



Gitga'at First Nation

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17 June 2013

Captain Gordon Houston
Chair, Tanker Safety Panel
Transport Canada
275 Sparks Street (AAM)
Ottawa Ontario K1A 0N5
Email: tsep-cesnc@tc.gc.ca
Fax: 613-998-6609

Via Email and Fax

Re: Review of Canada's Oil Spill Preparedness and Response Regime

Dear Sir,

I am writing this letter to provide technical comments on Canada's Marine Oil Spill Preparedness and Response Regime.

The Gitga'at people unextinguished and unceded Aboriginal title to and Aboriginal rights in a land and marine territory in the north coast of BC. Proposed oil and natural gas export projects are completely dependent on a new and unprecedented large increase in major marine vessel traffic through the heart of our territory. Gitga'at know these waters well, because Gitga'at people have occupied these areas and used them intensively for thousands of years to support their culture and indigenous and modern economy particularly through the harvesting, processing and trading of marine resources.

Gitga'at is also well positioned to provide comment on marine casualty and spill response matters because of the role Gitga'at people played in dealing with the sinking of the Queen of the North ferry. While Gitga'at people rose from their beds late at night to rescue and bring to safety 99 passengers and crew, subsequent efforts by federal agencies and marine emergency response organizations to deal with the vessel casualty and related fuel and oil spills failed badly. There has been no successful or substantive effort at vessel salvage or fuel and oil recovery, and the Queen of the North and a nearby sunken transport vessel the M.G. Zalinski are to this day leaking fuel and oil into our marine environment.

Attached to this letter are: 1) a one page summary of known deficiencies in the current vessel casualty and spill response regime, and 2) a 40 page technical report we commissioned that provides detailed explanation of those deficiencies and more than 150 recommendations for their resolution.

Please note that the *Issues and Solutions Statements* attached to this letter are technical in nature and are not intended to outline or convey how Canada's ongoing failure to address deficiencies in the current major vessel casualty and oil spill preparedness and response regime may affect the full range of

Gitga'at's Aboriginal interests. Such issues can only be revealed and explored through a process of meaningful consultation with Gitga'at.

We look forward to engaging with Transport Canada to further define the scope of the issues and to be fully involved in any discussions and activities undertaken to address the issues we raise.

Sincerely,



Chris Picard
Science Director
Gitga'at First Nation

cc: Council of the Gitga'at First Nation

Attachments: Summary of Gitga'at Issues and Solutions Statements on Canada's Oil Spill Response Regime
Major Marine Vessel Casualty Prevention, Preparedness and Response along British Columbia's
Northern Coastal Waters, Gitga'at and Coastal First Nations Issues and Solutions Statement

Summary of Gitga'at Issues and Solutions Statements on Canada's Oil Spill Response Regime

Canada does not have response capability to address the full range of impacts and consequences that a major marine vessel casualty and associated oil, fuel and cargo spills would have on the ecological, aboriginal, cultural, social, and economic values in the north Pacific Coast of British Columbia. The true extent of the deficiencies was revealed by federal agency and response organization poor response to the collision and sinking of the *Queen of the North*. Several years on there still has been no substantive or successful effort at salvage or fuel and oil recovery, and the *Queen of the North* and a nearby sunken transport vessel the *M.G. Zalinski* are to this day leaking fuel and oil into our marine environment.

This situation exists in large part because Canada's major marine vessel casualty preparedness and response regulation and standards were written in the mid-1990's as a result of the 1988 *Nestucca* barge and 1989 *Exxon Valdez* tanker incidents. Under the *Canada Shipping Act (CSA)*, the federal government established a national, private-sector regime for marine casualties that focused exclusively on the oil spill consequence of these incidents – not on the vessel casualties themselves. Canada's responsible agencies and response organizations remain ill prepared and equipped to address key elements of a major vessel casualty including oil, fuel and cargo spills.

The first purpose of the attached document – *Major Marine Vessel Casualty Prevention, Preparedness and Response along British Columbia's Northern Coastal Waters: Issues and Solutions Statement* – is to identify key deficiencies in Canada's major vessel casualty and marine oil spill preparedness and response regime, including but not limited to:

- Lack of effective and cooperative oversight, planning and management by regulatory agencies, the shipping industry, coastal First Nations and local communities;
- Lack of First Nation involvement in emergency response planning and management;
- Lack of support for First Nation development of coastal emergency response capacity;
- Failure to engage with First Nation and other coastal communities in the preparation of Geographic Response Plans, designation of places of refuge, and completion of response gap analysis;
- Failure to embrace international standards for incident command management;
- Lack of major vessel ocean rescue and salvage capacity;
- Lack of capability for open ocean response, in-situ burning, and use of dispersants;
- No standards or requirements related to response workforce skills, numbers and capacity;
- Lack of investment in field and operations equipment and logistics management;
- Lack of standards and capacity for dealing with oily waste management, harmed wildlife and hazardous chemicals;
- Inadequate arrangements for financial liability, damage assessment and compensation; and
- Lack of investment in monitoring, research and response technology development.

The second purpose of the attached document is to promote dialogue towards achieving and bestowing a much needed higher level of protection for British Columbia's northern coastal waters. Toward that end more than 150 recommendations are put forward to help resolve identified deficiencies.