



MAR 3 1 2014

His Worship Mayor Ralph Drew
Village of Belcarra
< belcarra@belcarra.ca >

Dear Mayor Drew:

Thank you for your further correspondence of February 24, 2014, regarding the preparedness of the Canadian Coast Guard (CCG) in responding to oil spills and ship-source pollution. In your correspondence, you identified a number of responsibilities under Canada's Marine Oil Spill Preparedness and Response Regime that require further clarification, particularly with respect to the CCG's roles and responsibilities.

As you are aware, the Regime is built on a partnership between government and industry that provides the framework for preparedness and response to ship-source oil spills in Canadian marine waters. Within the federal government, responsibilities under the Regime are shared among a number of departments, including Transport Canada and the CCG. Transport Canada is the lead regulatory department, and certifies Canada's four response organizations based, in part, on their marine pollution contingency plans, their prescribed equipment and resources, and the provision of training to their personnel. For a full list of requirements for response organizations, please refer to Part 8 of the *Canada Shipping Act, 2001*, which can be found online at < <http://laws-lois.justice.gc.ca/eng/acts/C-10.15/page-50.html#docCont> >, and Part 1 of the *Response Organization and Oil Handling Facilities Regulations*, also available online at < <http://laws-lois.justice.gc.ca/eng/regulations/SOR-95-405/page-2.html#h-3> >.

The CCG is the lead agency for ensuring an appropriate response to ship-source spills in Canadian waters. To deliver on this mandate, the CCG is required to develop and maintain a National Marine Spills Contingency Plan, and to provide operational oversight and maintenance of associated Regional and Area contingency plans. However, provincial governments, private organizations and industry representatives also play roles in response preparedness, and are required to develop and maintain their own contingency plans. These contingency plans, or emergency response plans, define the roles and responsibilities of the CCG and various government and industry agencies, as well as outline the framework that the CCG will implement during the response to a marine pollution incident. Additional information regarding the CCG's National Marine Spills Contingency Plan can be found online at < <http://www.ccg-gcc.gc.ca/folios/00025/docs/national-response-plan-2011-eng.pdf> >.

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In the event that the CCG observes or is notified of a ship-source spill, the Agency investigates the marine pollution incident, which includes identifying environmental sensitivities and other resources at risk. If the polluter is not immediately known, the CCG attempts to identify it. If the polluter is known, the CCG will advise it of its responsibilities. Once satisfied with the polluter's plans to clean up the spill, the CCG will assume the role of the Federal Monitoring Officer (FMO). If the polluter is unknown, unwilling or unable to respond, the CCG will assume the role of the On-Scene Commander (OSC). The CCG will then either subcontract the clean-up operation to a certified response organization, or will clean up the spill itself. As FMO or OSC, the CCG will ensure an appropriate response that minimizes the environmental, public safety and economic impacts of the marine pollution incident.

In responding to a marine pollution incident, Canada's primary oil spill response capacity (equipment), held by response organizations, will be used and may be cascaded from other regions, as needed. If required, the CCG can access its own environmental equipment, which is located in over 80 depot sites across the country. Canada also has agreements for mutual aid in place with its international partners, such as the United States. These agreements are in place in the event that the complexity of an incident exceeds local capacity, or if a request for Canada's assistance is required outside Canadian waters. Following a marine pollution incident, the CCG, in collaboration with its Regime partners, seeks to ensure that the polluter pays through established international mechanisms. Marine pollution costs could include clean-up costs, environmental damages, pollution, property damages, as well as economic losses and other costs.

With regard to your comments about the Western Canada Marine Response Corporation, please note that this issue falls under the purview of my colleague, the Honourable Lisa Raitt, Minister of Transport. As such, I have forwarded a copy of our correspondence to her for consideration.

Thank you again for writing about this important issue. Please rest assured that Fisheries and Oceans Canada and the CCG are dedicated to preparing for and responding to marine emergencies, such as ship-source oil spills.

Yours sincerely,



Gail Shea, P.C., M.P.

c.c.: The Honourable Lisa Raitt, P.C., M.P.
Minister of Transport
The Honourable James Moore, P.C., M.P.
Port Moody–Westwood–Port Coquitlam
Mr. Fin Donnelly, M.P.
New Westminster–Coquitlam
The Honourable Mary Polak, M.L.A.
British Columbia Minister of Environment
Ms. Linda Reimer, M.L.A.
Port Moody–Coquitlam

2014-001-00512



VILLAGE OF BELCARRA

"Between Forest and Sea"

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February 24, 2014.

