



Roberts Bank Terminal 2 Project: Information request response executive summary

Part 1: Overview

Introduction

The Roberts Bank Terminal 2 Project is a proposed marine container terminal in Delta, British Columbia and includes three project components: a new three berth marine container terminal, a widened causeway to accommodate additional road and rail infrastructure, and an extended tug basin to accommodate a second tug operations contractor. The marine terminal would be located immediately west of the existing Roberts Bank terminals, about 5.5 kilometres from the shore end of the causeway, in deep subtidal waters away from sensitive intertidal habitats. The terminal would sit on new land, created mainly from sand that is deposited in the Fraser River each spring during freshet.

The Vancouver Fraser Port Authority, the project proponent, is a port authority under the *Canada Marine Act* and the federal agency responsible for the lands and waters that make up the Port of Vancouver, Canada's largest port. The port authority proposes the project for the purposes of the *Canada Marine Act*.

The Roberts Bank Terminal 2 Project is a critical investment in marine-side port infrastructure on the west coast of Canada to support Canadian trade. As several years of forecasts predict and increasing volumes and constrained capacity demonstrate, additional container terminal capacity is urgently needed at the Port of Vancouver to ensure Canada's supply chain can continue to move goods efficiently and reliably, and as a result, support our economy. Investment in the project will help protect Canadian trade competitiveness and economic resiliency and will ensure environmental enhancement initiatives focused on key species and benefits to Indigenous groups and local communities can be realized.

The project has been in development for over a decade, including 11 years of technical and environmental study, Indigenous consultation, and public and stakeholder engagement. Over the past eight years, the project has undergone an environmental assessment under the *Canadian Environmental Assessment Act, 2012* including a review by a federally appointed independent review panel.

Since the close of the independent review panel record in August 2019, the port authority has continued to respond to feedback received from Indigenous groups, agencies, local governments, communities, and stakeholders to further avoid, reduce, and offset potential adverse effects of the project and to provide greater certainty around the long-term effectiveness of proposed mitigation measures.

In August 2020, the minister of environment and climate change issued an information request (IR) to the port authority to provide information on several topics to inform a federal decision on the project.

In this response, the port authority provides information on measures that contribute to further mitigating the potential for the project to result in the effects that were identified by the review panel. This response has been developed considering relevant government policies, priorities, and guidance, and input received through ongoing consultation with Indigenous groups and federal agencies. Our response demonstrates that the project can be delivered responsibly, that the potential residual adverse effects are justified, and that approval of the project is in the public interest.

Should the project be approved, the port authority will implement additional, enhanced, and targeted measures resulting from the new analyses that will further mitigate project effects, reduce uncertainty, and will support future

permitting requirements. The measures proposed are feasible, reasonable, have been proven effective, and focus on key species of interest to Indigenous groups, government, and local communities.

This executive summary describes the rationale for the project, the approach taken to develop and consult with Indigenous groups and agencies on the IR responses, and the outcomes of the new analysis (**Part 1**). It then describes the questions asked by the minister and a summary of the information provided in each response (**Part 2**).

Project purpose and benefits

As Parliament confirms, Canada's interests are served by promoting and safeguarding the competitiveness, growth and prosperity of the Canadian economy and that marine infrastructure, and ports in particular, are needed for that purpose.¹ As stated in the *Canada Marine Act*, section 4 (a), port authorities must "implement marine policies that provide Canada with the marine infrastructure that it needs and that offer effective support for the achievement of national, regional and local social and economic objectives, and will promote and safeguard Canada's competitiveness and trade objectives".

Canada's trade competitiveness depends on the ability of Canada's supply chain to provide reliable, cost-efficient access for importers and exporters. Federal and provincial governments have invested significantly in road and rail infrastructure that support the Port of Vancouver's Roberts Bank terminals as a part of Canada's west coast supply chain, but marine side capacity is urgently needed to support future trade. The Roberts Bank Terminal 2 Project is in the national interest because it will ensure efficient, reliable access to international markets for the benefit of Canadians.

