



A Live Aboard's Guide to Small Craft Harbours

Over the years there has been some question regarding the use of Small Craft Harbours docks (aka “Government or Public docks”). This guide is intended to assist live aboards (aka boat dwellers) understand what Small Craft Harbours are, how they are organized, and what rights they do and do not have in using them.

This information comes largely from the Department of Fisheries (DFO) website, and from the cumulative experience gained through the Harbour Authorities Association of British Columbia (HAABC) and the British Columbia Nautical Residents Association (BCNR).

What are Small Craft Harbours?

Small Craft Harbours (SCH) is a program run by the Department of Fisheries and Oceans (DFO) dedicated to the support of the commercial fishing industry, including aquaculture. They are federally owned, but typically managed at the community level by not-for-profit organizations called Harbour Authorities.

Through this program, SCH is able to support a valuable community resource. Harbours that no longer serve the commercial fishing industry or are primarily recreational in nature are typically divested to local communities or removed for public safety.

What are Government Docks?

This is the old term that was used for docks owned by Small Craft Harbour (DFO) or Transport Canada, also sometime called public docks. These terms were previously used because the docks were funded by the “government” for use by the “public”. However, Small Craft Harbours were created to support commercial fisheries, and are no longer managed by the government.

Commercial fisheries can include hazardous equipment and activities that are not necessarily compatible with public activities or safety. They are inherently industrial by nature and have historically been accessible by the public for the purchase of seafood directly from the incoming vessels.

But as a taxpayer, don't I have the right to use them?

The simple answer is “No”. By this argument one could demand to use an elementary school for their personal use. How a local SCH dock is used depends on the individual Harbour Authority and because all communities are different, they all use their Small Craft Harbours differently. Large, industrial fisheries and aquaculture operations may use heavy equipment, moving large and heavy cargo, making the docks potentially noisy and dangerous places to be. Boat dwellers may be put at risk by some of these activities, and consequently take their own risk to self and vessel in these areas.

The “rights” argument has often been used to justify a live aboard staying on SCH docks. Unfortunately, the argument of “rights” has been the ignition to many conflicts which has on occasion escalated to violence. For clarification, the mandate of SCH is to support commercial fishing activities and Harbour Authorities have the authority to develop and implement policies that ensure the SCH mandate is met. Harbour Authority policies may include whether or not live aboards are permitted within the harbour.

Who Funds Small Craft Harbours?

The operations and minor maintenance of a small craft harbour is funded from revenues such as moorage and other services collected by the Harbour Authority. Major infrastructure repair or reconstruction projects are funded by the federal government.

Who Manages Small Craft Harbours?

Small Craft Harbours are typically managed by a local Harbour Authority, which is usually comprised of a board of directors, harbour manager, and support staff. Usually the board members are volunteers from the local community who represent local interests. Harbour Authorities are incorporated, not-for-profit entities tasked with the management, operation, and maintenance of their Small Craft Harbours.

Where do I go if I don't agree with the Harbour Manager?

There is a common misconception that complaints can be sent to DFO or SCH staff when there's a disagreement. All management of Small Craft Harbours is at the community level and handled by the local Harbour Authority. Decisions on operational or daily management issues are made by the Harbour Manager, and long term decisions and planning by the Harbour Authority Board. It is important to respect the decisions of the Harbour Manager, but a board member may choose to assist in a solution. If an agreement cannot be arrived at, it may be possible to find outside mediation. However, it is important to remember the Small Craft Harbours mandate to support commercial fisheries, and such mediation cuts into the administrative costs and time of harbour management. When this becomes an ongoing issue, it may be in the best interest of the Harbour Authority to restrict or eliminate use of the docks by live aboards.

What are my responsibilities while using a Small Craft Harbour?

You are responsible for abiding by the berthage agreement the moment you tie up to the dock and, if applicable, a separate live aboard agreement. The latter has been put in place due to the higher service demands of live aboard vessels compared to stored vessels (higher power consumption, potable water access, onshore facilities

such as washrooms, showers and laundry, and administrative time). It is important to note that Small Craft Harbours are not designed to support vessels as permanent residences.

