

February 10, 2012

Honourable Peter MacKay
Minister of National Defence
House of Commons

Dear Minister MacKay,

I am writing you in regard to the recent tragic loss of the life of a 14-year old boy in Makkovik, Labrador. As the Minister Responsible for Fire and Emergency Services, I have concerns about the provision of air support to the ground search and rescue operation that took place January 29-31, 2012. I am seeking clarity from your Department on certain aspects of the operation.

Our government strongly feels that one unsuccessful operation is one too many. The provision of the very best possible search and rescue service to all Newfoundlanders and Labradorians is a top priority.

Upon reviewing this incident, we have questions that we feel would be best answered by the Department of National Defence (DND). I respectfully request your Department's assistance in providing us with the clarity we need to determine if any improvements could be made to the process to help ensure the safety and success of future search and rescue operations.

It was noted during the recent news conference held by the Canadian Forces on Wednesday, February 8, 2012, that while there are two Griffon helicopters stationed at Happy Valley-Goose Bay, neither of these aircraft was serviceable on the morning of Monday, January 30, 2012 when a request for assistance from DND was first made to the Joint Rescue Coordination Centre (JRCC) in Halifax. That both of these aircraft were unserviceable at the time of the request is a matter of grave concern for the Government of Newfoundland and Labrador. I am seeking your assurance that appropriate action will be taken to ensure that in future, DND aircraft stationed in the province will be maintained in a state of readiness to assist in air search operations when required.

Related to this, it is our understanding that Cormorant helicopters from the Search and Rescue squadron in Gander were available on the morning of January 30, 2012 but that a decision was taken not to deploy these resources in aid of the search effort at Makkovik. I am asking that you provide additional information regarding the

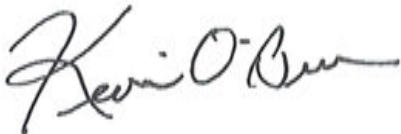
availability of these aircraft at that time, the protocols for deployment, and the reason(s) why they were not deployed to assist in the search efforts.

Another issue of concern relates to Rear Admiral Gardam's indication that current DND operational protocols mean that DND will not deploy aircraft to assist in ground search and rescue efforts if private aircraft are involved in the search. Given the superior operational abilities of military aircraft and their crews, I believe there needs to be a re-examination of the appropriateness of this protocol. We welcome further discussion on this matter.

To be clear, the purpose of this correspondence is not to assign blame. It is about fully understanding the events that transpired January 29-31, 2012, so that we can effect positive change as may be required to ensure the safety of the residents of Newfoundland and Labrador. While such change will not erase the extraordinary loss experienced by this family or the community of Makkovik, it may prevent such a tragedy from occurring in the future.

I look forward to your timely response to the concerns and questions posed.

Respectfully,

A handwritten signature in black ink, appearing to read "Kevin O'Brien". The signature is fluid and cursive, with the first name "Kevin" and last name "O'Brien" clearly distinguishable.

KEVIN O'BRIEN
Minister

Office of the Minister
of National Defence



Ottawa, Canada K1A 0K2

Cabinet du ministre
de la Défense nationale

FACSIMILE TRANSMISSION SHEET

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National Defence
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DATE: March 09, 2012

TO / A: The Honourable Kevin O'Brien

FACSIMILE / TÉLÉCOPIEUR: 709-729-0943

FROM / DE: Chantal Nantel for the Minister of National Defence

5

NUMBER OF PAGES / NOMBRE DE PAGES:
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REMARKS / REMARQUES: Letter from the Minister of National Defence to the
Honourable Kevin O'Brien

Original to follow.



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Ministre
de la Défense nationale

Ottawa, Canada K1A 0K2

MAR 09 2012

The Honourable Kevin O'Brien, MLA
Minister of Municipal Affairs
Government of Newfoundland and Labrador
PO Box 8700
St. John's NL A1B 4J6

Dear Minister:

Thank you for your letter of February 10, 2012, concerning the tragic incident in Makkovik, Labrador, involving Mr. Burton Winters.

As the Minister of National Defence and the Lead Minister for Search and Rescue (SAR) at the federal level, I can assure you that the Government of Canada is committed to ensuring that all Canadians are provided with the very best possible SAR services. I am sure you share the same commitment as Lead Minister for Ground Search and Rescue (GSAR) at the provincial level.

The Department of National Defence (DND) will endeavour, as always, to ensure that any lessons that can be learned from this tragic incident are used to strengthen Canada's National Search and Rescue Program. Accordingly, an incident report was prepared after a full assessment of all factors, and formed the basis of the February 8, 2012 briefing by Rear-Admiral David Gardam, the Search and Rescue Region commander for the Atlantic region.

Canada's National Search and Rescue Program is among the best in the world. The Program is founded on the principle of federal and provincial/territorial partner governments and organizations working within a framework of responsibilities. As you can appreciate, ground SAR (GSAR) in Canada is conducted under the legal authority of the individual provinces and territories. This provincial and territorial authority extends to the provision of air services in the conduct of ground search and rescue. Newfoundland and Labrador, as you are aware, provides a fine example of this structure. For instance, Fire and Emergency Services Newfoundland and Labrador (FES NL) delivers an Emergency Air Services Program, which assists police forces when requested, in SAR activities for lost and missing persons.

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Within the context of the federal SAR mandate, the Canadian Forces (CF) has two responsibilities: the provision of SAR aircraft for the prosecution of aeronautical incidents (i.e., the search for downed aircraft) and maritime incidents on federal waterways, and ensuring the effective operation of the coordinated aeronautical and maritime SAR system in conjunction with the Canadian Coast Guard. Nevertheless, there are provisions for the Canadian Forces to provide search and rescue assistance in the prosecution of a GSAR event. These protocols do not preclude the deployment of CF aircraft when private aircraft are involved in the search. Rather the protocols leave the determination of whether to request CF assistance with provincial and territorial authorities. When determining the appropriate response to a request for assistance, the CF takes a number of factors into consideration. These factors include, but are not limited to weather, serviceability of assets, distance to search area, capabilities of the platform versus the capabilities required for the search, and the ability to maintain our primary SAR response posture for aeronautical and maritime SAR events. In general, the use of CF aircraft in GSAR events is reserved for instances when no other option is available or the requirements for the search are beyond the means of provincially secured assets. In this way, the CF can remain postured to respond to our primary SAR mandate, namely, aeronautical and maritime SAR events.

