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July 18, 2019

File Number: 0400-20; 5020-30

Via Email: mintc@tc.gc.ca

The Honourable Marc Garneau
Minister of Transport Canada
330 Sparks Street
Ottawa, ON K1A 0N5

Dear Minister Garneau:

Re: Recent feedback on West Coast Emergency Towing Needs Assessment and Protocol for the Use of Southern B.C. Anchorages

On behalf of Islands Trust Council, I would like to express my support for the goals of the Government of Canada, through its Ocean Protection Plan (OPP), to create a world-leading marine safety system that strengthens responsible shipping and protects Canadian waters. Islands Trust appreciates the \$1.5 billion investment, made to-date, to protect Canada's coasts and waterways and the additional \$63 million dedicated to the Enhanced Maritime Situational Awareness initiative and the Anchorages initiatives.

The Anchorages initiative is of particular interest to the Islands Trust Council since the Trust Area has been and still is experiencing a significant number of vessels anchoring continuously in the Trust Area which is incompatible with the up land uses in the Trust Area. Many residents are concerned about the environmental and health impacts resulting from these anchored vessels including noise, light, dragging of anchors, and consequential potential pollutants as a result of the vessels being maintained and operational for extended periods of time.

I have said in my comments, in the letters attached, with respect to the interim protocol that many residents are frustrated with the apparent lack of acknowledgement of the problem of vessels at anchor and at not receiving any feedback with respect to the conclusions or what has been learned to date. Ship's masters continue to not understand the need to adhere to the protocol. This results in further complaints and feelings of frustration from residents because they have to contact the Port Authority every time a new vessel arrives but this contact does not seem to result in any change on the part of the vessel.

The Islands Trust Council along with the United States, San Juan County Council has requested that a standby rescue tug be located in Sidney, British Columbia and that it be available to travel to Turn Point, off Stuart Island. Our two governments made this joint request because we share a belief that there is insufficient emergency towing capacity in the Salish Sea to meet the current or future risks associated with vessel traffic.

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Page 2

The Islands Trust Council and the Government of Canada share a similar objective -- enacting the highest environmental and safety standards in an effort to protect Canadian waters, and we offer our feedback in support of the OPP finalizing its initiatives so that it can obtain permanent solutions to the many issues raised. Attached are two recent letters regarding the West Coast Emergency Towing Needs Assessment and feedback on the Protocol for the Use of Southern B.C. Anchorages.

On behalf of the Islands Trust Council, I invite you to visit the Trust Area and see for yourself the unique and natural beauty of 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.

Sincerely,



Peter Luckham

Chair, Islands Trust Council

250-210-2553

pluckham@islandstrust.bc.ca

Attachments:

West Coast Towing Needs Assessment letter, sent to Ocean Protection Plan, Canadian Coast Guard, dated June 14, 2019.

Extension of Pacific Region Anchorages Interim Protocol letter, sent to Vija Poruks, Oceans Protection Plan, Transport Canada, dated July 5, 2019

cc: Islands Trust Council
Bowen Island Municipal Council
Islands Trust website



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June 14, 2019

File Number: 5020-30

via e-mail: DFO.CCG.OPP.Towing-GCC.PPO.Remorquage.MPO@dfo-mpo.gc.ca

Ocean Protection Plan
Canadian Coast Guard

To whom it may concern:

Re: West Coast Towing Needs Assessment

Thank you for the opportunity to comment on the *West Coast Emergency Towing Needs Assessment*. Oil spill prevention and response became a strategic advocacy priority for the Islands Trust Council in 2009 after the bulk carrier, the Hebei Lion, grounded in Plumper Sound, located between Saturna, Mayne, North Pender and South Pender Islands. Our initial concern was compounded by two more near-groundings in Plumper Sound in 2010 and 2011. Since that time, the Islands Trust Council has dedicated significant resources to advocating for strong ship safety measures and oil spill prevention measures.