Regardless of whether you have signed the berthage agreement, you are legally responsible for abiding by its content. Most Harbour Authorities have posted this statement at the dock site.

SCH docks are under the same general rules as a private marina, and you can be cited for trespassing or misconduct. All users are expected to be respectful to staff and other users, keep lines and power cords tidy, not leave equipment on the dock, and operate in a safe manner.

It has become increasingly common for Harbour Authorities to request proof of insurance. This is of particular importance for the safety of the facilities and for other users of the docks. Insurance coverage helps to protect dock users and vessel owners in the event of an accident. No doubt a live aboard would be very unhappy if a large commercial fishing vessel came in and smashed into the back end of their home. If that vessel does not carry insurance, the live aboard will be left without a home and everything they own lost. Insurance provides protection to the other users of the facilities.

There may also be a clause requesting the vessel be maintained in seaworthy condition and that a current marine survey be available upon request. The first part of this statement is logical – a vessel berthed on a dock that is not seaworthy is a liability to everyone around them. Request for a marine survey represents a third party opinion on the seaworthiness of the vessel, something that has become increasingly important with the excess of aging, ill-maintained vessels on the market that are being purchased cheaply by inexperienced owners.

Remembering that SCH docks are transient in nature, it is imperative that all vessels are maintained in working order and have the ability to move upon request.

Vessels are often required to have a working holding tank simply because dumping raw sewage in an enclosed harbour represents a health hazard to users of the docks and surrounding area. The more vessels dumping, the more hazardous the situation becomes. At this point in time, holding tanks are the only accepted method of sewage control and containment.

I've been asked to leave because a fishing boat has come in!

Most Harbour Authorities try to accommodate all of their clients, but if there's a big fisheries opening or an excess of fisheries traffic, you may be asked to vacate the docks. Please remember that the mandate of Small Craft Harbours is to support commercial fisheries and these vessels have priority. You must expect to move off for the duration that the docks are required by the fleet.

Is there a role for Live Aboards?

It depends on the harbour. Live aboards have been valued as “eyes on the harbour” and have helped prevent docks and vessels from floating away during storms. Some live aboards work for the harbours, sit on their boards, or volunteer to help out by shovelling snow and tidying up. Like all good neighbours, live aboards can be valuable members of the dock community.

When can a Live Aboard be removed from a Small Craft Harbour dock?

This applies to all vessels, not just live aboards. Breach of the berthage agreement is clearly reason for termination of the agreement, unsafe practices is another. Stringing live power lines across the water, blocking access by storing equipment on the dock, dumping raw sewage or contaminated bilge water, and similar dangerous practices puts others at risk. Vessels that are not properly maintained or that become immovable also present a risk to other users.

Personal conduct can also be reason for expulsion. Vessel owners who behave violently and abuse the staff are infringing on the safety of others.

Finally, the primary users of SCH docks are commercial fisheries and subsequently, they have priority over all other vessels.

Is there a future for Live Aboards on Small Craft Harbour docks?

This decision comes at the local level and rests with the local Harbour Authority, who are best to assess the needs of their communities. SCH docks are the realm of commercial fisheries, but many small communities find value in having local live aboards on their docks. When these live aboards become valuable, contributing members of the community, they become a benefit. But SCH docks are dynamic. Fisheries change, boards change, staff change. How a dock is used today may be very different in 10 years time.

A live aboard should never consider a SCH dock their permanent home. If they're lucky enough to use those docks for an extended period of time, they are fortunate, but it is by no means a permanent contract. These docks are transient by nature and should never be considered long term moorage.

More Information

Small Craft Harbours - <http://www.dfo-mpo.gc.ca/sch-ppb/abouttha-aproposap/information-eng.html>
BC Nautical Residents Association – www.bcnr.org