In this specific case, the Ground Search and Rescue Effort was, on behalf of the Province, led by local RCMP in Makkovik. FES NL first contacted the Joint Rescue Coordination Centre (JRCC) in Halifax almost 20 hours after Mr. Winters was last seen at which time JRCC determined that the assets best positioned and with the right capabilities to respond to the incident in Makkovik were the CH146 Griffon helicopters stationed in Goose Bay. The SAR standby CH149 Cormorant helicopter from Gander was not used because it is a primary asset for aeronautical and maritime SAR events. As you are aware, Makkovik is a significant distance from Gander. Consequently, as stated by Rear-Admiral Gardam, it was determined that had a CH149 Cormorant from Gander been deployed for the search in Makkovik, the CF would not have been in a position to respond in a timely manner to an aeronautical or maritime SAR incident in the vicinity of Newfoundland and Labrador.

Regarding your concerns about the readiness of aircraft stationed in your province, the Canadian Forces employs a tiered readiness system to manage our aircraft fleets. Within that system, the readiness of primary SAR assets, such as the CH149 Cormorant and CC130 Hercules, is closely monitored. The JRCC Halifax is continually aware of the availability of primary SAR assets. When a primary SAR asset becomes unserviceable for a period of time that will not allow it to meet its response posture, appropriate authorities are informed and a mitigation plan is put in place. The readiness of all other CF aircraft is managed based on the role assigned to that particular fleet of aircraft. The CH146 Griffons stationed in Goose Bay are primarily support aircraft. They do not maintain a SAR posture and, as such, their serviceability is not continually reported to the JRCC. Nevertheless, in accordance with standard practice within the CF, every reasonable effort is made to ensure sufficient numbers of serviceable aircraft are available to conduct flying operations in the role assigned to them.

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In this particular case, one CH146 Griffon was undergoing heavy maintenance while the other was undergoing pre-flight inspection at the time of first call from FES NL, almost 20 hours after Mr. Winters was last seen. During this inspection process it was determined that the second CH146 Griffon was unserviceable; however I note that the CF have advised me that even if this helicopter had been serviceable it would not have been able to respond due to the weather conditions in Makkovik at that time. FES NL was advised by JRCC Halifax to call back if the weather in Makkovik improved and CF assistance was still required. This is in accordance with standard protocols established between JRCC Halifax and FES NL indicated above. When the weather improved sufficiently to permit flight operations in Makkovik, FES NL did not call the JRCC to request CF assistance. Instead, FES NL requested support from civilian air assets. In the meantime, maintenance crews in Goose Bay continued to work to rectify the problem on the CH146 Griffon and the aircraft became serviceable late on January 31, 2011. At roughly the same time FES NL called back with a second request for assistance. This call from the Province's GSAR lead came more than 50 hours after Mr. Winters was last seen. At this time, the weather permitted a response and the CF responded.

DND and the CF will continuously work with our SAR partners at the federal, provincial, and municipal levels to improve collective SAR efforts. To this end, at my request, the Chief of the Defence Staff directed the Commander of Canada Command to review internal CF protocols with regard to GSAR. He further directed that this review serve as a basis of further consultations with our provincial and territorial partners to determine what collective efforts may be undertaken to further enhance Canada's very effective National Search and Rescue Program.

The review of internal CF protocols was completed on February 17, 2012, and it was recommended that a confirmation and feedback system be instituted to improve inter-agency coordination in GSAR events. This recommendation was then discussed at a meeting on February 28 concerning GSAR inter-agency protocols, which was convened and chaired by Mr. Mike Samson, Deputy Minister and CEO of FES NL. The meeting included representation from the RCMP, the Royal Newfoundland Constabulary (RNC), the Newfoundland and Labrador Department of Justice, and members of JRCC Halifax.

The meeting confirmed that the existing protocols for GSAR work well and are time tested, but that the confirmation and feedback process recommended by the CF would improve the system. Under this enhanced confirmation and feedback process, FES NL agreed to call the JRCC back and to provide updates on the use of contracted helicopters in searches in your province. Correspondingly, JRCC Halifax agreed to initiate a "call back" to FES NL prior to closing a case, even if no assistance had been provided, rather than closing a file after a period of time without a follow-on request. There was also complete agreement that this process in no way relieves the local SAR authority of the responsibility to request the necessary assets to conduct the GSAR mission.

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I believe the recent collaborative efforts between the CF, the Government of Newfoundland and Labrador, the RCMP, and the RNC demonstrate DND and CF commitment to ensuring that Canadians continue to be served by one of the best SAR systems in the world. DND and the CF look forward to continuing to work collaboratively with the Government of Newfoundland and Labrador on the matter of SAR.

I trust that this information is helpful, and thank you again for writing.

Sincerely,

A handwritten signature in black ink, appearing to read "MacKay", with a long horizontal flourish extending to the right.

Peter MacKay

COR/2012/02921

March 27, 2012

The Honourable Peter MacKay
Minister of National Defence
101 Colonel By Drive
Ottawa, ON K1A 0K2

Dear Minister MacKay:

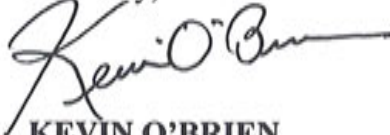
Recent information provided by the Fifth Estate contradicts information provided by Department of National Defence officials regarding the Department's response to the January 30, 2012 call for aerial search and rescue (SAR) support.

Particularly disturbing is that reports suggest DND's operational log contradicts the assertion that the ceiling and visibility on the date in question made it unsafe for helicopters to fly in the area. The failure to deploy a helicopter from 103 SAR Squadron in Gander is a significant concern.

We urge you to further investigate and provide us with a formal response. It is imperative that we determine exactly what transpired, resolve any conflicts between statements made by DND Officials and the media reports, and enable corrective action to be taken. We also request a detailed explanation as to why, if the weather was not the determining factor, the resources in Gander were not tasked.

Newfoundlanders and Labradorians rely on search and rescue services in emergencies and need to ensure that optimal response times help minimize the potential for future tragedies.

