

THE STANDING SENATE COMMITTEE ON TRANSPORT AND COMMUNICATIONS**UNREVISED EVIDENCE**

TERRACE, Wednesday, April 17, 2019

The Standing Senate Committee on Transport and Communications, to which was referred Bill C-48, An Act respecting the regulation of vessels that transport crude oil or persistent oil to or from ports or marine installations located along British Columbia's north coast, met this day at 9 a.m. to give consideration to the bill.

Senator David Tkachuk (*Chair*) in the chair.

The Chair: Honourable senators, today we continue our study of Bill C-48, An Act respecting the regulation of vessels that transport crude oil or persistent oil to or from ports or marine installations located along British Columbia's north coast, the "Oil Tanker Moratorium Act".

We are honoured to be in Terrace this morning to hear from witnesses on this bill. Before we begin, I will ask all senators to introduce themselves, starting with the senator on my left.

Senator Cormier: René Cormier, du Nouveau-Brunswick, from New Brunswick.

Senator Gagné: Raymonde Gagné, Manitoba.

Senator Dasko: Donna Dasko, Ontario.

Senator Simons: Paula Simons, from Treaty 6 Territory in Alberta, straight down Highway 16 in Edmonton.

Senator MacDonald: Michael MacDonald, from Nova Scotia.

Senator Smith: Larry Smith, Quebec.

Senator Miville-Dechêne: Julie Miville-Dechêne, Quebec.

The Chair: I'm David Tkachuk, and I'm the chairman of the committee. Welcome, witnesses. For our first panel this morning, we are pleased to welcome, from the Gitanyow Hereditary Chiefs, Mr. Joel Starlund, the executive director; and from the Kitsumkalum Band, Mr. Don Roberts, Chief Councillor; and from the Haisla Nation, Ms. Crystal Smith, Chief Councillor, and she has another guest. We might as well introduce him; he's not going to be testifying, but he's going to be there in case she needs some assistance.

Thank you for attending our meeting. We will now hear from our witnesses starting from my left, Mr. Starlund.

Joel Starlund, Executive Director, Gitanyow Hereditary Chiefs: Good morning. My name is Joel Starlund. I'm from the Gitanyow Hereditary Chiefs office, and I'd just like to thank the Senate for taking time to meet with us today.

We are here to support the Coastal First Nations Allied Tribes, the Lax Kw'Alaams, Gitga'at, Heiltsuk, Haida, and those nations that are on the coast, who are directly affected through their marine and terrestrial territories, and who have taken the position to protect those territories from potential spills and malfunctions resulting from crude oil tankers stopping or unloading cargo at ports along British Columbia's north coast.

Since 1985, when an informal voluntary band was established, a lot has changed, and as a result, we have even more reason to protect the coast. We have seen overfishing, mismanagement of our fisheries, climate change, ocean warming, and habitat destruction in critical spawning areas. To reopen this question of whether to allow or not allow oil tankers on our coast is to blatantly ignore the years of scientific study and careful conservation that Coastal First Nations and upriver nations have led.

Gitanyow rely on salmon from both the Nass and Skeena watersheds. We harvest up to 11,000 sockeye and 1,000 Chinook annually, and it sustains our people with organic protein. The majority of our members consume salmon and other traditional foods at least two to three times per week, and many consume daily. The transmission of cultural knowledge is not possible without the healthy and abundant salmon stocks.

In addition to the potential risk of oil spills, Gitanyow is greatly concerned over the ongoing impacts felt in our territory due to climate change, which has caused lower snow pack; hotter, dryer summers; unprecedented drought conditions; and low to negligible flows during critical spawning periods.

In 2013 and 2017, we have seen unprecedented closures of Food, Social, and Ceremonial Fisheries in both the Skeena and the Nass. Meziadin, which is a major tributary of the Nass within Gitanyow territory, has failed to meet its escapement goals in the past 12 out of the 20 years and produces two thirds of the Nass sockeye.

While we are a small nation that has been impacted by colonial governments overriding our concerns and decisions about climate change, we nonetheless continue to demand climate action from federal and provincial partners, to do everything in our collective power to prevent further impacts to our water, fish, and wildlife resulting from an unchecked fossil fuel industry.

Salmon are an economic driver to all of our local economies here. The Skeena salmon generates \$100 million annually. The Nass salmon generates \$9 million annually. According to the government reports in the 2016 IFMP, the processing of wild salmon generates \$15 million in wages annually in British Columbia and has an export market value of \$100 million annually. Processed salmon represents one quarter of the processed sea food within British Columbia, and that annually produces \$1.3 billion in British Columbia. This is an example of a sustainable economy that, if managed and protected properly, can provide for future generations in perpetuity.

The Chair: Thank you.

Mr. Starlund: Sorry, senator; I've got some more here.

Today, you will hear from several individuals who are not concerned about those risks, who may feel that gambling our grandchildren's future is acceptable in order to further this generation's economic goals. Unfortunately, I am one of the few voices that you will hear today asking you to exercise caution.

There are many who could not be here today because they were denied an invitation to speak. Two of those groups have provided letters of support that I have here today, and I will be providing to you. One is the Skeena Fisheries Commission, which is an umbrella organization that represents the Gitksan, Wet'suwet'en, and Tsimshian nations. The other is from the Friends of Morice-Bulkley Valley.

To also set the record straight, Gitanyow's position on a proposed Eagle Spirit Energy pipeline and associated tanker traffic, in 2014, our head chief, Gwaslam, wrote to the president of Eagle Spirit Energy Holdings stating opposition to any oil pipeline through Gwaslam territory. This was supported by other Gitanyow Wilp. He stated that an oil pipeline would violate the principle in our law of Gwelx ye'enst, which is the right and responsibility to ensure that the territory is passed on in a sustainable manner from one generation to the next. For this company to continue to misrepresent the support the project has amongst the northwest coast First Nations is damaging to the integrity and reputation of that company and to the leaders who support them.

As an Indigenous government acting in our own capacity as hereditary leaders, Gitanyow takes the responsibility to make decisions that will not deprive our future generations of their right to a healthy land, environment, and a sustainable economy. Going back to at least 2008, Gitanyow has expressed consistent support for the Coastal First Nations and their tanker ban. We continue to do so today, and we will continue to do so in the future. Thank you.

The Chair: Thank you, Mr. Starlund.

From the Kitsumkalum Band, Mr. Don Roberts, Chief Councillor.

Don Roberts, Chief Councillor, Kitsumkalum Band: Thank you. I just want to thank the Senate committee for coming here on Bill C-48, the "Oil Tanker Moratorium Act."

First of all, this is the territory of the Kitsumkalum and part of the Tsimshian Nation, and protocol must be done on opening, welcoming who is here. That didn't happen, but furthermore, I'll move on.

This is not a consultation. This five minutes of time to speak to a major oil tanker on the north coast of the Tsimshian is unrealistic, an act our against our Section 35 Constitution title and rights.

Sm'oogyet, Sgyidmna'a, Smgigyet, Canada Senate committee, my name is Sm'oogyit Wiidildal, Waap Lagaax/Gisbutwada, Kitsumkalum, originating from the northern Hecate Straits, Chatham Sound, Granville Channel, Lower Skeena River, Ecstall River, and Kitsumkalum, the territory my chief title holds. I'm elected chief, seventh term now.

Kitsumkalum is one of the original tribes of the Tsimshian Nation people of the Skeena River that has four Waap groups, Gisbutwada, Ganhada, Laxsgiik, and Laxgibuu, which must be all consulted.

Kitsumkalum's four Waap territories range from inside the Skeena River and marine coast of the Tsimshian Peninsula. There are 14 tribes now and seven villages that make up the Tsimshian Nation. The other villages are Kitselas, Metlakatla, Lax Kw'Alaams, Kitkatla, Gitga'at, and Klemtu.

Tsimshian Nation are a people of the Skeena River and the north coast of British Columbia. We, all together, own approximately one third of the British Columbia coast. Kitsumkalum lives off the sea, river, and lands.

The territory is called the Laxyuup. Each trapping and harvest area, each group, we have responsibilities to those waters and lands and protect it with the constitution of Section 35 and our Tsimshian Ayaawx, our laws of the Tsimshian Nation's constitution.

We follow the seasons yearly, in and out, with our food harvest and economic commercial fisheries. Ocean tankers are a risk. We are situated like a point of stars; the tide and winds go every direction. All oceans pull into the rivers two times per day. Tides never wait for anybody.

Where we were in Rupert yesterday, that's an inlet. That was there. If something would happen in there when the tide comes in, it comes all the way in, and then goes all the way up the river twice a day.

Canada and British Columbia, what I heard yesterday, aren't even close to having equipment to clean up oil spills on the ocean or river. I heard yesterday that the best in all Canada is 3 per cent cleanup; 15 per cent in the overall world. I saw on the Knowledge Network about big ships' owners that change around their registration and all kinds of underwriters. They do this in case something happens; then they are hard to hold accountable. This is real alarming. There was a two-hour special on the Knowledge Network about what's happening with the big ships in the world, and the guy just gets off and walks away, leaves it to his lawyer to deal with the issue.

Canada, why don't you build refineries in our own country? Create the jobs here instead of trying to dump the issue on us. I heard you guys talking yesterday, putting the onuses on us. This isn't what this is about. That's crap to me. We use oil, so on, like that. Yes, we do, and we give you another solution: build our own refineries and sell the product.

Canada, you took a lot in just a short century; our culture, our lands and resources, fish, and forest. You are not risking our sea food resources.

Another example, in the Japan 2011 disaster, the radiation, and drift goods all ended up on our shores. The radiation is now interrupting the plankton food chain. It's interfering, and all those whales and all those little things feed off of that, and the big salmon feed off of the smaller ones that are getting affected out there.

Today I'll give you the January 12, 2012, Kitsumkalum-Enbridge Joint Committee Review Panel, our report. I have it on a stick and paper. Kitsumkalum don't support oil tankers on our coastal territories the way it is now. A few major issues will have to change.

Tsimshians are taking a risk, and if something happens, we will all pay the full price with our food chain. We Tsimshians will have to all agree or not agree to oil tankers together, consultation and planning, sharing, all together.

The Chair: Thank you, Mr. Roberts.

Ms. Crystal Smith from the Haisla Nation.

Crystal Smith, Chief Councillor, Haisla Nation: Thank you. Before we begin, I'd just like to introduce our CEO, Jason Major, who will be here as our representative, who will be reporting back to our technical and our legal teams. This is Jason Major with me here today.

The Chair: Okay.

Ms. Smith: My name is Crystal Smith. I am the elected Chief Councillor of the Haisla Nation. Our Aboriginal nation has occupied our traditional territory since beyond recorded time. We have extremely powerful evidence of our Aboriginal title to our territory and to our Aboriginal rights throughout the territory. Our Aboriginal rights include the right to fish, hunt, and gather, and these rights also include the right to govern our territory and protect our environment.

Over the last number of decades, the Haisla Nation has fought vigorously to protect the natural environment. We spearheaded the protection of the Kitlope, the largest intact temperate coastal rainforest on the planet; we took the necessary steps to eliminate the industrial fish tainting from the Kitimat River; and we continue to seek responsible forest practices within the Haisla Nation territory.

Our dedication to environmental integrity was tested when the Enbridge Northern Gateway pipeline sought to transport diluted bitumen by pipeline through our territory and by tankers through our waters. This project could have brought much-needed jobs and economic benefits to our people. The Haisla Nation, however, spoke strongly against the project because of the profound risks of driving an oil pipeline through our pristine territory. The risk of an environmental disaster and irreparable harm to our people and our culture was seen to be simply too great.

We welcomed the end of the Enbridge project, as did many of our neighbours in the district of Kitimat, which voted against the Enbridge project in a local plebiscite.

Our opposition to oil tanker traffic through our territory is not driven by ideology. Our opposition was a result of careful analysis of the risks imposed by transportation of this particular product through our traditional territories and waters.

Let me be very clear: the Haisla Nation is not opposed to industry. The Haisla Nation has strongly and consistently supported the construction of a natural gas pipeline and terminals within our territory and the shipment of LNG by tanker in our waters. Indeed, one of the leading LNG projects within our territory will be located on a Haisla Nation reserve.

The key for us is always balance. Of course, we are seeking jobs, training, and economic benefits for our people, but we will not do this at the expense of our environment and future generations. We are

charged with protecting our people's Aboriginal rights and title and will never sit idly back in the face of what we see as a dangerous industrial proposal.

