



From the desk of:

# Captain E. G. da Costa Duarte

To:

**The Honourable Gail Shea**

**Minister of Fisheries and Oceans**

Parliament Buildings, Wellington Street

Ottawa, Ontario,

Canada K1A 0A6

March 26, 2010

Re. Campbell River Harbour Authority - Corporation #3390764 BN #878395995RC0001

Honorable Minister Gail Shea:

Sometime, during the spring months of 2008, I arrived on the shores of Discovery Passage to begin a much anticipated journey of relaxation and discovery onboard my sailing vessel, the “Açor”, named after the islands of the Azores, my birthplace. The Campbell River area was chosen for its proximity to Desolation Sound and descriptions of natural beauty originating from friends involved with the local Marine Industry.

Throughout my professional career, as a master foreign-going and Naval Architect, my knowledge of Fisheries and Oceans Canada (DFO) was limited to knowing that small docks and harbors around the Province of British Columbia (BC) coast displaying red colored rails, formed part of DFO property. Choosing the Campbell River Harbor Authority to dock my sailing vessel was a choice originating from one of my commercial clients that operates the largest fleet of Tugs within the area. Upon my arrival three distinct issues surfaced; oil pollution, unseaworthy vessels and “live-a-boards”.

I will begin with the “live-a-board” issue, because it has a personal meaning to me. This year, 2010, marks forty years of professional marine service to the international marine industry, where I distinguished myself as a Master Foreign-Going, Naval Architect and Certified Marine Chemist. Throughout these forty years I lived onboard a variety of waterborne craft. To include Tankers, Passenger ships, Container ships, Cargo liners and my own sailing vessel.

Sometime ago, during the early eighties, upon completion of construction, I moved onboard my sailboat in preparation for a major cruise to the Gulf of Mexico and the Caribbean, an event that resulted in a major article published on the center pages of the Toronto Sun, praising the “live-a-board” lifestyle. Since then and throughout my career the “live-a-board” lifestyle maintained a high profile and continues to receive praise throughout the maritime world. Unfortunately, small minded imbeciles emerging from Canadian Government departments such as DFO, together with segments of the population that stalemated their rational ability, began the spread of innuendo that a “live-a-board” is an ocean polluter and an insult to society.

Ratifying the “live-a-board” issue is not difficult, during 2005, upon the completion of preliminary drawings for the construction of a 90,000 tons ship designed to carry “live-a-boards” around the world, I found myself at the center of an

expanding “live-a-board” lifestyle, serving as an indication of positive growth rather than anything less. Bringing this trend down to small size vessels, such as recreational vessels, I looked for online information about world practices. Because my knowledge of the “live-aboard” world of recreational vessels is extensive, indicating a lifestyle that receives a great deal of praise towards its participants, I stopped my search when I read an online letter written by a “live-a-board” couple living onboard their recreational vessel near Paris, France. Saving time to describe their positive reception by French Authorities, applied to their “live-a-board” status, I provide the following web links: <http://www.naples.net/~mreff/index.html> and France’s own website, Voies Navigables de France: <http://www.vnf.fr> Needless to say, neither the French Authorities nor the “live-a-board” couple said anything negative about the “live-a-board” lifestyle. France’s example is also demonstrated by other European nations. Therefore, what is the problem with Canada, specifically the British Columbia Coast?

The below-shown Image represents a preliminary drawing of a passenger ship that my company designed for the exclusive transportation of sea residents, in other words; “live-a-boards”.



During the recent BC winter Olympics (2010) several cruise ships docked in the Vancouver Port to house security forces and visitors to the Games. Altogether, these “live-a-boards” outnumber all the “live-a-boards” living throughout the BC coast. Furthermore, when the condo ship “The World” visited the BC coast, housing more than a thousand “live-a-boards”, it was welcomed with “open arms”. So, within the sparsely populated “live-a-board” community of BC, does a problem exist? Yes, there is a problem, where the failure of our government manifests itself. A quick review of DFO harbours is sufficient to ascertain the core issue. Firstly, the unseaworthy vessel rises to the surface, where a miniscule number of pitiful members of society seek refuge. Instead of apprehending these vessels, by removing them from the water, the Canadian Government condones the practice with a failure to act. And, when the issue is brought to the surface, only the few questionable vessels belonging to pitiful members of society that “live-a-board”, gets questioned, others with unseaworthy vessels are allowed to moor their vessels on DFO property. For example, within the Campbell River Harbour Authority, several vessels are on a balance of floating/sinking status. These vessels do not belong to “live-a-board” individuals and do not need the expertise of a qualified Naval Architect to determine their unseaworthy status; a simple finger poke against the hull planks, determines a miracle that it still floats. Taking the matter a bit further, vessels with no engines coupled with degraded hulls clog the DFO harbours resulting in limited space to dock a seaworthy vessel or to conduct commercial business such as genuine fishing and work boats. Secondly, a look at the private marina sector of British Columbia, presents a new problem plaguing the “live-a-board”, where greedy owners expand negative attitudes towards the “live-a-board” lifestyle in an effort to increase marina fees.