The west coast of Canada will fall short of the needed capacity for container trade as early as 2025. The surge in demand for containers during the pandemic has shown the impacts of current constraints as congestion at the Port of Vancouver has led to increased transportation delays, including longer container dwell times and increased use of anchorages, which are not usually required for container vessels, resulting in a bottleneck of goods to market. Our analysis shows that building the Roberts Bank Terminal 2 Project is critical to addressing congestion and ensuring the west coast of Canada can support Canadian trade for decades to come. Without investment in the Roberts Bank Terminal 2 Project, the congestion experienced during the pandemic will become a regular occurrence and would have a lasting impact on local communities and the competitiveness of Canada's largest port and its ability to serve the needs of Canadians and our trading partners.

Once west coast container capacity in Vancouver and Prince Rupert is exhausted, Canadian importers and exporters will have no choice but to ship goods to and from Canada via U.S. ports, increasing costs and reducing benefits to the Canadian economy. With reliance on U.S. ports to move Canadian cargo likely a reality without the Roberts Bank Terminal 2 Project, a commitment by government is needed now to protect decades of infrastructure investment and trade policy that depends on Canada's largest and most competitive west coast gateway. This action will support tens of thousands of high-paying Canadian supply chain jobs and will support economic resiliency.

As mentioned, the port authority has led the development of the project over the last 11 years. In 2013, we embarked on an environmental assessment process that included a review by a federally appointed independent review panel, the most stringent form of federal environmental assessment. This process has improved the project by providing a forum for independent scientific dialogue with multiple opportunities for input from agencies, Indigenous groups, local governments, communities, and stakeholders. We have designed the project to reflect and address the concerns that have come from this dialogue and input, which we believe has resulted in a better project.

Throughout the environmental assessment, we have been committed to environmental responsibility and excellence, and to developing our approach in consultation with Indigenous groups, local governments and

¹ *Canada Marine Act*, S.C. 1998, c. 10, section 4(a), (a.1)

communities and stakeholder interest groups. The prioritization of a thorough and comprehensive consultation process with Indigenous communities has resulted in significant enhancements to the project, and to increased benefits and opportunities for Indigenous groups through close collaboration on key issues of interest and concern.

Canada's port authorities are mandated to deliver capacity, at a reasonable cost to users, and with consideration for the environment and local communities. As an agent of the government of Canada, we take this mandate seriously and consider our responsibilities to include stewardship for the protection of the environment and to ensure the benefits of trade are felt throughout our communities. We have consistently demonstrated this approach through world-class environmental programs, investments in communities and ongoing dialogue, respectful relationships, and opportunities with Indigenous groups, stakeholders, and residents on issues of importance to the region and our port city. In the Roberts Bank Terminal 2 Project, we have proposed a long-term solution that will enhance Canada's trade reliability and capacity through the west coast, and we have done so in a collaborative and adaptive manner and with a full understanding of the importance of what we must protect, as agents of the Crown.

We believe the Roberts Bank Terminal 2 Project is in the public interest because it will deliver important economic benefits and is aligned with, and supports, Canada's expressed international trade objectives and economic development goals (including post-COVID recovery). The project will also support and continue the relationship Canada has with Indigenous peoples and the need for economic reconciliation, and the prioritization of environmental initiatives that support the long-term survival of critical species.

Consultation and engagement

Ongoing consultation with Indigenous groups has played a critical role in the development of the Roberts Bank Terminal 2 Project. We began project-related consultation with Indigenous groups in 2011 and have since consulted with 46 Indigenous groups,² as directed by the Impact Assessment Agency of Canada (previously the Canadian Environmental Assessment Agency). Our comprehensive, multi-phased consultation program has allowed for the integration of Indigenous knowledge throughout all phases of project development.

Over the past year, we have taken an iterative approach to consultation with Indigenous groups on the development of our responses to the minister's IR. Indigenous groups were invited to participate in consultation related to the IR, and the approach was adapted to support each Indigenous group's interests and preferred ways of participating. Since August 2020, we have conducted 171 one-to-one meetings with Indigenous groups and we have organized 16 multi-group workshops to discuss our responses on the topics of fish and fish habitat, offsetting, juvenile salmon, southern resident killer whales (SRKW), Dungeness crab, and biofilm. As part of our ongoing consultation with Indigenous groups, we have and will continue our collaborative work with Tsawwassen First Nation and Musqueam Indian Band as we further advance planning related to their project priorities through regular technical meetings, site visits, ongoing dialogue, and other jointly planned activities. We will also continue to work with Tsleil-Waututh Nation on their key project priorities. We remain committed to advancing the project in a way that is guided by and reflects Indigenous groups' knowledge, perspectives, experience and input.