Sincerely,



KEVIN O'BRIEN
Minister

cc The Honourable Peter Penashue
The Honourable Nick McGrath



HOUSE OF COMMONS / CHAMBRE DES COMMUNES
CANADA

The Hon. Peter G. MacKay, P.C., Q.C., M.P.
Member of Parliament / Député Central Nova
Minister of National Defence
Ministre de la Défense nationale

TELECOPIER COVER SHEET
PAGE COUVERTURE POUR TÉLÉCOPIE

DATE: April 4, 2012

TO / DESTINATION: Hon. Kevin O'Brien

FAX NO: 709-729-0943

SENDER / L'EXPÉDITEUR: Andrew Currie

NUMBER OF PAGES (including cover): 5

NOMBRE DE PAGES (y compris la page couverture)

MESSAGE :



Minister
of National Defence



Ministre
de la Défense nationale

Ottawa, Canada K1A 0K2

The Honourable Kevin O'Brien, MLA
Minister of Municipal Affairs
Government of Newfoundland and Labrador
PO Box 8700
St. John's NL A1B 4J6

April 4/2012

Dear Minister:

Thank you for your letter of March 27, 2012, concerning the *Fifth Estate* report on the tragic death of Burton Winters.

Unfortunately, the *Fifth Estate* report contained a number of inaccuracies. In particular, the report incorrectly portrayed the role of the Canadian Forces (CF) in the National Search and Rescue (SAR) Program, the role that weather played in the decision-making process for this incident, and the content and conclusions that can be drawn from the SAR Incident Log. I trust that the following information will address your concerns and set the record straight.

As I noted to you in my letter of March 9, Ground SAR (GSAR) in Canada is conducted under the legal authority of the individual provinces and territories. This provincial/territorial authority extends to the provision of air services in the conduct of GSAR. In the Burton Winters case, the legal authority to provide the SAR response and to request appropriate assets for the search resided with the Royal Canadian Mounted Police, in their provincial capacity, with the support of Fire and Emergency Services Newfoundland and Labrador (FES NL), the organization responsible for the Emergency Air Services Program in your province. While the CF always endeavours to assist our provincial SAR partners in the execution of their legal responsibilities to conduct GSAR, the use of CF aircraft in GSAR events must always be balanced against a number of factors, one of which is the CF's requirement to maintain its primary SAR mandate. To be clear, the CF primary SAR mandate is to provide air assets to assist aircraft in distress (aeronautical incidents) and ships in distress on federal waterways (maritime incidents).

Regarding the role that weather played in the incident, I would like to clarify a specific error contained in the *Fifth Estate* report. The report asserted that the CF has pointed to

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the ceiling and visibility limits specified in 1 Canadian Air Division (1 Cdn Air Div) Orders as the reason for our inability to respond on January 30. This is incorrect. The CF investigation report dated February 7 noted that there were several factors that led to our inability to respond, weather being only one. Two other significant factors noted both in the SAR Incident Log and in the CF investigation report were the availability of assets to fulfill the CF's primary SAR mandate and the serviceability of the CH-146 Griffon helicopters in Goose Bay.

The deliberate decision not to deploy a CH-149 Cormorant helicopter from Gander was an operational decision based on the information available at the time. Joint Rescue Coordination Centre (JRCC) staff take a number of factors into consideration when determining which assets to task for any particular SAR event including, but not limited to weather, serviceability of assets, distance to the search area, capabilities of the platform versus the capabilities required for the search, resources already tasked to the search and the requirement to remain prepared to respond to incidents within the CF primary SAR mandate. In this specific case, the Officer in Command (OIC) of JRCC Halifax, using the limited information provided to the JRCC at the time, determined that he could not deploy a CH-149 Cormorant to Makkovik, some three hours distant from Gander by air one way, because it would have left the CF unable to respond to a SAR incident within the CF primary mandate. As the CF investigation report and SAR Incident Log noted, a contributing factor to this decision was the lack of a serviceable CC-130 Hercules aircraft in 14 Wing Greenwood to provide SAR backup. Consequently, it was determined that the only resources the CF could commit to the search were the CH-146 Griffons from Goose Bay. This decision is noted in the SAR incident log, was detailed in the CF investigation report, and was later explained by Rear-Admiral David Gardam, the Search and Rescue Region Commander, to whom the OIC JRCC reports.

444 Combat Support (CS) Squadron stationed in Goose Bay, like all units in the Royal Canadian Air Force, makes every reasonable effort to ensure it has sufficient numbers of serviceable aircraft available to conduct flying operations in the role assigned to it. The role of 444 (CS) Squadron is to provide combat support aircraft for operations at 5 Wing Goose Bay; the squadron does not maintain a deliberate search and rescue posture. Rather, like all CF units, 444 (CS) Squadron is subject to requests for assistance from provincial and territorial authorities and may be tasked to support, where feasible and where no other provincial or territorial agency is in a position to respond. On the morning of January 30, one CH-146 Griffon was in heavy maintenance while the second aircraft was available for operations. All CF aircraft are complex systems of systems that require many checks and inspections before they fly. These checks and inspections are vital to ensure the safety of our airmen and airwomen. Unfortunately, despite the best efforts of our excellent aircraft maintainers, there are times when the first indication that an aircraft is unserviceable is during these pre-flight inspections. In this instance, during the pre-flight inspection, a mechanical failure was found which did not allow it to launch. These

facts are contained in the CF investigation report on the Burton Winters incident. Furthermore, this is also entirely consistent with the entries in the SAR Incident Log for January 30, which first indicate at 09:19 hours AST that 444 (CS) Squadron is "SAR Ready" and then note some eight minutes later that the "AC [aircraft] is US [unserviceable]." The SAR Incident Log also indicates that FES NL was informed that the CF was unable to respond "based on weather and aircraft status." It further reflects that the CF may be able to assist in the future if weather and serviceability improved, and if CF assistance is still required. However, as noted in the SAR Incident Log and reported in the CF investigation report, FES NL did not call to indicate that CF assistance was required until 16:54 hours AST on January 31, over 51 hours after Burton Winters was last seen; at which time we responded with both a CH-146 from Goose Bay and a CP-140 from Greenwood.

As part of its thorough examination of the matter the CF investigation did review the weather in Makkovik on January 30 and 31. This review included a detailed comparison between the hourly reports from the weather station in Makkovik and the limits stated in 1 Cdn Air Div Orders. These orders state that a SAR-qualified CH-146 Griffon/CH-149 Cormorant crews must have a ceiling of at least 300 feet and visibility of 0.5 statute miles in order to conduct operations, provided that the flight is conducted clear of cloud and at reduced air speed. Based on this comparison and contrary to the *Fifth Estate* assertions, the investigation concluded that the weather did respect these limits. In short, if the CH-146 Griffon had already been in Makkovik on January 30 it would have been able to fly. However, as noted in the CF investigation report, the principal weather-related difficulty was the challenge it would have posed in getting a CH-146 Griffon from Goose Bay to Makkovik in the first place. As I will demonstrate below, a CH-146 Griffon could not have flown to Makkovik at the time the CF received the first request on January 30 due to poor weather en route.

