



Fisheries and Oceans
Canada

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Canadian
Coast Guard

Garde côtière
canadienne

Commissioner

Commissaire



Ryan Barry
Executive Director
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU
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Dear Mr. Barry,

Thank you for your letter of May 11, 2012, regarding your request for information and representation from the Canadian Coast Guard for the Baffinland's Mary River Project Proposal.

As Commissioner of the Canadian Coast Guard (CCG), I take the issue of shipping activities in the Arctic, and its potential impact on the environment, very seriously. As such, I am pleased to provide you with the following information on behalf of the Canadian Coast Guard.

Emergency and Contingency Plans

Transport Canada (TC) is the lead regulatory agency responsible for reviewing the various emergency and contingency plans associated with marine shipping in Canadian waters. This includes Shipboard Oil Pollution Emergency Plans for ships and Oil Pollution Emergency Plans (OPEPs) and Oil Pollution Prevention Plans (OPPPs) for oil handling facilities. Since TC is the lead in this regard, any comments CCG may have regarding these plans will be forwarded to TC as the lead regulatory agency.

Regulatory Requirements for Marine Transport and Storage of Bulk Fuel and Emergency Response

The CCG does not have any regulatory authorities with respect to the marine transport and storage of bulk fuel, including overwintering of fuel vessels. This responsibility lies with TC. However, in the event of a ship-source marine pollution incident, pursuant to section 180 of the *Canada Shipping Act, 2001*, the CCG is responsible for ensuring an appropriate response to the incident. In all cases the polluter is expected to respond and CCG will advise them of their responsibilities. Once satisfied with the polluter's response objectives CCG will then monitor the polluter's response and provide advice and guidance where necessary. If the polluter is unable or unwilling to respond, or is unknown, the CCG will manage the response.

Identification of Shared or Related Jurisdiction with Other Agencies

With respect to marine shipping oil pollution prevention, preparedness and response in Canadian waters, both CCG and TC have responsibilities. Prevention and preparedness responsibilities by TC include ensuring vessels meet operational, safety and construction standards in accordance with the *CSA, 2001* and associated regulations, reviewing and approving SOPEPs, OPEPs and OPPPs, ensuring that vessels do not become navigational hazards to other vessels (*Navigable Waters Protection Act*), and conducting marine pollution aerial surveillance operations under the National Aerial Surveillance Program. During a response, TC could be requested to provide essential information to the CCG regarding vessel stability and integrity, which assists in determining the risk of pollution posed by a vessel.

CCG's prevention and preparedness capabilities include Marine Communication and Traffic Services (MCTS) to manage and direct vessel traffic in the various shipping zones and the provision of a preparedness capacity (i.e. plans, training, exercising, people and equipment). In the event of a ship-source or mystery-source marine pollution incident, the CCG will ensure an appropriate response. In addition, the CCG could also be requested to provide assistance to another lead agency for an incident that does not fall under CCG's mandate.

Although CCG and TC are the lead agencies from a prevention, preparedness and response perspective, other government departments have responsibilities in other areas that may be applicable during a response to a marine pollution incident. The involvement of these other government departments occurs mainly through the Regional Environmental Emergency Team (REET), which is an advisory body consisting of scientific and technical specialists from federal, provincial and local governments and assisted by representatives from industry and the public. The REET is normally chaired by Environment Canada and is responsible for providing consolidated advice, information and assistance to the CCG. Other legislation that could apply during a response to a marine pollution incident, such as the *Migratory Birds Convention Act* and *Fisheries Act*, could be enforced by these other government departments in the REET.

CCG Response Capability

The CCG has an established preparedness and response capacity in the Arctic. This overall capacity is well documented in the Central & Arctic Regional Response Plan and associated Area Plans. A summary of the response capacity follows:

- 21 Arctic Community Packs;
- 3 large scale depots in Tuktoyaktuk, Iqaluit and Churchill,
- An air transportable system in Hay River that can be deployed to other areas of the country; and
- Each CCG ice breaker operating in the Arctic carries a cache of response equipment.

In addition to the Arctic capacity listed above, the CCG employs a National Response Team concept that cascades human and equipment resources from other regions of Canada to assist/augment the response to a spill in the Arctic, when required. International assistance can also be requested under the auspices of:

the International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC 90), or through direct government to government requests.

The CCG constantly reviews shipping activity in the Arctic to determine if any changes to the response capacity are required. The shipping data from Baffinland's Iron Mines Corporation will be incorporated in this review and the necessary changes will be made, where required.

CCG Role and Capacity for Monitoring Shipping Activity in the Arctic

The Northern Canada Vessel Traffic Services Zone regulations (NORDREG) sets out the requirements for vessels to report information prior to entering while operating within and upon exiting Canada's northern waters to the MCTS centre in Iqaluit, Nunavut. This information includes a sailing plan, position reports, a final report and deviation report. This reporting system is mandatory for vessels that are:

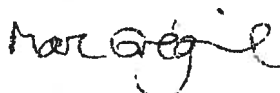
- 300 gross tonnage or more;
- engaged in towing or pushing another vessel, if the combined gross tonnage of the vessel and the vessel being towed or pushed is 500 gross tonnage or more; and
- carrying as cargo a pollutant or dangerous goods, or that are engaged in towing or pushing a vessel that is carrying as cargo a pollutant or dangerous goods.

In addition to NORDREG, the Government of Canada monitors vessel traffic through the Long Range Identification and Tracking (LRIT) system, which provides information on the position of vessels in Canadian waters, including the Arctic.

With regards to your request for CCG representation at the Final Hearing scheduled for July 16-28, I would be pleased to have someone available to answer any questions or concerns that may arise out of the Hearings.

Thank you once again for your letter.

Sincerely,



Marc Grégoire
Commissioner
Canadian Coast Guard