

## **How the Port of Vancouver Plans to get RBT2 to YES and How to Stop Them.**

**Authored by APE, The Against Port Expansion Community Group**

[www.againstportexpansion.org](http://www.againstportexpansion.org)

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### **1. The Issue**

The Vancouver Fraser Port Authority (VFPA) plans to build a second container terminal (RBT2) on Roberts Bank. A federally managed environmental assessment by Review Panel was completed and the Panel Report <sup>1 and 2</sup> published March 2020.

Soon after the Federal Environment Minister announced a delay in the decision statement, with a revised deadline of November 23 2020. <sup>13</sup>

A federal decision on this project will be determined based on the provisions of the Canadian Environmental Assessment Act (2012).

Roberts Bank, the very crucible of the Fraser Estuary in Delta BC, is recognized nationally and internationally as one of the top Important Bird Areas (IBA) in the Americas. This is as a unique ecosystem, valued for its biodiversity and richness in wildlife. The RBT2 project will be:

- Environmentally devastating
- Ecologically ruinous
- Economically disastrous

The progress towards a decision is moving quickly, under cover of the pandemic. Action to stop RBT2 must be taken now.

The latest VFPA action is to separate the building of the man-made island, seeking to get it built first, and then later bring it into operation. See Appendix C for the latest APE Press release.

### **2. Highlights**

- VFPA has extensive influence in Ottawa and the decision to approve has perhaps already been made.
- Panel identified significant adverse environmental effects in a number of areas, certain of which are immitigable.
- Panel made several serious errors and omissions but these are being ignored.
- Scientific concerns have been consistently downplayed.
- The Ottawa establishment appears to be in favour of approving the project despite the adverse environmental effects.
- Court and/or political challenges may carry weight.
- Pandemic has changed the trade and container shipping landscape.

- Environmental groups are starting to raise the profile – but perhaps too late to influence the outcome.
- RBT2 is opposed by a large number of groups. (Appendix B)

### **3. End Game Strategy to Stop RBT2**

Is it?

- Approval denied, or,
- Approval delayed?

Has the decision (to approve) already been made? Potentially YES.

Voice opposition and raise concerns through:

- Key Ministries – Environment, Fisheries, Transport.
- Political Challenge in key ridings – Wilkinson, Qualtrough, Garneau, Jordan, McKenna.
- Encourage political influence from Ontario Liberals – Caucus Chair MP Sahota – raising concerns about more federal funds for the West.
- Public Shaming.
- International Embarrassment.
- Court Challenges (Ecojustice, Global Container Terminals).
- Potential lenders - Canada Infrastructure Bank, other banks/lenders.
- Warning potential developers/operators.

### **4. Who are the Decision Makers and What Drives the Decision?**

- Key in the decision process. CEAA 2012 states – if significant adverse environmental effects that cannot be mitigated, then Governor in Council (Cabinet) to determine if the project is justified given the circumstances.
- Panel report identifies areas where there are significant adverse environmental effects. Can all of these be demonstrated to be mitigable? The answer is likely – NO. In terms of biofilm productivity and fatty acids there are significant adverse environmental effects and these are immitigable. Why because the Panel report stated that the Panel was unable to conclude with certainty that RBT2 would result in no adverse effect on fatty acid production by biofilm – which is critical for migratory and other shorebirds. Furthermore the Panel agreed that mudflat creation on Roberts Bank (as proposed by VFPA) is unproven.
- The Environment Minister (Wilkinson) is the front person but the Transport Minister (Garneau) who is in favour of RBT2 will likely drive the decision, coupled with a strategy to develop key trade and transport hubs and corridors.
- DFO should have a major role in terms of salmon species and status, but they are generally weak.

- Deputy Ministers in Environment Canada, Transport, are powerful and driving internal federal government discussion along with the executive of the Impact Assessment Agency (IAAC).
- Science should be the basis of the decision but it is being watered down or ignored (by the Ottawa bureaucracy).
- Key science is biofilm productivity, fatty acids and the negative RBT2 impact to the food source for millions of shorebirds, migratory birds, salmon, other fishes, crabs etc. As identified by ECCC, the salinity trigger (fresh water pulses followed by rising salinity on the next tide) is proven to drive the richness in biofilm which has a historical link to Fraser River outflows. RBT2 changes water temperature and salinity.
- VFPA is promoting the “creation of biofilm” which even the Panel says is unproven.
- The Panel states that the proposed offsetting plan is insufficient to compensate for the lost habitat.
- ECCC/CWS are being handicapped - they cannot recommend approval be denied, only that the current positioning of RBT2 is not acceptable based on the science.
- VFPA continues to meet and dialogue with federal government staffers. Is this allowed, ethical?
- VFPA is producing a manual on biofilm – to influence the decision
- VFPA plans to “improve” Sturgeon Bank for habitat compensation. Totally unproven.
- IAAC are already preparing draft approval/mitigation guidelines, based on the Panel Report and its 71 recommendations. These guidelines focus on mitigation strategies, further research, habitat compensation, monitoring, follow-up and adaptive management. Once approved within government these guidelines will be released to public comment. Expect most if not all of the identified areas of significant adverse environmental effects to have associated mitigation measures and/or follow-up, further research associated with them. Example – the air quality adverse effects can be mitigated if shore power is fully implemented.

