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March 1, 2021

File No.: 5020-30

Via online portal:

<https://projects.eao.gov.bc.ca/p/5885121eaaecd9001b82b274/cp/6000c03a654536002065c1bd/details;currentPage=1;pageSize=10;sortBy=-datePosted;ms=1614617623692>

Dear BC Environmental Assessment Office:

Re: Trans Mountain Pipeline Expansion Reconsideration

On behalf of Islands Trust Council, I would like to encourage bold action and regulation with regard to potential conditions on the Trans Mountain Pipeline Expansion project.

I feel it is important to state, as a priority message, that the Islands Trust Council opposes the Trans Mountain Pipeline Expansion Project. Our rationale for opposition to the Trans Mountain Pipeline Expansion Project is clearly laid out in our 2015 [letter of comment to the National Energy Board](#) and 2018 [letter to the Prime Minister](#) signed by most Islands Trust trustees and San Juan County councillors expressing disappointment at the news of the Government of Canada's decision to purchase the Trans Mountain Pipeline.

We believe the plan to transform the waters of the Salish Sea into an export corridor for nearly a million barrels of toxic bitumen per day for the next 50 or more years exposes us to unacceptable levels of risk.

We understand that the Province of BC is proposing an amendment to Environment Assessment (EA) Condition 35 (Fate and Behaviour of Bitumen Research) to include 'potentially affected coastal local governments' in the list of groups that must be consulted or otherwise involved in the development and reporting out of the research regarding Diluted Bitumen.

REQUEST: We request that Islands Trust also be added to the list of groups to be consulted or otherwise involved in the development and reporting out of the research regarding Diluted Bitumen.

While we do not have emergency management responsibilities, we would like the opportunity to be consulted or otherwise involved.

We also understand that the Province of BC is proposing a new condition (Human Health Risk Report), which would require Trans Mountain to retain a Qualified Professional to prepare a report describing the ship-source marine spill human health risks, response and monitoring, in accordance with a number of requirements and in consultation with various parties.

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REQUEST: We support the Province of BC's proposed new condition of a Human Health Risk Report.

We support this request as we are deeply concerned about the potential severe, long-term, negative socio-economic effects that the Project could have on island communities. Community health, businesses, property values and enjoyment of the natural world all depend on a healthy environment.

We are concerned about the lack of information available about the human health risks that could result from potentially toxic and/or flammable volatile organic compounds (VOCs) in the atmosphere in the first hours after a spill of diluted bitumen into the marine environment.

Many island residents may be especially vulnerable to the health impacts associated with oil spills. The median age of some island communities along the tanker route having even older median ages such as Galiano Island (61 years), North Pender Island (61.5 years), South Pender Island (63.2 years), Saturna Island (65.6 years), and Mayne Island (64.0 years). There are limited emergency care facilities on most of our islands, and we have many small populated islands with no services, where marine transportation during an oil spill could be challenging.

REQUEST: We request the Province of BC investigate what conditions or other measures can be taken to ensure that in the event of a spill from the pipeline or a project related vessel there will be compensation to communities for loss of natural capital, public use of and enjoyment of public places and resources.

For more background on this request, please review [my 2018 letter](#) (Attachment 1.) to the Minister of Environment and Climate Change Strategy regarding British Columbia's plans to enhance the way the province prepares for, responds to, and recovers from environmental emergencies.

Located in the islands and waters of the Salish Sea, between the British Columbia mainland and southern Vancouver Island, the Islands Trust Area encompasses 13 major and more than 450 smaller islands, covering 5,200 square kilometers. The area is home to the highest density of species at risk in Canada and some of the most diverse and sensitive marine ecosystems in the world. The region's rich forests, soils, wetlands and ocean vegetation act as important carbon sinks, mitigating greenhouse gas emissions and buffering communities against the impacts of climate change. The ecological significance and sensitivity of the region, and the need for protective measures, were internationally recognized in 1973.

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. In 2019, Islands Trust Council passed a [Reconciliation Declaration](#) and committed to a [Reconciliation Action Plan](#) as per the Truth and Reconciliation Commission (TRC) Calls to Action. We are committed to building meaningful relationships with First Nations in the Trust Area, protecting cultural heritage, and upholding the principles embodied within the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the BC *Declaration on the Rights of Indigenous Peoples Act* (DRIPA); the Truth and Reconciliation Commission (TRC) Calls to Action; and the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice. Islands Trust Council recognizes that the work of reconciliation is key to preserving and protecting this place for generations to come.

Thank you for considering these requests.

Yours sincerely,



Peter Luckham

Chair, Islands Trust Council

pluckham@islandstrust.bc.ca

Attachment 1:

[2018 Islands Trust letter to the Minister of Environment and Climate Change Strategy re Phase Two Enhancements to Spills Management](#)

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



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April 30, 2018

File No.: 0400-30

Via e-mail: spillresponse@gov.bc.ca; env.minister@gov.bc.ca

The Honourable George Heyman
Minister of Environment and Climate Change Strategy
Room 112 Parliament Buildings
Victoria BC V8V 1X4

Dear Minister Heyman:

Re: Phase Two Enhancements to Spills Management

Thank you for providing an opportunity to comment on British Columbia's plans to enhance the way the province prepares for, responds to, and recovers from environmental emergencies.

