Purpose:

To inform Senators of the direct harm that Bill C-48 will impose on the Eagle Spirit Energy Corridor Project (ESECP) from Grassy Point on British Columbia’s northwest coast to Fort McMurray, Alberta. In the northern communities poverty and unemployment are rampant. Bill C-48 will create a harmful barrier to their ability to solve the challenges facing them. If Bill C-48 is allowed to pass, it will prevent Indigenous Peoples from achieving self-reliance through natural resource projects that can create economic development, generating own-source revenue, and employment.

Who we are:

Collectively, the ESECP project represents 35 Indigenous communities directly involved and over 70 Indigenous communities that will be positively impacted (that will be harmed if Bill C-48 is passed into legislation in its current form). These communities are committed to environmental protection as a priority but believe that a balance can be achieved with natural resource development and transportation. As well, ESECP is partnered in its opposition to Bill C-48 with Canada’s Four Craft Pipeline unions who represent over 330,000 members from: (a) The International Union of Operating Engineers (IUOE); (b) The Labourer’s International Union of North America (LiUNA); (c) The United Association Canada (Canadian Piping Trades), and: (d) Teamsters Canada

Reasons for ESECP Opposition to Bill C-48:

- There was little or no meaningful consultation with Indigenous communities (our communities and organizations have passed or will pass resolutions to quash Bill C-48 by legal and other means). See: TAB 1: Declaration Re Oil Tanker Moratorium Act & Great Bear Rainforest
- It is counter to the purported reconciliation agenda of the federal government.
- Bill C-48 not consistent with the reconciliation commitment to “…to a renewed [nation-to-nation] relationship with Indigenous Peoples, one based on the recognition of rights, respect, co-operation, and partnership” and Articles 23 and 26 of the United Nations Declaration on the Rights of Indigenous Peoples.
- Crude oil is permitted to be shipped everywhere in Canada. Why are our Peoples, our communities and our traditional territories being subjugated to a punitive and arbitrary
legislative regime? There is no precedent for such a moratorium.

- According to the federal government’s own study on safest ports for shipping oil in B.C., government decisions in drafting Bill C-48 have not been made based on scientific evidence. See: TAB 2: Excerpts from Potential Pacific Coast Oil Ports: A Comparative Environmental Analysis & Summary of Study by Mike Priaro, P.Eng.
- The proposed moratorium ignores the federal government’s own studies on the safest ports for shipping oil from Canada’s west coast. Bill C-48 is not based on scientific evidence and appears set to overlook the advice of the professional marine industry, including those of the International Chamber of Shipping, but also the advice of the very public servants charged with responsibility for marine safety across Canada.
- Bill C-48 will do unnecessary economic harm to Indigenous Peoples and to Canada.
- This proposed legislation will mean a missed opportunity to help Asia markets transition from coal to cleaner forms of energy.

**Recommended Solution:**

We are seeking:

- Bill C-48 to be rejected in its entirety, or
- a northern boundary to the oil tanker moratorium area be fixed at 54 degrees, 30 minutes north latitude pending development of a lane separation scheme for oil tankers in Dixon Entrance equivalent to that in the Strait of Juan de Fuca.
TAB 1

Declaration Re Oil Tanker Moratorium Act & Great Bear Rainforest

Online Source:
DECLARATION RE OIL MORATORIUM ACT & GREAT BEAR RAIN FOREST

WHEREAS THE NINE TRIBES OF LAX KW’ALAAMS COLLECTIVELY DECLARE:

We are the present-day descendants of nine tribes referred to as the Gispaxlo’ots, Gitsaxlaal, Gitlaan, Gits’iis, Gitnaxangiik, Gitando, Gituts’aaw, Gitnadoiks, and the Gitwilgyots;

We have unextinguished Aboriginal rights and title from time immemorial and continuing into the present within the land and ocean of our traditional territories (see Appendix 1);

We have protected the environment as first-stewards of our traditional territories for over 13,000 years;

We have and will always, put the protection of the environment first, but this must be holistically balanced with community, social, employment, business and other priorities;

We absolutely do not support big American environmental NGO’s (who make their money from opposing natural resource projects) dictating government policy and resource developments within our traditional territories;

When such projects are environmentally acceptable and essential to meeting our non-environmental needs (such as the Eagle Spirit Energy Pipeline project) such foreign interference serves only to perpetuate the rampant poverty and dysfunction encouraged by previous colonial policies;

The announcement of the Great Bear Rainforest (see Appendix 2) whose northern boundaries encompass all of our traditional territories was done without any prior consultation or consent as required under Section 35(1) of the Constitution Act, 1867 where the Supreme Court of Canada in Tsilhqot’in Nation v. British Columbia has determined that “The right to control the land conferred by Aboriginal title means that governments and others seeking to use the land must obtain the consent of the Aboriginal title holders.... if the Crown begins a project without consent prior to Aboriginal title being established, it may be required to cancel the project.”