To illustrate this difficulty I would like to highlight the facts of the case as established in the CF investigation, which the *Fifth Estate* report corroborated. As noted in the SAR Incident Log and in the CF investigation report, when FES NL first called the JRCC at 09:12 hours AST on January 30, nearly 20 hours after Burton Winters was last seen, it was because the civilian aircraft provider contracted by FES NL (Universal Helicopters in Goose Bay) reported that "weather in the area will not permit launch of local helo or aircraft." This SAR Incident log entry can be corroborated by an examination of the timeline from either the CF investigation or the *Fifth Estate*. Both show that the aircraft from Universal Helicopters in Goose Bay were not able to depart until 10:58 hours AST on January 30, nearly two hours after they and the CF were first called. According to the *Fifth Estate* timeline, Universal Helicopter pilots stated the delay was due to "snow and 'low ceilings' on the way from Goose Bay to Makkovik." Independent of this assessment, the CF investigation report arrived at the same

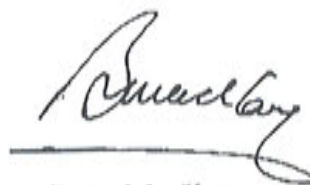
conclusion stating that "even if the CH146 Griffon was serviceable, it could not have flown to Makkovik at the time of the first request from FES NL." This confirms that while weather was not the only factor in the CF response, it was a "limiting factor," as I noted in my response to your first letter.

To be absolutely clear, contrary the *Fifth Estate's* assertions otherwise, the CF has never maintained that weather was the only factor in the CF response. The CF investigation report, as corroborated by the SAR Incident log, makes it clear that the weather was only one of many factors in the CF response.

It is unfortunate that the errors contained in the *Fifth Estate* report have misconstrued the facts concerning the CF response in the Burton Winters tragedy. However, I hope that the information provided above has clarified any confusion. I would also like to thank the Government of Newfoundland and Labrador for participating in the productive meeting on February 28 to discuss the CF's proposals to improve GSAR interagency protocols in your province. As noted in my previous letter, the "feedback/confirmation" process agreed to at that meeting was implemented immediately with respect to GSAR in your province. I am now pleased to inform you that, as of April 1, the Canadian Forces have completed implementation of these revised procedures across the country, thereby ensuring that all regions of the country can benefit from the recent collective efforts of our respective Ministries.

I trust this information is helpful, and thank you again for writing.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter MacKay", written over a horizontal line.

Peter MacKay

April 24, 2012

Honourable Peter MacKay
Minister of National Defence
House of Commons

Dear Minister MacKay:

Thank you for your letter of April 4, 2012 concerning the Fifth Estate report on the death of Burton Winters. The information in the letter helps to place the events of January 30, 2012 in a broader context, though it also raises additional questions that require clarification. We appreciate your openness to receiving our questions and providing complete answers. In that spirit, I wish to outline the additional points that we believe require clarification.

1. Availability of CF Assets Outside Labrador

Given the unserviceability of the CH-146 Griffons in Goose Bay, we acknowledge that the deployment of other air assets from outside Labrador must take into account many factors including the primary Canadian Forces (CF) mandate related to maritime search and rescue. However, there are two questions that require clarification:

- According to media reports there were three serviceable Cormorants at 103 Search and Rescue Squadron Gander. Why was the deployment of one of these assets not carried out given that the other Cormorants at Gander would have been available for the primary mandate?
- It is our understanding that secondary resources were available at Greenwood. Why were those resources not deployed directly to Makkovik?

We note that the March 23, 2012 evacuation of a patient from Makkovik by a Cormorant, while appropriate, raises similar issues regarding the coverage of the SAR primary mandate, so we would benefit from a comparison of the decision-making context in this circumstance.

2. Evidence of Poor Weather Conditions

There remains considerable confusion about weather conditions in or en route to Makkovik. The confusion arises mainly because of the lack of objective and definitive evidence that weather prevented the CF assets from flying to Makkovik. The following points highlight the lack of clarity in regard to weather:

- The JRCC log at 9:12am on January 30 states that “weather in the area will not permit launch of local helo or aircraft”, but there are no measurements or official reports to corroborate this statement.
- Despite the JRCC’s log, CF personnel tested the availability of the Griffon helicopter in Goose Bay and by 9:28am it was deemed unserviceable. The effort to test the serviceability of the helicopter could be regarded as a positive indication that a CF response might still be mobilized despite the dialogue on inclement weather conditions in the JRCC Incident Log.
- By 9:30am, the Joint Rescue Coordination Center (JRCC) log stated that weather conditions were “600/1”. We assume this notation means 600 feet and one statute mile. By contrast, your letter states that CF rules are that flights cannot operate below a ceiling of at least 300 feet and visibility of 0.5 statute miles. By this comparison it appears that weather conditions were indeed acceptable.
- The only objective source of evidence about weather conditions is Environment Canada and at no time did it report conditions to be below CF guidelines in or near the area of Makkovik.
- The CF investigation report states that, “The weather conditions in Makkovik did not meet the minimum conditions. Simply put, the IFR regulations would not have permitted crews to file an IFR flight plan with Makkovik as a legal destination.” The CF investigation report, however, does not provide any data on weather measurements to support this assertion.
- In your letter the emphasis on weather issues is placed on the flight path en route to Makkovik rather than in the Makkovik area itself. By contrast, both the JRCC incident log and the CF report focus on weather conditions in Makkovik rather than en route.

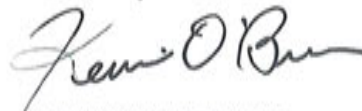
Given the inconsistencies in the foregoing, would you please provide a reconciliation of the weather issues on the morning of January 30?

There were some uncertainties surrounding the existence of a formal protocol establishing that, once the request for assistance had been made, whether the onus was on the Province to keep the Canadian Forces from closing the file or to request equipment updates. I am pleased to know our respective officials were able to address this operational issue at a meeting with Canadian Forces’ officials and other SAR partners on February 28. The Canada Command of the Canadian Forces recommended wording for a formal protocol for the National SAR Manual to improve communication between partners in SAR and completed implementations of the new protocol across the country.

