

From: Venn, Tania GCPE:EX <Tania.Venn@gov.bc.ca>
Sent: March 4, 2022 7:39 AM
To: Richardson, Roari LWRS:EX <Roari.Richardson@gov.bc.ca>; Jones, Tristan LWRS:EX <Tristan.Jones@gov.bc.ca>; Garnier, Jack LWRS:EX <Jack.Garnier@gov.bc.ca>; Brenchley, Charlie GCPE:EX <Charlie.Brenchley@gov.bc.ca>; Mack, James ENV:EX <James.Mack@gov.bc.ca>
Subject: FW: FLNRO Media Request: Union Bay Shipbreaking - Interview

Happy Friday everyone,

Please see below for the Tyee's request for an interview with Minister Conroy and Forests' reply. Copying James Mack here as ADM who I believe could provide some direction IF this is an issue that would fall under Minister Osborne's purview come April.

Having said that, it's clear to me now that the Tyee is most interested in MJO's comments as an MLA, rather than as a new minister (you'll note they've fed us back some language from her new profile). Technically, if she responds as an MLA then Caucus Comms should take the lead on a response, but at this point I think we just need to strategically think about how to respond without Minister being in any conflict of interest here.

James – to bring you up to speed, the Tyee came to us asking for an interview with Minister and she's expressed her hesitation to get embroiled in a 30 – 45 minute interview on this at this time. We've offered a joint statement with Forests, and now the reporter has gone directly to them – see highlighted response below.

I think we need to add a line or two from MJO certainly as an MLA (Caucus comms) but I'm not clear about as new Minister – and about the conflict piece. Any thoughts?

Thanks,

Tania

Tania Venn

Communications Director | Ministry of Land, Water and Resource Stewardship
Government Communications & Public Engagement
Office: 778.698.9499 | Mobile: 250.208.6183 | Email: tania.venn@gov.bc.ca

From: McInnis, Nigel GCPE:EX <Nigel.McInnis@gov.bc.ca>
Sent: March 3, 2022 4:35 PM
To: Venn, Tania GCPE:EX <Tania.Venn@gov.bc.ca>
Subject: FW: FLNRO Media Request: Union Bay Shipbreaking - Interview

Good Afternoon Tania,

Sorry to bombard you with emails while you're in a meeting. This request from Michelle regards the Union Bay Shipbreaking issue in Minister Osborne's riding. We have these suggested bullets with our MO right now. Any concerns from your end?

- In October 2021, we approved a modification to an existing Land Act lease held by Deep Water Recovery (DWR) located on the water near Union Bay that fronts its private land.
- The modification changed the purpose of the lease from log handling to allow the moorage and storage of vessels on the water.
- No ship decommissioning is permitted within the water lot lease. Only the moorage and storage of vessels and barges is permitted and transporting them to the private upland property.
- All ship decommissioning activities that have been taking place are occurring on the private land fronting the water lot lease.
- Comox Valley Regional District board is taking legal action and enforcement to halt the ship decommissioning activities that are taking place.
- In addition, an Environmental Management Plan is in place to ensure that the foreshore area and aquatic environment are satisfactorily protected from activities which may occur on the upland property.

From: Nigel McInnis <Nigel.McInnis@gov.bc.ca>
Sent: March 3, 2022 1:03 PM
To: McInnis, Nigel GCPE:EX <Nigel.McInnis@gov.bc.ca>
Subject: FLNRO Media Request: Union Bay Shipbreaking - Interview

Reporter
Michelle Gamage, Freelancer
The Tyee
mgamage@thetyee.ca
514-458-1497

Deadline Friday, March 4, 2022 4:00 PM

Request

From Reporter: My name is Michelle and I'm a journalist with The Tyee working on a story about the

ship breaking operation near Union Bay on Vancouver Island and asking if we need regulations in B.C. and Canada around this industry, or if we should prohibit the industry entirely.

I'd like to set up an interview with Minister Katrine Conroy to talk about why the ministry approved the foreshore lease for the ship breaking operation and how the ministry, through this approval, is balancing the government's mandate to protect the environment with the lease approval. If the province is approving of ship breaking how does it intend to regulate the industry, which is internationally noted to be one of the most hazardous industries in the world?

I have spoken with the ship breaking operations manager who said because the province approved their foreshore lease they can fight the CVRD's move to find the business non-compliant with regional bylaws.

I have also spoken with an environmental regulation lawyer who was incredibly critical of the province's handling of the situation: noting how the province failed to adequately research ship breaking before it issued the foreshore lease; how the polarized regional and provincial response puts the government in a place where it could be sued by the company; and that the province is skirting its responsibilities to protect people and the environment by claiming it's done its due diligence on the file.

I have also interviewed the region's MP and regional director who both say ship breaking, and its potential environmental and human health impacts, are the responsibility of the province.

Please let me know if Minister Conroy would be available today, Friday, or anytime Monday March 7.

