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October 3, 2018

File No.: 5020-30

Via Fax: 403-292-5503 (toll-free 1-877-288-8803)

Ms. Sheri Young  
Secretary of the Board  
National Energy Board  
Suite 210, 517 Tenth Avenue SW  
Calgary, AB T2R 0A8

Dear Ms. Sheri Young:

**Re: Islands Trust submission to NEB re TMX Reconsideration hearing**

The Islands Trust, as a government body established by the Province of British Columbia through the *Islands Trust Act*, asserts that Project-related marine shipping should be part of the designated project under CEAA 2012 and that marine shipping should be considered as more than incidental to the project. In 2011, we were the first agency to assert that the National Energy Board should be considering marine shipping when assessing expansion of the Trans Mountain Pipeline.

**List of Issues**

The Islands Trust respectfully suggests that the Board requires additional evidence about the environmental effects of Project-related marine shipping.

The Islands Trust requests that the Board consider environmental effects of Project-related marine shipping related to use of anchorages in the Southern Gulf Islands. The concern is that Project-related vessels may end up at anchor in the event of pipeline product delivery issues, or that other vessels might be diverted to the 33 commercial vessel anchorages in Southern Gulf Islands due to delays resulting from additional Project tankers through the Second Narrows Movement Restricted Area. There has not, to our knowledge, ever been an environmental assessment of the impacts of anchored vessels in the Southern Gulf Islands which includes Southern Resident Killer Whale critical habitat. Increases in light and sound from anchored vessels may impact terrestrial and marine species (including species at risk) through potential changes to foraging, migration, and transitory patterns. The significant light and sounds from anchored vessels may also impact human health and there is potential environmental damage due to anchor dragging on the seabed. There are also concerns associated with the risk of contamination from discharge of sewage and foreign bilge water from anchored vessels.

The Islands Trust also submits that there may be the need for additional evidence related to air emissions impacts in the Southern Gulf Islands and Boundary Pass/Haro Strait. There are concerns about air emissions in the Islands Trust Area from project related vessels particularly in light of cumulative effects from increasing vessel traffic generally. There are also concerns at the local level about the emissions that may be emitted from marine vessel traffic that may be diverted to anchorage as a result of additional Project tankers moving through the Second Narrows Movement Restricted Area. In the Southern Gulf Islands vessels anchor very close to rural residential neighbourhoods.

We believe there has been insufficient consideration of the cumulative effects of increasing vessel traffic in the Salish Sea, including the resulting greenhouse gases.

Finally, we submit that the impact of an oil spill from project vessels on human health, and the ecology and economy of the Salish Sea must be fully addressed.

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### **The design of the hearing process to be used for the Reconsideration**

We believe the hearings should be oral and use cross-examination, and that hearings should be held on Vancouver Island so the people affected by marine shipping and any marine spill can participate.

The timelines for the process should facilitate the involvement of local governments. A one week turnaround for submissions, such as for this submission, is not compatible with local government meeting schedules or public processes.

### **Government departments the Board should require information from:**

We suggest that the Board require information from Parks Canada regarding feasibility studies for the proposed National Marine Conservation Area Reserve for the Southern Strait of Georgia. This information may assist with determining environmental effects in the Southern Gulf Islands region.

We also suggest that the Board require information from Health Canada regarding impacts from vessel air, noise and light emissions from vessels in transit and at anchor.

Further, we suggest that the Board request that United States agencies involved in transboundary responses to spills including Washington State Department of Ecology, the National Oceanic and Atmospheric Administration, and the Environmental Protection Agency provide information useful to the Board.

Thank you for considering these comments.

Yours sincerely,



Peter Luckham  
Chair, Islands Trust Council  
[pluckham@islandstrust.bc.ca](mailto:pluckham@islandstrust.bc.ca)

cc: Islands Trust Area MPs  
Cowichan Tribes  
Esquimalt First Nation  
Halalt First Nation  
Homalco First Nation  
Hul'qumi'num Treaty Group  
K'omoks First Nation  
Klahoose First Nation  
Laich-kwil-tach Treaty Society  
Lake Cowichan First Nation  
Lyackson First Nation  
Malahat Nation  
Musqueam First Nation  
Nanwakolas Council  
Pauquachin First Nation  
Penelakut Tribe  
Qualicum First Nation  
Scia'new (Beecher Bay) First Nation  
Semiahmoo First Nation  
Shíshálh (Sechelt) First Nation  
Snaw-naw-as (Nanoose) First Nation  
Snuneymuxw (Nanaimo) First Nation  
Songhees First Nation  
Squamish First Nation  
Stz'uminus (Chemainus) First Nation  
Te'mexw Treaty Association  
Tla'amin (Sliammon) First Nation  
T'Sou-ke (Sooke) First Nation  
Tsartlip First Nation  
Tsawout First Nation  
Tsawwassen First Nation  
Tseil-Waututh (Burrard Inlet) First Nation  
Tseycum First Nation  
We Wai Kai (Cape Mudge First Nation)  
Wei Wai Kum (Campbell River First Nation)  
Port of Vancouver  
Chamber of Shipping of British Columbia  
San Juan County Council  
Bowen Island Municipal Council  
Islands Trust Council  
Islands Trust website