

CLOSING REMARKS RELATED TO THE ROBERTS BANK TERMINAL 2 (RBT2) PROJECT AND RELATED VFPA EIS AND CEAA HEARING PROCESS – MAY/JUNE, 2019 DELTA, BRITISH COLUMBIA.

ABSTRACT: VAPOR and Fraser Voices Societies strongly recommend that the approval of this project at this time would be an irresponsible environmental decision. In the CEAA process, our values for the environment and the survival of living organisms on this planet have to receive longer term consideration than shorter term economic 'needs' as spelled out by Vancouver Fraser Port Authority. This is especially the case in that in many of our ecosystems we are near ecological collapse. The Fraser River's world class estuary is one such ecosystem. Many salmon runs, sturgeon, eulachons, southern pod killer whales are endangered and most bird populations are declining. The Port's localized examination of it's impacts do not represent the environmental needs of our future generations and the presently stressed continuum of nature's life in the estuary and river. We are at a time that, if the environment and our future are to be healthy and viable, someone has to say enough is enough and reject what has been proposed. The Panel should give guidance on future considerations of nature and our shipping industry as related to coastal and not just local port needs. This project as proposed does not represent thinking necessary to promote an environmentally sustainable future.

Submission for
VAPOR and
Fraser Voices
Societies
- prepared by
Otto E. Langer

August 25, 2019

VAPOR and Fraser Voices

Closing Remarks Related to the Roberts Bank Terminal 2 (RBT2) Project and Related CEAA EIS and Hearing Process – May / June, 2019 in Delta, British Columbia.

Dear CEAA RBT2 Panel:

Aug 25, 2019

I. Preamble:

Fraser Voices and VAPOR (both legally constituted legal societies in BC) thank Madame Chair and Panel Members for the opportunity to make our two presentations to the of RBT2 hearings in Delta BC during May 2019. We are especially appreciative of the opportunity given to participants to ask questions of the various presenters. However, considering the magnitude of the project and its certain impacts we do not feel adequate time was given to truly cross examine the proponents – Vancouver Fraser Port Authority (herein called the Port) and its consultants.

The two Power Point presentations that we presented at the hearings did summarize our verbal presentations. However, we will take this opportunity to submit closing remarks that also addresses issues that became obvious at the hearings. No new evidence is presented.

II. The CEAA Process:

Overall the entire CEAA issues identification and actual hearing was rather confusing to most and to some very large degree was too stretched out over years in the pre-hearing stages. Then the process was too shortened in the hearing stages and opportunities for more thorough questioning was minimized.

No real opportunity for cross examination of the presentations by Vancouver Fraser Port Authority (Port) was afforded. That is truly unfortunate in that this project is a multi-billion dollar project that will have many known direct environmental impacts on the very sensitive and productive globally significant Fraser River Estuary and life forms associated with that estuary and the 1500 km long river, its catchment area, Salish Sea and associated North Pacific Ocean.

Although we do not believe you will address process issues as part of your decision, they do have a bearing on what was presented and should be considered. Many found the hearing arrangements confusing in that the Port seemed to have been given more prominent seating arrangement than the public. Their presentation leader also seemed to most often act as having equivalence with Madame Chairperson. It was odd that the Panel felt it was proper for the Port to feel that they should thank each presenter (other than those that challenged the Port excessively) and then be given daily opportunities to provide a summary and could counter

each presenter at the end of the day. This gave the Port a final word on all issues and that created a very tilted field that was counter to the interests of the public and other agency presenters.

III. Relevant Legislation:

Our presentations noted that the standard (law) that the Panel will have to use to judge legal impacts and mitigation works as related to CEAA, SARA, Fisheries Act – habitat protection by prohibition of harmful alteration, disruption or destruction (HADD) of fish habitat. **Regardless of when the legislative changes were made during the RBT2 process, the Panel must ensure that the August 2019 amended fish habitat law must apply to all construction after August 2019.**

IV. Major EIS / Port Proposal Shortcomings:

- a. It was extremely obvious that **the Port and their collage of consultants would not admit that the massive filling in (i.e. absolute total removal of habitat and living space from the aquatic ecosystem) would obviously eliminate a large amount of very productive and sensitive Fraser River Estuary front face of Roberts Bank.** The habitat value of the deep water in the front face of the mudflats was also downplayed or ignored. This habitat area is seen as less important than biofilm and marshes. That is unfortunate in that it is essential habitat for many species at all times of the day (e.g. crab) and for migratory fish such as juvenile Chinook and chum salmon for each ebb tide.

