WORKSHOP SUMMARY:
Lessons from the Simushir
May 12–13, 2015
Skidegate, Haida Gwaii
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About this Report

On May 12 and 13, 2015 the Council of the Haida Nation convened an important two-day workshop: Lessons from the Simushir at the Haida Heritage Centre at Kay Llnagaay in Skidegate, BC.

Participants at Lessons from the Simushir reviewed the Simushir incident, a near miss involving a Russian cargo ship that came dangerously close to going aground and causing a major oil spill on the west coast of Haida Gwaii.

The incident was a stark reminder of the need for ongoing planning and action to protect our coast and marine resources over the long term. Shipping dialogue in BC over the past few years has focused on new potential exports such as Liquified Natural Gas and oil. The Simushir brought to the forefront the readiness of the system to respond to existing shipping and provides the opportunity for decision-makers to learn from this incident and take meaningful actions to prevent future accidents such as this from occurring. With this backdrop, Lessons from the Simushir opened up a dialogue between invited policy makers and technical representatives from the Haida Nation as well as other coastal Nations, federal and provincial government staff, and internationally recognized experts in areas of marine shipping and emergency response.

The workshop consisted of four sessions: a welcome by President of the Haida Nation, Peter Lantin, and a panel style presentation by individuals who were involved in the Simushir incident response. This was followed by sessions around the themes of accident prevention, emergency response and community engagement.

This report summarizes the activities and conversations that took place at Lessons from the Simushir, and outlines recommended actions for improving the current accident prevention and emergency response system in place for major vessels transiting the waters in proximity to Haida Gwaii.
Purpose of the Workshop

*Lessons from the Simushir* was organized by the Council of the Haida Nation with the financial support of Major Projects West of Natural Resources Canada. The workshop was planned by a working group made up of staff from the Haida Nation, Canadian Coast Guard, BC Ministry of Environment (Environmental Emergency Program), Transport Canada, Major Projects West (Natural Resources Canada) and Copper Moon Communications. The purpose of the workshop was twofold:

1. Review the Simushir incident and identify lessons learned.
2. Apply lessons to the current accident prevention and emergency response system.

Format for Engagement

The workshop brought together a diverse group of over sixty policy-makers and technical experts from coastal First Nations, federal and provincial agencies, and non-governmental organizations. Participants at the workshop were invited to play an active role, using their knowledge and expertise to advance the dialogue towards tangible actions.

The following is a breakdown of participant affiliations:

<table>
<thead>
<tr>
<th>Affiliation</th>
<th>Count</th>
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<tbody>
<tr>
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<tr>
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<td>11</td>
</tr>
<tr>
<td>Federal, Provincial, Municipal or Regional Government Representative</td>
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</tr>
<tr>
<td>Representative of a Non-Government Organization</td>
<td>2</td>
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<td><strong>68</strong></td>
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</tbody>
</table>

Over the course of the two-day workshop, participants learned about, discussed and proposed actions related to each of three themes:

» Accident Prevention

» Emergency Response

» Community Engagement

A keynote presentation introduced workshop participants to each theme, after which participants broke into smaller breakout groups to explore the theme in more detail and identify issues and potential actions related to a given sub-theme. The groups recorded their top issues and actions for inclusion in this report.
Context Setting

Welcome by Peter Lantin

*Lessons from the Simushir* opened with a welcome from Peter Lantin, President of the Haida Nation. Peter welcomed participants to Haida Territory¹ and thanked them for taking the time to be a part of this important conversation.

Peter explained the rationale for holding the workshop in Haida Gwaii, highlighting that over 52% of the archipelago is protected land and that the residents of Haida Gwaii need to be at the table and top of mind. He described the residents of Haida Gwaii as having an inherent belief that they need to protect the land; without having to contemplate this role or this duty, the people of Haida Gwaii understand that if ever the islands were threatened, they would act.

He urged participants to remember that the situation surrounding the near miss that occurred in October 2014 is the same situation as today. If a similar incident were to occur today, we would be no better prepared – there is still a lot of work to be done. This workshop is just a first step.

Peter closed by highlighting that vessel traffic around Haida territory is increasing each year. It is essential to examine roles and responsibilities related to improving the marine safety system, while accounting for the perspectives of local people and the importance of protecting the valued natural resources of Haida Gwaii.

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¹ Haida Territory is described in the Haida Nation Constitution and the map in the Statement of Claim to Canada [http://www.haidanation.ca/Pages/history/images/gallery/images/photos/Boundary-Big.jpg](http://www.haidanation.ca/Pages/history/images/gallery/images/photos/Boundary-Big.jpg). The use of the terms Canada or BC waters in this document doesn’t reflect the acceptance by the Haida Nation of Canada’s claims or boundaries.
Simushir Incident Commanders Panel: Experience and Perspectives

To help set the stage for two days of informed and productive dialogue, the Council of the Haida Nation invited individuals who were involved as Incident Commanders during the Simushir incident to share their story:

- Philip Murdock, Superintendent, Environmental Response at Canadian Coast Guard
- Norm Fallows, Senior Emergency Response Officer with BC Ministry of Environment’s Environmental Emergency Program (EEP);
- Peter Lantin, President of the Haida Nation; and
- Randy Henry, Gulf Coast Response Manager, Gallagher Marine Systems LLC.

Incident Synopsis

As described in the Discussion Guide prepared for the workshop, the Simushir lost power about 20.5 nautical miles off the west coast of Haida Gwaii shortly before midnight on October 16, 2015 while a major storm was progressing. An alert officer at the Marine Traffic and Services Coordination Centre in Prince Rupert contacted the ship after he noticed on the Automatic Information System that the ship had stopped and appeared to be drifting. The ship responded but within an hour requested assistance as the crew had been unable to effect repairs and the ship was rolling in heavy seas. The 130 m Simushir had eleven persons on board. It was carrying mining supplies and had 472 tonnes of bunker fuel and 59 tonnes of diesel aboard. At 0130 am the Joint Rescue Coordination Centre (JRCC) dispatched the Canadian Coast Guard Ship Gordon Reid to the scene with an estimated arrival time of 0300 pm. Another cargo vessel, MV North Star in the vicinity was requested to stand by and provide lee to the vessel.

The situation escalated when at 0210 on October 17 the JRCC estimated that the disabled ship would reach the shore within five hours. As a result the JRCC continued to prepare for a possible crew evacuation and began to prepare for a potential oil spill. The ship’s agent confirmed about 0510 that a tug of opportunity, the Barbara Foss, was engaged under contract from Prince Rupert but would take 40 hours to arrive at the scene. Another complication later in the morning was that the captain was found to be severely injured and the remaining crew was limited in their ability to communicate in English.

The Gordon Reid arrived on scene at 1515 on October 17 and after breaking two towlines was able to use one of the ship’s tie-up lines to begin to tow the ship slowly away from the shore at 1.5 knots. At its closest point the Simushir came within 5.6 nautical miles of shore.
The CCG vessel Sir Wilfrid Laurier and USCG vessel Spar arrived on the scene about 0330 October 18. The Barbara Foss arrived at 1639 October 18 and took the Simushir under tow to Prince Rupert. The course of the vessel is shown in Figure 1.

The incident command team described their role in responding to the incident including the decision in the late afternoon of October 17 to mobilize to establish an Incident Command Post in Queen Charlotte.

Canadian Coast Guard Perspective

Philip Murdock began by clarifying the Canadian Coast Guard (CCG)’s role as a special agency that works under Fisheries and Oceans Canada (DFO). Distinct from Transport Canada, which plays more of a regulatory role, the CCG’s focus is on operations in relation to marine communications and traffic services, search and rescue, aids to navigation, and environmental response.

Philip explained that the Simushir incident, at its peak, was a search and rescue operation; it was never considered an environmental response. That said, considering the obvious seriousness of the potential consequences had the vessel drifted ashore, the CCG took the incident extremely seriously and prepared for the worst-case scenario.

Upon learning of the incident on October 17th, the CCG assigned staff in Victoria and Prince Rupert to prepare equipment for the possible deployment aboard a CCG vessel – from Victoria the vessel would have been the Bartlett. From Prince Rupert CCG staff would have boarded and equipped the Sir Wilfred Laurier which had been diverted towards Haida Gwaii from the West Coast of Vancouver Island. CCG also promptly called the Western Canada Marine Response Corporation (WCMRC) to inform them of the situation and notify them that their involvement may be required; WCMRC is the Transport Canada-certified response organization for Western Canada.

The response process from Philip’s perspective was not without its challenges. One of the challenges was that the Simushir was in transit and its destination was outside of Canada. Because the Simushir was not calling upon a Canadian port, there was no requirement for an arrangement between the vessel owners and a Canadian response organization. Despite taking longer than anticipated, the CCG was able to have the ship owners sign an agreement with WCMRC, avoiding the need to direct WCMRC to respond without an arrangement in place.

Another challenge concerned the Barbara Foss, the tug of opportunity that was dispatched from Prince Rupert. Although Philip felt as though he could not speak directly to challenges
associated with the tug, he acknowledged there were some delays. Fortunately the Barbara Foss did eventually arrive at the incident and was able to provide assistance.

Late in the day of October 17, the CCG decided to set up an Incident Command post on Haida Gwaii. They arrived the following afternoon, and set up a post at the BC Ministry of Forests, Lands and Natural Resource Operations office in Queen Charlotte. They discussed next steps with the Council of the Haida Nation and other agencies, and fortunately the situation never escalated to a point that required the operationalization of an Incident Command System. Still, the incident was an important learning opportunity for the CCG and others to increase their understanding of how Incident Command Systems work in emergency circumstances.

