

March 28, 2023

GCT Deltaport Expansion – Berth Four Project #81010
Impact Assessment Agency of Canada, 160 Elgin Street, 22nd Floor

Ottawa, ON K1A 0H3 Email: deltaport@iaac-aeic.gc.ca

Re: The broad, general statements of the Review Panel Terms of Reference and the Canada – BC Cooperation Agreement for the Berth 4 Deltaport Expansion do not appropriately provide for a meaningful environmental assessment

We in Delta are opposed to the growing number of shipping-related Projects and activities at Roberts Bank, in the Fraser River Estuary, Delta, B.C.

Currently, the federal Cabinet is deciding whether or not to approve the Roberts Bank Terminal 2 Project which involves dredging and filling 460 acres of the estuary for a man-made island for containers.

The result of the environmental assessment recommendations for the T2 project may see it go ahead with as many as **72 environmental concerns that will be ‘mitigated’**. Mitigation has proven not to work in the past and should not be accepted in the present environmental climate.

Now the Impact Assessment Agency of Canada is seeking public input on yet another proposal in the estuary – a fourth container terminal for the existing 3-berth Deltaport Container Terminal at Roberts Bank.

It seriously questions objectivity when public with evidence-based submissions to environmental assessments are being systematically omitted or dismissed. Submissions made to the previous public comment period of the environmental assessment of the Deltaport Berth 4 have not been incorporated into the Draft Review Panel Terms of Reference or the Draft Canada-British Columbia Cooperation Agreement.

The ecological significance of the site of the proposed Berth 4 puts it need of protection. As a result, the environmental assessment will not appropriately and sufficiently address the significant adverse effects of the Project.

The public announcement of this public input period fails to provide a specific Project Description which has been buried in the long list of documents. Transparent disclosure of the Project Description would have helped the public understand the size and implications of the Project.

The Scope of the Assessment is unclear as the statements in the Terms of Reference lack specific guidelines.

Draft Review Panel Terms of Reference

The Mandate of the Review Panel is not sufficiently specific which will result in a general Review Panel Report failing to apply proven, peer-reviewed science, as was the case with the Roberts Bank Terminal 2 Report.

I am sure that you are aware of the following Core Values for public participation. Up to now it has been clear that our governments only pay lip service to these values.

<https://www.iap2.org/page/pillars>

The Terms of Reference for the Review Panel should include:

1. A statement requiring meaningful engagement of all peoples of Canada
2. A statement recognizing the importance and significance of the Fraser River Estuary ecosystem, internationally, nationally and provincially
3. A statement that designations, recognizing the national, international and local significance of the Fraser River Estuary, will be meaningfully included in the assessment
4. A statement noting the ongoing environmental degradation of the planned site in the intercauseway waters between Deltaport and the Ferry Terminal
5. A specific outline of the scope including shipping lanes; anchorage sites; effects on rail lines through BC and the Rockies; effects of container trucks on local roads and highways; and land use for container storage
6. A Statement that the Fisheries No Net Loss Policy must be included
7. A requirement that the Environmental Impact Statement be based on credible, peer-reviewed Science
8. A statement that scientific evidence from government and independent scientists will be fully incorporated into the Review Panel Report
9. A statement that all environmental laws and agreements will be meaningfully incorporated
10. A requirement that reports and minutes of all consultations and meetings be posted
11. A statement requiring meaningful application of the Precautionary Principle
12. A statement providing for a single, evidence-based cumulative environmental effects assessment of all past, current and planned Projects and activities
13. A statement that alternative options/means for this Project on the west coast will be meaningfully included and not limited to the Project site
14. A statement that conclusions and recommendations on mitigation measures must be based on specific, scientifically-proven, measures
15. A requirement that mitigation measures include interactive, interdependent processes of the ecosystems
16. A requirement that mitigation plans and follow-up actions be specific and be presented to the public for comment
17. A requirement that summaries of public comments are specific and meaningfully documented
18. Requirement of a response report to public input by government scientists with specific points and with references
19. Requirement that Conclusions and Recommendations of the Review Panel must be based on proven, peer-reviewed science and must correlate with Key Findings

20. Requirement that the Review Panel Report must advise of all residual adverse environmental effects
 21. Requirement that the Review Panel Report transparently include the level of public concern
 22. Requirement that the Review Panel adhere to the International “Core Values of Public Participation”.
- 1)

Yes, that is a long list! Is it finite? You decide; the planet and our environment have placed second to economic and community considerations for years. Where has that gotten us?

Draft Canada-British Columbia Cooperation Agreement

The Canada-British Columbia Cooperation Agreements fail to sufficiently address provincial interests. In this case, where the federal government takes the lead, there is effectively no provincial-led assessment. Unfortunately, provincial government scientists are only peripherally involved and no provincial science is meaningfully applied.

