damaged and the nature and extent of the damage and an estimate of the value of the property which was lost or damaged;
  - (i) in the case of a grounding, a description of any damage caused to the ship and an indication whether the ship is believed to be seaworthy and fully operational;

- (j) whether the discharge of a pollutant into the waters of the harbour occurred or was likely to occur as a result of the accident, collision or grounding and if so, full particulars of the nature and quantity of the pollutant which:
  - (i) was on board the ship before the incident;
  - (ii) was discharged as a result of the incident;
  - (iii) remained on board after the initial discharge; and
  - (iv) was likely to be further discharged;
- (k) in the case of the discharge of a pollutant from a ship which was not involved in an accident, collision or grounding, full particulars of the nature and quantity of the pollutant which:
  - (i) was on board the ship before the discharge;
  - (ii) was discharged;
  - (iii) remained on board after the discharge; and
  - (iv) was likely to be further discharged;
- (l) in the case of the discharge of a pollutant, full particulars of the steps taken to minimize or avoid the discharge or any further discharge;
- (m) the names, addresses, telephone numbers and fax numbers (if any) of all known witnesses to the incident;
- (n) the time when the incident occurred;
- (o) the location of the incident; and
- (p) a detailed description of how the incident occurred.

8.3 In paragraph 8.2(c), “owner of the ship” means:

- (a) in relation to an unregistered ship, the actual owner;
- (b) in relation to a registered ship, the registered owner.

## **9 MOORING BUOYS**

### **9.1 Authority's Buoys**

#### **9.1.1 In this section 9.1:**

“Authority’s buoys” means “Buoy No. 1” , “Buoy No. 2” , “Buoy No. 3” , “Buoy No. 4” , “Buoy No. 5” and “Buoy No. 6” ( also known as the “KN Buoy” ).

“Buoy No. 1” , “Buoy No. 2” , “Buoy No. 3” , “Buoy No. 4” , “Buoy No. 5” and “Buoy No. 6” (also known as the “KN Buoy”) mean the buoys located in the harbour as follows:

- (a) “Buoy No. 1” - located at or near 49° 10' 29.5" N, 123° 55' 20.4" W;
- (b) “Buoy No. 2” - located at or near 49° 10' 25.3" N, 123° 55' 20.7" W;
- (c) “Buoy No. 3” - located at or near 49° 10' 21.7" N, 123° 55' 17.1" W;
- (d) “Buoy No. 4” - located at or near 49° 10' 17.3" N, 123° 55' 15.4" W;
- (e) “Buoy No. 5” - located at or near 49° 10' 13.1" N, 123° 55' 14.9" W;
- (f) “Buoy No. 6” (also known as the “KN Buoy”) - located at or near 49° 09' 44.4" N, 123° 54' 20.3" W;

“Authority booming grounds” means the area in the harbour described as follows:

Beginning at a point 49° 10' 31.5" N , 123° 55' 20.5" W;  
Thence, in a southwesterly direction to 49° 10' 28.5" N , 123° 55' 24" W;  
Thence, in a southeasterly direction to 49° 10' 13" N , 123° 55' 10.5" W;  
Thence, in a northeasterly direction to 49° 10' 16" N , 123° 55' 07" W;  
Thence in a northwesterly direction to the point of origin.

9.1.2 Buoy No. 1 and Buoy No. 2 shall be used solely for tying up log booms.

9.1.3 Buoy No. 4 and Buoy No. 5 shall be used solely for tying up scows and barges that are less than fifty-six (56) metres in overall length.

9.1.4 Buoy No. 3 may be used:

- (a) for tying up scows and barges if Buoy No. 4 and Buoy No. 5 are fully occupied; and
- (b) for tying up log booms comprised of long tows provided that the trailing sections of the log booms do not interfere with any scows or barges tied up at Buoy No. 4.