BC Ministry of Environment Perspective

Norm Fallows represented the BC Ministry of Environment, the lead provincial agency for hazardous material spills.

From Norm’s perspective and the perspective of his colleagues, it was clear from the start that this incident could have major consequences. They knew that having a physical presence on Haida Gwaii was essential for an effective response. He was appointed Incident Commander for the Province, and in that role his first priority was deciding where to set up an Incident Command post. He contacted his counterpart at the Ministry of Forests, Lands and Natural Resource Operations who welcomed him to their offices. Norm noted the province’s preference is to co-locate with the federal government and responsible party as close to the incident as possible, provided the infrastructure is available.

After identifying the command post, Norm began mobilizing a provincial incident management team including specialists in areas such as waste management, wildlife and shoreline protection. Although the CCG vessel Gordon Reid eventually managed to successfully secure a tow line on the Simushir, Norm considered it important for his team to arrive on Haida Gwaii. Similar to the CCG, Norm considered the incident a valuable training opportunity – a chance to educate personnel about the Incident Command System and, specifically, the concept of Unified Command.

Haida Nation Perspective

Peter Lantin returned to the podium, this time to help build understanding about the Haida perspective at the time of the incident.

He explained that shipping is a policy area that the Haida Nation has historically had difficulty with, mostly due to jurisdictional issues with the federal government. This, he explained,
related to different perspectives on the best path forward through reconciliation. Haida Gwaii is the traditional territory of the Haida Nation, and the Nation has a responsibility to protect the land and the coast. They do not believe that treaty is an appropriate mechanism for discussing title and because the government’s mandate is limited to that discussion, Peter explained that it has been very difficult to move forward towards reconciliation.

Although there have been positive steps towards reconciliation, outside of the treaty conversation - highlighting the 2010 Gwaii Haanas Marine Agreement and the designation of Gwaii Haanas as a National Marine Conservation Area Reserve– he reminded participants that the issue of shipping has still not been addressed by the Government of Canada and the Haida Nation in a meaningful way.

Speaking to the incident specifically, Peter called it “a brutal eye-opening experience for us.” It was an “awakening” as it demonstrated to the Haida Nation that they cannot wait any longer to address the issue of vessel traffic in Haida Gwaii waters.

The morning of the incident had been the last day of the Haida Nation’s House of Assembly. When they received the call about the Simushir they contemplated whether to continue as planned or cancel the assembly. They decided to immediately set up their own command centre, including local knowledge holders and marine experts.

They told the assembly that the session was adjourned. But rather than return home, everyone who had gathered stayed. Not only that, more people began to arrive. Elders offered to make sandwiches, community members turned up asking what they could do to help. Peter said, “you could really see the sense of duty from all walks of life on Haida Gwaii”.

At this point the Haida Nation started to engage in conversation with the federal government, particularly the CCG and Parks Canada. Generally they were happy with how the authorities responded, acknowledging that the Haida Nation representatives were treated as decision makers and not as a mere stakeholders. At the same time, as the incident progressed, the Nation realized this could not be happening in a worse possible place. The shoreline on Haida Gwaii’s west coast is rugged, the bottom drops off dramatically, and the vessel was drifting just west of the internationally recognized Gwaii Haanas Haida Heritage Site and National Marine Conservation Area Reserve.

Peter expressed the sense of relief that was felt when the Gordon Reid crew was able to put a tow line aboard the Simushir, and concluded with a list of 12 items requiring improvement:

1. **Prevention is the Priority.** Prevention needs to come first given the remote location and challenges with oil spill response. Additional CCG assets are needed to improve response times.
2. **Safe Distance Offshore.** The recommended distance offshore of 25 nautical miles is inadequate for transiting vessels and needs to be 50 to 100 miles based on past studies.

3. **Rescue Tugs.** There is a need for rescue tugs that are capable of severe weather rescue to be stationed in northern BC including on Haida Gwaii.

4. **Salvage.** Deployment for salvage could take weeks and would need to come from the US. Ability for lightering of fuel is essential to reduce potential environmental impacts.

5. **System Oversight.** First Nations involvement is essential, particularly in guiding regional investments in accident prevention and preparedness.

6. **Coordination Centres.** It makes no sense to move coordination and decision-making for emergencies from the west coast to eastern Canada as is currently being considered. Local and regional knowledge and coordination are essential for effective response.

7. **Places of Refuge.** Several potential places of refuge were discussed as the incident unfolded. Pre-planning is needed so that these decisions are not made in the heat of the moment. CHN and Transport Canada are taking initial steps in this direction.

8. **Information Sharing.** Protocols are needed for how sensitive information can be shared.

9. **Unified Command.** First Nations, and specifically the Haida Nation, are ready to engage in decision-making but a lot of work is needed to build trust and relationships with other government agencies.

10. **Geographic Response Plans.** Development of oil spill response plans is a priority for the Haida Nation and BC.

11. **New Regional Investments.** Investments are needed to ensure emergency response capacity and coastal planning and management is on par with investments in shipping and port development in northern BC.

12. **Polluter Pay and Role of the Responsible Party.** In the case of the Simushir, the current system may have hindered rapid deployment of a tug and engagement of the oil spill response organization. Both are critical in emergency circumstances.

Peter highlighted that the Simushir incident was a “near miss”. Fortunately the weather abated, the Gordon Reid arrived before the ship reached the shore, and the Simushir was a relatively small cargo vessel that could be handled by the Gordon Reid. This is an opportunity to learn from what could have been a major disaster on Haida Gwaii.
Responsible Party Perspective

The fourth and final panellist, Randy Henry, shared his perspective as the representative of the ship owner and someone outside of the Canadian system. He started by recalling the gravity of the situation, and suggested that a “near miss” was something of an understatement.

Randy acknowledged: “This was about the worst kind of scenario you could get. The weather was not cooperating, you have really rugged terrain, and there were challenges trying to get to the scene in any kind of vessel, much less with response equipment.” He later said that he has the utmost respect for the Canadian team members who handled the response in these conditions.

Randy’s first task was to coordinate a response agreement between the primary responder (WCMRC) and the Simushir, which Gallagher Marine Systems represented. He described the potential difficulty of working with any foreign vessel owner due to concerns about costs and the urgency to sign an agreement as the incident was occurring. Fortunately, his team was successful in relatively short order.

Reflecting on this experience and others, Randy highlighted the communications challenges that surround an incident like this. With so much information coming in, the need to disseminate it quickly, and the benefits of understanding stakeholder perspectives, he said clear lines of communication are essential. He explained how toll-free hotlines have been used effectively in the past to respond to the questions and relieve some of the pressures on the command centre, and suggested this should be set up immediately in the case of another incident.

Figure 1. Position of Simushir during the incident from AIS (adapted from CCG M/V Simushir After Action Report December 2014)
Accident Prevention

To open the discussion on the issue of accident prevention, Captain John Veentjer, Executive Director of the Marine Exchange of Puget Sound, and Chad Bowechop, Office of Marine Affairs of the Makah Tribal Council, shared some of their experiences and insights related to accident prevention.

Captain John Veentjer

Captain Veentjer described accident prevention measures including the vessel tracking system for the Puget Sound area funded by the Marine Exchange membership and the response tug located at Neah Bay funded by industry. He is a retired U.S. Coast Guard Captain and the current Executive Director of the Marine Exchange of Puget Sound, a non-profit organization providing services for its shipping industry members.

Real-time vessel tracking in Puget Sound by the Marine Exchange takes advantage of the Automated Identification System (AIS). The Puget Sound Marine Exchange maintains 8 shore-based receivers sites to provide timely positions of vessel traffic.

The Emergency Response Towing Vessel (ERTV) at Neah Bay was originally funded by the federal and state governments. This changed in July 2010 when Washington legislation went into effect requiring each Covered Vessel (as specified in the legislation) transiting to and from Washington ports through the Strait of Juan de Fuca to have an emergency response towing vessel in Neah Bay, which essentially made industry responsible for funding. The ERTV Compliance Group through the Puget Sound Marine Exchange provides the mechanism for ship owners to share in the cost of maintaining a tug in Neah Bay at a cost of approximately $3 million per year.

The tug is available to be contracted by any other vessels that need assistance, regardless of where the vessel is bound (for more information see www.marexps.com).

Captain Veentjer briefly described the variety of international, federal and other standards in place to ensure safe shipping. These include: vessel traffic systems; vessel monitoring, inspections and enforcement (including Port State Control to ensure that vessels meet standards); tug escorts; coastal pilots; double hull requirements for tankers and cargo vessel fuel tanks; navigational aids; and harbour safety plans. The Harbour Safety Plan for Puget Sound provides Standards of Care over and above regulatory requirements. The Harbour Safety Committee advises on plans and is made up of industry, US Tribes, the US Coast Guard, Washington State, the Maritime Administration and other stakeholders.

Standards of Care are voluntary and unenforceable standards. But if a vessel were to be involved in an accident and end up in court subject to legal action, failure to have abided
by known standards of care would likely reinforce the legal action. The Standards of Care generally take best known practices into account. For example, a Pacific States/BC Oil Spill Task Force vessel traffic study that was done 13 years ago recommended vessels stay 25 miles off shore and loaded tankers stay 50 miles offshore – and these recommendations have now become Standards of Care\(^2\). These voluntary measures and minimum distances from shore are shown as notes on US charts and published in the US Coast Pilot, a series of nautical guides. Communication of standards of care to mariners is critical. It was noted that the Simushir was closer to shore than recommended by the Task Force.

