

**From:** Peter Hamilton <email address removed>  
**Sent:** April 15, 2019 9:34 PM  
**To:** Panel RBT2 / Commission RBT2 (CEAA/ACEE) <ceaa.panelrbt2-commissionrbt2.acee@canada.ca>  
**Cc:** Peter Hamilton <email address removed>  
**Subject:** Robert Bank Terminal 2 Project Submission

**To:** Cindy Parker, Panel Manager, Roberts Bank Terminal 2 Project  
c/o Canadian Environmental Assessment Agency  
**160 Elgin Street, 22nd Floor, Ottawa ON K1A 0H3**  
**From:** Peter Hamilton, Liferforce Foundation  
**Re:** No Expansion Pollution! No More Threats to Wildlife!

First, I have attached my original 2005 and 2013 original submissions. The facts raised in these submission still stand today. And many issues are not and cannot be resolved without causing irreparable harm to this fragile ecosystem.

Secondly, as stated in our original submissions Environment Canada and DFO did not approve of these expansions.

Thirdly, I present new information that Environment Impact Studies and Threats to Endangered Species have not been fully addressed.

## **1. The original submissions with the facts that still stands today:**

December 4, 2013

To: Canadian Environmental Assessment Agency ([RobertsBank@ceaa-acee.gc.ca](mailto:RobertsBank@ceaa-acee.gc.ca)), BC Environment Assessment Office([eaoinfo@gov.bc.ca](mailto:eaoinfo@gov.bc.ca))

From: Peter Hamilton, Liferforce Foundation

Re: Environmental Assessment of Roberts Bank Terminal 2 Project

On behalf of the Vancouver based ecology organization, Liferforce, we are pleased that CEAA announced on November 8<sup>th</sup> "The Canadian Environmental Assessment Agency has determined that a federal environmental assessment is required for the proposed Roberts Bank Terminal 2 Project pursuant to the *Canadian Environmental Assessment Act, 2012*. And "Guidelines for the proposed Roberts Bank Terminal 2 Project are being issued for a 30-day public comment period."

In 2005, the BC government agreed:

Dear Peter Hamilton:

I refer to my earlier email today. After having consulted with federal review agencies, I accept your original comments by fax of 12 December 2005 as valid review comments, as they are perceived to have relevance to the cumulative effects assessment and the amended Application chapter 23. I have therefore forwarded your comments to the proponent. Thank you for your interest in this project review.

Jan E. Hagen  
Project Assessment Director  
Environmental Assessment Office

Lifeforce has contacted Provincial and Federal Governments to support thorough environmental studies. On behalf of the Lifeforce Foundation I support a full environment impact assessment based on:

1. Previously the Environment Canada's response to the Canadian Environmental Assessment process criticize the expansion at Delta Port marine container facility. The report stated: "EC has adopted the position that the risk of eutrophication within the intercauseway cannot be dismissed. If it does occur, the state of eutrophication is predicted to result in such massive environmental change between the causeways that there would be public outrage as well as agency embarrassment at an international scale, not to mention the loss of productive habitat for a very large and diverse assemblage of biota."
2. The proposed expansions of the Vancouver Port Authority facility at Roberts Bank will result in the loss of precious marine habitat, essential for a diversity of animals, birds and fish. Increased vehicle and ship traffic will also have many negative effects on this sensitive ecosystem.
3. For over a decade Lifeforce has studied the behaviour and travel patterns of the Southern Orca Community. Some of these studies were conducted under a DFO research permit. These orcas have been designated as an endangered species. The area where Deltaport is located is a very important habitat for them and must be protected for their survival. During most of the year J pod travels in these waters. From approximately May to October, J pod is joined by K pod and L pod. Other threatened populations of orca and marine mammals are also found in this area.

The negative impacts on endangered orcas include: lack of education of ship operators when orcas are present that can result in stress, ship strike and possible injury/death; construction noise that would interrupt their lifestyles and could cause fatal injuries (such as hearing trauma); release of contaminants during construction affecting their health; increase of ship traffic resulting in noise and water pollution that can lead to poor health/death; and long term impacts that can affect food availability and the orcas' historic use of this habitat.

Ship pollution problems sent to Delta Port and Westshore from Lifeforce have not been fully answered. The cumulative impact of these two industries and the ferry terminal all in the same fragile ecosystem must be addressed.