In addition, the Great Bear Rainforest was imposed without our free and informed consent as required under Article 32 of the United Nations Declaration on the Rights of Indigenous Peoples which reads, in part:

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. [emphasis added]

That any government promulgations, laws, or designations associated with the Great Bear Rainforest relating to the land or ocean of our traditional territory, and prohibiting economic activities deemed a high priority for the betterment of our people, are of no force and effect and we will proceed forward with any such developments that meet our high environmental standards.

That we were not consulted and have not given consent to the Oil Tanker Moratorium Act which we categorically reject and similarly has no application or effect in our traditional territories; and

That such initiatives run counter to Prime Minister Trudeau’s supposed reconciliation commitment to “…to a renewed [nation-to-nation] relationship with Indigenous Peoples, one based on the recognition of rights, respect, co-operation, and partnership” and the United Nations Declaration on the Rights of Indigenous Peoples (see Appendix 3 for relevant provisions).
Overlay of Traditional Territory of Nine Tribes of Lax Kw’alaams on: Great Bear Rainforest 2016
Protected Areas and EBM Operating Areas

Protected Areas
EBM Operating Areas
forest off limits to logging
70% - 100%
50% - 70%
30% - 50%

Restoration Landscape Units*

*Restoration LUs will have at least 30% of their forested area in hard reserves. These are required in landscape units with a significant deficit of old-growth as a result of past logging.

APPENDIX 2
APPENDIX 3

Relevant Provisions of United Nations Declaration on the Right of Indigenous Peoples

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
TAB 2

Excerpts From:

*Potential Pacific Coast Oil Ports: A Comparative Environmental Analysis*

&

Summary of Study from Mike Priaro, P. Eng.

Online Sources:

Study:


Priaro Summary:

https://www.linkedin.com/pulse/potential-pacific-coast-oil-portsa-comparative-risk-analysis-priaro/?articleId=6373163255967338496
POTENTIAL PACIFIC COAST OIL PORTS:
A COMPARATIVE ENVIRONMENTAL RISK ANALYSIS
POTENTIAL PACIFIC COAST OIL PORTS:
A COMPARATIVE ENVIRONMENTAL RISK ANALYSIS

VOLUME I

A Report By

Fisheries and Environment Canada
Working Group on West Coast
Deepwater Oil Ports

Principal Working Group Members

C. McAllister (Chairman)
P. Meyer
M. Romaine
G. Schaefer
B. Schouwenberg
R. Sherwood (Chief Editor)
M. Waldichuk (Assistant Editor)

Fisheries and Environment Canada
Vancouver, B.C.
February, 1978
POTENTIAL PACIFIC COAST OIL PORTS—A COMPARATIVE ENVIRONMENTAL RISK ANALYSIS

Published on February 24, 2018

Mike Priaro, P.Eng.
Calgary 403-281-2156

Following Independent Analyst

This report, POTENTIAL PACIFIC COAST OIL PORTS—A COMPARATIVE ENVIRONMENTAL RISK ANALYSIS, Fisheries and Environment Canada, Vancouver, February 1978, refutes all contentions that Prime Minister Justin Trudeau's Bill C-48, the Oil Tanker Moratorium Act, is based on any environmental and scientific considerations.

The report exhaustively evaluated all of the potential oil ports on Canada’s west coast according to navigational risk, risk to biological and social/economic resources, and spill prevention, cleanup, etc.

Table 8.1.2 (appended) of the report shows that Port Simpson, now called Lax Kw’alaams, just north of Prince Rupert, and Ridley Island near Prince Rupert, were judged to be the safest ports for oil tankers on Canada's west coast by this extensive, in-depth study conducted by the Government of Canada.

Shipping oil out of Vancouver’s inner harbour from Kinder Morgan's Westridge marine terminal for its Trans Mountain pipeline in Burnaby wasn’t specifically on the list but a marine oil port at adjacent Port Moody, and from everywhere else on the Lower Mainland, were all ranked at the bottom as the least safe and worst locations of all 27 port locations and marine routes evaluated on B.C.’s coast.

This is science—not Prime Minister Justin Trudeau's "Great Bear Rainforest" enviro-scam, or his Bill C-48, The Oil Tanker Moratorium Act to ban loading oil tankers on B.C.’s north coast, or his (and Jim Carr's, Marc Garneau's, and Rachel Notley's) Trans Mountain expansion mumbo-jumbo.