In our consultation process with Indigenous groups in support of the IR we offered the following opportunities:

- Sharing an overview and updates on our approach to consultation with Indigenous groups
- Taking a phased approach to the scoping and technical analysis and sharing of information with Indigenous groups for feedback in advance of issuing draft responses
- Building the Indigenous group feedback that we received in previous consultations on matters that overlap with the IR into the draft responses before issuing for formal review and comment
- Holding Q&A sessions with Indigenous groups to walk through the draft responses

² Indigenous groups are listed in Appendix A11 of IR2020-5.

- Providing responses to the feedback we received, including information and clarification on how input was integrated into the draft response or why it could not be integrated

We appreciate the valuable input and knowledge that Indigenous groups provided on the draft responses. The input received informed our refinement of the final response. We look forward to continuing our meaningful consultation throughout the federal review and permitting of the project, and into construction and operation, should the project proceed.

In addition to consultation and engagement with Indigenous groups, we undertook extensive engagement with federal agencies to ensure a full understanding of their requirements for the IR response. Draft IR responses were shared with agencies and we appreciate the guidance and feedback that was provided.

Outcomes of IR analysis

The minister asked the port authority to provide additional information on the topics of salmon; southern resident killer whales; biofilm; effects to Indigenous peoples; and updated economic information. In responding to the request, we conducted new analyses, which incorporated new science; we advanced our collaborative planning with Tsawwassen First Nation and Musqueam Indian Band on key priorities related to the minister's request and we continued to work with Indigenous groups in accordance with their preferred consultative processes to support the consideration and integration of input received. We undertook extensive consultation with Indigenous groups and agencies in responding to the request and to the feedback received from the review panel. Through this process we have proposed additional mitigation measures to further reduce project-related effects on the environment and Indigenous groups.

As undertaken throughout the environmental assessment process, the approach to the IR response involved a holistic analysis of mitigation measures to avoid, reduce and offset potential project-related effects. This analysis incorporated Indigenous knowledge and input, as well as the expertise of federal agencies. We remain confident that the project can be built in a way that upholds our federal mandate to protect the environment and consider local communities while enabling Canada's trade through the Port of Vancouver. This also aligns with our vision for the Port of Vancouver to be the world's most sustainable port.

Key outcomes of the analysis carried out to inform the IR response include the following:

- Additional reduction measures and a proposed offsetting plan that fully offsets the effects of the project on juvenile salmon, resulting in a substantial net gain in juvenile salmon habitat and productivity
- A proposed offsetting plan that counterbalances the effects of the project on fish and fish habitat, is informed by Indigenous knowledge and focuses on priority species identified by Indigenous groups and agencies
- A breach, either at the marine terminal or along the causeway, to mitigate the potential to disrupt juvenile salmon migration
- Additional mitigation measures for SRKW, which in combination with previously proposed measures, would further reduce potential adverse effects of project construction, project operation, and marine shipping incidental to the project on SRKW. The additional proposed measures increase confidence that project construction and operation, and marine shipping incidental to the project, will not jeopardize the survival or recovery of the species.
- Development and implementation of a marine shipping follow-up program element to verify predictions of potential acoustic effects on SRKW from container vessels calling at the Port of Vancouver, in collaboration with Indigenous groups, Transport Canada, Fisheries and Oceans Canada, and other applicable federal authorities. We identify potential contingency mitigation options that could be implemented if the effects exceed predictions.
- Inclusion of new measures for potential effects to crab resulting from SRKW mitigation during construction

- A proposal that the follow-up program element for the current use of lands and resources for traditional purposes (current use), already committed to by the port authority, include monitoring of changes to the Indigenous crab fishery, as requested by Indigenous groups when providing feedback on the IR response
- Confirmation that the project will bring tens of thousands of well-paying family-supporting jobs in addition to supporting economic growth for Canadians, British Columbians, and communities of Metro Vancouver, based on updated economic analysis

