

**“Co-Industry Protocol”
between BC Ferries Services Inc. (BC Ferries),
the herring fishing industry (currently represented by the Herring
Industry Advisory Board), and
Department of Fisheries and Oceans (DFO)
for the Operation of a Cable Ferry in Baynes Sound
between Buckley Bay (Vancouver Island) and Denman Island**

June 2011

- BC Ferries, DFO, and the herring fishing industry acknowledge that all three parties have equal opportunity to operate in the Baynes Sound waterway.
- BC Ferries is contractually obligated to provide ferry service between Buckley Bay and Denman Island.
- A fishing vessel that is fishing (“in set”) is considered a vessel not under command, as it cannot manoeuvre.
- The annual roe herring fishery (“the fishery”) can occur near the active cable ferry corridor in any given year and the implementation of operational measures may be required in order to accommodate the fishery.
- Operational measures may include invoking a temporary service disruption that may occur on short notice in order to accommodate the fishery. During such a service disruption, BC Ferries will not operate the cable ferry or will operate under a modified schedule. In the event that BC Ferries deems a service disruption to be necessary, BC Ferries will release a Service Notice to notify customers.
- The herring fishery is dynamic and therefore the specific location and date and time of commencement are difficult to predict. The fishery can occur at any point between approximately mid-February and mid-March of any given year. The commencement time and date of the herring fishery for the current year will be established by DFO and clearly communicated to the herring fishing industry and BC Ferries as far in advance of the commencement time and date as possible.
- During the lead up to a roe herring season, BC Ferries will be on the DFO distribution list of people who will receive information about upcoming herring fishery openings. In addition, the cable ferry will monitor Channel 78A at all times during the herring season, in order to facilitate effective assessment of the progress of the fishery. BC Ferries acknowledges that it has an obligation to maintain communication with DFO.
- DFO will in good faith make every effort to provide BC Ferries with adequate notice (minimum 2 hours to a maximum of 12 hours) of the anticipated timing and location of the fishery opening in Baynes Sound on the day of the fishery opening.
- The herring fishing industry acknowledges that an area of 300m from either terminal will be a designated “no-go-zone” and will in good faith make every effort to avoid taking fishing vessels into this area. Signage, buoys and/or other markings located at each terminal berth will clearly identify the presence of the cable ferry and the

300m no-go zone in effect. No seine fishing activity can occur in this area, but gillnet fishing activity, while unlikely, is permitted.

- Fishing vessels will stay out of the cable corridor, except while traversing the corridor. The corridor is currently estimated to be 100m in width and will be clearly delineated by buoys and signage and/or other markings located at each terminal berth. The buoys will not extend all the way across the channel. While traversing the cable ferry corridor, fishing vessels will remain at a minimum safe working distance to be determined. The minimum safe working distance is currently estimated to be 300m from the cable ferry vessel and 300m from the terminals.
- During an opening, vessels will make every effort not to set in the cable corridor. In the event that a fishing vessel sets in the 300m corridor, or the fishing vessel operator believes that the vessel will set in the 300m corridor, VHF radio communication between the fishing vessel, the cable ferry vessel, and an on-site DFO manager will be established. The parties will, at all times, exercise proper collision avoidance practices. This could include stopping, and/or reversing the direction of, the cable ferry.
- Fishing vessels in set have no manoeuvrability and may be forced to drift through the corridor (because of tides, winds, etc). If a vessel in set drifts across the corridor, the herring fishing industry will make every effort to move the vessel out of the lane as quickly as possible. If a fishing vessel strays into the cable corridor, the parties will, at all times, exercise proper collision avoidance practices. This could include stopping, and/or reversing direction of, the cable ferry.
- The winter Food & Bait fishery, which can take place from mid November to mid February, may also occur in the Baynes Sound waterway. A process will be established whereby vessels fishing during this time can notify BC Ferries if and when Food & Bait fishery occurs in the Baynes Sound waterway.