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December 16, 2010

Admiral Robert J. Papp, Jr.,  
Commandant of the United States Coast Guard  
2100 2nd St SW Stop 7000  
Washington DC 20593-7000  
Via Email: [00ea@uscg.mil](mailto:00ea@uscg.mil)

Marc Grégoire, Commissioner  
Canadian Coast Guard  
200 Kent Street  
Ottawa, Ontario K1A 0E6  
Via Email: [marc.gregoire@dfo-mpo.gc.ca](mailto:marc.gregoire@dfo-mpo.gc.ca)

The Honourable Chuck Strahl  
Canadian Minister of Transport, Infrastructure  
and Communities  
Tower C - 330 Sparks St.  
Ottawa, Ontario K1A 0N5  
Via Email: [mintc@tc.gc.ca](mailto:mintc@tc.gc.ca)

The Honourable John Baird  
Canadian Minister of the Environment  
10 Wellington Street, 28<sup>th</sup> Floor  
Gatineau, Quebec K1A 0H3  
Via Email: [minister@ec.gc.ca](mailto:minister@ec.gc.ca)

Dear Admiral Papp; Commissioner Grégoire; Minister Strahl; and Minister Baird:

**Re: United States of America and Canada cooperative review of maritime safety standards**

We are writing to request that the US Coast Guard, Canadian Coast Guard, Transport Canada and Environment Canada begin discussions in 2011 to review comparability of their maritime safety standards, and develop compatible regulations on both sides of the border to provide the best oil spill protection possible for the Salish Sea.

This request is supported by the United States *Coast Guard Authorization Act of 2010*, which encourages the US Coast Guard to enter into negotiations with the Government of Canada to update the comparability analysis which serves as the basis for the Cooperative Vessel Traffic Service agreement for the management of maritime traffic in Puget Sound, the Strait of Georgia, Haro Strait, Rosario Strait, and the Strait of Juan de Fuca. The *Act* specifically places an emphasis on reviewing tug escorts for oil tankers, emergency towing and spill response.

The Islands Trust is a federation of independent local governments that represents 25,000 people living within the Islands Trust Area. The Islands Trust 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 5200 square kilometres. The Islands Trust has a legislated mandate to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of the province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia.

San Juan County includes 172 named islands and over 408 miles of shoreline in Puget Sound. San Juan County is both a political subdivision of the State of Washington and the local government service provider. The San Juan County Council is the legislative body whose duties include land use and resource management planning and regulations.

Through a Transborder Island Agreement signed by our two local governments in 2007, we have agreed to work together on issues of transboundary importance. In response to concerns about growing threats to the marine environment of the Salish Sea, the Islands Trust has made advocating for the marine environment a top priority this year, and San Juan County has identified improved oil

spill prevention, readiness and response as its number one federal legislative priority and number two state legislative priority for 2011.

At a June 2010 marine shipping safety session hosted by Islands Trust Council and attended by San Juan County Council representatives, an expert panel discussed oil spill risks in the Salish Sea and questioned our readiness to respond to spills.

A major oil spill is a very real threat in the busy waterways of the Salish Sea. In 2009, there were more than 10,000 transits by large cargo and tank vessels in nearby waters.<sup>1</sup> In addition, there were more than 163,000 ferry transits in Puget Sound alone. Cargo, oil tanker and other major vessel traffic will increase in our waters, as Canada and British Columbia push to increase trade through their Pacific Gateway programs. Several port expansions proposed along the Columbia River, and a major coal terminal proposed for Cherry Point in Washington State will also increase vessel traffic in our sensitive waters. Not only are oil spills risks increasing with the growing number of ships in our region, but the likelihood of a large spill is also going up as vessels increase in size.

As two of the local governments for the islands of the Salish Sea, we are extremely concerned about the oil spill risks presented by marine shipping in the area and the poor state of readiness to respond to a major spill in the Salish Sea. Therefore, we are asking you to ensure that your agency allocates sufficient funds and staff time to participate in substantive maritime safety discussions in 2011/12 that will lead to compatible, world-class maritime safety and oil spill related regulations on both sides of the border. These discussions should be undertaken in a way that invites and meaningfully incorporates input from first nation and tribal governments, local governments, non-profit agencies and communities. The initiative should also use the best available risk analysis tools and information such as the Vessel Traffic Risk Assessment methodology developed by a consortium of universities led by The George Washington University.

In addition to the many years of collaboration between the US and Canada in the management of the Cooperative Vessel Traffic System (CVTS), seven recent reports and developments are now available to support our two nations as we improve our performance on oil spill issues. Below is a list of current resources and advice available to both governments:

1. The December 7, 2010 Report of the Canadian Commissioner of the Environment and Sustainable Development, which identified that Transport Canada and the Canadian Coast Guard are ill-prepared to deal with a major oil spill.
2. The December 7, 2010 release of the Public Comment Draft of the *Stakeholder Workgroup Review of Planning and Response Capabilities for a Marine Oil Spill on the U.S./Canadian Transboundary Areas of the Pacific Coast* Project Report which identifies many areas for improvement.
3. A November 2010 internal audit by the Canadian Coast Guard identified that the agency lacks the training, equipment and management systems to respond to oil spills.
4. The September 15, 2010 Canadian Pacific Pilotage Authority *Interim Operating Rules for Loaded Crude Oil Tankers in Excess of 40,000 DWT* for Boundary Pass and Haro Strait offer significant safety improvements for transiting tankers. We are especially pleased to note the new requirement for escort tugs.
5. The December 7, 2010 Canadian federal court ruling that the Department of Fisheries and Oceans (DFO) has failed to adequately protect the critical habitat of British Columbia's resident killer whales. Among other points, the ruling states that the Minister of Fisheries and Oceans and the Minister of the Environment are required under section 58 of the Canadian

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<sup>1</sup> This number includes transits by the 607 tank ships that entered through the Strait of Juan de Fuca bound for Washington ports or refineries, the 204 tank ships that entered the Strait of Juan de Fuca bound for Canadian ports, and the 3,569 tank barge transits in Puget Sound in 2009.