This Bill C-48 represents Canada implementing a promise made during the last federal election. The Haisla Nation fully supports this legislation, as it protects the environment while allowing for the continuation of environmentally appropriate projects, like LNG export, to continue within our traditional territory.

Our support for this legislation is not new. We would like to table with the committee today two letters written by Haisla Nation to Canada concerning the moratorium. These letters were sent November 4, 2015, and August 9, 2016. Neither our position nor our reasoning have changed since that point. The August 9, 2016, letter is more detailed. The letter speaks for itself, but I would like to read out to the committee some of our key thoughts as set out in that letter.

There has been a moratorium on crude oil tankers within the waters of the north coast of B.C. for 44 years. We have expressed profound and well-evidenced concerns that the pipeline, marine terminal, and tanker aspects of the proposed Northern Gateway project would create substantial and unacceptable threats to the environment and to Haisla Nation Aboriginal rights and to Haisla Aboriginal title.

This formalizing of the crude oil tanker moratorium on B.C.'s north coast is best seen as a political decision by Canada to protect the north coast from the devastating impact of a spill from a crude oil tanker. This protection is consistent with Canada's constitutional obligations to honour the constitutionally protected Aboriginal rights and title of Coastal First Nations. It is consistent with Canada's obligations to all Canadians to protect these pristine and sensitive waterways from the potentially devastating impacts of crude oil tankers.

Any project that seeks to export crude oil from Kitimat would need to transport that crude oil by pipeline to a terminal site at the water's edge, and because bitumen is too thick to flow through pipeline, it must be diluted by a carcinogenic substance known as condensate.

The proposed NGP pipeline would transport diluted bitumen across no less than 70 streams and creeks within the Haisla Nation territory that all make their way into the Kitimat River and, from there, into the salt water. Any pipeline breach within the Haisla Nation territory, therefore, would create an enormous risk of devastation not only to the immediate receiving environment, but also to the Kitimat River and to the salt waters that our people have relied on for our sustenance and our livelihood from time immemorial. The crude oil tanker moratorium will protect our people against the risk of devastating harm.

Formal and explicit; there should be no doubt in anyone's mind that the moratorium exists and that will not be changed lightly. Accordingly, the moratorium should be enshrined in legislation.

We also ask that the moratorium be endorsed by way of formal agreement between the Haisla Nation and the Government of Canada. This would help to ensure the moratorium would have a lasting impact and would not be a political restriction that could be removed with the change of a federal government. Our concerns remain exactly as they were in 2016.

In conclusion, the oil tanker moratorium in our area has been in place informally for the best part of half a century. I urge on behalf of the Haisla Nation that this committee move swiftly to endorse this important legislation. It is a way for the government to keep its promises to citizens to protect the north coast environment and to advance, to some degree, reconciliation with Aboriginal nations. Thank you.

Senator Simons: Thank you very much. My first question is for Mr. Starlund. We've heard a fair bit from the coastal tribes yesterday in Prince Rupert, but your territory, I'm gathering, is more inland. I'm wondering if you could explain in a little bit more detail where exactly your traditional territories are and a little bit more about the way you're fearful of tanker traffic affecting the inland fishery.

Mr. Starlund: Yes, we are located in the Nass and Skeena watersheds. We are about 300 kilometres inland from Prince Rupert. We're next to the Portland Canal, and we are concerned because we have major spawning territories within our territory. We are also concerned about what happens on this coast. We went through this Lelu Island process with LNG, and we were able to track that our smelts that were coming from our lakes are going down into the estuary of Flora Banks. So there's ways that we could be impacted by something if it happened on the coast, and also if something happened right within our territories with an oil spill, if it did come through our territory.

Senator Simons: You expressed some belief that -- I guess you're referring to other inland nations -- might not be in agreement with you? One of the challenges that we're facing as a committee is that we're hearing from Indigenous communities both for and against the legislation, and people saying on both sides that they don't feel there was proper consultation. Did your inland nations, do you feel, get the necessary consultation about this legislation in advance?

Mr. Starlund: For us, we haven't been too involved in the consultation. I think we're lucky enough to have a voice here at this table right now, but we support what the bill is proposed as right now.

Senator Simons: Thank you.

Senator Miville-Dechêne: A question for all of you, but maybe first for Chief Councillor Crystal Smith: Could you give us a better sense of what is the agreement with LNG? You said they were going through your reserve. Can you explain that for us? Is it going to create jobs? How do you assess the risk of that, and what will you get out of it?

I'd like, also, a sense of you all talked about the fishing and the salmon, but if you could describe, in your community, what is the percentage of the population involved in fishing? Is it the main activity? Do you have others? I'd like a sense of your community. Is it diverse in terms of activities, or is it the one activity, and how many are involved in it?

Ms. Smith: The question around LNG as opposed to the product we're speaking about here today, they are significantly different products. If there were a spill within the LNG development, within our territory, LNG warms and then evaporates. This product that we're speaking about today does not have those similar aspects to it. As Chief Councillor Don alluded to, there's only a 15 per cent worldwide cleanup aspect of this product. They're significantly different in the impacts of what both products can do.

The difference in terms of what LNG has to offer, not only to my community of Haisla, but to our neighbouring nations, is the employment aspect, and the employment aspect, but also the fact that it brings opportunities for training. When we speak about changing our people's lives, these projects have that type of impact.

In terms of the reserve portion in my presentation to you, one of those proposed projects actually will be built on one of our reserves within our territory.

The Chair: Thank you. Did you have another question?

Senator Miville-Dechêne: Well, the second part of the question was maybe either Mr. Starlund or Mr. Roberts, in your own communities, you talked about fisheries. What's the percentage of the population involved in fishery? Is it the biggest? Not the biggest? How is it helping to raise the level of living or not?

Mr. Starlund: Yes. We've done a sociocultural needs assessment with our people in 2011 and 2015, and both of them demonstrated that our people eat salmon about two to three times per week, and 90 per cent eat at least once a week, so we are heavily reliant on the salmon within our community.

We've recently had a closure to Chinook salmon in 2017, which really affected our people. That's unprecedented in our area. First, usually, it's economic, and then food, social and ceremonial, and then conservation, and that's part of the reason why we're so concerned with what the topic is here today.

Senator Miville-Dechêne: How many of your people fish and sell fish, or --

The Chair: How many make a living off fish, is what she's --

Mr. Starlund: I guess me and you might have a different perspective on what a living is. A living for us is, at the end of the day -- for anybody -- is being able to put food in your families mouths, so two thirds of the population.

Senator Miville-Dechêne: Thank you.

The Chair: Mr. Starlund, you spent quite a bit of your presentation on climate change. If you can help me out here, how will preventing the tanker traffic, if a pipeline is approved -- we're a long way from even having a pipeline approved, even if the bill wasn't here -- how will that affect climate change?

Mr. Starlund: Well, I would say that, you know what, we can't just be operating in this bubble anymore and pretend that climate change isn't happening. We have to take proactive steps in order to mitigate what's coming towards us in the future. To me, it doesn't make any sense to bring more risk to ourselves by doing what we're talking about here today. It's about risk management and risk management for all us.

The Chair: But what does this have to do with climate change?

Mr. Starlund: I don't know how much more clearly I could say it.

The Chair: Well, I want you to be clear.

Mr. Starlund: Well, you take the forest industry for example. It hasn't really contributed to climate change, but there are certain elements of what the forestry industry has done in our territory that exacerbates climate change. What we're talking about here today is we've got closures of our Food, Social and Ceremonial Fisheries in 2013 and 2017. Why are we talking about adding more risk to something in our area like that?

The Chair: Okay. Any one of you can answer it; there was a question of the bitumen, and we've heard this before, and we haven't really, at least, I haven't heard a good explanation about it. The bitumen is mixed with regular crude oil. Is it the bitumen that you're concerned about, or is it the crude oil itself? Light crude, for example. If it was light crude being taken, would that be a problem? Is it bitumen that's the problem?

Mr. Roberts: Oil in general, that can destroy our coast.

I just want to get back to the lady there that questioned the importance of sea, fish, with our nations. Just the word Tsimshian is People of the River and the Coast. All along the river here and the coast, you'll see our villages. The reason why they're there is because the river and the ocean is our food. We fish all the salmon. We fish the Chinook, the sockeye, the pink, the chum, the Coho, the steelhead, and the trout.

We just had finished the eulachon run, and we just did the herring. The herring is still there, going on right now on the coast. We moved up and down with the four seasons. Starting May, June, we'll be out there doing our harvesting on the seaweed. We'll be doing our harvesting; it used to be with abalone and all that life that is there. In the commercial fishery, we commercial fish halibut, and we commercial fish all the cod, and we eat them, too.

The question here, it used to be 100 per cent. Food is still 100 per cent, but the economy with the fish has gone down, and again, there's climate change. Climate change has taken a dramatic effect, and if you have to live on the coast, you can tell that. You can't tell it even living up here, but when you're fishing on the water, boy, you know when things change. You know when that plankton is all dead. You know when it's all over your net, it's all slimy, it all died. You know if you're out there for 60 years, and that never happened before, and then, all of the sudden, it's all happening occurrence.

You know that block out there that they talk about on the news with the Department of Fisheries and Oceans, it's real, all these hurricanes that are down in the gulf. The winds out here are so extreme now in November that you can't go out there no more. All these things are real. So I answered that, and I answered a little bit...

The Chair: Thank you for answering that one. I asked about the bitumen. Is it the bitumen that's the problem, or is it the oil? If it was light crude, would it be a problem?

Mr. Roberts: Well, when Eagle Spirit came to Kalum, the Helin boys, there was a different product they brought there. First, they brought the crude oil and what it looked like, then it would be refined. They were looking at putting a refinery somewhere down here and maybe one back there, and the

product they brought looked like Mazola oil. That wasn't a "yes," but it was "hmm, at least you're trying something." But crude oil, any kind of oil, we're dead against oil of that magnitude travelling.

All of the resources I just talked about, that's why I went back there, showing that we do have a life on the coast, and that product will destroy it all.

You heard about the ferry sunk down there 11 years ago. It's still letting out its ugly oil that is destroying all the food around that area. We heard about Fitzview(ph) Sound, the boat that hit the beach there. Those First Nations came over here with the Coast Guard, showing us what it is 30 years later. They took a spade, put it in the sand. The beach looked all cured, and right on the film there, where they're digging the clams, they lift their sand up, and just watching within a minute, the oil just filled that whole little hole up where the water came. That was 20, 25 years later when the guy came to show the Tsimshian.

Senator Gagné: Thank you, and thank you for being here and for your presentations. Ms. Smith, I was wondering if you could expand on your comments pertaining to the signing of agreements between Canada and the Haisla Nation or any other communities over and above the adoption of C-48, if it is passed into law. Could you expand on that and what you would see as terms of agreement? You did mention that you would see agreements being signed between the Government of Canada and your...

Ms. Smith: What it refers to is the fact that, through this adoption of the reconciliation aspect, it would go in line within that process. To be able to establish those open communications in terms of what is acceptable in our territory, how we can work together for the benefit of our people, that's what that portion of our letter alludes to, establishing that relationship with the Government of Canada.

Senator Gagné: My question is to Chief Councillor Roberts, pertaining to the marine response capacity. Could you elaborate on that, when there is an incident?

Mr. Roberts: The marine response, when the oil was first coming around, we went and called the Alaska government over here in our office to describe how they view Canada and B.C. -- mostly B.C. -- on response equipment. He said when they had Valdez, they thought they had the best sophisticated cleanup in the world, but he said when Valdez hit the rock, they found out they had zero. But he said, what B.C. has here right now, they have zero-zero.

They still haven't left where they think they are, but the Alaska government said that needs to be here. There needs to be proper legislation. There needs to be a billion-dollar -- more than that -- account up there for the loss. No courts, all these things that they had to do over there, but he said we got no tugboats. That's right when we heard the person talking about at Haida Gwaii. It was right then when that guy came here. He used that as an example. He said when that boat is drifting, it was drifting there -- I think it drifted about a week, and finally, the U.S. Coast Guard had to come over to rescue that boat.

There is nothing here. You take that tugboat that hit the ground by Bella Bella there two years ago. They had nothing. I think they should have just got a hoist and sucked it out of there, but they sat around, letting that oil drift around, wrecked that whole inlet in there. At least they got that boat out so it begins to heal, but those other boats that are still in there will never heal.

