RE: Roberts Bank Terminal 2 Project (#80054) – EIS Marine Shipping Addendum

Thank you for the opportunity to give comments from the Boundary Bay Conservation Committee (BBCC) on the Marine Shipping Addendum.

Unfortunately, we will be brief because, yet again, you are asking for public input into Port Metro Vancouver (PMV) development documents in the lead up to Christmas. The BBCC would like to ask whether the Canadian Environmental Assessment Agency (CEAA) could rule out December deadlines if you want thorough public input on projects?

Further, I have to admit that personally I do not have the patience to wade through all the verbiage of Port-paid spin-doctors. Is there any way the CEAA process can set up reviews of such project documents by rigorous, academic, independent, scientists before they are released? This could only aid the CEAA process, waste less time and save everyone time and money; e.g. why didn’t CEAA identify that PMV’s first EIS was incomplete because it omitted Marine Shipping?

Completeness

This Addendum is still incomplete. I cannot find the rigorous science required in this Addendum to evaluate “the potential environmental effects of marine shipping associated with the project”. For example what data justify the conclusion “that marine shipping associated with the Project is not expected to result in any significant adverse residual effects to any of the valued components assessed”.

Even the conclusion itself contradicts this statement: “No adverse cumulative effects are anticipated, with the exception of potential effects to southern resident killer whales.” It further concludes: “that southern resident killer whales have already been significantly adversely affected by past projects and activities; therefore, cumulative effects are expected to remain significant.” Members of the BBCC suggest that this statement is sufficient to stop the Terminal 2 project.
Members of the Southern Resident Orca population are registered as a **Species at risk under Canada’s Species at Risk Act (SARA)**. The members of this population feed on Roberts Bank at least twice a week from April to October and members of J Pod potentially all year round. All three Pods (J, K and L) of the Southern Resident Orcas spend the late spring, summer, fall and early winter in Juan de Fuca Strait, Haro Strait, Boundary Pass and southern Georgia Strait. It has been acknowledged by both the American and Canadian governments as well as many Non-Government Organizations in both countries that this area, often called “Orca Pass”, is “critical habitat” for this endangered group of Orcas.

All the commercial shipping vessels coming to and from Roberts Bank and all other PMV’s ports come through “Orca Pass” emitting sounds in the range of 160 to 210 dbs. As the National Recovery Strategy for the endangered Southern Resident Orcas says “**sounds in excess of 160 dB have the potential to disrupt marine mammal behaviour, and sounds in excess of 180 dB may cause physical injury**”. Commercial shipping has
increased in recent years and can be almost continuous through “Orca Pass”. As well as acoustic pollution these vessels also pollute the air all through “Orca Pass” so on calm days there is a thick yellow-orange haze that settles through the area. One suspects that on such occasions, this and other pollutants are added to the sea-surface micro layer that the Orcas have to move through as they breathe.

The Orcas spend much time traveling, feeding and resting along the western shore of San Juan Island. The USA has a sanctuary area here for the Orcas that exclude powered whale-watching vessels from this important area. But I have seen sound pressure waves mapped for a large commercial ship in Haro Strait. Such a vessel sends continuous, loud sounds to the east through the sanctuary to the shoreline of San Juan Island and various other San Juan islands and west to the shores of Vancouver Island and the Gulf Islands of the Canadian National Park. Further, when more than one vessel is in the area, we understand that the sound can be additive.

The BBCC believes that the DFO must insist, in the name of the Recovery Strategy for the endangered Southern Resident Orca community, that the PMV finance an independent, comprehensive environmental impact assessment of the acoustic effects and air pollution of all proposed increases in commercial shipping through the critical “Orca Pass” and Georgia Strait habitats. Because the Federal Court Justice, James Russell, held that DFO had failed to legally protect killer whale critical habitat and made 13 declarations that included:

- DFO unlawfully limited the scope of legal protection to exclude biological elements of critical habitat.
- DFO has a legal obligation to protect the biological aspects of critical habitat, such as prey (food) availability and marine environment quality, through law.

Further, the BBCC recommends that CEAA not accept PMV’s Shipping Addendum for Terminal 2 until PMV gives a complete, cumulative impact estimate of all proposed commercial shipping (including expansions at all its other port facilities and the planned 1a and 1b expansions and the Fortis maximum fleet expansion of LNG ships) through critical orca habitat has been assessed. This would appear to be the only way to fulfill Objective 5 of the Strategy: “Protect proposed critical habitat for resident killer whales and identify additional potential core areas for critical habitat designation and protection.” BBCC suggests that this might require that DFO put a cap on the number of commercial ships using the critical habitats of “Orca Pass”.

