

Esquimalt Harbour Practices and Procedures

As of April 2016

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1. Preamble

1-1 These practices and procedures may be amended from time to time, as circumstances dictate. An emergency amendment may be made to these practices and procedures without notice, however, under normal conditions advance notice of no less than 30 days will be given.

1-2 For the purpose of these practices and procedures, where a subject is referred to in the singular, it will also represent the plural of the same subject.

1-3 These practices and procedures are made pursuant to the *Canada Marine Act* and amplify the Natural and Man-made Harbour Navigation and Use Regulations. They have been derived from Transport Canada's Practices and Procedures for Public Ports and form part of the Harbour Control Instructions that are used by the Queen's Harbour Master, to govern the operation of Esquimalt Harbour.

1-4 Under the *Canada Marine Act* Section 59 Subsection (1)(a), it is an offence, subject to financial penalty, if a person or ship does not follow these practices and procedures.

1-5 For official nautical information on Esquimalt Harbour, refer to Chart 3419, published by Canadian Hydrographic Services.

1-6 Esquimalt Harbour (48°26'N, 123°26.5'W) is a designated public port. Its limits are defined as all the navigable waters, including any foreshore, within the Juan de Fuca Strait northwards of a line running east and west through the southernmost tip of the Brothers Islands.

1-7 The Esquimalt Harbour Practices and Procedures are intended to promote the safe and effective use, navigation, and environmental stewardship of the harbour. They are to be followed by all harbour users, including ships entering, manoeuvring, berthed, departing, or anchored in the waters of Esquimalt Harbour, designated by regulations pursuant to Part 4, Section 104 of the *Canada Marine Act*.

1-8 Unless authorized by a harbour official, no person shall, by act or omission, do anything or permit anything to be done in the harbour that has, or is likely to have, any of the following results:

- a. jeopardize the safety or health of persons;
- b. interfere with navigation;
- c. obstruct or threaten any part of the harbour;
- d. interfere with an authorized activity;
- e. divert the flow of a river or stream, cause or affect currents, cause silting or the accumulation of material or otherwise reduce the depth of the waters;
- f. cause a nuisance;
- g. cause damage to ships;
- h. adversely affect sediment, soil, air or water quality; or
- i. adversely affect harbour operations.

2. Definitions

2-1 “CAZ” means a Controlled Access Zone, designated by the Minister of National Defence, which includes all corresponding airspace above, and water and land below the zone. In general, CAZs are areas intended to create buffer zones, to ensure the safety and security of Canadian Forces and Department of National Defence naval vessels, materiel, and property, warships under the control of a visiting force, acting under the *Visiting Forces Act*, and personnel.

2-2 “CLEARANCE” means granting authorization to carry out a manoeuvre or task. This can be given verbally, in writing, or transmitted by electronic means.

2-3 “DANGEROUS GOODS” has the meaning assigned in Section 2 of the *Transportation of Dangerous Goods Act*.

2-4 “HARBOUR OFFICIAL” means officials appointed pursuant to Sections 106 and 108 of the *Canada Marine Act* and include the Queen’s Harbour Master, Deputy Queen’s Harbour Master, Harbour Traffic Control Officer, or designated harbour official.

2-5 “HOT WORK” means any work that uses flame or that can produce a source of ignition, such as heating, cutting or welding.

2-6 “KNOTS” means nautical miles per hour.

2-7 “MASTER” means master, owner, agent, operator, or person in charge of a ship.

2-8 “PILOT” refers to Department of National Defence Pilot, BC Coast Pilot, or PSPC Docking Master.

2-9 “PLEASURE VESSEL” means a vessel that is used exclusively for pleasure and does not carry fee paying passengers.

2-10 “PRINCIPAL TOWING SHIP” means the towing ship, the Master of which is responsible for the manoeuvring and conduct of all ships being towed.

2-11 “PSPC” within the context of these practices and procedures, means Public Services and Procurement Canada (PSPC) - Esquimalt Graving Dock (EGD) and designated PSPC Officers employed at this facility. In the case of vessels undergoing work of any kind at the PSPC/EGD facilities, clearance/permission from the designated officers of PSPC will be deemed to have the same authority as that of a harbour official.