The Alaska Network ([www.ak-mprn.com](http://www.ak-mprn.com)) provides a means for vessels transiting Alaska (within 200 nautical miles) to meet alternative standards for marine emergency response required by US law since 2013. Costs are shared by approximately 2000 vessels. An AIS network including terrestrial and satellite AIS receivers, is utilized to track vessels. Vessels agree to stay a certain distance offshore and intervention occurs when the course of a vessel deviates from the norm. Captain Veentjer suggested that a similar system would be worth exploring for the west coast of Haida Gwaii.

While the Canadian and American systems are not identical, they are comparable. Both are governed by international rules and regulations as well as their own domestic rules, and both have great safety records. They share in the operation of a cooperative vessel traffic service covering the boundary waters between the US and Canada.

He concluded by highlighting that while it is important to have response capability, he believes that money and effort should be concentrated on prevention.

### Chad Bowechop

Chad Bowechop shared the story of how the Makah Tribe have engaged in accident prevention and response in their Treaty area that includes portions of the Strait of Juan de Fuca and the west coast of Washington. He is the manager at the Office of Marine Affairs of the Makah Tribal Council. He described their experience working to prevent oil pollution in and around the Makah treaty area working with federal, state and industry partners.

The Makah is the southern-most band of the Nuu-chah-nulth, governed by the 1855 Treaty of Neah Bay. The Makah are actively involved in accident prevention and response because over one million gallons of oil have been spilled in their treaty area in the past.

Chad said that the Tenyo Maru Spill in the early 1990s “taught us we were woefully underprepared to respond to an oil spill.” The Makah worked to develop a closer

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relationship with the US Coast Guard and was successful in negotiating a Memorandum of Understanding on oil pollution and shipping safety. The MOU provides a framework for formally interacting with the Coast Guard and identifies a work list and annual activities that Makah Tribal Council will conduct with the Coast Guard. It is based on an understanding of where the Coast Guard mandate overlaps with their trust responsibility for Makah ocean resources.

An important step for the Makah was to understand the Coast Guard’s operational mandate. Chad explained that, initially, the Makah were not speaking the same language as government and industry, which made it difficult to relate interests. By developing a common operational understanding, the Makah developed the ability to consult with the Coast Guard at an effective government to government level and meet their trust responsibilities to each other. The Makah were also involved in the preparation of the Oil Pollution Act of 1990 that enabled the Coast Guard to develop a formal partnership with the Makah through a Memorandum of Agreement.

The Makah receives funding from the US Environmental Protection Agency to participate in oil spill contingency planning with state and federal agencies. They also engage in collaborative risk assessments for shipping. Current discussions have focused on moving the port boundary from Port Angeles to Neah Bay and comparing US and Canada traffic studies. The latter considers the risks of new projects such as the proposed expansion of the Kinder Morgan oil pipeline in Canada.

The other important lesson Chad shared was the realization that people and organizations need to work together on these issues. He emphasized that progress has been incremental for the Makah. Working collaboratively has been the key to effectively champion and advance interests. For the Makah, this has meant being careful to not be too incident specific but rather to take the opportunity to think broadly and build a strong foundation based on collaboration.

**Actions for Improving Accident Prevention**

Following the keynote presentations, participants broke into small breakout group sessions to discuss the following topics: incident command and communications, system oversight and assessment, management of shipping routes, places of refuge, rescue tugs and emergency towing, and finally salvage. Breakout groups were prompted to write down three priority actions related to their assigned topic. A brief context is provided for each topic that was drawn from the discussion guide for the workshop or other materials contributed by presenters, CHN staff or agency staff.

Following are the key actions or suggestions for improving accident prevention in the Haida Gwaii region.
Incident Command and Communications

CONTEXT FOR THE DIALOGUE

The representatives on the Incident Commander Panel at Lessons from the Simushir described their experience with the Incident Command System (ICS) and Unified Command (UC) during the early stages of the Simushir Incident. ICS is best understood as a methodology, or a tool, used to structure and organize incident response. It has a hierarchical structure that is scalable and adaptable to incidents that have a wide range of size and complexity. This flexible command, control, and coordination structure is applicable to a wide variety of incident responses, including environmental response and maritime incidents. Further, it promotes inter-operability with other organizations such as federal, provincial, territorial and international partners, and response organizations.

The use and application of ICS has evolved since it was first developed in the 1980s, and is now widely used throughout North America by first response agencies, industry, and other public safety organizations such as the US Federal Emergency Management Agency (FEMA), and the US Coast Guard (USCG). The CCG has been using ICS since 2013.

Benefits of adopting ICS for emergency management include:

» Increases the ability to work jointly with other emergency responders who currently use ICS;
» Includes other parties in decision-making, planning and response of marine pollution incidents in a predictable and structured way; and
» Better enables agencies and others to be prepared to respond to complex incidents.

Although a single Incident Commander normally handles the command function, an ICS organization may be expanded into a UC. For marine pollution incidents (including emergencies that could lead to an oil spill) UC is typically established with representation from federal, provincial, First Nation and shipowners. A single incident command may be assigned but decision-making is undertaken through a consensus.
The following actions focusing on the experience in Haida Gwaii were identified by breakout group participants:

» Identify Haida and other First Nations representatives for ICS in advance of an incident (to be done internally).

» Develop sustained and incremental training and exercises for everyone involved in ICS, including educational and outreach materials.

» Develop a Haida Gwaii communications plan, including a notifications contact list.

» Clarify roles and responsibilities associated with ICS, especially UC.

» Develop ways to make the federal system more flexible to accommodate ICS.

» Develop more human resource capacity within the CCG.

Barriers and constraints to implementation of ICS and UC are:

» Agencies and organizations may not be clear on their mandates.

» It takes time, relationships and commitment to reach consensus on issues.

» Funding is required, particularly for First Nations who do not derive financial benefits from the marine sector.
System Oversight and Assessment

**CONTEXT FOR THE DIALOGUE**

Both government and the public have a role in the oversight and assessment of accident prevention and preparedness levels. This provides opportunities for sharing information and different perspectives. Effective management of shipping is complicated because many of the regulations and standards are established internationally. Canada is one of the 171 member countries in the International Maritime Organization (IMO). Member countries of the IMO develop the conventions and then, as is the case for Canada, incorporate elements of the conventions as part of national law.

There are over fifty IMO Conventions covering a range of topics. The Marine Liability Act and the Canada Shipping Act, 2001 implement some of these conventions in Canadian maritime law. These include:

1. Safety of Life At Sea (SOLAS), that specifies minimum standards for construction, equipment and operation of ships;
2. Prevention of Pollution from Ships (MARPOL), that sets limits on discharges from routine vessel operations; and
3. Standards of Training, Certification and Watchkeeping for Seafarers (STCW), that establishes basic requirements for vessel crew training and certification.

Canadian maritime laws apply to all vessels operating in Canadian waters and to Canadian vessels worldwide.

The following actions were identified by breakout group participants:

- Develop clear protocols and lines of communication among all parties, including between and with vessels. In the case of an emergency, notify all affected parties and develop strong linkages to those involved in response.
- Conduct a gap analysis of accident prevention issues including identifying AIS blind spots and issues related to emergency towing.
- Conduct an analysis of possible tools, incentives and routing requirements to encourage/require ships to transit further offshore.
» Create a Pacific Risk Mitigation Zone to encourage all vessels to transit 50 nm offshore. This buffer is similar to measures established by Alaska for the Aleutian Islands (www.aleutianriskassessment.com) and endorsed by the International Maritime Organization.

» Implement a network of agencies to manage and oversee shipping that addresses both the federal and First Nation roles.

Barriers and challenges to making these changes were also identified. They include:

» Political will and the ability to make regulatory changes.

» Funding and resources.

» Building trust and developing relationships.

» Engaging a broad range of interested parties.

» Lack of requirements for investigations of all incidents including near misses.

» Lessons learned are not always shared or communicated and lack of transparency about how they are applied and change future decision-making.

Vessel Traffic Management and Shipping Routes

CONTEXT FOR THE DIALOGUE

Haida Gwaii lies on the Great Circle route between Asia and North America which results in regular shipping traffic along the west coast of the archipelago. Vessel traffic is also increasing in northern BC, particularly to and from the ports of Prince Rupert and Kitimat. The inside waters of Haida Gwaii are within the Pacific Marine Pilotage Zone but ships transiting offshore are not required to carry pilots. A variety of requirements ensure the safe operation of vessels at sea. The use of technology in marine activities has proved vital in helping to reduce human error and the occurrence of incidents and spills worldwide. For example, the CCG provides a wide range of devices or systems, external to a vessel, to help mariners determine position and course. These systems help to warn of dangers and obstructions, and can mark the location of preferred routes.

When a vessel enters Canadian waters, a variety of measures take effect to ensure the safe passage of vessels. These include:

» Requiring experienced marine pilots with local waterway knowledge to board ships and help them sail safely through coastal waters.

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Aerial surveillance of ships in Canadian waters by aircraft under the National Aerial Surveillance Program, equipped with a suite of remote sensing equipment that can detect as little as a litre of oil on the surface of the water.

Detailed inspections by Transport Canada on arrival at a Canadian port. Canada, along with many other nations, is a member of the Port State Control program, that allows inspectors to board and inspect foreign vessels at Canadian ports to ensure they comply with domestic regulations and international standards. Vessels that do not meet safety standards may be detained until their deficiencies are corrected. These inspections are Canada’s primary tool to monitor and enforce compliance with marine laws.