Recommendation

Background

**CONFIDENTIAL
ISSUES NOTE**

**Ministry of Land, Water and Resource
Stewardship**

Date: May 27, 2022

Minister Responsible: Hon. Josie Osborne

**Shipbreaking in Baynes
Sound, Union Bay**

ADVICE AND RECOMMENDED RESPONSE:

s.13

KEY FACTS:

Baynes Sound residents will hold (held) a town hall meeting on Sunday, May 29 about a private company, Deep Water Recovery (DWR) conducting shipbreaking or decommissioning of ships on a private lot adjacent to a water lot lease. Nearby Residents opposing this activity.

Residents have expressed concern about ships resting on the foreshore and ocean floor. Neither the water lot lease nor provincial or federal laws prohibits this. The federal government has the primary responsibility for navigable waters, shipping and marine transportation-related matters, while the Province is responsible for stewarding land use on coastal shores and activities that interact with the sea floor. While the water lot lease is the responsibility of the Ministry of Forests, the Ministry of Land, Water and Resource Stewardship is responsible for developing strategies and policies for provincial land and water use, including a province-wide Coastal Marine Strategy, which is in development.

BACKGROUND:

The Ministry of Forests consulted with K'omoks First Nation before amending the existing water lot lease in October 2021 to allow for moorage and storage of vessels and removing log storage activity in accordance with the Comox Valley Regional District (CVRD) by-laws.

CVRD has worked with legal counsel at the Ministry of the Attorney General anticipating legal action by waterfront residents contesting the water lot amendment, but so far it has not happened.

The Baynes Sound coastal marine plan was tailored towards the shellfish aquaculture industry. Existing regulations do not cover decommissioning on land. Therefore, questions may be asked about whether the Province intends to include provisions for shipbreaking in its Coastal Marine Strategy, which is in development.

The site is considered highly contaminated with previous use of coal and remnants of railroads. In January 2022, specialists from the Ministry of Environment tested some water of drainage areas. After discovering heavy metal contamination, they informed DWR to seek a discharge waste permit.

Media Interest: Prior interest since January 2022 with media requests, which are expected to peak again after Baynes Sound residents hold their town hall meeting on Sunday, May 29.

Communications contact	Chitra Arcot	604 209-4043
Program contact	Charles Short	778 974-5841
File created	May 23, 2022	
File updated	Date	

<p style="text-align: center;">CONFIDENTIAL ISSUES NOTE</p> <p>Ministry of Land, Water and Resource Stewardship Date: May 31, 2022 Minister Responsible: Hon. Josie Osborne</p>	<p style="text-align: center;">Shipbreaking in Baynes Sound, Union Bay</p>
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ADVICE AND RECOMMENDED RESPONSE:

KEY FACTS:

Baynes Sound residents held a town hall meeting on Sunday, May 29 about a private company, Deep Water Recovery (DWR) conducting shipbreaking or decommissioning of ships on a private lot adjacent to a water lot lease. Nearby residents oppose this activity.

Residents have expressed concern about ships resting on the foreshore and ocean floor. Neither the water lot lease nor provincial or federal laws prohibits this. In April 2022, CVRD filed a notice of civil claim against DWR seeking an order from the Supreme Court of British Columbia for DWR to cease and desist ship decommissioning. In May 2022, DWR filed a counter claim in response.

The federal government has the primary responsibility for navigable waters, shipping and marine transportation-related matters, while the Province is responsible for stewarding land use on coastal shores and activities that interact with the sea floor. While the water lot lease is the responsibility of the Ministry of Forests, the Ministry of Land, Water and Resource Stewardship is responsible for developing strategies and policies for provincial land and water use, including a province-wide Coastal Marine Strategy, which is in development.

BACKGROUND:

The Ministry of Forests consulted with K'omoks First Nation before amending the existing water lot lease in October 2021 to allow for moorage and storage of vessels and removing log storage activity in accordance with the Comox Valley Regional District (CVRD) by-laws.

CVRD has worked with legal counsel at the Ministry of the Attorney General anticipating legal action by waterfront residents contesting the water lot amendment, but so far such legal action has not happened.

The Baynes Sound coastal marine plan was tailored towards the shellfish aquaculture industry. Existing regulations do not cover decommissioning on land. Therefore, questions may be asked about whether the Province intends to include provisions for shipbreaking in its Coastal Marine Strategy, which is in development.

The site is considered highly contaminated with previous use of coal and remnants of railroads. In January 2022, specialists from the Ministry of Environment tested some water of drainage areas. After discovering heavy metal contamination, they informed DWR to seek a discharge waste permit.

s.13

Media Interest: Prior interest since January 2022 with media requests, which are expected to peak again after Baynes Sound residents hold their town hall meeting on Sunday, May 29.

