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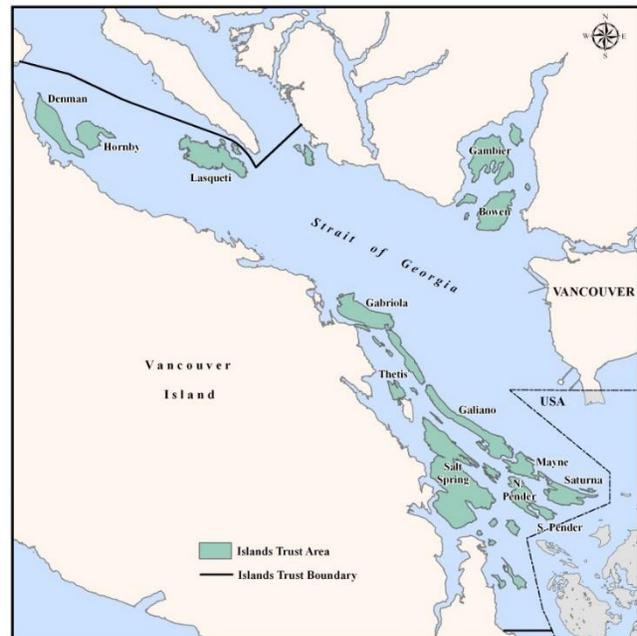
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Transport Canada
Let's Talk Ocean Protection Plan

To whom it may concern:

Re: Draft Proactive Vessel Management National Framework Paper

The Islands Trust is a federation of 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.



Since 1979, in support of its mandate to 'preserve and protect' the Islands Trust Area, the Islands Trust Council has advocated for regulatory changes that will improve the health of marine ecosystems in the region. Trust Council's current advocacy on marine issues is supported by the [Islands Trust Policy Statement](#), approved by the provincial Minister of Municipal Affairs and Housing in 1994. Since 2008, the Islands Trust, along with First Nations governments have been expressing concerns regarding the use of anchorages within the Islands Trust area for commercial freighters, and the transfer of Gypsum and other materials utilizing barges for export.

Over the past 10 years, the number of coal, grain and break bulk cargo ships anchoring in the Gulf Islands region while waiting to access the Port of Vancouver has increased dramatically. Community members, First Nations communities, and visitors are concerned about the increased number of vessels, the increasing size of these vessels and the longer periods of time that ships spend at anchor.

The Islands Trust Area is home to an extraordinary diversity of marine life and is among the most productive marine ecosystems in the world. Life is busy and colourful above and beneath the waves. The Salish Sea's marine waters support diverse species such as bald eagles, oystercatchers, loons, cormorants, grebes, gulls and ducks, anemones, sea urchins, sand dollars, crabs, sea stars, octopus, seals, river otters, whales, porpoises and sea lions - to name but a few of the 2000 species. Not only do marine resources support local economies and diets; they are an ongoing source of wonder, as well as a traditional gathering area and traditional food source for First Nations. The area is critical to the survival of southern resident killer whales, humpback and gray whales, and is critical habitat for salmon, rockfish, and herring. Despite efforts by local communities and First Nation members to reduce environmental footprints on the marine environment and land base, we see the impacts of climate change and habitat loss deepen continuously as each year passes. First Nations have expressed to us their inability to practice their life ways and traditional practices due to the impacts and intrusion of these vessels.

The *Proactive Vessel Management National Framework Paper* provides guidance for a [Proactive Vessel Management](#) approach in local waterways to address vessel traffic issues cooperatively with consensus-based decisions. The framework also promotes a renewed relationship with Indigenous partners through collaboration based on respect, cooperation and the recognition of rights. Islands Trust Council recognizes these rights and formalized this in the passing of a Reconciliation Declaration in March 2019.

We support the proposed collaborative approach that Transport Canada is leading to address vessel traffic issues in local waterways to reduce the impacts of shipping. For years, we have been impressed by the outcomes of the Puget Sound Harbor Safety Committee and we are hopeful that Canada could move in a similar direction.

We are hopeful that the proactive vessel management initiative will result in solutions by creating opportunities for dialogue that reduces conflicts from major vessel operations (e.g. speeds, routes, and use of anchorages) and acute/chronic impacts to coastal communities (e.g. waves, lights, noises, and avoidances).

We are also hopeful that the proactive vessel management initiative will address the cumulative ecological affects of shipping activities within the Islands Trust Area (e.g. underwater acoustical noise, air emission, shore erosion, and anchor drag). These chronic impacts can have long incubation periods - often measured in decades.