The findings of a 2002 Offshore Risk Management Study by the Pacific States/ BC Oil Spill Task Force and the US Coast Guard are relevant to the Simushir incident. The report examined the risk of collisions or drift grounding caused by vessel traffic transiting three to 300 nautical miles off the West Coast between Cook Inlet in the North and San Diego in the South by considering response times for ocean-going tugs based on their home port of operation. Vessels of concern included tankers, cargo/passenger, and fishing vessels of 300 gross tons or larger. The high risk area extends up to 100 nautical miles offshore for Haida Gwaii as shown in Figure 2 below. For areas with a “high tug availability risk factor” the study recommended consideration of improved towing capability is discussed in more detail in the section on “Rescue Tugs and Emergency Towing” below.

![Figure 2: Risk zones from analysis of worst case accident scenarios.](image)

Higher risk areas for BC due mainly to the lack of rescue tugs at homeports in the area. Red shows average case drift rates. Yellow shows worst case drift rates. Distances in miles.


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Shipping traffic for offshore oil tankers is guided by a voluntary tanker exclusion zone as shown in Figure 3. This voluntary exclusion zone only applies to loaded oil tankers servicing the Trans-Alaska Pipeline System between Valdez, Alaska, and Puget Sound, Washington. This zone does not apply to tankers travelling to or from BC ports, or other shipping traffic such as container ships and cargo vessels.

Figure 3. Voluntary Tanker Exclusion Zone.
Distances in miles.
Source: Canadian Coast Guard website.
Distances added.

The following actions were identified by breakout group participants:

» Prioritize accident prevention on the west coast of Haida Gwaii as the ability to respond to an incident is very limited.

» Create buffer zones to better manage shipping traffic that include the following:
  • Mandatory buffers 25 nm from the west coast of Haida Gwaii.
  • Voluntary buffers at a distance offshore determined by risk assessment and response capacity.

» Develop more effective land-based AIS coverage and mechanisms to monitor activities in Pacific North Coast waters.

» Enforce existing regulations such as ship inspections in Canadian ports and requirements that ships in territorial waters have an English speaker aboard the vessel.
Barriers and challenges to successful implementation include:

» Limited regulatory authority beyond the twelve nautical mile boundary of the territorial sea.

Places of Refuge

CONTEXT FOR THE DIALOGUE

A Place of Refuge is a place where a ship in need of assistance can take action to stabilize its condition, reduce hazards to navigation, and/or protect human life and the environment. It is important to note that this is not the same as a vessel in distress, which would be treated as a search and rescue (SAR) mission. A Place of Refuge is requested by the ship’s captain. Canada currently has both a National Places of Refuge Contingency Plan and a Pacific Region Places of Refuge Contingency Plan but has done limited evaluation of potential sites. During the Simushir incident several potential Places of Refuge were discussed, with the vessel finally being towed by tug to Prince Rupert for repairs.

At the time of the workshop the Pacific Places of Refuge Contingency Plan (PORCP) was under review as a result of the Simushir Incident. The review aims to improve decisions on places of refuge and communications between the different levels of government and regional authorities. The review will reconsider the information used in the decision-making process. Further, the Pacific PORCP will include greater scrutiny of potential places of refuge, including navigational criteria (shelter and suitability for anchorage, access to support facilities), environmental and culturally sensitive areas, and socio-economic factors.

Transport Canada is the lead agency for the federal government in Places of Refuge decisions. As much as possible the intent is to work together to exchange information and build consensus. However in urgent situations an informed decision will be made by Transport Canada. Although Places of Refuge are not pre-designated by Transport Canada, potential locations have been reviewed for suitability based on specific criteria. Efforts are currently underway in Haida Gwaii to assess potential sites and develop a decision matrix to guide a joint decision making process.
The following initial actions were identified by breakout group participants:

» Build trust, improve communication and engagement and develop a common understanding around the purpose of Places of Refuge.

» Convene a working group for Haida Gwaii that represents a broad range of perspectives, experts and local knowledge holders to outline possible situations and to identify potential Places of Refuge.

» Update the Pacific PORCP to reflect working group input and recommendations.

Barriers identified were as follows:

» Need for a better understanding of the purpose of Places of Refuge.

» Need for a structured process to identify appropriate Places of Refuge under specific circumstances.

» Resistance to changes to the status quo e.g. by government or industry.
Rescue Tugs and Emergency Towing

CONTEXT FOR THE DIALOGUE

The use of escort and rescue tugs for oil tankers in transit is a recognized spill prevention practice globally.

Escort tug requirements are currently in place for laden tankers that transit Haro Strait and Boundary Pass in southern BC. There are currently no escort tug systems in place in BC waters north of the Vancouver area. Unlike Puget Sound there are also no statutes or regulations that compel escort tugs for tankers in BC.

Rescue tugs do not accompany vessels along transit routes but are available to respond to an emergency and potentially prevent or mitigate a vessel casualty. There are currently no rescue tugs stationed in BC. However there is a rescue tug stationed near the southern Canada/US border at Neah Bay in Washington.

BC currently relies on a tug-of-opportunity system for rescue services. This is a less costly system but also more uncertain than having dedicated rescue tugs. The 2002 Offshore Risk Management Study\(^3\) identified Haida Gwaii as an area with a “high tug availability risk factor”. For these areas it recommended consideration of measures such as investment in a dedicated rescue tug, creation of a stand-by tug fund, or adoption of regulations requiring rescue tug contracts by vessel operators.

During the Simushir incident the US Coast Guard made available an air deployable towing package that could be brought to a nearby vessel to provide assistance. This is a relatively low cost emergency measure that is not standard equipment in Canada.

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\(^3\) See Footnote 2.
The following actions were recommended by breakout group participants:

- Build a case for a rescue tug located in northern BC including:
  - Engage the Pacific States/BC Oil Spill Task Force and attend the Joint Vessel Safety Summit (Canada/US), which convenes representatives from the Pacific states/First Nations/BC and Federal governments.
  - Update the regional risk assessment that explores response times for tugs of opportunity.
  - Establish Standards of Care (SOC) and response times including oil spill contingency plans and broader risk assessments that improve on legal requirements.
- Seek funding to create air deployable emergency towing packages and provide training for tugs of opportunity.
- Consider tug options including:
  - Station a rescue tug on Haida Gwaii.
  - Operationalize a dedicated multi-jurisdictional tug system to cover a large operating area and identify location(s) with the most benefit.

**Salvage**

**CONTEXT FOR THE DIALOGUE**

Unlike in the US, under current Canadian regulations, neither response organizations nor shippers are required to have salvage capacity or services in place. Western Canada Marine Response Corporation, which is the certified response organization for the Pacific region, does not conduct salvage operations and does not have salvage equipment. Current regional salvage presence or capacity is limited to some privately-owned basic salvage equipment in Prince Rupert.

A key feature of an effective marine spill prevention and response system is having “Rescue and salvage resources [that] can be on-scene quickly enough to be effective after an incident or spill” as identified in the 2013 West Coast Spill Response Study Vol 3 by Nuka Research and Planning Group. The report further states that, “Once an accident has occurred, lightering remaining cargo or fuel from the damaged vessel and other types of salvage operations can be critical to mitigating the pollution impact.” Salvage capability was identified as “not present or minimally present” in BC.
In the US, as of December 2008, new regulations required tank vessels to identify salvors as part of their vessel response plan. In 2009 a report reviewing the status of the West Coast Offshore Vessel Traffic Risk Management Project (a joint effort of Pacific States/BC Oil Spill Task Force and the US Coast Guard, Pacific Area) recommended that the US Coast Guard coordinate with Transport Canada to harmonize firefighting and salvage regulations, and that the Oil Spill Task Force advocate for adoption of similar regulations by Transport Canada.

The Pacific States/BC Oil Spill Task Force’s 2014-2019 Strategic Plan similarly identified improvements to salvage capabilities in the region as one of their objectives and advocates that the above-mentioned regulations regarding identification of salvors in vessel response plans be extended to include non-tank vessels.

The following action was identified by breakout group participants:

» Consider salvage as part of all oil spill response measures.

In addition the following recommendations of the Oil Spill Task Force should be advanced;

» Harmonize regulations in Canada and the US to require similar salvage/firefighting regulations for tank vessels that require identification of salvors within vessel response plans; and

» Improve salvage capabilities in BC and update regulations to apply to non-tank vessels that require identification of salvors within vessel response plans.
Emergency Response

What happens when all of the points of prevention have failed and you have an incident? With this question, Elise DeCola, Operations Manager of the Nuka Research and Planning Group, introduced the topic of Emergency Response.

Elise Decola

Speaking from her experience studying and supporting effective emergency response, Elise reminded the group that while the exact same incident will never occur twice, there are re-occurring issues that we can learn from.

She started by identifying three common themes for emergency response: Locals are the foundation; the process is as important as the plan; and logistics can’t be overlooked.

» Local people: Any oil spill on any coastline is impacting people who were there before the spill and who will be there after the accident. Elise emphasized that local people are much more than stakeholders, they are the foundation, and you cannot build a foundation from the top down.