We also acknowledge and congratulate the federal government for its decision to locate a third CH-146 Griffon helicopter in Labrador.

The people of Newfoundland and Labrador have profound respect and appreciation for the dedicated service of the women and men of the Canadian Forces who stand in our defence. It is in all of our best interests to continue to work together to ensure we have the best possible Search and Rescue service and that it is always available to the people of the province when it is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin O'Brien", written in a cursive style.

KEVIN O'BRIEN
Minister

cc: Honourable Peter Penashue
Honourable Nick McGrath

Minister
of National Defence



Ministre
de la Défense nationale

Ottawa, Canada K1A 0K2

The Honourable Kevin O'Brien, MHA
Minister of Municipal Affairs
Government of Newfoundland and Labrador
PO Box 8700
St. John's NL A1B 4J6

Dear Minister:

Thank you for your letter of April 24, 2012, concerning the Burton Winters Ground Search and Rescue (GSAR) incident.

I am pleased that my earlier correspondence has gone some way toward answering the questions you have raised about this tragic incident. I will again address your questions regarding the availability of air assets and the role that weather played in the incident, but there is little new information that I can provide to you that has not already been made available. Nevertheless, I hope this most recent letter will finally put to rest any concerns you may still have.

As to the availability of Canadian Forces (CF) assets outside Labrador, let me first reiterate that the legal mandate to provide air services for the conduct of GSAR in Canada resides with provincial/territorial authorities. The CF primary SAR mandate is to provide air assets to assist aircraft in distress (aeronautical incidents) and ships in distress on federal waterways (maritime incidents). The CF endeavours to assist our provincial SAR partners in the execution of their legal responsibilities to conduct GSAR. However, the use of CF aircraft in roles outside the primary federal mandate must always be on a case-by-case basis and in response to a request for assistance. This ensures the prudent management of CF aircraft and resources and avoids the duplication of effort.

To address your question with respect to the use of the Gander-based Cormorants, I refer you back to my letter of April 4 in which the full details of the decision were laid out. In summary, the Officer in Command of Joint Rescue Coordination Centre (JRCC) Halifax determined that he could not deploy a Cormorant to Makkovik, some three hours distant from Gander by air one way, because it would have left the CF unable to respond to a SAR incident within the CF primary SAR mandate. A contributing factor to this decision was the lack of a serviceable Hercules aircraft in 14 Wing Greenwood to serve as SAR back-up. While it is true that there were three serviceable Cormorants stationed in Gander on January 30, aircraft availability was only one factor considered by the JRCC. Regardless of the aircraft type in question, the CF SAR standby posture mandates that only a single crew be assigned to each aircraft type at a time. During periods of prolonged SAR activity this posture can be modified to enable scheduled replacement crews. When a SAR crew is tasked on a mission, the CF will generate a

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replacement SAR crew to maintain the continuity of SAR service, but this can take up to 12 hours. To be clear, having three serviceable aircraft does not necessarily equate to having more than one SAR asset available with trained crews. Nonetheless, in each case the JRCC and SAR squadrons endeavour to make effective operational decisions based on the best information available at the time, with a particular focus on the primary federal SAR mandate.

Before I address your concerns about the March 23 medical evacuation (MEDEVAC) of a patient from Makkovik by Cormorant, let me first outline the CF mandate for MEDEVACs. As you are aware, except for the provision of MEDEVAC services to vessels at sea, land-based MEDEVACs are a provincial/territorial responsibility. The CF conducts land-based MEDEVACs only in response to a request for assistance from a provincial or territorial authority when they have exhausted all other avenues. Over the period 2008–2011 the CF responded to 178 requests to provide MEDEVAC services Canada-wide, 44 percent of which were from the Province of Newfoundland and Labrador. While the CF always strives to assist our provincial partners when requested, the recurring requirement to provide MEDEVACs assistance in your province does impact the CF's ability to provide SAR services throughout the Atlantic region.

In comparing the decision-making process between the Burton Winters case and the March 23 MEDEVAC from Makkovik, let me assure you that a similar decision process was used in both cases. In the case of the MEDEVAC, the Province of Newfoundland and Labrador requested that JRCC Halifax provide assistance after all provincially secured air assets were determined to be unavailable. The request was clear and there was no uncertainty in the situation. The patient was in critical condition and a request for CF assistance was clearly the last resort for saving the lives of the mother and baby. JRCC Halifax determined there were no pending SAR issues in the Newfoundland and Labrador region, the SAR standby Hercules aircraft in Greenwood, Nova Scotia, was serviceable, and a back-up crew was available in Gander. With these facts being clearly evident in this case, the JRCC assessed there was sufficient back-up coverage to maintain a response posture in the primary CF mandate for SAR. The CF was therefore glad to be of assistance in this MEDEVAC, secure in the knowledge that two lives were saved by their efforts.

I will now address the concerns you expressed regarding the decision to not deploy secondary SAR assets in the search for Burton Winters on January 30. While all CF assets are subject to providing a secondary SAR capability, they are not assets that are under the immediate operational control of JRCC Halifax. Furthermore, unless specifically arranged in advance, secondary SAR assets do not maintain a SAR response posture, and neither can they be expected to provide response capabilities identical to those of primary SAR aircraft. The responsiveness of secondary SAR assets varies based on a variety of factors. In general, unless there is a distinct advantage in proximity, the ability of secondary SAR assets to influence a SAR outcome diminishes with distance. Additionally, in terms of all-weather search capabilities, secondary assets do not train to the same level and standard as SAR crews, which is yet another challenge in using secondary SAR assets. Typically, this means that secondary SAR assets are tasked only when they are already airborne and able to respond to an incident before primary SAR assets. In the Burton Winters case, the distance between Greenwood and Makkovik is such that the secondary SAR assets, such as an Aurora, would not have been able to arrive on scene any faster on January 30 than the commercial providers who did respond when the weather cleared. In contrast, on January 31 the circumstances were different. Civilian assets were unable to continue the search at night and an Aurora,

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which has a night search capability, was already operating in the vicinity of Labrador. In this instance, the Aurora was able to provide additional capability in a timely manner, and extraordinary measures were taken by the JRCC staff to have the Aurora re-tasked to support the search effort. Of note, the Makkovik investigation report specifically examined the use of secondary SAR assets and noted these considerations in the section entitled "Use of Air Assets."