Also the fill for the port and causeways creates a massive barrier to water and aquatic life (e.g. salmon) movements. In that the Port and consultants went out of their way to deny these obvious impacts there was no serious attempt made to mitigate such losses. This alone is one of the greatest shortcomings of the EIS and one of the major reasons why this fill project (container port expansion) must not take place if this estuary is to survive.

- b. The convincing **economic arguments (facts) on the need for RBT2 still seem to be** lacking considering many addressed criteria and even more unaddressed considerations (port alternatives, TEUs (twenty foot equivalent container units) – freight train traffic jams in the Rockies etc.). Building a giant port that may not have efficient access to the majority of Canada is extremely short sighted. It like buying a giant fire hose but only having a garden facet to attach it to. The result is a false hope that the fire hose will work but in reality it will just deliver a trickle of water. Do we build a giant port and then have a trickle of freight capability to handle this expected new TEU load transported to the rest of Canada?
- c. The impact of the existing container / coal port and expanded RBT2 port and causeway and expansion of the existing causeway has not been properly accepted and the mitigation of those impacts has not been adequately nor scientifically mitigated. **Indeed most of the mitigation works are no more than proposals or promises and are to be worked out between DFO, ECCC and the Port after approvals are in place.**

This is again unacceptable because what was proposed (i.e. expanded causeway compensation – marsh habitat) will have its own negative impacts which have not been studied nor exposed to review at the hearings. The only exception to this is a proposal to

build more marsh habitat in highly sensitive habitat adjacent to the causeway and at the highest tide elevations to accommodate sea level rise. Such mitigation proposals require intensive examination as it relates to near future functioning at the upper reaches of present tide levels (i.e. to address future sea level rise the mitigation marsh may be at too high an elevation for the next many years) **and its impact on very productive and sensitive habitat such as the biofilm producing areas.**

V. Other EIS – Port Presentation Shortcomings – Regional and Global Cumulative Impacts Largely Ignored;

- a. The overall approach to a proper review of cumulative impacts by the Port and CEAA as directed by its terms of reference provides yet another reason why this assessment is unacceptable. **A scientific approach to spatial cumulative ecosystem environmental impacts and marine safety hazards simply was not done** and the Port and Panel simply hid behind the narrow terms of reference that were designed to look at what were just local impacts at and near the development site. Questions related to other development sites, non-local mitigation schemes, movement of containers through transportation bottlenecks, impacts of mitigation works, etc., had to be part of this EIS and CEAA Panel review.

Proper ecosystem cumulative impact assessments simply were not done. The impacts of this project on salmon runs had to take into account the impacts and concerns of Indigenous bands as far away as the Nechako watershed i.e. some 1000 km away and well out into the ocean and the entire estuary including Boundary Bay. Impacts to nature just a few kilometers away were most often not considered.

- b. Another major shortcoming of the studies and mitigation works relates to the fact that **many of the impacts of the first container terminal, its expansion and indeed the original fill area of the 1960s (Westshore Terminals coal port) has not been addressed / resolved i.e. temporal cumulative impacts.**

Birds are still being killed by port facilities, coal dust continues to contaminate the rich benthic substrates around existing port and the giant blockage problem posed to migrating fish has been dismissed by the constantly used weasel buzz words “negligible impact”. Now the Port intends to add greatly to those impacts with no mitigation works – by denial or minimal impacts i.e. a rationale to do nothing.

- c. **The Port pretended that they could dismiss returning estuarine water circulation to the bank areas as unworkable because culverts would cause mud bank scour.** Their culvert assessment seemed to be a rather misleading approach to possibly ignore this impact.

The Port under the leadership of the CEAA Panel must assure the public and the living creatures in the estuary that past impacts can and have been fully addressed before any new development can be approved. **Why would the Port just propose the use of culverts to restore flows and fish migration in a large tidal change / flow ecosystem area when nothing less than bridges or trestle facilities are in order?** Even the Petrona’s Northwest LNG Skeena River proposal (as approved by CEAA) did realize that a trestle was necessary to attempt to protect tidal mudflat environments – see Dr. Rosenau submission in Otto

Langer/VAPOR presentation. The CEAA Staff indeed said what was occurring at Prince Rupert was irrelevant and refused to accept the Rosenau submission until we appealed your staff decision. This example indeed showed that local thinking and considerations should only be accepted

Further to the above concern **we referenced United Nations papers that outlined the great impacts being faced by nature – its species and biodiversity losses and climate change – all that has to be addressed with great urgency.** These are totally germane to this large project that will aggravate the cumulative global ecological catastrophic changes that are now taking place. This project has to be put into that global perspective or the terms ‘conservation’, ‘sustainability’, ‘ecosystem protection’, etc., mean nothing.