» Planning Process: “There’s the plans and there’s the process. Both are important but if I had to pick one, I’d pick the process.” Elise explained the value of thinking through plans, in a collaborative way, when the pressure is off. This will help build the relationships and understanding that are key to refining and implementing plans in the face of an emergency. She provided the examples of Geographic Response Plans (GRPs) to highlight the importance of the process and explained that when these are developed collaboratively, the plans are tangible and accessible to the people who were involved in that planning process, making them much easier to operationalize if an accident occurs.

» Logistics: Elise highlighted that it’s important to think about the strategies and tactics involved in a plan, but also to consider what you would really need to do in order to respond effectively to an emergency in a given location and to practice regularly.

A cross-cutting theme of her presentation was the importance of building relationships every step of the way (particularly ahead of an incident) because “while it is hard to make decisions in an emergency situation, it’s even harder to make friends.”

Elise moved on to outline eight key elements that are necessary for a world class system for prevention, preparedness and response to marine oil spills. The eight elements were drawn from the West Coast Spill Response Study that Nuka Research completed for the Province of BC in 2013:
1. Prioritization of geographic areas. From Elise’s perspective the Haida Gwaii Marine Plan completed in 2015 is a solid step towards development of GRPs because it addresses the first steps of inventory and identifying priorities. In areas such as the Aleutians and Australia where plans have been developed, the next step is tactics and also needs engagement with locals. Places of refuge plans are another example.

2. Comprehensive, integrated and transparent contingency planning. Here she emphasized that there are many elements of a comprehensive plan and the process to regularly bring key parties together is important. For example, in the State of Washington the committee responsible for developing the Northwest Area Contingency Plan continues to meet three times per year. Industry has a role and in the US is required to have vessel response plans in place subject to specific standards and oversight.

3. Sufficient equipment to respond to a worst case spill. The amount of equipment is a public tolerance issue, but there should be some link between the scope and scale of oil spill risks and the capacity to mount a response.

4. Sufficient personnel. Oil spill response is labour-intensive. It requires regular exercises, a common ICS and an effective way of managing volunteers.

5. Restoring damaged resources and promoting ecosystem recovery. There is a need for recovery teams. But this is largely up to locals. Ecosystems can take a long time to recover from oil spills and it is difficult to determine when and if a resource is ever really “restored.”

6. Government oversight. Oversight is needed to achieve compliance. Transparency helps to build trust. Government needs to acknowledge uncertainty to the public. It helps to have local spokespersons.

7. Continuous improvement cycle. There is a need to train, exercise and repeat.

8. Financial assurance. All of the elements above need money. “Polluter pays” sounds good in principle but legal issues can tie up payments.

Elise closed by noting that “All oil spills are local”. Consequences are dealt with by locals but locals don’t control the risks. Efforts to engage locals in planning and response are needed before a spill occurs. Locals are the first line of contact. Response at a basic level is needed to contain oil at the source and optimize recovery.

Actions for Improving Emergency Response

Following the keynote, participants broke into breakout group sessions for a second time to discuss topics related to emergency response including: Incident Command including Incident Command Systems (ICS) and Unified Command (UC), Geographic Response Plans (GRPs), Area Response Plans (ARPs) and response capacity, financial management and
Incident Management, Incident Command System & Unified Command

**CONTEXT FOR DIALOGUE**

This section focuses more generally on ICS and UC than the previous section on ICS in the Accident Prevention section which focused on the Haida Gwaii experience. ICS has been adopted for emergency response by multiple First Nations, the Province of BC and Western Canada Marine Response Corporation. CCG started using ICS in 2013 with the recovery of oil from the sunken World War II warship, Brigadier General M.G. Zalinski in Grenville Channel. Effective and organized management during an incident as it unfolds is critical to ensuring that decision makers have the best available information to make important decisions and that staff at all levels have clear direction and are working as a cohesive unit. As described on page 13, the ICS that structures and organizes multi-agency responses is increasingly being used globally in marine incidents and spill response. When applied to oil spill response ICS is often led by UC. UC brings together leaders of all the major agencies or organizations involved in an incident in order to coordinate an effective response. UC provides a forum for consensus decision making during an incident.

Participants discussed how the current incident management system could be improved and identified the following actions:

- Establish and document ICS structure in advance - outlining roles, responsibilities, and decision-making processes (i.e. governance structure).
- Ensure good communication, outreach and training prior to the emergency situation so that people at all levels are aware of their roles and responsibilities, jurisdictions, protocols, and processes.
Use and learn from a Joint Information Centre model for collaborative communication about emergency response to the community and the media including:

- Operations centre messaging approval.
- Executive training on messaging.
- Joint press releases and online information distribution.
- Space for media representatives.


Local residents and First Nations should be key participants in ICS, especially in terms of integrating local, ecological, and traditional knowledge into decision making.

Conduct First Nations cultural training with responders in advance to develop cultural sensitivity and awareness.

Develop a local emergency plan (e.g. detail the existing response inventory, priority locations and address issues concerning overlapping First Nation territories in advance).

A potential barrier to successful implementation of some of these actions was also identified:

- Inadequate funding and/or training opportunities to train locals in ICS

**Geographic Response Plans, Area Response Plans and Response Capacity**

**CONTEXT FOR DIALOGUE**

Geographic Response Plans (GRPs) contain location-specific strategies designed to prioritize and protect vulnerable sites that are of ecological, cultural or socio-economic importance. GRPs should be developed with various levels of government, local communities and other affected stakeholders and can be designed to be implemented with locally available spill response resources for effective implementation during the initial phase of an incident. Area Response Plans (ARPs) are similar in nature but for larger areas. An initial pilot ARP is in development by Transport Canada in the Strait of Georgia region.
Participants discussed what actions could help in the development of GRPs/ARPs for Haida Gwaii and the surrounding region. They suggested the following:

» Start a dialogue on GRPs/ARPs in Haida Gwaii – build relationships, agree on a process and start building local capacity.

» Develop agreements, including protocols with First Nations, as a basis for engaging in the GRP and ARP planning processes.

» Establish information sharing protocols in advance of incidents (e.g. confidential and sensitive cultural information including traditional knowledge, sensitive ecological information).

» Engage all relevant parties in response planning:
  • Involve First Nations, Local, Provincial and Federal governments, community members, WCMRC or others as required
  • Involve local communities in the planning process to build understanding and access local knowledge

» Develop policies and regulations that reflect the Haida Gwaii context.

» Ensure effective external communication and planning to enhance regional emergency response (e.g. continue working with US agencies on emergency response training exercises such as the “Can-US DIX” in Dixon Entrance)

The participants in this breakout group also identified potential barriers and challenges impacting the successful implementation of these actions include:

» Lack of community engagement in the planning process

» Lack of trust between First Nations and government agencies and/or existing response organizations, particularly with respect to sharing sensitive and confidential information

» Lack of public access to completed GRP documents

» Existing response standards in Canada Shipping Act are too low or inadequate e.g. response times, location of equipment and types of equipment

» Inadequate funding and resources
Financial Management and Liability

**CONTEXT FOR DIALOGUE**

Canadian financial liability and compensation with regard to vessel incidents is based on a “polluter pays” system. Vessels carry mandatory insurance and this is the money that is initially accessed following a spill, the maximum amount being pre-determined by vessel tonnage. Further compensation is available through a variety of international and domestic funds, although access to certain funds depends on the nature of the incident or product spilled, and not all impacts are necessarily covered by insurance.

Participants discussed how the financial management and liability system could be better understood, improved to cover a broader range of impacts, and possibly accessed for preventative measures. The following actions were identified:

» Develop clear communication materials explaining how the current system works and what is or is not covered under various incident scenarios (i.e. cargo or container ship debris vs. oil spill)

» Expand post-incident compensation to include comprehensive community social recovery, First Nation cultural losses and recovery measures, as well as compensation
and mitigation for loss of ecosystem services and function. Determine methods to quantify and/or measure these components.

» Evaluate options for accessing existing funds for prevention and preparedness measures.

» Establish additional industry-financed funding for prevention and preparedness.

» Secure funding to address abandoned and derelict vessels that pose future pollution risks.

The participants in this breakout group also identified barriers and challenges impacting the successful implementation of these actions including:

» Funding and jurisdictional issues regarding abandoned and derelict vessels.

» General lack of funding and resources to cover all impacts.

After Spill Response

CONTEXT FOR DIALOGUE

Following completion of the initial phase of an incident “clean-up” there are often a number of factors that still need to be considered and addressed. The participants in this breakout group defined “After Spill Response” as including:

» Accident Investigations

» Natural Resource Damage Assessment

» Restoration / mitigation

» Public policy updates

» Post-ecological measuring / monitoring

» Post-sociological impact measuring and monitoring

» Communications (long term plan)

» Cost recovery and compensation for subsistence fisheries

» Lessons Learned
The group recommended the following actions as examples for three of the above topics:

» Cost recovery for loss of subsistence use
  • Improve methods for culturally sensitive documentation of subsistence use. Develop methods for demonstrating use and reliance, and establish a valuation methodology that is culturally aware and inclusive.

» Sociological Impact
  • Address feelings of hopelessness / powerlessness by training local people to provide psychological support (including leadership).

» Restoration / Mitigation
  • Identify priority investments based on an index of what has worked elsewhere and a community-informed “wish list” of restoration priorities and associated mitigation measures.