In May 2018, the Islands Trust Council wrote jointly with San Juan County Council to request that a standby rescue tug be located in Sidney, British Columbia and available to Turn Point, off Stuart Island. Our two governments made this joint request because we share a belief that there is insufficient emergency towing capacity in the Salish Sea to meet the current or future risks associated with vessel traffic.

In the narrow waterways and anchorages of the Salish Sea, there is a very limited window of time to respond before a vessel experiencing a loss of propulsion or steering might potentially run aground on the many unmarked reefs, islets or shoreline, or worse, collide with another vessel. Quick, effective help for a disabled or drifting vessel is key to preventing oil spills in this ecologically-significant region characterized by fast moving currents and significant tidal changes.

The Canadian 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. The Assessment report reached similar conclusions. The Salish Sea is a special region in need of special consideration and precautionary measures.

We are pleased that the issue of emergency towing is being considered by the federal government through this report and have the following comments:

- As the report stated that emergency towing is not a recognised term in international convention and law, there appears to be a need for a clear definition for "emergency towing" that can be used internationally as the term "salvage" is inadequate.

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- Transport Canada should institute a certification process for the crew of commercial tug operators that is specific to different towing capacities. We are concerned that commercial salvage operations might fail as a result of inadequate experience and practice.
- We are concerned to read that there is a lack of accurate information on tank barges and that they represent a “large and risky unknown” that should be better understood in order to develop adequate mitigation strategies. We request that there be additional studies done in this area and that Transport Canada make it mandatory that these vessels carry Automatic Identification System (AIS) devices.
- We support the report’s recommendation that the Government of Canada conduct an emergency tow risk assessment including an analysis of all possible mitigation measures for the Boundary Pass/Haro Strait zone in the southern Salish Sea. We request that any assessment include the short window of opportunity for a rescue vessel to respond in the region, and place emphasis on the high ecological and social values at risk. We were concerned to read that the response time in the Strait of Juan de Fuca could be as low as 1.5 hours. This window of time seems too small to rely on tugs of opportunity. We have heard the region described as ‘no save’ which is extremely concerning.
- We maintain that an emergency towing vessel stationed in the Strait of Georgia, as indicated in the report, seems critical to reducing transit/response times and will significantly reduce risk.
- The report’s author needed to make assumptions in order to develop the report’s recommendations. We request that further work be completed to verify that the Neah Bay tug service, based in the United States, will continue to respond on the Canadian side of the Salish Sea. We also request an assessment of the likelihood of other Salish Sea tow resources such as commercial tugs and Coast Guard vessels responding, when available and safe to do so, as part of an emergency towing system
- There is a theme in the report that there is no need to plan for the very largest of vessels as they visit infrequently and that it is not practical or cost effective to have a single capability for these rare, extreme incidents. We disagree with this approach given the environmental and social values of the Salish Sea. We have recently declared a climate emergency. No longer can we rely on past weather and sea conditions to predict future risk. In 2018, the Port of Vancouver welcomed the Norwegian Bliss, which is the ninth-largest cruise ship in the world at 168,028 gross tons, and in 2016, the Port of Seattle welcomed the container vessel CMA CGM Benjamin Franklin at 178,228 gross tons. We are concerned that the number of these massive vessels will continue to increase and it is irresponsible to have vessels transiting the Salish Sea that cannot be towed in an emergency.
- We respectfully suggest that no studies assume that the Trans Mountain project will be approved or built and that plans will be made to address current or future needs without relying on funding from the Trans Mountain pipeline expansion project.
- Climate change is not adequately considered in determining future risk: the cited case of two stricken vessels in the same February 1999 storm being a case in point. More recently, the devastating winds experienced in the Salish Sea in December of 2018 fortunately did not compromise any vessels at anchor or transiting the Gulf Islands. I shudder to think of what may have happened at a time when all emergency services were struggling with the impacts of the severity of the storm.

Thank you for considering this input. We look forward to the final release of the report.