While BC “live-a-boards” face a negative attitude from BC society, initiated from the parties above-mentioned, the greater impact will be suffered by the community as a whole, when their waterfront loses that maritime quality of life

spanning centuries past when men and women of the sea sparked an interest for a sea adventure. To peruse a marina with static boats, as it is the norm within the sphere of modern society, parallels a walk through a cemetery; the soul no longer resides there.

Unseaworthy vessels docked at several DFO harbours are a waste of space and a danger to public safety, mainly a reflection of a dying fishing fleet than a “live-a-board” issue. Regardless of the culprit, it is a matter to address with authority and maritime professionalism conducive with maritime safety. The two images below, exemplifying numerous other vessels, show a large ex-fishing vessel with very soft hull planks. The close-up image show shell fish residing halfway inside a hull plank, at the waterline level of the vessel.



Oil pollution was a great disappointment upon my arrival in Campbell River, at first I dismissed several oil slicks as occasional accidents and not part of the norm. While most of the 2008 summer months were spent away from Campbell River, it was during my return in the fall that I realized oil spills was a normal occurrence, within the Campbell River Harbour Authority. Some oil spills were of a concentrated amount, where diesel fumes disturbed the senses; my eyes were irritated and the smell was unpleasant, to say the least.

When my boat began to develop oil sleek around its hull, I decided to investigate; why the Campbell River Harbour Authority staff allowed such to happen and who the culprits were. Finding the guilty parties was easy. The ones known to me received my request to stop, the others I depended on the CRHA staff to inform them. Unfortunately, my attitude did not receive a welcome, instead the other culprits continued with the blessing of the Campbell River Harbour Authority staff. Actually, I was informed by commercial operators that a CRHA staff member, namely Phyllis Titus, assistant harbour attendant, began a campaign to discredit me before the general population of Harbour users. Failing to understand this stupidity, I approached the issue of oil pollution in two ways. Firstly, seeing that nothing was going to happen, I contacted the DFO office in Campbell River, namely Shelly Jepps, and filed a formal complaint. Soon after, the majority of the spills stopped and since then spills are at a minimum. Secondly, I contacted Tom Forge, the president of the CRHA Corporation, demanding an explanation for such an environmental abuse and the negative behaviour of the CRHA employee, above-mentioned. To this date, not a single action originating from any member of the CRHA staff or CRHA Board of Directors occurred. If Shelley Jepps had ignored my complaints; the harbour would remain an oil dumping area.

After two years, of being part of the Campbell River community, Shelly Jepps involvement is the only positive step taken to resolve an issue. The two images that follow represent a large oil spill, one of many, that occurred on the twenty

ninth of November 2008. The Campbell River Harbour Authority also known as Fisherman's Wharf, is divided into two areas, the south and north, where the entrance is. The south forms a cu-de-sac where a commercial establishment named Crabby Bob's sits on a floating structure. The live fish is stored in water tanks; some inside the housing structure the other tanks underwater, below the house. When an oil spill occurs, with no exception, it ends up around Crabby Bob's where the live fish becomes exposed to it. I am sure eating fish with oil contamination is not the norm within the Canadian household, accentuating my efforts and of Shelly Jepps to minimize the occurrences.



The original images, represented above, are of a high resolution and when viewed on a large scale clearly show the thickness of the oil spill. The oil on the surface of the water can easily be picked up using a shovel.

During these oil pollution events, no Campbell River Harbour Authority staff ever made any attempt to contain them or call the authorities to enforce the law. Further, it is important to mention that during my professional travels, commanding large ships, no visited worldly port, demonstrated oil pollution of this magnitude around any of my ships.