2-12 “SCALING” includes scraping, sanding, chipping, grinding, sandblasting, hydroblasting or any other means of dislodging paint, rust or other unwanted material from the hull, superstructure, machinery or equipment contained on-board a ship.

2-13 “SEAPLANE” includes any aircraft designed to manoeuvre on water.

2-14 “SHIP” means every description of vessel, boat or craft designed, used or capable of being used, solely or partly for marine navigation, whether self-propelled or not and without regard to the method of propulsion, and includes a seaplane and a raft or boom of logs or lumber.

2-15 “SMALL VESSEL” means all ships less than 20 metres in length.

2-16 “TOWED SHIP” means any ship that is not self-propelled and in order to manoeuvre, it must be pushed or pulled by another ship.

2-17 “TRAFFIC CONTROL OFFICER” refers to the Officer of the Watch on duty in the Queen’s Harbour Master Harbour Control Office, or in the Regional Joint Operations Centre, Maritime Forces Pacific.

3. Authority of Harbour Official

3-1 A harbour official may issue instructions directly to a ship. These instructions may be given verbally, electronically, or in writing. Notwithstanding the means by which they are conveyed, they carry the same weight.

3-2 A harbour official is the sole authority concerning all matters related to marine traffic control within the limits of Esquimalt Harbour including assigning berths or anchorages or authorizing a ship to stay. In the absence of authorization from a harbour official, a ship taking up a position in the Esquimalt Harbour limits, because of the information obtained from other sources, may have to change its position upon receipt of instruction from a harbour official.

4. Entry, Movement, Departure Clearances

4-1 All vessels entering or departing Esquimalt Harbour are required to contact the Queen’s Harbour Master (QHM) Operations on VHF Channel 10 or by telephone at 250-363-2160.

4-2 No ship that has explosives (Class 1 as indicated in the *Transportation of Dangerous Goods Act*) on-board shall enter, depart, or move within the limits of Esquimalt Harbour unless authorized by a harbour official.

4-3 All ships, prior to entering, moving, or departing Esquimalt Harbour, shall contact a harbour official, by VHF Channel 10, to obtain clearance. Ships are to give as much advance notice as is practical (minimum of one hour). The following information will be included in the clearance request:

- a. ship name and port of registry;
- b. time of arrival;
- c. estimated time of departure;
- d. length, breadth, and draft of the ship;
- e. the presence of dangerous goods on-board; and
- f. harbour destination.

4-4 Ships requesting clearance from a harbour official, to enter Esquimalt Harbour and berth at a private facility or the PSPC Esquimalt Graving Dock, shall first obtain permission from the owner or official of the facility in question.

5. Controlled Access Zones

5-1 The harbour is open to the public within the limitations set out in an Order in Council regarding Controlled Access Zones. This provides for security zones surrounding Department of National Defence property and warships berthed or moving in the harbour.

5-2 The Minister of National Defence has designated the entire area of Esquimalt Harbour and its approaches, from the southern extremity of Albert Head and the western tip of Saxe Point, to be a Controlled Access Zone. Any vessel operating in close proximity of this zone may be approached and hailed by the Department of National Defence.

5-3 In accordance with the Notice to Mariners, vessels are at all times to remain 100 metres away from stationary vessels and 200 metres away from vessels underway. Unauthorized intrusions could lead to Federal prosecution.

5-4 Any vessel may be hailed by QHM and hailed and approached by any Military Police or Military Force Protection vessel. Due to Force Protection/security requirements, access to the harbour can be restricted and/or blocked.

6. Small Vessels

6-1 All pleasure vessels entering the harbour must be licenced or registered.

6-2 Small vessels, operating within the limits of Esquimalt Harbour, shall comply with the following:

- a. these practices and procedures, as administered by the Harbour Authority; and
- b. all applicable acts, laws, rules, regulations, schedules, and guidelines pertaining to small vessels, including but not limited to the *Canada Shipping Act* Small Vessel Regulations.

6-3 Pleasure vessels, whether power driven or sail, and small vessels, which are operating under the guidance of the Small Vessel Regulations, shall not impede the passage and manoeuvring of larger commercial ships or naval ships within the limits of Esquimalt Harbour, and shall, at all times, maintain a lookout while underway.

