



200-1627 Fort Street, Victoria BC V8R 1H8
Telephone (250) 405-5151 Fax (250) 405-5155

Toll Free via Enquiry BC in Vancouver 604.660.2421. Elsewhere in BC
1.800.663.7867

Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca

April 13, 2023

File No.: 11-5020-30

Via email: LWRS.CoastMarine@gov.bc.ca

The Honourable Nathan Cullen
Minister of Water, Land and Resource Stewardship
PO Box 9012 Stn Prov. Govt.
Victoria, BC V8M 9L6

Dear Minister Cullen:

Re: Feedback on Coastal Marine Strategy Intentions Paper

Thank you for the opportunity to comment on the Coastal Marine Strategy Intentions Paper. We appreciated the special information session held for the Islands Trust Council on March 23, 2023.

We are pleased to see the provincial government working towards a Coastal and Marine Strategy, and that it is being co-developed with First Nations. We look forward to being involved in its eventual implementation. This topic is of great importance to the Islands Trust Area. In November 2020, I conveyed the following resolution by the Islands Trust Council to the Premier and all relevant Ministers of the BC government:

THAT Trust Council direct the Chair to write to the Premier and all relevant Ministers of the BC government on behalf of Trust Council to request that the BC Government develop and enact a Coastal Strategy and law to leverage and coordinate the work of provincial ministries, First Nations, local communities, and stakeholder groups to preserve coastal and ocean health, halt coastal habitat loss, accelerate the completion of a network of marine protected areas to benefit fisheries, biodiversity and the economy, set marine environmental quality objectives from upland activities, and help communities adopt ecosystem-based approaches to manage risks from flooding due to extreme weather events, sea level rise, climate change, and ocean acidification.

In March 2019, the Islands Trust Council declared a climate change emergency, committing to take urgent and fair climate action. As a federation of island governments, coastal and marine protection is central to our work and our response to the climate emergency.

The Islands Trust Act sets out that:

The object of the trust is to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia.

.../2

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

A key word in this Object statement is ‘cooperation’. We appreciate the cooperative approach proposed in the Strategy and ask that implications for the Islands Trust Act and the Trust’s mandate be considered throughout the Strategy development process and development of any subsequent legislation.

We also ask that the Province provide mapping resources, data visualization, and other supports to Islands Trust and local governments to support their work in protecting marine and coastal areas. For example, without investments in mapping and evidence-based communication products it can be hard to convey to the public how eelgrass health is connected to a healthy Southern Resident Killer Whale population or how a seawall can impact shoreline erosion further down a shoreline. It is not efficient for individual local governments to create these materials. Islands Trust has developed the following [shoreline mapping products](#) which may be of use to future work: 1) Distribution of shoreline type; 2) Energy and sediment movement; and 3) Shoreline values and vulnerabilities. The Trust has also developed [ecosystem inventory maps](#) for eelgrass beds, bull kelp beds and forage fish spawning habitat.

The Trust has also advocated to the federal government on coastal and marine topics and hopes that provincial-federal cooperation can be a key component of the Strategy. In particular, Trust Council has long advocated to the federal government to: 1) take all measures possible to reduce, and ultimately eliminate, the use of the 33 commercial freighter anchorage sites throughout the Southern Gulf Islands ([see attachment 1.](#)). In addition, the Trust has advocated to the federal government for:

- better regulation of vessel sewage dumping and vessel scrubbers ([see attachments 2, 3 and 4](#));
- regulation of aquaculture debris ([see attachment 5](#));
- an emergency towing vessel based in Sidney ([see attachment 6](#)); and
- a moratorium on the herring fishery in the Salish Sea ([see attachment 7](#)).

Provincial leadership to the federal government on these topics is needed. It would also seem appropriate for the Strategy to reference and support the federal government’s recently announced targets of conserving 25 percent of Canada’s oceans by 2025 and 30 percent by 2030. We are looking forward to hearing about progress on the proposed National Marine Conservation Area Reserve for the Southern Strait of Georgia.

We also encourage the Province to work closely with Washington State on coastal and marine protection measures for the Salish Sea.

We also ask that there be sufficient provincial staff resources dedicated to enforcing coastal laws and policies. The Islands Trust has asked for more provincial staff enforcement to prevent aquaculture industry debris ([see attachment 8](#)) and we have learned there are inadequate provincial staff to properly enforce the proliferation of unlawful private docks and marine infrastructure in the Salish Sea. The lack of provincial staff resources for enforcement puts pressure on our bylaw enforcement staff. The Trust also encourages coordination on the issue of liveboards, as once again, this issue places a burden on our bylaw enforcement staff when a provincially-led coordinated strategy is needed ([see attachment 9](#)).

We also ask the Strategy include consideration of oil spill preparedness and response, and an update to the BC Marine Oil Spill Response Plan. The Islands Trust recently wrote to Trans Mountain with concerns about research on the fate and behaviour of bitumen ([see attachment 10](#)). Much of the work to protect coastal and marine values could be at risk with one oil spill. Island communities have voiced strong concerns about the impacts of an oil spill on their livelihoods and the ecology and cultural values of the region. BC’s coastal and marine values demand a world-class research standard and associated response preparedness.

We also hear ongoing concern about polystyrene foam pollution in the marine environment and encourage measures that prevent rigid foam pollution in the marine environment ([see attachment 11](#)). Leadership by the provincial and federal governments in cleaning up existing pollution of this type is needed.

We also support study of and provincial consideration of cumulative effects ([see attachment 12](#)). A topic of much contention in the Trust Area last year related to potential Islands Trust regulation of desalination plants in the Trust Area in response to concern about the cumulative impact of small systems ([see attachment 13](#)). Discussions revealed that the potential regulation of desalination plants and study of their cumulative effects is better addressed by the Province.

With regards to the drafting of the Strategy, I draw your attention to the following policies in the Islands Trust Policy Statement, approved by the BC Minister of Municipal Affairs in 1994, which set out the commitment (position or philosophy) of Trust Council:

Policy Statement Policy	Trust Council Policy	Applicability to Intention Paper Section
<i>Policy 3.4.1</i>	It is the position of Trust Council that development should not be allowed within a line drawn 300 metres offshore or mid-channel (whichever is less) of any island or islet in the Trust Area owned entirely by the Crown or affected by Order in Council 467.	
<i>Policy 3.4.2</i>	It is Trust Council’s policy that marine areas be protected and coastal zone management principles be defined in consultation with agents of the government of British Columbia, the government of Canada, Crown corporations, municipalities, regional districts, non-government organizations, property owners and occupiers.	A4; E5; E6
<i>Policy 3.4.3</i>	Trust Council holds that artificial reefs should not be developed in the Trust Area. (Interpretation Note: Small scale habitat enhancement structures known as ‘reef balls’, which are placed in marine areas with the approval of Fisheries and Oceans Canada, are not considered to be artificial reefs for the purposes of this policy.)	A3
<i>Policy 4.5.1</i>	It is Trust Council’s policy that aquaculture is a valuable activity in the Trust Area if compatible with maintenance of ecosystems and community character.	Section F
<i>Policy 4.5.2</i>	Trust Council holds that finfish farms should not be located in the marine waters of the Trust Area.	A1
<i>Policy 4.5.3</i>	It is the position of Trust Council that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.	B3

<i>Policy 4.5.4</i>	It is the position of Trust Council that development, activity, buildings or structures should not restrict public access to, from or along the marine shoreline.	E6
<i>Policy 4.5.5</i>	It is Trust Council's policy that development should be directed to sites away from: <ul style="list-style-type: none"> • areas of environmental sensitivity, and • areas of naturally occurring stocks of clams or oysters. 	B5
<i>Policy 4.5.6</i>	It is Trust Council's policy that aquaculture should be directed to sites away from: <ul style="list-style-type: none"> • areas of recreational significance, • areas where an aquaculture operation would conflict with established or designated upland land uses, and • areas where an aquaculture operation would conflict with established or designated anchorage or moorage. 	C4-11; E5; F4
<i>Policy 4.5.7</i>	It is the position of Trust Council that aquaculture related development, activity, buildings or structures should not result in site alteration.	C4-11

The Islands Trust Policy Statement also includes the following recommendation policies which offer recommendations from Trust Council to government agencies and other decision-makers:

Policy Statement Policy	Trust Council Policy	Applicability to Intention Paper Section
<i>Policy 3.4.6</i>	Trust Council encourages the Provincial and Federal governments to develop existing and new programs such as "harvest refugia", which protect and enhance the populations of native marine species of the Trust Area.	E5
<i>Policy 3.4.7</i>	Trust Council encourages the Provincial and Federal governments to research the impacts of the introduction of new marine species into the marine water of the Trust Area before such species are introduced.	A2
<i>Policy 3.4.8</i>	Trust Council encourages the Federal and Provincial governments to develop and adopt legislation that regulates sewage discharge from shores and boats and addresses its detrimental impact on marine or coastal ecosystems.	A3
<i>Policy 3.1.7</i>	Trust Council encourages the Provincial government and the government of Washington State to proceed with their proposal for a joint environmental monitoring system for the Georgia Basin Region.	D4
<i>Policy 3.1.8</i>	Trust Council encourages the Provincial government to establish property tax incentives for conservation or habitat protection.	C3

Minister Cullen

April 13, 2023

Page 5

Islands Trust is a special-purpose government representing over 30,000 people living within the Islands Trust Area and 10,000 non-resident property owners. The Islands Trust Area is located within Coast Salish territory and is the homeland of many Coast Salish Peoples who have called this place home since time immemorial. Islands Trust is responsible for preserving and protecting the Islands Trust Area's unique amenities and the environment through conservation-oriented land use planning and regulation, education, and cooperation with First Nations and other agencies. The Islands Trust Area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major islands and more than 450 smaller islands covering 5,200 square kilometres.

Thank you for considering this feedback. We look forward to seeing the draft Coastal and Marine Strategy.

