

November 8, 2018

South Coast Community Groups Annotated Response to 6 Month Interim Protocol Review - Oct 31/18

This document represents the views of the BC South Coast community groups currently engaged in the National Anchorage Review, a component of the Ocean's Protection Plan. It contains our responses to various passages in the 6 Month Review of the Interim Protocol on Anchorages. Our remarks are presented in parentheses and written in *italics*, below individual passages taken from the IP review.

"The bar graph shows the distribution of use among the anchorages for the period February to August 2017 (orange bars) compared to the same period in 2018 when the Interim Protocol was in effect (blue bars). The anchorages are shown by size, ranging from shortest to longest. The first thing we notice is that while there has been considerable balancing of use, some locations such as Cowichan Bay and Trincomali still have most of the activity. Larger vessels don't have as many options for anchoring, so we are looking at changing the allocation to make sure smaller vessels don't take up room in the larger anchorages when there are other options available."

(We recognize that this distribution of anchorage use is an attempt to spread the negative impacts around more evenly, but would point out that this "balancing" of use has little meaning if you can do nothing to reduce the number of ships arriving early or reduce logistical and other problems that are creating larger wait times at terminals inside the port.)

"While we haven't seen much of a bump in the sizes of bulk vessels over the last 5 years, we know that in general, newer vessels are being built larger..... but moving forward, we will need to consider where those larger anchorages are best located."

(How much of this trend to larger ships is in container ships vs bulk freighters? Our research shows very little overall increase in size of bulk freighters over the past 10 years.)

".... what did we learn from the data?"

In addition to the points that we've already mentioned in looking at the graphs, we also observed that:

- Limiting the length of stay at ports or among the Gulf Islands does not change the demand. "

(We respectfully challenge the legitimacy of your use of the term "demand". What is the harm to the shipping industry or the port, or bulk commodity export volumes, if "demand" for anchorages outside of the Ports was not met by "supply" of anchorages in the SGI? We need to truly understand the demand. Right now demand seems to mean the number of ships in the region regardless of why they are here or how early they have come in advance of a reasonable turn date at a terminal. There must be a clear and comprehensive understanding of the factors that contribute to your definition of

“demand” and we ask that this be investigated thoroughly before further conclusions or policies are developed.)

“• In fact, limiting stay would increase transits and associated safety and environmental risks. “

(This scenario seems to assume that limiting stay in one anchorage means that after a certain period (say 7 days) a ship must move along to another anchorage. This may be true as long as unwarranted early arrivals continue to be allowed. What if limiting stay meant you can't come early and/or you have pay a significant fine if you stay beyond and agreed upon appropriate amount of time in the entire region, whether inside the Port or in the SGI?)

“• Most terminals are very efficient at swapping vessels and there is very little time that berths sit empty.”

(If it is true that loading and unloading at berths is steady and efficient, the goal should be to have every other part of the supply chain steady and efficient as well. The critical path is defined by those tasks which, if delayed, will force an overall delay in outcomes. Ships waiting at anchorage are NOT contributing positively to any critical path. As long as the next ship is ready to load cargo as soon as the berth is free, there should be no slowing. Having multiple ships waiting is leading to problematic congestion and unwarranted multiple ship movements.)

“• However, the average number of anchorage stops per voyage seems to be going up for coal and grain vessels.”

(This is an area that definitely requires more study. If both frequency of voyages is up and also overall duration at anchorage is up, what is going on? How does this compare to the amount of cargo being moved? Is it due to size of ships? Because earlier in this document you say that “Larger ships with bigger cargo capacities means less overall traffic”. Is this about inefficiencies with loading, or inspection time that could be improved, or some aspect of contracting that must be explored? We believe much of this is due to ships coming early. Please tell us how and when will you be addressing these important questions and sharing your results with us.)

“Going forward, Transport is working with industry to understand all of the influences in terminal operations and the supply chain so that forecasting can be improved. Specific modelling tools and techniques will be needed.”

(We would appreciate knowing more about what tools are employed now. What new tools are you looking at? How much of the data will TC be able to have access to? How much of the data you seek is considered to be not in the public domain? To what degree will you be able to compel stakeholders to make all the necessary information available to you?)

“.... is there anything else?”

Well yes, there is. When we introduced the Interim Protocol, it was about making a few small changes while the national initiative was getting started, but British Columbians responded with energy and we heard about other factors that now need to be considered in a comprehensive review.”

(We welcome the expansion of the areas of research associated with the Interim Protocol extension. We respectfully ask however, that you resist the temptation to use the Interim Protocol and reviews such as this one for inaccurate public relations purposes. Community concerns about noise and light, as well as other safety and environmental concerns from coastal resident, including local First Nations, have been well documented for years before the IP was introduced. Also, when presented with the draft of the initial IP in late summer 2017, many community groups offered lots of suggestions for further areas of study and concern. As you have explained, you did not have the authority or presumably, the influence with industry stake holders, to have any of them included in the original IP, but it could hardly have been a surprise that there were “other factors” to be considered.

In the interested of full transparency, we are asking now for the following:

- 1. A clear, complete and comprehensive list of all the areas you will be studying, through the National Anchorages Initiative.***
- 2. A breakdown of how these studies will be conducted and the research criteria guiding them.***
- 3. A clear timeline for when and how this work will be carried out.)***

“... ***we heard*** that the main concern of coastal residents is the impact of noise and lights from ships at anchor on their communities, their lives, and the ecosystem.”

