



Investigation Report exposes failures in Canada’s emergency response measures and a failure to disclose information re: *Nathan E. Stewart* Oil Spill

Vancouver, BC (Thursday, April 6, 2017) – A Heiltsuk Nation investigation released today into the first 48 hours of the *Nathan E. Stewart* oil spill exposes failures in Canada’s emergency response measures and repeated refusals by the Transportation Safety Board of Canada and Kirby Corporation to disclose information to the Heiltsuk about events unfolding in their territory in the heart of the Great Bear Rainforest.

The 75-page Investigation Report sets out a chronology of the first 48 hours after the American tug-barge missed at least one course correction and ran aground, spilling more than 110-thousand litres of diesel into an important Heiltsuk food harvesting and cultural site in Gale Passage on October 13, 2016.

“That day changed everyone’s life – everyone was grieving. Gale Creek is where we harvest food for the community, it’s the site of one of our ancient tribal groups, it’s where our people go for ceremonial practices,” said Heiltsuk Chief Councillor Marilyn Slett. “Throughout this disaster, government didn’t cooperate with us and didn’t want to answer our questions, so we needed to conduct our own investigation into what happened for our community members.”

The investigation – based on information from first responders, Coast Guard and Unified Command – reveals a lack of spill response materials; ineffective booms and delays in employing them; a lack of safety instructions and gear for Heiltsuk first responders exposed to diesel and dangerous marine conditions; and confusion over who was in charge in the early hours of the spill.

The report also documents failed attempts by the Heiltsuk to gain access from the Transportation Safety Board and company to the vessel’s logbook, black box, crew statements, crew training records, barge history and other critical information.

The investigation provides a record of *Nathan E. Stewart* oil spill history and litigation against the tug – which was waived from requiring a local Pilot onboard – and indicates Coast Guard personnel were aware that First Nations had repeatedly instructed the fuel barge not come through their waters.

“The Heiltsuk undertook this investigation in our territory as an act of defining who we are,” said Chief Slett, whose nation signed a reconciliation agreement with Canada in March for joint decision-making over land and marine resources in their traditional territories.

“The Heiltsuk were never consulted by Canada on whether we agreed with the *Nathan E. Stewart* transporting oil through our territories, or with its exemption from having a local pilot. The way Canada handled this situation does not reflect the approach the federal government says it wants to take in developing a nation-to-nation relationship.”

At the end of March 2017, a DFO emergency harvesting closure was still in effect in Gale Creek, an area the community relies on for income from commercial fishing, and food for personal and ceremonial use.

“I am hurt, upset, and angered by this. I had two kids under sixteen out there and this area was where we showed them how to provide for their families,” said commercial clam fisherman Robert Johnson. “My family gets eighty to ninety per cent of what we harvest out of that area: clams, cockles, kelp, seaweed, halibut, lingcod, salmon, mussels, to name a few.”

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FOR MORE INFORMATION AND INTERVIEWS, CONTACT:

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LINKS

Read the Investigation Report: <https://www.nes-investigation.org/s/HTC-NES-IRP-2017-03-31.pdf>
NES Investigation Report microsite: www.nes-investigation.org
Media photos & B-roll: <https://spaces.hightail.com/space/qQ5aM>
www.heiltsuknation.ca

KEY FACTS

- The Heiltsuk Tribal Council Investigation Report was prepared to determine if events of October 13, 2016 occurred in contravention of Heiltsuk customary laws, ‘*Gvi’ilás*.
- The report summarizes events leading up to the spill and sets out a chronology of the first 48 hours involving the grounding and sinking of the vessel, the oil entering the marine environment, Heiltsuk response efforts and attendance of other organizations.
- Heiltsuk have publicly opposed oil tankers in their waters and support an oil tanker moratorium on the BC coast. They were never consulted by Canada on the transport of oil through their territories or on waiving the tug from having a local pilot onboard.

Failed Emergency Response Measures

The Investigation Report documents issues, including:

- Issues with oil response materials arriving at the scene, or not being used.
- Confusion about who was taking charge of the situation.
- Delays in deploying booms.
- Insufficient and ineffective booms being available.
- Ineffective spill response materials.
- Skimmers being ineffective because the sheen had already dispersed.
- A lack of safety instructions and gear being provided to Heiltsuk first responders to reduce exposure to the diesel fuel and fumes.

Lack of Disclosure

The Investigation Report, pp 9-16, documents requests for information made by the Heiltsuk Tribal Council to Kirby Corporation and government organizations from Oct to Dec 2016.

Day #1: First Responder Interviews

“I saw a lot of chaos...The booms were not the proper type for the conditions out here. There was no communication, no on-scene command, no clear direction on actions to be taken. It was very upsetting to see how much damage was done in such a short time.”

— Hereditary Chief Harvey Humchitt

“Around 4 pm we tried to set the boom inside Gale Creek and then travelled to the Bartlett [Coast Guard] which was positioned just off the spill site...They requested that we boom inside the spill site between rocks and barge. The tide was low so the rocks on the reef were exposed. There were big swells...We had a very close call in the swells so we left the area.”

— Megan Humchitt

“When we showed up no one had gloves or masks...the smell was significant, [I] did experience headaches within an hour of getting there, the sheen was widespread. I think everyone was experiencing headaches at that point.”

— Pamela Wilson

“There was a lack of equipment and we were pulling it off our own boats. I saw two vessels pulling their food harvesting equipment to secure the booms. The weather posed difficulty, the booms were constantly breaking. The booms were only supposed to be used for tidal waters of up to 1.5 knots.”

— Robert Johnson