Yours sincerely,



Peter Luckham

Chair, Islands Trust Council

pluckham@islandstrust.bc.ca

Attachments:

- 1) [January 19, 2021](#) Islands Trust Chair letter to Minister of Transport re anchorages
- 2) [December 1, 2014](#) Islands Trust Chair letter to Minister of Transport re boat sewage restrictions
- 3) [July 28, 2016](#) Islands Trust Chair letter to Chair of the House of Commons Standing Committee on Finance re budgeting to address marine pollution
- 4) [March 30, 2022](#) Islands Trust Chair letter to Minister of Transport re ship scrubbers
- 5) [December 9, 2022](#) Islands Trust Chair letter to Minister of Fisheries and Oceans, and the Canadian Coast Guard re resources for enforcement of shellfish aquaculture regulations
- 6) [January 26, 2022](#) Joint Islands Trust/San Juan County letter to Minister of Fisheries, Oceans and the Canadian Coast Guard and Minister of Transport re request for an Emergency Towing Vessel in Sidney
- 7) [October 25, 2019](#) Islands Trust Chair letter to Minister of Fisheries, Oceans, and the Canadian Coast Guard re Herring Fishery Moratorium
- 8) [December 9, 2019](#) Islands Trust Chair letter to Minister of Forests, Lands, Natural Resource Operations and Rural Development re resources for enforcement of aquaculture tenure licences
- 9) [Islands Trust 2020 resolution](#) to UBCM Convention re liveboards
- 10) [January 30, 2023](#) Islands Trust Chair letter to Trans Mountain re Fate and Behaviour of Bitumen
- 11) [Islands Trust 2017 resolution](#) to UBCM Convention re prevention foam pollution from marine structures
- 12) [Islands Trust 2019 resolution](#) to UBCM Convention re cumulative effects marine values
- 13) [Islands Trust –Islands 2050 project fact sheet](#) re docks, desalination and seawalls

cc:

Islands Trust Area MLAs
Bowen Island Municipal Council
San Juan County Council
Islands Trust Council
Islands Trust Website



200-1627 Fort Street, Victoria BC V8R 1H8
Telephone **(250) 405-5151** Fax (250) 405-5155

Toll Free via Enquiry BC in Vancouver 604.660.2421. Elsewhere in BC
1.800.663.7867

Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca

January 19, 2021

File No.: 5020-30 Anchorages

Via Email: omar.alghabra@parl.gc.ca

The Honourable Omar Alghabra
Minister of Transport
330 Sparks Street
Ottawa ON, K1A 0N5

Dear Minister Alghabra:

Re: Call for Immediate Action to Address Freighter Anchorages in the Southern Gulf Islands

On behalf of the elected Islands Trust Council I am pleased to convey our congratulations on your appointment as Minister of Transport. We look forward to working with you. I am writing at the request of the Islands Trust Council to express our dismay over the lack of federal government action to address the serious issue of freighter anchorages in the Southern Gulf Islands and to request your leadership on the issue. Despite more than ten years of consistent advocacy from the Islands Trust, Members of Parliament, First Nations governments and coastal communities, the federal government has yet to play a leadership role in resolving this issue. We were heartened with the Ocean Protection Plan's inclusion of an active Anchorage Initiative component but have failed to see any progress. As marine shipping continues to grow and supply chain inefficiencies continue to worsen, our communities and the marine environment of the Salish Sea are suffering the costs of prolonged federal inaction. Amidst a climate emergency, this inaction is simply unacceptable.

The Islands Trust Area, between the British Columbia mainland and Vancouver Island is one of the most productive marine ecosystems in the world and includes the highest density of species at risk in Canada. The significance and sensitivity of the region, and the need for protective measures, were internationally recognized in 1973. Nonetheless, over the past ten years, the number of coal, grain and break bulk cargo ships anchoring in the Southern Gulf Islands has increased dramatically as ships wait to access the Port of Vancouver. Coastal communities are deeply concerned over the increasing number of vessels, the growing size of these vessels and the longer periods of time that vessels are spending at anchor due to long-standing supply chain issues. Industry and government predict anchorage use will continue to increase unless the federal government and the Port of Vancouver implement long-term solutions.

The Islands Trust Council takes seriously its statutory mandate from the Province of British Columbia to work in cooperation with others to preserve and protect this sensitive and biodiverse region, but we cannot do so without the support of our federal and provincial partners. We are calling for federal accountability and urgent, meaningful federal leadership to resolve this issue.

.../2

Islands Trust Council calls upon the federal government to:

- 1) take all measures possible to reduce, and ultimately eliminate, the use of the 33 commercial freighter anchorage sites throughout the Southern Gulf Islands, collectively referred to by Transport Canada as the 'South Coast of British Columbia'**
- 2) provide a report to Islands Trust Council on the progress made under the Oceans Protection Plan's Anchorages Initiative and planned next steps**
- 3) provide a report to Islands Trust Council in response to our April 24, 2020, request for a Transportation Safety Board investigation into the March 30, 2020, freighter collision in Plumper Sound, British Columbia**
- 4) direct Transport Canada officials to meet with leadership in the Vancouver Fraser Port Authority, BC Chamber of Shipping, and other appropriate industry representatives, to identify immediate measures to reduce the number of bulk cargo ships currently being directed to anchor in the Southern Gulf Islands while long-term solutions are explored**

In my last [letter](#) to the Minister of Transport, dated April 24, 2020, in the wake of a nearly disastrous collision between anchored freighters in Plumper Sound, B.C., Islands Trust Council called upon the federal government to conduct a comprehensive Transportation Safety Board investigation into the March 30th collision. We have yet to receive any response to that letter.

These anchorage sites are located within the traditional and treaty territories of local First Nations who have utilized the waters and resources in the Southern Gulf Islands since time immemorial. The anchorage sites were designated without consultation with local First Nations or local communities. We are concerned about the impacts these anchorages incur on First Nations and small island communities, as well as local species and ecosystems at risk. These impacts include significant noise, light, and air pollution; disturbance of local marine ecosystems and food webs; threats to local economies and livelihoods; and the ever-looming risk of catastrophic fuel spills in this environmentally sensitive region. Furthermore, we are concerned that the acoustic disturbance from freighters transiting through the foraging areas of the endangered Southern Resident Killer Whale is a significant factor contributing to that species' extinction.

Since 2008, Islands Trust has been expressing its serious concerns regarding the inappropriate use of the Southern Gulf Islands for industrial activities such as commercial freighter anchorages and the transfer of gypsum and other materials utilizing barges for export. In September 2016, the Union of BC Municipalities endorsed an Islands Trust resolution calling on Transport Canada to assess the cumulative risks and impacts associated with projected vessel traffic increases in the Salish Sea and develop an innovative twenty-year mitigation plan. To date, the Oceans Protection Plan and the Interim Protocol for the Use of Southern B.C. Anchorages have not shown any promise of protecting the Salish Sea from the cumulative harm incurred by freighter anchorages. With every day that the government fails to act, the cumulative impacts on this sensitive marine environment continue to worsen, undermining the health and well-being of coastal communities and all Canadians.

The Islands Trust Council remains committed to working collaboratively and constructively with federal agencies and industry associations to resolve this important issue without further delay. We look forward to hearing from you regarding the requests and concerns we have outlined in this letter.

Yours sincerely,



Peter Luckham
Chair, Islands Trust Council
pluckham@islandstrust.bc.ca

cc: Terry Beech, Parliamentary Secretary to the Minister of Fisheries, Oceans, and the Canadian Coast Guard
Islands Trust Area MPs
BC Minister of Environment and Climate Change
BC Minister of Transportation and Infrastructure
Gabriolans Against Freighter Anchorages
Anchorages Concern Thetis
Cowichan Bay Ship Watch Society
Plumper Sound Protection Association
Stuart Channel Anchorages Protection
Chamber of Shipping of British Columbia
Shipping Federation of Canada
Nanaimo Port Authority
Pacific Pilotage Authority
Vancouver Fraser Port Authority
Cowichan Valley Regional District Board
Town of Ladysmith Mayor and Council
BOKÉCEN (Pauquachin) First Nation
Cowichan Tribes
Halalt First Nation
Homalco First Nation
Klahoose First Nation
K'ómoks First Nation
Lake Cowichan First Nation
Lekwungen (Songhees) Nation
Lyackson First Nation
MÁLEXEŁ (Malahat) Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation
SEMYOME (Semiahmoo) First Nation
shíshálh First Nation
Snuneymuxw First Nation
Siwxwú7mesh (Squamish) Nation
Snaw-naw-as (Nanoose) First Nation
SṪÁUTW (Tsayout) First Nation
Stz'uminus First Nation
SXIMEŁEŁ (Esquimalt) Nation
Tla'amin (Sliammon) Nation
Tsawwassen First Nation
Tseil-Waututh Nation
T'Sou-ke Nation
Wei Wai Kum (Campbell River) First Nation
We Wai Kai (Cape Mudge) First Nation
W JOŁEŁP (Tsartlip) First Nation
W SIKEM (Tseycum) First Nation
x^wməθk^wəyəm Musqueam
First Nations Leadership Council
Hul'qumi'num Treaty Group
Laich-kwil-tach Treaty Society
Nanwakolas Council
Naut'sa mawt Tribal
Te'mexw Treaty Association
Bowen Island Municipal Council
Islands Trust Council
Islands Trust website



200 - 1627 Fort Street, Victoria BC V8R 1H8
 Telephone **(250) 405.5151** Fax (250) 405.5155
 Toll Free via Enquiry BC in Vancouver 604.660-2421.
 Elsewhere in BC **1.800.663.7867**
 Email information@islandstrust.bc.ca
 Web www.islandstrust.bc.ca

December 1, 2014

File No.: 410-20

via e-mail: mintc@tc.gc.ca

The Honourable Lisa Raitt
 Minister of Transport
 Tower C - 330 Sparks St.
 Ottawa Ontario K1A 0N5

Dear Minister Raitt:

Re: Pleasure Craft Sewage Dumping

On behalf of the Islands Trust Council, I am writing to express our opposition to proposed [amendments](#) to Section 96 of the Vessel Pollution and Dangerous Chemicals Regulations that would allow pleasure craft vessels to discharge sewage only one nautical mile from shore. I also request that Transport Canada take additional actions to reduce raw sewage dumping from vessels in the Salish Sea.

Since 2009, the Islands Trust Council has been concerned that the current Regulations allow raw sewage dumping in waters that are six nautical miles shore-to-shore. The geography of the Salish Sea, characterized by small islands and islets with narrow channels between islands, results in legal raw sewage dumping in sensitive marine habitats near shellfish beds and swimming beaches (see attached maps).

Since 1982, the Islands Trust Council has been concerned about the impacts of pleasure craft sewage. The [Islands Trust Policy Statement](#), a statutory document founded in extensive community consultation and approved by the Province of British Columbia in 1994, recommends that the federal and provincial governments develop and adopt legislation that regulates sewage discharge from shores and boats and addresses its detrimental impact on marine or coastal ecosystems (policy 3.4.8). This topic has also been a priority of the Islands Trust Council's 2011-2014 Strategic Plan.

On behalf of the Islands Trust Council I request that Transport Canada:

1. Abandon plans to allow pleasure craft to dump raw sewage closer to shores and shellfish beds.
2. Create no-discharge zones around pump-outs. Please amend the Regulations to create a three nautical mile no-discharge zone around available pump-outs. On the attached map, you can see how our proposed approach of a three nautical mile no-discharge zone around pump-outs would apply in our region. As more pump-outs are installed, fewer areas would become available for dumping.

.../2

3. Work with partners to develop an infrastructure funding program for vessel sewage pump-out facilities that would support sufficient pump-out stations to create contiguous large no-discharge zones in the Trust Area. The ecological sensitivity of this region, combined with the hundreds of thousands of recreational boaters in our region, creates a strong justification for priority pump-out infrastructure investment in the Salish Sea.

We have also heard numerous suggestions from community members about how the Vessel Pollution and Dangerous Chemicals Regulations could be improved:

We heard that there is a pressing need for Transport Canada to address the naming and creation of no-discharge zones (Designated Sewage Areas). Renaming Designated Sewage Areas to No-Discharge Zones would benefit public education initiatives. The current term is confusing as it implies the area is designated to permit sewage dumping. Local community groups have also expressed interest in requesting new Designated Sewage Areas but have found existing Transport Canada processes unclear and unduly onerous. By improving and streamlining the process for communities to request new Designated Sewage Areas, communities could make better use of their volunteer time and Transport Canada could benefit from community knowledge about where raw sewage dumping needs to be further restricted. Only two sites have ever been designated in our region despite the fact that in the 1990s the Islands Trust Council and Islands Trust local trust committees requested a combined total of more than 50 Designated Sewage Areas in the Islands Trust Area, and the Province of British Columbia requested twelve areas in the Islands Trust Area.

