Dear [REDACTED]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Act) [Our file #ENV/014/2015]

On May 29, 2015 the Department of Environment and Conservation received your request for access to the following records/information:

"Any correspondence, letters, memos, emails, notes, telephone call recordings or confirmation of in-person meetings the Department of Environment and Conservation has had regarding the Manolis L. between May 4th – May 28th, 2015."

I am pleased to inform you that your request for access to information has been granted in part. Portions of the attached documents have been severed as they are non-responsive or in accordance with the following exception to disclosure:

Section 30(1): The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

As required by subsection 7(2) of the Act, we have severed information that is exempted from disclosure and have provided you with as much information as possible. In accordance with your request, the appropriate copies of records have been enclosed. Please note that page 25 has been removed in its entirety as it is non-responsive to your request.

Section 43 of the Act provides that you may ask the Information and Privacy Commissioner to review the processing of your access request or you may appeal to the Supreme Court Trial Division. A request to the Commissioner shall be made in writing within 60 days of the date of this letter or within a longer period that may be allowed by the Information and Privacy Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

P.O. Box 8700, St. Johns, NL, Canada A1B 4J6  T 709.729.2572  F 709.729.0112
Office of the Information and Privacy Commissioner  
2 Canada Drive  
P. O. Box 13004, Stn. A  
St. John’s, NL A1B 3V8  

Telephone: (709) 729-6309  
Facsimile: (709) 729-6500

In the event that you choose to appeal to the Trial Division, you must do so within 30 days of the date of this letter. Section 60 of the Act sets out the process to be followed when filing such an appeal.

Please be advised that this response will be published following a 72 hour period after the response is sent electronically to you or five days in the case where the response is mailed to you. It is the goal to have the response posted to the Office of Public Engagement's website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact the Departmental ATIPP Coordinator at 709-729-7183 or courtneyblundon@gov.nl.ca.

Sincerely,

[Signature]

JAMIE CHIPPETT  
Deputy Minister
Hi Dan,

One of our contacts at CCG was kind enough to forward the following links to us. PR spin to reassure the public including video depicting calm waters with fish swimming about.


There is also a video on youtube:  https://www.youtube.com/watch?v=VJ6yiR41f8

Sent from my iPhone

On May 4, 2015, at 8:18 AM, Crummell, Dan <DanCrummell@gov.nl.ca> wrote:

David,

I am committed to help in anyway possible. I will continue to influence a positive outcome through my office and through government.

Keep up the good work!

Dan

Sent from my BlackBerry 10 smartphone on the Bell network.

Original Message
From: David McConkey
Sent: Sunday, May 3, 2015 11:39 PM
To: Crummell, Dan
Subject: Thanks

Hi Dan
Thanks for coming to the meeting today.
Really appreciate your support, concern and efforts to have the Manolis L addressed permanently.
Thanks
David McC

Sent from my iPhone
Hi folks it is quickly getting to be Spring Manolis L time again. The Communications Section of Department of Fisheries and Oceans has developed a webpage that includes videos from the Manolis L as well as some great pictures of their past operations.

The Local Concerned Citizens Group is still very active and appears to be well supported locally.

Canadian Coast Guard (CCG) has started planning operations for another visit to the Manolis L wreck, when more details are known we will be convening another Environmental Emergencies Science Table so CCG can brief everyone and any potential issues can be identified and addressed.

Graham Thomas

Agent Principal, Centre national des urgences environnementales (CNUE)
Environnement Canada / Gouvernement du Canada
Urgences 24/7 1-866-283-2333

Senior Officer, National Environmental Emergencies Center (NEEC)
Environment Canada / Government of Canada
graham.thomas@ec.gc.ca /Tel: 514-496-7319 Cel: 514-237-7884
Emergencies 24/7 1-866-283-2333
Dear MLCRC

Please find attached a copy of the response to request though Access To Information Act.

It is interesting to note that such information was sent previously when we made a general request for images of Manolis L for an earlier time period.

Clearly there is a shift from sharing any information that would undoubtedly show more than fish in calm seas around the Manolis L, and likely not in government's "financial interests"

Dear [Redacted]

This letter is in response to the request you submitted under the Access to Information Act for:

“Documentation held by the Canadian Coast Guard and Department of Fisheries and Oceans indicating the condition of the Manolis L. paper carrier ship that sank in Notre Dame Bay, Newfoundland in January 1985 with such documentation in the form of ROV (remote operated vehicle) Survey Reports and DVD footage of ROV surveys covering the time period of October 2013 to February 2015.”

The records pertaining to this request are exempted under sections 18(d) of the Act. A copy of the relevant section is attached.

Please be advised that you are entitled to complain to the Information Commissioner of Canada concerning the processing of your request within sixty (60) days of receipt of this notice. In the event you decide to avail yourself of this right, your notice of complaint should be addressed to:

Information Commissioner of Canada
30 Victoria Street
Ottawa, ON K1A 1H3

Should you have any questions, please contact Rebecca Callier at 613-991-7403 or rebecca.callier@dfc-mpo.gc.ca.

Yours sincerely,

[Signature]

Caroline Douglas
Director
Access to Information and Privacy Secretariat

Enclosure:
1. Access to Information Act: Applicable exemption/exclusion provisions

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Access to Information Act

18(d) INJURIOUS TO THE FINANCIAL INTERESTS OF CANADA

18. The head of a government institution may refuse to disclose any record requested under this Act that contains information the disclosure of which could reasonably be expected to be materially injurious to the financial interests of a government institution or to the ability of the Government of Canada to manage the economy of Canada or could reasonably be expected to result in an undue benefit to any person.
The note is drafted, I am editing. When I spoke to Jamie yesterday, he said they were looking at Friday, but it wasn’t confirmed.

