Dear Chair Tkachuk and Committee Members:

Thank you for the opportunity to address the Standing Senate Committee on April 16, 2019, regarding Bill C-48 (the Oil Tanker Moratorium Act). I am pleased to provide a written follow up to the comments I delivered on behalf of the Government of British Columbia and the statement my colleague, Jennifer Rice, MLA for North Coast, made on behalf of her constituents.

The Province of British Columbia has significant concerns about the impacts that a heavy oil spill would have on coastal communities, the marine environment, environmentally sensitive areas, aquaculture and fisheries, and on our ocean-based and tourism-related industries. Our public commitment has been to protect our environment and our economy. Our government opposes the transportation of heavy oils inbound, outbound and in transit through our coastal waters, and we have been consistent in this position through our opposition to the Trans Mountain Expansion and the Northern Gateway proposals.

Marine oil spill preparedness and response
The importance of protecting the North Coast of British Columbia from oil tanker spills has been recognized for decades as a priority. A voluntary tanker exclusion zone was created in 1985 to prevent loaded oil tankers travelling too close to British Columbian shores when transiting from Alaska to Washington.

As the Province put forward in the recent National Energy Board reconsideration of aspects of the Trans Mountain Expansion Project, there is strong evidence that heavy oil may submerge or sink in fresh and salt water. This increases the difficulty and effectiveness of clean up and recovery activities that are challenging for all oil products. Because of factors such as rough waters, wind conditions, strong currents and poor visibility, it is not always possible to respond to a spill or to initiate response plans in an effective way, or in extreme cases, at all. BC does not believe the capability and capacity required to effectively respond to a significant marine oil spill on the North Coast is in place.

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We also have inadequate information about the behaviour of bitumen should a spill occur. A Royal Society of Canada report published in 2015 highlighted a knowledge deficit about how dilbit oil behaves in different environments. Additionally, a scientific review of dilbit oil in the context of spills, from the National Academies of Sciences in 2016, clearly shows that diluted bitumen has unique properties that differentiate it from commonly transported crude oils.

Because of these properties, diluted bitumen’s behavior in the environment following a spill is different from that of the light and medium crudes typically addressed in spill response planning, preparedness, and response. The existing framework for spill planning, preparedness, and response is generally designed to address floating oil and not residues that mix throughout the water column, aggregate with particles, and sink to the bottom of aquatic environments.

BC welcomes the Government of Canada’s Oceans Protection Plan (OPP) and acknowledges the investment and assets that are being deployed to protect our coast. However, we know further enhancements and a long-term plan are needed for the Province to better address the risk of a heavy oil spill that we believe can jeopardize the health of our coasts. We look forward to continuing to work with the federal government on the details of the plan to ensure provincial interests are addressed.

One example of an incident in the North Coast I would like to highlight is the Nathan E. Stewart spill. In October 2016, the tugboat spilled 107,552 litres of diesel fuel near Bella Bella, which had lasting effects on the Heiltsuk First Nation. Situation reports from the first week of the Nathan E. Stewart incident describe several occasions when on-water operations had to stop because of weather. Although diesel is not included on Bill C-48’s list of persistent oils, this incident would only be magnified with heavy oil on a larger scale.

Another example is the near grounding of the Jake Shearer, an articulated tug that became disconnected from its fuel barge during bad weather in November 2017, near Bella Bella as well. In this case, there was an imminent risk of approximately 12.4 million litres of gas and diesel being released into the marine environment. While the incident was safely resolved without any release of fuel to the environment, it highlights ongoing concerns about the movement of oil and the capabilities to prepare for and respond to spills along the North Coast.

**Protection of environmentally sensitive marine areas**

The North Coast of BC is unique. We have various concerns regarding the potential adverse effects of a marine heavy oil spill on the coastal and marine ecosystems in the region. A large heavy oil spill could be potentially catastrophic to species listed under the Species at Risk Act (SARA), including populations such as the Northern Resident Killer Whale, where mortality of individuals could result in population-level impacts. Protecting the marine near-shore habitats for all salmon and the species that depend on them is also important, given their low returns in areas such as the Skeena River and the cultural and food security relationships the salmon support.

Protecting the marine environment is a BC priority. Through multiple initiatives, such as the Great Bear Rainforest agreement, the Pacific North Coast Integrated Management Area (PNCIMA) and the Marine Plan Partnership for the North Pacific Coast (MaPP), we have demonstrated our commitment to comprehensive marine management of the area under discussion and this helps guide decisions about the use of BC’s North Coast, now and into the future. Maintaining the ecological integrity in environmentally sensitive and unique areas of the province is a priority, and a heavy oil spill presents a clear and significant risk to those values.
The value of marine-based activities and the economic impacts to communities of a spill
Coastal communities rely on aquaculture and fisheries to supplement the resources available in their area and these activities are the foundation of cultures within Indigenous communities. Any spill in the marine environment would have devastating impacts. The health and way of life in these communities must not be impacted by the ability to ship oil on the North Coast.

Ocean-based and tourism-related industries in BC employ more than 53,000 people and contribute an estimated $2.9 billion to GDP. These industries rely on healthy marine waters. A single marine heavy oil spill would put ocean-based industries, such as fishing and tourism at risk. For example, shellfish closures, as a result of the Nathan E. Stewart spill, remained in place from October 14, 2016 to January 5, 2018, impacting Indigenous, commercial and recreational fisheries.

Due to the potential impacts of these sorts of spills, BC is developing a new Remote Community Clean Energy Strategy, with a budget of $15 million, to reduce diesel dependence of remote and off-grid communities. Additionally, as part of the CleanBC funding allocation, Budget 2019 included $18 million to work with Indigenous and remote communities on energy efficiency and clean energy projects. Furthermore, the Rural and Northern Communities Infrastructure Fund and the CleanBC Communities Fund, with total budgets of $94 million and $62 million respectively, support infrastructure investments in energy efficiency and clean energy generation.

BC encourages responsible energy development that includes upgrading and refining oil in Western Canada and finding North American markets for Western Canadian oil. BC also supports measures to ensure that Canada’s oil and gas sector operates in a way that contributes to Canada’s global climate commitments.

A report by EnSys Energy, prepared for BC Nature and Nature Canada, and submitted as part of the National Energy Board reconsideration of the Trans Mountain Expansion, demonstrates that if the Trans Mountain Expansion, the Enbridge Line 3 Replacement, additional Enbridge Mainline Expansions and the Keystone XL go ahead, there will be an excess of pipeline capacity by about 2021. This means that there is currently no clear case for adding transportation capacity to Northern BC at this point.

Duty to consult
BC supports reconciliation with Indigenous Peoples and has accepted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and in particular the right of Indigenous Peoples to pursue their development in keeping with their own needs and aspirations. The duty to consult is rooted in the need to avoid the impairment of asserted or recognized rights. This means that an informed and meaningful opportunity for dialogue with Indigenous groups whose rights may be impacted, is required. Indigenous communities must be fully informed of the details and consequences, and given the opportunity to respond.

BC acknowledges that there are different Indigenous perspectives on Bill C-48 and encourages the federal government to undertake meaningful consultations with affected Indigenous Peoples to ensure the principles of UNDRIP are upheld. We are aware of outstanding legal challenges on the adequacy of Indigenous consultation. As such, we support Bill C-48 on the understanding that the Government of Canada has a duty to ensure full and meaningful consultation with Indigenous communities.
Thank you again for the opportunity to present the Government of British Columbia’s position on this important legislation.

Sincerely,

George Heyman
Minister

cc: Honourable John Horgan, Premier
    Jennifer Rice, MLA, North Coast