With regard to the role weather played in the incident, let me reiterate my comments of April 4 and the conclusions of the CF investigation into the Makkovik incident. Specifically, there were several factors that led to the inability of the CF to respond—weather was only one of them. The other leading factors were aircraft availability and the requirement to maintain a response capability in the CF primary SAR mandate. The Makkovik investigation did look at the hourly weather report data on the days in question, using the standard data sets made available by NAV Canada from the Makkovik weather station. These data sets are considered the authority in aviation weather reporting and forecasting in Canada and are freely available to Canadians on the Internet. As noted in my earlier correspondence, the investigation determined that the weather in Makkovik on January 30 did respect the limits set out in 1 Canadian Air Division Orders for a SAR-qualified Griffon crew. Given that the 1 Canadian Air Division limits were determined by the investigation to not be a factor, the inclusion of measurements or official reports to substantiate this was deemed to be not required.

With respect to the role the weather played in preventing a helicopter from Goose Bay flying to Makkovik, the weather data and Instrument Flight Rules (IFR) referenced in the Makkovik investigation report are both openly available from NAV Canada. It is for this reason they were not included in the report. Beyond the analysis regarding IFR regulations already presented in the Makkovik investigation report and referred to in my previous correspondence, I must add one final detail. Specifically, the Griffon helicopter is not equipped with an anti-ice capability. Anti-ice equipment prevents ice from collecting on surfaces that provide lift, such as wings or, in the case of a Griffon helicopter, rotor blades. Aircraft that are not equipped with an anti-ice capability cannot fly in conditions that may cause icing, such as freezing precipitation, and in clouds above the freezing level. Doing so would risk the lives everyone on board the aircraft.

On the morning of January 30, when the CF received its first request from Fire and Emergency Services Newfoundland and Labrador (FES NL) over 20 hours since Burton Winters was last seen, the conditions between Goose Bay and Makkovik presented two challenges. First, the conditions posed a high risk of icing due to the presence of low cloud and snow. This was further aggravated by the presence of mountainous terrain along the 215-kilometre flight path, which would have forced the Griffon to fly in icing conditions for terrain avoidance. Second, icing considerations aside, the reported sea level conditions of 600-foot ceiling and one-mile visibility would have made such a direct route impassable, even for the most permissive and risk-elevated SAR helicopter flight regulations. *

To back up this assessment by the CF, I again highlight the conclusions drawn by the commercial operators contracted by your province for the provision of air services for GSAR events. Universal Helicopters in Goose Bay also reported that they were not able to depart until nearly two hours after they and the CF were first called. According to the Universal Helicopter pilots, the delay was due to "snow and 'low ceilings' on the way from Goose Bay to Makkovik." In short, your province's own contracted providers arrived at the same conclusion independently of the CF. When the weather did

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improve sufficiently to permit flight operations both to and in Makkovik, FES NL did not subsequently call back the JRCC to request further CF assistance, as requested. Rather JRCC Halifax did not receive any further calls from FES NL indicating that assistance was required until late on January 31, fifty-one hours after Burton Winters was last seen.

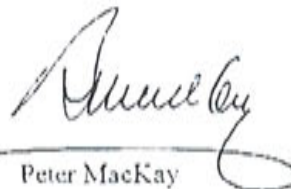
However, and more to the point, this continued focus on the role that weather played and the second-guessing of highly trained CF operators is not helpful because it clouds the issue by implying that it is one-dimensional. As I have stated before, weather was not the only factor that conspired against the CF ability to help save Burton Winters's life. The delay in notification, aircraft availability, and the requirement to maintain the CF primary SAR mandate were also factors. Canadian Forces search and rescue crews seek every opportunity to save each and every individual that needs their help. And in the vast majority of cases they do just that. I also know that they deeply regret those rare instances when factors beyond their control deny them the opportunity. Unfortunately, in the Burton Winters case, the delay in notification, weather, aircraft availability, and the requirement to maintain the CF primary SAR mandate conspired to deny them that opportunity.

I hope that this information has provided some assistance in addressing your concerns. As the federal lead minister for search and rescue, I encourage the Province of Newfoundland and Labrador to continue to build its capacity to fulfill its legal mandate to provide GSAR services, including the provision of air assets. I commend you on the recent decision of your government to bolster your GSAR capacity through the acquisition of infrared search capabilities. I encourage you to continue to take advantage of other federal initiatives made available through the National SAR Secretariat.

I would also suggest that if your province increased the capacity of your Air Emergency Services Program, there would be several beneficial effects. It would directly improve your ability to deliver both GSAR and MEDEVAC services, and by reducing the requirement for federal SAR assets to provide MEDEVAC services, it would indirectly increase the air and maritime SAR capacity in your province. The Civil Aviation Search and Rescue Association (CASARA) receives direct funding from the Department of National Defence for their operations and is one organization you may wish to partner with to address the capacity of your Air Emergency Services Program. CASARA is a strong partner in National SAR Program and can provide CF-trained SAR volunteers and expertise to assist in the conduct of both air and ground SAR events, as they do across the country in every province and territory. With four zones established in your province to provide volunteer support, CASARA is well positioned to be a valuable resource of expertise upon which your province may draw.

I trust this information is helpful, and thank you again for writing.

Sincerely,



Peter MacKay

COR/2012/04526-01

May 24, 2012

Honourable Peter MacKay
Minister of National Defence
House of Commons
Ottawa, ON

Dear Minister MacKay:

Thank you for your letter of May 15, 2012 regarding the search and rescue for Burton Winters.

Our exchange of letters in the last two months was intended as an effort to answer the questions that have given rise to public concern about the role of Canadian Forces support in the search and rescue activities in Makkovik in January. These letters will be released to the public today.

While your letters have provided additional information, I am not satisfied with the response. We believe a Cormorant helicopter should have been dispatched from Gander on the morning of January 30. While there were reports of poor weather, the weather conditions were changeable and variable. The time it would take to travel from Gander to Makkovik was sufficient time for weather to change. This factor should have been taken into account. Further, the one certainty at that critical time was that Burton Winters was missing. This certainty should have received more weight than the weather and the time it would take to mobilize a second crew in Gander to maintain the primary mandate of the Canadian Force to provide maritime search and rescue. If a maritime emergency had occurred during this transition time, the Cormorant dispatched to Makkovik could have been re-tasked.