-----Original Message-----
From: Spurrell, Dana
Sent: Tuesday, May 05, 2015 4:42 PM
To: Thomas, Melanie S
Subject: FW: Request for a telephone call with Minister Leon Aglukkaq
Importance: High

Do we have anything in draft for this? Do we have it confirmed that the call is happening on Friday?

-----Original Message-----
From: Chippet, Jamie
Sent: Tuesday, April 21, 2015 1:45 PM
To: Collingwood, Jennifer; Goebel, Martin; Firth, Ross; Spurrell, Dana; Janes, Jackie
Subject: FW: Request for a telephone call with Minister Leon Aglukkaq
Importance: High

FYI. Martin, please commence a briefing note which covers this issue and also addresses any other issues we are discussing with EC. Have added Jackie as she can contribute from a climate change discussion/messaging perspective as well. Bulk of note should be on the Manolis with others addressed as briefly as possible afterwards.

Jennifer please reflect in Minister’s messaging on the Manolis - i.e. mtg upcoming.

Jamie

-----Original Message-----
From: Roberts, Edna
Sent: Tuesday, April 21, 2015 1:41 PM
To: Bruce, Patrick
Cc: Crummell, Dan; Chippet, Jamie
Subject: Request for a telephone call with Minister Leon Aglukkaq
Importance: High

Pat,

Leah Mckalopolas called from Minister Aglukkaq’s office to set up a telephone meeting within the next couple of weeks. You can contact her at 819-956-5999 or leave a message at main office 819-997-1441.

She said Minister Aglukkaq wanted to discuss Minister Crummell’s letter of March 9th this year. I have attached a copy of the letter.
Thanks, Edna

Regards

Edna Roberts
Administrative Assistant to the Honourable Dan Crummell Minister of Environment and Conservation 4th Floor, West Block Confederation Building, St. John’s, NL A1B 4J6

(Tel) 709-729-2574 (Fax) 709-729-0112
(Email) erober@.gov.nl.ca
From: Chippett, Jamie  
Sent: Wednesday, June 03, 2015 5:25 PM  
To: Blundon, Courtney  
Subject: FW: Meeting with Min Aglukkaq

From: Chippett, Jamie  
Sent: Wednesday, May 06, 2015 11:18 AM  
To: Thomas, Melanie S  
Subject: RE: Meeting with Min Aglukkaq

I agree with your assessment. Perhaps a couple of generic speaking points about the mandates we share and the way we collaborate could cover off a and e. 

Thanks,  
Jamie

From: Thomas, Melanie S  
Sent: Wednesday, May 06, 2015 10:46 AM  
To: Chippett, Jamie  
Subject: Meeting with Min Aglukkaq

Jamie,

The meeting note for the upcoming meeting with Min Aglukkaq primarily focuses on the Manolis L, however does include a few additional agenda items (provided by Directors). None of the items stand out as priority; however could be useful as an update. I've struck those which could be deleted, but hoped you might weigh in.

1. Manolis L
2. Other Agenda Items with Environment Canada
   a. 
   b. 
   c. 
   d. 
   e. 

Melanie S. Thomas | Manager, Policy and Strategic Planning  
Policy and Planning Division  
Environment and Conservation  
P.O. Box 8700  
Confederation Building  
St. John's, NL A1B 4J6  
Ph: 729-1275  
E: melaniesthomas@gov.nl.ca
Sent from my BlackBerry 10 smartphone on the Bell network.

From: Crummell, Dan <DanCrummell@gov.nl.ca>
Sent: Tuesday, May 5, 2015 8:05 PM
To: Chippett, Jamie; Bruce, Patrick
Subject: Fw: Letter to Minister Shea May 5/15

Fyi

Sent from my BlackBerry 10 smartphone on the Bell network.

From: David McConkey <[REDACTED]>
Sent: Tuesday, May 5, 2015 6:14 PM
To: manoliscommitte@gmail.com
Subject: FW: Letter to Minister Shea May 5/15

Forwarding letter sent to Gail Shea today with bcc to committee and Dan C, Scott S, Christopher M, George M

From: [REDACTED] <[REDACTED]>
To: gail.shea@parl.gc.ca; manoliscommitte@gmail.com
Subject: Letter to Minister Shea May 5/15
Date: Tue, 5 May 2015 18:05:28 -0200

May 5, 2015
May 5, 2015

Minister Gail Shea

Ministry of Fisheries and Oceans

Ottawa, ON K1A 0E6

Dear Minister Shea

On behalf of the Manolis L Citizens Response Committee, thank you for your letter of April 16, 2015.

Your letter indicates uncertainty of the potential of compensation or funding for the removal of the oil from the Manolis L through the Ship-source Oil Pollution Fund. In spite of this funding uncertainty, it remains clear that the financial responsibility, as well as any resultant liability, remains with the Minister of Fisheries and Oceans acting on behalf of the Government of Canada.

Your regrets and schedule conflict that prevented you from participating in the May 3/15 Manolis L Citizens Response Committee Meeting, as per notification from your office, was duly noted; however we were pleased to have representation from the Canadian Coast Guard and members of our Provincial House of Assembly who have been in contact with you.

