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File No.: 0420-20

Via Email: [env.minister@gov.bc.ca](mailto:env.minister@gov.bc.ca)

Honourable Mary Polak  
Minister of Environment  
PO BOX 9047 STN PROV GOVT  
Victoria BC V8W 9E2

Dear Minister Polak:

**Re: Policy Intentions Paper on Land-Based Spill Preparedness and Response (April 2014)**

On behalf of the Islands Trust Council, we urge the Ministry of Environment to adopt provincial spill preparedness and response measures that will:

- establish higher standards for land-based spill preparedness and response (including for marine spills affecting coastal shorelines and provincial resources);
- develop effective rules for restoration of the environment following a spill; and,
- ensure effective government oversight and coordination of industry spill response.

The Islands Trust Council has been advocating to senior governments about oil spill issues since 1979 and has many concerns related to oil spill preparedness and response. Even a small oil spill within the Islands Trust Area could have devastating impacts on the abundant biodiversity of the region and could significantly affect species already at risk, as well harm the livability and economic well-being of local communities.

The Islands Trust Policy Statement, a statutory document founded in extensive community consultation and approved in 1994 by the then Minister of Municipal Affairs, encourages provincial and federal agencies to ensure safe shipment of materials hazardous to the environment. Council urges the Province of British Columbia to address the long-standing deficit in oil spill prevention, preparedness and response capacity in our region related to existing risks. Council also urges the Province not to facilitate new oil spill risks, such as from heavy-oil pipeline projects.

The comments below are provided based on our assumption that many of the provisions in the policy intentions paper will apply equally to the marine environment where the Province of British Columbia is the owner of the seabed. If there is any doubt in this matter, we strongly urge the Province to extend the provisions to the marine environment whenever possible.

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## **1. Spill preparedness, response and restoration requirements**

### 1.1 Spill Fund

We are concerned that the April 2014 intentions paper is missing the concept of a provincial spill fund. In a 2012 resolution to the Union of BC Municipalities convention, the Islands Trust Council urged the Province to secure on-going revenue from industry for a sustained increase in provincial spill prevention, preparedness, mitigation, and response resources *and to establish a permanent BC spill response fund*. At that time we found BC's fund to be zero, compared to Washington State's and Alaska's spill response funds of US \$7 million and US \$50 million, respectively.

We do not consider the existing nor proposed expanded federal spill funds adequate to address the needs of British Columbia. A provincial spill fund should also be available to quickly fund activities in British Columbia that are not covered by the existing federal oil spill fund, such as spill prevention through the removal of derelict vessels, cleaning up non-petroleum spills and removing spilled shipping containers.

### 1.2 Resource Damage Assessment Process

We support the creation of a resource damage assessment process for British Columbia, with triggering thresholds consistent with the spill reporting requirements. Spills into water should be treated as especially significant. We recommend the [approach taken in Washington State](#), where anyone responsible for spilling oil into state waters is liable for damages resulting from injuries to public resources.

We recommend using a formula model (similar to Washington State) for the small to moderate spills and a full-blown research model for major spills. Our staff has suggested that either the [Habitat Conservation Trust Fund](#) model or the federal [Environmental Damages Fund](#) model of distributing funds to impacted communities would likely be appropriate for our island communities. In addition to being required to restore habitats, spillers should be required to provide compensation for loss of public use in our communities.

In the initial days of a spill, the collection of time sensitive and perishable environmental indicator data in a scientifically-defensible way can be critical to measuring the success of the clean-up and to defending decisions about the amount of compensation and restoration needed. We suggest that the Province provide training and support services (e.g. chain of custody documentation, equipment caches) that would enable coastal residents to contribute their citizen science skills to this aspect of the spill response regime.

## **2. Enhanced provincial environmental emergency program**

### 2.1 Core Funding

For years, the Islands Trust Council has advocated for substantially more core funding and increased community-engagement capacity for the provincial environmental emergency program. At the time of our resolution to the 2012 Union of BC Municipalities convention, we found that BC had 14 staff responsible for province-wide spill prevention, preparedness and response, compared to Washington State's and Alaska's staffing levels of 70 and 146, respectively.

