



Impact Assessment Agency of Canada
<IAAC.Deltaport.AEIC@canada.ca>
Ottawa, Ontario
Canada

November 26, 2020

Dear Ms. /Mr. IAAC File Officer

Re: Issues Identification - Global Container Terminals (GCT) - Deltaport Expansion – Berth Four (DP4) - Project 81010.

1. Introduction:

Fraser Voices (FV)* appreciates the opportunity to comment on the above subject matter as part of the IAAC public consultation process. This proposal, in addition to several other large industrial development proposals in the Fraser Estuary in the past decade, has revealed great weaknesses in the CEAA/IAAC and the BC EAO environmental assessment (EA) processes in that they are overly complex, relate poorly to defensible science and are short in openness and transparency in public consultations.

We are at a loss as to why we have put years of public consultation effort into the CEAA/IAAC Public Panel on Roberts Bank Terminal 2 (RBT2) EA and are now expected to identify values for another competing and habitat destructive proposal for a marine container terminal at the same port facility and on the same Roberts Bank mudflats.

Making this matter most confusing is that the RBT2 proposal is that of the Canadian Government (Vancouver Fraser Port Authority - VFPA) who will then have it run by private port operator and this application by GCT, a private business interest, will be located on submerged land owned by the public and managed by the VFPA. Also the RBT2 proposal's environmental assessment (EA) is still a long way from completion. That lengthy review has disappointed us in that the RBT2 Panel did a less than stellar job in its review and now the Minister has had to intervene to request more information. Will the public then be allowed to comment on that information as requested by the Minister?

*Fraser Voices Society (FV) – a Fraser Estuary society dedicated to the protection of habitat, the fish and wildlife and plants and our quality of life in and adjacent to Fraser River Estuary – an estuary of international significance.

Another major issue is the joint nature or the ‘substitution’ arrangements that IAAC and BC EAO review have in place. It has been always very confusing how this was to proceed and in the case of the joint BC EAO and CEAA Review on the YVR Jet Fuel Review, the joint nature of the review was less than acceptable. CEAA allowed a project of significant impact and great threats to be screened by the Port and the Port in turn allowed the BC EAO do the assessment on a volunteer basis. The result was a low standard EA not built on a solid foundation of openness, good public consultation and defensible science.

In 2016 BC Supreme Court Judge Madame Dillon noted that in the case of the Vancouver Airport Jet Fuel Project the BC EAO and VFPA review did not adequately consult with the public. However she felt that was allowed under the low bar threshold found in the BC EA legislation. Despite an update of BC legislation in 2019 there is doubt if this shortcoming has been addressed.

Further to the above, the RBT2 CEAA assessment was also to be of a joint or ‘substitution’ nature. The Panel was federal in nature and the BC EAO was not an apparent part of the hearing process. Now that the RBT2 Panel has submitted its report and Minister Wilkinson has ordered additional data – what is the role of the BC EAO? Where are they? What evidence do they use? Who are the decision makers?

Is this a matter that one party takes the lead in public while the other remains invisible to then appear at the eleventh hour to rubber stamp the end product? This is exactly what happened in the Vancouver Airport Jet Fuel CEAA / BC EAO process? The less than legitimate CEAA authority, VFPA, seemed to have just rubber stamped the final BC EAO report.

If the public is to have trust and confidence in the Global Container Terminals Inc. (GCT) EA, IAAC must better advertise how the joint approach or substitution process will work in a full test of transparency and accountability. Although this is not a site specific impact issue it is an extremely important issue should the public and our living creatures in the estuary have any faith in this process and the eventual protection our living environment will receive.

2. Is there any contextual comparable framework for the GCT and RBT2 assessments?

What makes this early values documentation stage of the GCT EA redundant is that the Panel Review of RBT2 has been in the works for almost a decade and was assessed by the out of date and neutered CEAA and Fisheries Act of 2012. Is this competing proposal to now be assessed under the IAAC provisions of 2019 thereby creating an uneven playing field between the GCT and the RBT2 based on the CEAA 2012 law and regulations?