We believe DND should change its protocol for responding to situations like this one. Changeable weather forecasts should not prevent dispatch. The time to mobilize a second SAR crew should not prevail over the certainty of life at risk in a Ground SAR, especially when the province has exhausted its immediate options for other air support.

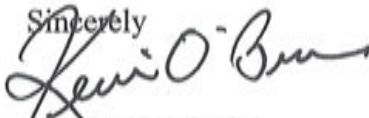
We do not believe a public inquiry is necessary. There is ample information in the public domain. We believe a poor judgment call was made, but that does not on its own warrant an inquiry.

I wish to express my disappointment regarding several points in your May 15 letter that are unrelated to the search for Burton Winters and therefore serve only to deflect

attention from the core issues. Firstly, your letter inappropriately emphasizes a 20 hour "delay" in requesting CF air support. The public record is clear that the disappearance of Burton Winters was not known until after 7 pm (AST), January 29, and the initial community search was not completed until approximately 2:30 am (AST), about 7 hours before the first call to CF. A decision was made by the RCMP not to initiate a request for air support until the next morning, informed by information and circumstances as seen and understood by the relevant authorities. Secondly, your general observations regarding the provincial Air Emergency Services Program are misplaced. Provincially-contracted aircraft were the first assets to arrive in the search for Burton Winters and served their mandated role. More generally, MEDEVACs at the request of the province have not prevented the CF from responding to maritime emergencies. Finally, your comments about the Civil Aviation Search and Rescue Association's general role in search and rescue are also misplaced. An ample supply of searchers, spotters and VFR aircraft were available for the search for Burton Winters. The deflection of attention away from core issues is not helpful for a clear public comprehension of how the search and rescue operation in Makkovik unfolded.

In closing, I would be remiss if I did not offer the assurance that, notwithstanding our views as expressed above, we hold in high esteem the work of the Canadian Forces and the difficult decisions that CF personnel make while protecting and defending Canadians.

Sincerely



KEVIN O'BRIEN
Minister

The attached timeline of events covers the period from January 29 to February 1, 2012. The timeline provides a listing of major events that occurred during the search, and the approximate time that the event occurred. The timeline uses information provided by Fire and Emergency Services Newfoundland and Labrador (FES-NL) and the RCMP, as well as information from the Department of Defence Operational Logs.

The timeline was prepared by the Government of Newfoundland and Labrador and the RCMP.

Timeline of Events

Date	Time (AST)	Event	Sources
29-Jan	7:30pm (approx.)	Makkovik RCMP receive a report of an overdue youth traveling on snowmobile. He was last seen at 2:00 PM (NL time). A search was conducted in the area during the evening period by the RCMP and local search and rescue members.	RCMP
29-Jan	10:40pm (approx.)	RCMP Makkovik contacted RCMP Operational Support Services in St. John's requesting air support. Through discussions with RCMP Makkovik, it was decided to have the search continue in the community. Based on the investigational findings, the ground search teams continued to follow leads and ensure a thorough search of the community and immediate surrounding area was completed considering all investigation information available. Searchers did not have a starting point and continued to look throughout the community and surrounding area. Present weather conditions were deteriorating.	RCMP
29-Jan	11:45pm (approx.)	A community member attended the detachment and advised that he had seen a snowmobile track on the ice heading from Makkovik Bay out toward the "Shina", the edge of the ice. The community member stated that he observed the track at approximately 2:30 PM (NL time). Searchers were sent out to follow the track to see if they could get a direction of travel.	RCMP
30-Jan	12:30am (approx.)	The searchers turned back after getting as far as possible but had to return due to poor ice conditions. The searchers could not confirm track origin or direction of travel due to weather conditions.	RCMP
30-Jan	1:00am (approx.)	Search teams debriefed on track location. A limited number of searchers were dispatched, equipped with floater suits, ropes and radios.	RCMP
30-Jan	1:45am (approx.)	Search team reports tracks heading toward open water. Bad ice is reported making it too dangerous for search, especially at night.	RCMP
30-Jan	2:30am (approx.)	All remaining searchers returned and the operations were called off for the night. Searchers arrange to meet at 7:00am to continue search.	RCMP
30-Jan	6:08am (approx.)	RCMP Operational Support Services contacted RCMP in Makkovik for an update. Burton Winters had not been located. Makkovik RCMP advised that the snow continued to fall and covered any tracks.	RCMP
30-Jan	7:00am (approx.)	Ground search resumes. Searchers revisit to areas searched to eliminate areas searched during hours of darkness.	RCMP
30-Jan	7:30am (approx.)	RCMP Air Services were contacted by Operational Support Services to confirm weather conditions and confirm if they would be flying to coastal Labrador on this date and available to assist. Air Services informed RCMP Operational Support Services that the plane was unable to fly due to poor weather conditions but once weather permitted would be available to assist in a search.	RCMP

Timeline of Events

Date	Time (AST)	Event	Sources
30-Jan	7:49am (approx.)	RCMP Operational Support Services in St. John's contacted FES-NL and requested that FES-NL call them back in respect of a request for air support for an ongoing ground search and rescue operation at Makkovik.	RCMP
30-Jan	8:00am (approx.) to 9:08am	<ol style="list-style-type: none"> 1. FES-NL returned the call to RCMP. RCMP outlines situation with the ongoing search in Makkovik. RCMP relays formal request for air support. 2. FES-NL contacts Government Air Services (GAS) in Gander - outlines the situation and requests availability of helicopter. GAS advises they will need to contact provider (Universal) and will advise shortly. 3. GAS contacts Universal (Goose Bay) and requests dispatch of helicopter. 4. Universal (Goose Bay) checks Environment Canada weather and places call to Postville to determine local weather conditions on the coast. Universal dispatch consults with pilot. 5. Universal calls back to GAS to advise that weather conditions will not permit dispatch from Goose Bay to Makkovik. 6. GAS contacts FES-NL to advise helicopter could not fly due to weather conditions. 7. FES-NL contacts RCMP and advises that contract helicopter cannot fly due to weather. RCMP confirms request for air support and it is agreed that FES-NL will contact JRCC with a humanitarian assistance request for air support. 8. JRCC received first call from FES-NL to request assistance in locating a missing person 	FES-NL
30-Jan	9:30am	JRCC has an internal discussion regarding the weather and aircraft status for the fleet with the Officer in Command (OIC). At this point, he does not want to commit resources other than the Griffons and they are unserviceable.	DND Operational Report
30-Jan	9:33am	FES-NL is advised by the JRCC that weather is not suitable in Makkovik. FES-NL is asked to call back when the weather improved in Makkovik and if Canadian Forces (CF) assistance still required.	DND Operational Report
30-Jan	10:00am (approx.)	Private aircraft volunteers to assist in search and leaves Postville.	RCMP
30-Jan	10:30am (approx.)	FES-NL officials receive a call from RCMP in St. John's who had been in contact with the RCMP in Makkovik who advised them a private aircraft was about to land in the community. RCMP in St. John's asked if it was now possible to fly in air support. FES-NL contacted Air Services. Air Services spoke to the contracted pilot who indicated he would attempt to fly to Makkovik even though there were still weather concerns.	FES-NL
30-Jan	10:40 (approx.)	Private helicopter lands in Makkovik and picks up three searchers.	RCMP
30-Jan	10:58am	The contracted helicopter departs from Goose Bay.	FES-NL
30-Jan	11:40am (approx.)	Private helicopter is forced to land due to mechanical problems.	RCMP