9.1.5 Buoy No. 6 (the KN Buoy) may be used:

- (a) for tying up log booms temporarily; or

- (b) for tying up scows and barges temporarily if there is sufficient tide to ensure that the scows or barges will at no time be aground.
- 9.1.6 When two or more scows or barges are tied up at an Authority buoy, tail lines shall be placed between the scows or barges.
- 9.1.7 Log booms tied up at an Authority buoy shall be square-coupled and shall have chains between the booms in long strings.
- 9.1.8 No person shall:
  - (a) anchor or tie up a log boom, scow or barge in the Authority booming grounds; or
  - (b) use the Authority booming grounds for any purposeother than as provided in this Section 9.1. and Section 9.3.3
- 9.1.9 No unauthorized person shall make fast any log boom, scow or barge, or cause or permit any log boom, scow or barge to be made fast, to any of the Authority's buoys.
- 9.1.10 No ship shall:
  - (a) be anchored or tied up in the Authority booming grounds;
  - (b) be made fast to any of the Authority's buoys; or
  - (c) be in the Authority booming grounds for any purposeother than as provided in this Section 9.1. and Section 9.3.3.
- 9.1.11 Single empty scows or barges shall be removed from Authority buoys when south-easterly winds reach forty-five (45) knots or if south-easterly wind speeds are expected to reach forty-five (45) knots.
- 9.1.12 Log booms:
  - (a) must not be longer than 14 sections in length and must not extend beyond Buoy No. 1 or Buoy No. 3 by more than 1 section; and
  - (b) are limited to one section wide on the eastern side of Buoy No. 1, Buoy No. 2 and Buoy No. 3.

## **9.2 Private Buoys**

- 9.2.1 In this section 9.2, "private buoy" means any buoy for the mooring of a ship in the harbour other than the Authority's buoys referred to in section 9.1.1.

- 9.2.2 No person shall place a private buoy in the harbour without the prior written approval of the Authority.
- 9.2.3 Any person who wishes to place a private buoy or who requires the use of an existing private buoy for the purpose of mooring a ship in the harbour shall apply, in writing, to the Authority for permission to place a private buoy or to make use of an existing private buoy.
- 9.2.4 Upon receiving a written application for the use of an existing private buoy or for the placement of a private buoy and the fee fixed from time to time by the Authority for the use or placement of a private buoy, as the case may be, the Authority may:
- (a) authorize the applicant to have the exclusive use of an existing private buoy for such time as the Authority may allow; or
  - (b) provide a private buoy and place it in the harbour for the exclusive use of the applicant for such time as the Authority may allow.

### **9.3 General**

- 9.3.1 Subject to section 9.3.3, no person shall tie up any ship or make any ship fast to any other ship that is moored to one of the Authority's buoys or to a private buoy in the harbour.
- 9.3.2 Subject to section 9.3.3, no ship shall be tied up or made fast to any other ship that is moored to one of the Authority's buoys or to a private buoy.
- 9.3.3 A scow or barge may be tied up to or made fast alongside another scow or barge that is moored to one of the Authority's buoys or to a private buoy.

## **10 MISCELLANEOUS**

### **10.1 Fishing and Crabbing**

10.1.1 No person on board a ship shall:

- (a) cast a gillnet from that ship in any navigable channel in the harbour; or
- (b) cause or permit a gillnet to drift from that ship in any navigable channel in the harbour.

10.1.2 No person shall cast a gillnet from:

- (a) any port facility in the harbour; or
- (b) the shore into any navigable channel in the harbour.

10.1.3 No person shall set a crab trap in the harbour in any location that might interfere with or constitute a hazard to navigation or to the safety of persons or property.

10.1.4 No person shall set a fishing float or crab trap float in the harbour in any location that might interfere with or constitute a hazard to navigation or to the safety of persons or property.

### **10.2 Beachcombing**

10.2.1 No ship shall, for the purposes of salvaging logs, enter upon any part of the harbour that is the subject of an allotment, reservation or lease granted by the Commission or by the Authority unless the owner, master or other person in charge of such ship has been authorized to do so by the person to whom such part of the harbour has been allotted, reserved or leased.

10.2.2 No person in charge of a ship shall, for the purpose of salvaging logs, cause or permit that ship to enter upon any part of the harbour that is the subject of an allotment, reservation or lease granted by the Commission or by the Authority unless such person is authorized to do so by the person to whom such part of the harbour has been allotted, reserved or leased.

### **10.3 Anchoring in the Harbour** (This Section, excluding 10.3.3.5, comes into effect July 1, 2009)

10.3.1.1 Except as approved by the Authority:

- (a) no ship shall be anchored in the harbour for more than fourteen (14) days within any thirty (30) day period unless the ship has a valid Extended Stay Permit;
- (b) no person shall cause a ship to be left at anchor in the harbour for more than fourteen (14) days within any thirty (30) day period unless the ship has a valid Extended Stay Permit; and
- (c) no person in charge of a ship shall permit that ship to be anchored in the harbour for more than fourteen (14) days within any thirty (30) day period

unless the ship has a Extended Stay Permit.