The Public Panel RBT2 identified no less than 52 shortcomings in the RBT2 studies and mitigation plans (*Langer, O. and S. Jones. Fraser Voices Review of the CEAA Panel Review Report on the RBT2 Proposal. June 22, 2020. 23 pages, Richmond. BC*). Then in August 2020

the responsible ECCC Minister Wilkinson issued six pages of additional data requests to VFPA so he will make a more informed decision on the RBT2 proposal.

A close examination of the issues and shortcomings of that EA as identified by Fraser Voices and others including APE, CWS, etc. and ECCC Minister Wilkinson will give insight into the issues that IAAC, BC EAO and GCT must address. The RBT2 EA is far from complete and has been met with strong public, local government and Aboriginal opposition due to its negative impacts on communities and on the last remaining habitats and declining fish and wildlife populations in the already over developed Fraser River Estuary. Although the GCT proposal is smaller, the proponent of that project can learn a great deal from the long and convoluted RBT2 process.

It is logical that these two competing proposals are to be built in a similar time frame also must to be reviewed in a similar time frame and compared to each other in terms of the EA processes that had to examine their usefulness to cargo transport, the economy and also on the impacts they will have on habitat, fish and wildlife populations and our communities.

Here these projects are not only competing with each other but one is crown and the other is a private business. However, both are on public lands. How does this affect their desirability of one project over the other?

Also the projects will at times physically trip over each other. For instance, as RBT2 proposes a larger boat basin for tugboats etc., the GCT proposal will fill it in and create another boat basin and marina closer to the mainland.

It is entirely possible that IAAC could end up approving both projects much to the detriment of the economy of operating such a port and be especially destructive of the last remaining habitat on Roberts Bank. Will GCT want to expand their own terminal by the DP4 expansion project and maybe also operate the proposed RBT2?

In that the GCT expansion proposal is smaller than what assurance do we have that both have equal or comparable IAAC - BC EAO assessments? Would the same Public Panel be used for continuity sake? In that their work left much to be desired, hopefully that will not happen. Could the smaller GCT project be exempted from a Public Panel Review? That is a significant public concern.

The RBT2 project and its assessment was long and convoluted review and it has taxed the ability of the public to follow it and have meaningful input. In its latter stages even the Environment Canada technical expert report was blocked from being part of the process. Again, another significant EA process issue – political meddling and a lack of transparency. How is IAAC to address overarching process issues versus those of an environmental, economic, social and scientific assessment issues?

Although the RBT2 Panel did properly identify impacts they dismissed almost all of them as insignificant and mitigation and the real impacts of various mitigation possibilities were largely ignored in the assessment. Based on that conclusion they then recommended approval of the

project – a real contradiction. How will all that confusion be related to this GCT DP4 assessment and the various overarching issues to be addressed.

3. Redundancy of values identification (critique) of this initial project description (i.e. RBT2 vs GCT DP4).

In that the public has submitted hundreds of pages of comments on the early stages of the RBT2 proposal in a long and tedious process, considering that GCT is a smaller but similar container port development on the same estuarine mudflats area, why should the public be expected to spend hundreds of hours going through the same exercise again?

Accordingly please refer to the list of FV and related documents relevant to RBT2 which will be totally relevant to issues identification for any GCT DP4 EA.

- a. ECCC Minister request to VFPA for additional studies to fill voids missed by the Port and the RBT2 Panel.**
- b. FV comments to ECCC Minister on the Panel Report.**
- c. FV review of the CEAA Panel Review Report on the RBT2 Proposal (June 22, 2020).**
- d. FV presentation brief and PowerPoint presentation to the RBT2 Panel May 2019.**
- e. VAPOR Society brief and PPT presentation to the above panel.**
- f. FV Public Panel pre-hearing hearing submissions.**
- g. Various submissions by APE and Boundary Bay Conservation Assoc. and other ENGO and agency and First Nations briefs and presentations related to RBT2.**

4. Key issues to be addressed.

Further to the above, and considering that IAAC and BC EAO may be stuck in following rules and regulations for public consultation the below annotated list indicates key issues to be considered.