Hon. Gail Shea, Minister
Fisheries and Oceans Canada
200 Kent Street, 13th Floor, Station 13E228
Ottawa, ON
K1A 0N6

Dear Minister Shea,

Re: Canadian Coast Guard — Oil Spill Preparedness within British Columbia

Thank you for your letter of February 14th (attached) wherein you provide background information regarding the *Canadian Coast Guard* (CCG) and Canada's Marine Pollution Preparedness and Response Regime. While this information is useful, your letter did not address the issues that were raised.

In our letter of January 16th (attached) we expressed concern regarding the need for better emergency preparedness by the federal government — namely the *Canadian Coast Guard* — with respect to oil spills that may result due to both current and future shipments from British Columbia ports. Specifically, we are concerned about emergency response plans (ERPs) within *Port Metro Vancouver*, and in particular the necessity to develop comprehensive ERPs related to the *Westridge Marine Terminal* (WMT) located in Central Burrard Inlet.

As your letter points-out, the federal government is very reliant on third parties owned and operated by the oil companies such as the *Western Canada Marine Response Corporation* (WCMRC), but there is no information regarding the CCG's program to provide the proper oversight necessary to ensure that:

- Appropriate emergency response plans (ERPs) are developed by WCMRC, including a site-specific ERP for Central Burrard Inlet that is based on a rapid-response and containment strategy utilizing 'best available technology';
- WCMRC personnel are properly trained and qualified based on documented training standards and programs that include records of training received; and
- WCMRC demonstrates on an annual basis that its personnel can respond within a one-hour timeframe to an unscheduled call-out at any time of day or night to oil spills in Central Burrard Inlet.

What are the federal government's plans to enhance CCG resources in British Columbia to provide the additional oversight of WCMRC needed as a result of increased oil shipments from *Port Metro Vancouver*?

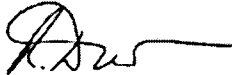
February 24th, 2014.

We would like to receive details regarding CCG's audit program for WCMRC, and would also like to see previous audit reports on WCMRC and its' emergency preparedness programs. This information does not appear to be available on the CCG website, and we respectfully suggest that such information should be made available to the public.

We would also like to receive details regarding the process that CCG would undertake for an oil spill clean-up in the event that a ship-owner, pipeline company or WCMRC failed to provide an adequate response to an oil spill. Who would be responsible to make the decision that an industry led response was inadequate, and once such a decision was made what resources does CCG have beyond those available to the private sector to directly respond in such circumstances?

The residents of British Columbia, and in particular the communities surrounding Burrard Inlet, would appreciate a fulsome response from *Fisheries and Oceans Canada* and the *Canadian Coast Guard* to these important questions and issues.

Sincerely,



Ralph Drew, Mayor
Village of Belcarra

RED/

cc: Hon. Lisa Raitt, Minister, Transport Canada
Hon. James Moore, MP, Port Moody–Westwood–Port Coquitlam
Hon. Fin Donnelly, MP, New Westminster–Coquitlam & Port Moody
Hon. Mary Polak, Minister, BC Ministry of Environment
Hon. Linda Reimer, MLA, Port Moody–Coquitlam
Robin Sylvester, CEO, Port Metro Vancouver
Darrell Desjardin, Director, Sustainable Development, Port Metro Vancouver
Naomi Horsford, Manager, Community Affairs, Port Metro Vancouver
Union of British Columbia Municipalities
Environment and Parks Committee, Metro Vancouver
Burrard Inlet Mayors and Councils



Ottawa, Canada K1A 0E6

FEB 14 2014

His Worship Mayor Ralph Drew
Village of Belcarra
< belcarra@belcarra.ca >

Dear Mayor Drew:

Thank you for your correspondence of January 16, 2014, regarding the preparedness of the Canadian Coast Guard (CCG) to respond to oil spills and ship-source pollution.

Please be assured that the protection of Canada's marine environment remains a priority. As you are likely aware, Canada's Marine Pollution Preparedness and Response Regime, administered by Transport Canada, is based on the "polluter pay" principle, and provides for industry-funded response organizations to be Canada's primary response capacity to ship-source spills. Under the Regime, industry is the first responder for its own spills, and ships of a certain size are required to maintain arrangements with Response Organizations that can provide environmental response and protection services. Transport Canada regulates the Regime and certifies Response Organizations based, in part, on their marine pollution contingency plans.

The CCG, through the Environmental Response Program, is the lead federal agency to ensure an appropriate response to oil spills from ships under Canada's *Marine Oil Spill Preparedness Response Regime*. The CCG monitors the response of the ship owner or has the authority to take over a response, if necessary.

The CCG has environmental response equipment located in over 80 depot sites located across the country, as well as 74 dedicated Environmental Response personnel throughout Canada. This is in addition to Canada's primary oil spill response capacity held by Response Organizations, such as the Eastern Canada Response Corporation and the Western Canada Marine Response Corporation. In British Columbia, the CCG's regional headquarters is located in Victoria and is responsible for delivering CCG programs and services in the province. Further information on the CCG's Environmental Response Marine Spills Contingency Plan – National Chapter, can be found online at < <http://www.ccg-gcc.gc.ca/folios/00025/docs/national-response-plan-2011-eng.pdf> >.