The "live-a-board" also enters the pollution issue. During these high pollution days, no human waste was ever detected floating, coloring or producing odour on harbour water. Today it is so, raising the question; once again, do "live-a-boards" pollute the environment? The answer is not a simple one, because it has to take into consideration the fact that when a "live-a-board" uses a city toilet, the city waste is dumped on Discovery Passage a few miles north of the Campbell River Harbour Authority. This fact also applies to other bigger cities along the BC Coast, certainly, hypocrisy at its finest, generated by our Municipal leaders. From experience, the "live-a-boards" I encountered during my sea travels show a greater interest in preserving the environment than society as a whole, where society, not only contributes human waste, but advances such with a serious chemical pollution, threatening the city's harbour water.

Sometime during the morning hours of October 1, 2008, Ronald Griffin, a seventy year old retired Canadian Veteran, single handler, sailing his 45 foot sailing ketch, developed engine problems on his approach to Cape Mudge, while on route to the Campbell River Harbour Authority where he usually spends the winter months under the protection of a safe harbour. A call to the Canadian Coast Guard resulted in no reply due to an antenna problem, later discovered. Certainly out of luck, Ronald Griffin, began to plan a method of rescue, his boat facing the strong current of Discovery Passage, required a timely calculation where the power of sail might enter the equation. Unfortunately, the wind failed Ronald, it was a calm day. With limited time, before the seven knot tide turned against his boat, Ronald decided to tow his 45 foot



sailboat using is dinghy, powered by a five horse power outboard. Certainly, not an easy task when facing the turbulent waters of Cape Mudge.

Struggling all the way, Ronald succeeded in bringing is vessel to the mouth of the Campbell River Harbour Authority. With luck turning his way, a sport fisherman towed his sail boat into the harbour and assisted with the tie up on the first dock, a space reserved for the large tugs. As Ronald finished tying his boat, I saw him as I emerged from my sail boat moored adjacent to his boat, but a few spaces down. Tired and upset about his unfortunate sequence of events, Ronald took the long walk to the Campbell River Harbour Authority office to report his arrival. While there, he was met by Linda the manager, Phyllis, assistant harbour attendant and Dave also a harbour attendant. At the conclusion of office formalities, Ronald was instructed to move his 45 foot sailboat to the south side of the harbour.

A common scenario within the Campbell River Harbour Authority begins to develop. Ronald returns to his sailboat alone, **with no help from the staff**. Upon his return I agreed that leaving his vessel at the entrance was not a good idea, firstly, because it was reserved for large tugs and secondly he would experience swells from passing marine traffic and weather. Seeing him alone to carry out the next chore, I volunteered my services and began to formulate a plan to move his boat with the least effort imposed on him. A few ideas came forward but not realistic enough to move a large sailboat into the south side of the harbour. Therefore, I told Ronald to look for a friend to help with the tie up at the other end, while I rounded the big boys from the tugs. Chris Beauleau, from Pacific Cachalot volunteered the services of a 300 horsepower skiff, to tow Ronald's sail boat and, with the help of others; the boat was move to its sheltered location. So, what is wrong with this scenario? Not a single member of the Campbell River Harbour Authority staff moved an inch to help Ronald Griffin.



After forty years, plying the salty waters of the world this attitude is deplorable, to say the least. Taking this scenario a bit further, whenever a summer transient, displaying a large showroom yacht and flying the United States of America flag, the CRHA staff rushes out of the office towards the assigned dock to assist with the docking and electric power plug in. Specifically, I mentioned electric power to indicate that a number of these yachts take two outlets of high amps per vessel; demonstrating what the world already knows about the high consumption of energy by United States citizens. The above-shown images display Ronald Griffin alongside his vessel, the S/V Aquilo, looking forward towards an early spring where the beautiful BC coast plays a part.

Soon after the events previously described, I was asked to apply for permission to reside onboard my vessel, while docked at the Campbell River Harbour Authority. Under advice from commercial users of the facility, known to me, I drafted a letter to the Board of Directors and received a letter permitting my residence onboard my vessel. Because, my reason to stay in Campbell River for a lengthier time period than initially anticipated, emerged from safety concerns about a tug with limited stability docked within the Harbour Authority, I disregarded the “live-a-board” issue to begin stability and structural analysis, with a mandate to solve the problem, before officials of Transport Canada on behalf of my new client. The Naval Architect issues before me did not prevent a continue observation of the CRHA management practices. The below-shown images represent the completed tug, just prior to hitting the water.