We have also heard that changes are needed to support better on-water enforcement. One suggestion we have heard is to allow enforcement agencies to issue tickets to pleasure craft operators who don't comply with sewage dumping provisions of the Regulations (e.g. installation of black water holding tank; discharge in a Designated Sewage Area). We've also heard that designing the Regulations to make them easier to enforce would be useful. We've heard that in some jurisdictions it is mandatory for vessel operators in no-discharge zones to secure their marine sanitation devices or holding tanks in a manner which prevents discharge of treated or untreated sewage. It has been suggested that it is much easier for an enforcement officer to determine compliance with this type of requirement than whether a vessel has discharged sewage under the water.

As you know, the Salish Sea is a special place and a unique part of the world. Our waters are home to some of the most productive and biologically-diverse ecosystems on earth. As islanders we depend on a clean ocean to sustain our economies, our diets, and our way of life. When pleasure craft vessels dump raw sewage in sensitive areas, it can contribute to contaminated shellfish, low oxygen levels in the water and increased chemical pollution. Each vessel has a small impact, but the cumulative impact of the hundreds of thousands of vessels in the sensitive Salish Sea must be considered.

The Islands Trust Council is a federation of local government bodies representing 25,000 people living within the Islands Trust Area and about 10,000 non-resident property owners. The Islands Trust is responsible for preserving and protecting the unique environment and amenities of the Islands Trust Area through planning and regulating land use, development management, education, cooperation with other agencies, and land conservation. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major and more than 450 smaller islands covering 5200 square kilometres.

On behalf of the Islands Trust Council, thank you for considering our requests. Your leadership on this issue will help our communities' efforts to educate boaters about the harm caused by the release of raw sewage, pharmaceuticals and on-board chemicals into our sensitive waters.

Yours sincerely,



Peter Luckham, Vice-Chair
Islands Trust Council

Attachment:

- 1) Pleasure Craft Raw Sewage Discharge Zones in Islands Trust Area map with Transport Canada proposed 1 nautical mile buffer.
 - 2) Pleasure Craft Raw Sewage Discharge Zones in Islands Trust Area map with existing 3 nautical mile buffer and Islands Trust proposed 3 nautical mile no-discharge zones around pump-outs.
- cc. Islands Trust Area MPs: Elizabeth May, Saanich-Gulf Islands
Jean Crowder, Nanaimo-Cowichan
James Lunney, Nanaimo-Alberni
John Duncan, Vancouver Island North
John Weston, West Vancouver/Sunshine Coast
Murray Rankin, Victoria
- Honourable Leona Aglukkaq, Federal Minister of Environment
Trust Area First Nations
UBCM Environment Committee
AVICC members
Bowen Islands Municipal Council
San Juan Municipal Council
Marcia Morash, Superintendent, Gulf Islands National Park Reserve, Parks Canada
Maia Bellon, Director, Washington State Department of Ecology
Sheila Boutcher, President, Council of British Columbia Yacht Clubs
Lisa Geddes, Executive Director, BC Boating Association
Roberta Stevenson, Executive Director, BC Shellfish Growers Association
Pender Islands Trust Protection Society
Georgia Strait Alliance
T. Buck Suzuki Foundation
Saanich Inlet Protection Society
Islands Trust Council
Islands Trust website



Islands Trust

Comox Harbour Authority \$7

COURTENAY

Harbour Authority of Deep Bay No Charge

Fairwinds Schooner Cove Marina No Charge

VANCOUVER ISLAND

Nanaimo Port Authority Eco-Barge No Charge

Gibson Landing Harbour Authority \$5

Union Steamship Marina \$10

Mosquito Creek Marina \$15

False Creek Fisherman's Wharf \$8

Burrard Civic Marina \$10

VANCOUVER

Illustration of Potential Effect of *Transport Canada's* Proposed Amendment to Section 96 of the *Vessel Pollution and Dangerous Chemicals Regulations* in the Islands Trust Area

- Pump Out Stations
- ★ Designated Sewage Area
- International Border
- ⌈ ⌋ Islands Trust Boundary
- Blue shaded area: Dumping prohibited < 1 nautical mile from shoreline (status quo = 3 nautical miles)
- Orange shaded area: Dumping permitted because > 1 nautical mile from shoreline
- Brown shaded area: Dumping permitted in these waters that are less than 6 nautical miles from shore to shore, when no reception facility available to receive the sewage in an environmentally safe manner (no required distance from pump-out specified). The vessel may discharge raw sewage if en route at a speed of at least 4 knots or, if discharge is not feasible at that speed, the discharge can be made:
 - a) during an ebb tide, while the vessel is en route at the fastest feasible speed and into the deepest water that are located farthest from shore or,
 - b) while the vessel is en route at the fastest feasible speed and into the deepest and fastest moving waters that are located the farthest from shore.

Ladysmith Community Marina \$5

Chemainus Municipal Marina \$10

Salt Spring Island Harbour Authority

Van Isle Marina \$10-20

Cowichan Bay Fisherman's Wharf No Charge

Dungeness Marina \$20

Mill Bay Marina \$10

Port Sidney Marina \$10

Anglers Anchorage Marina No Charge

Brentwood Bay Marina \$10

*May not include all pump-out stations in the Islands Trust Area
 *Applies to boats < 400 gross tonnes certified to carry <= 15 people

Map Distances Are Approximate
 Produced: January-05-15



N





Islands Trust

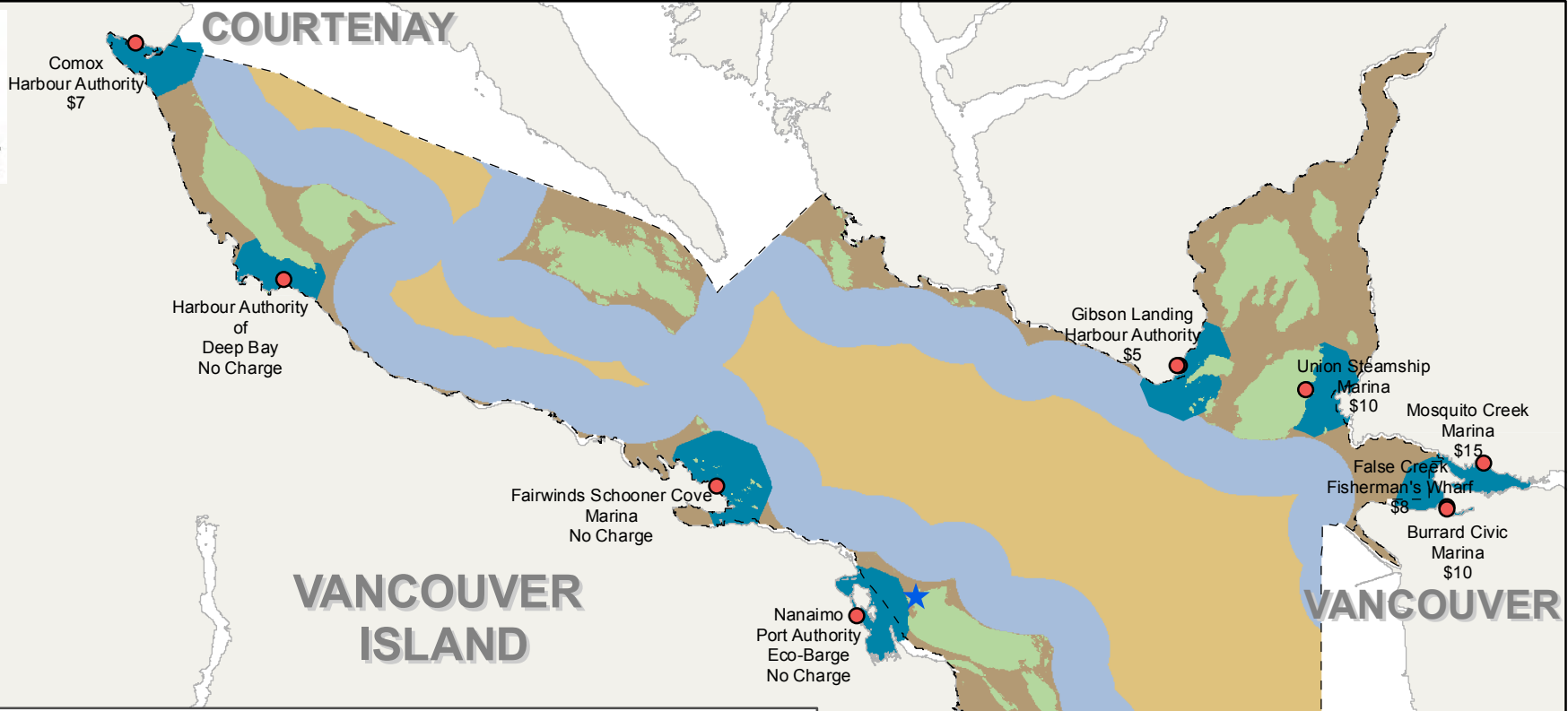


Illustration of Potential Effect of *Islands Trust's* Proposed Amendments to Section 96 of the *Vessel Pollution and Dangerous Chemicals Regulations* in the Islands Trust Area

- Pump Out Stations
- ★ Designated Sewage Area
- International Border
- Islands Trust Boundary
- Dumping permitted because > 3 nautical miles from shoreline (Status quo)
- Dumping prohibited within 3 nautical miles of a pump-out service (Status quo is no required distance from pump-out specified)
- Dumping prohibited < 3 nautical miles from shoreline (status quo)
- Dumping permitted in these waters that are less than 6 nautical miles from shore to shore, when no reception facility available to receive the sewage in an environmentally safe manner. The vessel may discharge raw sewage if en route at a speed of at least 4 knots or, if discharge is not feasible at that speed, the discharge can be made:
 - a) during an ebb tide, while the vessel is en route at the fastest feasible speed and into the deepest water that are located farthest from shore or,
 - b) while the vessel is en route at the fastest feasible speed and into the deepest and fastest moving waters that are located the farthest from shore.

*May not include all pump-out stations in the Islands Trust Area
 * Applies to boats < 400 gross tonnes certified to carry <= 15 people

Map Distances Are Approximate
 Produced: November-27-14





200 - 1627 Fort St., Victoria, BC V8R 1H8
 Telephone (250) 405-5151 Fax (250) 405-5155
 Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867
 Email information@islandstrust.bc.ca
 Web www.islandstrust.bc.ca

July 28, 2016

File Number: 410-20

The Honourable Wayne Easter, P.C., M.P.
 Chair of the House of Commons Standing Committee on Finance

Via email: finapbc-cpb@parl.gc.ca

Dear Mr. Easter:

Re: Addressing marine pollution in the 2017 Federal Budget

The Islands Trust Council recognizes that a healthy marine environment is critical not only for the many species that inhabit the Strait of Georgia and all of Canada's coastlines, but also for healthy communities and a strong coastal economy.

Our specific interest in the federal budget consultations is in regards to protecting the Georgia Strait's marine and shoreline environment from the impacts of pleasure craft sewage dumping.

We strongly urge you to provide funding to support the necessary infrastructure, and for ongoing maintenance and operations, so that the regulations provide strong protection from the impact of pleasure craft sewage dumping.