Example of ship pollution issues at Delta Container Port and Westshore Terminals:

**From:** Lifeforce [<mailto:lifeforcesociety@hotmail.com>]

**Sent:** Monday, August 12, 2013 1:20 PM

**To:** David Crook

**Subject:** Coal Vessels

Hi David Crook:

I thought you had advise me that coal ships can only run 5 out of every 30 minutes. On Aug 10th the Global Partnership started at approx. 10 AM and was still running when I had to go at 10:45. I would appreciate you feedback. The ship appeared to be on excessively for the 10th and 11th with mainly black emissions.

I look forward to your response.

From: [David Crook](#)

Sent: Monday, July 08, 2013 3:26 PM

To: [Lifeforce](#)

Subject: RE: Westshore Terminals

Hi Peter,

Both pictures relate to vessels making smoke. The first is fairly obvious, the second not so much so.

In the second picture, the smoke emanated from the orange smoke-stack at the top of the white bridge structure of a ship at the container berth.

The release of smoke by ships is under regulations issued by Transport Canada which among other things does allow for some release of smoke for four minutes in every thirty minutes.

Regards

David Crook, P.Eng.  
Manager, Engineering and Environmental Services,  
Westshore Terminals LP  
Tel: 604-946-3442

4. Since many endangered species would be harmed the Species at Risk Act must protect them. There are a diversity of cetaceans (such as Humpbacks, Minke, Harbour porpoises, and more), sea lions, seals, and marine/terrestrial birds.

**For example, the following species of concern were listed for pile driving at nearby Point Roberts:**

Re: Endangered Species Act Section 7 Informal Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Whatcom County Parks and Recreation Boat Launch and Dock Replacement at Point Roberts NWS-2012-453 (6th Field HUC 171100020101 – Point Roberts-Frontal Strait of Georgia)  
August 2, 2012, the U.S. Army Corps of Engineers (COE) submitted a Memorandum for the Services (MFS) and Biological Evaluation (BE) for the above referenced project. The COE requested NMFS' concurrence with the "may affect, not likely to adversely affect" determination for the species and habitat listed in Table 1.

**Table 1.** Summary of Findings for ESA Listed Species

Common Name Scientific Name ESA Status Effects Determination

Puget Sound (PS)

Chinook Salmon

*Oncorhynchus*

*tshawytscha*

Threatened

70 FR 37160

May affect, not likely to adversely affect

PS Chinook

Critical Habitat

*Oncorhynchus*

*tshawytscha*

Designated

70 FR 52630

May affect, not likely to adversely affect

PS Steelhead *Oncorhynchus*

*mykiss*

Threatened

72 FR 26722

May affect, not likely to adversely affect

Bocaccio *Sebastes*

*paucispinis*

Endangered

75 FR 22276

May affect, not likely to adversely affect

Canary Rockfish *Sebastes pinniger* Threatened

75 FR 22276

May affect, not likely to adversely affect

Yelloweye

Rockfish

*Sebastes*

*ruberrimus*

Threatened

75 FR 22276

May affect, not likely to adversely affect

Southern

Resident (SR)

killer whale

*Orcinus orca* Endangered

11/18/2005

70 FR 69903

Reaffirmed

3/8/11

May affect, not likely to adversely affect

SR killer whale

Critical Habitat

*Orcinus orca* 11/29/2006

71 FR 69054

May affect, not likely to adversely affect. The COE also determined that the proposed project would not adversely affect EFH for three

species of Pacific salmon, and multiple species of groundfish and coastal pelagic fishes. A

complete record of this consultation is on file at the NMFS's Washington State Habitat Office in Lacey, Washington.

5. In addition, the Southern Resident Orca Community is a transboundary species and also designated as endangered in the US. Both the Canadian and US governments are developing Orca Recovery Plans. The US government should be advised and allowed to participate in the review in order to protect endangered orcas and other species at risk.

6. In regards to Port Metro Vancouver field studies in November/December 2013 the Southern Residents are not commonly found at this time of the year. Their peak times have historically been from May to September. However, this was not the case in 2013. Will the orca and other marine mammal field studies continue throughout the following year? I would hope that other field studies be conducted to take into consideration the presence of all the marine life affected.

If the Phase Two is built when would it start and how long would it take to complete? In regards to mitigation policies, land based monitors would not be able to accurately see approaching orcas and others in time to shut down noise, stop sediment disturbances (note there are massive coal sediments), and other harmful impacts.