Whenever talk of CRHA practices entered a conversation the name Manfred Binger, a member of the CRHA, was first mentioned with indications that he was not happy with the finances and management of the Corporation. On the management arena Phyllis Titus, the assistant harbour attendant, began to play a main role, specifically after Linda, the manager of CRHA, took a leave of absence for medical reasons, this is so to this day. Initially, whatever was said about Phyllis, within the confines of the Harbour Authority, I ignored the bulk of it, believing that other issues deserved my attention, until a man named Ricardo entered the scene.

One calm morning, sometime during the spring of 2009, I noticed Ricardo leave his sailboat, docked three spaces down from mine, carrying a 12 gauge flare gun. Exiting his boat with the gun in hand, he soon placed it tucked inside his pants. While he did not notice my presence, I remained several feet behind him, with enough curiosity to follow and determine the need for a flare gun away from his boat. To my surprise he headed for the CRHA office. As the series of events began to develop, at first, I did not quite grasp what was going on, other than two facts, Phyllis was alone in the office and Ricardo had a flare gun tucked in his pants, heading for the office. Narrating the exact details of the events matter little, but clear enough to say, that my intervention of following Ricardo to the office and calling Phyllis to come outside and attend to a fictitious dock problem, diffused the situation, soon after the police was called and Ricardo was arrested. At the

conclusion of events, my mind began to pay more attention to Phyllis Titus and her mannerism towards members and Harbour users. Ricardo's interest to solve his problem with Phyllis, using a flare gun, is not far from how harbour users feel about her attitude. Lately, it must be said that a select group of Harbour users praise her, the ones she bribes with moorage discounts, extending to the Board of Directors that currently refuse to show the Corporation finances. After several years of bookkeeping, Phyllis Titus, must know what the Board of Directors don't want members to know. Supporting such statement, the name Manfred Binger, previously mentioned, enters the CRHA financial arena.

For several years, Manfred questioned the finances of the Campbell River Harbour Authority, at general meetings, at the CRHA office and anytime he met with a Board Member. And, given all these years, he was refused to exercise his right to see and examine the finances of the Corporation. This attitude originating from the CRHA Board of Directors is now extended to me, after I submitted a formal request, in writing, to review the finances, as per the provisions of the Canada Corporations Act Part II, not-for-profit Corporation. An excerpt taken from my written request submitted to the CRHA Board of Directors on the February 18, 2010 states the following:

*“While the investigative interest of the undersigned is extensive, this formal request is decisive of a **commencement of proceedings**. Therefore, the undersigned, member in good standing, request the following initial information:*

*Note: The Corporation is to keep the following records in the custody of the secretary or another officer specially charged with that duty (sections 109 and 112 of the CCA):*

- 1. a copy of the Letters Patent, any Supplementary Letters Patent and all by-laws of the corporation.*
- 2. the names of all persons who are or have been members.*
- 3. the address and occupation of each such person while he/she is a member, as far as can be ascertained.*
- 4. the names, addresses and occupations of all persons who are or have been directors, and the dates upon which each became or ceased to be a director.*
- 5. minutes of all members' and directors' meetings.*

*Note: The corporation is also required to keep adequate accounting records at its head office (section 117 of the CCA):*

- 6. financial statements, receipts...etc., required to perform a complete investigation of the corporation's financial activities. All bank statements reflective of deposits and withdraws.*
- 7. detailed financial statements for completed financial periods, the report of the auditor, if applicable and any other documents required to be disclosed at the annual meetings”.*

The above-mentioned, formal request has been reviewed by Corporations Canada, Industry Canada, 365 Laurier Avenue West, Ottawa ON K1A 0C8. Further, officials of Industry Canada, fail to understand the reluctance of the CRHA Board of

Directors to open the finances to its members, resulting in a serious lack of accountability, spanning several years. Yet, before the issue of the Corporation finances comes into play, it is important to bring forth other issues of concern.

Along with Phyllis Titus management attitude, now titled Acting manager of the Campbell River Harbour Authority, three Directors rise to the surface with questionable practices, namely Hugh Silver, Tim Hobbs and Tom Forge. These three, do not dismiss the fact that other Directors also play a role, perhaps in a lesser manner.