In addition to the measures described in this response, the port authority has advanced a variety of other measures, in collaboration with or with input from Indigenous groups, including the following:

- The development of a \$30 million Prey Abundance Fund to support the availability of Chinook salmon for SRKW, which will be developed in collaboration with Indigenous groups and federal agencies
- A Biofilm Habitat Creation Guidance Manual, to help better understand how to create biofilm habitats that could support western sandpipers and other shorebirds
- A biofilm creation or enhancement project, an opportunity to apply techniques from the manual in a local project case study, which is being advanced in collaboration with Indigenous groups with a focus on areas important to migratory shorebirds

Part 2: Summary of IR responses

The IR response is organized by the topic headings in the minister's request, with individual responses addressing related questions. Consultation with Indigenous groups and agencies was conducted on the development of the IR responses, including on the approach and content, as well as on the draft responses, except for IRs 5 and 6. IR 5 is a series of questions posed by the minister to Indigenous groups regarding current use and health effects on Indigenous peoples; and IR 6 is a summary of consultation outcomes across all the IRs, the nature of the feedback received in consultation on draft responses to IRs 1 to 4 and 7, and how activities described in this new information would impact or intersect the exercise of rights by Indigenous peoples.

IR 1 – Regarding fish and fish habitat offsetting plan

The minister requested that the port authority provide additional information on potential projects that are being considered for the offsetting plan and an analysis of how the plan will counterbalance effects of the project on fish and fish habitat. The request also asked for a description of how the plan would directly address the habitat loss and potential disruption of juvenile salmon migration caused by the project.

Port authority response

The response is presented in two parts. **IR2020-1.1** describes the proposed offsetting projects included in the Offsetting Plan, which include the following:

- 86 hectares (ha) of offsetting developed in collaboration with Indigenous groups to support key species of interest such as Chinook salmon and Dungeness crab
 - 86 ha is nearly three times the amount of habitat offsetting conceptually proposed in the environmental impact statement that was considered by the review panel
 - This is also 22 ha more than what is required to counterbalance the effects of the project that would remain after implementation of avoidance and reduction measures
- Three Indigenous priority projects and close collaboration with Indigenous groups on all proposed projects
- Habitat bank projects, enhanced onsite offsetting and offsite offsetting projects focusing on species and habitat types of interest

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- A focus on developing high productivity intertidal habitat (which is well known to benefit juvenile salmon and many other species) in the Offsetting Plan, based on Indigenous group input and projects brought forward by Indigenous groups



- Development of a non-conventional offsetting program. The program is intended to be an innovative and enduring regional program to be advanced in conjunction with the Roberts Bank Terminal 2 Project. The intent of the program would be to deliver projects that benefit fish and fish habitat, with a particular focus on projects that deliver the best conservation and enhancement outcomes for priority species and habitats, by addressing limiting factors, bottlenecks, and emerging needs.
- Extensive technical support information including design reports, archaeology reports, modelling, geotechnical assessments, and ecological conditions reports
- Offsetting contingency measures and projects (in the unlikely event that they are needed)

IR2020-1.2 describes how the plan directly addresses the effects of the project on fish and fish habitat, including habitat loss and potential disruption in juvenile salmon migration. The response includes the following:

- Measures that will be implemented prior to offsetting, such as placing the terminal in deeper, lower productivity subtidal waters, notably avoiding, or reducing potential project effects
- A fish passage breach in the terminal or causeway to mitigate juvenile salmon migration disruption
- Independent lines of evidence that demonstrate more offsetting has been put forward than is required to fully offset effects to juvenile Chinook salmon and counterbalance effects to fish and fish habitat
- Offsetting projects that alone will result in four times more productivity than will be lost by the footprint and a net gain of ~37 ha juvenile Chinook salmon habitat
- How the wave shadow behind the terminal, combined with offsetting projects, will result in 16 times more fish and fish habitat productivity than lost by the footprint
- Clear description of how uncertainty was accounted for in the analysis of offsetting requirements and how robust monitoring and adaptive management further reduce uncertainty

In consultation with Fisheries and Oceans Canada and Indigenous groups, a full analysis and accounting of gains for all the offsetting we put forward will be developed for the final Roberts Bank Terminal 2 Offsetting Plan required for the project's application for a *Fisheries Act* authorization.