Your question there, what I heard yesterday, we got nothing yet. God, I couldn't believe I heard 3 per cent. This is what Canada has at the best, and 15 per cent is the best in the world for cleaning up right now. We have to improve that.

Senator Smith: Thank you, Chair. Maybe a question anyone could answer: When Marc Garneau was asked, if Bill C-48 goes through, will there be a commitment to a response program, from what I heard, he said no. You were just talking, Mr. Roberts, eloquently about the problem with response. You had two other cases where smaller than 12,500 metric tonnes of whatever, of oil; it was smaller ships that caused problems. The issue is that Bill C-48 is not going to protect smaller ships from the same problem, but the whole idea of response, I just wondered about your comments. You said that something needs to be done. Do you folks have some form of a lobby to try to pressure the federal government?

It sounds funny to me that, if the Minister of Transport passes this bill, which, if it goes through, goes through, and then there's no program response planning with a significant commitment made by the government, both federally and, hopefully, provincially, then it seems that there's been no benefit to you folks. How does that affect you?

How does that affect you, Mr. Starlund? You say people eat salmon X times a week and stuff, but what's the condition of the fishing industry? How many licensed boats do you folks have, and is this a business that is starting on a decline?

What about your people? An MP came in yesterday. In her clause, she wrote, "Our people are suffering," it's sort of poverty, and the people that want some of these projects to go through are saying, "We have to get our people out of poverty."

How do you balance one against the other, and how do you get this response program set up properly so that existing configurations of ships can be actually monitored and managed better? Those are my two questions.

Mr. Starlund: For me, I think this discussion doesn't preclude discussions on response time and different efforts that need to happen on vessels that are smaller than 12,500 metric tonnes. I don't think that these are an either/or question. That's something that we have to work together to try to also improve.

In terms of the economy, the way that I would describe it is like you're watching a game show, and you see this contestant. They've won something, and they can say, "Well, you're going to get \$10,000 a month for life or else you could have this brand new Ferrari." And they're saying, "Let's go with the Ferrari," and you're staring at the TV, "What are you doing? You're making a huge mistake here. What about your children and your grandchildren? That money could be going towards them." It's kind of a selfish way of choosing how you want to use your resources.

Senator Smith: If we go back to the initial question, how are average people in your area living now? What's the definition of comfort to them? Hopefully, it's more than just eating properly.

We had young people come down to Ottawa, Indigenous folks, about 30 of them, and they come down regularly through different groups. These people are fantastic in terms of their ambition, what they want out of life, and some of the messaging we're seeming to get through some of these discussions is it may not be that way with the people situated in some of the local areas, and I'm just trying to understand. What's the reality? What's your reality in terms of living conditions and economics and unemployment that you face?

Mr. Starlund: Well, the reality is that we have a lot of resources within our territory that we aren't able to benefit from because of government policies and models. Throughout our territory, since 1956, we've had \$101 million worth of logs leave our territory that the governments have benefited from. We are trying to build forest economics.

Meziadin produces two-thirds of the Nass sockeye, which represents about \$9 million worth of economic benefit to the area. We only access about 2,000 of that, 2,000 pieces of fish a year, and that's not equitable.

So these are the areas that we're trying to build our local economy for our people, and this question about an oil tanker and that kind of hinders what we're trying to do for our people, for our local economy.

Senator Patterson: Thank you, Mr. Chair. Thank you for your presentations, and I'm glad we're here. I'm sorry we couldn't hear everyone apparently. We can still receive submissions and also invite people to Ottawa if they need to be heard.

Having said that, I want to be respectful of what you've said, but Mr. Starlund, I was a bit surprised when you talked about the unchecked fossil fuel industry. I think those were your words.

Our job is to represent all of Canada and all the regions of Canada. We're going to be going to Alberta and Saskatchewan to discuss this bill. There are 200,000 or so people out of work in Alberta. There has been \$100 billion of investment taken off the table. There have been two major pipelines cancelled, and a third one is in limbo. Investment capital is fleeing to the U.S.

Some would say that our fossil fuel industry, as you call it, in western Canada is paralyzed, because there's no way to get product to a hungry market, and whether we like it or not, the world is hungry for oil, at least until 2040. That's what the International Energy Agency says.

I'd just like to ask you why you would describe the fossil fuel industry as unchecked when we're hearing that it's on the ropes, paralyzed, crisis for Canada. It does contribute 10 per cent to our GDP, which helps pay for the social programs we all care about. Why do you think it's unchecked, out of control?

Mr. Starlund: Well, I'll just lead off by saying, you know what, I feel bad for some of those Albertans, you know, hard-working people and all of that stuff, but you know what? Their government has done not a very good job of creating wealth from that industry. They've really squandered a big opportunity, and now they're pointing their fingers at people like us, who are trying to protect our economies so that we don't end up in a position like them.

For the unchecked part, I would say that, right now, the government is trying to put in some measures like the climate action process, but again, there are some people that don't see the benefit of that. If you look at places like Calgary getting flooded out, how much damage there has been, entire cities burning down, Alberta is starting to see the real pain, and people aren't going to realize the problem until it hits them in the pocketbook. That's what you're starting to see with Albertans, and I think change is coming.

Senator Patterson: I will tell you that I'm the critic for this bill. It's my job to look at all angles and look for flaws, I suppose, in the bill, but I'd like to address this issue of the risk of an oil spill. This is a difficult subject and a sensitive subject.

I visited Valdez with a Senate committee, and we did a lot of studying of what went on there. We saw the site of the accident there. What we learned in Valdez is that, since the spill, there is oil-spill response capability, the highest standards in the world. A lot has changed in 30 years. The vessels have to be double-hulled. They need escorts fore and aft leaving the channel. There is oil-spill response capability on standby 24/7, very impressive state-of-the-art equipment. The Coast Guard's involved. All of this is paid for by the industry.

I'd like to ask you this: we learned there are 500 ships a year coming into the harbour at Prince Rupert, apparently without incident. It's a sheltered channel and a deep water port. If we had the proper marine oil-spill response capability -- and Valdez has, I believe, set the standard in the world -- and we had a channel that was --

The Chair: Get to your question.

Senator Patterson: -- we had a channel that was established, a safe channel, would you think that the risk would be reduced and tolerable?

Mr. Roberts: Well, obviously, we have, you know, the equipment, but the risk is still there. We did have the people from Valdez First Nations come over to talk to the Tsimshian about what happened there. They said the oil was all around them, and they said it just grew right in them a sickness right to suicide. All their food was gone, and what food was there, they couldn't eat it, because it was contaminated.

The suicides are still going on. All of the fishing licences -- they talked about them -- some of them were worth \$300,000, went down to nothing.

Compensation? You know, I don't think, if we lost our food chain on that coast, compensation is going to ever help that.

The Chair: Senator Dasko.

Mr. Roberts: I just want to finish there.

The Chair: Okay.

Mr. Roberts: You asked a question about what will happen with us, and I think you were talking about economy. Our economy is the coast, and if something should happen there, like, we talk about Alberta being paralyzed, but if something should happen here, boy, we're going to be paralyzed, because the whole nation depends on that, not just one. We're going to be totally paralyzed, because that's going to cover everything.

I'll give you a tape with Enbridge, and I have a lot of stuff on there from our presentation. We've got to look at solutions, refineries over here. All we're looking at is quick dollars to get over to China and other parts of the world. We live right here. The refinery should be right here, and we should benefit off those products, too. Our oil and that goes down to the United States and gets pumped back, and we get charged the premium rates, and we've got the stuff right in our own country.

The Chair: Senator Dasko, and then Senator MacDonald, and then Senator Cormier, so we're going to try. That took a while.

Senator Dasko: Thank you, chair. Thank you, everyone, for your presentations today.

The topic of Northern Gateway has come up in your comments, and I just wanted to get into weeds a little bit just to clarify, I believe all of your communities opposed Northern Gateway, if that's true, and if each of you could just tell me the reasons why you did? Was it the issue of the tanker traffic? Was it the disruption of construction? Was it perhaps no benefits were coming to your communities? Can you just articulate, Ms. Smith and others, Mr. Starlund, Mr. Roberts, again, how you viewed that development with respect to your communities? Thank you.

Ms. Smith: I think each of our statements kind of alludes to the answer to that question, and that's the risks of that product are just too great.

Senator Dasko: All around, you mean, in --

Ms. Smith: All around in terms of -- we didn't take that decision lightly. We don't take any decision that has any impacts in our territory lightly. Like we've stated time and time again, our territories are our cultural identities. Our ties to the land and what the land provides to our community -- you talk about fishing being an economy, of what it means to have a dollar going back to some of our memberships. That industry wasn't taken care of in our territory. Therefore, you see a drop in the dollar aspect to that, but what is not recognized, and what has been stated here, is that that industry doesn't only provide a dollar sign back to our communities.

We've had economies in our communities prior to contact, and I've stated that numerous amounts of times in public. Our communities trade those aspects of our culture. What we are able to provide for our communities was a staple for our communities to be able to then trade -- those were our economies. That's what fish, what the eulachon, what halibut means to our communities.

Senator MacDonald: Thank you, Chair. I thank the witnesses for being here. Mr. Starlund, I liked your analogy about the \$10,000 a month or the Ferrari, but if I had my way, I'd want to get both. Right? Your concerns about risk are legitimate. I think risk management is a very important thing.

We have a lot of experience of risk management on the east coast. You have 6 million metric tonnes of Canadian crude going in Canadian vessels on this coast. We have 283 million metric tonnes a year on the east coast of Canada. We have good spill response units. I think you do need one here.

I think if there was a pipeline going through here -- I'm sure that one would be built; I think one should be built anyway. As senator Patterson referred to, you have 500 large vessels landing and moving product at Prince Rupert every year. Those are all single-hulled vessels.

My family has been in the shipping industry for years. There's not a single-hulled vessel that's safer than a double-hulled vessel. They all have greater risk. You're at risk right now without a spill response.

I guess I just wanted to put that out there, because I appreciate your concern about risk, but risk is something that has to be managed in life, no matter what we do. We've done a good job on the east coast managing risk and getting benefit from managing the risk. We have very lucrative fisheries on the east coast. I mean, the Grand Banks, they pump half a million barrels a day out of the Grand Banks, and they fish there. It's the greatest fishing banks in the world. The Newfoundlanders, the people on the east coast, want to keep both because it's so important for everybody's livelihood.

When you say you want to protect the environment, I completely support your concerns about protecting the environment, but I do think that both can be managed with good planning and proper technology and proper equipment.

We heard a lot about the Nathan Stewart; it was the ship that went down. Again, that was a single-hulled vessel, and they can do a lot of damage. Anything that can crack open and spill can do a lot of damage if you don't have a proper response capacity.

I'm wondering, if the government would, with industry, put the proper response mechanisms and response infrastructure in place to give you the comfort you need, could you be more amenable to reassessing your approach to this so that everybody here can benefit, including yourself, and protect your way of life and the resources here?

Mr. Starlund: Well, thank you for your question. What my response would be is what we're talking about here today is over 12,500 metric tonnes of crude oil and persistent oil, is what we're talking about today. What my presentation is talking about is limiting risk. What the 12,500 here is, is limiting the risk of a catastrophe. That's kind of something that's hanging over your head that's likely not to happen, but if it does happen, the effects are going to be terrible, and we could never recover, depending on what the situation is.

That's what we're trying to manage our risk for. We don't want to bet on something that will give us some economic comfort here in the next 50, 75 years to something that could provide for us in perpetuity, all of us. So I'd stick to what we're talking about here is 12,500 metric tonnes of crude oil and persistent oil.

Senator MacDonald: I just want to make the point that I wish we were producing more of our own finished product as well. We used to produce a lot more in this country, and on the east coast we had a

couple refineries shut down because they were small capacity. It would have to be a large capacity state-of-the-art facility to compete in the world market, but yes, we should be producing more of our own product.

Senator Cormier: Thank you, Mr. Chair. My question is for all of you and concerns the Eagle Spirit Energy pipeline corridor project. In his testimony before our committee, Mr. Kenneth Brown said that the problems with C-48, and I will quote this, and I want you to comment on this.

He said that Bill C-68 unilaterally discards the constitutionally protected rights and title to land that cannot be extinguished by simple legislation, that Bill C-68 doesn't allow for federal and provincial environmental assessment process. He said Bill C-48 exacerbates the current helplessness in First Nations communities, it perpetuates the current monopoly America has on our most valuable resource, and finally, it is based on political rather than economic or environmental concerns.