The democratic practice that Canada Corporations Act installs in the Campbell River Harbour Authority matters little to the Board of Directors and management. To begin describing this scandalous mannerism practiced within a democratic nation, Canada, it is important to describe the annual general meeting and the elective methodology. Tim Hobbs, the newly appointed owner of Redden Net, a nearby small marine supply store, manages the finances of the CRHA, serving on the Board of Directors since the formation of the Corporation in 1997. His enjoyment of the Corporation elevates his association with such, to a height of supremacy, where he states that the corporation belongs to him. When asked to explain his corporate ownership, while a tape recorder preserves his self-appointed status, he dismisses it has a joke. Unfortunately, Tim Hobbs fanatical attention to the matters of the CRHA Corporation; indicate the opposite of a joke.

For a democratic process to work, it requires participant knowledge of such. Therefore, participants in a democratic process with no knowledge of their applicable rights, nullify the process exposing them to abuse. This attitude forms the basis of the CRHA, where Tim Hobbs, assisted by the mainly silent Board of Directors, guides the ignoramus participants (harbour users) to accept his corporate interests. After an extensive survey of harbour users and CRHA members, not a single one, was able to describe the type of Corporation and its mandate to serve the needs of the harbour users. Further, knowledge of Corporation objectives and the corporate by-laws was and currently is a null issue for harbour users. To exemplify this modern day democratic phenomenon, of extreme ignorance, the CRHA Board of Directors refuses to let anyone, including myself, see these corporate documents. My written request, above-mentioned, reviewed by Corporation Canada, and submitted to the CRHA Board of Directors, is unrealized.

Bullying is a mannerism generating a great deal of concern for today's parents of children and teenagers. Without exception, a bully hurls violence towards a weaker person with an interest to impose a self-interest demand. While, the news media publishes numerous articles on bullying around our schools, it seldom publishes articles on bullying emerging from other segments of society. Manfred Binger, above-mentioned, a member for several years, of the CRHA, has taken no exception to identify a problem he witnesses on a daily basis, about the management and the lack of financial accountability emerging from the CRHA Board of Directors. For this act of honourable citizen, he is presented with a prize; bullied by the CRHA Board of Directors. Before going any further, it is important to describe Manfred's physical stature. Manfred Binger is a man in his seventies, with a slim body figure, a height a little above five feet, and certainly not a candidate for a boxing match. Moreover, recently, Manfred's younger wife gave birth to a beautiful baby girl, presently the youngest "live-a-board" on the BC coast, where Manfred is giving his full attention to being a family provider.

The scoundrels, forming the CRHA Board of Directors, within the scope of "Gross Cowardliness" have, without exception, threatened Manfred with physical violence for the last few years, a fact reported, repeatedly, to the local RCMP office. Again, not a single bit of financial information, By-Laws, Letters Patent of the Corporation, etc... ever reached Manfred's hands, to this day. Therefore, witnessing the preceding described bullying, coupled with an observed episode of Manfred's wife experiencing a serious act of stress, following the birth of her child, I am determined to drag the Board



of Directors, managing the affairs of the CRHA Corporation, to the nearest court of law with determination for a prosecution under the provisions of the Criminal Code.

Director Hugh Silver, a man that I am pleased to have never met, exemplifies a lead to a bigger problem; the manipulation of the Corporation to suit the personal interests of the Directors. The images below suffice about his accomplishments within the CRHA arena; finger one is reserved for his own yacht club. A privileged group existing within government property, mandated to serve the marine public. Throughout the CRHA moorage areas, vessels are double, sometimes triple rafted, yet not on Hugh Silver's yacht club, certainly a privileged club within a harbour facility, displaying a dying fishing and commercial industry, with space at a premium; images below-shown attest to this disgraceful usage of a public marine facility.



Presently, two Private Prosecutions are before the Criminal Court of Campbell River, BC. I will begin with a summarized version of my court submissions.