IR 2 – Regarding avoidance and mitigation measures during project construction

The minister requested that the port authority provide additional information on avoidance and mitigation measures for effects on fish and southern resident killer whales (SRKW) from project construction.

Port authority response

The response is presented in three parts. In **IR2020-2.1**, the response describes additional technically feasible footprint design options that could avoid or reduce habitat loss and potential disruption of juvenile salmon migration caused by the project, including reduction of the marine terminal footprint by approximately 10.3 ha, and reduction of the causeway footprint by approximately 4.1 ha. The proposed design changes would result in a reduction in direct and indirect effects to fish and fish habitat benefiting adult and juvenile life stages of fish, including Chinook and chum salmon, herring, sand lance, and Dungeness crab, which use the habitats that will be avoided for life functions such as rearing, foraging, predator avoidance, and spawning.

IR2020-2.2 describes additional operational measures to further reduce project-related effects to juvenile salmon (during project operation) related to light and noise, and terminal and causeway design options that could avoid or reduce habitat loss and potential disruption of juvenile salmon migration caused by the project.

The response describes updates to the light management plan, which will be developed in consultation with Indigenous groups, agencies, and other stakeholders, to reduce light trespass into the marine environment from project infrastructure lighting to reduce potential disruption to juvenile salmon migration. Mitigation measures to further reduce the potential for acoustic effects to SRKW from underwater noise during project operation are also described; these measures will be generally beneficial to all marine species, including juvenile salmon.

As described in the response, we also evaluated four fish passage breach locations, the one proposed at the marine terminal and three potential locations along the causeway, to allow juvenile salmon to move between the north side of the project and the inter-causeway area, and juvenile salmon refuge habitat on the west side of the marine terminal perimeter. Feedback from Indigenous groups has indicated high interest in a breach to benefit fish.

A breach at either the causeway or marine terminal location would provide for fish movement and therefore mitigate the potential for juvenile Chinook salmon migration disruption. At this time, we can confirm that subject only to permitting, a terminal breach is technically and economically feasible. A breach of the causeway is technically feasible based on engineering design and constructability evaluations. However, in contrast to a terminal breach, the port authority does not own the causeway and other parties use the causeway. The interests of those parties will have to be addressed and their agreement to a causeway breach obtained to determine whether a causeway breach is economically and technically feasible. We have proposed a draft condition wherein the minister would require a feasibility study be conducted on a causeway breach. Such a feasibility study would allow the minister to determine whether a causeway breach is feasible and whether it should be constructed instead of a terminal breach.

IR2020-2.3 describes the new and enhanced measures we will implement to avoid or further reduce potential effects of underwater noise from project construction on SRKW and increase certainty of the effectiveness of the proposed mitigation. It reflects the outcome of our additional technical analyses, consultation with Indigenous groups, and engagement with federal agencies.

With all measures combined, we estimate project construction would result in approximately two hours of potential lost foraging time, per killer whale, over the entire six years of anticipated in-water construction.

We are confident that with the following additional mitigation measures, potential adverse effects of construction noise on SRKW will be small and will not jeopardize the survival or recovery of the species. These measures include the following:

- Avoiding noisy construction activities during the SRKW peak use period
- Applying sound dampening technologies to any piles that require impact pile driving (anticipated to be approximately four piles) to reduce underwater noise and adverse effects to SRKW, other marine mammals, and fish. The limited use of an impact hammer is only required for tests to confirm the infrastructure stability and safety.
- Adopting protective and conservative SRKW exclusion zones during project construction
- Using multiple measures to detect SRKW, including leveraging early detection sources, employing a team of marine mammal observers, and implementing a passive acoustic monitoring (PAM) system
- Using stop-work procedures to shut down or modify in-water construction before SRKW enter the exclusion zone

New measures for potential effects to crab resulting from SRKW mitigation during construction have been included.