Yours sincerely,



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

cc: Islands Trust Area MLAs
Islands Trust Area MPs
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
Skw̓wú7mesh (Squamish) Nation
Snaw-naw-as (Nanoose) First Nation
S̓XÁUTW̓ (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
W̓JOLEŁP (Tsartlip) First Nation
W̓SIKEM (Tseycum) First Nation
x̓m̓əθk̓əy̓əm Musqueam
Clear Seas Centre for Responsible Marine Shipping
Port of Vancouver
Pacific Pilotage Authority
Chamber of Shipping of British Columbia
Friends of San Juan County
San Juan County Council
Bowen Island Municipal Council
Islands Trust Council
Islands Trust website



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July 5, 2019

File Number: 0400-20; 5020-30

Via Email: vija.poruks@tc.gc.ca

Vija Poruks
Oceans Protection Plan
Transport Canada, Pacific Region

Dear Vija Poruks:

Re: Extension of Pacific Region Anchorages Interim Protocol

Thank you for the opportunity to provide feedback regarding the extension of the Interim Protocol for the Use of Southern B.C. Anchorages (Interim Protocol). This voluntary protocol took effect February 8, 2018. The Islands Trust Council appreciates the work that a myriad of agencies have put into developing and implementing the Interim Protocol. We understand that solutions are not easy, especially when the protocol must be enacted as a voluntary measure, which is why we have supported the initiative in good faith. As the Interim Protocol is set to expire at the end of July 2019, you have asked for feedback and comments on further extending this voluntary and temporary set of procedures. The Islands Trust response to your questions are as follows:

1. Do you have any concerns about the extension of the Interim Protocol?

The Islands Trust Council is concerned that a further extension to the Interim Protocol is being requested with no sign that a permanent solution is being sought that respects the ecology and character of the Southern Gulf Islands. Originally, Islands Trust asked for an extension of the protocol agreement a year ago because the first period of the protocol coincided with an unprecedented number of delays in the arrival of commodities by train to the Port of Vancouver, resulting in very high congestion at anchorages in the port and along the south coast. Now a year later, the Islands Trust supports the continuation of the protocol as an interim measure; however, what is the plan for moving forward?

The Islands Trust Council met on December 6, 2007, and passed the following motion:

That the Islands Trust Council request the Chair to write to the federal Minister of Transport, Infrastructure and Communities objecting to the offloading of industrial freight such as gypsum in Plumper Sound.

While we appreciate efforts by Canada Steamship Lines to minimize dust, it is frustrating that this activity continues more than a decade later. Industrial operations such as the offloading of materials should only occur within the boundaries of a port and not within Islands Trust Area region – this practice should be immediately discontinued.

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The Islands Trust Council's position is that the Interim Protocol should continue to be considered an interim solution. In September 2018, the Islands Trust Council called on Transport Canada to work towards eliminating the use of 33 commercial freighter anchorages throughout the Southern Gulf Islands, an area Transport Canada refers to as the South Coast of British Columbia.

2. Is there specific information you think should be considered in the Interim Protocol?

We support the content of the existing protocol and, in addition, would like the protocol to prohibit any dumping of potential contaminants overboard. Residents have observed crew members on anchored vessels using hoses to sluice the decks of vessels, even in times with no ice. There have been numerous complaints received that anchored ships are conducting maintenance that generates bright lights, and loud and constant noise throughout the day and night, and that cleaning agents, vessel debris, and marine paint chips of an unknown composition end up in the local water. Residents have also observed a crew member dumping a fluid from a barrel into the water.

The ecologically-rich waters of the Southern Gulf Islands are not industrially zoned, they are not a shipyard, nor are they a dump, and the voluntary measures of the Interim Protocol are not working. Canadian standards and regulation for vessels anchored within Canadian waters is needed.

The smog from generator emissions is appalling when there is no wind or on days of inversions. New requirements are needed regardless of where vessels anchor if Canada is committed to reducing green house gasses.

