



COUNCIL OF MARINE CARRIERS

The voice of Western Canadian tug and barge operators

200-1575 West Georgia Street, Vancouver, B.C., Canada V6G 2V3

Comments regarding the Proposed Modifications to the Canadian Transportation Agency Guidelines respecting Coasting Trade Licence Applications.

The Council of Marine Carriers is an association which represents a majority of the owners and operators of tow-boats and barges conducting marine towing activities on the west coast of Canada and the Canadian Arctic. The mandate of the Council is to further the interests and to conserve the rights of members of the Council and to promote their general welfare. The Council's role is to formulate and advocate policies, legislation and regulations that are beneficial to the tug and barge industry. Full membership is open to any individual, firm or corporation which owns or operates vessels, towboats or barges and employs seagoing personnel. Affiliate members are any other individuals, firms or organizations that the CMC Board of Directors declare eligible to become members. Our members include some of the largest tug and barge operators in North America as well as Canada's largest privately operated Ferry company, deep sea, coastal and river tug operators and Canada's largest Marine Construction and Dredging contractor.

The Coasting Trade Act and its administration is critically important to the well being and continuance of the Canadian domestic marine industry. We recognize too, that the ability of marine related organizations and industries to conduct business is often dependant upon the availability of appropriate vessels. It is important therefore that a proper search for available and appropriate Canadian vessels be conducted prior to shipping activity be undertaken by non-Canadian vessels.

Regarding the issues to of particular interest we submit the following:

1. **Advance Notice for Applications**

The minimum advance notice periods seem adequate and should generally meet our needs.

2. **Content of Applications**

We have no issues with the content of Applications

3. **Time Limits for Pleadings**

- a) The proposed time periods allowed for pleadings are reasonable.
- b) Although failure to properly plan ahead is cited as an issue which may disqualify an applicant for consideration for a fast track or urgent application, we would appreciate seeing something in the guidelines as to what circumstances **would** lead to favourable consideration of such applications.

4. **Other Coasting Trade Issues**

- a) Although we understand that the onus for advising the Canadian Transportation Agency of changes to their fleet, we note that the data base available on the CTA website is quite inaccurate and incomplete. Therefore the aforementioned onus does not appear to be efficient. The ability of applicants to contact Canadian owners may be limited due to the incomplete nature of the data base, particular in respect to urgent and fast track applications. The CTA should develop a method to seek timely and accurate advise from Canadian owners to endeavour to maintain a complete listing of the types, names and abilities of all Canadian vessels and owners.
- b) Economical operational of a suitable Canadian vessel should not be a consideration of the Canadian Transportation Agency in deciding the viability of a foreign owners application. The cost of operating a Canadian vessel is often and largely based upon the expense of complying with Canadian Government regulations, which are not always mirrored in the

operations of foreign flag vessels. This does not give a level playing field and sets an unfair disadvantage against lawful Canadian operators. Economics should not be a valid argument respecting the temporary importation of vessels. This will become more critical should the Department of Finance suggestion of removing the 25% duty on the temporary importation of vessels come to fruition.

5. **E-mail and Internet access**

The Council of Marine Carriers has email and internet access and would prefer to use email for notification purposes. Some CMC members DO NOT have such access, but CMC circulates relevant notifications received from the CTA to those companies as a service to our members. CMC would not consider Internet notification which leaves it to interested parties to regularly check a website to be sufficient alone. Email and where not available, fax notifications, must always occur too.

We apologize for the lateness of this submission. We were the victim of point number five above, wherein we were not on the appropriate circulation list and therefore did not receive notification of this opportunity until advised lately by another organization.

Thank you for the opportunity to comment on this revision of the guidelines.

Captain Phillip J. Nelson, President, Council of Marine Carriers.