Islands Trust Area communities face fear and concern about the future of the Salish Sea; they face frustration regarding concerns related to anchorages in sensitive ecosystems and in upland rural locations with anchorages nearby; they face concerns regarding habitat degradation and loss due to anchorages within sensitive ecosystems; and they worry about threats to species at risk such as the resident orcas, humpback and grey whales, and salmon.

The context for Proactive Vessel Management

It is our understanding that while proactive vessel management will not address international conventions for major (sea-going) vessels under the *International Maritime Organization*, and will not directly apply to major coastal project investments and initiatives that can change vessel traffic types, volumes, and routes (e.g., port expansions, new and expanded terminals), it is intended to:

1. Result in regional proactive vessel management findings that – when applicable – will be used as evidence in federal and provincial impact assessments.
2. Foster meaningful outcomes on major vessel traffic routes, speeds, and anchoring to protect the social, cultural, ecological, and commercial values and interests within the Islands Trust Area.
3. Promote a meaningful dialogue with and influence on the shipping industry and their federal regulatory agencies.
4. Be inclusive of First Nations, local governments, and Islands Trust as government bodies.

Proactive Vessel Management is an ocean management decision-making process so must embrace sustainable development, integrated management, and precautionary approach.

Transport Canada's proactive vessel management discussion and framework papers provides a list of the types of vessel induced impacts on coastal users. However, we would have preferred more acknowledgement of the fact that while shipping operations are "transient" as a vessel passes through a region or anchorage, residents are having to endure repeated vessel intrusions and resulting cumulative effects. The factors we hear about most from residents are concerns with a vessel's wake when in transit, its cargo lights and noise when at anchor (e.g. idling engine, foghorns, and anchor rattle) that directly impacts upland rural locations and marine habitat, and on-water avoidance /interference with recreational and fishing boats, and the fear of pollution and its impacts to sensitive eco-systems. Mitigation of habitat degradation and cumulative impacts due to anchoring in sensitive ecosystems is crucial to protect species at risk, such as the Southern Resident Killer Whales, humpback and grey whales, as they struggle to co-exist within the Salish Sea.

There should be greater recognition that vessel operational impacts can act cumulatively with each other to have direct impacts on shorelines, marine life, tourism, and community well-being. To scientifically document and assess cumulative vessel impacts requires extensive geo-spatial data analysis of vessel routes, types and durations through specified, vulnerable/ sensitive locales. This is especially important given the Object of the Islands Trust Area to be preserved and protected for all Canadians.

The Islands Trust Council has taken action on these concerns via advocacy and convening of meetings for more than a decade; however it would appear that responses from federal agencies and the shipping industry has been slow and limited. The proactive vessel management initiative offers an opportunity for meaningful change and an ongoing consultation process. We are hopeful that recommendations forthcoming from proactive vessel management findings will be genuinely addressed by federal agencies and the shipping industry in Canada, since they are in processes that have been developed in the United States.

General Comments and Expectations on Proactive Vessel Management National Framework

The proactive vessel management initiative is a progressive step toward harmonizing the larger national interest for shipping with that of regional coastal concerns and needs. The framework as described in the proactive vessel management discussion and national framework papers is enlightening. Its principles are well thought out. Nevertheless, Islands Trust Council's expectations include:

- Proactive vessel management dialogue needs to be viewed as government-to-government amongst federal, provincial, local governments and First Nations.
- Collaboration is not a one-way explanation of how important shipping is to Canada and that the industry has a social licence not to be interfered with.
- Proactive vessel management forum and processes need to be a long-term, permanent endeavour with sustainable funding, including funding for research and attending meetings.
- Records of meetings should be transparent and open to public observations.
- Suggested changes to shipping activities should be posted and tracked to show progress.
- Regional studies and surveys are determined and designed collaboratively - such as measuring shore erosion, sea-bed anchor drag impacts, level of public and habitat nuisance from sound, light, wakes, *etc.* - to support evidence-based decisions and foster community buy-in to results and improvements.
- Effort to leverage technologies to improve marine information awareness to track, record, and assess coastal impacts to communities and ecologies such as the OPP's [Maritime Awareness Information System](#).
- Boundaries for proactive vessel management oversight based on the rationalization and harmonization of local government boundaries - such as that of Islands Trust Area- and First Nation treaty and traditional territories therein.
- Public outreach and participation should be part of the proactive vessel management process.
- Recognition that Canada (and the Islands Trust Area) shares an international boundary with the United States (San Juan County) that includes similar vessel traffic volumes and types and hence operational and cumulative impacts.