Given your recent Fishermen’s Broadcast interview comments indicating you are “exploring long term solutions” and “the process has been started in the department” we questioned the Canadian Coast Guard representatives for details. We were disappointed to hear that they have been given a general directive to look at options without any funding or time lines. At this time, we understand there is no deadline for submitting a report of options, and no budget to do anything that would lead towards contracts to have the oil removed. We recognize this is a challenging project that requires adequate wreck assessment and due consideration with salvatores with specialization, and as such would like to see stringent time lines to ensure this matter is promptly and permanently addressed.

The visual imagery on the DFO site showing a calm sea with fish swimming leisurely to music does not reflect the rough seas and ice in the area that limit windows of opportunity to remove the oil from a ship with structures rusting for over thirty years and known to be leaking such that oil recovery from cofferdams is challenging. It is of even greater concern that a commercial food source is showing swimming through an area known to contain a toxic pollutant and worry about particulate poison from the Bunker C being ingested by the fish and how that might be of great concern to those who buy and eat the cod of Notre Dame Bay. Fishermen in the area are also concerned about that image being released as it identifies their fishing grounds in a negative light, something that might be seen by markets as undesirable.

On behalf of the Manolis L Citizens Response Committee we would like to see clear responsible action plans put in place with clear time lines that respond to this time sensitive matter as soon as possible.
We do not want hollow election promises, but rather clear plans and funds allocated to have the oil removed in order to prevent chronic/catastrophic oil spillage in the environment, regardless of access to SOPF although we are prepared to support you seeking such compensation if that is what it takes.

Sincerely,

David McConkey, Co-Chair, Manollis L Citizens Response Committee, s.30(1)

Carolyn R Parsons, Co-Chair, Manollis L Citizens Response Committee, s.30(1)
Blundon, Courtney

From: Spurrell, Dana
Sent: Tuesday, May 12, 2015 10:49 AM
To: Goebel, Martin
Subject: RE: ENVC Update for Oceans

Thanks Martin

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From: Goebel, Martin
Sent: Tuesday, May 12, 2015 10:42 AM
To: Spurrell, Dana
Cc: Firth, Ross
Subject: RE: ENVC Update for Oceans

Dana:
There was an information note prepared May 6, 2015 that included all recent updates on the Manolis L. Please see TRIM COR-2015-46.

Regards, Martin

---

From: Spurrell, Dana
Sent: Tuesday, May 12, 2015 9:05 AM
To: Goebel, Martin; Firth, Ross
Subject: ENVC Update for Oceans

Hi,

I am attending this meeting tomorrow and as part of the roundtable will be required to give a 5 min overview of any ENVC issues related to coastal and oceans management. Is there anything in particular from your branches that I should include?

Martin, any updates on the Manolis or any other ocean related environment issues?

Dana

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**Agenda**

**Canada – Newfoundland and Labrador Committee on Oceans Management**

**Hampton Inn and Suites**

411 Stavanger Drive; St. John’s, NL

Wednesday, May 13th, 2015

9:00 – 12:00

(Web Ex Information: To be provided)

9:00 – 9:10
Opening Remarks and ROCOM Update

9:10 – 9:20

R. Finn, DFO (Co-Chair)
T. Dooley, DFA (Co-Chair)
Review of Agenda and Last Meeting Summary

9:20 – 9:40
Advancing the MPA Network Priority

9:40 – 9:55
Advancing the AIS Priority

9:55 – 10:15
Advancing the Preventing Conflict Priority
Coastal Management Areas
Use of Geospatial Mapping Tools
ICOM Website

10:15 – 10:35
Break

10:35 - 11:00
Roundtable
Approximate 5 minutes each

11:00 – 11:30
Ecological Monitoring Program at Parks Canada

11:30 – 12:00
Marine Renewable Energy Measures

Closing Remarks

R. Finn, DFO (Co-Chair)
T. Dooley, DFA (Co-Chair)
S. Kuehnemund, DFO
M. Abbott, DFO
N. Hynes, DFA

All

K. TulIK, PC
J. Brady, NRCa

R. Finn, DFO (Co-Chair)
T. Dooley, DFA (Co-Chair)
25/08

Local George R Peake 27th Nov
opmeta 28th compact 1000m
underwater survey
lifting coffers dam pumps out
replace if necessary

survey
daily overights
5 vessels on site

response equipent
incident control post Henry Week
reduce noten - currents

Communication plan
bid homelessness
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Hi Dan
Forwarding a copy of this letter sent to Gail Shea today so that you are informed of latest development regarding inconsistency in references to past settlements.

Would be interested to hear how your recent planned talk with Minister Shea went.

Hope the Premier and the Province can get out in front on this issue and demand action with time lines.

Thanks
David McC

Sent from my iPhone

Begin forwarded message:

From: David McConkey  
Date: May 19, 2015 at 9:26:14 AM NDT
To: "gail.shea@parl.gc.ca" <gail.shea@parl.gc.ca>
Cc: "manoliscommittee@gmail.com" <manoliscommittee@gmail.com>
Subject: Letter to Minister Gail Shea

May 19, 2015

Minister Gail Shea

Ministry of Fisheries and Oceans

Ottawa, ON K1A 0E6

Dear Minister Shea
On behalf of the Manolis L Citizens Response Committee, please accept this letter as another follow up to your correspondence of April 16, 2015, regarding the MV Manolis L and the Ship-source Oil Pollution Fund (SOPF).