10.3.1.2 Where a ship has been anchored in the harbour for more fourteen (14) days within any thirty (30) day period without the Authority's approval, the Authority may move the ship to a location chosen by the Authority but the movement and subsequent storage of the ship at that location shall be the sole risk and expense of the owner of the ship.

10.3.1.3 A ship which has been moved by the Authority in accordance with section 10.3.1.2 shall be deemed to have been abandoned unless:

- (a) it is claimed by or on behalf of the owner;
- (b) all movement and storage charges in respect of the ship have been paid; and
- (c) it has been removed from such storage location;

within thirty (30) days of the Authority moving the ship to such storage location.

10.3.1.4 Upon taking possession of any ship in accordance with section 10.3.1.2, the Authority will report the ship and then deliver the ship to the receiver of wreck as soon as possible after the expiry of the thirty (30) day period provided in section 10.3.1.3 unless such delivery has been dispensed with (either specifically or generally) by the Minister of Fisheries and Oceans.

10.3.1.5 Sections 10.3.1.1 to 10.3.1.4 inclusive do not apply to:

- (a) a ship anchored within the Newcastle Island Marine Park boundary, as outlined on Canadian Hydrographic Services Chart 3447;
- (b) a ship anchored in a provincial water-lot lease area with the water-lot lease owner's prior written permission, a copy of which shall be delivered to the Authority upon request;
- (c) a ship anchored in a municipal water-lot lease area with the water-lot lease owner's prior written permission, a copy of which shall be delivered to the Authority upon request; or
- (d) a ship at an anchorage area assigned by the Authority.

10.3.2 Extended Stay Permit

10.3.2.1 The Authority may approve an application for an Extended Stay Permit subject to completion of the required Extended Stay Permit Application process.

10.3.2.2 Extended Stay Permits will be issued for six (6) calendar months, but may be increased or decreased at the sole discretion of the Authority

10.3.2.3 An Extended Stay Permit is non-transferable and cannot be assigned.

10.3.2.4 An Extended Stay Permit will only be issued to an owner or person in charge of the

ship who will inspect the ship at least once per week. Such owner or person must inspect the ship at least once per week.

- 10.3.2.5 Extended Stay Permit Application Forms are available from the Authority.
- 10.3.3 Extended Stay Permit Application Process
  - 10.3.3.1 The applicant must provide all the details as set out on the Extended Stay Permit Application Form set out in Schedule V.
  - 10.3.3.2 The applicant shall submit with the Extended Stay Permit Application Form copies of any documents required.
  - 10.3.3.3 The applicant cannot exceed the anchoring limit of fourteen (14) days within any thirty (30) day period during the Application Process without the Authority's approval.
  - 10.3.3.4 The applicant shall submit with the Extended Stay Application Form the fee required under section 10.3.19.1
  - 10.3.3.5 An Extended Stay Application Form must be delivered to the address set out in Schedule IV on or after June 1, 2009, and will be processed on a first come, first serve basis.
- 10.3.4 Initial Process
  - 10.3.4.1 Upon receipt of an Extended Stay Permit Application Form the Authority will;
    - (a) review the application details;
    - (b) verify any documentation;
    - (c) verify the emergency contact details; and
    - (d) verify ship's name and registry;then contact the applicant within ten (10) working days to give either provisional approval or to deny the application.
- 10.3.5 Upon Provisional Approval
  - 10.3.5.1 Upon provisional approval by the Authority, the applicant shall make arrangements to deliver the ship to the Authority for inspection by Authority staff.
  - 10.3.5.2 The applicant will allow Authority staff to board and enter the ship for the purpose of inspection.
- 10.3.6 Inspection of the Ship