IR 3 – Avoidance and mitigation measures for project operation and marine shipping associated with the project

The minister requested that the port authority provide additional information regarding avoidance and mitigation measures for effects on SRKW from operation and marine shipping incidental to the project.

Port authority response

IR2020-3 describes the additional technical work we completed, and mitigation measures we identified since the Federal Review Panel Report to further reduce effects to SRKW from underwater noise and reduce the risk of vessel strikes to SRKW from project operation and marine shipping incidental to the project. The response also provides new and additional information to confirm the container vessel traffic projections associated with the project beyond 2035.

Guided by consultation with Indigenous groups and engagement with government agencies, we will implement the following mitigation measures, on top of our existing mitigation measures and commitments:

- Delay container vessels from unberthing and departure, during daylight hours, when SRKW are present
- Evaluate the effectiveness of technologies to reduce underwater noise associated with tug activities (e.g., electric tugs), which, once feasible for the project, will be implemented
- Provide shore power connections for container vessels
- Contractually require the terminal operator to require Roberts Bank Terminal 2-bound container vessels to participate in applicable initiatives of the Enhancing Cetacean Habitat and Observation (ECHO) Program (or equivalent). The ECHO Program is an internationally recognized first-of-its-kind program developed and managed by the port authority to better understand and reduce the cumulative impacts of commercial shipping on at-risk whales, with a particular focus on the endangered SRKW.
- Continue to manage the ECHO Program and its initiatives and sign on to an additional five years of the *Species at Risk Act* (SARA) Section 11 Conservation Agreement to Support the Recovery of the SRKW, if other parties agree

At the Roberts Bank Terminal 2 location, with mitigation, potential lost foraging time from project operations would be approximately 1.8 hours per SRKW per year.

The port authority predicts that the most-realistic container vessel scenario for marine shipping is that the number of container vessels calling at the Port of Vancouver in the future will be the same with or without the Roberts Bank Terminal 2 Project.

Without mitigation, only small changes in the sound exposure are predicted with the Roberts Bank Terminal 2 Project. These changes are not anticipated to reduce the quality of the acoustic environment for SRKW. We would develop and implement a marine shipping follow-up program element to verify predictions of potential acoustic effects on SRKW from container vessels calling at the Port of Vancouver, in collaboration with Indigenous groups, Transport Canada, Fisheries and Oceans Canada, and other applicable federal authorities. The response describes potential contingency mitigation options, such as using vessel slowdowns and further reducing vessel speed and/or expanding slowdown areas, that could be implemented if the effects to SRKW exceed predictions. The contingency mitigation measures illustrate that there are options available to offset underwater noise effects to SRKW even in the unlikely event that the high-case container vessel forecast scenarios assessed are exceeded.

The proposed mitigation measures, combined with the follow-up program element, increase confidence in the prediction that project operation and marine shipping incidental to the project are unlikely to interfere with SRKW's life functions within its critical habitat and will not jeopardize SRKW survival or recovery.

IR 4 – Regarding biofilm and effects to migratory birds

The minister requested additional modelling of coastal geomorphology and salinity changes that may affect biofilm and migratory birds from any design changes evaluated as part of other IR responses. The minister requested that the modelling be conducted using the same approach that was used for the analysis described in the environmental impact statement.

Port authority response

The port authority conducted the modelling as requested and the IR response provides an account of the results in terms of their relationship to the assessment of biofilm in the environmental impact statement. The evaluation of the on-site design changes described in **IR2020-2.1** (a reduction in project footprint along the terminal and widened causeway) and in **IR2020-2.2** (a breach to facilitate fish movement at the terminal or along the existing causeway) were assessed in terms of potential changes to geomorphological conditions and salinity. These results were then considered in terms of potential effects on biofilm compared with the assessment in the environmental impact statement, with the following results:

- The environmental impact statement conclusion that salinity changes resulting from the project will not adversely affect biofilm and migratory birds, including shorebirds, remains unchanged and continues to be supported by evidence showing that biofilm at Roberts Bank thrives and is abundant under variable salinity conditions
- Modelling conducted for the **IR2020-4** response predicted very subtle to no change in geomorphological conditions from the project footprint reduction and potential breach locations
- Model results, compared to environmental impact statement results, indicated no change in ocean currents and no change in salinity from footprint reduction, though a slight localized change in salinity may occur with flow through from a breach

The predictions of very subtle to no change in geomorphological conditions (including salinity) resulting from the proposed project footprint reduction and potential breach locations is consistent with the scientific empirical evidence submitted during the environmental assessment and supports the key conclusions that the project will result in only a limited direct effect on biofilm habitat (less than 0.1% of the total biofilm habitat available at Roberts Bank) and only minor changes in salinity as concluded by the review panel.