Concerned citizens on the committee have had further discussion and we have been asked to write to you again in regards to some inconsistencies to the settlement references as well as to seek further reassurance that the marine environment will be protected.

Can you please clarify what settlement was made with whom, what it was for, how much it was and what conditions may be associated with the settlement. Your letter indicates “the Canadian Coast Guard (CCG) claimed the costs of response to this incident through the SOPF when the MV Manolis L sank in 1985.” Your letter goes on to discuss the settlement with references to SOPF and how “the CCG also subrogated its rights of claim against the ship owner to the SOPF.”

Mr Alfred Popp, SOPF, provided written correspondence to a Manolis L Citizens Response Committee member on May 14, 2015 indicating “First of all, let me reiterate that we have been through our Annual Reports on several occasions and cannot find any reference to the Manolis L. Further we cannot find any file on this vessel, probably because no claim was ever filed with this office, consequently, no claim was ever settled by this office.”

Hopefully a review of the documentation will clarify the source of and the nature of a settlement with the Canadian Coast Guard in a manner that may help to determine access to funding to permanently remove the oil from this vessel that has begun leaking within the past five years.

Your letter of April 16, 2015 closes with “the CCG continues to monitor the MV Manolis L very carefully to ensure the marine environment is protected.” We appreciate the frontline workers who are doing what they can with their training in emergency response, however we continue to emphasize there are species at risk in this marine environment that must be protected from a chronic/catastrophic oil spill. We would like to know more about what you are doing to protect the marine environment including plans to source the expertise of international salvatores to remove the oil rather than endanger these species. Such measures would ultimately divert costly settlements and cleanup of an oil spill.

Sincerely,

David McConkey, Co-Chair, Manolis L Citizens Response Committee,
FW: FW: Call with Minister Aglukkaq to discuss Manolis L let sent Mar 9th by Minister Crummell

Location: Telephone Call

Start: Tue 5/26/2015 12:00 PM
End: Tue 5/26/2015 1:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Crummell, Dan

-----Original Appointment-----
From: Roberts, Edna On Behalf Of Crummell, Dan
Sent: Thursday, May 21, 2015 10:23 AM
To: Crummell, Dan; Chippett, Jamie; Crummell, Dan; Hoddinott, Fanny; Blundon, Courtney
Subject: FW: Call with Minister Aglukkaq to discuss Manolis L let sent Mar 9th by Minister Crummell
When: Tuesday, May 26, 2015 12:00 PM-1:00 PM (UTC-03:30) Newfoundland.
Where: Telephone Call

Leah McKalopolas called from Minister Aglukkaq’s office to set up a telephone meeting within the next couple of weeks. You can contact her at 819-956-5999 or leave a message at main office 819-997-1441.

She said Minister Aglukkaq wanted to discuss Minister Crummell’s letter of March 9th this year. I have attached a copy of the letter.

Thanks, Edna
Call in number 613-992-2848

Minister requesting meet...
The Honourable Leona Aglukkaq  
Minister of the Environment  
Member of Parliament for Nunavut (Nunavut)  
10 Wellington Street, 28th Floor  
Gatineau QC K1A 0H3

Dear Minister Aglukkaq:

I would like to take an opportunity to raise a matter for your attention and assistance.

You may be aware of a vessel, the Manolis L that sank in Notre Dame Bay near Change Islands, Newfoundland and Labrador in 1985. The ship still has more than 500 tonnes of fuel and lubricating oils inside the wreck. Small leaks have developed in the hull and the Canadian Coast Guard has taken steps to contain those leaks. However, it is felt that it is only a matter of time before the hull develops a more serious fracture and the consequences of that will be a major oil spill.

The area of Notre Dame Bay and the adjoining shorelines and beaches are home to many migratory sea birds as well as other wildlife. While the primary responsibility for the eventual recovery of oil from the sunken Manolis L rests with the Federal Department of Fisheries and Oceans (Canadian Coast Guard), an oil spill would obviously create a severe environmental impact. More specifically, an oil spill might be viewed as a contravention of Section 5 of the Migratory Birds Convention Act, 1994, and this Act falls under the responsibility of Environment Canada.

I would like to meet or discuss this matter with you with the objective of seeking your support from the Federal Government to have this matter rectified. We feel there is an urgent need to raise the vessel or to at least recover all of the oil from it in order to prevent a very costly environmental disaster. If you are agreeable to a discussion, I will have my office contact yours.

Sincerely,

DAN CRUMMELL, MHA  
District of St. John’s West  
Minister
cc: Hon. Gail Shea, Minister, Fisheries and Oceans Canada
Hon. Derrick Dalcolly, MHA, District of The Isles of Notre Dame
Hon. Vaughn Granter, Minister of Fisheries and Aquaculture
Hon. Keith Hutchings, Minister of Municipal and Intergovernmental Affairs
Ross and I have discussed. This has been sent to Jamie.

-----Original Message-----
From: Spurrell, Dana
Sent: Friday, May 22, 2015 2:11 PM
To: Firth, Ross
Cc: Thomas, Melanie S
Subject: RE: HP TRIM Briefing Note : BN-2015-46 : Information Note - Information note on Manolis L + natural heritage issues for call with Minister Aglukkaq

Hi Ross,

We need to finalize this note this afternoon. Is it possible for you to quickly address the couple of comments?