Lifeforce has previously developed a more comprehensive plan with the US Geological Survey that was conducting seismic studies. This included tracking the Southern Resident Killer Whales (SRKW) throughout the test period. In this case it would be any construction period.

Conclusion

The Fraser River Estuary and habitats nearby the proposed massive development are part of a precious, fragile ecosystem for a diversity of fauna and flora. The construction in this location would result in

irreversible destruction of wildlife and habitat. The increased ship traffic would have a negative impact on endangered orcas and other marine mammals. The pollution from the ships and other traffic will increase the present health risks to people and animals.

We do not support this massive expansion and recommend that if an expansion is truly needed then an industrial development site be located. This Fraser River Estuary ecosystem is already heavily burdened with industrial activity. Present industrial land may provide an alternative if all of the negative environmental impacts can be eliminated at that type of location.

Please include this email in your consultation process, public records, and reports.

Thank you,

Peter Hamilton

Lifeforce Foundation

## **2. As stated in our original submission:**

### **Concerns expressed by Environment Canada and DFO scientists have been ignored.**

In response to the environmental assessment studies for Deltaport's Third Berth Project, Environment Canada issued a 31-page report outlining many flaws and insufficiencies.

In 2005, Environment Canada stated it:

*"has substantive concerns with the Deltaport Third Berth proposal, in particular because of the risk that it will act cumulatively and negatively with existing project impacts upon the marine habitat and fish and wildlife assemblages of Roberts Bank....there would be public outrage as well as agency embarrassment on an international scale".*

In 2003, Department of Fisheries and Oceans Canada had this to say about port expansion plans on Roberts Bank:

*"....will not be involved in any review of the Deltaport proposal as the only option proposed for that project results in the destruction of critical fish habitat...because of the critical value of the fish habitat in the area of the proposed expansion, DFO would not be able to issue a Fisheries Act Sec. 35(2) authorization for the destruction of habitat."*

## **3. The Environment Impact Studies and Threats to Endangered Species have not been fully addressed:**

During our more recent correspondence since 2005 and 2013 I have found that the threats to the endangered orcas have not been adequately determined. It is of paramount importance that year round studies of the threatened endangered Southern Resident Killer Whales (SRKWs) and other cetaceans have failed and must be addressed.

I had requested the video recordings that were to provide a 24/7 look into the use of the habitat by the SRKWs and other species that would be destroyed by the Delta Port expansion. I was told that the remote video recordings were severely impacted from coal and other pollution in addition to weather conditions. The poor image resolution made identification of orca ecotype impossible and sometimes even the cetacean species.

Types of species as we had first reported:

*“4. Since many endangered species would be harmed the Species at Risk Act must protect them. There are a diversity of cetaceans (such as Humpbacks, Minke, Harbour porpoises, and more), sea lions, seals, and marine/terrestrial birds.”*

As stated in our first submissions:

*“3. For over a decade Liferforce has studied the behaviour and travel patterns of the Southern Orca Community. Some of these studies were conducted under a DFO research permit. These orcas have been designated as an endangered species. The area where Deltaport is located is a very important habitat for them and must be protected for their survival. During most of the year J pod travels in these waters. From approximately May to October, J pod is joined by K pod and L pod. Other threatened populations of orca and marine mammals are also found in this area.*

*The negative impacts on endangered orcas include: lack of education of ship operators when orcas are present that can result in stress, ship strike and possible injury/death; construction noise that would interrupt their lifestyles and could cause fatal injuries (such as hearing trauma); release of contaminants during construction affecting their health; increase of ship traffic resulting in noise and water pollution that can lead to poor health/death; and long term impacts that can affect food availability and the orcas' historic use of this habitat.*

*Ship pollution problems sent to Delta Port and Westshore from Liferforce have not been fully answered. The cumulative impact of these two industries and the ferry terminal all in the same fragile ecosystem must be addressed.”*

The Port developers have failed to provide accurate scientific data that would be essential in determining the threats to endangered species and other issues we raised in our submissions.

The Port reviews and studies, that have failed to identify the species and their use of the habitat, obviously cannot provide any evidence that measures could be taken to mitigate the harm that would result from the loss of their home, increased boat traffic and increased pollution.

Submitted by:

Peter Hamilton  
Founder  
Liferforce Foundation  
<email address removed>