Communications contact	Chitra Arcot	604 209-4043
Program contact	Charles Short	778 974-5841
File created	May 23, 2022	
File updated	June 17, 2022	

Much appreciated, Charlie. Shall convey the same to the Minister's Office.

My thanks.
Chitra

From: Short, Charles J FLNR:EX <Charles.Short@gov.bc.ca>

Sent: June 16, 2022 10:05 AM

To: Arcot, Chitra GCPE:EX <Chitra.Arcot@gov.bc.ca>

Subject: RE: For Review: Shipbreaking in Baynes Sound, Union Bay - One Q&A

Would just avoid commitments on opening up plans or LWRS tackling shipbreaking as it's mainly federal responsibility with international regs.

From: Arcot, Chitra GCPE:EX <Chitra.Arcot@gov.bc.ca>
Sent: June 16, 2022 9:59 AM
To: Short, Charles J FLNR:EX <Charles.Short@gov.bc.ca>
Subject: RE: For Review: Shipbreaking in Baynes Sound, Union Bay - One Q&A

Thanks, Charlie. Anything else that the Minister should NOT talk about regarding this shipbreaking issue?
Chitra

From: Short, Charles J FLNR:EX <Charles.Short@gov.bc.ca>
Sent: June 16, 2022 9:54 AM
To: Arcot, Chitra GCPE:EX <Chitra.Arcot@gov.bc.ca>
Subject: RE: For Review: Shipbreaking in Baynes Sound, Union Bay - One Q&A

s.13

From: Arcot, Chitra GCPE:EX <Chitra.Arcot@gov.bc.ca>
Sent: June 15, 2022 2:37 PM
To: Short, Charles J FLNR:EX <Charles.Short@gov.bc.ca>
Cc: Arcot, Chitra GCPE:EX <Chitra.Arcot@gov.bc.ca>
Subject: For Review: Shipbreaking in Baynes Sound, Union Bay - One Q&A

Hi Charles:
You'd helped me previously with the Issues Note on decommissioning ship activity in Union Bay area.

I used that information as part of a Q&A document for Minister Osborne.

Two requests for your action:

1. I attach that single Q&A below for your input;
2. Is there something about this shipbreaking issue that the Minister should NOT be saying at all?

s.13

Could you get back this afternoon, if possible.

My thanks,
Chitra

From: Short, Charles J FLNR:EX <Charles.Short@gov.bc.ca>

Sent: May 26, 2022 6:38 PM

To: Arcot, Chitra GCPE:EX <Chitra.Arcot@gov.bc.ca>

Subject: Re: Draft IN Shipbreaking in Baynes Sound, Union Bay - One more detail

I would say...."tenuring uses in the foreshore and activities that interact with the sea floor"

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From: Arcot, Chitra GCPE:EX <Chitra.Arcot@gov.bc.ca>

Sent: Thursday, May 26, 2022 4:29:14 PM

To: Short, Charles J FLNR:EX <Charles.Short@gov.bc.ca>

Subject: RE: Draft IN Shipbreaking in Baynes Sound, Union Bay - One more detail

Hi Charlie:

Thanks for the program info you've added.

I need help with this one:

"The federal government has the primary responsibility for navigable waters, shipping and marine transportation-related matters, while the Province is responsible for XXX. "

What would be the answer to fill in the Province's role?

Cheers
Chitra

From: Short, Charles J FLNR:EX <Charles.Short@gov.bc.ca>

Sent: May 25, 2022 10:09 PM

To: Arcot, Chitra GCPE:EX <Chitra.Arcot@gov.bc.ca>

Subject: RE: Draft IN Shipbreaking in Baynes Sound, Union Bay - For your review

Hi Chitra – a few edits for consideration. Thx

Charlie

From: Arcot, Chitra GCPE:EX <Chitra.Arcot@gov.bc.ca>

Sent: May 25, 2022 2:43 PM

To: Short, Charles J FLNR:EX <Charles.Short@gov.bc.ca>

Cc: Arcot, Chitra GCPE:EX <Chitra.Arcot@gov.bc.ca>

Subject: Draft IN Shipbreaking in Baynes Sound, Union Bay - For your review

Hi Charlie:

Further to our discussion this morning, I drafted an Issues Note about the shipbreaking activity in Baynes Sound, Union Bay.

Could you review and comment on this IN? Is tomorrow afternoon a reasonable ask? I'll have to send it on to others later this Thursday and further approvals on Friday as the Baynes Sound town hall is happening this Sunday. And we should have a strong document by mid-Friday.

Cheers

Chitra

Ms. Chitra Arcot
Public Affairs Officer
Government Communications and Public Engagement
Ministry of Land, Water and Resource Stewardship (LWRS)
2975 Jutland Road, 5th Floor, Victoria, BC V8T 5J9
Cellphone: 604-209-4043 | Skype #: 236-478-3602

I respectfully acknowledge that I reside and work on the traditional territories of the Lekwungen peoples and the Songhees and Esquimalt Nations.