Dana

-----Original Message-----
From: Spurrell, Dana
Sent: Thursday, May 21, 2015 11:11 AM
To: Firth, Ross; Goebel, Martin
Cc: Thomas, Melanie S
Subject: HP TRIM Briefing Note : BN-2015-46 : Information Note - Information note on Manolis L + natural heritage issues for call with Minister Aglukkaq

Jamie has informed me that the call with Minister Aglukkaq has been confirmed for Tuesday. Can you please review the attached meeting note and address the couple of questions indicated in track changes? If you want to check out the note from TRIM and make the revisions, feel free.

thanks

------< HP TRIM Record Information >-----

Record Number: BN-2015-46
Title: Information Note - Information note on Manolis L + natural heritage issues for call with Minister Aglukkaq
Meeting Note
Department of Environment and Conservation
Minister Aglukkaq
Tuesday, May 26, 2015
Conference Call

Attendees: Dan Crummell, Minister
Leona Aglukkaq, Minister of Environment
Jamie Chippet, DM

Purpose of Meeting:
- To discuss the Sunken Paper Carrier M/V Manolis L and other relevant federal-provincial environmental issues.

Background:
- The Department of Environment and Conservation (ENVC) is responsible for the protection and enhancement of the environment, management of the province’s wildlife, inland fish, water, and parks.
- ENVC and Environment Canada (EC) have a strong history of collaboration on areas of mutual interest. There are several initiatives that ENVC and EC are currently engaged in:
  - Federal-Provincial-Territorial Ministers Meetings were held in Ottawa on February 13, 2015, the recent discussions focused on conservation, wildlife and biodiversity related issues.
  - ENVC has maintained a close and excellent working relationship on three federal-provincial water agreements: Federal-Provincial Hydrometric Agreement; Federal-Provincial Water Quality Agreement; and Federal-Provincial Climate Network Expansion Program. The province has benefited from its participation in these agreements and as a result has developed excellent in-house expertise and contributed to the development of the province’s water resources management program.
- On March 9, 2015 the Minister of Environment and Conservation wrote to Minister Aglukkaq to formally raise the issue of the Manolis L and request federal support to raise the ship, or to recover the remaining oil in order to mitigate against a more costly environmental clean-up.
- Dialogue with federal Minister of Environment is focused on the implications for migratory birds. If further breakage occurs a spill will have direct impact on birds in the area and therefore implicate Environment Canada. Oil covered seabirds have been repeatedly spotted along the coast line.

Agenda Item #1 – Manolis L.
- In 1985 the paper carrier Manolis L. sank in Notre Dame Bay near Change Islands, NL. The ship contained more than 500 tonnes of fuel and lubricating oils.
- On March 31, 2013, reports of oiled ducks in Blow Hard Rock area of Fogo/Change Islands were first received.
- There are significant logistical challenges associated with the wreck’s location, water depth and temperature, and lack of knowledge regarding the layout of the wreck’s fuel compartment. These challenges complicate mitigating measures and recovery.
- The Department of Fisheries and Oceans has federal jurisdiction for the Manolis L. However if the Manolis fractures and a spill occurs that affects migratory birds then Environment Canada will be implicated under the Migratory Birds Convention Act (MBCA) and Regulations.

Analysis
- The Manolis L situation resulted in the first activation of the Science Table in Newfoundland and Labrador. The Science Table includes representatives of concerned government agencies and
facilitates sharing of information and development of response plans. In the case of the Manolis L membership includes: Environment Canada, Transport Canada, Department of Fisheries and Oceans (DFO) - Coast Guard, Public Safety (federal), ENVC, SNL, DFA, and NR (Hugh Whitney).

- The marine environment is an area of federal jurisdiction; therefore the Coast Guard (DFO) is the lead agency. The initial oil was traced back to the Manolis L and the federal government has responded with over flights, ROV Inspections and various remediation measures including installation of a neoprene seal, installation of a cofferdam that collects oil (May 28, 2013), and further repairs to the cofferdam.

- Responsibility for dealing with oil spills rests with the party that caused the spill. In the marine environment if the owner cannot undertake the necessary actions or cannot be identified, the federal government has the responsibility to take over. The Coast Guard is responsible for the sunken vessel. In addition, Environment Canada is responsible for the Migratory Birds Convention Act (MBCA) and Regulations, if further leaks occur and impact migratory birds, this may have legal implications for the Crown.

- Since January 1, 2014 Transport Canada has had regular overflights of the area. Most have observed no oil; however a few have observed small amounts in the range of one half to two liters.

- In June 2014 the Coast Guard removed oil from the coffer dam and returned in November to remove new accumulations but were unable to undertake the work due to weather conditions.

- The Coast Guard returned to the Manolis L on December 13-14 and installed a new cofferdam. An investigation was conducted after area residents reported an oil sheen; however the leak was determined too small to recover. Overflights since mid-December 2014 have not shown any oil.

- Former and current Ministers of Environment and Conservation have written the federal Minister of Fisheries and Oceans on four occasions requesting that the federal government provide a permanent solution (Dec 10, 2013; March 12, 2014; July 23, 2014; and November 10, 2014). DFA also notes that the Minister of Fisheries and Aquaculture has previously sent correspondence on this issue as well.

- While a response has not been received to the most recent letter, previous responses and statements by the federal Minister of Fisheries and Oceans in the House of Commons suggested that the coffer dam repairs were successful and no further mitigative measures aside from monitoring were planned.

