



200-1627 Fort Street, Victoria BC V8R 1H8
Telephone **(250) 405-5151** Fax (250) 405-5155

Toll Free via Enquiry BC in Vancouver 604.660-2421. Elsewhere in BC **1.800.663.7867**

Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca

January 5, 2010

File Number: FG/04

The Honourable John Baird
Minister of Transport, Infrastructure and Communities
House of Commons
Ottawa Ontario K1A 0A6

Dear Minister Baird:

Re: Freighter Safety in Plumper Sound, British Columbia

The Islands Trust has written to your predecessors on the subject of freighter traffic and anchoring in the Gulf Islands on the south coast of British Columbia, specifically in Plumper Sound. As our concerns have yet to be resolved, we are writing once again to request you and your staff to:

- a) describe the safety procedures required for freighters anchoring in Canadian waters, and what kind of safety-review has been conducted by what agencies following the Hebei Lion incident on November 18, 2009;
- b) advise us if there are any restrictive provisions in federal legislation that could apply to freighters anchoring in an area that has special ecological designation under provincial and/or federal legislation; and
- c) advise us what options may be available to change the regulatory framework, either in law or in practice, to better protect such specially designated areas.

The Islands Trust was created under the *Islands Trust Act* by the Government of British Columbia to preserve and protect the islands and waters in the Strait of Georgia and Howe Sound in cooperation with other agencies. The significance and sensitivity of the Islands Trust Area and the need for protective measures is internationally recognized.

The *Gulf Islands National Parks Reserve* was created under federal legislation, and the proposal for a *National Marine Conservation Area* in the southern Strait of Georgia surrounding many of the southern Gulf Islands is now making its way through various government decision-making bodies. While the NMCA designation is pending, we are hoping you will assist us in making sure the area continues to be worth protecting, by preventing any more accidents.

There would appear to be some disturbing gaps between the clearly stated purposes of the above *Acts* and the *Canada Shipping Act*. Our elected council members are determined to advocate for protection of our coastline and have passed a series of resolutions at public meetings aimed at closing those gaps.

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Preserving **Island** communities, culture and environment

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

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.

The Islands Trust Executive Committee met on November 24, 2009 and passed the following motion:

That Staff be directed to write a letter for the Chair's signature, expressing concern over the Hebei Lion incident in Plumper Sound and the potential for environmental impact and confer with Parks Canada staff for support.

The Islands Trust Council met again on December 9, 2009, and passed the following motion:

That the Islands Trust Council direct staff to provide a report that identifies options for effectively addressing the issue of freighter traffic and anchoring within the Southern Gulf Islands area.

As a result of these motions, we are seeking advice from several agencies, including yours, to inform the report that Islands Trust staff will prepare for Trust Council, expected in March 2010. We'd be grateful if you could please assign someone in your Vancouver office to assist our staff to meet that deadline.

Our staff research to date has revealed that local authorities can apply to the federal government to place restrictions on a vessel or a class of vessel in specified waters to protect the environment from potential damage caused by navigation activities. We would like to know if such amendments can be made to the "Vessel Operation Restriction Regulations" in the Islands Trust Area and how we can be part of that process.

Please feel free to contact Lisa Dunn, Director of Trust Area Services at 250-405-5174 if you require more information.

Yours truly,



Sheila Malcolmson
Chair, Islands Trust Council

pc: Islands Trust Council
Gary Lunn MP, Saanich-Gulf Islands
Murray Coell, MLA, Saanich North and the Islands
Wendy A. Tadros, Chair, Transportation Safety Board
George DaPont, Commissioner, Canadian Coast Guard
Barry Penner, Provincial Minister of Environment
Bill Henwood, NMCA Planner, Parks Canada
Islands Trust website