Could you please on those arguments that he brought to us? Do you agree with them?

Mr. Starlund: No, I think I was pretty clear in my statement that I do not agree with them, and I don't think that they do really represent the actual perspectives of the people, First Nations people on the north coast, and I think that they will use any political means they can to try to make this happen.

You know what, they want to call us radical, but you know what, protecting our economy and our way of life isn't radical. That's something that I can see some members of the Senate are their view as well, but the role of government is to step in and take in all these facts, and who's in the right here?

Mr. Roberts: First of all, I don't know what Bill C-68 is.

Senator Cormier: I'm sorry, sir. I said C-68, but it's C-48.

Mr. Roberts: Okay.

The Chair: Do you want to think about that, and I'll ask Ms. Smith to comment?

Mr. Roberts: Well, we're against the oil the way it is now. The moratorium, our oil, the risk is very big here. The solution is to do to refineries here and create the jobs over here.

You're not going to create very many jobs once the pipeline is in. There's only building it. You're going to lose four fifths; one fifth once the pipelines are in just like anything else. You have the refineries here; the jobs stay here. Just like the Rio Tinto over there. Build the refinery over there, and jobs are all over here. That's what we should be doing instead of talking about a moratorium on oil tankers and risking everybody else. Try and create something there that works both ways.

If something did happen out there, if the stuff is refined, it's contained. Oil on a barge isn't contained, or a ship. It's just puking out like the yolk of an egg and all over.

Ms. Smith: Thank you. Technologies may emerge, regulations may, but that's not the world we live in today. Things may change, but it doesn't make sense to start it backwards and not protect what we have stated here today.

If and when technology does become relevant for the pipeline and for the tanker and for spill response aspect of what we're talking about here today, maybe the moratorium can be revisited, but we can't start backwards.

The Chair: I'd like to thank the witnesses for attending the meeting today and making their presentations.

For our second panel this morning, we're pleased to welcome Ms. Eva Clayton, President, from the Nisga'a Nation; and also Mr. Gary Alexcee, Hereditary Chief and Vice Chair of the B.C. First Nations Council Energy Corridor Group, Eagle Spirit; and from the -- could you help me out with that -- Gitsegukla Hereditary Chiefs, Larry Marsden, who is not here, but is supposed to be arriving. I think he's in the hallway, and our clerk has gone to get him.

We're going to begin. We'll now hear from our witnesses, and why don't I start with you, Ms. Clayton?

Eva Clayton, President, Nisga'a Nation: Thank you, Mr. Chairman. Chair, members of the committee, senators, I would like to begin by expressing Nisga'a Lisims Government's appreciation to the committee once again for inviting me to appear before you on behalf of the Nisga'a Nation.

I have with me a member of the executive of Nisga'a Lisims Government, Brian Tait. He's sitting with the observers. He's the executive chair for Nisga'a Lisims Government.

The Nisga'a Nation does not support the imposition of a moratorium that would apply to areas under our treaty. We believe that Bill C-48 flies in the face of the principles of self-determination and environmental management that lie at the heart of the Nisga'a Treaty. I will provide more details on why the Nisga'a Nation is opposed to this legislation as currently drafted, but I would like to begin with a little bit of background on the Nisga'a Nation.

The Nisga'a Treaty was the first modern day treaty in British Columbia. It was also the first treaty in Canada, and perhaps the world, to fully set out and constitutionally protect our rights to self-government and our authority to make laws over our land and our people.

Under the Nisga'a Treaty, we have substantial rights over the Nass area, which encompasses over 26,000 square kilometres in northwestern British Columbia. We also own and have legislative jurisdiction over approximately 2,000 square kilometres of land in the Nass River Valley, which is known as Nisga'a lands.

When our treaty came into force on May 11, 2000, after more than 113 years of struggle, the Indian Act ceased to exist, and it ceased to apply to us. For the first time, our nation had the recognized legal and constitutional authority to conduct our own affairs.

It is in this context of seeking respect for our modern treaty that we come before you today to express our concerns about Bill C-48.

This legislation was introduced without any discussion about the significant implications it would have on the Nisga'a Nation and the Nisga'a Treaty. Discussions were limited to preliminary ideas about various approaches to protecting the coast, potential geographic extent of the legislation, and what products may be covered by the legislation, all in highly hypothetical terms.

In the weeks that preceded the introduction of Bill C-48, we urged the minister, his Cabinet colleagues, and staff that the moratorium must not be introduced before the implications on our nation and our treaty were well understood and that the moratorium should not cover our treaty area. Despite these efforts, our appeals fell on deaf ears, and the legislation was introduced without any further dialogue with the Nisga'a Nation.

This lack of consultation and the failure to assess the implications of the proposed legislation on our treaty is contrary to the expectations of the Assessment of Modern Treaty Implications process that was set out in the 2015 Cabinet Directive on the Federal Approach to Modern Treaty Implementation, which is the government's own process for ensuring treaty commitments are honoured in policy processes.

Clearly, consultation on this legislation fell short of what would be expected between treaty partners. We believe that it is clear that this Bill C-48 undermines the principles of self-determination and environmental management that lie at the heart of the Nisga'a Treaty. Moreover, this legislation is not based on scientific evidence. It does nothing to protect sensitive ecosystems on the west coast and represents an arbitrary choice of one coastline over others.

We aspire to become a prosperous and self-sustaining nation that can provide meaningful economic opportunities for our people. This aspiration is reflected in our treaty, which sets out Canada's, British Columbia's, and the Nisga'a Nation's shared commitment to reduce the Nisga'a Nation's reliance on federal transfers over time. The Nisga'a Nation takes this goal very seriously; however, it stands to be undermined by Bill C-48. Our future prosperity and ability of our people to enjoy a better quality of life requires the creation of an economic base in the Nass area that meets the requirements of our treaty. This is the first priority of our government.

In the 19 years since our treaty came into effect, we have successfully negotiated many environmentally sound agreements in the mining, hydroelectric transmission, and liquefied natural gas sectors. Unfortunately, the economic climate in northern B.C. is poor, and few of these projects are under way. The economic opportunities to be gained from many of these agreements have not yet been realized. We want to be well-positioned so that, when economic conditions change, the provisions of our treaty can be employed to enable our nation to consider whether an environmentally sound approach to export project development is possible.

Our treaty includes comprehensive provisions for environmental assessment and protection over the entire 26,000 kilometres of the Nass area. These, and other provisions under our treaty, have opened the door to joint economic initiatives and the development of our natural resources within the Nass area. They ensure that the necessary balance between building a strong economy and protecting our lands and waters are achieved. Allowing the provisions of our treaty to assess any potential project on its merits would ensure that scientific evidence plays an essential role in assessing impacts and informing decision-making, instead of the current approach, which unilaterally and arbitrarily enacts a blanket tanker ban over a particular region of Canada.

Put differently, how come the same systems and regimes that are sufficient to support the expansion of tanker traffic through the Port of Vancouver, and along either of the north or east coasts of Canada, are not sufficient to support tanker traffic on the north coast, where ease of navigation and low marine traffic present even fewer risks?

In conclusion, I would like you to know this: the Nisga'a Nation has never and will never support a project that could result in devastation to our land, our food, and our way of life. We have attempted to persuade this government to preserve the opportunity for the Nisga'a Nation, Coastal First Nations, and local communities to work with the government to assess any future proposals and their scientific merits and to ensure that we maintain our ability to have a meaningful say in what happens on our lands and in our region.

We regret that, on this issue, which has such immense implications to the Nisga'a Nation and to all Canadians, the government has proceeded without any meaningful accommodation for the Indigenous people that have the most to lose.

We urge you in the strongest possible way to consider amendments to this legislation that would reflect Canada's commitment to the Nisga'a Treaty. Amending the northern boundary of the moratorium to exclude the Nass area and the Nisga'a lands would meet this commitment.

We believe that there is a way forward, using the positions of the Nisga'a Treaty in conjunction with Canada's robust regulatory processes, to allow Canada to achieve the objectives of the proposed moratorium without interfering with the Nisga'a Nation's rights under the Nisga'a Treaty.

Our government is committed to creating an economic base in the Nass Valley that meets the requirements of our treaty. It is the first priority of our government. We will not continue to see our way of life eroded and to consign our children and grandchildren to a way of life without meaningful opportunities, particularly in the face of a policy decision by a government that is contrary to our interests. Under our treaty, the Nisga'a Nation decides what we do. With that, thank you.

Larry Marsden, Head Chief, Gitsegukla Hereditary Chiefs: Thank you, Mr. Chair. My name is Larry Marsden, Chief Guksen of Gitsegukla. I'm here to represent the Gitsegukla chiefs of the Fireweed clan.

In 2004, Calvin Helin and his group came to Gitsegukla, and they told us what their plans were with the pipeline. They know that the Gitksan don't want the pipeline near their territory, and Calvin informed us that they're going to try and move the pipeline as far away as possible from the Gitksan territory. He also told us that the government doesn't consult any First Nations and that they will consult us, and the Gitsegukla chief really liked what Calvin said, so we signed up with them and support them.

We know that, if this pipeline doesn't happen, then the government's going to ship oil by CN Rail, and that's really risky for us Gitksan, especially in Gitsegukla, because we do all our fishing along the Skeena River, and we know about bitumen, how it explodes if a derail was to happen.

All of us in Gitsegukla, we fish along the Skeena, and the CN Rail runs along the Skeena. If the train derails while we're checking our nets, then that bitumen oil is going to blow us right out of the river, and we rely on our fish. All the Gitxsan rely on fish. Without fish, we would all starve.

I encouraged Mr. James Kennedy that's here with Eagle Spirit to push this project because, like I said, if the pipeline doesn't happen, then there's going to be a big risk with the CN train hauling this bitumen.

That's about it. Thank you.

Gary Alexcee, Hereditary Chief Gingolx, Vice Chair of the B.C. First Nation Council Energy Corridor Group, Eagle Spirit Energy, as an individual: Thank you, and good morning to all the guests here. I thank the Tsimshian Nation for allowing us to be here and speak to you, the Senate Committee on Transportation.

First off, Mr. Chair, we're really against Bill C-48 because of what it proposes to all First Nations of the Eagle Spirit Energy Corridor Group, 35 First Nations to be exact, and we're looking at the Saskatchewan First Nations and the Manitoba First Nations to join our group. We want to transport crude oil, light crude oil, out of Grassy Point, and that's seven minutes away to get right direct to the ocean and to the market, not going near any other lands in the area.

To refresh everyone's minds, there was a port study done in 1987 -- 1978, rather. It was done on the north coast, and it was deemed to be the safest port in British Columbia at that time. This leaves the south coast, Burnaby, we don't have to go near there or touch anything in that area, because it's already congested with the cruise ships, other oil tankers, et cetera, in that area, and it's a busy port, Vancouver is. Whereas you come through the port of Prince Rupert, you know, we have the ability, and we're working with the Alaska people. Those are the people that have refined the safekeeping of the ships. We would be creating so much work and employment with this oil, with this pipeline, and with this shipping from the Port of Grassy Point in Prince Rupert.

Now, what this does for us is -- you're going to create employment, training, and further education for our kids. Right now, under the Indian Act, you've got nothing. You have nothing there to support what we're doing. We have a 90 per cent unemployment in all those First Nation corridors that I told you about, and it is very, very important that we stop Bill C-48. That's one of the most important reasons we want that to be stopped, because there was no consultation from the Minister of Transport, Marc Garneau, to any of the First Nations about stopping Bill C-48.

We understand that the U.S. wants to stop our oil shipments going from the west coast, because they want to lock Alberta up and the oil people up and go through them, where we lose economic value. That's not very good for Canada. Whereas the ESE pipeline going through at the corridor group backs it up.

You will have so much people employed, energy there. The funds will be there. We don't need to depend on Indian Affairs. This is what the federal government does. It keeps the First Nations dependent upon them, giving them little handouts, little bits here, a little bit there.

We have people in the First Nation group that are part of Treaty 6, part of Treaty 8, and they said they don't even get peanuts from what their treaty has done for them. It's 2019, and they've had their treaty from before the Nisga'a Nation was put in place in 2000. This is the lack that the federal government doesn't think about. They never consulted with any of the First Nations along the corridor or in the interior of British Columbia.

We respect with what their concerns are in the First Nation group. We have environmental people that are First Nations that know how to look after the land, that know how to contain the rivers, maintain the trapping areas, maintaining their food sustenance. This is what's important for all of us.