As we mentioned during our meeting with you in September, the Islands Trust Council has dedicated significant resources to advocating for improved oil spill prevention, preparedness, and response measures, including safer marine shipping practices. We appreciate the strong leadership you are showing on this topic and encourage implementation of regulations supporting the phase two policy concepts outlined in the intentions paper.

I feel it is important to state, as a priority message, that the Islands Trust Council opposes the Trans Mountain Pipeline Expansion Project. In 2011, the Islands Trust was the first local government to study and [respond](#) to Kinder Morgan Canada's plan to lay the financial foundation for its expansion of the Trans Mountain pipeline. The Islands Trust Council has also established a position that the federal government should phase out crude oil exports from Canada's West Coast by tanker and barge as part of a national energy strategy. Our rationale for opposition to the Trans Mountain Pipeline Expansion Project is clearly laid out in our 2015 [letter of comment to the National Energy Board](#).

The Islands Trust was the first agency to raise concerns and questions about the state of oil spill response preparedness for diluted bitumen and other heavy unconventional oils being shipped in tankers from Burnaby. It is profoundly disappointing that our [fifteen key questions to Transport Canada](#) from 2011 remain largely unanswered. We were also the first local government to [write to the National Energy Board](#) with concerns that the environmental impacts of diluted bitumen may pose extra challenges for spill response.

We appreciate the opportunity to comment on the proposed spill management enhancements. In 2012, the Islands Trust submitted a [resolution](#) to the Union of BC Municipalities about the need for industry funding for BC oil spill prevention, preparedness, and response with a three page background. We are pleased that many of the concerns we raised in that document are being addressed and encourage ongoing efforts towards a robust and sustainable environmental emergency program.

In response to the current consultation on proposed regulations, on behalf of the Islands Trust Council, I urge the Province to adopt provincial oil spill regulations that will:

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1. Establish current spill response times and performance standards for polluters and responding agencies:
 - Response times should be established for multiple aspects of a response including resource activation, arrival of equipment and personnel on-site, initiation of containment activities, public notification, and monitoring activities.
 - Spill plans must include performance standards and response agencies must demonstrate their ability to meet the standards.
2. Require geographic response plans (GRPs) that identify natural assets and are tailored to particular geographic areas at risk from a spill:
 - The Province should make the Salish Sea region a priority for GRPs for both land and marine based spills (something the Islands Trust Council has advocated for since 2011). The federal government's Tanker Safety Expert Panel's 2013 report stated that the waters around the southern tip of Vancouver Island were one of four areas in Canada with the highest probability of a large marine spill. The report also stated that the southern coast of British Columbia, including Vancouver Island, was one of two areas in Canada with the highest potential impact from a marine spill.
 - GRPs for the Salish Sea should be developed by industry-funded advisory committees that incorporate First Nations and community stakeholders.
 - On islands, where freshwater resources are limited, a quick, effective response to land-based spills affecting freshwater resources is critical.
 - To ensure public safety and to facilitate effective agency response, equipment training and education must be made available in communities.
 - The Province should require that the content of GRPs for the Salish Sea region be harmonized with Washington State GRPs.
3. Ensure communities are compensated by spillers for impacts to economic, cultural, and recreational values and loss of natural assets:
 - In a [2014 letter to Minister Polak](#) commenting on phase one of the land-based spill preparedness and response regulations, we expressed support for the creation of a resource damage assessment process for British Columbia and recommended the Province use the Washington State model with regard to funding and distribution of funds.
 - In addition to being required to restore habitats, the Province should require spillers to provide compensation to communities for loss of natural capital, public use of and enjoyment of public places and resources.
 - We encourage the Province to work with the federal government to enhance the compensation process and amounts for spills from ships.

4. Maximize application of environmental emergency regulatory powers for marine spills:

- We encourage the Province to continue to investigate and seize opportunities to enhance ministry authorities to ensure provincial interests are fully addressed in marine spill prevention, preparedness, response, and recovery.
- The Province should ensure very stringent environmental recovery plans are in place and ready to be put into action should a spill occur.

Thank you for considering this submission to your consultation process. There are many First Nations who have asserted Aboriginal interests in the Trust Area and many who have established harvesting rights; although we copy First Nations on all correspondence such as this, we have not directly heard their positions on potential regulatory changes to enhance oil spill management. Given our commitment to establishing and maintaining a mutually respectful relationship with First Nations, we offer the Islands Trust position while being ready to respectfully consider their positions.

Yours Sincerely,



Peter Luckham
Chair, Islands Trust Council
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cc: The Honourable John Horgan, Premier of BC
Islands Trust Area MLAs
Cowichan Tribes
Esquimalt First Nation
Halalt First Nation
Homalco First Nation
Hul'qumi'num Treaty Group
K'omoks First Nation
Klahoose First Nation
Laich-kwil-tach Treaty Society
Lake Cowichan First Nation
Lyackson First Nation
Malahat Nation
Musqueam First Nation
Nanwakolas Council
Pauquachin First Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation
Semiahmoo First Nation

Shíshálh (Sechelt) First Nation
Snaw-naw-as (Nanoose) First Nation
Snuneymuxw (Nanaimo) First Nation
Songhees First Nation
Squamish First Nation
Stz'uminus (Chemainus) First Nation
Te'mexw Treaty Association
Tla'amin (Sliammon) First Nation
T'Sou-ke (Sooke) First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseil-Waututh (Burrard Inlet) First Nation
Tseycum First Nation
We Wai Kai (Cape Mudge First Nation)
Wei Wai Kum (Campbell River First Nation)
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