- In the absence of a response, Minister Crummell requested a telephone meeting with Minister Gail Shea which occurred on December 16, 2014. The federal Minister recognized the Manolis L was a federal responsibility and the potential impacts on the area, and indicated a long-term solution was being considered; however the coffer dam was considered the safest solution.

- Mr. Martin Goebel, ADM of Environment, attended a meeting of the Manolis L Citizens Response Committee on November 22, 2014. Issues mentioned at the meeting included whether the province would pursue a claim under the Ship-Source Oil Pollution Fund and whether the Province would support an all-party letter to the federal government on the Manolis L issue.

- Another meeting of the committee was held January 18, 2015 in Twillingate. Ministers Crummell and Dalley attended.

- On January 9, 2015, Mr. Jamie Chippett, DM wrote the administrator of the Ship-Source Oil Pollution Fund seeking information on the parameters of the fund; whether the Manolis L would be eligible; and whether other funding sources might be available. On January 15, 2015 the fund administrator advised that all limitation periods in the Marine Liabilities Act had passed and therefore a claim could not be submitted. It is also understood that the federal government accepted a payment in the order of $20,000 at the time of the sinking of the Manolis L.

- On January 15, 2015 Mr. Christopher Mitchelmore, MHA wrote Minister Crummell seeking considerable information on the Manolis L. Minister Crummell responded on February 4, 2015 and included copies of Ministerial correspondence to federal Minister Shea and situation reports from the Coast Guard.

- On February 6, 2015, the CBC reported that the Coast Guard was exploring long-term solutions for the vessel.
• On May 5th, 2015 correspondence sent by the Citizen’s Response Committee to Minister Gail Shea acknowledged ongoing dialogue with the Coast Guard officials but pressed for timelines and budget allocations to support the recovery of the oil.

Potential Speaking Points
• The marine environment is an area of federal jurisdiction. The Department of Environment and Conservation is committed to working with the federal government and area stakeholders in the design and implementation of a plan which will support the recovery of oil and prevent costly environmental clean-up.

Proposed Actions
• ENVC will continue to engage in the science table and communicate with the Coast Guard on the Manolis L and update other departments/Ministers/Premier as needed.
• The Minister of ENVC will continue to dialogue with the federal government and advocate for a permanent solution.
Hi folks, CCG ER are planning to restart operations at the site of the sunken Manolis L on May 28, 2015. Prior to start of operations CCG ER will provide a briefing of their operational plans to Science Table members on Monday, May 25, 2015 at 09:00 EDT. Thierry Mezzana NEEC will Chair the meeting, I will be travelling and unavailable.

Teleconference 1-877-413-4791 password *******

Agenda:

CCG ER Joe Leclair: Overview of pending operations

Round Table: Open discussion of Science Table members regarding any concerns/issues/comments on the operation.

Graham Thomas

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Melanie:
Yes, we have written to the Minister of Fisheries and Oceans (Hon Gail Shea) on those 4 occasions mentioned. The Fisheries Minister is also responsible for the Canadian Coast Guard. Bringing the Federal Minister of Environment into the equation is what’s new now.

Regards, Martin

P:\Minister Crummell\Manolis L Shea Let.pdf
P:\Minister Crummell\MinisterLetterTCMinister20150513.doc

Thanks, Martin. Just trying to piece together the surrounding context. Also, the 2013-14 correspondence below was directed to Minister of Fisheries, Gail Shea? And the same Minister is referenced in the final bullet, correct?

- Former and current Ministers of Environment and Conservation have written the federal Minister on four occasions requesting that the federal government provide a permanent solution (Dec 10, 2013; March 12, 2014; July 23, 2014; and November 10, 2014).
- While a response has not been received to the most recent letter, previous responses and statements by the federal Minister in the House of Commons suggested that the coffer dam repairs were successful and no further mitigative measures aside from monitoring were planned.

Environment Canada is responsible for the Migratory Birds Convention Act (MBCA) and Regulations.
https://www.ec.gc.ca/nature/default.asp?lang=En&n=7CEBB77D-1

the argument as I understand it is that because section 5.1 states:

Prohibition

5.1 (1) No person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area.

Marginal note: Prohibition
(2) No person or vessel shall deposit a substance or permit a substance to be deposited in any place if the substance, in combination with one or more substances, results in a substance — in waters or an area frequented by migratory birds or in a place from which it may enter such waters or such an area — that is harmful to migratory birds.

It may create a legal difficulty for the Crown if a spill occurs where the Canadian Coast Guard has responsibility for the vessel now. Note that the Act binds the Crown (sect 3). I'm not a lawyer but this is what people are saying.

Regards, Martin

From: Thomas, Melanie S  
Sent: Monday, May 25, 2015 10:22 AM  
To: Goebel, Martin  
Subject: RE: HP TRIM Briefing Note : BN-2015-46 : Information Note - Information note on Manolis L + natural heritage issues for call with Minister Aglukkaq

Hi Martin,

Jamie's asked that we elaborate on why the Minister is engaging with EC. Is there anything further you can add to the bullet below? In your clarification below you referenced a violation. Are you able to elaborate? Is there an Act the feds will violate if they don't respond?

- Dialogue with the federal Minister of Environment is focused on the implications for migratory birds. If further breakage occurs a spill will have direct impact on birds in the area and therefore implicate Environment Canada. Oil covered seabirds have been repeatedly spotted along the coast line.