Timeline of Events

Date	Time (AST)	Event	Sources
30-Jan	12:00pm (approx.)	Contracted helicopter arrives on scene in Makkovik and commences search shortly thereafter.	FES-NL
30-Jan	12:20pm	Search teams discover snowmobile tracks heading for open water. A request for an underwater camera is made. Several search team members return to Makkovik to retrieve a boat for a water search. Remaining members stay on scene, sweeping the area. Contracted helicopter continues to search the area.	RCMP
30-Jan	3:05pm	Search Team is on site with boat. The Team cannot locate corresponding track on other side of open water or any other debris. Conditions worsen, with heavy flurries. Contracted helicopter is required to leave the scene prior to nightfall to return to Goose Bay.	RCMP
30-Jan	4:05pm	Contracted helicopter arrives in Goose Bay.	FES-NL
30-Jan	4:39pm	Search parties return to Makkovik. Conditions are too dangerous for night search. Plans are made to commence at first light.	RCMP
31-Jan	8:00am (approx.)	Search teams deployed to Adlaviik Bay, Sharp Hill, Big Bite and Monkey (geographic locations). Search continues throughout the morning.	RCMP
31-Jan	12:00pm (approx.)	Search parties return to Makkovik. No new developments to report.	RCMP
31-Jan	1:00pm (approx.)	Search parties redeployed to track site. Preparations being made for use of underwater camera.	RCMP
31-Jan	3:45pm	RCMP plane arrives in Makkovik and offloads the equipment. RCMP in Makkovik ask the pilot to take on some searchers to fly over a hole in the ice to look for debris or tracks.	RCMP
31-Jan	3:54pm	The RCMP plane takes off. An abandoned snowmobile is spotted out on the sea ice during the search, remote from the town. Ground searchers were immediately dispatched to the location to follow up. They were not able to get to the snowmobile, and it could not be determined if the driver was in the area. RCMP plane left due to impending darkness.	RCMP
31-Jan	4:51pm	FES-NL receives a call from the RCMP requesting additional air search resources to resume the air search. The snowmobile and a gas can had been located on the ice.	FES-NL / RCMP
31-Jan	4:54pm	JRCC receives a call from FES-NL to request support for a search of the area. Searchers had located the snowmobile and felt that the boy might be trying to walk back to the town. As the civil aviation assets could not search at night, FES-NL requested Canadian Forces support. Weather is now suitable and Canadian Forces commences SAR response.	DND Operational Report / FES-NL
31-Jan	5:10pm	JRCC has an internal discussion on options. Officer in Command (OIC) wants the Griffons to go if they are serviceable in the next hour or so. If not, send the Aurora. He does not want to send the Cormorants with no serviceable Hercules in the	DND Operational Report
31-Jan	6:05pm	Search party impeded by ice, cliffs and darkness. Too hazardous to continue. Ground search parties return to office.	RCMP
31-Jan	7:38pm	Canadian Forces Griffon airborne dispatched by JRCC.	DND Operational Report

Timeline of Events

Date	Time (AST)	Event	Sources
31-Jan	8:23pm	FES-NL advises that they will have an aircraft for daylight search on Wednesday, February 1.	DND Operational Report
31-Jan	8:45pm	Canadian Forces Griffon arrives at Makkovik and commences search shortly thereafter.	DND Operational Report
31-Jan	10:18pm	JRCC contacted 14 Wing Greenwood (Nova Scotia) Operations to commence work to redirect a Canadian Forces Aurora from training mission to support the Makkovik search and rescue.	DND Operational Report
31-Jan	10:48pm	The Aurora from Greenwood re-tasked to assist. As a secondary SAR asset, it was re-tasked to respond using its night search capability with its Electro-Optical/Infrared (EOIR) suite.	DND Operational Report
31-Jan	11:42pm	Aurora arrives in Makkovik with sufficient fuel to provide approximately 1-1.5 hours of search time.	DND Operational Report
1-Feb	1:00am	Aurora completes their search area.	DND Operational Report
1-Feb	1:05am	Griffon completes their search area twice. Griffon Flight Engineer makes first discovery of tracks from snowmobile. Footprints lead away from the South of the Last Known Position straight toward land. The tracks were only visible for 150'.	DND Operational Report
1-Feb	1:30am (approx.)	FES-NL received a call from the RCMP in Makkovik advising of the JRCC's crews timing out and requested the assistance of further air support from the Province to aid in the search. The contracted helicopter cannot fly until daylight.	FES-NL / RCMP
1-Feb	7:00am (approx.)	FES-NL contacted Air Services to authorize further air support and a helicopter out of Goose Bay was dispatched to Makkovik to aid in the search.	FES-NL
1-Feb	8:00am (approx.)	Ground searchers muster at the detachment and teams are deployed to search shoreline in vicinity of snowmobile site.	RCMP
1-Feb	8:25am	Contracted helicopter departs Goose Bay for Makkovik.	FES-NL
1-Feb	10:15am	Contracted helicopter departs Makkovik to conduct search of footprints leading from abandoned snow mobile.	FES-NL
1-Feb	11:23am	The body of Burton Winters was discovered by spotters on the contracted helicopter.	RCMP