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Canadian  
Coast Guard

Garde côtière  
canadienne

Deputy Commissioner  
Operations

Sous-commissaire  
Opérations

AUG 06 2014

Mr. Ryan Barry  
Executive Director  
Nunavut Impact Review Board  
P.O. Box 1360  
Cambridge Bay  
Nunavut  
X0B 0C0



Dear Mr. Barry:

I am writing in regard to the Meliadine Gold Mine Project which is now approaching the Final Hearing of the Environmental Assessment Phase.

The Canadian Coast Guard (CCG), as a non-regulatory agency within the federal government has not been part of this review process. It has been brought to our attention however that questions relating to marine spill response were posed at the Prehearing Conference held in March and may require further explanation. I would like to take this opportunity to address those questions and to explain how the marine spill response regime functions in the North.

The regulatory standard for development and implementation of response plans lies with Transport Canada. The CCG oversees the response deployment during an incident and is responsible for ensuring an appropriate response to all ship-source and mystery-source spills in waters under Canadian jurisdiction, including the Arctic. The CCG maintains a national response capacity to provide coverage where there is not a clearly identified polluter or where the polluter has not taken responsibility.

Where the polluter has been identified and is willing and able to respond, the Coast Guard will advise the polluter of its responsibilities under the *Canada Shipping Act* and, once satisfied with the polluter's intentions / plans, monitor the polluter's response and provide advice and guidance as required under the posture of the Federal Monitoring Officer.

Canada's Marine Pollution Preparedness and Response Regime requires oil handling facilities and vessels of a prescribed class to meet preparedness requirements that have been established by Transport Canada. All oil handling facilities in Canada must have a minimum capacity on site for response to a spill and a plan for how they will respond to larger spills. In waters north of latitude 60 degrees there is no requirement for vessels or oil handling facilities to have an arrangement with a Transport Canada-certified Response

Organization. As a result, the primary response capacity for pollution discharges in Arctic waters remains with the oil handling facility or the vessel, as the case may be, with the Canadian Coast Guard providing a backstop response role when the polluter is unknown, unable or unwilling to respond.

In 2007 the Government of Canada's Health of the Oceans Initiative provided CCG with funding to strengthen Canada's environmental response capacity in the Arctic. This funding was used to procure and deliver response equipment to 19 Arctic communities. The purpose of this equipment is to assist with mitigation of small spills associated with the annual fuel resupply while waiting for supplementary resources to be cascaded into the community.

With respect to the questions raised at the March Prehearing Conference the following were conveyed to CCG and our responses are included:

*Q) Kivalliq Inuit Association (KIA) asked who is the responsible organization for emergency response equipment caches for marine spills for the communities of Rankin Inlet, Chesterfield Inlet, and Baker Lake and does the organization presently have sufficient staff and ability to respond to emergencies, status of current emergency response caches, and if not, who would pay for initial equipment or upgrades of caches?*

A) Clarification may be required regarding the equipment to which the KIA is referring but it is assumed that the reference is to Arctic Community Packs (ACPs). The Canadian Coast Guard (CCG) is responsible for ACPs in Rankin Inlet, Chesterfield Inlet, Baker Lake and other Arctic communities. The equipment in the ACPs (which are ISO containers) is clearly identified as CCG assets, it is operational, and has been visited within the last year by CCG Environmental Response Specialists. A proponent must demonstrate responsibility for preparedness/response to their accidents and incidents in total, in accordance with the responsibilities under the *Canada Shipping Act, 2001* (CSA, 2001), as identified by Transport Canada. CCG assets cannot be used to demonstrate this capacity as they (assets and resources) fall outside of the requirements of the application of the *CSA, 2001*. CCG typically steps in when a responsible party is unknown, unwilling, or unable to execute an effective response. In terms of the sufficient staff and abilities to respond to emergencies, CCG does not certify, audit, or evaluate capacity of private or territorial response capabilities, but instead ensures an appropriate response when there is a spill.

*Q) The NIRB asked for clarification on the status of and contacts for response organization capabilities north of 60 and if there are any updates that could be included in time for the Meliadine Final Hearing?*

A) Under Canada's Marine Oil Spill Preparedness and Response Regime, there are currently no certified Response Organizations (as defined by the *Canada Shipping Act, 2001*) operating north of 60, however, the Canadian Coast Guard is of the view that there are many private and public resources that could be drawn upon in the event of a

significant pollution incident in which the polluter is unwilling or unable to deliver an adequate response.

*Q) Kivalliq Hunters and Trappers Organization (KHTO) asked if there is a marine oil/fuel spill and there is inadequate response from a response organization, who is responsible for or liable for compensation to the communities and for marine mammals? (Review of Part 6 of the Nunavut Land Claim Agreement regarding compensation)*

A) Under Canada's Marine Oil Spill Preparedness and Response Regime, a polluter is always responsible for any pollution and associated damage they have caused. CCG's role in Canada's Regime is to ensure an appropriate response to all ship-sourced pollution incidents for which it is made aware.

I trust the foregoing has been helpful and that the content will be shared with the appropriate participants during the Final Hearing.

Yours sincerely,



Jody Thomas

c.c. Mario Pelletier, Assistant Commissioner, Central and Arctic Region, Canadian Coast Guard

Tineka Simmons, Project Manager, Northern Projects Management Office  
John Cowan, Environmental Officer, Transport Canada (Winnipeg)