My decision to pursue the above-listed private prosecutions dismisses any act of burdening the law court with vexatious litigation or criminal allegations hurled at innocent persons. Rather, these private prosecutions reflect a larger problem involving the operations and financial management of the Campbell River Harbour Authority. The decision by the CRHA Board of Directors, to remove me from the CRHA premises, by producing a series of false documents with no mandate or legal value, brings attention to the determined desire to prevent anyone from reviewing the finances of the Corporation. Further, the events involving Manfred Binger, a CRHA member, threatened several times with physical violence, for questioning CRHA Board of Directors financial practices, attests to the severity of the issues facing the CRHA Directors.

The fact that for the last thirteen years, all the annual financial statements are unaudited, accentuates the production of the above-listed private prosecutions.

I am a Canadian Citizen, Merchant Navy Veteran and Marine professional, puzzled as to the longevity of such a state of affairs, plaguing Government property, built using taxpayer's money. And, anytime the Board of Directors is questioned, their exhibited indignation is alarming, protective of a Corporation self-designed to serve their private interests. Therefore, I have petitioned the Campbell River Criminal Law Court, to review the private prosecutions with care for detail and seriousness of the overall problem facing the marine community of Campbell River that depend on the survival of the harbor facility for public use, as per the object of the CRHA Corporation, Letters Patent.

At the onset of the following narration, it is necessary to clarify the timely coincidence between the letter handed to me, written by Tom Forge, CRHA President, dated February 18, 2010, advising me to vacate my assigned dock space and my submitted document dated 18 February, 2010, addressed to the Board of Directors, Campbell River Harbour Authority, requesting to review the finances of the CRHA Corporation. The document, above-mentioned, that I submitted initiating a financial investigation into the past ongoing affairs of the Campbell River Harbour Authority had its beginnings sometime within the month of November, 2009. Subsequently, following detailed research of Canadian Statutes, the first draft was produced on December 29, 2009. The draft was then distributed between various members of the Campbell River Harbour Authority and two Canadian Government Ministries for review, namely Industry Canada, the ministry administering Corporations Canada and the Attorney General of Canada. The document was found to contain **no mistakes** as per Corporations Canada.

Soon after, sometime towards the end of January 2010, I met with a Director, of the Campbell River Harbour Authority, to inform him of the above-mentioned undertaking. Moreover, a review of the Canada Corporations Act, demanded additional attention than previously estimated. At the conclusion of the overall process, the final document was ready for the CRHA Board of Directors on February 17, 2010 and submitted on February 18, 2010. From conception, specifically, when the CRHA Board of Directors became aware of this document, sometime within the month of January 2010, I was targeted for removal from the Harbour, with the exception of threats of violence, as experienced by Manfred Binger.

After serving the Canadian and International Marine Industry for the past forty years, mostly at the officer and professional level, namely, Master Foreign-Going, Naval Architect and Certified Marine Chemist, I find it appropriate to first address the definition of the word “seamanlike”. By definition, the word “seamanlike” refers to characteristics of or befitting a seaman; indicating competent seamanship. Taking the word a step further, seamanship, elevates the original word, herein described, to an Art; the Art or skill of handling a ship. Today, with several letters of praise addressed to my good name, to include a recent letter from the United States Coast Guard and Homeland Security, three seaman’s books, German, Swedish and Canadian, indicating the words “Very Good” for ability and conduct, I find it extremely difficult to accept the accusation of abusive behavior directed at my good name, specifically, when the issue involved the above-mentioned Phyllis Titus.

The behavior of an incompetent employee within a Corporation is usually reflective of a bigger problem. Again, bringing forth Phyllis Titus, the general assessment by CRHA members, produces the allegation that she is aware of secrets involving financial manipulation by the Board of Directors, specifically her relation to Tom Forge, Hugh Silver and Tim Hobbs, Director/Treasurer.

Referring to an “incident/occurrence report”, attached to the February 18, 2010 letter signed by Tom Forge above-mentioned, the use of the “fu.....” word, I offer no denial, I used such word and have used such a word, in the past, mainly when issues of negligence and safety are concerned. Whether I used the word “bitch” entered this interact with Phyllis Titus, I am sure it was not said. I have a high respect for the Canine Species to associate Phyllis Titus with such noble Species.

