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September 14, 2009

File No.: FG/04

The Honourable John Baird  
Minister of Transport, Infrastructure and Communities  
Tower C – 330 Sparks Street  
Ottawa ON K1A 0N5

Dear Minister Baird:

I am writing to advise you of a problem regarding an abandoned barge on Kuper Island in Stuart Channel BC near Chemainus in the Thetis Island Local Trust Area. The owners pushed the barge up onto the beach early in August and subsequently abandoned it. This abandonment has serious consequences for the beach, the marine environment, and First Nations food harvesting.

The Islands Trust's mandate is to preserve and protect the Islands and surrounding waters for the benefit of the entire Province of British Columbia. We must take as much responsibility as possible within our limited jurisdiction over shipping matters and are writing to seek quick action while it is still possible to re-float the barge and before the winter storms create a much bigger clean up issue.

Peter Luckham, Trustee for the Thetis Island Local Trust Area, has been in contact with your department and other ministries with regard to this. We are grateful to Bernie MacKay (Ministry of the Environment), Jarrett Brochez (Environment Canada) and Steve Stussi. (Integrated Land Management Bureau) for taking the time to do a site visit with Trustee Luckham and Penelakut band members and staff on Friday August 28<sup>th</sup> 2009. We would also like to acknowledge Penelakut Chief Lisa Shaver for granting permission to land on Kuper and for working with us to resolve this issue.

Although Transport Canada staff were unable to commit to when and how we might move the barge, the meeting at the site was very useful for everyone to acknowledge the status, location and condition of the barge. Officer Stussi placed a trespass notice on the barge as it is on Provincial Crown Land. He is committed to serving the same notice on the owner of the barge once she is located. This is the first step in getting the owner involved in the process, and could lead to further persuasion by the authorities if she does nothing. Officer Brochez from Environment Canada also committed to contacting the owner in order to determine her intentions and to consider further action. Staff took photographs and material samples and will be forwarding reports to their respective departments.

Although these are positive steps, the reality is that the owner appears not to have the resources to deal with the situation and may not wish to be found, in which case nothing will happen. Due to lack of suitable legislation, the nature of the vessel ownership, and the jurisdiction of the staff visiting the site, no immediate action can be taken without intervention from a higher authority.

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Preserving *Island* communities, culture and environment

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

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This type of situation arises regularly up and down the coast, not only with barges but tugs, fishing vessels and pleasure boats. Transport Canada staff have encouraged us to continue to bring attention to this issue, through our local representatives and to encourage the Provincial and Federal Ministries of Environment as well as the Ministry of Transport to seek a creative solution to remove and dispose of this abandoned and derelict vessel in an appropriate manner and to take measures to prevent future occurrences.

Gratefully,

A handwritten signature in cursive script, appearing to read 'Sheila Malcolmson', with a long horizontal flourish extending to the right.

Sheila Malcolmson  
Chair, Islands Trust Council

pc: Barry Penner, Provincial Minister of Environment  
Jim Prentice, Federal Minister of Environment  
Doug Routley, MLA – Nanaimo-North Cowichan  
Jean Crowder, MP – Nanaimo-Cowichan  
Chief Lisa Shaver, Penelakut Tribe