Along the coast right now, Mr. Chair, there are hardly any fishermen on the coast because of a lack of boats and a lack of licences. There are no opportunities there. You can't survive on one licence. You need several other licences to be accompanied with each of the fishing villages. I'm speaking totally of Lax Kw'Alaams, Kitsumkalum. There used to be a thriving fishing community. Nothing there now. Very little. And the forestry? Gone. The provincial government made sure that there was nothing there leftover for any of the impacts that they caused by logging it off, and that's it.

The impact of Bill C-48 is totally tremendous, and this leads to the safety of what we're looking at for what we want to do with First Nations. The training that goes into this through Bill C-69 --

The Chair: That's five minutes.

Mr. Alexcee: Okay. Thank you, but I --

The Chair: You can go ahead and finish off, yes.

Mr. Alexcee: I want to finish because this is very clear. We have training components here that rely on the land, the shipping, the caretaking, and tugboat operations and have those certified by the opportunities we're going to have, and working with the Alaska federal government in their new bill, we can take Bill C-69, the Ocean Protection Plan; we can improve upon that. They haven't done that. They haven't mentioned that. Thank you, Mr. Chair.

The Chair: Thank you very much, Mr. Alexcee.

Senator Simons: Thank you very much, Mr. Chair. I'm embarrassed to admit how little I understand the intricacies of the geography of this place. I wanted to ask Ms. Clayton, first of all, do the Nisga'a have access to tidewater from their treaty lands, and how far is Nisga'a territory from Grassy Point, which I understand is about 30 kilometres north of Prince Rupert?

Ms. Clayton: Thank you for the question. The Nisga'a Nation does have a community situated in the mouth of the Nass, the Nisga'a community of Git Gingolx.

Senator Simons: I guess what I'm trying to figure out is if you would want to have a pipeline terminus on Nisga'a territory, or are you hoping that, if there were a pipeline terminus at Grassy Point, that that would have some collateral benefits for your nation?

Ms. Clayton: Yes, and what the Nisga'a Nation wants is to be consulted by our treaty partner to get into meaningful discussions of such projects.

Senator Simons: Sorry, I made that question too complicated. Do you want to have a port? Could you have deep water access from that Nass inlet, or is that too shallow a place for oil tankers to come? Would they have to go someplace else, like Grassy Point?

Ms. Clayton: Within the Nisga'a Nation, we have deepwater port ability.

Senator Simons: Mr. Alexcee, is Grassy Point the preferred location, or are there other places you could go further north?

Mr. Alexcee: Thank you for the question. Yes, Grassy Point is the preferred area of the Tsimshian Nation as the open port, and it's because it's the safest area to transport the crude oil to the market.

We have looked at other areas for deep sea ports. We do have other avenues. We've talked to Alaska, and we've talked to the landowners in Hyder, Alaska, already. The governor has given us an MOU to work with, and that'll be out of Observatory Inlet, which is a deep sea port as well.

To answer your question that you had asked of our Nisga'a Nation president, Gingolx is a natural deep sea port already. It's been established as a port.

Senator Simons: On whose territory is Grassy Narrows?

Mr. Alexcee: I just told you it was Tsimshian Nation. Lax Kw'Alaams.

Senator Simons: Lax Kw'Alaams. Okay. Thank you.

Senator Patterson: I've just had distributed some maps the Library of Parliament prepared showing the Nisga'a lands and the proposed exclusion zone.

I'd like to thank Ms. Clayton for the presentation. I understand that one of your concerns about Bill C-48 is that it would ban tanker traffic without any environmental hearing whatsoever; it would preclude any environmental hearing.

I understand that the Nisga'a have control over their own lands, and can manage their own lands, and that you would be in the driver's seat if there was a proposal that would utilize your lands, and you would be able to determine the conditions following a thorough review.

Is that one of your concerns about C-48, that it would preclude any review of any project and limit control that you might otherwise have?

Ms. Clayton: The main concern the Nisga'a Nation has with Bill C-48 is there was no meaningful consultations in how Bill C-48 would play out and the fact that it was included in Nisga'a territory, the Nass area, with no consultations. We could have worked together to find that balance.

Senator Patterson: Could you describe your Aboriginal rights to the land and waters and whether those rights are impacted by this legislation?

Ms. Clayton: Thank you, and thank you for the question. The rights of the Nisga'a Nation to the land and the waters are impacted. It's a very serious impact. We take that very seriously because the Nisga'a treaty is a constitutionally protected treaty. Within our treaty, it sets out our rights and our title. For the nation to proceed, we would have to convey that we would need to sit down with our treaty partner. It has been deeply impacted with this particular bill that -- and the question you asked.

The Chair: I'll come back to you, Senator Patterson, if that's okay. Senator Cormier.

Senator Cormier: Thank you, Mr. Chair. My question is for Ms. Clayton. You spoke about lack of consultation and non-respect of treaties. You spoke also about possible amendments to the bill.

To make sure that consultation takes place and continues with the Nisga'a Nation and other First Nations, would an amendment stating that there must be a periodic revision of the bill, to ensure that there be proper assessment and consultation, be a good addition to the bill?

Ms. Clayton: Thank you. The Nisga'a Nation participated in the dialogue that was initiated by Minister Garneau in the summer of 2016. The initiative appeared to be directed that the starting conversation about these matters with local communities and First Nations.

Given the general nature of discussions, the Nisga'a Nation reasonably expected that, once the government considered the feedback and developed a proposed approach to the regulatory framework, in-depth consultation on the proposed approach would follow with the Nisga'a Nation. This is what we had wanted. This way, proceeding would be consistent, not only with the law, but also with the promises your government has repeatedly made to indigenous people, most recently in adoption of the Modern Treaties Implementations Framework by Deputy Ministers in accordance with the 2015 Cabinet Directive.

Senator Cormier: Do you think that periodic revision of the bill could be part of the solution to continue conversation and consultation with your nation, if there would be a periodic revision added to the bill?

Ms. Clayton: Yes. We would appreciate a meeting.

Senator Smith: The question of economics -- I'm trying to get an understanding, and Mr. Alexcee, you were very strong in your response about the situation of unemployment in -- I'm not sure; is it just your territory, or is it in other territories, other nations, down the west coast?

We ask the question to try and understand what economic situation exists right now for many of the members in the nations, and it seems to be an elusive answer, always tied to the fact that we have our salmon to eat twice a week, and we have our ability to have food, but what other things do the people want, and what's the particular situation? Is the unemployment as bad as you say it is? If I understand correctly, 90 per cent unemployment is a very serious issue. What is the economic side of many of the nations? Can you speak for other nations that you may, at least, observe besides your own?

Mr. Alexcee: As I said in my opening remarks, I'm speaking of the 35 First Nations that are members of the Eagle Spirit Energy corridor, and along the corridor is 90 per cent unemployment. That includes oil, gas, and the fishing industry on the coast, because you have other industries that are affected by the lack of fishing in each of the communities. There's no more net mending. There's no more mechanical or electronic to take care of your vessels anymore; no maintenance upkeep on the vessels, because you don't have the dollars for those specific fisheries; and salmon, halibut, herring, crab, and other shellfisheries, those are the things that I'm talking, see, they have repercussions. None of that is available anymore, because of the lack of opportunity, and the logging industry is completely just bare bones. No more operators.

Senator Smith: The 35 nations that are conceptually part of the group, how far do they go geographically? Can you go right from the origin point where the oil comes from right across with bands and members and partners to the drop-off point?

Mr. Alexcee: That's correct. They start from Alberta, where the tar sands are right now, and Fort Mac, right through that corridor group, where we've laid it out on a map. I think it was presented to you in Ottawa. I don't have it with me today, but it comes right from there to the coast.

Senator Smith: Thank you.

Mr. Alexcee: We'd rather ship the oil than rather come through a railway. There's too much risk in the railway issue.

The Chair: Senator Miville-Dechêne, and then Senator MacDonald, then I've got Gagné and Dasko, so we'll have to move it along.

Senator Miville-Dechêne: Thank you. I just want to clarify, first. I have a map here. I just want to be sure. You're part of the Gingolx tribe, and it's one of the tribes in the Nisga'a Nation? Do I understand correctly?

Mr. Alexcee: You understand correctly.

Senator Miville-Dechêne: Which means you are promoting the terminal to be -- Grassy Point is part of the Lax Kw'Alaams territory, but yourself, you're part of the Nisga'a Nation. Why aren't you promoting the terminal to be on Nisga'a Nation?

I'm just trying to understand the relationship between tribes, and I'm sorry if my question is really basic.

Mr. Alexcee: You're trying to start trouble, are you?

Senator Miville-Dechêne: No, no. I'm trying to understand geography, and you know, I have this map with 100 tribes, and it's really complicated.

Mr. Alexcee: Okay. I can't promote the Nisga'a Nation territory, because I'm not in the government, and we speak to the government of the Nisga'a Nation to see where we will be locating, if it's going to

happen in the Port of Gingsolx or the Nass River Valley or in the Observatory Inlet, which are the watershed areas of the Nisga'a Nation and Portland Canal. But because they're not partners with Eagle Spirit, part of the 35 First Nations, we're inviting them, "Come and join us, and then we'll talk." Is that what you want to hear?

Senator Miville-Dechêne: I'd like you to be a bit more specific about job creation, because we've heard testimony to the fact that the job creation is essentially while the pipeline is constructed, but they're short-term jobs, and obviously, the investors will get more money.

Are you an investor? Who's financing Eagle Spirit? We don't know. I don't know. Who's financing it, and how can you be so sure that there will be jobs for your people? Do you have agreements? Do you have signed agreements?

Mr. Alexcee: We are currently working on that. We do have investors that are talking and knocking on our door, and the job creation is part of that rebuilding of the refineries, the gas line. There's going to be an oil line, gas line, naphtha, propane -- those are all going to be shipped from that refinery when it's established. There are several places along the corridor where we're going to have a refinery and can expand that, and we've got very good people that have been looking at this and scientific background to prove that it's the greenest operation you'll have.

Senator MacDonald: Thank you very much for being here, for your presentation. I find this project very interesting from a conceptual point-of-view. I am curious, though, about the geography here, and the place that's chosen for the terminus.

Is the terminus chosen because it's the easiest to sell politically within the native communities, or is there a better place for the terminus to be, but it's more difficult to sell?

Mr. Alexcee: It's not more difficult to sell, but it is the safest and the shortest route from the pipeline to where it's going to go to the market. That's why we're pushing Grassy Point.

There are two other ports that we're looking at as well, but we're still working on those, because we need to -- we've got already an MOU from the Governor of Alaska to do the work, and Canada will miss out altogether. It'll be only the First Nations that'll benefit, so it's Canada's loss if they want to push through this Bill C-48 and Bill C-69.

Senator MacDonald: When you look at this map, you realize how close we are to Alaska and the American authority. We're very close.

You mentioned there were two other ports you were considering. Do you want to elaborate on that a little bit?

Mr. Alexcee: At this time, no, I can't, because we're still in discussions and agreements with our investors.

Senator Gagné: Mr. Marsden, the fears you're expressing around train derailments and the effect it could have on your rivers and your environment are the same fears I was hearing from a lot of the coastal nations pertaining to oil spills if ever tankers were allowed.

Let's consider the following scenario, and I will ask the three panellists to answer. If there was no moratorium, the Eagle Spirit pipeline is built, tankers are allowed, and there is a serious spill, how would your communities be affected by an oil spill?

Mr. Marsden: Well, we've seen a derailment in Montreal, how the bitumen explodes, and that's what we're really concerned about.

Senator Gagné: The scenario I was describing is, let's say that tankers are allowed, and you would be allowed to ship through the Eagle Spirit pipeline. There would be a port. If there would be a spill, would your communities be affected, and how would they be affected?

Mr. Marsden: Well, like I said earlier, Calvin told us that they're going to try and move the pipeline as far up north as possible away from our territory and our communities. That's if Eagle Spirit were to get the pipeline.

Senator Gagné: But someone could be affected?

Mr. Marsden: Yes.

Senator Gagné: Same answer?

Mr. Alexcee: We are moving it away from the Gitsegukla area and the title of land, because we are looking at the shortest route from point A to point B, to the coast, and the direct line from there to B, that's the safest route. That's the best way you can build a pipeline, which will probably encompass -- you'll have the liquefied natural gas, the naphtha, and all the rest of that, and the propane, in those areas coming out of there to be on the coast.

