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RDIMS # 9281753

March 25, 2014

Mr. Ryan Barry, Executive Director
Nunavut Impact Review Board (NIRB)
P.O. Box 1360
Cambridge Bay, NU X0B 0C0



Dear Mr. Barry:

Re: Invitation to Participate in a Discussion Session on Phase II of the Tanker Safety Expert Panel's Review in Yellowknife

As Chair of the Panel, I invite you, together with your appropriate subject matter experts, to participate in a one-hour discussion on **May 7, 2014 at 13:30** at the Yellowknife Inn, Gold Room, 5010-49th Street.

On March 18, 2013, the Government of Canada announced the formation of a Panel to conduct a pan-Canadian review and assessment of Canada's regulated ship-source oil spill preparedness and response regime. Our first report entitled "*A Review of Canada's Ship-source Oil Spill Preparedness and Response Regime – Setting the Course for the Future*" was made public on December 3rd, 2013.

We are now ready to focus our work on ship-source spill preparedness and response requirements in the Arctic, as well as on national requirements for a hazardous and noxious substances (HNS) system, including liquefied natural gas. A report will be prepared for the Minister of Transport by fall 2014.

Using the attached Lines of Inquiry as a foundation, the Panel would like to seek your views and draw upon your knowledge in support of this review. Alternatively, if you are unable to make this session in person, we can arrange for a conference call. Please confirm your participation by **April 11, 2014** to the Tanker Safety Panel Secretariat, via e-mail at tsep-cesnc@tc.gc.ca, or by telephone at (613) 949-7202.

Should you wish to make a written submission to the Panel, you may do so via e-mail or mail. Submissions on the Arctic will be accepted until May 16, 2014 at 11:59 p.m. EDT.

Sincerely,

↳ Captain Gordon Houston
Chair, Tanker Safety Expert Panel

Attachment

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Lines of Inquiry Panel Review Phase II: Arctic Ship-source Spills

These Lines of Inquiry are intended to provide general structure to the Panel's review and draw out information and perspectives through written submissions or face-to-face discussions that will be useful in the Panel's deliberations. The Panel is not limited to considering questions outlined in these Lines of Inquiry.

For the purposes of gathering views and information for the Arctic review, the Panel is considering the waters north of 60° north latitude, including the Mackenzie River and Delta, as well as Great Slave Lake, Hudson Bay, James Bay and Ungava Bay. Throughout this document, these waters may be referred to as 'the Arctic'. The review extends to both Arctic ship-source oil spills and ship-source releases of hazardous and noxious substances (HNS) (i.e., HNS incidents). The review does not extend to preparedness and response to spills that may result from oil and gas exploration or drilling.

The Arctic Environment

1. The Arctic provides a unique operating environment, both for navigators and regulators. What factors, including future considerations, should be considered while developing spill prevention, preparedness and response requirements for the Arctic?
2. Are there particularities and/or differences between regions of the Canadian Arctic that should be considered?
3. Are there sensitive areas where vessel traffic presents particular concerns? Where are they? What makes them sensitive areas?
4. What mechanisms are in place for outreach and engagement of Northern communities in spill preparedness and response?

Prevention

5. What measures and resources are currently in place to prevent marine spills in the Arctic?
6. What additional navigation support and resources are needed for safe shipping in the Arctic?
7. What preventative practices could be undertaken at HNS and oil handling facilities and/or during HNS and oil transfers?
8. What more can shipowners and/or oil handling facility operators do to prevent or reduce potential impacts of incidents?
9. Should the current practice of overwintering fuel in barges in landfast ice be reconsidered? Why or why not?

Existing Response Capacities

10. Are the vessels currently operating in the Arctic capable of responding to a spill of their bunkers or oil/HNS cargos? If not what do they need?
11. What private-sector and public-sector resources are available currently to respond to ship-source spills in the Arctic?
12. Are there facilities in place in the Arctic to treat or dispose of waste from an oil spill or release of HNS? How could these waste products be dealt with in the event of a spill?
13. Is there any existing capability in the Arctic to treat wildlife affected by HNS or oil?

Preparedness and Response

14. What preparedness and response requirements are necessary for the Arctic?
15. To whom should these requirements apply?
16. Should the Arctic be treated differently than the parts of the country south of 60° in terms of response capacity and response time requirements? Why or why not?
17. How should the placement of spill response equipment be determined for the Arctic?
18. What spill response techniques are appropriate and effective for oil spills and HNS incidents in Arctic waters?
19. Should the use of dispersants, in-situ burning and other response techniques be permitted in the Arctic if they yield a net environmental benefit?
20. Are the availability, the frequency and the quality of training and exercises in the Arctic adequate? Who should participate in training and exercises?

Roles, Responsibilities and Legal Framework

21. Should the regime(s) for Arctic oil spill and HNS incident preparedness and response be structured the same way as the Ship-source Oil Spill Preparedness and Response Regime in place south of 60°?
22. What should be the role of private stakeholders (e.g., potential polluters, response contractors) in terms of ship-source oil spill or HNS incident preparedness and response in the Arctic?
23. What should be the role of the Canadian Coast Guard (CCG) in ship-source oil spills or HNS incidents in the Arctic?
24. To what extent and how should local communities participate in spill preparedness and response?
25. Are there roles for other local parties to play in the response to an oil spill or HNS incident in the Arctic?

26. Do the *Arctic Waters Pollution Prevention Act*, *Canada Shipping Act 2001*, and *Marine Liability Act* provide an effective basis for a ship-source preparedness and response regime in the Arctic? Are there changes required to create a coherent spill preparedness and response regime?
27. How could a spill preparedness and response regime for the Arctic be funded?
28. How could a regulatory preparedness and response regime for the Arctic be overseen and enforced?
29. What opportunities exist for bilateral, multilateral, or circumpolar cooperation in the Arctic (e.g., Denmark, Alaska, and Arctic Council)? How should this influence Canada's regime?
30. Are there international best practices (ship-source or other) that should be considered when creating a regime in the Arctic?

Research and Development

31. Are there gaps in knowledge on the behaviour, fate and effects of oils and HNS in icy waters?
32. Are there gaps in knowledge on response techniques to address these spills in icy waters?
33. Who should be responsible for funding and conducting this research?