- a. The Berth Four Project will negatively impact surrounding communities with light, noise and air pollution.**
- b. The Berth Four Project will increase road and rail congestion** in the BC Lower Mainland and in mountain pass railway bottlenecks. The most critical traffic jam in British Columbia is near the Roberts Bank port site at the Massey Tunnel. Other than discussions, EAs, etc. little has materialized to solve this problem.
- c. There is no convincing and proven need for this Project as the Vancouver Region has sufficient container business capacity and progress can be made in finding new**

efficiencies to run existing offloading and s container storage options including building parking lots for containers on land and not in a fragile, sensitive habitat area. For instance, should such terminals not be run on a 24hr/7day/52week basis? Many large industries run on such a schedule e.g. pulp mills, factories, etc. Does one build a pulpmill three times larger and just work it on an eight hour day?

- d. Recent increases in the container business are for container imports bound for the US. **Port Vancouver has attempted to lure container traffic from the US. This is not in our interests other than for the Port to build a bigger empire.**
- e. **Increased container business should and will go to Prince Rupert¹** which is building capacity as required (note attached photo of new container terminals being delivered to a northern destination – photo in English Bay Nov 20, 2020).
- f. **The Lower Fraser River and Estuary have already lost over 80 percent of its natural habitat including mudflats, marshes, scrub floodplain forest and riparian zones.** Why do we continue to threaten and destroy the last remaining 20%?
- g. **The Project will destroy habitat of world-renowned salmon runs; endangered resident orcas; and Canada’s Number 1 site for migratory shorebirds and waterfowl of the Pacific Flyway.** The estuary offers Canada’s largest bird overwintering area and a river that produces over 30% of all wild salmon produced in Canada.
- h. **The planned dredging will negatively impact fish and wildlife habitat and destabilize an already impacted intertidal area on Roberts Bank.**
- i. **The planned fill of 68ha of productive intertidal mudflat and marsh will destroy that habitat including its living space for fish and wildlife in perpetuity.** This lost living space can never be replaced unless terrestrial areas are purchased and the dyke moved so as the river and ocean can flood new habitat and aquatic living space.
- j. **Government (ECCC CWS scientists), conservationists and independent experts warn of collapse of the ecological integrity of Roberts Bank².** As more pressure is put on the rest of the estuary by approved projects and those in the proposal stage, the entire estuary including Canada’s largest bird overwintering area and a river that produces over 30% of all wild salmon produced in Canada is further threatened. Massive loss of other species in the estuary is a certainty. If the estuary is further threatened, the entire Fraser River ecosystem is threatened with eventual undermining and destruction. This conclusion is shared by many experts in the field and is outlined in the recent publication by L. J.Kehoe. et al. 2020³. It is obvious that the writing is on the wall. One must recount

that in 1975 a number of early conservationists called for a ***“Ban on major projects urged for lower Fraser”*** (*H. Oberfel in the Vancouver Sun, November 12, 1975*). We may be 45 years late but now is the time for politicians and any credible environmental assessment process to relate to public, ENGO and scientist warnings.