7. Anchorage

7-1 Pleasure vessels may only anchor north of a line drawn between the south end of Richards Island and the north end of Smart Island. Every pleasure vessel anchored in Esquimalt Harbour shall be moored with two anchors and in the manner directed by a harbour official. Rafting of pleasure vessels, at anchor, is not permitted. A harbour official must first approve anchoring in any other area of the harbour.

7-2 With the permission of a harbour official, a ship may anchor in the anchorages described as follows:

Anchorage	Latitude	Longitude	Radius
A	48°23.82 N	123°27.10 W	2.5 cables
B	48°24.19 N	123°27.69 W	2 cables
C	48°24.28 N	123°26.76 W	2.5 cables
D	48°24.44 N	123°25.97 W	2.5 cables
F	48°24.96 N	123°26.08 W	2 cables

7-3 No ship shall anchor in that part of the entrance to Esquimalt Harbour as follows:

Beginning, at the south-east point of Albert Head; THENCE, 085° (T) 2.4 nautical miles; THENCE, 000° (T) 2.1 miles to the west edge of Saxe Point; THENCE, westerly along the shore to Grant Knoll; THENCE, on a straight line to Yew Point; THENCE, southerly along the shore to the south-east point of Albert Head, as shown on Canadian Hydrographic Service Chart 3419.

7-4 No ship shall anchor in that portion of Esquimalt Harbour known as Constance Cove and situated east of a line drawn between Duntze Head and Ashe Head.

7-5 No ship shall anchor in that part of Esquimalt Harbour bounded as follows:

Commencing, at the most southerly point of McCarthy Island; THENCE, easterly 275 metres on a bearing 112 (T); THENCE, northerly 175 metres on a bearing 021 (T); THENCE, westerly 265 metres on a bearing 292 (T); THENCE, southerly on a bearing 201 (T), to meet the north shore of McCarthy Island; THENCE, along the shore of McCarthy Island to the place of beginning, as shown on Canadian Hydrographic Service Chart 3419.

8. Derelict, Abandoned, Illegally Moored or Anchored Vessels

8-1 Where the owner or person in charge of a vessel in the harbour is not available or refuses or neglects to obey any order to move the vessel, the authority may, at the risk and expense of the owner of the vessel:

- a. take possession of and move the vessel;

- b. use any means and force reasonably necessary to move the vessel;
- c. berth, anchor, moor the vessel at any place satisfactory to the Harbour Authority; or
- d. remove and dispose of the vessel.

9. Sewage Discharge

9-1 No ship or pleasure vessel, or person on-board a ship or pleasure vessel, shall discharge sewage into the tidal waters of Esquimalt Harbour. Sewage means human excrement and wastes from toilets and other receptacles intended to receive or retain human body wastes or other wastes, but does not include galley or washing-facility wastes. In addition, any vessel in Esquimalt Harbour that has a toilet must be fitted with a functioning Transport Canada approved holding tank or Marine Sanitation Device.

10. Marine Spill Response

10-1 Any person, facility, vessel or property, which causes a marine spill into Esquimalt Harbour, referred to as the Responsible Party, shall be responsible for the reporting, clean-up, and cost of the incident.

10-2 The Responsible Party is required to notify Emergency Management British Columbia (1-800-663-3456), the Harbour Authority (250-363-2160), and initiate clean-up.

10-3 Once notified, the Harbour Authority will assess the situation, monitor the response, and provide assistance, as necessary.

10-4 In the event that the Responsible Party is either unwilling or unable to respond, the Harbour Authority may assume control of the response. Alternately, the Harbour Authority may request assistance from the applicable Federal Authority (e.g. Environment Canada, Canadian Coast Guard).

11. Speed Limits

11-1 All ships manoeuvring within the limits of Esquimalt Harbour shall proceed at a safe speed not to exceed 7 knots.

11-2 In special circumstances, a harbour official may grant permission for ships to exceed the speed limit.

11-3 Ships shall reduce speed to minimum wake when passing berthed ships or vessels engaged in any marine operation or as directed by a harbour official.

12. Tug or Pilot Services

12-1 When circumstances and conditions threaten environmental protection, safety of port infrastructure or navigational safety, a harbour official may require ships to obtain the services of a Pilot and tug(s).

13. Towing of Ships

13-1 The principal towing ship is at all times responsible for the safety and manoeuvring of its tow.