Proactive Vessel Management Governance Matters for Consideration

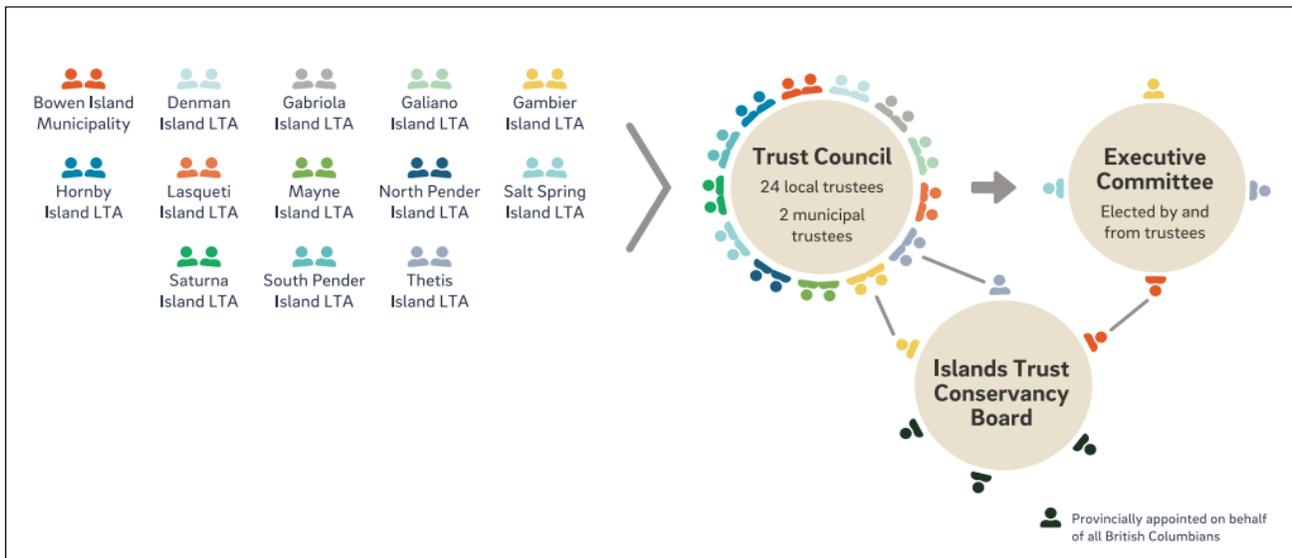
First Nations:

The Islands Trust Area is situated within the treaty and traditional territories of the Coast Salish Peoples and sits at the center of the many gathering places and village sites of these strong and vibrant [First Nations](#). Reserve areas and traditional resource gathering areas for food fisheries and harvesting are being directly impacted with resulting cumulative effects impacting the well-being and inherent rights of Indigenous Peoples.

Since 2015, Islands Trust has committed to implementing policies and principles guided by the [Islands Trust First Nations Engagement Principles Policy](#) as well as the Islands Trust Reconciliation Declaration, and the Reconciliation Action Plan 2019-2022. Islands Trust is committed to Reconciliation and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, and the Truth and Reconciliation Commission's Calls to Action. Islands Trust Council sees First Nations as an integral part of the proactive vessel management initiative as a government body.

Islands Trust Council:

The elected Islands Trust Council is contemplating taking on a secretariat role for coordinating bodies in the Salish Sea. The Islands Trust Council has a well-established “governance” structure established under the *Islands Trust Act*. It is a unique federation of local government bodies with a legislated mandate to preserve and protect the region in cooperation with others.



Special Relationship with State of Washington San Juan County:

The Islands Trust has a special relationship with San Juan County, a local government, in the State of Washington as it also shares similar vessel management issues and risks. The San Juan County Council is the legislative body whose duties include land use and resource management planning and regulations. As such, Islands Trust sees San Juan County as having a role in the proactive vessel management initiative as a non-voting representative.

Working Collaboratively and Effectively with other Proactive Vessel Management Oversight Groups:

The Islands Trust Council cooperates with other coastal jurisdictions, associations, and groups along the BC Coast. It learns from their experiences in coastal protection and management, and seeks synergies in coastal management initiatives. We see the proactive vessel management initiative as an opportunity for coast-wide collaboration and information sharing and therefore suggest a Provincial Proactive Vessel Management Secretariat is established in British Columbia to support regional proactive vessel management committees/councils. The Proactive Vessel Management Secretariat would be tasked:

- To be a clearing house on studies undertaken, findings, implementation and results;
- To coordinate proactive vessel management workshops that include managing travel budgets;
- To arrange for technical experts on shipping and impact mitigation;
- To fulfill requests for geospatial data analysis;
- To management of a proactive vessel management website, newsletters, etc.; and

- To provide a budget to encourage travel provincially, nationally and internationally for proactive vessel management initiatives.