The IR response reiterates the port authority's commitment to implement three follow-up program elements related to verifying effect predictions with the project in place for salinity, geomorphic features and sediment erosion and deposition, and western sandpiper prey (including biofilm). The response appendix also describes

work completed on development of a Biofilm Habitat Creation Guidance Manual, and a biofilm creation or enhancement project as part of efforts to support the expansion of knowledge of biofilm ecology.

IR 5 – Regarding effects to Indigenous Peoples

The minister requested that the port authority provide additional information regarding effects to current use and human health identified in the Federal Review Panel Report, as received through the port authority's consultation with Indigenous groups. The minister asked that any new information, if available, be presented specific to each Indigenous group, and, where appropriate, consider socio-economic and gender differences within individual communities.

Port authority response

Since the conclusion of the public hearing, the port authority has continued to consult extensively with Indigenous groups. To respond to the minister's request, we provided all 46 Indigenous groups identified for consultation by the Impact Assessment Agency of Canada with the minister's questions on the effects to current use and human health. We sought feedback through meetings and written submissions and have provided the information received in **IR2020-5**.

The response includes complete copies of the consultation feedback and responses received from Indigenous groups regarding the minister's questions on the following:

- Additional details on the extent of current use in relation to the shipping lanes
- How the health effects documented in the Federal Review Panel Report would affect vulnerable sub-groups
- How project effects on crab abundance and harvesting access will affect food security for Indigenous groups harvesting crab for consumption
- How the contributions of the project's additional stress and annoyance may affect individuals that are nearby residents

Much of the information provided by Indigenous groups in response to the minister's questions was available to and considered by the review panel. In view of this information, the assessment conclusions of the review panel, as presented in the Federal Review Panel Report, remain unchanged. The mitigation measures proposed by the port authority, including the additional measures proposed in response to the minister's request (see **IR2020-1** through **IR2020-4**) and in consultation with Indigenous groups, are appropriate and will be effective in mitigating the potential to adversely affect current use and health of Indigenous peoples.

IR 6 – Regarding consultation with Indigenous groups on new information from these requests

The minister requested that the port authority provide information regarding the outcomes of consultation with Indigenous groups on the new information included in the information request response, including details of which groups have been consulted on the new information, and whether and how the activities described in the new information might impact or intersect with the exercise of rights by Indigenous peoples. The minister asked that the information be presented specific to each Indigenous group.

Port authority response

Our consultation with Indigenous groups has been extensive and included, prior to the issuance of the minister's request in August 2020, consultation on matters that overlap with the IR, particularly in relation to the minister's questions within **IR2020-1** through **IR2020-4**. Over the past year, we invited 46 Indigenous groups as identified by the Impact Assessment Agency of Canada to provide feedback on the information we presented in response to the minister's request.

IR2020-6 describes, based on the minister's request, and as requested by the Impact Assessment Agency of Canada in discussion with the port authority:

- Substantive feedback received from Indigenous groups on key concerns with the new information presented in the IR responses, including how the new information contained in the responses might impact or intersect with the exercise of rights
- Areas where the Indigenous group input led to substantive adjustments to the IR responses
- Outstanding issues following the integration of Indigenous group feedback received into IR responses

The feedback provided has led to adjustments in the responses to address the issues of concern or interest to Indigenous groups, in dialogue with those groups. Through this process, additional detail has been added regarding the offsetting projects and plan, and around avoidance and reduction measures for fish and fish habitat, such as a condition to conduct a feasibility study of the causeway breach due to strong interest from Indigenous groups. New measures for potential effects to crab resulting from SRKW mitigation during construction have been included. In response to feedback from Indigenous groups and agencies, the response also includes high and low vessel projection scenarios and related mitigation measures for SRKW during operation and in the marine shipping area for the minister's consideration.