Moreover, I bring forth the circumstances occurring February 17, 2010, shortly after 8:00 AM, when I witnessed and acted upon my visual assessment of such. To begin, I was not aware of the brief conversation that occurred between Ted Thompson and Phyllis Titus prior to my appearance on the scene. I was only told by Ted Thompson and his wife Crystal that Phyllis Titus informed them of their totally flooded and sinking skiff resting below the water, directly under the stern of their vessel, the “Triple E”. My first observation, at the scene, involved Ted Thompson trying desperately to bail the

water from his skiff, with a five gallon bucket, in order to save the two outboards from sinking to the bottom, along with the skiff. Therefore my initial observation prompted a simple and direct question, “did Phyllis go to the office and get the big pump”? Basically, Ted’s reply indicated that Phyllis did not go and fetch the pump. The scenario involving Ted Thompson removal of a large quantity of water from his skiff, using a five gallon bucket, does not require a genius to understand his hardship, coupled with the fact that Ted Thompson is a seventy five year old man with a serious medical condition, presently hospitalized. **The skiff was in a state of a quick sink to the bottom; Phyllis Titus, demonstrating a common practice of refusing to help members of CRHA, perhaps better said, helping a small number of Harbour users that she favors, while ignoring the rest, continued her morning boat count completely ignoring what she is mandated to do, assist harbor users in need, specifically, emergencies.**

To say the least, Phyllis Titus mannerism prompted my reaction, demanding an emergency pump to prevent the total sinking of the skiff, the two outboards and an imminent heart attack on Ted Thompson as he struggled to bailout his skiff. Certainly, human hands are no match for the power of a pump. The CRHA has, at least two pumps, in storage to assist Harbour users in need, a course of action that when applied promptly, prevents the larger task of removing a sunken vessel from the bottom of the Harbour.

Calling Phyllis Titus from the bottom of finger 4, to get the emergency pump to assist Ted Thompson, received a complete ignore, prompting my run up finger 4 to her presence and demand that she perform her duties as a competent Harbour assistant. Certainly I used a vulgar word, indicating a limited mannerism that I use to deal with crew members that fail to perform their duties. Onboard a ship, failing to assist (emergencies) receives a much harsher penalty, namely; an arrest, cut in pay followed by dismissal upon port arrival. At sea there is no tolerance for failure to assist a seaman in need. **In conclusion, to the event above-mentioned, involving the interaction between Phyllis Titus and I, resulted in the emergency pump arrival at the scene within five minutes. Furthermore, since my commencement of judicial proceeding against the CRHA Board of Directors, Phyllis Titus is more attentive to the needs of the Harbour users. The attitude of demanding the removal of my vessel from the Campbell River Harbour Authority, in reality, has no relation to the above-mentioned event, other than a flimsy excuse to intimidate me into leaving the Harbour and stop my demands to review the finances of the CRHA.**



The three images above-depicted, fail rational and can only demonstrate a sad state of affairs within DFO Harbours. Of great importance, the background scenery, showing an unseaworthy vessel that is moored near my vessel for a considerable length of time. During the past winter months, this unseaworthy vessel filled with water, sinking down 18 inches from its waterline. Not wanting to see the vessel sink, my neighbor and I warned the office staff to remove the water from inside, avoiding capsizes from free surface effect or a quick sink, given its hull dilapidated condition. Again,

depending on the office staff to notice the obvious, is next to impossible. Reluctantly, a staff member eventually bailed the water out. Today, this unseaworthy vessel, alike others, maintains its presence at the CRHA facility.

The first image, on the left, displays Tom Forge, CRHA president and Tim Hobbs, CRHA treasurer. Their presence near my boat, involved a verbal threat to remove my vessel from my assigned moorage. Certainly, a demonstration of gross stupidity, the CRHA By-Laws and the Canada Corporations Act, Part II, do not permit such action. The center image displays Tim Hobbs, daring me to call the RCMP after I warn them to leave the area. To their surprise, I did call 911, requesting the assistance of the RCMP to defuse the situation. The RCMP arrived promptly and whatever they told them, my wife and I have not received any further communication from the CRHA Directors or staff, given that the whole issue is before the Campbell River Criminal Court initiated by my private prosecutions.

Sometime prior to the events above-mentioned I was informed by CRHA office staff that my moorage payment and membership card was cancelled. Furthermore, at the onset of the CRHA 12<sup>th</sup> Annual General Meeting, February 25, 2010, I was nominated for Directorship by a CRHA member and, my name placed on a display board along with other nominees. Prior to vote count; Phyllis Titus announced to the membership present at the meeting, that Capt. E. G. da Costa Duarte was no longer a member of the Campbell River Harbour Authority. This proclamation was stated before the Board of Directors with no objection from a single Director.