- 10.3.6.1 Authority staff will verify the details on the application form.
- 10.3.6.2 Authority Staff will inspect the ship to confirm that;
- (a) the engine is fully functional;
  - (b) a means of containment of black water (raw sewage) is provided;
  - (c) the anchor light or lights are operational; and
  - (d) there are no deficiencies which may affect the water-tight integrity of the ship.
- 10.3.6.3 If Authority staff determines that there are deficiencies regarding items listed in section 10.3.6.2 they must be rectified before proceeding further.
- 10.3.6.4 Once all deficiencies have been rectified, Authority staff will re-inspect the ship.
- 10.3.6.5 Any inspection conducted by the Authority does not imply that the ship is seaworthy or meets any standards required by other governing agencies, insurance companies, etc.
- 10.3.7 Final Approval Process
- 10.3.7.1 Authority staff will advise the Harbour Master or his/her designate as to the outcome of the inspection.
- 10.3.7.2 The Harbour Master may give final approval to issue an Extended Stay Permit.
- 10.3.7.3 If final approval is given Authority staff will be instructed to issue the Authority's Extended Stay Permit decal which will show the last date the permit is valid for.
- 10.3.7.4 Authority staff will issue the applicant a Record of Holding Tank Discharges.
- 10.3.8 After Final Approval
- 10.3.8.1 Upon final approval by the Authority, the permit holder shall:
- (a) display the Extended Stay Permit decal and emergency contact information in a conspicuous place on the ship;
  - (b) if the ship is within the harbour limits, only discharge the holding tank into a sewage reception facility approved by the Authority. Any discharge of the holding tank outside of harbour limits must comply with all applicable laws and regulations;
  - (c) record all holding tank discharges (including discharges within and outside harbour limits) in the Record of Holding Tank Discharges;

- (d) ensure that the engine is functioning correctly;
- (e) ensure that the anchor light or lights are functioning correctly;
- (f) ensure the ship does not drag anchor;
- (g) update the emergency contact as required;
- (h) routinely inspect all components of the anchoring system during the period of the Extended Stay Permit, the findings of which and any repairs made shall be recorded; and
- (i) display, in a conspicuous place, the last date and time the ship was inspected by the owner or person in charge of the ship as required under section 10.3.2.4

10.3.8.2 Authority staff may demand records of Holding Tank discharges and anchoring system checks, such records shall be delivered to the Authority within 72 hrs.

10.3.9 Restrictions on the number of Extended Stay Permits issued

10.3.9.1 The Authority may at any time restrict the number of Extended Stay Permits issued.

10.3.10 Restrictions on the number of Ships per Extended Stay Permit

10.3.10.1 If an Extended Stay Permit is approved the applicant may have a maximum of;

- (a) one ship; and
- (b) a reasonable number of tenders to provide transportation to those persons on board the ship,

on the anchoring system. No other attachments, fixtures, docks, floats, logs or any other materials or appurtenances are permitted.

10.3.11 Holding Tank

10.3.11.1 The ship must have a holding tank to contain black water (raw sewage).

10.3.11.2 The holding tank must be of an adequate size.

10.3.11.3 The holding tank must only be discharged into a sewage reception facility approved by the Authority.

10.3.11.4 A record of all holding tank discharges must be retained on the ship for a period of not less than six (6) months.

10.3.12 Record of Holding Tank Discharges

10.3.12.1 The applicant must enter all details required in the Record of Holding Tank Discharges provided by the Authority.

- 10.3.13 Anchor Lights
- 10.3.13.1 The ship must have a fully functioning anchor light or lights as prescribed in the *Collision Regulations*.
- 10.3.13.2 Any ship at anchor shall exhibit the lights prescribed in the *Collision Regulations* between sunset and sunrise and during periods of restricted visibility.
- 10.3.14 Anchoring System
- 10.3.14.1 The ship shall be made secure by its own anchoring system.
- 10.3.14.2 The anchoring system shall be routinely inspected by the applicant during the period of the Extended Stay Permit.
- 10.3.14.3 The anchoring system shall be repaired or replaced as required.
- 10.3.15 Rectifying Deficiencies
- 10.3.15.1 If the Authority determines that the ship has any of the following deficiencies, the ship's owner or person in charge of the ship shall rectify the deficiency:
- (a) immediately if the deficiency relates to:
    - (i) a malfunctioning engine;
    - (ii) over-board discharges;
    - (iii) taking on water in excess of its pumping capacity;
    - (iv) a malfunctioning anchor light; or
    - (v) dragging anchor.
  - (b) within seven (7) days if the deficiency relates to any other item covered under these Practices and Procedures.
- 10.3.15.2 If the owner or person in charge of the ship determines that the ship has any deficiency covered in these Practices and Procedures, the owner or person in charge of the ship shall rectify the deficiency as set out in 10.3.15.1 (a) and 10.3.15.1 (b).
- 10.3.16 Withdrawing an Approved Extended Stay Permit
- 10.3.16.1 The Authority may withdraw any approved Extended Stay Permit:
- (a) if the ships owner or person in charge of the ship:
    - (i) fails to comply with these Practices and Procedures or the terms of the Extended Stay Permit;
    - (ii) falsifies any records;

- (iii) fails to pay any charges or fees determined by the Authority; or
- (b) at the sole discretion of the Authority with seven (7) days notice.