Contact me for a pdf copy of the complete report or get it through the Stanford University library.
### APPENDIX

**TABLE 8.1.2 RESULTS OF FOUR METHODS OF RANKING PORT/ROUTE ALTERNATIVES**

<table>
<thead>
<tr>
<th>Route Name</th>
<th>(Route No.)</th>
<th>Ranking of Average of RISK INDICES (Col.1)</th>
<th>Ranking of Sum of RISK INDICES (Col.2)</th>
<th>Ranking of Worst RISK INDEX (Col.3)</th>
<th>Ranking of Worst RISK INDEX (Col.4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Port Simpson (Dixon)</td>
<td>(1)</td>
<td>1-2</td>
<td>1-2</td>
<td>1-2</td>
<td>1-2</td>
</tr>
<tr>
<td>Ridley Island (Dixon)</td>
<td>(2)</td>
<td>1-2</td>
<td>1-2</td>
<td>1-2</td>
<td>1-2</td>
</tr>
<tr>
<td>Kitimat (Hecate, Caamaño)</td>
<td>(9)</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Kitimat (Outer Coast, Hecate, Caamaño)</td>
<td>(5)</td>
<td>4</td>
<td>5</td>
<td>4-5</td>
<td>7</td>
</tr>
<tr>
<td>Port Angeles (Juan De Fuca)</td>
<td>(20)</td>
<td>7-8</td>
<td>4</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Bella Coola (North Passage)</td>
<td>(10)</td>
<td>5</td>
<td>6-7</td>
<td>4-5</td>
<td>8</td>
</tr>
<tr>
<td>Esquimalt (Juan De Fuca)</td>
<td>(21)</td>
<td>9</td>
<td>6-7</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td>Bella Coola (South Passage)</td>
<td>(11)</td>
<td>6</td>
<td>8</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>Kitimat (Dixon, Princeipe)</td>
<td>(3)</td>
<td>7-8</td>
<td>9</td>
<td>7</td>
<td>10</td>
</tr>
<tr>
<td>Burrows Bay (Juan De Fuca)</td>
<td>(22)</td>
<td>11</td>
<td>10</td>
<td>11</td>
<td>5</td>
</tr>
<tr>
<td>Bella Coola (Outer Coast, North Passage)</td>
<td>(6)</td>
<td>12</td>
<td>11</td>
<td>10</td>
<td>12</td>
</tr>
<tr>
<td>Bella Coola (Outer Coast, South Passage)</td>
<td>(7)</td>
<td>13</td>
<td>12-13</td>
<td>12-13</td>
<td>15</td>
</tr>
<tr>
<td>Kitimat (Hecate, Princeipe)</td>
<td>(8)</td>
<td>10</td>
<td>12-13</td>
<td>15</td>
<td>17</td>
</tr>
<tr>
<td>Port Angeles (Outer Coasts, Juan De Fuca)</td>
<td>(12)</td>
<td>15</td>
<td>15</td>
<td>12-13</td>
<td>11</td>
</tr>
<tr>
<td>Kitimat (Outer Coast, Hecate, Princeipe)</td>
<td>(4)</td>
<td>14</td>
<td>14</td>
<td>19</td>
<td>19</td>
</tr>
<tr>
<td>Esquimalt (Outer Coasts, Juan De Fuca)</td>
<td>(13)</td>
<td>16</td>
<td>16</td>
<td>14</td>
<td>16</td>
</tr>
<tr>
<td>Cherry Point (Juan De Fuca, Rosario)</td>
<td>(23)</td>
<td>17-18</td>
<td>18-19</td>
<td>17-18</td>
<td>13-14</td>
</tr>
<tr>
<td>Cherry Point (Juan De Fuca, Haro)</td>
<td>(24)</td>
<td>17-18</td>
<td>18-19</td>
<td>17-18</td>
<td>13-14</td>
</tr>
<tr>
<td>Burrows Bay (Outer Coasts, Juan De Fuca)</td>
<td>(14)</td>
<td>19</td>
<td>17</td>
<td>16</td>
<td>18</td>
</tr>
<tr>
<td>Roberts Bank (Juan De Fuca, Haro)</td>
<td>(25)</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Britannia Beach (Juan De Fuca, Haro)</td>
<td>(27)</td>
<td>23</td>
<td>21</td>
<td>21</td>
<td>21</td>
</tr>
<tr>
<td>Cherry Point (Outer Coasts, Juan De Fuca, Rosario)</td>
<td>(15)</td>
<td>21-22</td>
<td>22-23</td>
<td>22-23</td>
<td>22-24</td>
</tr>
<tr>
<td>Cherry Point (Outer Coasts, Juan De Fuca, Haro)</td>
<td>(16)</td>
<td>21-22</td>
<td>22-23</td>
<td>22-23</td>
<td>22-24</td>
</tr>
<tr>
<td>Port Moody (Juan De Fuca, Haro)</td>
<td>(26)</td>
<td>24</td>
<td>24</td>
<td>24</td>
<td>22-24</td>
</tr>
<tr>
<td>Roberts Bank (Outer Coasts, Juan De Fuca, Haro)</td>
<td>(17)</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Britannia Beach (Outer Coasts, Juan De Fuca, Haro)</td>
<td>(19)</td>
<td>26</td>
<td>26</td>
<td>26</td>
<td>26</td>
</tr>
<tr>
<td>Port Moody (Outer Coasts, Juan De Fuca, Haro)</td>
<td>(18)</td>
<td>27</td>
<td>27</td>
<td>27</td>
<td>27</td>
</tr>
</tbody>
</table>