Since 1982, the Islands Trust Council has been concerned about the impacts of pleasure craft sewage. Since 2009, our Council has been advocating to the Minister of Transport to amend the current Regulations that allow raw sewage dumping in waters that are not served by pumpout stations or are six nautical miles shore-to-shore. The geography of the Salish Sea, characterized by small islands and islets with narrow channels between islands, results in legal raw sewage dumping in sensitive marine habitats near shellfish beds and swimming beaches.

Vessel sewage is a harmful pollutant that contains chemicals and pharmaceuticals with particularly adverse effects on the environment and species at risk. Boaters often anchor in sensitive areas where pollution can become concentrated especially in the summer season. This is of considerable concern given that the proposed *Action Plan for the Northern and Southern Resident Killer Whale (Orcinus orca) in Canada* identifies environmental contamination as one of the key threats to the survival of this species, as well as the 118 other species at risk in the Salish Sea. Dumping of raw sewage from vessels can also contribute to shellfish closures.

A loophole in the regulations permits dumping where there is a distance of less than 6 nautical miles from shore to shore, and no sewage pump-out facility is nearby. This loophole and the inadequate number of sewage pumpout stations for the 350,000 to 400,000 pleasure craft on the West Coast allows vast areas of our shorelines to be used as dumping grounds for raw sewage from pleasure craft. The lack of any sort of infrastructure development and funding plan has set the regulations up for failure.

We request that the 2017 federal budget allocate funds to allow the federal government work with partners to develop an infrastructure funding program to create sufficient vessel sewage pump-out facilities to create contiguous large no-discharge zones in the Trust Area. The ecological sensitivity of this region, combined with the hundreds of thousands of recreational boaters in our region, creates a strong justification for priority pump-out infrastructure investment in the Salish Sea. Small businesses such as marinas cannot be expected to bear a costly burden to solve a federal marine transportation problem.

Washington State Parks Clean Vessel Grant Program is a model of success; grants are awarded for 75% of the cost of pumpout infrastructure, as well as for ongoing operation and maintenance costs.

The Islands Trust Council is a federation of local government bodies representing 25,000 people living within the Islands Trust Area and another 10,000 non-resident property-owners. The Islands Trust is responsible for preserving and protecting the unique environment and amenities of the Islands Trust Area through planning and regulating land use, development management, education, cooperation with other agencies, and land conservation. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major islands and more than 450 smaller islands covering 5200 square kilometres.

The Islands Trust Council is responsible for carrying out the Islands Trust's provincial object: *'to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia'*.

Yours sincerely,



Peter Luckham
Chair, Islands Trust Council
pluckham@islandstrust.bc.ca

cc. Honourable Marc Garneau, Minister of Transport Canada
cc. Honourable Catherine McKenna, Minister of Environment and Climate Change Canada
cc. Honourable Dominic LeBlanc, Fisheries and Oceans Canada
cc. Michelle Young, Program Coordinator, Georgia Strait Alliance



200-1627 Fort Street, Victoria BC V8R 1H8
Telephone **(250) 405-5151** Fax (250) 405-5155

Toll Free via Enquiry BC in Vancouver 604.660.2421. Elsewhere in BC
1.800.663.7867

Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca

March 30, 2022

File No.: 5020-30 Major Vessels

Via Email: omar.alghabra@parl.gc.ca
TC.MinisterofTransport-MinistredesTransports.TC@tc.gc.ca

The Honourable Omar Alghabra
Minister of Transport
330 Sparks Street
Ottawa ON, K1A 0N5

Dear Minister Alghabra:

Re: Air pollution scrubbing and dumping from vessels

I am writing on behalf of Islands Trust Council to request Transport Canada take further action on air pollution and dumping from marine vessels, including stopping the use of exhaust gas cleaning systems (scrubbers) and mandating a stricter fuel standard in Canadian waters. This would prevent ships from using the current workaround of using scrubbers on marine exhaust systems, which result in large discharges of acidic waste and toxic pollutants into the water column instead of the atmosphere. You may wish to look at requirements implemented in California which include requiring or incentivizing the use of marine gas oil, instead of heavy fuel oil with scrubbers.

According to a November 2020 report by the International Council on Clean Transportation entitled "[Air Emissions and Water Pollution Discharges from Ships with Scrubbers](#)", 85% of scrubbers are open-loop systems. Meaning, they continuously dump toxic, acidic wastewater straight into the ocean. From the same report, it is noted that Vancouver is the fourth most scrubber-polluted port in the world.

In a 2022 [National Vessel Dumping Assessment Report](#) by World Wildlife Fund Canada, ships generate 143 billion litres of scrubber wash water annually in Canadian waters. Approximately 10 per cent of this, or 14.5 billion litres, is produced and subsequently dumped in marine protected areas and other effective area-based conservation measures (OECMs).

We are concerned about the impact of wastewater discharge into the Salish Sea. The Salish Sea's highly productive waters are one of the world's most biologically diverse, including species that are economically and culturally significant to Coast Salish Indigenous Nations. The Salish Sea ecosystem supports large numbers of marine birds, as well as iconic species such as Southern Resident Killer Whales and Pacific salmon. The ecosystem includes the Fraser River estuary, providing key habitat for many species of animals including salmon and migratory birds.

.../2

Page 2
March 30, 2022
Minister Alghabra

Islands Trust is a special-purpose government representing over 30,000 people living within the Islands Trust Area and another 10,000 non-resident property owners. The Islands Trust Area is located within Coast Salish territory and is the homeland to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. Islands Trust is responsible for preserving and protecting the Islands Trust Area's unique environment and amenities by planning and regulating land use, development management, education, cooperation with other agencies, and land conservation. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major islands and more than 450 smaller islands covering 5,200 square kilometres.

Yours sincerely,



Peter Luckham
Chair, Islands Trust Council
pluckham@islandstrust.bc.ca

cc: Islands Trust Council
Bowen Island Mayor and Council
Islands Trust Area MP's
Islands Trust Website
Anna Barford, Canada Shipping Campaigner, Stand.earth



200 - 1627 Fort Street, Victoria BC V8R 1H8
 Telephone **(250) 405-5151** Fax (250) 405-5155

Toll Free via Enquiry BC in Vancouver 604.660.2421. Elsewhere in BC **1.800.663.7867**

Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca

December 9, 2019

File Number: 400-20; 5020-30

via e-mail: Min@dfo-mpo.gc.ca

The Honourable Bernadette Jordan
 Minister of Fisheries and Oceans, and the Canadian Coast Guard
 House of Commons
 Ottawa, ON K1A 0A6

Dear Minister Jordan:

Re: Request for additional resources for enforcement of shellfish aquaculture regulations

I am writing on behalf of the Islands Trust Council regarding long-standing concerns relating to shellfish aquaculture in Baynes Sound, British Columbia. We would like to request that Fisheries and Oceans Canada dedicate more resources to enforcement of aquaculture regulations with the aim of reducing the amount of aquaculture refuse in the marine environment. We would also like increased enforcement regarding the requirements to mark tenure boundaries clearly. This will help ensure that Denman Island beaches and near shore waters are safe for all users and wildlife.

The Islands Trust, created through the provincial *Islands Trust Act*, is a federation of special-purpose local government bodies representing 26,000 people living within the Islands Trust Area and approximately 10,000 non-resident property owners. The Islands Trust Area is located within Coast Salish territory and is home to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. The Islands Trust mandate is to preserve and protect the unique environment and amenities of the Islands Trust Area through planning and regulating land use, development management, education, cooperation with First Nations and other agencies, and land conservation. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major and more than 450 smaller islands covering 5,200 square kilometres. It is Trust Council's policy that aquaculture is a valuable activity in the Trust Area if compatible with maintenance of ecosystems and community character.

Islands Trust appreciates Department of Fisheries and Oceans Canada's (DFO) participation in collaborative initiatives aimed at reducing aquaculture industry marine debris. We understand that for the past three years, DFO has funded clean-up efforts and removed approximately 45 tonnes of shellfish aquaculture debris and old broken gear from the Baynes Sound area. We also appreciate DFO's efforts to provide funding to phase out Styrofoam floats via the Fisheries and Aquaculture Clean Technology Adoption Program.

The 14th annual Denman Island Community Beach Clean-up was held during the week of September 15-22, 2019. The clean-up was organized by the Association for Denman Island Marine Stewards (ADIMS), and was joined by the DFO, and the BC Shellfish Growers Association. ADMIS estimates the debris yield on Denman Island alone for 2018, was over six tons with ninety percent (90%) of the plastic debris originating from the shellfish aquaculture industry. Items included oyster trays, anti-predator netting, plastic fencing, plastic net bags, plastic floats, Styrofoam floats for rafts, and thousands of pieces of rope.

.../2

The Honourable Bernadette Jordan

December 9, 2019

Page 2

Baynes Sound, in the Strait of Georgia, between Denman Island and Vancouver Island, is a particularly important and sensitive ecosystem. Following a scientific process, in 2012 DFO designated the Sound as an Ecologically and Biologically Significant Area. The Sound is home to sea mammals, globally important duck and bird populations, and unmatched biological diversity.

We are asking for your leadership, as the federal government is responsible for regulating the shellfish aquaculture industry in British Columbia, including monitoring the potential impacts on the marine environment. The conditions of licence issued to all shellfish growing tenures state:

The licence holder shall not introduce or cause or allow the introduction of aquaculture refuse (including but not limited to infrastructure, equipment and materials) into the environment in the course of conducting aquaculture activities.

Despite this requirement, a lack of enforcement is resulting in poorly-secured gear and equipment – mostly plastic – continuing to wash up onto Denman Island shores and contaminating the surrounding marine ecosystem. The Denman Island Local Trust Committee, a locally-elected body within Islands Trust, regularly receives complaints regarding marine plastic debris and ghost netting washing up on Denman Island shores. In 2017, the DFO published its Shellfish Aquaculture Debris Strategy and Action Plan which stated that between 2010 to 2015, inspections revealed that “over 50% of licenced sites in B.C. have derelict or unmaintained gear and infrastructure, as well as improperly wrapped or exposed Styrofoam”. More resources for the Baynes Sound region is justified as the Sound is a shellfish aquaculture hotspot that produces half of British Columbia’s commercially grown oysters and clams.

The Islands Trust appreciates the efforts DFO has made in recent years to work with industry to reduce aquaculture marine debris but believes that more resources need to be allocated to enforcement, to increase the numbers of inspections, and enforce existing licence requirements.

Thank you for considering this matter.