-----Original Message-----
From: Spurrell, Dana  
Sent: Thursday, May 21, 2015 1:49 PM  
To: Thomas, Melanie S  
Subject: FW: HP TRIM Briefing Note : BN-2015-46 : Information Note - Information note on Manolis L + natural heritage issues for call with Minister Aglukkaq

For updating in the note

-----Original Message-----
From: Goebel, Martin  
Sent: Thursday, May 21, 2015 12:50 PM  
To: Spurrell, Dana  
Subject: Re: HP TRIM Briefing Note : BN-2015-46 : Information Note - Information note on Manolis L + natural heritage issues for call with Minister Aglukkaq

In the note it should be made clear that the responsible Federal Jurisdiction for the Manolis is DFO. However the purpose of communicating with EC is that is the Manolis breaks up and a spill occurs that affects migratory birds, that will create a violation for EC to deal with.

Regards, Martin  
ADM Environment  
sent via Blackberry Bold 9900

----- Original Message -----  
From: Spurrell, Dana  
Sent: Thursday, May 21, 2015 11:11 AM
To: Firth, Ross; Goebel, Martin  
Cc: Thomas, Melanie S  
Subject: HP TRIM Briefing Note : BN-2015-46 : Information Note - Information note on Manolis L + natural heritage issues for call with Minister Aglukkaq

Jamie has informed me that the call with Minister Aglukkaq has been confirmed for Tuesday. Can you please review the attached meeting note and address the couple of questions indicated in track changes? If you want to check out the note from TRIM and make the revisions, feel free.

thanks

-----< HP TRIM Record Information >-----

Record Number : BN-2015-46  
Title : Information Note - Information note on Manolis L + natural heritage issues for call with Minister Aglukkaq
Blundon, Courtney

From: Chippett, Jamie  
Sent: Wednesday, June 03, 2015 5:19 PM  
To: Blundon, Courtney  
Subject: FW: Call with federal minister

From: Roberts, Edna  
Sent: Tuesday, May 26, 2015 8:42 AM  
To: Chippett, Jamie  
Subject: RE: Call with federal minister

Will do Jamie.

From: Chippett, Jamie  
Sent: Monday, May 25, 2015 10:10 PM  
To: Hoddinott, Fanny; Goebel, Martin; Collingwood, Jennifer; Bruce, Patrick; Crummell, Dan; Roberts, Edna  
Subject: Call with federal minister

I have a mandatory training session for DMs on atippa in the morning from 9am-12pm. Edna/Fanny, please ensure Minister and everyone else copied on this email has the meeting note. Covers Manolis, the reason for the call, as well as issues federal minister may raise.

Jamie

Sent from my BlackBerry 10 smartphone on the Bell network.
Information Note
Environment and Conservation

Title: The Sunken Paper Carrier M/V Manolis L. near Change Islands

Issue: Possible environmental impacts from potential leakage of oil from the Manolis L.

Background and Current Status:
- In 1985 the paper carrier Manolis L sank in Notre Dame Bay near Change Islands, NL. The ship contained more than 500 tonnes of fuel and lubricating oils.
- On March 31, 2013, reports of oiled ducks in Blow Hard Rock area of Fogo/Change Islands were first received. The Manolis L situation resulted in the first activation of the Science Table in Newfoundland and Labrador. The Science Table includes representatives of concerned government agencies, and facilitates sharing of information and development of response plans.
- The table varies depending on the issue. In the case of the Manolis L members include Environment Canada, Transport Canada, Coast Guard, Public Safety (federal), ENVC, SNL, DFA, and NR (Hugh Whitney).
- The Department of Fisheries and Oceans - Coast Guard are the lead on this matter as it is Federal jurisdiction. They traced the oil back to the Manolis L and have responded with over flights, ROV inspections and various remediation measures including installation of a neoprene seal, and installation of (May 28, 2013), and then repairs to a cofferdam that collects oil from an area that cannot be sealed.
- In June 2014 the Coast Guard checked the Manolis L and removed oil from the cofferdam.
- Coast Guard returned to the Manolis L the weekend of December 13, 14, 2014. The cofferdam was removed and a new cofferdam installed. During the work a further small leak released small quantities of oil. Coast Guard sealed this leak.
- There are significant logistical challenges associated with the wreck’s location, water depth and temperature, and lack of knowledge regarding the layout of the wreck’s fuel compartment. These complicate mitigative measures and recovery.
- On May 25, 2015 Environment Canada held the 15th Science Table related to the Manolis for Coast Guard to provide an update on upcoming work.
- Coast Guard is scheduled to be at the Manolis May 28th and subject to weather to be completed by June 10th.
- Work scheduled includes: underwater survey, removal and pumping out coffer dam, replace coffer dam, retrieve current meters for analysis.
- Five vessels will be on site with response equipment.
• There will be daily overflights.

Analysis:
• Responsibility for dealing with oil spills rests with the party that caused the spill. However, if the owner cannot undertake the necessary actions or cannot be identified, then in the case of the marine environment, the federal government has the responsibility to take over. Spills that occur on land within the jurisdiction of the Province are similarly the responsibility of the owner and this Department acts as the regulator.

Action to be Taken:
• ENVC will continue to engage in the science table and communicate with the Coast Guard on the Manolis L and update other departments as needed.