The Chair: Is the oil moving now on CN via Skeena all the way to Vancouver? Is that what's happening now?

Mr. Alexcee: Currently, there is some oil that is being shipped by rail in the tanker cars. They're going to Rupert. They're already offloaded into bunker containers and then loaded, and they've had -- in the past three years, they've had spills in the Skeena area, but they were lucky they were wheat or sulphur. There was some harm done to those specific areas along the Skeena route from Kitsumkalum to Prince Rupert.

The Chair: None of it is moving south to the Vancouver port?

Mr. Alexcee: Nothing. Not that I'm aware of.

The Chair: That's all CP that's doing that?

Mr. Alexcee: That's correct.

Senator Dasko: Thank you, Chair, and thank you for being here today and your presentations. As a Senate, we have three things we can do right now: we can pass it, we can defeat this bill, or we can amend it. I'd like to ask each one of you -- obviously, you don't want us to pass it; we got that part -- what would you have us do? Defeat it or amend it, and if amend it, how, please, Mr. Alexcee, and Ms. Clayton? Yes, all of you, please.

Mr. Alexcee: I'd prefer you defeat it, and if you amend it, you would have to amend it so that we'd be allowed to ship crude oil out of the port of Prince Rupert or Grassy Point.

I would rather see you defeat it, because, number one, there was no real consultation. Number two, the constitution states that you have to do real consultation with the First Nation.

Senator Dasko: Mr. Marsden, defeat it or amend it, and if amend it, how should we do that?

Mr. Marsden: I agree with Mr. Alexcee, only because it will create jobs for our people, and there's a lot of our people that are unemployed right now.

Senator Dasko: Ms. Clayton?

Ms. Clayton: Thank you for the question. As I've stated in my presentation, we are looking for an amendment to exclude the Nass area from the bill.

Senator Dasko: Thank you.

The Chair: We've got a short one, because we have one minute left and then we're done.

Senator Smith: Quick question: response time.

The Chair: Well, we've got Senator Patterson. Okay. Sorry.

Senator Smith: Sorry.

The Chair: Senator Patterson.

Senator Smith: Please, I stand, especially beside an ex-running back from Grand Valley. Yes, he was an ex-running back in high school.

Senator Patterson: Mr. Chair, the amendment that the Nisga'a would propose -- you're already very close to Alaska, as I understand it. The amendment that you mentioned to exclude Nass lands would have a result of simply slightly modifying the northern boundary of the proposed moratorium zone. It would make almost no difference in the proposed moratorium zone, which ends at the U.S. border near your lands. This would be a very minor modification to the bill. Would I be correct in stating that?

Ms. Clayton: Yes, and we want to have an audience with the bill writers on Bill C-48 so that we can work together, and you're right.

Senator Patterson: May I ask, you feel that your rights protected under the constitution have been ignored and violated by this unilateral action without consultation from the Government of Canada. May I ask, are you taking any steps to enforce your Aboriginal rights so as to have them respected where they were not?

Ms. Clayton: Yes, we have been diligently following up respect for the treaty. We've been to Ottawa many times. We've been putting up our hands in the face of all of the challenges to the treaty to say that we would like to meet with our treaty partners to discuss matters such as Bill C-48, and we are currently involved with a national group of modern day treaties to take a look at the challenges that we've faced with implementing modern day treaties. Thank you.

The Chair: Just a quick one, Senator Miville-Dechêne, and that'll be our last question.

Senator Miville-Dechêne: Yes, thank you. Just following up on your question, I just want to be sure, because I didn't quite get Ms. Clayton. You're saying it would take a slight modification in the moratorium, but the way I see the map, I see your nation, but you would also need a corridor in the water. You would need the whole northern border of the moratorium to be changed if you wanted to use the waterway up to the sea, up to international waters. It's not just a small modification. I just wanted that to be clear.

Ms. Clayton: Thank you. Thank you for that point. It's a matter that requires discussion, as I've stated before. We won't be able to reach any kind of discussions or agreements on possible modifications or amendments to this. We are, however, open to sitting down with Canada and sitting down with the minister to take a look at how the amendment would look. I cannot say how it's going to look right now. Thank you.

The Chair: Thank you very much, witnesses.

For our third panel this morning, we are pleased to welcome, from Maple Leaf Adventures, Mr. Kevin Smith, CEO and president of the Wilderness Tourism Association of B.C.; from Stewart World Port, Mr. Brad Pettit, president and director; and from Resource Works Society, Mr. Stewart Muir, executive director.

Thank you for attending our meeting today. We look forward to hearing from you, and I'll start with Mr. Kevin Smith.

Kevin Smith, Chief Executive Officer, President, Tourism Association of British Columbia, Maple Leaf Adventures: Thank you for having us. If you'll bear with me, it's my first time presenting to the Senate. I'm thrilled to be here. I've got a prepared piece. I understand I have five minutes. Is that correct?

The Chair: That's correct.

Mr. Smith: Great, thank you.

This is a B.C. business perspective on Bill C-48, respectfully submitted, speaking on behalf of the Wilderness Tourism Association of British Columbia and our members, as well as my own company, Maple Leaf Adventures Corp.

I'll bring everybody back to June of 2010 during the Gulf of Mexico's *Deepwater Horizon* oil spill. Southern Mississippi's charter boat industry was in free-fall. Business crashed an average of 70 per cent due to that spill. The statistic caught my attention. 70 per cent declines are disastrous numbers for any industry, and this was a coastal tourism industry very similar to the one we have here in coastal B.C.

I own a growing B.C. expedition cruise company that operates in the Great Bear Rainforest in Haida Gwaii. I also represent the entire Wilderness Tourism Association of B.C. as the president. We are part of the emerging eco-adventure tourism industry in B.C., a conservation-based economy. One of the hottest and fastest-growing regions is the North Coast.

Back in 2010, when I saw the statistic, my team did some research. We found that rescinding the oil tanker traffic moratorium here would not only risk wildlife, ecosystem health, and local food fisheries, of which you are no doubt already aware, according to studies by reputable firms and universities, it would pose great risk for long-term damage to British Columbia's economy in the event of a large oil spill.

One of the sectors it threatens most is tourism. At \$18 billion, tourism is a major industry in B.C.. It has grown more than the general economy in recent years. The wilderness tourism sector alone grew at 8 per cent per year for the last decade. It employs thousands of skilled British Columbians and three-quarters of the businesses in our association are over ten years old, many much, much older.

Depending on whose projections you use, wilderness tourism in B.C. will produce between \$600 billion and \$5.6 trillion over the next 50 years, half of it on the coast. Our Great Bear Rainforest area is one of Canada's hottest merging destinations. The potential for sustainable growth of eco-adventure tourism here is great. National Geographic Traveler designated it one of the world's 20 best destinations. Our sector's businesses have won dozens of the world's top awards for what we offer.

Our national tourism marketing organization, Destination Canada, explains that our industry's experiential holidays in the natural world are a key element of Canada's success in the global tourism market. This is a valuable long-term industry, not just for locals, but for all of Canada.

Whether we are luxury lodges, expedition cruise companies, kayak guides, or fishing outfitters, our product is the glorious and unspoiled nature of the B.C. coast. We thrive in intact, fully-functioning ecosystems. The ocean food chain supports humpback, orca, and fin whales. Sea lions and dolphins regularly churn the water beside our boats in a frenzy of feeding. Bears along the shoreline fatten on shellfish and salmon. They provide a sought-after chance to photograph wildlife in their natural habitat.

The inlets and reefs rich in marine life provide some of the best diving in the world. With one large oil spill, this spectacular resource and hundreds of small businesses would be wiped out, but more than that, our entire tourism industry and related industries would be affected.

Study after study shows that the impact of a large oil spill extends the location of the crisis and beyond the resolution date of the crisis. This is due to brand damage and ongoing traveller misconceptions. If a large spill tainted the north and central coasts of B.C., tourism to all of B.C. would be affected for years.

For example, in Alaska and the Gulf of Mexico, after major spills, people cancelled holidays to those entire regions, not just to the oil-affected area. In the case of the Deepwater Horizon spill on the Gulf of Mexico, which lasted from April to July 2010, tourism was decimated. TripAdvisor searches for popular destinations there declined by 48 to 65 per cent that summer. It was estimated that that oil spill would cost the Gulf Coast communities \$22.7 billion over the three years, in an economy where tourism is a major economic driver.

In Alaska, site of the Exxon Valdez spill, 40 per cent of businesses in the affected region reported significant or complete losses, and Visitor Centre inquiries fell 55 per cent in the year after the spill. Furthermore, 27 per cent of businesses in parts of Alaska with no oil spill reported significant or moderate losses.

Now, I am a business owner.

The Chair: We're running out of time in a half-minute from now.

Mr. Smith: I've got one paragraph to go.

The Chair: Okay, good.

Mr. Smith: Thank you. I'm a business owner. I do not believe in stopping the economy or overregulating it, but I absolutely believe in environmental and social responsibility. That includes responsibility to businesses and ecosystems that exist here.

B.C.'s nature-based tourism businesses have tremendous opportunity, as travellers increasingly seek to see the planet's last wild places, to invest in and pursue that opportunity. We need certainty. The uncertainty for the B.C. coast and this industry from allowing oil tanker traffic in the Great Bear Rainforest and Haida Gwaii regions would be an unacceptable risk to the future generations who will continue to build this world-class industry that is important for B.C. and Canada. Thank you.

The Chair: Thank you. Mr. Pettit.

Brad Pettit, President and Director, Stewart World Port: Hello, and welcome to British Columbia. Thank you for letting me speak at this event. My name is Brad Pettit. I'm the president and director for Stewart World Port. We're the most northerly western Canadian port in Canada, and we're on Nisga'a traditional territory.

We're a private company. To date, we've invested \$75 million. We started construction in 2015 and went into operation in 2016. The funding has all been from the private sector -- one individual, actually.

Currently, we handle cargo break bulk, stuff that isn't containerized, oil and gas cargo. We've done some redwater for the Redwater Project in Alberta. We've done wind projects for B.C.. We've done lots of mining equipment and stuff like that, heavy stuff, usually. We also just signed a long-term contract with Lafarge Smith to service the mining sector in northwest B.C..

There's been a lot of talk about energy projects coming through Stewart in the last several years. We've talked to LNG proponents and LNG investors, but lately it's been all about oil.

Right now, we don't have a rail into Stewart. The closest rail is Kitwanga; it's 216 kilometres away. We would love an opportunity to have a pipeline into Stewart. Where Eagle Spirit was talking about going to Alaska, I could stand on my dock and watch the tankers roll out of there if that were to ever happen, and I'm in Canada; I'm in British Columbia.

Even a modest one tanker a month, two a month, would be a big thing for Stewart and for our port. It would be huge for our port. I mean, the revenues just in that alone are hundreds of millions of dollars if you can look from the wellhead to the vessel. It's big dollars, and it's a big opportunity for the local communities and whatnot.

All of these discussions today have been really preliminary in nature, because the pending tanker ban just stops it in its tracks, really. No one is going to go out and commit a bunch of energy and money looking at these projects when there's no opportunity for it to actually take place.

I know firsthand that this represents hundreds of jobs, local jobs, right at home, for the local communities and the First Nations communities. I came from the oil and gas industry. They're good-paying jobs. They're full-time jobs. You can send your kid to school with them. You can raise a family with them. I know that firsthand because that's where I grew up, in the oil and gas industry. Now I operate a port in Stewart.

Some of these local communities are depressed. There are very few full-time good-paying jobs in Stewart. Most of the work is seasonal. Just a few jobs in Stewart would make a big difference to everything, the local economies, everything.

I just think that this is an opportunity that I'd really like to be able to explore with the Nisga'a Nation and local communities and investors. I think there's an opportunity there that we'd be missing if the tanker ban were to be approved.

The Chair: Thank you very much. Mr. Stewart Muir.

Stewart Muir, Executive Director, Resource Works Society: Thank you for the chance to come and speak to you. Stewart Muir, executive director at Resource Works. We're a not-for-profit based in Vancouver. We've existed for five years. Our mandate is to share with British Columbians information about the benefits of a responsible natural resource sector in the economy.

My personal background is as a journalist, over 35 years as a journalist. In 1997, a team I headed at the Vancouver Sun won an award for the telling of the Nisga'a Treaty story in our newspaper. Storytelling is one of the things I like to do.