(To be absolutely clear, noise and lights are of immediate concern to many coastal residents exposed to the increase use of anchorages in the SGI. The complaint mechanism in the IP is mainly focused on these issues as they seem to be the only immediate impacts that residents can have any influence over, by voicing complaints. This should BY NO MEANS be interpreted that residents do not have serious concerns about the many other risks and negative impacts that we have raised over and over again. These include: impact of anchor chains scouring sea bed; impacts on air quality; impacts of a variety of harmful discharges from ships that may be occurring despite federal and international standards; well documented risk of anchor dragging, possible ship grounding and the possibility of subsequent catastrophic fuel spills; degradation and destruction of fish and other marine species habitat, underwater noise interference and collision risks for critically endangered Southern Resident Killer Whale population, and more.)

“The Interim Protocol includes voluntary guidelines asking ships to limit noise and light while at anchor, but as there are no standard regulations nor measurement techniques, it has been a challenge. Tolerance for noise varies considerably by individual, and level of noise is influenced by time of day, topography of the site, weather, and distance of a ship from shore. And to add complexity, ships are required to display a minimum configuration of lights to be in compliance with the Collision Regulations. Transport Canada has heard loud and clear from communities that they expect the new framework to include a rigorous regime with active enforcement.

(It seems clear that any significant reduction of impact though “active enforcement” would be very limited, given that ships require lighting systems and require generators operating continuously. The only realistic way of addressing this is to get the ships away from the communities and fragile ecosystems.)

“Going forward, Transport Canada Transport is issuing a contract to review best practices in other countries, and is considering developing a standard measurement system for noise and light as part of the national Anchorages Initiative.”

(As stated above, we are interested in seeing the details of this research. For example, will you be looking at:

- 1. How to determine what is tolerable for communities where prior to 2010 there was no noise, lights or air pollution from ships?***
- 2. Canadian rural community standards for appropriate noise levels in areas that have been zoned as inappropriate for heavy industrial use.)***

“... ***we heard*** that communities would like anchorages moved away from shore, moved elsewhere in the Gulf Islands, or eliminated altogether. However, the demand for anchoring continues to be high, so our challenge in the national project will be how to meet the interests of all parties “

(As we point out above, more work needs to be done in understanding the true nature of “demand” and why requests for anchorages outside of the Port are so high compared to the growth in bulk commodity exports. Please address this first.)

“And ...Support the economic health of Canada with a modern, safe, optimized maritime transportation system”

(We ask that you also take into consideration the costs to the Canadian economy of delays or bottlenecks in the West Coast supply chain. We point out that you also have a responsibility to consider the negative impacts to the Canadian and local economies of the use of freighter anchorages outside of industrially zoned Ports. These would include impacts on tourism, property values, local and provincial, government revenues, as well as the potential cost of addressing both existing and potential environmental impacts.)

“... Respect the legal right of ships to navigate in our waters, including anchoring where it is safe and secure to do so.”

(To understand the significance of this principle, which is raised over and over again, it would be helpful to provide examples and statistics of how many foreign ships have exercised their common law right to anchor in Canadian waters and disregarded the protocols and local regimes such as Compulsory Pilotage Zones etc. It is clear that the Government of Canada is not completely without any authority or ability to influence and even regulate shipping activity outside of Port Authority

boundaries. It is in the national interest of Canada to protect and preserve the interests and safety of all its citizens and territories ahead of the interests of international shipping companies.)

“... we heard that ships at anchor are changing or destroying the marine environment. There is no doubt that all marine traffic has an impact on the ecosystem, but we do not yet have the detailed evidence we need to assess the incremental impact of a ship at anchor, so

Going forward, the impact of ships at anchor will be included in the Oceans Protection Plan Cumulative Effects review, and the new Transport Canada anchorages framework will include environmental considerations as one factor in the selection or use of an anchorage. “

(Why just going forward? The Federal government is finally examining this system of anchorages outside of Federal Ports from a view point that is no longer exclusively about ship safety. It is now acknowledging impacts on communities, people, ecosystems, First Nations practices and rights. There for it is only fair that these sites be studied to determine in what ways their use is in violation of any current, local, provincial and national environmental standards, Fisheries Act requirements, and the rights of First Nations.)

“... we heard that British Columbians want proactive monitoring and oversight of ships at anchor, and many feel it’s also time for us to change our policies and start charging a fee.”

(To be clear, what you have heard from British Columbians, including coastal First Nations, local affected communities, The Islands Trust and others is not simply that they want proactive monitoring and oversight of ships at anchor, but that anchoring large commercial bulk freighters in the fragile bays and inlets of the south coast of British Columbia is an inappropriate, unnecessarily risky, potentially dangerous and environmentally damaging practice that should be reduced and ultimately eliminated.)

Have we missed anything?

“If there are other considerations that need to be included in a national review, please send your comments to the Oceans Protection Plan Let’s Talk website, <https://letstalktransportation.ca/OPP>, where we will shortly be launching an Anchorages Portal.”

(As you can see above, there are a several things we feel you have missed. We welcome the opportunity to send in our comments when you launch the Anchorages Portal, however as key stake holders in the National Anchorages Review who have put countless volunteer hours into providing Transport Canada and others with valuable local knowledge, data analysis and suggestions for possible solutions, we ask that you find ways to meet with us more directly to discuss these matters in appropriate detail and not simply offer up a website for comments. We also strongly recommend that key decision makers in the National Anchorage Initiative visit each of the affected communities at a time while local anchorages are in use to get a better understanding of their negative impacts.

As we hope you can see, we are truly committed to fully engaging with the National Anchorages Initiative and contributing to a successful outcome in every way we can. There is too much at stake here for all of us to not take the extra efforts necessary to find real solutions to our shared goals.

We look forward to your detailed response to the points we have raised here and strongly recommend some kind of direct face to face discussion of these important issues in the very near future.)

Sincerely,

Anchorages Concern Thetis

Cowichan Bay Ship Watch Society

Gabriolans Against Freighter Anchorages Society

Plumper Sound Protection Association

Stuart Channel Stewards