The participants in this breakout group also identified barriers and challenges impacting the success of these actions:

» Lack of recognition, research, and funding regarding social and cultural impacts
» Lack of an effective valuation methodology for many impacts (e.g. cultural, social, ecosystem services) and difficulties associated with monetizing a resource
» Lack of a mechanism for coming to agreement on restoration priorities and mitigation measures (e.g. acceptable amount, future prevention)
Community Engagement

The third thematic session was organized as a mock debate about the value of community engagement as it relates to emergency preparedness and response. Mark Swanson, Executive Director of the Prince William Sound Citizens Advisory Council, represented the ‘pro’ community engagement perspective and Stafford Reid of EnviroEmerg Consulting represented the ‘anti’ community engagement perspective.

With a view to affirming the value of community engagement, Mark Swanson launched into the debate with a discussion of the benefits of citizen oversight in emergency response preparedness. He described how citizen oversight bodies give a broad range of stakeholders a role in the process of managing industry activities that pose significant risks to the livelihoods, culture and way of life of coastal communities. He noted that citizens who have felt or who stand to feel the effects of a spill are the most likely over the long term to fight back against industry and regulator complacency. Based on his experience in Prince William Sound, Mark recommended a citizens’ advisory group – made up of a board of representatives and executive directorship - as an ideal way to create a space for these voices so long as the following conditions are met:

1. The group is independent from industry and regulating bodies;
2. Industry provides secure funding for the administration of the advisory group;
3. Information necessary for the work of the advisory group is accessible; and,
4. The advisory group has the capacity to do independent research.
Mark described how an advisory committee such as the Prince William Sound Citizens Advisory Committee promotes trust and collaboration between citizens and industry through respectful dialogue. The outcome of these discussions has been a world class response system, including the training of 400 fishing vessels in emergency response and the development of hundreds of GRPs. He concluded by arguing that citizens deserve a voice at decision-making tables because coastal communities stand to lose the most in the event of a marine incident.

Presenting the contrary argument, Stafford Reid was clear that he was playing the “devil’s advocate” for the purposes of the mock debate, and that the perspective he would share during the debate was solely intended to encourage dialogue and discussion. He opened his rebuttal by stating that he was presenting a ‘societal view’ against community engagement in marine emergency response planning. He unpacked the terms “community” and “engagement” and concluded that these were not easily defined concepts. As a result, he argued, the development and operationalization of GRPs was complicated by divisions within communities and the substantial funding, time and energy necessary to secure meaningful engagement.

Given these constraints, he suggested that the ‘business case’ for citizen oversight groups was poor – particularly when weighing the low probability of an incident against the high costs associated with engagement. He also challenged the assumption that marine emergency response planning should be democratic, concluding that rigorous institutional arrangements and regulatory enforcement are already ensuring safe shipping. Citizen oversight therefore places an unnecessary and cumbersome burden on otherwise efficient systems designed to mitigate risk and prepare for emergencies.

In his rebuttal, Mark Swanson challenged three aspects of Stafford’s argument. First, he argued that citizens have an intimate understanding of the consequences of a spill, and what constitutes an acceptable balance between industrial development and other societal values. As a result, a diversity of perspectives is a strength in marine emergency response rather than a weakness as Stafford had argued. Second, he argued that Stafford’s ‘leave it to the experts’ perspective does not acknowledge the extent to which procedural safety (e.g. old and/or damaged infrastructure and ships) remains an issue for the shipping industry. In fact, he noted, citizen oversight often leads to more rigorous marine prevention and response standards than when industry operates with only regulatory oversight. Finally, in response to Stafford’s business case against community engagement, Mark contended that advisory bodies are in fact very cheap insurance that provides the shipping industry with a degree of social license and a balanced set of perspectives.
Mark concluded by outlining the many roles for First Nations and local residents both inside and outside of the Incident Command team, including independent monitoring (outside), on-scene coordination in the event of an incident, and the provision of traditional and local knowledge and expertise.

Following Mark’s convincing argument – and to no one’s surprise – Stafford graciously conceded defeat and congratulated Mark on his commentary.

**Actions for Improving Community Engagement**

Following the mock debate, participants broke into small groups of two or three with the goal of producing recommendations for involving Haida Gwaii and other community members in marine response planning and implementation.

The following is list of actions put forward by the small groups during this breakout group session:

- Involve First Nations in government-to-government decision-making.
- Maintain momentum and keep people engaged in the planning process so that they can effectively be involved when an incident occurs. This includes engagement in the development of GRPs and protected area planning.
- Involve people in emergency response planning through clear and honest communication. Use a variety of engaging methods to communicate and get people involved, including Facebook, training opportunities and community events.
- Continue to engage and build relationships with other jurisdictions/regions as case studies and sources of inspiration (e.g. Makah/Prince William Sound) to advance community engagement on Haida Gwaii. Utilize existing models of community engagement where appropriate.
- Train local responders and develop a training plan for volunteers.
- Develop local contingency plans for emergencies and conduct Incident Command exercises to refine processes and demonstrate effectiveness of the system. Communicate plans to the local, provincial and federal agencies.
- Secure funding from industry to support a Citizen Advisory Committee and utilize existing advisory committees when appropriate.
- Identify in advance representatives from Haida Gwaii to fill roles and responsibilities related to emergency response, ICS and inter-agency conversations.
- Haida Nation to work with WCMRC to prepare to fill ICS roles (e.g. training, exercising and spill response).
Commitments and Priority Actions

At the conclusion of the workshop, representatives from the Haida Nation, federal and provincial governments shared their perspectives and future commitment to move some of the recommendations made by participants forward.

Peter Lantin committed to continuing the dialogue - to keeping the Simushir incident front and centre, and to discussing the Haida Nation’s role in emergency response, prevention and community engagement. As an example he highlighted interest in the potential for rescue tugs to be located on Haida Gwaii. He also committed to continue to engage with Transport Canada and other agencies in a conversation about Places of Refuge. Finally, Peter invited federal agencies to engage with CHN and BC on development of GRPs.

Philip Murdock, representing the Canadian Coast Guard, shared his belief that it is time to move forward with GRPs and ARPs. He committed to working with the Haida Oceans Technical Team and WCMRC on GRPs. He also encouraged those in the room to share the results of this workshop with their federal representatives and contacts in order to continue moving this issue forward.

From Transport Canada, Danielle Wensauer made commitments to champion five key areas when she returns to Transport Canada. Danielle noted that she does not necessarily have the authority to make commitments on behalf of the department, but will work with her colleagues to consider the merits of:

- Continued dialogue with communities about improving measures to prevent incidents
- Ongoing work with the Haida Nation and Haida Gwaii communities to identify appropriate Places of Refuge
- Alternate measures to manage shipping that have worked in other regions such as an offshore risk mitigation zone
- Social recovery impacts (not currently included in spill compensation)
- Industry/independent funding for citizen advisory councils and their roles (eg, research)

Finally Graham Knox from the BC Ministry of Environment committed to advance best practices from other jurisdictions. Some of the actions that he suggested include:

- Establishing safe offshore distances for shipping
- Locating a response tug on Haida Gwaii
- Establishing shipping lanes
» Developing citizen advisory committees with regional representation
» Requiring natural resource damage assessments
» Developing GRPs
» Establishing minimum response times
» Continuing to support the ICS
» Improving communications.
» Developing a strategic plan created in partnership with Federal, Provincial and First Nations governments that prioritizes activities.

Joint Commitments

Over the course of the two day workshop, participants discussed a wide range of topics, explored solutions and identified a wide range of practical actions. These actions were in some cases overlapping and ranged from short to long term, policy oriented to operational, and those requiring community, individual agency, collective or even national or international initiative. A common theme at the workshop was the need to focus on prevention of accidents given the challenges of adequately responding to oil spills or shipping accidents on the west coast of Haida Gwaii.

Individual agencies are already taking action and making some changes as a result of incident. We recommend that they also consider the actions identified at this workshop. Some of these actions require further exploration and discussion, but some are practical and have been justified by past studies.

By way of summary Lessons from the Simushir resulted in joint commitments to continue with the following initiatives:

» Continue with the process to develop GRPs for Haida Gwaii with participation of the Haida Nation, Province of BC, and CCG as well as engaging with WCMRC.

» Continue pre-planning work on Places of Refuge in Haida Gwaii together with the Haida Nation, Transport Canada, and the Province of BC.

From the perspective of the Council of the Haida Nation the workshop highlighted several immediate actions that are needed to prevent a future incident similar to the Simushir from resulting in a drift grounding resulting in an oil spill, cargo loss or wreck on the west coast of Haida Gwaii. These are specifically:

» Update the 2002 West Coast Offshore Vessel Traffic Risk Management study by the Pacific States/ BC Oil Spill Task Force and the US Coast Guard and implement a
voluntary risk mitigation zone for shipping extending to 50 to 100 nautical miles off the west coast of Haida Gwaii to ensure that a tug of opportunity will have time to respond to a potential vessel casualty before a vessel reaches the shore.

» Place an ocean going rescue tug in Haida Gwaii at a location to be determined in consultation with the Council of the Haida Nation with funding to be provided by industry.

» In keeping with federal responsibilities, Canada should immediately engage with the Haida Nation and other First Nations in the North Coast to provide oversight and management of shipping. This provides a forum for dialogue on many of the actions identified at the workshop. All parties should work together to develop measures and funding mechanisms to prevent accidents and ensure safe shipping in the future.
Honouring the Gordon Reid

On the first evening of the workshop, participants gathered to honour the Captain and crew of the Gordon Reid. The Gordon Reid is a Canadian Coast Guard vessel that managed to secure a line and tow the Simushir away from the coast of Haida Gwaii. At the time of the incident, the boat was under the charge of Captain Michael Shuckburgh, who received a plaque designed by local artist Billy Bellis. Songs and dances from the Hltaxuulang Guud Ad K’aaju (Friends Singing Together) dance group from Skidegate were performed in his honour.

