



CHAMBER OF SHIPPING

January 7, 2022

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and

Tracy Utting
Assessment of the GCT Deltaport Expansion - Berth Four Project
c/o Impact Assessment Agency of Canada/ Government of Canada
160 Elgin Street, 22nd Floor
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Subject: Marine shipping beyond 12 nautical miles Incidental to the proposed DP4 Project

To whom it may concern,

In response to the recently released Draft Joint Guidelines for the Global Container Terminals Inc. (GCT) Deltaport Expansion, Berth Four Project (“the Project”) that will undergo an impact assessment conducted by a federally appointed independent review panel, we are submitting our comments with respect to the activities that are being considered to fall within the scope of the assessment. The Chamber of Shipping represents commercial marine carriers, their agents in Canada, and cargo interests which trade internationally and domestically. Commercial shipping results in \$30 billion of economic activity annually in Canada and moves more than \$200 billion worth of goods to and from global markets.

The Project is currently in the Public Comment Period, with regulators seeking feedback on the Draft Joint Guidelines that state:

“The Agency and the EAO have yet to determine the geographic extent of marine shipping incidental to the project, short sea shipping, and vessel movements associated with the Tsawwassen First Nation marina. In establishing the geographic extent for these physical activities, the Agency and EAO will consider comments received during the comment period, as well as comments received to date. To date, participants have indicated that the geographic extent of marine shipping incidental to the project should extend beyond the 12 nautical mile limit of Canada’s territorial sea, such as to the 200 nautical mile limit of the Exclusive Economic Zone, and should also include Southern Resident Killer Whale critical habitat.”

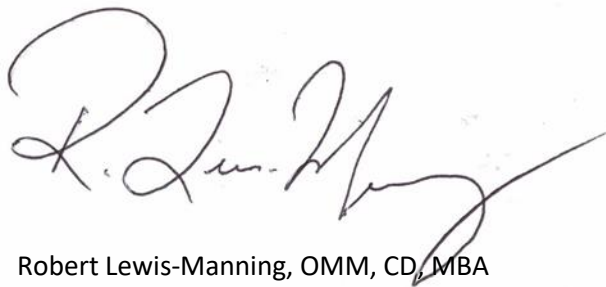
As noted in the Joint Guidelines, GCT considers marine shipping to be incidental to the proposed Project despite being essential to the success of the Project. Marine shipping activities are not within GCT's jurisdiction to manage, and it would be challenging to assess potential effects and recommend mitigations beyond the 12 nautical mile limit as GCT is a tenant within the jurisdiction of a Canadian port authority with obligations under the Canada Marine Act.

The Chamber of Shipping is of the opinion that the Project should limit the scope of its assessment to effects of Project-related marine shipping only within the territorial sea, as this would align with the jurisdiction that Canada exercises under International Conventions. Furthermore, the proximity of known ocean shipping routes often results in ships transiting the jurisdiction of the United States. GCT's ability to impose and enforce requirements on ships out to Canada's 200 nautical miles exclusive economic zone (EEZ) is extremely limited, and impossible in the case of those vessels within US jurisdiction. Other assessments for similar projects have noted these challenges and have only included shipping to the territorial sea limit. Beyond 12 nautical miles, there is a lack of established shipping lanes, and as a result, an assessment of impacts would not only be challenging it would be impractical. Consequently, an Impact assessment that sought to assess effects from shipping between 12 and 200 nautical miles would be very challenging (without knowing the routing of ships), be based on inaccurate assumptions, and have a low probability of precision.

It would be our preference that GCT not be required to assess marine shipping activities beyond the 12 nautical mile limit, and that it does not make public recommendations to mitigate the effects as determined.

The inclusion of marine shipping beyond 12 nautical miles in the scope of the DP4 Project assessment would set a precedent for future Impact Assessments (large and small). All projects rely on existing transportation frameworks, in this case as defined by shipping lanes. However, because it is incidental to this and other projects, whose proponents have no jurisdiction to manage or expertise to suggest effective mitigation, we respectfully request it be excluded. Nevertheless, the Chamber of Shipping is committed to working collaboratively with regulatory authorities on long-term regional assessment in the proposed project area or any relevant strategic assessments (as framed in the Joint Guidelines) to continuously improve the management and regulation of marine shipping to 12 and even 200 nautical miles, as relevant. In this case, for the proposed DP4 Project beyond 12 nautical miles is not reasonable.

Sincerely

A handwritten signature in black ink, appearing to read "R. Lewis-Manning", written over a light blue circular background.

Robert Lewis-Manning, OMM, CD, MBA
President
Chamber of Shipping