- k. **The Berth Four Project will negatively impact the surrounding remnant farmland in the Agricultural Land Reserve (ALR).** In the past few years the farmland and wildlife greenspace has suffered great losses in the Roberts Bank ALR area. The ALR land and estuary habitats must NOT continue to be a land reserve for industry.
- l. **The Project will add many more shipping traffic through the narrow shipping lanes of the environmentally-sensitive Salish Sea and in the immediate estuary area.** Several accidents in the Port have occurred. A ferry and freighter collision occurred on Roberts Bank. A coal carrier ran into the Roberts Bank terminal. A large freighter grounded in its approach into the Fraser River. Several tugboats and fishing boats have sunk in the river and estuary, etc.
- m. **There has never been a scientifically credible cumulative environmental effects assessment of the Fraser River estuary.** The recent study by Kehoe et al may be approaching that need. For GCT to grant First Nations \$200K for such work is little more than good public relations. A multiyear comprehensive baseline and cumulative ecosystem impacts) study must be now started and that will take years to complete, cost millions of dollars and involve universities, government agencies, the public and First Nations. Anything less for an over stressed globally significant estuary is simply an indication that many do not understand the negative pressures the estuary, its habitats and its fish and wildlife populations are now experiencing. Until this type of a proper assessment is undertaken, no other proper EA can be done. **Until this is done, a moratorium on further port development of this sort has to be put in place.**
- n. Further to the above point, **why do the impact on Aboriginal and other human populations and existence and ecosystems values not go beyond the local area of the site impact?** Any fish that is harmed in the estuary is one less fish for the functioning of food chains in ocean and upstream ecosystems. Although there is the important need for an EA to address overall ecosystem needs and impacts, this has always been ignored by discretionary EA rules that only look at local impacts. This was an issue that was ignored in the jet fuel and the RBT2 EAs. If Aboriginal bands 1000km upstream realize that such estuary developments could result in maybe 1 or 5% less Chinook, would they not want to have a say in the matter. This also applies to the eagles, mink, otters, bears, loons,

grebes, etc. in the watershed. Again, if any development impacts are to be assessed for the estuary, why would true ecosystem impacts and a full assessment of cumulative impacts not be an extremely important issue? Those affected human populations and wildlife concerns have to be consulted in any EA studies and that includes Aboriginal populations in areas such as the Nechako, Thompson and Lillooet tributary watersheds. Just looking at community concerns within a few kilometres of the development site is very short sighted.

- o. The issue and **building of estuary restoration or enhancements to compensate for past destructive practices has to be part of any EA for any new high risk proposal.** The greatest conservation in an over stressed estuary is to simply protect what we have and restore what we can. That restoration has to include putting openings into the many miles of water and flow blocking jetties in the estuary. As a prerequisite to any new development will GCT start with VFHA and BC Ferries by putting large openings into the Roberts Bank and ferry causeway?. It's easy to simply dismiss this simple restoration technique for no real good engineering logic other than it is costly and inconvenient. Here the proposed GCT would indeed block in perpetuity any possible opening in the Roberts Bank port causeway to restore more natural estuary water and sediment flow dynamics.
- p. **Why has the Canadian Government delegated EAs and environmental coordinating activities in the Fraser Estuary to the area's biggest developer and threat to the environment i.e. the Vancouver Fraser Port Authority?** Here the Port promotes and assesses what it promotes and in the GCT case, they seem to oppose the proposal because it is in competition with their own port dreams.
- q. **Why has the BC and federal governments not re-instituted the Fraser River Estuary Management Program (FREMP) mechanism developed in the late 1970-1983 era to coordinate Fraser Estuary development and environmental management issues** in this globally significant estuary which is a part of the world class Fraser River? This is a critical issue in any environmental impact or development review and decision making process involving the public and all multiple levels of government in this region. Until an estuary management plan is in place, EAs will simply assess projects in isolation of each other on a piecemeal basis resulting in eventual estuary's ecological collapse.
- r. **Why would and should government sit by and do an additional EA of a project that will simply duplicate any perceived need of RBT2 (or vice versa). Similar proposals and an examination of duplicate issues and conducting similar EAs makes little sense.** That is an issue that has to be addressed.

- s. Finally, **it is critical and urgent that a West Coast port needs analyses be initiated prior to any other port or major development being planned or a related EA being initiated. This is one of the highest priority issues that the federal government must undertake.**

An early model to follow is the West Coast Oil Ports Inquiry – Statement of Proceedings. A. R. Thompson, 1978. Vancouver, BC. 156p. Although that analyses and hearing process is over 42 years old it appears that it would be very timely to repeat that type of a port needs examination again or were we in 1978 - just ahead of our time in protecting our coastline. It was also at that time that the FREMP mechanism was being developed for better environmental sustainability of the Fraser Estuary.