10.3.17 Authority Costs and Charges

10.3.17.1 If the Authority responds to a report of an incident at or on the ship, the ship's owner and person in charge of the ship shall be jointly and severally liable for paying all costs and charges determined by the Authority.

10.3.17.2 The ship's owner or person in charge of the ship shall pay all costs and charges to the Authority within thirty (30) days.

10.3.17.3 Failure to pay the Authority within thirty (30) days will result in the approved Extended Stay Permit being permanently withdrawn and legal action being taken against the owner or person in charge of the ship to recover all costs and charges including but not limited to all legal costs in such recovery. Any outstanding amounts will constitute a lien on the ship and will entitle the Authority to exercise all statutory rights and remedies including, without limitation, detention and sale of the ship.

10.3.17.4 Costs and charges referred to in this section relate to the current list of costs and charges, as amended from time to time, a copy of which can be obtained from the Authority upon request.

10.3.18 Emergency Contact Number

10.3.18.1 The applicant must provide an emergency contact name and telephone number.

10.3.18.2 The emergency contact name and telephone number must be updated as required.

10.3.18.3 The Authority may verify the emergency contact details from time to time.

10.3.18.4 The applicant shall display the emergency contact name and telephone number in a conspicuous location on board the ship.

10.3.19 Extended Stay Permit Fee

10.3.19.1 The applicant shall submit with the Extended Stay Permit Application Form a fee of \$1.00 per foot per month based on the overall length of the ship.

## Schedule I

### Dangerous Goods and Explosives

For the purposes of these Practices and Procedures the following locations are the designated dangerous goods facilities and anchorages in the Port of Nanaimo.

<b>Area</b>	<b>Departure Bay</b>	<b>Classes</b>
1	BC Ferry Terminal	1.4s, 2, 3, 4, 5, 6, 7, 8 and 9
2	Ocean Cement	1.4s, 2, 3, 4, 5, 6, 7, 8 and 9
3	Esso Bulk Terminal	2 and 3 only
4	Petro-Canada Bulk Terminal	2 and 3 only
<b>Inner Harbour</b>		
5	Visiting Vessel Pier	NIL
6	Gabriola Ferry	1.4s, 2, 3, 4, 5, 6, 7, 8 and 9 (Only on dangerous goods runs)
7	Seaspan Coastal Intermodal Dock	1, 2, 3, 4, 5, 6, 7, 8 and 9
8	Nanaimo Assembly Wharves	2, 3, 4, 5, 6, 7, 8 and 9
<b>Northumberland Channel</b>		
9	BC Ferry Duke Point Terminal	1.4s, 2, 3, 4, 5, 6, 7, 8 and 9
10	Duke Point Assembly Dock	1, 2, 3, 4, 5, 6, 7, 8 and 9
11	Canexus Chemicals Canada LP	2, 3, 4, 5, 6, 7, 8 and 9
12	Nanaimo Forest Products	2, 3, 4, 5, 6, 7, 8 and 9
13	Island Timberlands Ltd.	2, 3, 4, 5, 6, 7, 8 and 9
14	Duke Point Ro-Ro Ramp	1, 2, 3, 4, 5, 6, 7, 8 and 9
15	Van Isle Barge Services Terminal	2, 3, 4, 5, 6, 7, 8 and 9
<b>Anchorages</b>		
16	Large commercial ship anchorages “C”, “D”, “E” and “F”	1, 2, 3, 4, 5, 6, 7, 8 and 9

## Fuel Safety Check List

PO Box 131, Nanaimo, BC V9R 5K4  
Tel 250-753-4146 Fax 250-753-4899

Name of Receiving Vessel \_\_\_\_\_ Date \_\_\_\_\_  
Berth/Anchorage \_\_\_\_\_ Time \_\_\_\_\_

- All questions to be answered with a (✓) either in the YES (Y) or NO (N) column.
- No vessel is to load or discharge fuel until this form is completed in its entirety.
- **In the case of a negative answer, the fuelling operation shall not be carried out without the permission of the Harbour Master.**