*Species at Risk Act* to provide legal protection against destruction for all components of the Resident Killer Whales' critical habitat. This means that the Government of Canada is legally required to address the most significant threats to their critical habitat, such as the impacts of shipping, which include toxic contamination risk from oil spills, and physical and acoustic disturbances.

6. New US Coast Guard regulations for maritime salvage and firefighting for oil tankers transiting to and from US ports came into effect on January 22, 2010 as a result of Congressional direction in the *Oil Pollution Act* of 1990.
7. The *BP Cherry Point Refinery Marine Terminal North Wing Extension Environmental Impact Statement* will soon be released. It will include a state of the art vessel traffic risk assessment developed by a consortium of universities led by The George Washington University. The risk assessment utilizes a leading-edge Maritime Transportation System computer simulation program that incorporates existing and projected shipping information for Puget Sound, the Strait of Juan de Fuca, Haro Strait and Boundary Pass.

We call on you to use these and other tools to inform your leadership on oil spill prevention, preparedness, response, and recovery issues.

Oil spills do not stop at international boundaries, and a major spill anywhere in the Salish Sea would be extremely damaging both environmentally and economically. The geography and marine conditions in the Salish Sea make oil spill clean-up very challenging. If a major spill occurred, responders would be unlikely to contain or recover more than 5-10% of the spilled oil. For this reason, it is crucial that we take every precaution possible to prevent a spill from occurring, while also being prepared to quickly and effectively manage the worst-case spill.

In conclusion, we hope you will make oil spill prevention and response a top priority and that you will allocate sufficient funding and staff resources in fiscal year 2011/12 in your respective agency budgets to support a substantive bi-lateral review of marine safety standards. We are hopeful that such a bi-lateral review will inspire each nation to learn from the other and enable cooperative actions to create the best protection possible for this ecologically, economically and culturally rich region. The communities and ecosystems of the Salish Sea are depending on your leadership.

Thank you for considering this request. We look forward to your response.

Sincerely,



Sheila Malcolmson, Chair, Islands Trust Council



Richard Fralick, Chair, San Juan County Council

cc:

## **Canada**

Islands Trust Council

Honourable Gail Shea, Minister of Fisheries and Oceans

Honourable Murray Coell, BC Minister of Environment and MLA for Saanich North and the Islands

Islands Trust Area Members of Parliament (6)

Islands Trust Area Members of the Legislative Assembly (6)

Islands Trust Area First Nations (25)

Yoss Leclerc, Director, Operations and Security and Harbour Master, Port Metro Vancouver

Stephen Brown, President, Chamber of Shipping of British Columbia

Kevin Obermeyer, President and Chief Executive Officer, Pacific Pilotage Authority

Fred Denning, President, British Columbia Coast Pilots

Kevin Gardner, President, Western Canada Marine Response Corporation

Union of British Columbia Municipalities Executive Committee

Association of Vancouver Island and Coastal Communities members

Christianne Wilhelmson, Georgia Strait Alliance

Chloe O'Loughlin, Executive Director, Canadian Parks and Wilderness Society, BC Chapter

Sara Dubois, President, Oiled Wildlife Society of British Columbia

Islands Trust website

## **United States**

Honorable Senator Maria Cantwell

Honorable Senator Patty Murray

Honorable Representative Rick Larsen

Honorable Christine Gregoire, Governor of the State of Washington

Honorable Washington State Senator Kevin Ranker

Honorable Washington State Representative Jeff Morris

Honorable Washington State Representative-Elect Kris Lytton

Honorable Billy Frank, Chairman, Northwest Indian Fisheries Commission

Honorable Michael J. Lawrence, Chair, Makah Tribe

Honorable William "Ron" Allen, Chair, Jamestown S'Klallam Tribe

Honorable Frances Charles, Chair, Lower Elwha Klallam Tribe

Honorable Henry Cagey, Chair, Lummi Nation

Honorable Bob Kelly, Chairman, Nooksack Tribe

Honorable Jeromy Sullivan, Chair, Port Gamble S'Klallam Tribe

Honorable Leonard Forsman, Chair, Suquamish Tribe

Honorable Melvin R. Sheldon, Jr., Chair, Tulalip Tribes

Honorable Brian Cladoosby, Chair, Swinomish Tribal Community; Chair, Coast Salish Gathering on  
Co-Management of the Salish Sea, 2010

Col. Anthony O. Wright, Commander, Seattle District, US Army Corps of Engineers

Ted Sturdevant, Director, Washington State Department of Ecology

Bruce Reed, Chairman, Puget Sound Harbor Safety Committee

Catherine Reheis-Boyd, President, Western States Petroleum Association

Mike Moore, Vice-President, Pacific Merchant Shipping Association

Frantz Coe, President, Puget Sound Pilots

Ginny Broadhurst, Director, Northwest Straits Commission

Dale Jensen, Program Manager, Dept. of Ecology Spill Prevention, Preparedness & Response Program

Martha Kongsgaard, Chair, Leadership Council, Puget Sound Partnership

Johan Rene van Dorp, Professor, The George Washington University

San Juan County website