5. Conclusions:

It appears that the EA process individually and if jointly administered by the Province and Canada lacks clarity, continuity and accountability. It appears to go out of its way to over-tax the public ability to respond to countless EAs and marginalizes in the environmental assessment. Why would the Federal Government not take the lead in this EA in that this development mainly impacts federal responsibilities such as:

- ✓ it is a federal port.(Canada Ports Act)
- ✓ It impacts fish and fish habitat (Canada Fisheries Act)
- ✓ It affects migratory Birds (Migratory Birds Convention Act)
- ✓ It affects federal navigation laws (Nav. Water Act, Canada Shipping Act, Pilotage Authority and the Canadian Coast Guard)
- ✓ Affects federal pollution laws (Fisheries Act, Can. Envir. Prot. Act)
- ✓ It will inevitably involve the expenditure of federal funds.
- ✓ The development and operation of other ports in BC such as in Prince Rupert.

When we raised this issue with the Prime Minister last spring we received a rather totally misinformed letter from his office. The PM's office claimed that the federal government had no responsibility in the Fraser Estuary therefore BC shall take the lead in EAs! Obviously his staff were totally misinformed and we asked for clarification – none has ever been received. Is the federal government and the PM confused as to federal mandates and how the EA process should work or do they just not care enough about the conservation of life in our estuary?

On July 28, 2016 federal Minister Carla Qualtrough and Secretary to DFO J. Wilkinson met with a number of ENGOs. We were advised that the federal government was dedicated to making the Fraser River into a transportation corridor to the Pacific Rim. If this is still the case, it's time that a conservation plan be developed for the estuary. **The Fraser Estuary simply cannot be a transportation gateway and an industrial hub if it is to survive!**

In that this proposal and EA goes well beyond a normal proposal due to its possible duplication of stages of the RBT2 EA it is very apparent that political leadership is now needed to sort out

this confusing mess. **What does the Canadian Government really want for another Federal Container Port to serve Canada from our West Coast? Dumping this type of a decision or lack of leadership onto an innocent and near powerless government EA process is an abdication of political responsibility.** The government was quick to jump into the Trans Mountain Pipeline issue at an extreme cost to taxpayers and our environment. Where are they on this port development issue that is also important and can also jeopardize our environmental well-being?

The manner in which environmental assessments often ignore the defensible science and fail to take an adverse risk approach to estuary and estuarine life management and protection was obvious in the Jet Fuel Project and the RBT2 EAs. This is sad and has to change with the RBT2, the Tilbury LNG, GCT and what is left of the jet fuel projects. **To continue to ignore a conservation approach to estuary protection is to cheat future generations of nature and undermine their very basis for survival.** Then there is the issue of those without a voice – the fish, wildlife and plant life in the estuary – who will speak for them?

A key issue in any new EA is that **there must be no further industrialization at the Roberts Bank Port or on any mudflat or marsh area in the Fraser's Roberts and Sturgeons Banks and adjacent estuarine habitat areas.** If the federal and BC governments were serious about protecting the Fraser Estuary a management plan such as that of the past FREMP model must now be developed and developed immediately.

Such an environmental estuary and port management plan would indicate what development is acceptable to protect the last remaining habitats in the Fraser River Estuary and put restoration and enhancement of fish and wildlife and flora communities into a sustainable ecosystem perspective.

Please consider this brief to be of public interest and therefore it can be entered into your IAAC and BC EAO project registration data sites.

Sincerely yours,

<Original signed by>

**Otto E. Langer Fisheries Biologist
Chair Fraser Voices and VAPOR Associations**

Copies to:

Federal Government

➔ PM Justin Trudeau

➔ ECCC Minister J. Wilkinson

- Transport Minister M. Garneau
- DFO Minister B. Jordan
- Infrastructure Minister K. McKenna
- Employment and Disability Minister Carla Qualtrough
- Digital Minister Joyce Murray
- NDP leader J. Singh
- Richmond MP A. Wong
- Richmond MP K. Chiu
- South Surrey MP White Rock MP K.- L. Findlay

BC Government.