Yours sincerely,



Peter Luckham
Chair, Islands Trust Council
pluckham@islandstrust.bc.ca

cc: Islands Trust Area MPs
BC Minister of Forest Lands and Natural Resource
Operations and Rural Development
BC Parliamentary Secretary for Environment
BOKÉĆEN (Pauquachin) First Nation
Cowichan Tribes
Halalt First Nation
Homalco First Nation
Klahoose First Nation
K'ómoks First Nation
Lake Cowichan First Nation
Lekwungen (Songhees) Nation
Lyackson First Nation
MÁLEXEŁ (Malahat) Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation
SEMYOME (Semiahmoo) First Nation
shíshálh First Nation
Snuneymuxw First Nation
Słwxwú7mesh (Squamish) Nation
Snaw-naw-as (Nanoose) First Nation
SĀÁUTW (Tsawout) First Nation
Stz'uminus First Nation
SXIMEŁEŁ (Esquimalt) Nation
Tla'amin (Sliammon) Nation
Tsawwassen First Nation
Tseil-Waututh Nation
T'Sou-ke Nation
Wei Wai Kum (Campbell River) First Nation
We Wai Kai (Cape Mudge) First Nation
WJOŁEŁP (Tsartlip) First Nation
WŚIKEM (Tseycum) First Nation
x^wməθk^wəyəm Musqueam
First Nations Leadership Council
Hul'qumi'num Treaty Group
Laich-kwil-tach Treaty Society
Nanwakolas Council
Naut'sa mawt Tribal
Te'mexw Treaty Association
Bowen Island Municipal Council
BC Shellfish Growers Association
Association of Denman Island Marine Stewards
World Wildlife Fund Canada
Denman Island Local Trust Committee
Hornby Island Local Trust Committee
Islands Trust Council
Islands Trust website



350 Court Street No. 1 Friday Harbor, WA 98250
 Telephone: 360.378.2898
 Fax: 260.378.7208
 www.sanjuanco.com



200-1627 Fort Street, Victoria BC V8R 1H8
 Telephone 250.405.5151, 1.800.663.7867
 Fax 250.405.5155
 information@islandstrust.bc.ca
 www.islandstrust.bc.ca

January 26, 2022

The Honourable Joyce Murray
 Minister of Fisheries, Oceans and the Canadian Coast Guard
 Fisheries and Oceans Canada
 200 Kent St Station 15N100
 Ottawa ON K1A 0A6

The Honourable Omar Alghabra
 Minister of Transport
 Transport Canada
 330 Sparks Street
 Ottawa ON K1A 0N5

Re: San Juan County and Islands Trust Joint Request for an Emergency Towing Vessel in Sidney

Dear Minister Murray and Minister Alghabra,

Thank you for your leadership in enhancing marine safety through the Ocean Protection Plan. Commissioning the Atlantic Raven and Atlantic Eagle emergency towing vessels (ETVs) to respond to emergencies off Canada's west coast reduces the risk of a disabled vessel drifting aground and spilling oil. The threat of such an incident along the inland shipping routes to and from the Port of Vancouver poses an equal risk to the communities and ecosystems of the Salish Sea. San Juan County Council, Washington and the Islands Trust Council request that you facilitate the repositioning of one of Canada's multi-mission ETVs to Sidney, British Columbia to extend the protections afforded by these vessels to the inland shipping corridor to Vancouver. This is not a new request. Islands Trust Council and San Juan County Council jointly wrote Minister Garneau on this topic in May 2018¹. We are pleased that you are now developing a National Strategy on Emergency Towing and hope this letter and supporting studies can inform your work.

Recent studies by Canadian interests, San Juan County, and the Washington Department of Ecology demonstrate the need for and feasibility of an ETV for oil spill prevention in the Southern Strait of Georgia, Boundary Pass, Turn Point off of Stuart Island, Haro Strait, and the Strait of Juan de Fuca. These studies demonstrate:

- Tugs of opportunity cannot be relied upon for emergency response in the central Salish Sea.
- A dedicated ETV stationed in Sidney could be effective in responding to disabled vessels in inland waters.
- Positioning both of Canada's ETVs on the coast does not provide the margin of safety needed for timely response to inland waters, such as the threats recently posed by M/V Zim Kingston.
- Canada's two ETVs have been present in the inland waters, mooring in Victoria or Sidney a total of 54 days and could be reliably present for oil spill prevention if one were repositioned.
- Washington's Neah Bay ETV and one Canadian ETV potentially could maintain protection of Canada's west coast, responding in time to prevent 90-95 percent of vessels from drifting aground.

Tugs of opportunity cannot provide the rescue capability necessary in these waters today, let alone in anticipation of increasing vessel sizes and transit frequency. Many lack the bollard pull capability, necessary equipment, and properly trained crews for a rapid response to high-windage ships.

Furthermore, the *Availability of Tugs of Opportunity for Canada's Pacific Coast*² study determined that tugs with a bollard greater than 70 metric tonnes were only present in the Strait of Juan de Fuca, Haro Strait and Boundary Pass about 30 percent of the time in 2016 (deemed representative of their presence in 2019). The Washington Department of Ecology similarly concluded in their *Report on Vessel Traffic and Vessel Traffic Safety, Strait of Juan de Fuca and Puget Sound Area*³, that 'a tug-of-opportunity system should best be considered a contingency strategy, rather than a primary oil spill prevention tool.'

Some have questioned whether or not an ETV could be effective in the Salish Sea's narrow inland waterways. San Juan County has addressed this long-standing question using the best available wind and current data to model vessel drift trajectories and the time available for an ETV to respond before a disabled vessel drifts aground. The *Vessel Drift and Response Analysis for the Strait of Juan de Fuca to the Southern Strait of Georgia*⁴ demonstrates that an ETV stationed in Sidney could be effective in preventing a disabled vessel transiting the central Salish Sea's Boundary Pass, Turn Point, or Haro Strait from grounding more than 80 percent of the time.

The M/V Zim Kingston incident suggests that positioning both of Canada's ETVs on the west coast provides insufficient emergency response capability to mitigate the spill risk posed by the current level of vessel traffic calling on the Port of Vancouver. The Atlantic Raven did not arrive on-scene until the day following the reported outbreak of a fire onboard. This incident represents a near-miss of an oil spill potentially catastrophic to Vancouver Island, Olympic Peninsula, San Juan Islands, and Gulf Islands. Climate change must be considered as we are more frequently experiencing high winds in the Salish Sea and are extremely concerned about the associated risks to vessels at anchor and in transit. A multi-mission ETV in Sidney would improve safety not only for vessels in transit, but also for the increasing congestion in anchorages.

The Atlantic Raven and Atlantic Eagle have been present in the inland waters and could be reliably positioned to monitor the central Salish Sea shipping routes. In 2020, they spent approximately 12% of their time near Victoria and, of the 90 total days in port, 54 days were at the ports of Victoria or Sidney⁵. Their presence provides an effective emergency response capacity that otherwise is lacking for the inland shipping lanes and anchorages, including a Class 2 firefighting capability.

It is appropriate to consider whether dedicating one of the Atlantic ETVs to protect inland waters is feasible while also maintaining protections along Canada's west coast. Studies⁶ have shown that together the Neah Bay ETV and one Canadian ETV positioned in Prince Rupert could provide:

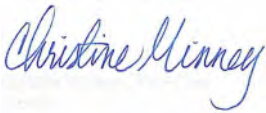
- 95 - 99 percent probability of rescue of vessels transiting over 35 nautical miles (nm) offshore Haida Gwaii⁷
- 95 - 99 percent probability of rescue of vessels transiting over 55 nm offshore, and 90-95 percent probability of rescue of vessels transiting over 40 nm offshore, of northern Vancouver Island

There is need for an equivalent in Canada to Washington's Neah Bay emergency response towing vessel to protect the central Salish Sea. As a matter of increasing urgency, we request that you optimize the operation of available ETV assets and consider additional measures for oil spill prevention in this ecologically significant region, while continuing long range analysis and planning for Canada's commercial marine safety.

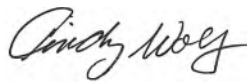
Respectfully,

San Juan County Council

Islands Trust Council



District 1, Christine Minney



District 2, Cindy Wolf



District 3, Jamie Stephens



Peter Luckham, Chair

¹ [Letter to the Honorable Marc Garneau, MP re: Islands Trust and San Juan County joint request for standby rescue tug](#), May 31, 2018.

² [Availability of Tugs of Opportunity in Canada's Pacific Region](#), Nuka Research & Planning Group, LLC for the Clear Seas Centre for Responsible Marine Shipping, July 2019.

³ [Report of Vessel Traffic and Vessel Traffic Safety: Strait of Juan de Fuca and Puget Sound Area](#), Washington Department of Ecology, January 2019, revised February 2021.

⁴ [Vessel Drift and Response Analysis for the Strait of Juan de Fuca to the Southern Strait of Georgia](#), Nuka Research & Planning Group, LLC for San Juan County, April 2021.

⁵ [2020 Emergency Towing Vessel Monitoring Report](#), Nuka Research & Planning Group, LLC for the Proactive Vessel Management Pilot Project on Haida Gwaii Project Committee, November 2021.

⁶ [Vessel Drift and Response Analysis for Canada's West Coast](#), Clear Seas Centre for Responsible Marine Shipping [Scenario 4, Figure 12, ETVs traveling at 8 kts], March 2018.

⁷ This 35-nm distance compares to the 12-, 25- and 50-nm voluntary protection zones that have been trialed off the west coast of Haida Gwaii, as reported in the [2020 Emergency Towing Vessel Monitoring Report](#).

<p>cc: Canada Honourable George Heyman, BC Minister of Environment and Climate Change Islands Trust Area Members of Parliament Islands Trust Area Members of the Legislative Assembly Cowichan Tribes SXIMELEŁ (Esquimalt) First Nation Halalt First Nation Homalco (Xwemalhkwu) First Nation Hul'qumi'num Treaty Group K'ómoks First Nation Klahoose First Nation Laich-kwil-tach Treaty Society Lake Cowichan First Nation Lyackson First Nation MÁLEXEŁ (Malahat) Nation xʷməθkʷəy̓əm (Musqueam) First Nation Nanwakolas Council BOKÉCEN (Pauquachin) First Nation SPUNE'LUXUTTH'(Penelakut) Tribe Qualicum First Nation Scia'new/Chenuh (Beecher Bay) First Nation SEMYOME (Semiahmoo) First Nation Shíshá7lh (Sechelt) First Nation</p>	<p>Snaw-naw-as (Nanoose) First Nation Snuneymuxw (Nanaimo) First Nation Lekwungen (Songhees) First Nation Sk̓wx̓wú7mesh (Squamish) First Nation Stz'uminus (Chemainus) First Nation Te'mexw Treaty Association Tla'amin (Sliammon) First Nation T'Sou-ke (Sooke) First Nation WJOŁEŁP (Tsartlip) First Nation S̓ÁUTW (Tsawout) First Nation Tsawwassen First Nation Tsleil-Waututh (Burrard Inlet) First Nation W̓SIKEM (Tseycum) First Nation We Wai Kai (Cape Mudge First Nation) Wei Wai Kum (Campbell River First Nation) Clear Seas Centre for Responsible Marine Shipping Port of Vancouver Pacific Pilotage Authority Chamber of Shipping of British Columbia Western Canada Marine Response Corporation Town of Sidney Council Bowen Island Municipal Council Islands Trust Council Islands Trust website</p>
<p>cc: United States The Honorable Maria Cantwell, US Senator The Honorable Patty Murray, US Senator The Honorable Rick Larsen, US Representative The Honorable Jay Inslee, Governor of the State of Washington The Honorable Liz Lovelett, Washington State Senator The Honorable Debra Lekanoff, Washington State Representative The Honorable Alex Ramel, Washington State Representative The Honorable Timothy J. Greene, Sr., Chair, Makah Tribe The Honorable William "Ron" Allen, Chair, Jamestown S'Klallam Tribe The Honorable Frances Charles, Chair, Lower Elwha S'Klallam Tribe The Honorable Lawrence Solomon, Chair, Lummi Nation The Honorable Ron Cline Sr., Chair, Nooksack Tribe The Honorable Jeromy Sullivan, Chair, Port Gamble S'Klallam Tribe The Honorable Leonard Forsman, Chair, Suquamish Tribe The Honorable Teri Gobin, Chair, Tulalip Tribes The Honorable Steve Edwards, Chair, Swinomish Indian Tribal Community Justin Parker, Executive Director, Northwest Indian Fisheries Commission Capt. Patrick M. Hilbert, Commander, U.S. Coast Guard Sector Puget Sound Col. Alexander Bullock, Commander, Seattle District, US Army Corps of Engineers Laura Watson, Director, Washington State Department of Ecology John Veentjer, Chairman, Puget Sound Harbor Safety Committee Catherine Reheis-Boyd, President, Western States Petroleum Association Michael Moore, Vice-President, Pacific Merchant Shipping Association Charles Costanzo, Executive Director, Puget Sound Pilots Lucas Hart, Director, Northwest Straits Commission Jay Manning, Chair, Leadership Council, Puget Sound Partnership Carlos Clements, Program Manager, Dept. of Ecology Spill Prevention, Preparedness & Response Program</p>	