With additional capacity, the provincial staff could develop geographic response plans in partnership with communities, undertake logistical planning, participate in incident command posts during spill responses, and direct shoreline clean-ups and assessments. The Province could also use its enhanced capacity to work with local governments and communities to anticipate how they would deal with the consequences of a major spill (e.g. accommodations, volunteer management, food provision, transportation of workers, ferry system impacts, etc.). We also believe the Province should collect funding to flow through to local governments in recognition of the public services they provide after an oil spill.

## 2.2 Geographic Response Plans

The Islands Trust Council has been requesting geographic response plans for the Islands Trust Area since [June 2011](#). Washington State's geographic response plans include response strategies tailored to individual beaches, shores, and waterways and are meant to minimize impact on sensitive resources threatened by a spill. We recommend the Washington State Geographic Response Plans model as it identifies sensitive natural, cultural or significant economic resources and then describes and prioritizes response strategies that could minimize injury to sensitive natural, cultural, and certain economic resources at risk from oil spills. We think it is important that these plans are created by government rather than industry to ensure transparency, accountability and an open, inclusive process that builds and sustains community capacity. Geographic response plans can contain sensitive information that should be held by a government source. We're impressed by the extent of [community involvement](#) in the geographic response plans developed for the US side of the Salish Sea. Our communities deserve the same opportunities, and our shorelines deserve the same protection.

## **3. Provincially regulated preparedness and response organization**

### 3.1 Provincial oversight

We support the creation of a provincially-regulated preparedness and response organization. In the event of land based spills, it would be much more efficient for local governments to deal consistently with a provincially monitored and certified preparedness and response agency whose staff are known by provincial staff and who have British Columbia based expertise, rather than different companies every time there is a spill. Our years of research and advocacy about oil spills have taught us that on-going engagement and good communication channels build the trust that is essential to a quick and effective spill response.

We think it is appropriate that the new provincial preparedness and response organization operate with a secure source of on-going funding from industry and oversight from an enhanced provincial environmental emergency program. We request that the Province structure the agency to include local governments and First Nations representatives on regional boards.

### 3.2 Mandatory Participation

In our opinion, in order for the new provincial preparedness and response organization to be effective, the Province needs to establish a mandatory membership structure that will ensure that there are sufficient members representing all industry sectors that present a spill risk. A reasonable threshold for establishing whether companies must be members could include a formula that factors in the persistence, toxicity and quantity of the products they ship.

In conclusion, we applaud the Ministry of Environment for developing the policy intentions paper. To compensate for the decades of underfunding and under-regulation, we encourage you to be bold in establishing a robust regime that will support British Columbia's economy and environment well into the future. We hope the Province will work with the Union of BC Municipalities as well as consult with local governments on the details of this land-based spill initiative.

Thank you for considering this submission to your consultation process. Please note that the Islands Trust's support for this long-overdue initiative to improve the BC spill prevention and response regime should in no way be construed as lessening the Islands Trust Council's opposition to oil pipeline projects that increase oil exports through BC's marine waters.

Sincerely,



Sheila Malcolmson  
Chair, Islands Trust Council

cc: Trust Area MLAs: Gary Holman, Saanich North and the Islands  
Don McRae, Comox Valley  
Doug Routley, Nanaimo – North Cowichan  
Nicholas Simons, Powell River – Sunshine Coast  
Michelle Stilwell, Parksville – Qualicum  
Jordan Sturdy, West Vancouver – Sea to Sky

Islands Trust Area First Nations:  
Snuneymuxw First Nation  
Qualicum Indian Band  
Tla'amin First Nation  
Tseycum First Nation  
K'omoks First Nation  
Tsawwassen First Nation  
Hul'qumi'num Treaty Group  
Chemainus First Nation  
Halalt First Nation  
Lyackson First Nation  
Penelakut First Nation  
Cowichan Tribes  
Lake Cowichan First Nation  
Tsawout First Nation  
Tsartlip First Nation  
Pauquachin First Nation  
Nanoose First Nation  
Songhees First Nation  
T'Sou-ke First Nation  
Malahat First Nation  
Esquimalt First Nation  
Musqueam Nation  
Sechelt First Nation  
Squamish Nation  
Tseil-Waututh Nation  
Te'mexw Treaty Association

San Juan County Council  
Bowen Island Municipal Council  
Association of Vancouver Island Coastal Community members  
Islands Trust Council  
Cindy Bertram, contractor to Ministry of Environment consultation process  
Islands Trust website