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Of note, on March 18, 2013, the Government of Canada announced a number of measures toward the creation of a World-Class Tanker Safety System, including the establishment of the internationally recognized Incident Command System (ICS) within the CCG. The use of ICS will allow the CCG to more effectively respond to all marine pollution incidents by integrating its operations with key partners, including Canada's private sector Response Organizations. The full press release is available online at < <http://news.gc.ca/web/article-en.do?mthd=advSrch&ctr.page=14&ctr.dptID=6695&nid=727429> >.

Thank you for writing about this important issue.

Yours sincerely,



Gail Shea, P.C., M.P.

c.c.: The Honourable Lisa Raitt, P.C., M.P.
Minister of Transport
The Honourable James Moore, P.C., M.P.
Port Moody–Westwood–Port Coquitlam
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OFFICE DU MINISTRE

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January 16, 2014.

MINISTER'S OFFICE - DFO
Received

JAN 24 2014

Hon. Gail Shea, Minister
Fisheries and Oceans Canada
200 Kent Street, 13th Floor, Station 13E228
Ottawa, ON
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BUREAU DU MINISTRE - MPO
Reçu

Hon. Lisa Raitt, Minister
Transport Canada
330 Sparks Street
Ottawa, ON
K1A 0E5

Dear Ministers Shea & Raitt,

Re: Canadian Coast Guard — Oil Spill Preparedness & Cleanup Liability

We write to express our grave concerns regarding the following issues with respect to oil spills that may result due to current or future shipments from British Columbia ports:

1. Lack of appropriate emergency preparedness within British Columbia by federal government agencies, particularly the *Canadian Coast Guard*;
2. Lack of indemnification of British Columbia residents by the shippers of crude oil and bitumen, particularly pipeline companies and tanker vessel owners, against any and all financial losses associated with oil spills due to shipments from BC ports; and
3. Absence of guaranteed recovery funding for all parties that are affected by either terrestrial or marine oil spills within British Columbia.

1. Emergency Preparedness for BC

Oil spill emergency response planning and response capability by the *Canadian Coast Guard* (CCG) for British Columbia is demonstrably inadequate, and overly reliant on third parties owned and operated by the oil companies such as the *Western Canada Marine Response Corporation* (WCMRC). The CCG needs to have a regional focus headquartered in BC that is adequately resourced to provide the oversight necessary to ensure that:

- Appropriate emergency response plans (ERPs) are developed by WCMRC, including a site-specific ERP for Central Burrard Inlet that is based on a rapid-response and containment strategy utilizing 'best available technology';
- WCMRC personnel are properly trained and qualified based on documented training standards and programs that include records of training received; and
- WCMRC demonstrates on an annual basis that its personnel can respond within a one-hour timeframe to an unscheduled call-out at any time of day or night to oil spills in Central Burrard Inlet.

Currently, CCG has neither the capacity nor the priority focus necessary to provide the oversight needed as a result of increased oil shipments from British Columbia ports.

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January 16th, 2014.

2. Indemnification of BC Residents

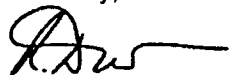
At present, British Columbia residents are not indemnified by the shippers of crude oil and bitumen, particularly pipeline companies and tanker vessel owners, against all financial losses associated with oil spills due to shipments from BC ports. *Transport Canada* needs to address this inappropriate situation and enact legislated requirements to ensure that BC residents are not at risk of experiencing financial loss in the unfortunate event of an oil spill resulting from the export of crude oil or bitumen.

3. Guaranteed Recovery Funding

Transport Canada also needs to enact legislated requirements to ensure that pipeline companies and tanker vessel owners provide guaranteed recovery funding for all parties that are affected by either terrestrial or marine oil spills within British Columbia. Again, it is inappropriate that British Columbia taxpayers bear the financial risk associated with the provision of recovery funding in the unfortunate event of an oil spill resulting from the export of crude oil or bitumen.

The residents of British Columbia, and in particular the communities surrounding Burrard Inlet, would appreciate a fulsome response from both the *Canadian Coast Guard* and *Transport Canada* to these important issues.

Sincerely,



Ralph Drew, Mayor
Village of Belcarra

RED/

cc: Hon. James Moore, MP, Port Moody–Westwood–Port Coquitlam
Hon. Mary Polak, Minister, BC Ministry of Environment
Hon. Linda Reimer, MLA, Port Moody–Coquitlam
Union of British Columbia Municipalities
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