200 - 1627 Fort St., Victoria, BC V8R 1H8
 Telephone **(250) 405-5151** Fax (250) 405-5155
 Toll Free via Enquiry BC in Vancouver 604.660.2421.
 Elsewhere in BC **1.800.663.7867**
 Email information@islandstrust.bc.ca
 Web www.islandstrust.bc.ca



981 Artisan Lane, Bowen Island, BC V0N 1G2
 Phone 604-947-4255
 Email bim@bimbc.ca
 Web www.bowenislandmunicipality.ca

October 25, 2019

File Number: 5020-30 Fisheries-Herring

via e-mail: jonathan.wilkinson@parl.gc.ca

The Honourable Jonathan Wilkinson
 Minister of Fisheries, Oceans, and the Canadian Coast Guard
 House of Commons
 Ottawa, ON K1A 0A6

Dear Minister Wilkinson:

Re: Moratorium on the Herring Fishery in the Salish Sea

On behalf of Bowen Island Municipal Council and Islands Trust Council, we are writing this joint letter to request that you place a moratorium on the herring fishery in the Salish Sea until an ecosystem-based management plan is in place that considers the current and future effects of climate change and the potential impacts of the fishery on predator species, in particular, Chinook Salmon and Southern Resident Killer Whales. We are asking for this preventative action to ensure that precautionary measures are being used in the management of herring, a keystone species in the Salish Sea.

We are concerned with herring management issues because as you know, Pacific herring are foundational to the food web of the Salish Sea. Herring play a critical role in the functioning of the ecosystem. Pacific herring are the dominant forage fish in the Salish Sea and a vital food source for species of seabirds, and for many species of fish; including Chinook salmon, which in turn, is the main food source of the Southern Resident killer whales. As well, herring are a fundamental part of the marine food web for Coast Salish peoples who have resided within this landscape since time immemorial.

We are concerned that the annual removal of 20% of the herring population may not support the needs of predator species, especially as populations struggle to recover. We note that your mandate letter includes the direction to “use scientific evidence, traditional Indigenous knowledge, and the precautionary principle, and take into account climate change, when making decisions affecting fish stocks and ecosystem management”. We question whether there is sufficient scientific evidence available on the population, habitat, and ecosystem, and the fishery dynamics of the BC Pacific Herring to support current management decisions. We are not aware of information being available about appropriate conservation limits for Pacific Herring based on ecosystem considerations in the context of the cumulative effects of climate change.

We ask for your leadership to protect one of the foundational species – the BC Pacific herring - for language, cultural, and spiritual understanding of this area of the Salish Sea for First Nations, and conversely for all British Columbians and Canadians. A moratorium is needed until ecosystem based management plans are developed for the herring fishery that consider community and the pivotal role this species plays in the vitality and health of this region. The health of the Salish Sea and its complex food webs are too crucial to risk.

.../2

The Honourable Jonathan Wilkinson
October 25, 2019
Page 2

Collaboration with all levels of government from First Nations, local government, and federal and provincial agencies is vital to protect the herring from fisheries impacts in this time of climate change. We ask for your support in enacting initiatives and policies that would put this moratorium in place until these management plans, and herring health and sustainability as a keystone species are determined.

We have invited First Nations within the Islands Trust Area to participate with us in advocating for the protection of herring in the Salish Sea and we recognize the work of the First Nations Leadership Council and the BC Assembly of First Nations in regard to the herring fishery. Islands Trust is committed to the implementation of United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission of Canada's Calls to Action, and believe that reconciliation includes respect and recognition of traditional ecological knowledge, inherent rights, and collaborative decision making on management plans.

Thank you for considering this matter.

Yours sincerely,



Peter Luckham
Chair, Islands Trust Council
pluckham@islandstrust.bc.ca



Mayor Gary Ander
Bowen Island Municipal Council
gander@bimbc.ca

cc: Islands Trust Area MPs
BOKÉĆEN (Pauquachin) First Nation
Cowichan Tribes
Halalt First Nation
Homalco First Nation
Klahoose First Nation
K'ómoks First Nation
Lake Cowichan First Nation
Lekwungen (Songhees) Nation
Lyackson First Nation
MÁLEXEŁ (Malahat) Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation
SEMYOME (Semiahmoo) First Nation
shíshálh First Nation
Snuneymuxw First Nation
Sḵw̱wú7mesh (Squamish) Nation
Snaw-naw-as (Nanoose) First Nation
SḶÁUTW (Tsawout) First Nation
Stz'uminus First Nation
SXIMEŁEŁ (Esquimalt) Nation
Tla'amin (Sliammon) Nation
Tsawwassen First Nation
Tseil-Waututh Nation
T'Sou-ke Nation
Wei Wai Kum (Campbell River) First Nation
We Wai Kai (Cape Mudge) First Nation
WJOLEŁP (Tsartlip) First Nation
W̱SIKEM (Tseycum) First Nation
x̱m̱əθḵəy̱əm Musqueam
First Nations Leadership Council
Hul'qumi'num Treaty Group
Laich-kwil-tach Treaty Society
Nanwakolas Council
Naut'sa mawt Tribal
Te'mexw Treaty Association
Bowen Island Municipal Council
Islands Trust Council
Islands Trust website



200 - 1627 Fort Street, Victoria BC V8R 1H8
 Telephone **(250) 405-5151** Fax (250) 405-5155

Toll Free via Enquiry BC in Vancouver 604.660.2421. Elsewhere in BC **1.800.663.7867**

Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca

December 9, 2019

File Number: 0400-30; 5020-30

via e-mail: FLNR.Minister@gov.bc.ca

The Honourable Doug Donaldson
 Minister of Forests, Lands, Natural Resource Operations and
 Rural Development
 PO Box 9352 Stn Prov Govt
 Victoria, BC V8W 9M1

Dear Minister Donaldson:

Re: Request for more resources for enforcement of aquaculture tenure licences

I am writing on behalf of the Islands Trust Council regarding long-standing concerns relating to shellfish aquaculture in Baynes Sound, British Columbia. We would like to request that the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) allocate more resources to ensure aquaculture tenure requirements can be enforced effectively. We also wish to express support for the Provincial Aquaculture Program's efforts to increase the minimum security amounts to be paid by tenure holders and to require that debris management plans be adhered to prior to renewal or approval of new tenure applications.

The Islands Trust, created through the provincial *Islands Trust Act*, is a federation of special-purpose local government bodies representing 26,000 people living within the Islands Trust Area and approximately 10,000 non-resident property owners. The Islands Trust Area is located within Coast Salish territory and is home to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. The Islands Trust mandate is to preserve and protect the unique environment and amenities of the Islands Trust Area through planning and regulating land use, development management, education, cooperation with First Nations and other agencies, and land conservation. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major and more than 450 smaller islands covering 5,200 square kilometres. It is Trust Council's policy that aquaculture is a valuable activity in the Trust Area if compatible with maintenance of ecosystems and community character.

The 14th annual Denman Island Community Beach Clean-up was held during the week of September 15-22, 2019. The clean-up was organized by the Association for Denman Island Marine Stewards (ADIMS), and was joined by the Department of Fisheries and Oceans Canada (DFO), and the BC Shellfish Growers Association. ADMIS estimates the debris yield on Denman Island alone for 2018, was over six tons with ninety percent (90%) of the plastic debris originating from the shellfish aquaculture industry. Items included oyster trays, anti-predator netting, plastic fencing, plastic net bags, plastic floats, Styrofoam floats for rafts, and thousands of pieces of rope.

.../2

The Honourable Doug Donaldson
December 9, 2019
Page 2

Baynes Sound, in the Strait of Georgia, between Denman Island and Vancouver Island is a particularly important and sensitive ecosystem. Following a scientific process, in 2012 DFO designated the Sound as an Ecologically and Biologically Significant Area. The Sound is home to sea mammals, globally important duck and bird populations, and unmatched biological diversity. This area forms a unique ecological region (Coastal Douglas-fir Biogeoclimatic Zone) in Canada, with less than eight percent of this area supporting rare and fragile ecosystems. This natural ecosystem provides specialized habitat for many rare species that are only known to occur in specific ecosystems. Intense development pressures have resulted in habitat fragmentation, degradation, and loss.

The Islands Trust Council supports the Provincial Aquaculture Program's implementation of protocols through aquaculture tenure agreements to ensure 'safe, clean and sanitary conditions' are upheld by tenure holders. Despite recent efforts to improve the amount of aquaculture debris in local waters, the Denman Island Local Trust Committee, a locally-elected body within Islands Trust, continues to regularly receive complaints regarding marine plastic debris and ghost netting washing up on Denman Island shores.

Islands Trust supports the efforts being made by the provincial government to establish and/or enforce management plans, regulation, and legislation for tenure agreements. All parties want to ensure the aquaculture industry succeeds while adhering to best practices to be good neighbours and environmental stewards. Accordingly, we request that FLNRORD allocate more resources to ensure aquaculture tenure requirements can be enforced effectively.

Thank you for considering this matter.

Yours sincerely,



Peter Luckham
Chair, Islands Trust Council
pluckham@islandstrust.bc.ca

The Honourable Doug Donaldson

December 9, 2019

Page 3

cc: Islands Trust Area MLAs
Federal Minister of Fisheries and Oceans,
and the Canadian Coast Guard
BOKÉCEN (Pauquachin) First Nation
Cowichan Tribes
Halalt First Nation
Homalco First Nation
Klahoose First Nation
K'ómoks First Nation
Lake Cowichan First Nation
Lekwungen (Songhees)
Nation
Lyackson First Nation
MÁLEXEŁ (Malahat) Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation
SEMYOME (Semiahmoo) First Nation
shíshálh First Nation
Snuneymuxw First Nation
Skwxwú7mesh (Squamish) Nation
Snaw-naw-as (Nanoose) First Nation
SĀÁUTW (Tsawout) First Nation
Stz'uminus First Nation

SXIMEŁEŁ (Esquimalt) Nation
Tla'amin (Sliammon) Nation
Tsawwassen First Nation
Tseil-Waututh Nation
T'Sou-ke Nation
Wei Wai Kum (Campbell River) First Nation
We Wai Kai (Cape Mudge) First Nation
WJOLEŁP (Tsartlip) First Nation
WŚIKEM (Tseycum) First Nation
x^wməθk^wəyəm Musqueam
First Nations Leadership Council
Hul'qumi'num Treaty Group
Laich-kwil-tach Treaty Society
Nanwakolas Council
Naut'sa mawt Tribal
Te'mexw Treaty Association
Bowen Island Municipal Council
BC Shellfish Growers Association
Association of Denman Island Marine Stewards
World Wildlife Fund Canada
Denman Island Local Trust Committee
Hornby Island Local Trust Committee
Islands Trust Council
Islands Trust website



2020 RESOLUTION SUBMISSION TO AVICC

COORDINATED STRATEGY TO ADDRESS LIVEBOARDS

ISLANDS TRUST

RESOLUTION:

WHEREAS affordable housing pressures are leading to a growing population of liveaboards along the British Columbia coastline;

AND WHEREAS there are cumulative impacts on the marine environment and inadequate access to public services for liveboard communities;

THEREFORE BE IT RESOLVED that the Province of British Columbia work with First Nations, and federal, provincial, and local government stakeholders, to develop a coordinated strategy to study and address the environmental and social impacts associated with liveaboards on the British Columbia coastline.