Manfred Binger, sometime during the CRHA 12<sup>th</sup> Annual General Meeting, February 25, 2010 asked the Board of Directors the following question to ascertain democratic process; “Are we a Corporation or are we a not-for-profit Corporation”? Tom Green a director of the Campbell River Harbour Authority proclaimed the answered to the membership present at the meeting, “I don’t know and I don’t give a shit”. The same question was asked to Tom Forge, President of the CRHA, during a coffee break, the answer; “I don’t know I would have to look it up”.

The well entrenched dictatorship of the Campbell River Harbour Authority is a democratic process gone drastically wrong. Therefore, I have no other recourse, but to place such a corruptive due process, on the hands of the Honourable court to correct a wrong against **Canadian Democracy**.

In conclusion, Fisheries and Oceans Canada “involvement with Harbour Authorities extends only to its responsibilities as a landlord to ensure that”:

- **“facilities that have been paid for by taxpayers and leased at a nominal cost are used for the public good”;**
- **“facilities provided for fishers respect the safety and health of users and of the environment”;** “and
- **“no action is taken that exposes DFO to future costs or to expenditures that are not in support of the harbour”.**

The above-quoted statements originating from the DFO Harbour Manual indicate that it is the responsibility of Fisheries and Oceans Canada to intervene and correct the wrong occurring within the CRHA facility.

My Recommendations:

- a) The immediate removal of all unseaworthy vessels from DFO Harbours. Vessels with questionable seaworthy status must undergo a hull inspection by a qualified Naval Architect or qualified Marine Surveyor.
- b) Harbour Authorities under a lease agreement with DFO must advise harbour users of their mandate and purpose, by publicizing for public view, the by-laws of the Corporation and the objects of the Corporation. This attitude will prevent dishonest directors from manipulating the Corporation for their own advantage.



c) Harbour Authority employees play a very important role in keeping DFO Harbours safe. Therefore, favoritism, incompetence, bullying, bribing, and every behavior contrary to the Criminal Code and professional practice will result in an immediate dismissal. For example, failure to assist a CRHA member, harbour user or the public while within the confines of the CRHA facility is reason for dismissal.

d) Any Harbour Authority Director, using the facilities to promote their own interests, without permission from an Act of Parliament, is reason for an immediate dismissal from the board. Any director giving false information about the Corporation to members and Harbour users must undergo disciplinary action resulting in an immediate dismissal from the board. Further, a director with a criminal record should not be allowed to participate. The essence and practice of a board of directors is to demonstrate the high honor and integrity of the Corporation, not to install a sense of criminality to the members and the general public.

e) DFO via these Harbor Authorities must, immediately, seize to intimidate individuals that choose to reside onboard their vessel. Closing an eye to individuals from the fishing and commercial industry that reside onboard their respective vessels on a permanent basis, while accusing pleasure craft residents of being water polluters and “low lifer’s” is contrary to sections of the Criminal Code and the Canadian Charter of Rights and Freedoms. It is true that a small number of individuals below the poverty level reside onboard questionable seaworthy vessels, this attitude mimics city residents that live in dilapidated housing; should a land resident nearby a dilapidated house share the accusation hurled at individuals residing in dilapidated housing. Certainly not, so why accuse a boat resident of unsavory practices when it does not apply. No Act of Parliament prohibits residence onboard a sea vessel.

f) Two issues detract tourism from enjoying a walk and view of DFO Harbours; unseaworthy vessels and a static Harbour, where boats are a mere display and not connected to any sea adventure or activity. Canadians must exhibit members of society that excel, not preserve the negative side of Harbour management along with a lack of honor and integrity, exemplified by Campbell River Harbour Authority Board of Directors and staff.

g) Canada is a great Nation, it has problems like other nations, yet it is the cooperation between honorable government and honorable Canadians that will maintain Canada a great Nation. DFO must act, as any member of society must also do, to eradicate negative growth arising from those that choose to do our great Nation, harm.

The idea of a community run Harbour has its merits and it is not a reason to criticize the efforts of DFO. The law provides numerous ways to address criminal behavior and contraventions of the law. The involvement of DFO emerges from a landlord stand point, requiring an intervention to assist with a positive resolution.

Sincerely,

**Captain E. G. da Costa Duarte**