The captain and crew went to great lengths to prevent an impending disaster.

On behalf of the Council of the Haida Nation and the people of Haida Gwaii, Haawa/Haaw’a!
Thank You

By all accounts, Lessons from the Simushir was a huge success. Over the course of two days there was true collaboration by workshop participants and the creation of new relationships that will help us move forward together.

We would like to extend our deepest thanks to our panelists and speakers, Peter Lantin, Norm Fallows, Randy Henry, Captain John Veentjer, Chad Bowechop, Mark Swanson, Stafford Reid, Elise DeCola, MCs Russ Jones and Jacob Beaton and panel moderator Catherine Rigg.

We also acknowledge the following working group participants who contributed to planning and organization of the workshop including preparation of background materials: Russ Jones (CHN), Peter Lantin (CHN), Catherine Rigg (CHN), Molly Clarkson (CHN), Danielle Wensauer (TC), Kelly Larkin (TC), John Yeung (TC), Erik Kidd (TC), Philip Murdock (CCG), David Heap (CCG), Stephen Watkinson (CCG), Norm Fallows (BC), Graham Knox (BC), Laurie Boyle (BC), David Murray (NRCan), Sarah Wongkee (NRCan), Lindsay Beck (CM), Jackie Plchette (CM) and Jacob Beaton (CM). Thanks also to volunteers who assisted with breakout groups including working group members and speakers as well as Robert Stromdahl (WCMRC), Kevin Gardner (WCMRC), Katie Wrubel (Makah), Laura Nelson (Makah), Tejinder Sachdeva (TC), Jamie Toxopeus (TC), Laurie Whitehead (Heiltsuk) and Tyson Atleo (CM).

We would also like to offer thanks to Major Project Management Office West for funding the workshop and to the workshop organizer CopperMoon Communications. We are also grateful for the thoughtful contributions of workshop participants, and to the staff and volunteers who ensured the success of this workshop.

Haawa/Haaw’a!

Photo courtesy of Lynn Lee
## Appendix A: Workshop Agenda

### TUESDAY, MAY 12th

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>8:20 am</td>
<td>Breakfast</td>
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<tr>
<td>9:00 am</td>
<td>Welcome and Opening Prayer</td>
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<tr>
<td>9:30 am</td>
<td><strong>KEYNOTE:</strong> SIMUSHIR INCIDENT COMMANDERS EXPERIENCE AND PERSPECTIVES Philip Murdock, Norm Fallows, Peter Lantin, Randy Henry</td>
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<tr>
<td>10:45 am</td>
<td>Nutritional Break</td>
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<tr>
<td>11:00 am</td>
<td><strong>Q&amp;A:</strong> SIMUSHIR INCIDENT DISCUSSION</td>
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<td></td>
<td>Moderator: Russ Jones</td>
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<tr>
<td>12:00 pm</td>
<td>Lunch</td>
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<tr>
<td>1:00 pm</td>
<td><strong>KEYNOTE:</strong> ACCIDENT PREVENTION</td>
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<td></td>
<td>Captain John Veentjer, Chad Bowechop</td>
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<tr>
<td>1:45 pm</td>
<td>Breakout Group Dialogue: ACCIDENT PREVENTION</td>
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<tr>
<td>4:00 pm</td>
<td>Review of the Day and Closing Remarks</td>
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<tr>
<td>4:30 pm</td>
<td>Optional Tour of Haida Heritage Centre and Explanation of Poles</td>
</tr>
<tr>
<td>5:30 pm</td>
<td>Dinner and Reception</td>
</tr>
<tr>
<td></td>
<td>featuring acknowledgement of Michael Shuckburgh, Commanding Officer, CCGS Gordon Reid</td>
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### WEDNESDAY, MAY 13th

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>8:30 am</td>
<td>Breakfast</td>
</tr>
<tr>
<td>9:00 am</td>
<td>Welcome and Opening Prayer</td>
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<tr>
<td>9:05 am</td>
<td>Summary of Accident Prevention Dialogue</td>
</tr>
<tr>
<td>9:15 am</td>
<td><strong>KEYNOTE:</strong> PREPAREDNESS AND EMERGENCY RESPONSE</td>
</tr>
<tr>
<td></td>
<td>Elise DeCola</td>
</tr>
<tr>
<td>9:45 am</td>
<td>Nutritional Break</td>
</tr>
<tr>
<td>10:00 am</td>
<td>Breakout Group Dialogue: EMERGENCY RESPONSE</td>
</tr>
<tr>
<td>12:00 pm</td>
<td>Lunch</td>
</tr>
<tr>
<td>1:00 pm</td>
<td>Summary of Emergency Response Dialogue</td>
</tr>
<tr>
<td>1:15 pm</td>
<td><strong>DEBATE:</strong> ACTIVE COMMUNITY ENGAGEMENT</td>
</tr>
<tr>
<td></td>
<td>Stafford Reid, Mark Swanson</td>
</tr>
<tr>
<td>1:45 pm</td>
<td>Breakout Group Dialogue: COMMUNITY ENGAGEMENT</td>
</tr>
<tr>
<td>3:00 pm</td>
<td>Nutritional Break</td>
</tr>
<tr>
<td>3:15 pm</td>
<td>Reflecting on Dialogue: COMMITMENTS MOVING FORWARD</td>
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<tr>
<td></td>
<td>Peter Lantin, Roger Giroaard, Danielle Wensauer, and Graham Knox</td>
</tr>
<tr>
<td>4:00 pm</td>
<td>Closing Remarks</td>
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</tbody>
</table>
Appendix B: Speaker Biographies

Philip Murdock
Superintendent, Environmental Response at Canadian Coast Guard

Philip Murdock began his career with the Canadian Coast Guard (CCG) in 1978, joining the Coast Guard College in the Navigation / Deck Officer Training Program. After graduation, he held numerous roles of increasing responsibility with the Canadian Coast Guard, as well as in Marine Safety, Pacific Region in Transport Canada. Philip returned to the Canadian Coast Guard in Western Region in 2011, as the Superintendent, Environmental Response.

Norm Fallows
Senior Emergency Response Officer with BC Ministry of Environment’s Environmental Emergency Program (EEP)

Mr Fallows has been with the provincial government since 1996 and has spent time with BC Ministry of Forests as a district watershed restoration coordinator and Ministry of Environment’s Water Stewardship Program as a water management officer. Currently Norm has been with BC EEP since 2004 and is the senior response officer for Northern BC. He has been active in the BC Northwest working on interagency emergency response collaboration in a variety of capacities.

Peter Lantin
President of the Haida Nation

Kil tlaats’ gaa, Peter Lantin was elected President of the Haida Nation in 2012. The Council of the Haida Nation is the political body of the Haida nation. As leader kil tlaats’gaa is responsible for fulfilling the Council of the Haida Nation’s mandate, which is to “strive for full independence, sovereignty and self-sufficiency of the Haida Nation”. With over 20 years experience in governance and administration, kil tlaats’gaa has served as chairman of the Gwaii Trust Society, a $70-million community trust fund, and Chief Operating Officer of Tricorp (Tribal Resources Investment Corporation) for 7 years.

Randy Henry
Gulf Coast Response Manager, Gallagher Marine Systems LLC.

Randy is the Gulf Coast Response Manager for Gallagher Marine Systems. He covers the pollution response for 14 states on the Gulf of Mexico and Mississippi river and has extensive experience as a first responder in potentially serious marine spills. Currently he has logged over 400 incidents and specializes in maritime pollution management.
John Veentjer
U.S. Coast Guard Retired, Executive Director of the Marine Exchange of Puget Sound

Captain John Veentjer, U.S. Coast Guard Retired, has been the Executive Director of the Marine Exchange of Puget Sound since January 1, 2007. John is also the Chair of the Puget Sound Harbor Safety Committee (PSHSC), a member of the Puget Sound Area Maritime Security Committee (AMSC), a member of the Olympic Coast National Marine Sanctuary Advisory Council, a member of the General Committee for the Northwest Associations of Networked Ocean Observing Systems (NANOOS) and on the Board of the Puget Sound Maritime Historical Society.

Chad Bowechop
Manager, Officer of Marine Affairs, Makah Tribal Council

Chad serves as the Makah Tribal Council representative on the Northwest Area Committee where he shares oversight authority of oil pollution issues in Northwest Washington State. He has extensive experience in government-to-government consultation meetings with US Coast Guard in regard to numerous legislative developments which guide oil shipping and emergency response protocols.

Elise DeCola
Operations Manager, Nuka Research and Planning Group

Elise DeCola has over a decade of professional experience in natural resource management, oil spill contingency planning, disaster response planning, regulatory compliance, emergency response, fisheries management, environmental outreach, policy analysis, and legislative affairs. Specializing in oil spill and all-hazards emergency response planning, Elise holds a B.S. in Environmental Science from the College of William and Mary in Virginia, and an M.A. in Marine Affairs from the University of Rhode Island.