- Premier John Horgan
- Environment Minister Heyman
- MLA K. Greene
- MLA Henry Yao
- MLA Amman Singh
- Transport Minister Rob Fleming
- Minister Ravi Kahlon
- MLA Donnelley
- Ian Paton
- T. Wats

Local Government and organizations:

- Metro Vancouver ENGOS
- Fraser Voices
- VAPOR
- Metro Vancouver Councils

Metro Media: Richmond News, Delta Optimist, The Tyee, The Watershed Sentinel, Hill Times, Vancouver Sun, Globe and Mail.

Footnotes:

1. ***Strategic Advisor's Report and Recommendations, Asia-Pacific Gateway and Corridor Initiative, 2007, Recommendation 1.7, Scrolled page 12/34***
 - a. https://www.againstportexpansion.org/downloads/strategic_advisor_report.pdf
2. ***ECCC: Environment Canada, Letter and Technical Comments to CEAA, Deltaport Third Berth Project – Environmental Assessment Application, Scrolled pages 17 – 27/35 Deltaport EC May, 2005.pdf***

...Given the international significance of Roberts Bank for migratory birds, and fish and wildlife generally, EC urges caution, and recommends a more detailed understanding of ecological

impacts of past, present, and future planned projects, before any further changes are made to the system... We are concerned that the “chain” of the Pacific Flyway could be broken for shorebirds at some point given the ongoing economic development in the Delta. This constitutes a major risk for Canada’s environmental reputation and the economic and social benefits derived from wildlife.

“EC concludes that predicted Project-induced changes to Roberts Bank constitute an unmitigable species-level risk to Western Sandpipers, and shorebirds, more generally.”

Freedom of Information Release Package, Draft Closing Comments by Environment and Climate Change Canada, Page 3/26

Patricia Baird, Ph.D. Kahiltna Research Group. RBT2 Environmental Assessment, Kahiltna Research, Document 1771, May 17,2019, Pg. 29-31,33&34

Damage might result in:

- Severe decrease or elimination of the marine & estuary diatoms with high EPA & DHA that support the entire marine food web
- Decrease in zooplankton like copepods that support other invertebrates and fish like the endangered Fraser River salmon or sand lance
- Decrease in numbers of shorebirds
- Irreversible species level impact to shorebirds on Pacific Flyway

This kind of collapse has happened before after anthropogenic structures erected at coastal sites...

3. **L. J. Kehoe et al. 2020 *Conservation in heavily urbanized biodiverse regions requires urgent management action and attention to governance***

Published November 26, 2020

The Society for Conservation Biology (wiley.com)

Authored by a long list of scientists and contributors, the Paper applies the Priority Threat Management (PTM) approach that calculates the cost-effectiveness of conservation action and go-governance.

Under Abstract

“...Using a novel Priority Threat Management (PTM) approach that calculates the cost-effectiveness of conservation action and co-governance, we discover that the 102 species at risk of local extinction within Canada's most diverse, heavily urbanized coastal region, the Fraser River estuary, require urgent investment in management strategies costing an estimated CAD\$381 M over 25 years. Our study also suggests that co-governance underpins conservation success in urban areas, by increasing the feasibility of management strategies. This study underscores that biodiversity conservation in heavily urbanized areas is not a lost cause but does require strategic planning, attention to governance, and large-scale investment.”

Under 3. Results “...We discover that under a business as usual scenario, two-thirds of species within the Fraser River estuary are predicted to have less than a 50% probability of persistence over the next 25 years ...”



November 20, 2020. Ship transporting pre-fab container terminal cranes north past Vancouver, BC. It is assumed that this equipment is slated for installation at the expanding Prince Rupert container handling facilities.

Expansion at the federal Prince Rupert Port has a direct bearing on the RBT2 and GCT EAs and raises the issue that a coastal examination of port container handling needs and capabilities is necessary. Ports cannot continue to be built based on speculation of ever greater economic growth at a time of global biodiversity losses, climate change and in the middle of our most sensitive habitat areas in Canada.

The ZPMC ship is that of Shanghai Zhenhua Heavy Industries Co. Ltd. They are a Chinese state owned vertical multinational engineering company and one of the world's largest manufacturers and installers of cranes and large steel structures. The manufacture and installation of such works will not create many jobs in Canada.