**Accidents or malfunctions**

The Addendum concludes: “In addition to the assessment of routine marine shipping activities, the potential for accidents or malfunctions was also considered, including the hypothetical consequences of plausible worst-case scenario accidents. A comprehensive avoidance and response framework exists within the study area, and the likelihood of
accidents or malfunctions has been assessed as very low”. The most plausible worst-case scenarios must be more realistic. Given the location of the proposed Terminal 2, the current Deltaport Terminals and the Westshore Coal Port on Roberts Bank just north of the BC Ferry Terminal whose ferries run across the path of the all these commercial ships, the worst case must include such an accident. Further, the proposed LNG vessels will be travelling the same route a most horrifying worst case but sadly possible.

**Spill Preparedness**

The Addendum does not offer any analysis of the complete confusion and inadequate response to the relatively small bunker oil spill in English Bay in April 2015. It must list and consider some of the worst cargos handled by PMV and spills from them. It suggests that Western Canada Marine Response Corporation (WCMRC) will handle spills.

If the English Bay Spill is any guide, this could be disastrous for wildlife especially in the globally significant habitats of the Fraser River Estuary. WCMRC uses a company called Focus Wildlife. This is the company that took oiled birds out of English Bay but would not talk to the media i.e. the public! But if you go to their website you find that their first issue is Reputation Management “to ensure positive and reputation-building exposure for the client”!

Further on this topic on Focus Wildlife’s website: “Professional wildlife preparedness and response helps to neutralize the intense media pressure on high-profile wildlife impacts. A comprehensive media management plan that fulfills the public’s desire for information directly pertaining to the wildlife response quickly ... oiled wildlife response can be utilized as a highly effective tool for reputation management to help counteract the intense scrutiny surrounding oil spills and/or wildlife contamination issues.”

This kind of spin doctoring on such a serious issue in shipping is insulting to members of the Boundary Bay Conservation Committee. We were established in 1988 to enhance public awareness of the Fraser River Estuary Ecosystem. We have worked with other conservation groups to obtain protection and recognition for this world class ecosystem including:

- BirdLife International’s Important Bird Area (IBA) designation in 2001 for the Fraser River Estuary: Boundary Bay, Roberts Bank and Sturgeon Bank; the Estuary is the most significant IBA out of 597 sites in Canada.
- In 2004, the Western Hemisphere Shorebird Reserve Network (WHSRN) gave the Estuary its highest designation as a Hemispheric WHSRN Site.
- In 2011, Roberts Bank, the vital central link in this chain of inter-connected and protected estuary habitats, was finally declared a Wildlife Management Area.
- In 2012, the whole lower Fraser River Delta was declared a Ramsar site by the International Convention on Wetlands.
To know that in a spill "wildlife response can be utilized as a highly effective tool for reputation management to help counteract the intense scrutiny surrounding oil spills and/or wildlife contamination issues" in a globally significant ecosystem is outrageous.

Global Warming

In light of, most recently of the Paris Climate Change Conference, and the fact that shipping’s contribution to climate change in e.g. 2007 was estimated to be 843 million tonnes or 2.7% of the world's total anthropogenic CO2 emissions, this must be addressed in the Addendum. These and the cumulative impact of other air pollutants and the fine particles in ship exhaust from increased shipping need to be addressed. The failure to reduce these emissions from maritime transport will negate other efforts being made to limit global mean temperature rise to 2 degrees Celsius let alone 1.5.

Accountability

What is meant by PMV “understands that marine shipping associated with the Project outside of Port Metro Vancouver’s jurisdiction is not considered to be part of the Project for the purposes of the environmental assessment.” So who is accountable for the shipping route through Haro Strait and Juan de Fuca Strait that the PMV is proposing to send many more ships? Isn’t PMV a federal agency established by the “Government of Canada pursuant to the Canada Marine Act”? If they are not federally responsible who is?

Since the shipping route passes through waters of the USA, has the USA been consulted on the Terminal 2 expansion and its consequences for their shipping and ecology of their waterways?

We look forward to our issues being considered and our questions answered.

Yours sincerely,

Mary Taitt
Director, BBCC