VI. SUMMARY:

VAPOR and Fraser Voices cannot condone any CEAA Panel approval of RBT2 (with dozens or possibly over 100 conditions) as presented at this time. As a minimum the RBT2 CEAA Panel must take the lead to assure that;

- In its **deliberations it must consider the greater impacts of this project to the region, the entire Fraser River and Salish Sea shipping route ecosystems and** not be bound by a narrow scoping of the possible impacts on just the local environment and communities.
- **The past impacts of this port as built prior to the present time be properly addressed and fully mitigated.** This includes the loss of living creature living space by the giant fill area i.e., RBT1. Also the blockages / barriers of causeway have to be addressed.
- **Consideration must be given to the fact that the CEAA pre-hearing process was overly convoluted, lengthy and confusing** to the average citizen. The process was so cumbersome and demanding that it discouraged public involvement. CEAA type reviews of some 25 or more years ago on smaller projects (e.g. Fraser River Training, VAFFC jet fuel barging 1989, etc.,) was a simpler process to follow and did succeed in bringing many more people into the review process. This was at a time when our population and environmental awareness was much lower.
- The Port can and has selected from a collage of consultants that are prepared to approve or disapprove almost any concern using the same data. In environmental impact studies this is the common strategy and approach to be used. In this **process the concerned citizen is hobbled by a large industrial promoter with unlimited resources at its disposal to promote whatever it wants with no concern about its conflict of interests.** A balance between the concerns and values of the average public concerned about their environment versus a large developer must be found to put the EIS and evidence into perspective.
- The above concern is further aggravated by the Port that is the owner, regulator, promoter, manager, EIS lead and developer and operator of this project. **The role of the Port has to be re-defined so as they are not the regulator and environmental lead and developer in any project.** The Panel must appreciate that the Port is in a total conflict of interest. That is a major consideration when putting relevant weight onto the various evidence and values before the Panel. In that the elimination of the Fraser River Estuary Management Program (FREMP) and delegation of their coordinating responsibilities

went to the Port, **FREMP must be re-established or the Port will continue to be the regulator of its own environmental impacts – an obvious conflict of interest.**

- **That a 10-year moratorium apply to RBT2 planning until past impacts at this site are addressed (by the Port and responsible government agencies) and if greater container capacity is needed, take a West Coast approach to addressing that need at that time.**

Any other approach amounts to little more than a piecemeal approach to a Canada national issue. The dynamics of global environmental conservation that container cargo needs can then be better understood (e.g., elimination of fossil fuel uses, greater use of Panama Canals, east coast port expansions, Prince Rupert port capacity, etc.).

VII. CONCLUSION:

It is with all due respect **that VAPOR and FRASER Voices Societies strongly recommend that the approval of this project at this time would be an irresponsible environmental and maritime safety decision.** In the CEAA process, our values for the environment and the survival of living organisms on this planet have to receive longer-term consideration than shorter-term economic 'needs' as spelled out by the Port.

This is especially the case in that in many of our ecosystems are near ecological collapse. The Salish Sea and Fraser River's world class estuary is one such ecosystem (e.g. many salmon runs, sturgeon, eulachons and southern pod killer whales are endangered, most bird populations are declining, fewer government staff are doing assessment, enforcement and research work, etc.,). A local ecosystem piecemeal examination of these projects impacts will not serve the needs of the future needs of our grandchildren and the past and hopefully future continuum of nature's living resources in the river and its estuary.

We are at a time that, if the environment and our future are to be healthy and viable, someone has to say enough is enough and at this time reject what has been proposed. That does not mean the Panel cannot give guidance on future considerations of nature and our economy as related to Canada's need for a holistic approach to examine trade and cargo transportation needs in an environmentally sustainable manner.

We believe that we are not being too melodramatic and the conservatively minded UN Committees on Species and Diversity Loss, Climate Change and Land Use are not overly dramatic. It would now be a betrayal to future generations to not act on global concerns at the local level.

Respectfully submitted by VAPOR and Fraser Voices - British Columbia Societies

<Original signed by>

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The Board of Directors of **VAPOR** includes Sandra Bourque (Richmond), Barbara Huisman (Richmond), Otto Langer (Richmond), Judy Williams (Langley), Scott Carswell (Pitt Meadows), John TerBorg (Kamloops), Jim Ronback (Delta) and Anne Learner, (Richmond). The Directors of **Fraser Voices** are David Jones (Delta), Otto Langer (Richmond), Susan Jones (Delta), Sandra Bourque (Richmond), Barbara Huisman (Richmond) and Douglas Massey (Ladner).