Impacts to the local area such as light, noise, and air pollution will not be effectively assessed as they cannot be effectively mitigated.

Impacts of increased truck traffic will not be effectively included.

B.C. laws, policies, and agreements will not be effectively included

The impact on crucial wetland marshes will not be effectively assessed

Previous promises and plans for intertidal waters were not implemented

Furthermore, the follow-up plans and mitigation measures are not specific and lack the requirement of providing the public with evidence-based plans and measures during the public input process.

Information has been submitted to the Impact Assessment Agency and elected Government

Representatives have provided evidence that neither Project is needed at this location. West Coast

Container Capacity is sufficient and other Projects are under construction to meet future demand. The projections of the Port of Vancouver have consistently shown to be incorrect and meaningless. There is no need to cause further habitat destruction. Governments have deliberately disregarded dire warnings by government and private scientists over the past 44 years. Credible scientists have provided evidence-based reports warning that the globally-significant, interactive ecosystems of the Fraser River Estuary are not sustainable with ongoing port developments. These interactive ecosystem are our environment and sustain our community well-being.

There is already serious ecosystem failure with declining numbers of endangered Southern Resident Killer Whales and the loss of millions of migrating salmon. A report, The State of Canada’s Birds (June 2019), states a 40% loss of shorebirds in Canada due to lost habitat and pollutants. The report also shows port development as one of the causes of declines and calls for conservation actions to protect and restore migration stopover and wintering sites. .2)

‘Restore’. This proposal will just present us with more to restore. This is what mitigation presents us with; more environmental damage that needs to be restored. We cannot continue to live like this!

Supporting a wealth of biodiversity, the Fraser River Estuary is one of the richest and most important ecosystems for migratory, wintering and resident waterfowl and shorebirds. It is Canada's major stopover of the Pacific Flyway. In 2022, the federal government designated the Fraser River Estuary as a Key Biodiversity Area.

The Fraser River Estuary is also designated as Canada's top Important Bird Area (IBA); a Ramsar Wetland of International Significance (RAMSAR); and a Western Hemisphere Shorebird Reserve Network (WHSRN) site. Provincially it is designated a B.C. Wildlife Management area in recognition of its importance in Canada for biodiversity and shorebirds. Yet there is no legal-binding protection and ongoing port expansion continues.

There will be residual significant adverse environmental effects from the Berth 4 Project on migratory birds of the Pacific Flyway; migrating endangered salmon; endangered Southern Resident Killer Whales (SRKW); coastal birds; and species at risk.

The GCT Deltaport Berth 4 Expansion and the Roberts Bank Container Terminal 2 Project are two Projects seeking approval in the Fraser River Estuary. This is an unacceptable process due to poor planning by the Vancouver Fraser Port Authority (commonly called the Port of Vancouver) and an unacceptable disregard for public input.

When this Crown Corporation was formed in 2008, the intent and mandate was to coordinate port activities. Instead, chaos and worker dissatisfaction now prevails with the Port of Vancouver competing with its own tenants. The Port has been given too much power and the prevailing set up of the Board for the port does nothing to protect us. Unlike the United States, communities are not presented by the Board. The only PR interest the port shows is with the various chambers of commerce and businesses who readily agree with the notion that "more is better".

This is an abuse of the privilege which permits the Port of Vancouver to manage and profit from the public assets of more than 16,000 hectares of water; more than 1,500 hectares of land and hundreds of kilometres of shoreline, bordering 16 municipalities and intersecting the traditional territories and treaty lands of several Coast Salish First Nations.

This Crown Corporation should not be permitted to threaten the livelihood of its tenants by promoting its own competing Project. The motives are questionable and point to real estate accumulation creating a rich income for the Port of Vancouver. The big question lost is; why do we have two proposals when shipping trends clearly show no need for expansion?

Public trust in due process for environmental assessments has been lost. Consequently, increasing port developments and activities in the lower Fraser River and Estuary have government permission to cause ongoing destruction of the interactive, interdependent habitats of this magnificent, globally-significant ecosystem. A system that defines the welfare of our community.

The results of incomplete environmental assessments and half-hearted efforts at 'mitigation' in all projects that affect our environment have led to annual environmental hardships. The ongoing costs to the public are increasingly making projects such as this untenable. .3)

- 1.) Advancing the Practice of Public Participation, International Association for Public Participation, Core Values; Code of Ethics <https://www.iap2.org/page/pillars>
- 2.) The State of Canada's Birds, 2019, Page 6/12 2019-State-of-Canadas-Birds-1.pdf (nabci.net)
- 3.) https://hakai.org/the-demon-river/?fbclid=IwAR0QfEaqm2endmvEDTeXJb-q-feLzG5lOmTg7EpRwslyT__tbK0HkoF5iAs