13-2 A ship that is towing another ship shall have sufficient power to manoeuvre the towed ship in all conditions that may be encountered throughout the evolution. Such power may be provided by the use of an additional towing ship to augment the principal towing ship.

13-3 When entering or departing Esquimalt Harbour, a ship shall use a towline length that permits immediate and positive control over the towed vessel.

13-4 A trailing tug shall be used for any towed vessel proceeding east of a line drawn between Ashe Head and Grant Knoll or working in or exiting from Constance Cove, due to the risk of damage to other ships or port infrastructure. Any deviation from this procedure must be approved, in advance, by the Harbour Authority. Towing vessels are responsible for their tow, in all conditions, and must ensure that sufficient assets are employed to account for all contingencies that may arise.

14. Securing, Crewing, and Propulsion Requirements for Ships

14-1 All ships within the limits of Esquimalt Harbour shall have sufficient crew on-board to safely manoeuvre the ship alongside, or to depart a harbour facility, when instructed to do so by a harbour official. Crew in sufficient numbers, shall be present at all times, to monitor the ship for safety and security purposes, and to ensure that mooring lines and gangways are properly tended and emergencies are responded to.

14-2 Subject to Sections 14-3 and 14-4, propulsion power shall be available, at reasonable notice, to move the ship when instructed to do so by a harbour official. Before any repairs, maintenance, or other works are undertaken, that may hinder the ship's ability to move in a harbour facility or anchorage, clearance shall be obtained from a harbour official.

14-3 Any time emergency repairs are commenced on a ship, at an Esquimalt Harbour facility, the Master of the ship will report to a harbour official, the nature of the repairs and outline the affect it has on the ship's ability to move. The Master shall provide an estimate of the time required to complete the repairs to a condition where the ship is capable of being safely moved.

14-4 Clearance will only be given to leave a ship unmanned, while within the limits of Esquimalt Harbour, if harbour officials are satisfied that the Master of the ship has made adequate securing arrangements, that mooring lines are tended, and that arrangements are in place to move the ship if instructed to do so. Since it is understood that the time required for preparing to move an unmanned ship may be longer than that required for a fully crewed ship, the length of the notification period will be agreed upon before this clearance is granted.

15. Turning of Propellers Alongside

15-1 A ship, when secured at a harbour facility in Esquimalt Harbour, shall not commence basin trials by turning shafts or engaging bow thrusters, without first obtaining permission from a harbour official, and taking the necessary precautions not to endanger the integrity of the harbour facility, its physical assets, other ships, or the environment.

15-2 Clearance may be conditional on extra precautions being followed, such as the use of additional mooring lines, tug assistance, and the equipment or machinery being run at minimum speed.

16. Scaling and Painting of Ships

16-1 A ship at anchor or at a berth, within the limits of Esquimalt Harbour, shall obtain clearance from a harbour official to perform scaling and painting of a ship's hull, machinery, or superstructure. Prior to clearance being granted, the person requesting the clearance, shall make an assurance that adequate measures will be taken to protect the environment from the waste material created by the operation.

16-2 Scaling and painting shall not interfere with the operation of another user, within the limits of Esquimalt Harbour. If a scaling operation involves hot work, then it shall not take place without a Hot Work Permit.

17. Equipment Protruding Beyond Ship's Side

17-1 Unless authorized, no rigging, cargo gear or other equipment on-board any ship berthed in Esquimalt Harbour shall overhang or project overboard, in a manner that may endanger life or property, or create a hazard to navigation. If any ship requires equipment to extend beyond the sides of the ship, they shall obtain clearance from a harbour official.

17-2 If any cargo gear or equipment is already swung out and another ship is manoeuvring in the vicinity, a harbour official may require the gear to be swung inboard until the danger is past.

18. Rafting of Ships

18-1 A ship may make fast to, or secure alongside another ship in Esquimalt Harbour, at a harbour facility, only with the clearance of a harbour official.

18-2 At federal government harbour facilities, every ship, when ordered by a harbour official, shall permit another ship to make fast to, or secure alongside it. Sufficient mooring lines, from the outboard ship, shall be passed ashore to ensure that excessive stresses are not placed on the inner ship's lines, and the outboard ship shall ensure that adequate fendering is provided.

18-3 Where a ship is made fast to, or secured alongside another ship, a free and unencumbered passage over the inner ship shall be allowed to the outboard ship for loading, unloading, and access to and from the shore.