Prepared/approved by: D. Maddocks/ M. Goebel, ADM/ J. Chippett, DM
Ministerial Approval: [Signature]  
May 25, 2015.
call with EC Ayluktag

- what EC is doing
  - working closely with GIG
  - on in situ scientific efforts
  - assurance data
  - remote and access support on ships
  - will talk to Danish AEC
Hi all,

Please find attached the minutes for the 15th Science Table on the Manolis L, Fogo, NL.

<<Science table meeting 15 25-05-2015.docx>>

Would you have any comments or input to add to this document, please contact me.

Thanks

Thierry Mezzana

Agent, Préparation et intervention

Centre national des urgences environnementales (CNUE)

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Emergencies 24/7 : 1-866-283-2333
Science table meeting 15 « Fogo island Mystery Spill (Manolis L) »
25 - May 2015 09:00 EDT

Attendees:

NEEC
Thierry Mezzana

EC-ESTS
Ben Fieldhouse

EC-MSC
Bruce Whiffen

EC-CWS
Sabina Wilhelm

CCG - ER
Larry Crann, Bruce English, Joe LeClair

DFO/CCG Communications
Jan Woodford, Michele Boriel

Public Safety Canada
Richard Sparkes

NL Department of Environment and Conservation
Derrick Maddocks, Craig Bugden

NL Department of Fisheries and Aquaculture
Tom Dooley

DFO – Science
Richard Van Ingen, Shawna Powell

TC
James Hann

EC Communications
Kristie Hickey

CCG update
Joe LeClair

- CCG are planning to return to the sunken wreck. It is planned to be a 3-step operations:
  1) Conduct a full underwater survey of the vessels, hull, hull patch and cofferdam.
  2) Lift the cofferdam to just below the surface because the viscosity of the oil is too high to for any pumps presently available to CCG to pump from depth of the wreck. Pump out any accumulated product from the cofferdam and evaluate if the cofferdam has to be replace.
3) Follow up survey before departure to ensure all mechanisms are working properly and no leaks from the vessels are present.
- CCG operation should be similar of what was carried out last spring 2014 and last fall 2014. So it is part of a routine operation that should be conducted twice a year.
- CCGS George R. Pearkes should be loaded on May 27th. The operation should start on May 28th. As this operation is highly weather dependent, it is not possible at this time to predict exactly when the operation will be done. The best estimation for the moment is the operation should be done by June 10th.
- Transport Canada will conduct daily overflights during the whole operation period to ensure a coordinated response if there is a release which mean about 10 overflights total.
- CCG plan on setting up an incident command post in Herring Neck, NL where they will be operating of and they will have their equipment pre-stage there including their vessels.
- CCG ER will have 5 CCG vessels on site. All the response equipment will be deployed if needed. Bird hazing equipment will be employed; a harbour buster containment system will be employed if there is a release.
- CCG requested to re-establish Site Specific Weather Forecasting from Environment Canada for planning operations.
- If there is no bad weather and the operation can be conducted without delay, the work is expected to take approximately 4 days.
- CCG also expect to retrieve the current meters which they are there for over a year. This will be the final retrieval of the current meters. So they will be moving in the data analysis phase. They will be able to have a better knowledge of the current in the area.

Action:
- Environment Canada's Meteorological Service of Canada to reinstate site specific weather forecasting for the sunken Manolis L. Starting date May 27th to the end of operations (actually estimated to be on June 10th). Two update per day: 8AM and 4PM. Same format that was used in the past. If there are any changes needed on this request, these changes should be address through NEEC.
- CCG will send regular sitrep to EC-NEEC, EC-NEEC will be responsible to send these sitrep to other partners.

EC-ESTS
Ben Fieldhouse
- Request to CCG to get a small sample of the oil under the cofferdam to monitor if there is change overtime. A 250ml or 500ml sample should be sufficient.

Action:
- CCG agreed to take this sample and send it to EC-ESTC
EC-MSC
Bruce Whiffen

- Site specific weather forecasting will be reinstated. Starting date May 27th to the end of operations (actually estimated to be on June 10th). Two update per day: 8AM and 4PM. If there are any changes needed on this request, these changes should be address through NEEC.

EC-CWS
Sabina Wilhelm

- CWS will be in touch with TC regarding the daily overflight. Although CWS does not plan to send an officer in the TC aircraft for the moment, CWS would like to evaluate the possibility of this if needed.
- CWS would like to have an officer on a CCG boat during the operations.
- CWS does not expect the presence of a large number of migratory birds in the area during the operation, they should be mostly gone at this time of the year (e.g. Common eider). Birds species expected in the area: gulls, terns. Breed colonies of murres, puffins, gannets not in the immediate vicinity of the operation site but within 50km radius. These birds could be seen in the area.
- The planned bird hazing equipment plan is deemed adequate.
- CWS inquired if CCG has prepared a communication plan to inform the local resident about the operation.

DFO/CCG Communications update
Michele Boreil/ Jan Woodford

- CCG has a standard communication plan for that kind of operation
- A CCG person will be identify as liaison officer which will routinely speak with local people while the operation is on.
- Local people will be engage and informed of the operation

TC
James Hann

- Operations site overflight will start on Friday May 29th until the end of the operations. It is planned to have an overflight once a day.
EC-Communications

Kristie Hickey

- EC-Comms will ensure to be in touch with DFO-Comms during the operation

Science Table 16 will be scheduled as required, no firm date or time set.
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