I'm not here with polemic or a particular recommendation, although I do think you should be looking at a corridor carve-out. What I would like to do is give you some context, visually speaking, and that is the purpose of this book that you have in front of you. I probably have about 30 seconds per spread. There's 12 spreads here. Two pages facing is a spread, and I've called this "Tracking Oil Tanker Movements in British Columbia." Anyone who wants to see it can look at resourceworks.com.

Really, this is comparisons and context. I've used some tools that are available to people who follow tankers for commercial and other reasons, tanker traffic type of tracking information, and so what I have done is drawn from this aggregated commercial information.

I just wanted to start with the notion of the world-class safety system, of which Minister Garneau has spoken so eloquently. The Oceans Protection Plan that is being implemented is one that, as the page 2 excerpt says, the government has enhanced marine safety and reduced the risk of spills to address gaps that have existed for far too long. That's a good, strong, clear statement.

On the facing page, you see, just a few days ago, April 4th, this is an animation generated from marine traffic software showing the Erik Spirit crude oil tanker going through the Second Narrows under the Ironworkers Memorial Bridge. It's escorted by three tugboats; one of the things that Minister Garneau speaks of there, the strengthening of the system.

As this goes out, and as it goes out once the Trans Mountain twinning is complete, there will be more tugs to protect these tankers and get them out to sea safely. There will be two pilots, not one pilot, all the way out to a further point in the Strait of Juan de Fuca than before, and so many other enhancements that are being brought in as part of the twinning. It's a very good story.

Flipping the page to 4 and 5, a word on pilotage safety record. I know this has come up; you've heard from pilots, but if I could encapsulate a national picture here, it is one of very good safety records for piloting vessels. It's also improvement on that very good record.

We see that, for the most recent data for 2017 that I was able to secure, just for Pacific Pilotage Authority, they have a 99.97 per cent incident-free rate. That's up slightly a couple of hundredths of a percentage from the last time I had data in 2009, except for Great Lakes Pilotage Authority, which is the same story. It's the same story in Laurentian and Atlantic Authorities, an increase in that safety rate.

Flipping the page, it seems that your committee has heard from those who have spoken of a double standard. I think that's true if you look at the east coast. You have, for example, the work of the Tanker Safety Panel Secretariat done for Transport Canada in 2013. That's on the left, on page 6. There's a map there showing environmental sensitivity of the Saint Lawrence and the outlet into the Atlantic. You can see there is very high environmental sensitivity in many parts of that, and on the right is an actual picture from just a couple of days ago, April 6th, showing -- I'll explain this because it recurs in some of the following pages.

These red lines represent all of the tanker trips that were made during the year 2017 tracked by marine traffic, and then the red objects are actual ships, either moving or anchored. The round ones are anchored; the moving ones are pointed. Those are all the tankers that were moving around Canadian

waters on the 6th of April when this map was generated. You can see there's a lot of them, and you compare it to the environmental sensitivity areas; isn't it interesting to see that?

Page 8 and 9, Montreal, if you look at the north end of the Island of Montreal, the term we use here, the persistent oils issue in an area of great environmental sensitivity, very close to a national park -- it's a provincial park, but it's called the national des Îles-de-Boucherville Park across the river. Interesting to look at.

I'm going to move quickly for time's sake, but you have this document to reflect on if you wanted to.

Page 10 and 11, the Gulf of Mexico. Those are oil tankers on the right hand of this map. I counted these. There are more than 430 oil tankers floating around at this time, April 14th. Was that Sunday? Saturday? Over the weekend.

The Chair: It's hot off the press.

Mr. Muir: Indeed, it is. Yes, sir.

So you see there's a lot of activity. This would be how many years' worth of west coast tankers in one day, one snapshot? There's a little table there, Worldwide Tanker Spills. It's part of a trend of greater safety, just as when you get in an airplane, like in, say, the 1970s when maybe you thought, "Should I get on this plane? Will it be safe?" Nowadays you don't think about that. It's really the same with tankers; it's so safe.

Page 12 and 13, just an example, I've narrowed in on Venezuela. I mean, look at the right. This is one of their major oil ports on the Caribbean Sea. Again, those are tanker tracks over the year 2017. All of those round circles, the red ones, those are ships sitting there just a couple of days ago.

What are they shipping? Where is it going? Well, I'll tell you what. That's Orinoco oil. That's heavy oil. It's just like oil sands, bitumen, really the same thing. It comes from a different process.

Where is it going? Well, last month -- I have this from tankertrackers.com. This is fresh data. Probably 300,000 barrels a day, so as much as the Trans Mountain pipeline today ships to the coast, 300,000 barrels, that's how much goes just to India in heavy oil right now.

I don't know whether it's going out to the Suez or the Panama. We could look into that if you wanted, but it's interesting. China's number two. It's getting over a couple of hundred thousand. That's the same oil that they want from here, because they need it for things. It's great for making jet fuel, diesel. Also, they can pave roads with it. Even with electric cars, if they go 100 per cent electric cars in China, what do you think they'll be driving on? I suspect it will be paved roads.

14 and 15 -- just a note, I mean, I often hear from my European friends, "Oh, you terrible Canadians and your oil tankers." Well, hold up a mirror, folks. Here we are.

I'd like to go to the next one. This is really the most important, I think, the Pacific Century, pages 16 and 17. You've got, on the right, a little snapshot of -- this is April 14 -- the actual tankers. There must

be thousands there. It's so many. I've just taken Singapore as one of the inset boxes. You can go in there and then zoom in again. There's two inset maps there you can see.

I think there are probably 25 tankers just in that little box, and they're moving around. This is a place that has typhoons and cyclones, just like we have storms here. Isn't it funny? Look at these tracks. Again, the lines are from 2017.

A note, the change in daily oil use, on the left, "India will increase its daily oil use by 5 million barrels" -- that's more than Canada produces today -- "in the years 2017 to 2040" according to BP, British Petroleum Outlook 2019, published in February.

There's something to think about there. They seem to do it very safely, don't they? I mean, people go to Thailand and enjoy the sunshine and the sand, and yet, look at what's happening around them.

Page 18 and 19, and I'll come to an end very quickly here. If you look at just the northwest, I know you've got lots of data on this, but just my two cents is that you take five ships I've identified that were the commercial ships moving around on the 12th of April, five of those, they're carrying a combined capacity of 9.8 million litres of fuel oil. I know you've heard from another witness that it's possibly easier for such a ship to spill its fuel contents than for a tanker, and that's just a snapshot. There's not very many ships compared to Singapore.

Pages 20 and 21, here's, I think, the crux of the matter. It's so very safe here, in fact, even the Tanker Safety Panel Secretariat found that, in the north, it's very low Environmental Risk Index for cargo crude spill and very high in the south, and yet, what are we talking about? Growing it in the south and not doing any in the north.

Just moving to the final spread, 22 and 23, that's the global picture. Tankers in 2019 are a common daily method of moving a necessary fuel or feedstock for any number of industrial uses all around the world. There's not very much of that activity, really, on the west coast or the North Coast of Canada. Those, again, are the 2017 trips you see in the lines.

One thing I think it's important for the government in Ottawa to remember is the Barton Report, which has been --

Audience Member: Time's up.

Mr. Muir: Time's up?

The Chair: Excuse me. Keep going.

Mr. Muir: Thank you. The Barton Report has urged Canada to position itself as a global trading hub by strengthening links around the world, and 65 per cent of our GDP comes from trade, which is quite a contrast to the United States, where it's only 30 per cent. We really need trade.

In summary, I would say that this is just some information that perhaps will help to inform wise decision-making in whatever it is you choose to do, and I thank you for your time.

Senator Simons: Thank you very much. Mr. Smith, I'm going to have to come back and take one of your tours, because our visit here has just been too short, and this place is too beautiful, and I take your point. I remember when Alberta had its mad cow problem that tourism dropped, and you couldn't explain to people that the cows were not going to bite them.

My question is for Mr. Pettit. Your port is new to me. Can you tell me: where exactly is it? How does it access tidewater? Is it a deep water port such that you could safely anchor big oil tankers there? Is it actually a plausible place that one could create a corridor, or is your port really too small for the kind of tanker traffic that something like Eagle Spirit would require?

Mr. Pettit: Stewart World Port is at the north end of the Portland Canal. The border, the Alaska-B.C. border, runs right down the middle of the canal. It's been used for shipping for 100 years, for mining ships, concentrate ships, and whatnot coming there now. It is a deep water port. Ships anchor offshore right now. Like, there could be a ship in there right now. I don't know for sure. They load logs and whatnot in there. The channel is very deep, and there are very few the navigational hazards on it. It's calm, as well.

Senator Simons: We heard yesterday that, one of the challenges with Prince Rupert, some of the witnesses told us, is that it's hard to anchor there because of the depth of the water and the hardness, I guess, of the bottom of the water. Can you talk about your port in comparison to the Prince Rupert port that way?

Mr. Pettit: Yeah, the base of the seabed in the harbour of Stewart itself is gravel, and ships anchor there, and it's calm. The winds are calm. They're always north-south, as well. There's no west-east winds because the mountains are 7,000 feet high on both sides, so it's a good anchorage.

Senator Simons: Do you have maps or visuals you could provide to the clerk for our later use? I don't mean right this second, but if you could --

Mr. Pettit: I can get them, for sure, yeah.

Senator Simons: Thank you.

Senator MacDonald: Thank you for your presentations.

Mr. Muir, that's a very interesting deck of information you have there. As somebody from the east coast, it doesn't really surprise me what's in there, actually; we're so used to managing petroleum.

Out here, we hear a lot of fear about Bill 48 in terms of the Nathan Stewart, the Queen of the North, the Simashur. Of course, none of these ships were tankers, let alone double-hulled tankers, and Bill C-48 does nothing to address anything that could happen from an incident with ships of this nature.

Do large container ships regularly ply these waters along the North Coast, and how much fuel can some of these ships hold that are single-hulled?

Mr. Muir: The traffic numbers, I'm afraid I don't have any information there, but when I looked at the specific ships that were actually calling on Prince Rupert, on the day I looked, there were bulk carriers.

Now, of course, there is a container port -- I'm sure you've seen it -- at Prince Rupert, but the largest ship -- there was a bulk carrier, the *Shoryu*, which is shown on page 19 of the presentation. That one contained 3.8 million litres of marine diesel.

Now, one thing that's happening with the IMO 2020 globally is a move away from some of the denser, dirtier marine fuels, and there will be more diesel in future, so it's not necessarily the case that the fuels, should they be spilled, would be as deleterious as they might be today. Nevertheless, 3.8 million litres of marine diesel is a lot to spill if there was an accident.

Senator MacDonald: Interesting look at your pilotage safety records. I mean, piloting is a way of life on all the major ports. We did hear some concerns from the Port of Prince Rupert and others that the government did not conduct a scientific risk analysis of the area covered by the present moratorium, or proposed ban, or the list of products banned under Bill C-48.

I'm just wondering: have you followed the government's scientific analysis leading up to their proposal of Bill C-48, and do you think that bill is adequately supported by science?

Mr. Muir: I was struck by the minister's comments to this committee that the precautionary principle seemed to be the driving force. That which could be theoretically imagined in future is what they're managing for, rather than what their own scientists and technical advisors are telling them. To me, that is a peculiar element of this whole discussion.

Senator MacDonald: Their own scientists are reticent to say too much at the table.

Senator Dasko: Mr. Muir, thank you for these beautiful maps. They are really quite stunning and I'm very happy to look at them.

Mr. Muir: You're most welcome.

Senator Dasko: They really are. Mr. Pettit, my question is for you. Yesterday, we were listening to the Mayor of Prince Rupert who came to speak to us, Mayor Brain, and he said to us that the benefits of a pipeline terminus in Prince Rupert would be minimal. He said the jobs that would be created would be about 20 jobs, and there would be no revenue benefit whatsoever for his community if a pipeline were to have a terminus -- I guess its plan would be just outside the city limits.

I was very struck with what he said, and I wonder what your comments would be about that, because he was quite clear that the actual benefits in jobs outside the initial construction period would be almost nothing, and the revenue benefits almost nothing.

I'd like your reaction to that, and also to another thing he said, which was that Prince Rupert is able to benefit now from a lot of other economic activity that's going on, lots of other opportunities that exist

now with the moratorium in place, benefits in shipping, and, of course, they've got other industries that are developing there.

I'm wondering if those are opportunities for your community right now. You're obviously taking advantage of some of them. Would there not be other opportunities now that your community has that would not be dependent on the flow of tanker traffic? I'd like your response to what he said. He was quite strong, I would say.

