



October 13, 2015

By Email: <email address removed>
Chief Cyril Livingstone and Councillors
Lake Cowichan First Nation
P.O. Box 159
313B Deer Road
Lake Cowichan BC V0R 2G0

Re: Roberts Bank Terminal 2 Project – Response to Comments on Environmental Impact Statement Completeness.

Dear Chief Livingstone and Councillors,

Thank you for your email of June 16, 2015 on behalf of the Lake Cowichan First Nation (LCFN) regarding the proposed Roberts Bank Terminal 2 Project (the Project). In your letter, you provided comments on the completeness of the Environmental Impact Statement (EIS)

In reviewing LCFN input, the Canadian Environmental Assessment Agency (the Agency) notes that the input fits into one of two categories as follows:

1. Comments on the “Completeness” of the EIS; and
2. Comments on the “Sufficiency” of the EIS.

The attached table indicates how each of your comments was considered in preparing the identified information requirements to Port Metro Vancouver (PMV).

I would like to point out that numerous comments were received from Aboriginal groups and the public that relate to the sufficiency of the information (i.e. the technical merit of the information) provided by PMV, rather than whether or not information is required in the EIS Guidelines. While some of this information provides the Agency, PMV and other participants in the process with early notification of issues that may be relevant at later stages of the environmental assessment, it is not information that the Agency requested of PMV at this time.

Once the Review Panel has been appointed, it will conduct a sufficiency review in accordance with paragraphs 4.15 through 4.22 of the Review Panel Terms of Reference. Those comments that you have identified relating to the sufficiency of the information in the EIS will be considered by the Review Panel in conducting its review.

While the sufficiency review will include a public comment period of not less than 60 days, your comments are already on the public registry and do not need to be resubmitted. The Panel will consider these comments and determine any additional technical information and analysis that is required for the Panel to complete its assessment of the Project. Further information on the difference between the Agency's completeness review and Review Panel's sufficiency review can be found on the Registry at: <http://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=101574>.

The Agency received confirmation from PMV that the Marine Shipping Addendum is not expected to be submitted until late October 2015. Once this information is received the Agency will hold a public comment period on the completeness of the Addendum.

Feel free to contact me if you have any further questions or would like to set up a meeting to discuss next steps for the process for reviewing the Project and/or the consultation process for the Project.

Yours sincerely,

<Original signed by>

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Robert Banks Terminal 2 Project

Consideration of Lake Cowichan Comments on the Completeness of the Environmental Impact Statement

Thank you for your comments on the completeness of the Environmental Impact Statement. The Canadian Environmental Assessment Agency (Agency) has requested that additional information be provided by the proponent; the additional information requirements are available here: <http://www.ceaa-acee.gc.ca/050/documents/p80054/102083E.pdf>. In the responses to your comments on the completeness of the Environmental Impact Statement, the additional information requirement number is provided, when applicable, for ease of reference, and a rationale is provided if the information request was not carried forward to the Proponent.

Topic / Issue	Reference to EIS Guidelines or EIS	Information Request (proposed by Lake Cowichan)	Rationale (proposed by Lake Cowichan)	Rationale for requesting (or not) information
VOLUME 2: EFFECTS ASSESSMENT METHODS AND PHYSICAL SETTING				
Section 8.0 Effects Assessment Methods				
	12.1.2 and 12.1.3	Cumulative Effects of the project related to other projects such as the Kinder Morgan Project, and other reasonably known projects, including sediment plume and hydrology changes pushing the plume northward in the Salish Seas.	<p>The proponent has relied on the premise that only if there are Residual Effects will there be cumulative effects. Lyackson does not agree that this follows, or that this logic follows in this order. Lyackson feels if there are cumulative effects, there will be residual effects and these may be significant.</p> <p>The proponents approach to this analysis will miss information entirely to fully assess the potential cumulative long-term effects of the project.</p> <p>Nowhere in the EIS Guidelines does it suggest the proponent rely on residual effects to assess cumulative effects, actually the guidelines identify the two analyses as being distinct and separate, as does the CEAA Operational Policy Statement "Addressing Cumulative Environmental Effects under the <i>Canadian Environmental Assessment Act</i>", which does not even reference residual effects. Neither does the CEAA Practitioners Guide on Cumulative Effects.</p> <p>Chief Livingstone has expressed the following specific concerns related to:</p> <ul style="list-style-type: none"> - effects of the environment on the project and the attendant spills or accidents that could occur and the long term residual and cumulative effects; 	<p>The Agency did not request additional information regarding accidents and malfunctions since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review.</p> <p>Additionally, the Agency has requested additional information on Cumulative Effects in its letter of July 31, 2015 to Port Metro Vancouver (page 7, #13).</p>

Topic / Issue	Reference to EIS Guidelines or EIS	Information Request (proposed by Lake Cowichan)	Rationale (proposed by Lake Cowichan)	Rationale for requesting (or not) information
			<ul style="list-style-type: none"> - spills and accidents specifically and the long-term residual and cumulative effects; Therefore, the cumulative effects assessment is not complete.	
VOLUME 3: BIOPHYSICAL EFFECTS ASSESSMENTS				
Section 13.0 Marine Fish Effects Assessment				
Resident Herring stock analysis and impacts of the project on the predator prey scope			<p>The EIS Guidelines:</p> <ul style="list-style-type: none"> - a description of predator-prey interactions for identified fish populations; - a description and location of aquatic species at risk (e.g. Southern Resident Killer Whale) that appear on federal and provincial lists and that are likely to be effected by the project; <p>Herring are a critical component in the food chain for Killer Whales, specifically the Southern Resident Killer Whales, which are known to be fish-based predators.</p> <p>Research in Europe over the last 100 years and at local universities with regard to resident herring stocks and their importance in local ecosystems is proving significant. Although, the EIS discusses herring in a general sense, it does not capture or assess it specifically to effects relative to Species at Risk - the Southern Resident Killer Whale - or the predator-prey interactions in that specific fish-based food chain.</p> <p>Killer Whales are of current and contemporary cultural significance to the Lyackson (and Lake Cowichan) First Nation.</p>	<p>The Agency has requested additional information on some of these items in its letter of July 31, 2015 to Port Metro Vancouver (pages 2-5, #6, 10 and 11).</p> <p>The Agency did not request additional information regarding herring since there is already information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review.</p>