18-4 To avoid overloading jetty bollards, ships shall assess the strain being placed on individual bollards before attaching multiple berthing lines.

19. Ship-to-Ship Transfers

19-1 No ship-to-ship transfer of goods shall take place until a harbour official has given clearance. Ship-to-ship transfers will be approved by a harbour official, only if the official has been appraised of the intention, and is of the opinion that all necessary steps shall be taken to preserve the integrity of the environment, and that there will be no adverse effects on other users of Esquimalt Harbour.

20. Activities that Require Pre-Authorized Approval

20-1 Pursuant to the Natural and Man-made Harbour Navigation and Use Regulations of the *Canada Marine Act*, **the approval of a harbour official is required prior to the commencement of all activities, including but not limited to the following:**

1. Conducting a diving operation:
 - a. prior to commencement and upon completion of diving operations; and
 - b. all appropriate safety measures shall be taken, including, but not limited to hoisting flag Alpha, informing nearby vessels, and maintaining a constant listening watch on VHF Channel 10.

2. Conducting a salvage operation:
 - a. notice to harbour users to avoid area of salvage operation;
 - b. measures taken to reduce or mitigate further risk or damage; and
 - c. emergency response resources notified.
3. Transporting, loading, unloading or transshipping explosives or other dangerous goods, industrial waste or pollutants:
 - a. conducted at a specified facility or between adjacent ships/barges, using appropriate cargo transfer equipment;
 - b. measures taken to reduce or mitigate risk;
 - c. displaying an all-around red light or flag Bravo; and
 - d. emergency response resources notified.
4. Carrying out an oil transfer operation, a chemical transfer operation or a liquefied gas transfer operation:
 - a. conducted at a specified fuelling facility, between adjacent ships, or from a bunkering barge alongside, using appropriate cargo transfer equipment;
 - b. measures taken to reduce or mitigate risk;
 - c. emergency response resources notified; and
 - d. displaying an all-around red light or flag Bravo.
5. Conducting a dredging operation:
 - a. results of the dredging operation will improve the use of the harbour;
 - b. minimize impact on marine traffic and harbour use; and
 - c. an environmental assessment must be completed and approved.
6. Excavating or removing any material or substance:
 - a. results of the excavation/removal operation will improve the use of the harbour;
 - b. minimize impact on harbour use;
 - c. an environmental assessment must be completed and approved; and
 - d. coordination with upland property activities/landowners.
7. Building, placing, rebuilding, repairing, altering, moving or removing any structure or work:
 - a. results of these works will improve the use of the harbour;
 - b. minimize impact on marine traffic and harbour use;
 - c. an environmental assessment must be completed and approved; and
 - d. coordination with upland property activities/landowners.

8. Placing or operating a light or day marker:
 - a. suitable device to be used;
 - b. minimize impact on marine traffic and harbour use; and
 - c. light characteristics are to be in accordance with The Canadian Aids to Navigation System.
9. Casting adrift a ship, log or other object:
 - a. minimize impact on marine traffic and harbour use; and
 - b. measures taken to mark obstruction and mitigate impacts.
10. Conducting a race, regatta, trial, demonstration, organized event or similar activity:
 - a. minimize impact on marine traffic and harbour use.
11. Causing a fire or explosion, conducting blasting or setting off fireworks, including setting off a flare or other signalling device.
12. Placing a placard, bill, sign or device.
13. Swimming:
 - a. permitted without permission in areas normally associated with recreational swimming.
14. Launching a ship by slipway or crane.
15. Conducting the take-off or landing of a sea-plane.
16. Laying up a ship.
17. Mooring or anchoring a floating structure:
 - a. ensure berthing or moorage in a specified area that does not interfere with harbour use and traffic;
 - b. an environmental assessment must be completed and approved; and
 - c. minimize the possibility of nuisance and nuisance complaints.

18. Fishing or crabbing:
 - a. as depicted on Canadian Hydrographic Service Chart 3419, fishing is prohibited in the entrance to Esquimalt Harbour, and in an area east of McCarthy Island; and
 - b. it shall only be conducted in areas that minimize the impact on marine traffic, harbour use, and it shall be conducted in accordance with the Department of Fisheries and Oceans Canada licencing requirements.
19. Conducting aquacultural research or operations.