Stafford Reid
Principal of EnviroEmerg Consulting

Stafford’s consulting services pertain to environmental emergency training and spill risk analysis related to current and emerging projects. For over 40 years, Stafford has worked in management and policy capacities in environmental assessment processes for proposed major industrial projects, coastal resource planning, and environmental emergency response. He specializes in developing response plans, guidelines, and agreements for major oil and hazardous material spills in the Province of BC.
Mark Swanson

Mark Swanson is a retired U.S. Coast Guard Officer with over two decades of service. Mr. Swanson is a 1984 graduate of the U.S. Coast Guard Academy, with a degree in Naval Architecture and Marine Engineering. Additionally, Mr. Swanson holds masters degrees in Mechanical Engineering and Naval Architecture from the University of Michigan. Prior to joining the PWSRCAC, Mr. Swanson worked for Shell Oil in Houston Texas as an Emergency Response Manager and for the international ship classification group Lloyd’s Register managing technical training services for the Americas.

MC: Russ Jones

Manager, Marine Planning, Council of the Haida Nation

Russ Jones, Nang Jingwas, has worked 25 years for the Haida Nation and is presently Manager, Marine Planning. He is a professional engineer with an M.Sc. in fisheries from the University of Washington. Russ is involved in fisheries management and was on the Pacific Salmon Commission from 2001 to 2013.

MC: Jacob Beaton

Director, Communications & Technology, CopperMoon

Jacob has over 10 years’ experience in the combined fields of media and technology and is the Director of Communications and Technology at the Castlemain Group. Prior to merging with the Castlemain Group in 2012, Jacob founded and spent 12 years as the President of CopperMoon Communications, a dynamic Aboriginal-owned communications company known for award-winning marketing strategies, innovative design and superior customer service. In 2009, Jacob was awarded a BC Aboriginal Business Award.
Appendix C: Participants

This is a list of participants who attended and contributed at the workshop. Please note, participants who did not formally check in with CopperMoon staff at the registration desk may not be listed here. We apologize if we have missed any names. Participants who were involved in the Simushir Incident are shown with an asterisk.

<table>
<thead>
<tr>
<th>First Name</th>
<th>Last Name</th>
<th>Title/Organization</th>
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<tbody>
<tr>
<td>Noel</td>
<td>Argueta</td>
<td>Community Liaison, Kitselas</td>
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<tr>
<td>Patrick</td>
<td>Bartier</td>
<td>Geomatics Coordinator, Gwaii Haanas, Parks Canada Agency</td>
</tr>
<tr>
<td>Jacob</td>
<td>Beaton</td>
<td>Director, CopperMoon Communications</td>
</tr>
<tr>
<td>Chad</td>
<td>Bowechop</td>
<td>Office of Marine Affairs, Makah Tribal Council</td>
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<tr>
<td>Wilson</td>
<td>Brown *</td>
<td>Haida Citizen</td>
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<tr>
<td>Cecil</td>
<td>Brown</td>
<td>Councillor, Old Massett Village Council</td>
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<tr>
<td>Zibby</td>
<td>Chmara</td>
<td>CCGS Gordon Reid</td>
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<tr>
<td>Molly</td>
<td>Clarkson</td>
<td>Haida Oceans Technical Team, Council of the Haida Nation</td>
</tr>
<tr>
<td>Anna</td>
<td>Classen</td>
<td>Sr. Policy Advisor, Major Projects Management Office - West</td>
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<tr>
<td>Sue</td>
<td>Couch</td>
<td>Emergency Social Services Volunteer</td>
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<tr>
<td>James</td>
<td>Cowpar</td>
<td>Councillor, Skidegate Band Council</td>
</tr>
<tr>
<td>Bob</td>
<td>Davidson</td>
<td>Consultant, Old Massett Village Council</td>
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<tr>
<td>Simon</td>
<td>Davies *</td>
<td>Communications Manager, Council of the Haida Nation</td>
</tr>
<tr>
<td>Robert</td>
<td>Davis *</td>
<td>Council of the Haida Nation</td>
</tr>
<tr>
<td>Elise</td>
<td>DeCola</td>
<td>Operations Manager, Nuka Research and Planning Group</td>
</tr>
<tr>
<td>Steve</td>
<td>Diggon</td>
<td>Marine Planning Coordinator, Coastal First Nations - Great Bear Initiative</td>
</tr>
<tr>
<td>Mathieu</td>
<td>Dussault *</td>
<td>Manager, Preparedness and Response, Environment Canada</td>
</tr>
<tr>
<td>First Name</td>
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<td>Title/Organization</td>
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<tr>
<td>Norm</td>
<td>Fallows</td>
<td>Senior Emergency Response Officer, Environmental Emergency Program, Northern Region, BC Ministry of Environment</td>
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<tr>
<td>Pete</td>
<td>Flanders</td>
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<tr>
<td>Kevin</td>
<td>Gardner</td>
<td>General Manager, West Coast Emergency Response Corporation</td>
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<tr>
<td>Ernie</td>
<td>Gladstone</td>
<td>Archipelago Management Board, Parks Canada/ Gwaii Haanas</td>
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<tr>
<td>Dr. Garth</td>
<td>Greskiw</td>
<td>Stewardship Director, Council of the Haida Nation</td>
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<tr>
<td>Arnold</td>
<td>Grieg</td>
<td>Vice President, Makah Tribal Council</td>
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<tr>
<td>Lincoln</td>
<td>Heaney</td>
<td>Aboriginal Relations Advisor, Western Canada Marine Response Corporation</td>
</tr>
<tr>
<td>Randy</td>
<td>Henry</td>
<td>Gulf Coast Response Manager, Gallagher Marine Systems LLC.</td>
</tr>
<tr>
<td>Russ</td>
<td>Jones</td>
<td>Marine Planning Manager, Council of the Haida Nation</td>
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<tr>
<td>Roy</td>
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<td>Haida citizen</td>
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<tr>
<td>Graham</td>
<td>Knox</td>
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<tr>
<td>Peter</td>
<td>Lantin</td>
<td>President, Council of the Haida Nation</td>
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<tr>
<td>Kelly</td>
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<td>Senior Advisor, Marine Safety and Security, Transport Canada, Pacific Region</td>
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<tr>
<td>Greg</td>
<td>Martin</td>
<td>Mayor, Village of Queen Charlotte</td>
</tr>
<tr>
<td>Michelle</td>
<td>McDonald</td>
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<tr>
<td>Chris</td>
<td>McDougall</td>
<td>Haida Oceans Technical Team, Council of the Haida Nation</td>
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<tr>
<td>Rhonda</td>
<td>McIsaac</td>
<td>Haida Gwaii Observer</td>
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<tr>
<td>Robert</td>
<td>Mills</td>
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<tr>
<td>Trent</td>
<td>Moraes</td>
<td>Housing Coordinator, Skidegate Band Council</td>
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<tr>
<td>Leonard</td>
<td>Munt</td>
<td>District Manager, Haida Gwaii Natural Resource District, BC Ministry of Forests, Lands and Natural Resource Operations</td>
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<tr>
<td>Philip</td>
<td>Murdock</td>
<td>Superintendent, Environmental Response, Canadian Coast Guard</td>
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<tr>
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<tr>
<td>David</td>
<td>Murray</td>
<td>Senior Policy Advisor, Major Projects Management Office - West</td>
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<tr>
<td>Kim</td>
<td>Mushynsky</td>
<td>Chief Administrative Officer, Village of Port Clements</td>
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<tr>
<td>Erin</td>
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<td>Environmental Assessment Coordinator, Gitga’at First Nation</td>
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<tr>
<td>Laura</td>
<td>Nelson</td>
<td>Hershman Marine Policy Fellow, Makah Tribe Office of Marine Affairs</td>
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<tr>
<td>Tyler</td>
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<td>Operations Manager, Haida Gwaii</td>
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<tr>
<td>Ken</td>
<td>Rea</td>
<td>Chief Councillor, Old Massett Village Council</td>
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<td>Stafford</td>
<td>Reid</td>
<td>Principal, EnviroEmerg Consulting</td>
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<td>Catherine</td>
<td>Rigg</td>
<td>Haida Oceans Technical Team, Council of the Haida Nation</td>
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<td>Trevor</td>
<td>Russ *</td>
<td>Vice President, Council of the Haida Nation</td>
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<tr>
<td>Capt. Tejinder</td>
<td>Sachdeva *</td>
<td>Senior Marine Inspector, Transport Canada</td>
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<td>Cynthia</td>
<td>Samuels</td>
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<td>Capt. Michael</td>
<td>Shuckburgh CCG</td>
<td>Commanding Officer, CCGS Gordon Reid</td>
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<td>Lucy</td>
<td>Stefanyk</td>
<td>Haida Gwaii Area Supervisor, BC Parks, Ministry of Environment</td>
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<td>Robert</td>
<td>Stromdahl</td>
<td>North Coast Manager – Prince Rupert, Western Canada Marine Response Corporation</td>
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<td>Martin</td>
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<tr>
<td>William (Billy)</td>
<td>Yovanovich</td>
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</tbody>
</table>

* Participated in the Incident Command Team or played another role during the Simushir Incident.
Feedback from Participants

Participant feedback was extremely positive. Both the feedback gathered from the survey and that was shared throughout the workshop and during the final wrap-up demonstrated that participants truly appreciated this opportunity to come together and exchange knowledge.

95% said that they would attend another workshop hosted by the CHN! Only one respondent replied “I’m not sure.”

“The workshop was really well organized. The venue was superb. I was very moved by the performance in the evening”

Many respondents appreciated the opportunity to learn from other jurisdictions.

We asked respondents which format for engagement they preferred. Here is the breakdown of their responses:

- 29% small group format
- 29% panel discussion
- 19% large group interaction
- 14% lecture style presentation
- 9% debate

We also asked respondents what, in their opinion, are the NEXT STEPS OR ACTIONS towards an improved emergency response system on the coast.