



August 24, 2019

Review Panel Secretariat
Roberts Bank Terminal 2
Project Canadian Environmental Assessment Agency
22nd Floor, 160 Elgin Street, Ottawa, ON K1A0H3
Via email: ceaa.panelrbt2-commissionrbt2.acee@canada.ca

Re: Closing Remarks — Roberts Bank Terminal 2 Project

Dear Review Panel Members,

By way of this letter, Bird Studies Canada asks that the panel acknowledge the probable adverse environmental impacts on the Roberts Bank Terminal 2 project and highlight for Governor in Council that by approving the project and accepting the adverse impacts would be in violation of the government's legal commitments.

To date, evidence has established that if the Roberts Bank Terminal 2 project proceeds as currently designed, it will result in significant adverse environmental impacts for, at a minimum, southern resident killer whales and western sandpipers. With a comprehensive assessment of barn owls, a similar conclusion would likely be drawn for that SARA listed species. Given the high abundance of other species using the estuary, it is also likely that similar threats exist for which the panel and the proponent hasn't had the opportunity to explore.

Furthermore, the Roberts Bank Terminal 2 project is not taking place in isolation. There are other Port related developments planned for the estuary. These multiple projects are cumulatively reducing the health and function of the estuary. Roberts Bank and Brunswick Point are among the last functional habitats within the estuary. This region requires greater protection and resourcing than it receives from government.

We recommend the panel follow the example of the Trans Mountain Pipeline Review Panel in recommending protection of key sensitive habitat put at risk by the proposed terminal and other future projects.¹ In this case, we would like Brunswick Point designated, after appropriate consultation with Indigenous nations a Migratory

¹ Conditions and Recommendations Overview – Trans Mountain Expansion Project Reconsideration Report, Recommendation 4 <https://www.neb-one.gc.ca/pplctnflng/mjrpp/trnsmntnxpnsn/trnsmntnxpnsnrprtcdtn-eng.html>

Bird Sanctuary or potentially an Indigenous Protected and Conserved Area to ensure government has the authority and responsibility to maintain the productivity of biofilm² habitat found at this site.

The panel heard during the review how a lack of historical data made it very challenging to reach conclusions about potential impacts on shorebirds and salmon. Looking to the future, attempts to address the cumulative effects of multiple development projects taking place across the delta require a detailed understanding of the ecological condition including bird populations. Again, the Trans Mountain Pipeline recommendations provide a useful example. Recommendation 3 of the Trans Mountain Pipeline review process is for increased marine bird monitoring and protection of these birds from identified impacts.³ Bird Studies Canada recommends that the Roberts Bank Terminal process require similar work for coastal birds using the shallow water habitat of the Fraser estuary. Bird Studies Canada, SFU and others are part of an international effort to provide a more detailed understanding of shorebird use of the estuaries along the Pacific Flyway, the Migratory Shorebird Project. We believe future decisions about project development in the estuary would be greatly aided by significant investment in the Migratory Shorebird Project, the British Columbia Coastal Waterbird Survey or similar efforts.

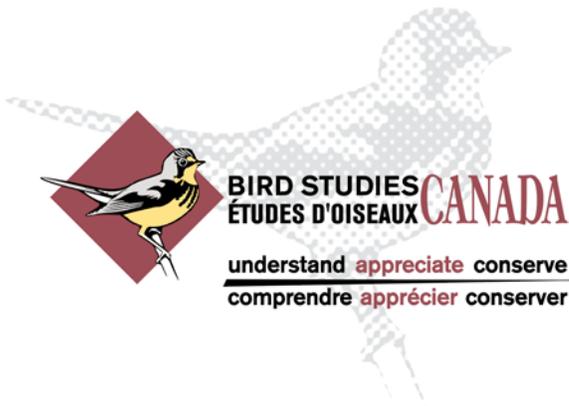
The panel heard from multiple parties about the need for an estuary management program that allowed community input into how to avoid the type of cumulative impacts now taking place. Bird Studies Canada believes a community-supported plan needs to be in place before further development in the estuary is permitted to take place. As such, BC Nature, Bird Studies Canada and Nature Canada have initiated a petition with 1800+ signatures not to approve any new industrial projects until a Fraser Estuary Restoration and Management Plan is in place that secures the health of the Fraser delta. We request the panel recommend a Fraser Estuary Restoration and Management plan be linked to the Salish Sea Cumulative Effects Management Plan required under the Trans Mountain Pipeline conditions.⁴

One of the benefits of having maintained a Fraser Estuary Management Plan process would have been to bring the proposed alternatives such as the Global Container Terminals proposal to light much sooner. This would have permitted the community to consider the trade-offs between these and other identified options. When considering whether the significant adverse environment effects can be justified, the choice is not between expanding Canada's trade capacity and the local environment but rather *how* to expand Canada's trade capacity. In making such a decision, Governor in Council needs information on the alternatives. The panel chose to limit the scope of the alternatives considered and therefore has constrained the options that will be put before Governor in Council. Yet the reality remains that a number of other shipping terminals such as Global Container Terminals are willing and able to help Canada expand our capacity and at least a couple of these options come with fewer environmental impacts.

² Biofilm is defined as an assemblage of microbial cells that is irreversibly associated with a surface and enclosed in a matrix of primarily polysaccharide material.

³ Conditions and Recommendations Overview – Trans Mountain Expansion Project Reconsideration Report, Recommendation 3 <https://www.neb-one.gc.ca/pplctnflng/mjrpp/trnsmntnxpnsn/trnsmntnxpnsnrprtcdtn-eng.html>

⁴ Conditions and Recommendations Overview – Trans Mountain Expansion Project Reconsideration Report, Recommendation 1 <https://www.neb-one.gc.ca/pplctnflng/mjrpp/trnsmntnxpnsn/trnsmntnxpnsnrprtcdtn-eng.html>



Regardless of the options under consideration, the Fraser estuary is documented as the most important piece of bird habitat in all of BC and Western Canada. The estuary deserves to be protected and treated as a national treasure. Unfortunately, while the people and economy in the region are flourishing, the estuary is on the edge of ecological collapse. Balance is needed for a sustainable future. No further industrial development within the delta can be justified until the estuary is restored to a healthy and functional state. Maintaining freshwater flow, sediment movement, biofilm productivity and migratory connectivity are key elements that need to be protected before any further development is permitted. We expect the panel will take this opportunity to require government to implement the actions needed to maintain these core functions of the estuary prior to recommending the Roberts Bank Terminal 2 project proceed.

Sincerely,

<Original signed by>

James Casey
Fraser Estuary Specialist
Bird Studies Canada