The Proactive Vessel Management Secretariat would not have a governance role, nor vet the findings of regional proactive vessel management committees/councils – it would only be a service/coordination provider.

Expected Services and Resources for Regional Proactive Vessel Management

To be a sustainable, regional proactive vessel management initiative, supported by the following services and resources:

- Travel budget for members to take part in meetings, workshops, and demonstrations;
- Research budget for geospatial data analysis and public outreach;
- Provision of technical expertise on proactive vessel management - related matters; and
- Budget administration and salary administrator, respectively.

Other Proactive Vessel Management Committees to Model Terms of Reference

The Proactive Vessel Management Framework's *Appendix 1 – Case Studies* provides a good starting point on developing specific terms of reference for Canada's Proactive Vessel Management committees/councils in structure, process and outcomes. The two US West coast committees are the more valuable and relevant to BC as they share much of the same vessel traffic, coastal environments and concerns (*Puget Sound Harbor Safety Committee, Aleutian Islands Waterway Safety Committee*).

Responses to the three discussion questions posted on the consultation website, based on the above context:

Question 1: Does the Draft National Proactive Vessel Management framework provide enough guidance to manage local waterway traffic?

Yes, the National PCM framework provides adequate goals, vision, context, intent, and principles to guide in the development of regionally-based proactive vessel management councils/committees, but not to the point of drafting actual terms-of-reference for a regional proactive vessel management committee/council *per se*. Exploring these more detailed questions will be required:

- What will be the harmonized, regional proactive vessel management's boundaries;
- What constitutes "representation" (voting member) in a proactive vessel management committee/council;
- What length of term should there be for a member on a committee/council;
- What will be the supporting charter, governance documents/agreements;
- Who will be non-voting members;
- What are the expected deliverables and the "standards of care"/ "best practices" for coastal protection;
- What constitutes *ad-hoc* committees and special studies;
- What sustainable funds will be allocated for hiring a regional proactive vessel management coordinator;

- What will be the amount of *per diems* (honorarium) to be provided for proactive vessel management committee members;
- How frequent will meetings be;
- Will there be encouragement for attendance at workshops, meetings and demonstrations outside of proactive vessel management region; and
- What will be the means of undertaking geospatial data analysis on marine vessel traffic and coastal impacts.

The term “governance” has a different meaning to different people. Governance is delivered by representation and participation by a person(s) mandated by the executive of elected councils and/or boards, or mayor/chairs of a local government, and/or First Nation Chief and Council and/or leadership. This person is provided specific decision-making authorities and responsibilities related to proactive vessel management. Governance is not just a “procedural” matter as somewhat depicted in the framework document. The procedural matters are essential to enable the representative to be effective in their mandate defined in a proactive vessel management committee’s charter.

Question 2: What did you agree with? What didn’t you agree with? Is there anything missing?

We would have liked to have seen more information on how to sustain long-term funding for the proactive vessel management initiative, the anticipated number of vessels in British Columbia, and whether Transport Canada has considered the establishment of a Provincial Proactive Vessel Management Secretariat.

Question 3: After reading the framework, how do you see Proactive Vessel Management (i.e. managing local waterway traffic collaboratively) working in your region?

Success will be based on the nature of a regional Proactive Vessel Management Committee/Council terms-of-reference, and leadership by Transport Canada and the shipping industry to make meaningful changes as committed to in the draft proactive vessel management national framework document.

Thank you for the work on this initiative to date and for considering this input.

Yours sincerely,



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cc: Islands Trust Area MLAs
Islands Trust Area MPs
BOŶĖĆĖN (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
MÁLEXĖĖ (Malahat) Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation
SEMYOME (Semiahmoo) First Nation
shíshálh First Nation
Snuneymuxw First Nation
Sŷwŷwú7mesh (Squamish) Nation
Snaw-naw-as (Nanoose) First Nation
SŶÁUTW (T sawout) First Nation

Stz'uminus First Nation
SXIMEĖĖĖ (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
WŶJŶĖĖĖ (Tsartlip) First Nation
WŶSIŶĖĖ (Tseycum) First Nation
x"mæθk"əyæm Musqueam
First Nations Summit
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