Mr. Pettit: Well, I think the first question was about the terminal jobs, and I'm not going to argue that there may be 20 jobs there at a terminal. That could very well be true. I always look at the jobs right -- the entire jobs for all of Canada. Twenty jobs in a place like Stewart is a lot of full-time employment. They're service jobs, as well, too. People come in to service that, so there's service companies that would come in to service that.

I don't know how they're structured. They have a port authority there. We don't. We're structured significantly, probably, different in Stewart, whereas every ton of product that goes through Stewart, a royalty is paid to the district of Stewart. Every piece of cargo that goes through our port, the district gets revenue. They would be wealthy if oil were ever to go through Stewart.

Senator Dasko: Are there opportunities for --

Mr. Pettit: Yeah, we have always wanted to be a multipurpose port. We would like to do bulk, mining, concentrate, continue to do break bulk. We would like to do all of those things, and I think there's opportunity to do all of those things. We're not anywhere near as advanced as Prince Rupert, but we are trying to get all those types of cargo. We'd like to pursue all cargo. That's all we're really asking here is to be able to pursue them, oil being one of them.

Senator Dasko: Thank you.

Senator Patterson: I, too, would like to thank Mr. Muir for the excellent information, and I would like to ask Mr. Pettit about the Port of Stewart.

You said that you can almost see Hyder, Alaska, from Stewart?

Mr. Pettit: I can see it.

Senator Patterson: I have heard proponents of the Eagle Spirit pipeline, Mr. Calvin Helin, say that, if Canada -- by the way, they're going to produce upgraded oil with a very low carbon footprint, and it will leave the heavy metal and most of the CO² in the ground.

He said that, if Canada won't allow shipment of their product from Canadian waters, they have got an MOU -- and we heard this also from another witness today -- with Alaska, and particularly with the Port of Hyder, and they will establish there, and the benefits will go to the U.S. rather than Canada. I guess the tankers would sail down the same channel that you're in, except on the U.S. side.

I guess what I'd like to ask you is this: if we were to consider a modest amendment to the exclusion zone to move the border slightly south from the Alaska border to include Stewart, and possibly a terminus on Nisga'a lands, Nisga'a Nass lands, or even Grassy Point, would that provide an opportunity that you feel C-48 right now prevents you from having, if we were to move a slight amendment of the north boundary for the moratorium zone?

Mr. Pettit: That would meet Stewart World Port's needs. I said it before, but we are on Nisga'a traditional territory. Although I would like to see it at Stewart, I would like to see others have that opportunity as well, so I'd like to see it go further south than just Stewart, but that would suit my needs. Yes, an amendment of that nature would.

Senator Patterson: Is Hyder, Alaska, a rival to your port? I did a little bit of Internet research, and it seemed like a pretty quiet place. Are they currently a competitor?

Mr. Pettit: No. They currently don't have a deep water port. They're a really good boat launch, but they don't have a port.

Senator Miville-Dechêne: This is a question for Mr. Muir. As my colleagues, I love the maps. However, I'm going to ask you more of a content question, and it has to do with risks.

This booklet shows us the risks are minimal or contained. However, we have seen oil spill coming out of double-hulled tankers. The last one is the Sanchi oil tanker collision in the China Sea. It was an Iranian tanker last year.

We've heard many witnesses yesterday and today who say they don't want any risk of oil spill. Since you seem to be good with figures and maps, can you calculate the risk for the North Coast region having tankers? I understand, if there's one pipeline, it's about one tanker a day. Can you calculate the risk of oil spill? We're talking about huge tankers, so there may be, theoretically, a huge oil spill.

Mr. Muir: Yes. That's an excellent question. One thing I did spend a lot of time on -- although I'm not an expert in risk analysis, and I'm afraid I can't provide any personal expert information on that -- in the course of researching and relating information to the public about the Trans Mountain story, I did certainly encounter a lot of expert information, including, you know, some of the realities of what is that risk.

If you look at modern tankers, they contain 12 to 14 separate compartments. If there is a problem, it's not like a bathtub suddenly loses its contents, and it's all on your neighbours downstairs. It's like having a case of beer and a bottle or two break because there's something that happens.

The phenomenon of this, I think, was documented by one of the risk assessments that was cited by the Trans Mountain proponents. I think they came to the conclusion that, given the kind of risk that exists, collisions and groundings are the main source of problems for tankers historically, and the fact that you have double hulls and compartments within double hulls, the risk in Vancouver for that worst case scenario was something like once every 2,000 years with the expanded Trans Mountain pipeline.

That's a case where, because some catastrophe results in a ship spilling some of its contents. How much content? Well, it's a portion of the load; it's not all of it in any scenario that these experts forecast. I thought that was a significant finding, once every 2,000 years for that scenario.

Again, when you look at Exxon Valdez, I know it's one that is commonly cited here, but a perspective on it is that's 30 years ago. It would still only rate as probably the 35th worst spill in the world. Because it's so well-known to us on the west coast, it's symbolic of the risk, but it's not necessarily representative of the actual risk that exists today after 30 years of it.

Senator Miville-Dechêne: However, there is a risk is what I'm getting at. There is a risk.

Mr. Muir: Well, I don't think anyone would ever come to you and say there's no risk of things, absolutely.

Senator Miville-Dechêne: Okay. Thank you.

The Chair: Mr. Smith, you talked about the tourism industry and the eco-tourism industry on the west coast. People come from all over the world. How do they get here?

Mr. Smith: They fly, of course.

The Chair: Exactly. They come by boat. They come by car. They fly. They use the oil industry. I come from Saskatchewan. We have another senator here from Alberta. I haven't heard too much about Canada. Actually, the first time was Mr. Pettit who actually talked about the country.

How would Alberta and Saskatchewan get their oil out of the country if they can't get it out on the west coast? Do they carry it somewhere or what?

Mr. Smith: Well, I feel I've been put on the spot a little bit with that one.

Senator MacDonald: Well, you're making the statement that you don't want anybody to be -- they don't want any tankers out, so I'm saying, how does Alberta and Saskatchewan get their oil out?

Mr. Smith: To be clear, what I'm saying is we have a world-class economy right now with this tanker moratorium in place, and it's developed. There's employment. It's, you know, a gem of an industry, it's sustainable, and we're talking about the threats to that and that way of life and all of the people in it.

Senator MacDonald: I've been on holidays on the east coast, Cape Breton, probably one of the greatest drives in the world. It ranks as one of the greatest drives in the world, along with the Vancouver-Whistler drive, and some of us --

Senator Smith: There's Terrace.

Senator MacDonald: Well, Terrace is not a bad drive, either. I'm just saying, I mean, I was there once for a week. Another time I was there for a few days. I never, ever saw a tanker, actually, but there are a lot of tankers that haul oil into Canada because we can't get it out.

Mr. Smith: I think it's interesting that you, you know, reference the drives along those other places in Canada. What makes the Great Bear Rainforest in Haida Gwaii, especially the Gwaii Haanas National Park Reserve and Haida Heritage Site and Marine Conservation Area, so special is there are no roads. They are unique in that they are still functioning wilderness.

There are small coastal villages, and our friends in these coastal villages, the Gitga'at, the Kitasoo Xaixais, the Heiltsuk, the Haida, they have lived there for 14,000 years plus, and we have these beautiful protocol agreements to travel respectfully into their traditional territories, and there are no roads. The only people --

Senator MacDonald: Travel by boat.

Mr. Smith: Yeah, by boat. It's like a Galápagos cruise. The Galápagos is another part of the world that doesn't have oil tankers, and it works that way.

Senator Gagné: I've been to the Galápagos, and I believe that they're not allowed since there was an oil -- there was a spill. I just wanted to mention that.

The Coastal First Nations Great Bear Initiative commissioned an environmental and economic assessment of the development of the Pacific North Coast to identify, you know, the economic, traditional, and subsistence activities in the region, and also to evaluate the impacts of an oil spill on these First Nations commercial and traditional activities. The analysis completed by the Coastal First Nations identified that the costs of one oil spill could exceed the benefits derived to the community over a project's lifetime.

I was wondering if you have read this analysis, and if you're able to comment on that particular finding?

Mr. Smith: I'll just comment briefly that the Coastal First Nations, who, again, allow us to travel in their traditional territories, their entire existence is completely tied up with the coast and the healthy coast, from the harvesting of their foods to their cultures and traditions, and I absolutely have no doubt in those findings from the Coastal First Nations that one oil spill, with the kind of currents that would drive north, west, south, east, up and down the channels on this coast, would have a disastrous impact.

Mr. Muir: The Exxon Valdez incident, when I looked into it a little further -- and I didn't bring any details on this, but since you've asked the question -- one year after, the local tourism had increased. I don't know why. I mean, it sounds counterintuitive.

One of the things that having localized involvement in a spill management regime, such as we're seeing down in the Georgia Strait, whether it's Nanaimo or Beecher Bay, the opportunity for First Nations to be part of the spill regime -- I know there are those who say, "Oh, there are no jobs in this," which I don't think is true, but there clearly are jobs in having the ability to be part of maritime response regimes from First Nations.

Whether it's to deal with Nathan E. Stewart types of risk or other kinds of risk, we look at what's happened in Valdez since the Exxon Valdez disaster. There's a local regional response community that

has grown up. They have capacity. They have funding. They have the ability to, over time, apply local expertise.

We heard from Chief Slett, or you heard from Chief Slett, and those who watch your proceedings heard of her idea of having some sort of Aboriginal safety response capacity on the coast. It seems to me that's a terrific idea. Why can't we make part of the reconciliation agenda that of having the ability to be high capacity on the maritime front, whether it's to move tourists to go look at grizzlies or whether it's to be there for a spill incident where there is a risk of that?

Either way, you've got people who are equipped with the boats and all the paraphernalia and the expertise and the intergenerational hope of having long-term jobs in communities where jobs are extremely scarce, especially non-seasonal ones.

Turning this risk and this problem into an opportunity, it seems to me not to be farfetched, based on lived experience.

The Chair: If you have a short question.

Senator Miville-Dechêne: This question has been posed to many environmental groups here on the committee. With all respect, I would like for you to tell us how you are financed. How the group, Resources Work Society, who finances it?

Mr. Muir: Yes. As we like to tell the public, we are funding by industry. We were --

Senator Miville-Dechêne: Industry?

Mr. Muir: Industry, yes.

Senator Miville-Dechêne: Which industry?

Mr. Muir: By the natural resource industry, so we have oil and gas; we have forestry; we have mining; in the past, we've had agriculture; we have had transportation of resources. All of these.

Senator Miville-Dechêne: How do you ensure independence, considering the funding?

Mr. Muir: As we like to say, it's not where the dollar comes from; it's how we use it. I have a board that I report to. We are a British Columbia registered non-profit society. I am accountable as executive director to my board, and we seek to be factual in our information. We have a point-of-view, and we are not shy about that.

Senator Miville-Dechêne: Thank you.

The Chair: I have a short question. Many supporters of the bill believe that Asia is transitioning to renewable resources of power and that, in the near future, their demand for fossil fuels will decline. What's your perspective on the future demand for energy, not only here, but in the Asia Pacific region, Mr. Muir?

Mr. Muir: Well, if we look at the most austere reduction in GHG emissions to mid-century that will meet the targets of 1.5 or 2 degrees, getting there still entails a minimum of \$25 trillion in oil and gas investment. Part of the reason for that is the decline rate in wells; you always have to keep drilling to keep ahead. Also, we need to move things around, and that's infrastructure.

It's a bit of a fantasy for those who think we can, you know, wish this reliance on hydrocarbons away, because it's not what the expert information is telling us.

On the higher side, it may be that up to \$70 trillion U.S. is going to be needed for this. As we see the escape from energy poverty of India as the big story of the mid-century, and China being maybe a little closer to us, the need those countries have to source their hydrocarbon products responsibly -- they, too, have climate obligations. They, too, have political systems in which they must operate. They're different ones, obviously, and they will seek to supply their citizens first with what is expected.

Without this kind of energy, you can't have a modern economy, even as you diversify. I don't think there's any contradiction at all in embracing energy diversification in renewables. This totally makes sense, but at the same time, we have to recognize that, by mid-century, even with a rush away from intense hydrocarbon reliance like now, we won't really have reduced our dependence all that much on this. How do we get it safely to where it needs to be?

The Chair: Thank you very much. It's been another good session we've had. I really like this map, too.

(The committee adjourned.)