

February 5, 2020

Marko Dekovic,
Vice President, Public Affairs
GCT Global Container Terminals Inc.
<contact information removed>

Subject: Request to open the public record to include additional documents for the environmental assessment of the Roberts Bank Terminal 2 Project

Dear Mr. Dekovic

The Review Panel is in receipt of your letter dated January 10, 2020, in which Global Containers Terminals Inc. (GCT) requests that the Review Panel open the public record to include additional documents for the environmental assessment of the Roberts Bank Terminal 2 Project. The basis of the request is that GCT has further information which it believes supports the contention that the Vancouver Fraser Port Authority (VFPA) knowingly made false or misleading statements during the environmental assessment of the Project.

Specifically, GCT asks that the Review Panel “find that VFPA breached section 98 of the *Canadian Environmental Assessment Act, 2012*”.

Please be advised that the Review Panel denies GCT’s requests, for the following reasons.

- The duties of the Review Panel are as set out in section 43 of CEAA 2012, and in section 3 of its (Amended) Terms of Reference. The Terms of Reference also provide that the Review Panel has all the powers and duties described in section 45 of CEAA 2012;
- The Review Panel has no other powers besides those set out in section 43 of CEAA 2012 and its Terms of Reference; and
- Compliance and Enforcement under section 89 of CEAA 2012 provides CEAA enforcement officers the power to, among other things, investigate suspected contraventions of CEAA 2012.

The Review Panel does not have the power to make a finding that the VFPA breached section 98 of CEAA 2012.

If GCT wants to pursue its allegation that VFPA witnesses knowingly made a false or misleading statement or knowingly provided false or misleading information during the environmental assessment process, its remedy is to lay a complaint with a CEAA 2012 enforcement officer and request an investigation, following which the matter may or may not be taken up by the Public Prosecution Service.

Since the Review Panel has no power to make a finding under section 98 of CEAA 2012, it follows that there is no reason to open the public record to include the documents requested by GCT.

Sincerely,

<Original signed by>

Jocelyne Beaudet
Panel Chair

cc: David Levy, Panel Member
Douw Stein, Panel Member
Terry Hubbard, Vice-President, IAAC