BACKGROUND:

Growing pressures around the lack of affordable housing and displacement from urban centres have led to an increase in the population of “liveaboards” (persons using boats as their primary residence, typically anchored in a bay, harbour or marina) along the British Columbia coastline. In many places, current zoning regulations prohibit the use of boats or marine structures as dwellings on surface waters. Some liveaboards choose to live on the water as a lifestyle choice; others may come from vulnerable segments of society that have been marginalized due to socio-economic factors, including the lack of affordable housing. While many liveaboards are responsible, there are concerns that the illegal discharge of sewage, garbage and debris into the marine environment can result in significant environmental harm to the shoreline, coastal waters, shellfish populations, and First Nations archaeological sites. In addition, there are health and safety risks to liveaboards due to the derelict condition of abandoned boats or haphazard marine structures that are sometimes used as dwellings. Moreover, liveaboards often lack proper access to basic public services, such as water, sewage and garbage removal, and can be far from emergency medical and social support services. These issues are further complicated by questions surrounding multijurisdictional authorities over coastal waters.

Without affordable alternatives for housing, enforcement most often leads to displacement. While some local governments have been successful in working with the Province to establish License of Occupation zones with associated regulations (e.g. Bowen Island Municipality - Mannion Bay), this approach has often led to liveaboards simply moving their boats to other areas where the same challenges persist. Other local governments (e.g. Salt Spring Island’s Local Trust Committee - Ganges Harbour) have tried to avoid strict enforcement measures, in an attempt to not exacerbate the lack of affordable housing options. Liveaboards often live in fear of eviction and the issues around protection of the marine environment, health and safety and access to public services continue to grow. The development of a provincially-led strategy to study and address the environmental and social impacts associated with liveaboards would enable a multijurisdictional, synergistic approach to this province-wide problem, effectively balancing the needs for environmental protection with the needs for affordable housing in coastal communities.



200-1627 Fort Street, Victoria BC V8R 1H8
Telephone **(250) 405-5151** Fax (250) 405-5155

Toll Free via Enquiry BC in Vancouver 604.660.2421. Elsewhere in BC
1.800.663.7867

Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca

January 30, 2023

File No.: 11- 5020-30

Via e-mail: christine_trefanenko@transmountain.com;
Emergency_Management@transmountain.com

Christine Trefanenko
Manager, Project Emergency Management
Trans Mountain

Dear Christine:

Re: *Trans Mountain's* Report on BC Environmental Assessment Office (EAO) Condition 35 about the Fate and Behaviour of Bitumen Research

I am writing at the request of the Islands Trust Executive Committee to offer comment on the draft Trans Mountain Report produced to fulfil BC Environmental Assessment Office (EAO) Certificate Condition 35. Thank you for inviting Islands Trust to review and comment on the draft Report. The Report sets out Trans Mountain's current and future research programs regarding the behaviour and recovery of heavy oils, and how Trans Mountain will work with spill responders to support the incorporation of the results of the research into their emergency preparedness plans and programs.

I feel it is important to state, as a priority message, that the Islands Trust Council has a history of opposing the Trans Mountain Pipeline Expansion Project, and island communities have voiced strong concerns about the impacts of an oil spill resulting from the project could have on their livelihoods and the ecology and cultural values of region. The values of this region demand a world-class research standard and associated response preparedness.



Diluted bitumen after about nine days of weathering at about 15°C. A lower temperature typical of the Salish Sea could increase thickness seen here.

.../2

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

We appreciate the work done but remain concerned that there still may not be enough known about the fate and behaviour of diluted bitumen to fully inform the real-world spill response challenges associated with diluted bitumen in the Salish Sea.

As an example, the Report points to Trans Mountain studies that indicated conventional diluted bitumen remains floating for extended periods of time, and that diluted bitumen does not separate. While this may be the case, the Report does not spell out nuanced research details that would inform how a response to a spill of diluted bitumen might differ from other responses. For example, a [2018 report by the Fisheries and Oceans Canada's Canadian Science Advisory Secretariat](#) more helpfully offers specifics such as there are: *viscosity and density changes [happen] more rapidly for diluted bitumen compared to conventional oil products due to evaporation losses and high, heavy-end content of the weathered oil. These property changes mean that diluted bitumen may require a faster adaptation of routine response options for equipment (e.g., skimmers) designed for high-viscosity heavy oils.*

The 2020 study referenced in section 3.1.1 of the Report states: *"Results show that on average, the beach materials retained three times as much of the heavy conventional crude and oil sands-derived products compared to the light to medium crudes."* Given this concerning conclusion, the Report would have benefited from more detail about how these types of findings impact Trans Mountain's work with spill responders to prepare emergency preparedness plans and programs.

More than 12 years ago, the Islands Trust Council first raised concerns about the lack of science that informs oil spill response preparedness for unconventional oils in the Salish Sea (see attached). We remain concerned that the nature of spilled diluted bitumen and how it will weather and spread in the Salish Sea's complex coastal system (*i.e.*, archipelagos, currents, estuarine waters), could pose insurmountable spill response challenges. We are concerned that the findings from studies undertaken in laboratories will not translate to the changing weather and sea state conditions of the Salish Sea, resulting in uncertainties in response performance in oil recovery, waste handling, and shore treatments.

We acknowledge that Western Canada Response Corporation (WCMRC) has new vessels and equipment. This expanded capacity is essential and valued, and coastal communities have appreciated their efforts to engage. However, for spills of unconventional oils like diluted bitumen, there may be a need to prepare spill responders to respond more quickly and to use strategies and tactics than would otherwise be required for spills of other types of oil.

"In addition, it was not apparent in the Report that Trans Mountain has studied the challenges for on-water recovery, loading and off-loading to barges and temporary storage of sticky, thick, weathered bitumen that could inform future planning and investment decisions.

Communities need to have clarity about the operational challenges that will exist when a spill happens and the dilbit rapidly weathers. To establish a strong foundation of trust and confidence in response preparedness and coastal protection, operational challenges must be clarified based on recent research on the fate and behaviour of diluted bitumen and other oil-sand products being exported from the *Westridge Marine Terminal*.

Islands Trust is a special-purpose government representing over 30,000 people living within the Islands Trust Area and 10,000 non-resident property owners. The Islands Trust Area is located within Coast Salish territory and is the homeland of many Coast Salish Peoples who have called this place home since time immemorial.

.../3

Christine Trefanenko

January 30, 2023

Page 3

Islands Trust is responsible for preserving and protecting the Islands Trust Area's unique amenities and the environment through conservation-oriented land use planning and regulation, education, and cooperation with First Nations and other agencies. The Islands Trust Area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major islands and more than 450 smaller islands covering 5,200 square kilometres.

Thank you for considering this feedback.

Yours sincerely,



Peter Luckham

Chair, Islands Trust Council

pluckham@islandstrust.bc.ca

Attached: 2011 Islands Trust letter to Minister Lebel regarding unconventional oil response

cc: Bowen Island Municipal Council
San Juan County Council
Islands Trust Council
Islands Trust website

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis



200-1627 Fort Street, Victoria BC V8R 1H8
Telephone **(250) 405-5151** Fax (250) 405-5155
Toll Free via Enquiry BC in Vancouver 604.660-2421. Elsewhere in BC **1.800.663.7867**
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

November 2, 2011

File No.: FG/04

Via email: mintc@tc.gc.ca

The Honourable Denis Lebel
Minister of Transport, Infrastructure and Communities
Tower C - 330 Sparks St.
Ottawa, Ontario, Canada K1A 0N5

Dear Minister Lebel:

Re: Request for information about current state of oil spill response preparedness for unconventional oils in the Salish Sea

On June 30, 2011, I wrote to you to express support for the establishment of a pilot project to undertake geographic response plans for oil spills for the Islands Trust Area on British Columbia's West Coast. Thank you for your August 31, 2011 response. We were pleased to learn that your department sees merit in the proposal. We continue to hope that a pilot project for the West Coast assigns priority to the Salish Sea, especially given your colleague Environment Minister Peter Kent's recent acknowledgement of the nationally important environmental values of this region.

Today, I am writing to you on behalf of Islands Trust Council to request information about the current state of oil spill response preparedness for the heavy unconventional oils (diluted bitumen and syncrude) currently being shipped in tankers from Westridge Marine Terminal in Burnaby, British Columbia.

We understand that unconventional oil products, if spilled, may pose extreme challenges for effective clean-up as they are much heavier and stickier than conventional types of oil from drilled wells. We understand that very little is known about how these products will behave in the marine environment.

Some questions our staff has suggested are important:

1. Is there enough known about the fate and effects of unconventional oil in estuarine (brackish and/or sediment-laden waters) and ocean saline waters to predict how diluted bitumen or unconventional oils will behave in the Salish Sea?
 - a. If so, is there a technical ability to track unconventional oil as it moves in the estuarine and ocean saline waters of the Salish Sea? How might this change given anticipated climate change impacts including increased storms?
 - b. Will the products stay near the surface, suspend in the water column, or sink to the seabed?
2. In the event that spilled unconventional oil sinks, what plans exist to find and remove it from the vibrant habitat on the seabed of the Salish Sea?

.../2

- a. If submerged oil cannot be removed from the seabed, what are the expected effects of the submerged oil on the health of marine wildlife and the people who depend on them and how long are these effects expected to last?
3. What will be the impacts of the condensate component of diluted bitumen?
 - a. What are the inhalation risks from the fumes of evaporating condensate to first responders, the public and wildlife?
 - b. Will the rapid evaporation of the condensate component of diluted bitumen delay on-water response for responder safety reasons (e.g. fire, explosion, inhalation risks)?
 - c. Will the condensate component of diluted bitumen promote penetration of the product into coarse shore sediments and, once evaporated, leave behind the difficult-to-remove bitumen?
 4. Will existing spill response technology be effective at booming, skimming, and recovering unconventional oil from the water and from shore sediments of the Salish Sea?
 - a. What research and development has been done to assess the usefulness of current response equipment to a spill of unconventional oil?
 - b. Has a spill response gap analysis been completed to show when and where existing spill response technologies will not be effective in containing unconventional oil products? If so, does this analysis include increased storm surge scenarios?
 - c. If effective technology exists, have response organizations invested in sufficient booms, skimmers, pumps, and beach flushing/deluge systems and waste storage suitable for handling a large spill of unconventional oil in the Salish Sea?
 - d. Has there been an assessment of how much beach cleaning chemical application would be required along shorelines to make the weathered unconventional oil less sticky and more recoverable? What effects could use of these chemicals have on ecosystems and human health?
 5. Are special protocols and practices in place to ensure effective treatment of wildlife oiled by unconventional oil?