The Islands Trust would like assurance that the anchorage sites at English Bay are being fully utilized before other anchorage points are used. We are concerned that the anchored vessels in the Southern Gulf Islands generate noise, light, and air pollution next to rural communities; potentially damage local marine ecosystems; and are diminishing area residents' quiet enjoyment of their properties. Most worrisome, these vessels, anchored close to shore and far from a rescue tug, pose a risk of catastrophic bunker-fuel spills.

3. Are there any additional considerations that could help in revising the Interim Protocol?

We have heard strongly from residents that there is a need for better communication with residents, First Nations, local organizations, and elected officials regarding the Interim Protocol.

We request that Vancouver Fraser Port Authority (VFPA) reinstate a phone number for people to call regarding concerns about anchored vessels. Currently, follow-up action by anchored vessels does not appear to be consistent when concerns are submitted online; so it is hoped that direct person-to-person contact will ensure actions are immediately taken to address violations of the voluntary protocols. In addition, we request that increased and improved reporting by the VFPA to residents or the community be made publically available and in a timely manner. Responding to and reporting concerns effectively and transparently is essential to building trust and goodwill.

Island communities feel frustrated at the lack of consultation and communication from Transport Canada regarding its assessment of the protocol. We hear regularly that residents want more frequent, detailed updates:

- on the progress of the Anchorage Initiative and any regulatory framework considerations;
- about global best practices for similar regions;
- on the root issues leading to vessels anchoring; and
- about any risk assessments of the environmental and health impacts of anchoring and industrial activity in the Southern Gulf Islands.

We recommend that Transport Canada request and track anticipated arrival and departure dates, and times for bulk cargo ships prior to entry into Canadian waters. This data should be made available to stakeholders on a regular basis.

We recommend that Transport Canada provide regular updates to local newspapers including the Gulf Islands Driftwood, the Saturna Scribbler, the Galiano Active Page, the Pender Post, the Mayneliner, the Gabriola Sounder, and the Cowichan Valley Citizen. Islands Trust staff would be pleased to forward contact information for these publications.

We also recommend that Transport Canada hold consultative sessions in Cowichan Bay or Nanaimo so that the people most affected by anchorages do not have to travel to Vancouver to get updates or provide feedback.

We understand that in Canada ships have the common law right to anchor temporarily and for a reasonable period of time in any appropriate location. However, the Southern Gulf Islands are a special and ecologically rich part of Canada that deserve extraordinary measures and regulation. The Islands Trust Council has called upon the federal government to take all measures possible to reduce, and ultimately eliminate the use of commercial freighter anchorage sites throughout the Southern Gulf Islands.

We would like to support Transport Canada in its efforts to study anchorage issues and develop policy and regulatory solutions that prioritize protection of the marine environment and sustaining the rural character of the Southern Gulf Islands. However, we are concerned that we have not heard about any risk assessments on the environmental and health impacts of anchoring vessels in the Southern Gulf Islands. The lack of communication regarding the interim measures, combined with no updates on the longer-term Anchorage Initiative, is of concern.

We thank you for the opportunity to comment and hope to hear from you again in the near future.

Yours sincerely,



Peter Luckham
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cc: BC Minister of Environment and Climate Change
BC Minister of Transportation and Infrastructure
Islands Trust Area MPs
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
MÁLEXEL (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
SÁUTW (Tsawout) First Nation
Stz'uminus First Nation
SXIMELEL (Esquimalt) Nation
Tla'amin (Sliammon) Nation
Tsawwassen First Nation
Tsleil-Waututh Nation
T'Sou-ke Nation
Wei Wai Kum (Campbell River) First Nation
We Wai Kai (Cape Mudge) First Nation
WJOLELP (Tsartlip) First Nation
WSIKEM (Tseycum) First Nation
x^wməθk^wəyəm Musqueam
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
Canada Steamship Lines Americas
Nanaimo Port Authority
Pacific Pilotage Authority
Vancouver Fraser Port Authority
Cowichan Valley Regional District Board
Town of Ladysmith Mayor and Council
Bowen Island Municipal Council
Islands Trust Council
Islands Trust website