While Indigenous groups provided feedback that was integrated into the specific responses and led to adjustments in the responses, the feedback provided (including in relation to **IR2020-5**) did not identify new conduct that had not already been considered by the review panel. With the exception of **IR2020-2.3**, wherein the potential to interfere with Dungeness crab and crab harvesting was identified as a result of the measures to protect SRKW (and additional measures have been proposed to address those potential impacts), the feedback provided by Indigenous groups did not identify new impacts to or intersections with the exercise of rights as a result of the new information provided by the port authority in response to the minister's request.

IR 7 – Additional information: Economic benefits of Roberts Bank Terminal 2

The minister indicated that, should the port authority wish to do so, additional information relevant to decision-making regarding the project can be provided such as economic analysis and other information.

Port authority response

The port authority has conducted an updated economic impact analysis of the project, reflecting forecasted container volumes for the west coast terminals, and refinements to the project construction and operational design, schedule, capital and operational expenditures, and labour requirements.

The updated economic impact analysis takes into consideration the effect of the global COVID-19 pandemic on demand for container trade and associated infrastructure requirements, and the importance of the project in supporting supply chain resiliency and efficiency in post-pandemic economic recovery. The analysis of economic impacts also takes into consideration updated information on the construction and transportation labour force and other economic conditions nationally, and within British Columbia, Metro Vancouver, and local municipalities.

In addition to supporting the minister's decision on the project, information generated from the updated economic impact analysis supports the port authority's commitments to, and ongoing engagement with, Indigenous groups on training, employment, and procurement opportunities pertaining to the project, and engagement with municipalities and other stakeholders on local and regional economic benefits and opportunities.

IR2020-7 describes the following:

- The project rationale, including how the project supports Canadian trade policies, continued growth in container trade, and post-pandemic economic recovery
- The results of the updated economic impact analysis, which confirms that the Roberts Bank Terminal 2 Project would:

- Provide benefits to Canada, British Columbia, and Metro Vancouver by supporting economic growth
- Create tens of thousands of well-paying, family-supporting jobs during construction and operation
- Generate hundreds of millions of dollars annually in combined federal, provincial, and municipal tax revenues during operation
- Measurably support increased Canadian GDP to a degree that few projects can



The port authority has and will continue to consult and collaborate with Indigenous groups regarding economic development opportunities, including training, capacity building, employment, and procurement with a key focus on alignment between local Indigenous group’s economic objectives and aspirations and compatibility with the project. The port authority’s approach to working with Indigenous groups and to ensuring strong and mutually respectful relationships, which includes collaborative planning on key priority areas of the project, supports progress in moving along the continuum of economic reconciliation.

As of January 2021, the port authority has finalized mutual benefit agreements with 19 Indigenous groups for the project and has continued to make positive progress in benefit agreement discussions with additional Indigenous groups. The agreements provide benefits to Indigenous groups, including employment and contracting, training, and funding to support each Nation’s priorities such as environmental stewardship, cultural programs, educational scholarships, and capacity development. Ongoing, positive discussions with other Indigenous groups continue regarding project benefits and agreements.

In addition to the benefits of the project that will accrue to the community of Delta through direct, indirect, and induced employment, the port authority has committed to a community investment program to be implemented during project construction that will benefit the Delta community through support for initiatives and projects from Delta-based organizations. The program will include a community fund, community grants, and an education fund.

Conclusion

The port authority has undertaken an extensive and iterative process of new analysis and consultation in responding to the minister’s request. The new information regarding the additional measures to mitigate effects of the project on key species is complete, comprehensive and reflects Indigenous knowledge and feedback. An updated economic analysis demonstrating the benefits of the project shows that it is in Canada’s economic interest to invest in marine terminal capacity at the Port of Vancouver now. The scientific analysis undertaken over the last eight years demonstrates that this investment can be made in a responsible way that protects and enhances the environment and brings lasting benefits to Indigenous groups and local communities.