Please provide us with information about Transport Canada's plans for assessing unconventional oil spill preparedness, and its plans to develop appropriate responses in collaboration with other federal departments, spill response organizations, the Canadian Coast Guard and industry.

Overview of Islands Trust

The Islands Trust is a federation of independent local governments that represents 25,000 people living within the Islands Trust Area. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major and more than 450 smaller islands covering 5,200 square kilometres. The Islands Trust has a legislated responsibility, through the *Islands Trust Act*, to cooperate with others to preserve and protect the unique environment and amenities of the Islands Trust Area, for the benefit of all British Columbians.

Policy 3.1.9 of the Islands Trust Policy Statement, approved by the British Columbia Minister of Municipal Affairs in 1994, states:

Trust Council encourages actions and programs of other government agencies which:

- *place priority on the side of protection for Trust Area ecosystems when judgment must be exercised,*
- *protect the diversity of native species and habitats in the Trust Area, and*
- *prevent pollution of the air, land and fresh and marine waters of the Trust Area.*

The Honourable Denis Lebel
November 2, 2011
Page 3

Under our legislated mandate, the Islands Trust Council has had an interest in marine health and oil spill issues since 1979. The Islands Trust's concerns about marine protection naturally extend to oil spill prevention and preparedness.

Thank you for your attention to this request. We look forward to your response.

Sincerely,



Sheila Malcolmson
Chair, Islands Trust Council

cc: Islands Trust Council
The Honourable Peter Kent, Minister of the Environment
The Honourable Keith Ashfield, Minister of Fisheries and Oceans
The Honourable Terry Lake, BC Minister of the Environment
Islands Trust Area MPs
Islands Trust Area MLAs
Islands Trust Area First Nations
Local governments around the Salish Sea including San Juan County
Marc Grégoire, Commissioner of the Canadian Coast Guard
Kevin Gardner, President, Western Canada Marine Response Corporation
Ian Anderson, President, Kinder Morgan
Stephen Brown, President, Chamber of Shipping of British Columbia
John Lewis, President, Regional Advisory Council on Oil Spill Response, Pacific Region
Islands Trust website



Preventing polystyrene foam pollution in the marine environment (2017)

WHEREAS foam from marine infrastructure is an increasing source of pollution on British Columbia's beaches;

AND WHEREAS there is concern that plastic-associated chemicals from polystyrene and other types of rigid foam are harming the marine environment and contaminating food webs;

THEREFORE BE IT RESOLVED that UBCM request the provincial and federal governments to implement measures that prevent rigid foam pollution in the marine environment.

Background: Polystyrene foams (e.g. Styrofoam) and other types of rigid foam are an increasing source of pollution on BC's beaches. They are also a significant source of microplastics in the marine environment^{i, ii}. The foam escapes from docks, floats, aquaculture facilities and other marine infrastructure and breaks up in the marine environment. Aside from the visual pollution, there are serious ecological impacts as many species of marine life, including fish, eat the small pieces of foam which breakdown into microplastics and ultimately contaminate food webs.

The federal and provincial governments could undertake measures such as the following to prevent rigid foam pollution in the marine environment:

- Enact laws or regulations.
 - Oregon State has a foam encapsulation law which requires any marine construction project that uses expanded polystyrene "white bead" foam for flotation to get a Foam Encapsulation Certificate from the Oregon State Marine Board.
(<https://www.oregon.gov/OSMB/boater-info/Pages/Foam-Encapsulation.aspx>)
- Require leaseholders to comply with guidelines.
 - The Washington State Department of Natural Resources can require its leaseholders to implement the following measure "All foam material whether used for flotation or for any other purpose must be encapsulated within a shell that prevents breakup or loss of the foam material into the water and is not readily subject to damage by ultraviolet radiation or abrasion. During maintenance, existing unencapsulated foam material must be removed or replaced.
(<http://www.ecy.wa.gov/programs/sea/shorelines/smp/handbook/chapter12.pdf>)
- Undertake public education campaigns
- Fund shoreline clean-up projects
- Provide financial incentives

ⁱ M. Cole, P. Lindeque, C. Halsband, T. S. Galloway, Microplastics as contaminants in the marine environment: A review. Mar. Pollut. Bull. 62, 2588–2597 (2011).

ⁱⁱ Hildago-Ruz, V., L. Gutow, R. C. Thompson and M. Thiel (2012). Microplastics in the marine environment: a review of the methods used for identification and quantification. Environmental Science and Technology 46(6): 3060-3075.



**Request for Province of BC
to prioritize the approval of key marine cumulative effects values**

WHEREAS the Province of British Columbia has adopted the use of a cumulative effects framework to help identify and manage cumulative effects across the natural resource sector;

AND WHEREAS the cumulative effects framework allows for the inclusion of marine values but the Province has not yet approved any marine values for cumulative effects assessment to inform decision making in coastal regions;

THEREFORE BE IT RESOLVED that UBCM request the provincial government to prioritize the approval of key marine cumulative effects values for long-term monitoring and cumulative effects assessments in coastal regions.

Background

In 2013, UBCM endorsed a resolution urging the provincial government to support the development of a Comprehensive Management Plan for Howe Sound that facilitates a coordinated land and marine use planning process between First Nations, senior and local governments, and other local bodies to ensure ongoing recovery and responsible land use planning within Howe Sound.

In 2014, the Province committed to a Howe Sound Cumulative Effects Assessment in response to stakeholders' concerns over potential cumulative impacts and the call for a comprehensive land and marine use plan for Howe Sound. This Assessment includes only terrestrial values despite the importance of coastal values in this ecosystem.

It would be beneficial for coastal areas of the province to have the Province accelerate work on developing the data required to assess the current condition and trend of marine values.



ISLANDS 2050 - FACT SHEET

PROPOSED POLICIES ON DESALINATION, DOCKS, AND SEAWALLS

Island shorelines are valuable for ecological and cultural reasons. Much of the Salish Sea's marine life relies on nearshore habitat for spawning, early life, and food. From clam gardens to fish weirs to middens, the shorelines in the Trust Area have been significant to First Nations people in this region since time immemorial.

Based on feedback from earlier phases of engagement, the proposed draft updates aim to minimize the cumulative effects of development on Indigenous cultural heritage and harvesting sites, and sensitive nearshore ecosystems.

There are proposed draft directive policies that would require local trust committees and island municipalities to prohibit new private docks (except where properties are boat access only), new seawalls or other hard shoreline armoring, and new desalination plants.

In the Draft New Policy Statement, community and shared docks are preferred over an excessive number of new private docks. As well, water conservation technologies are preferred over desalination plants that could adversely impact nearshore ecosystems.

Tell Us What You Think!

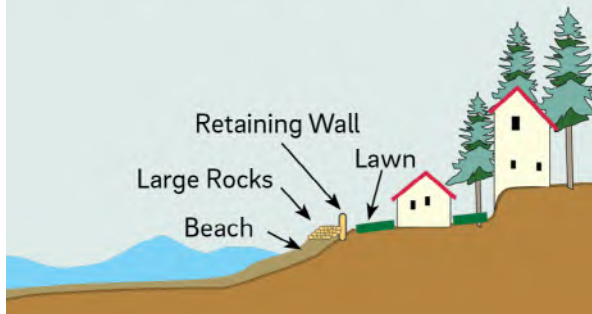
Should the Draft New Policy Statement propose prohibitions on new desalination plants, private docks, or sea walls and hard shoreline armoring? Is there a middle ground with stronger regulations, not an outright ban?

Complete the online survey before April 17, or visit us at an in-person event in March and April 2022 to provide your input!

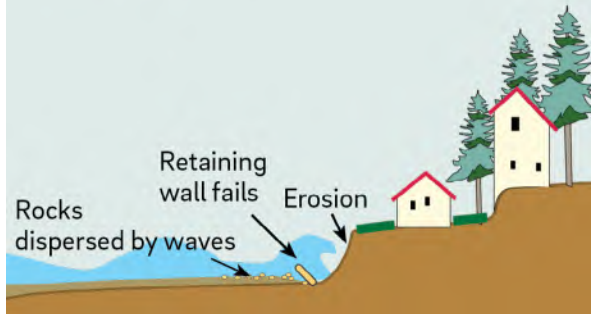
Why is Islands Trust proposing to prohibit desalination plants?

Desalination technologies that turn seawater into potable water may be of interest to many island residents facing freshwater supply constraints. Apart from concerns over the energy demands of desalination plants, there are also concerns over the potentially harmful impacts of the desalination process on sensitive nearshore ecosystems. The desalination process most often results in a salty brine discharge that is released directly back into seawater. This salty brine can spread across the seafloor, alter oxygen levels, cause habitat degradation, and impact aquatic species. There is more to learn about desalination in the Trust Area and the cumulative impacts that many small systems can have.

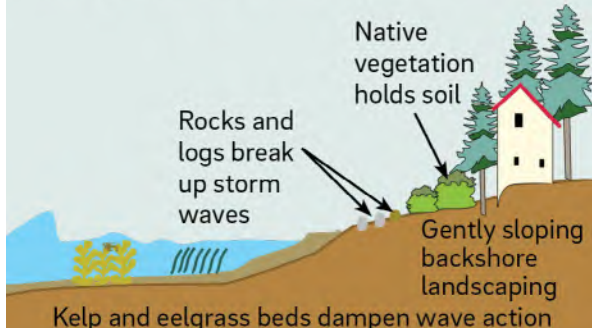
Modified Shoreline Landscape



Storm Damage



Healthy, Resilient Landscape



Why is Islands Trust proposing to prohibit new private docks?

Many island and coastal communities value the convenient access that private docks provide. However, in the Trust Area and elsewhere in British Columbia, excessive numbers of private docks extending from waterfront properties risk damaging Indigenous cultural heritage sites and harvesting areas, sensitive ecosystems like eelgrass meadows, kelp forests, clam gardens, and forage-fish habitat. They also impede access to the foreshore and detract from the natural beauty of the coastline. In an effort to limit the growing number of private docks, many jurisdictions encourage, and some even require, the sharing of dock facilities among neighbours. Others ban the development of private docks.

Why is Islands Trust proposing to prohibit new sea walls and hard shoreline armouring?

In the face of sea level rise and other climate impacts, owning a waterfront property can also come with concerns about erosion and flooding. Hard shoreline armouring can impact Indigenous cultural heritage sites and harvesting areas, nearshore ecosystems, and the natural beauty of the coastline. Waterfront property owners wishing to protect their properties could consider soft shoreline protections (e.g. [GREENSHORES FOR HOMES](#)). In many locations, hard vertical structures like seawalls can be replaced with soft shoreline protections that are functional, attractive, and better for the environment.



FOR MORE INFORMATION, VISIT:

[ISLANDS 2050 WEBPAGE](#)

[ISLANDS 2050 PROJECT INTRODUCTION VIDEO](#)

[ISLANDS TRUST MARINE SHORELINES WEBPAGE](#)