	SHIP		SUPPLIER	
	Y	N	Y	N
1. Is the ship receiver/supplier securely moored/anchored?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Are: (a) scuppers plugged and drip trays positioned?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) the vents clear for tanks being bunkered?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Is there an agreed upon communications procedure?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Is there: (a) a spill-procedure plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) clean-up and containment material available?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Is there a shut-off valve at the bunkering position?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Have: (a) pumping rates been agreed to?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) capacities of tanks been checked against the quantities to be supplied?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) emergency shutdown signals been agreed to?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Are: (a) the hoses properly rigged and tight?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) the hoses in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) unused connections securely blanked?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Are all safety/smoking requirements being met?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Is there an effective deck watch at all stations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>ADDITIONAL QUESTIONS FOR ROAD TANKERS ONLY</b>				
1. Emergency spill kit available in road tanker?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Plastic buckets available?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Spare couplings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Product	Quantity to be Loaded	Capacity of Tank	Rate (Mt/Hr)

**DECLARATION:**

**We have checked the items on this list and are satisfied that the entries we have made are correct to the best of our knowledge:**

**SHIP**

**SUPPLIER**

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Rank: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

**NOTE: IN CASE OF ANY SPILLAGE CALL THE HARBOUR MASTER AT 250-755-3787.**

The receiver shall fax or deliver a copy of this completed form to the Nanaimo Port Authority at 1-250-753-4899 or [rgounds@npa.ca](mailto:rgounds@npa.ca) after completion of bunkering.

**SHIP INSPECTION RECORD**

VESSEL: \_\_\_\_\_ DATE: Month/Day/Year TIME: \_\_\_\_\_

TYPE: \_\_\_\_\_ LOCATION: \_\_\_\_\_  
Berth  or Anchorage

A "Notices to Shipmasters" form has been presented to the Master or responsible officer and a signature acknowledging receipt of the same has been placed below.

Overside discharge valve(s) have been sealed: Yes  No

Number of seals placed on vessel: \_\_\_\_\_

**INSPECTION OF BALLAST WATER FOR DISCHARGE**

A. Location of ballast water (to be discharged):  
 Deep Tanks   
 Double Bottoms   
 Wing Tanks   
 Cargo Holds

B. Vessel has a segregated ballast system: Yes  No

C. Origin of ballast water (country): \_\_\_\_\_  
 – Ocean  / River  / Harbour

Changed at sea: Yes  No   
 Log book entry sighted: Yes  No   
 Ballast water exchanged: Yes  No   
 Form received: Yes  No

D. Amount of ballast water to be discharged: \_\_\_\_\_ Tons

E. Visual inspection of (tank/hold) content: Yes  No

F. Visual inspection of pump discharge overside: Yes  No

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Master or Designated Officer

\_\_\_\_\_  
 Harbour Master's Representative

## Schedule IV

### NANAIMO PORT AUTHORITY

Address:                   104 Front Street, Nanaimo, BC V9R 5J3           (location)  
                                  PO Box 131, Nanaimo, BC V9R 5K4           (mail)

Tel:                         250-753-4146

Fax:                         250-753-4899

Harbour Master Pager:  250-755-3787

E-mail:                    [info@npa.ca](mailto:info@npa.ca)

## Schedule V

### Extended Stay Permit Application Form

<b>APPLICANT DETAILS</b>	
Name of applicant	
Mailing address	
Telephone number	
Emergency contact name	
Emergency contact telephone number	
Owner's name (if different from above)	
Mailing address (if different from above)	
Telephone number (if different from above)	
<b>SHIP DETAILS</b>	
Name	
Registration number (if any)	
Length overall (feet)	
Motor or sail	
Hull colour	
Cabin colour	
Engine type (inboard or outboard)	
Is the engine functional	
Is the ship insured for third party liability (enclose a copy of the insurance)	
Fuel capacity (ltrs)	
Is the ship insured for pollution liability	
Is there a holding tank on board	
Description of holding tank	
Capacity of holding tank (ltrs)	
Does the ship have an approved anchor light	
Number of Extended Stay months you would like to apply for	
<b>TENDER DETAILS</b>	
Name	
Registration number (if any)	
Length overall (feet)	
Type of tender (Kayak, Run-about, etc)	
Hull colour	