## **5. SWOT Analysis – RBT2 Rejection**

### **i). Strengths**

- Significant adverse environmental effects in Panel report.
- Key areas of scientific uncertainty.
- ECCC science as presented to the Panel. Specifically the impacts of RBT2 will be immediate, continuous, irreversible and immitigable. <sup>3</sup>
- Independent science as presented to the Panel. Baird, Beninger <sup>4,5</sup>
- Poor economics and business case - \$3.5 to \$4.0 billion cost to bring to operation in 2028, making it the most expensive terminal in the world. <sup>14</sup>

- Will introduce excess container terminal capacity into the market that is not needed.
- Requires funding and this project violates the Equator Principles. <sup>18</sup>
- Twice failed to find an operator for RBT2.
- DP World second terminal development in Prince Rupert results in excess capacity and money losing proposition for RBT2. <sup>15,16</sup>
- Prince Rupert – two sailing days closer to Asia, little environmental impact, less congested rail route East, less expensive to develop.
- RBT2 relies on US traffic which is discretionary.
- Supply chain weaknesses, trends towards near or on shoring, reduces future container volumes.
- Recent and ongoing weakness in trans pacific trade – increased number of blank sailings and idled container vessels.

#### ii). Weaknesses

- 71 recommendations, all of which propose mitigation, many of which are unproven, as well as other measures.
- VFPA lobby in Ottawa.
- Deputy Ministers wield power.
- Little ability to influence the decision makers.
- No opposition champion.

#### iii). Opportunities

- First nations and indigenous groups have concerns. US indigenous groups are more likely to raise protests.
- Constituent members of environmental groups to their MPs.
- International condemnation – David Suzuki Foundation, Birdlife International, WHSRN, Audubon.
- New scientific papers published in peer-reviewed journals that demonstrate the Port Authority non-peer reviewed science is false:
  - “Peak Abundance of Fatty Acids From Intertidal Biofilm in Relation to the Breeding Migration of Shorebirds” (Frontiers in Marine Science Feb 2020) <sup>6</sup>
  - “Natural History Observations that Transformed Shorebird Ecology (Ecosphere Naturalist Journal May 2020) <sup>7</sup>
- United Nations – Ramsar (potential embarrassment when Canada is seeking a UN Security Council seat).
- BC Government Environmental Assessment Office will carry out its own assessment focused on areas of Provincial interest and jurisdiction, to be published at <https://www.projects.eao.gov.bc.ca/p/588511e3aaecd9001b8274d4/commenting>
- Global Container Terminal (GCT) Berth 4 project is less environmentally damaging and more sustainable at less overall cost. <https://betterdeltaport.ca>

- Court challenges – especially GCT and its Berth 4 Proposal
- RBT2 Economic Analysis has been requested from the Institute for Financial Studies.
- US concerns in regard to trans boundary treaties.
- Violates Migratory Birds Convention Act.
- Previous failed habitat compensation.

iv). Threats

- VFPA strong lobby and influence in Ottawa
- Powerful business interests:
  - CN/CP
  - trucking
  - warehouse/logistics operations already in place
  - Chamber of Shipping
  - Chamber of Commerce
  - TFN/VFPA joint venture agreements and funding
  - massive warehouse and distribution complex close to Roberts Bank foreshore.
- VFPA built a truck staging area adjacent to Highway 17a and will then likely claim it was built for RBT2.
- VFPA funding to First Nations.

## 6. VFPA Strategy to get to Yes

- Ottawa lobby through VFPA Ottawa office (David Miller) and perhaps newly appointed lobbyists (Alar Strategy) all of which have strong Liberal connections.
- Extensive media and advertising coverage (TV, Radio, Print, Online) stressing the Port Authority's importance to Canadian Trade and all that it is doing to protect the environment.
- Newsletter and video trying to refute the biofilm science. <sup>19</sup>
- Ongoing meetings with key politicians and senior bureaucrats in Ottawa, despite the pandemic.
- Using SFU Centre for Wildlife Ecology to influence science and be involved in adaptive management.
- Funding to First Nations.
- RBT2 as a component of stimulus/economic recovery.

## 7. Conclusion

There exists overwhelming scientific evidence that building RBT2 will result in the degradation of Roberts Bank. The Ottawa establishment has consistently undermined the assessment process:

- Undermining the Environment Canada scientists.
- Refusing to acknowledge and deal with new scientific information.
- Blocking Environment Canada closing remarks to the Panel.
- Refusing to respond to Access to Information requests.

It appears possible, despite evidence of significant adverse environmental effects that are immitigable, that RBT2 will be approved. Will government go against a Federal Panel's environmental assessment unless the project presents significant risk to the environment? The more action that groups and individuals take, the more publicity that they garner, the more likely it is that RBT2 will be stopped.

## 8. Action/Next Steps

All groups and individuals take the following actions:

1. Groups to issue a Press Release identifying the negative issues in the Panel report and demanding project approval be denied. Send these to media contacts.
2. Groups and individuals write letters to the local and national papers.
3. Groups and Individuals send letters to:
  - (i) Minister Wilkinson (Environment) at [ec.ministre\\_minister.ec@canada.ca](mailto:ec.ministre_minister.ec@canada.ca),
  - (ii) Ministers Jordan (DFO) at [min@dfo-mpo.gc.ca](mailto:min@dfo-mpo.gc.ca)
  - (iii) Minister Garneau (Transport) at [TC.ministeroftransport-ministredetransports.tc@tc.gc.ca](mailto:TC.ministeroftransport-ministredetransports.tc@tc.gc.ca)
  - (iv) Minister Qualtrough (also MP for Delta) at [Carla.Qualtrough.C1C@parl.gc.ca](mailto:Carla.Qualtrough.C1C@parl.gc.ca),
  - (v) The MP in their riding. Find them at <https://www.ourcommons.ca/Members/en>

Need help? Here is a link to letters that you can send:

<https://www.againstportexpansion.org/write-to-politicians>

These letters need to go well in advance of the ministerial decision date and importantly they must call for denial of the project's approval.

Send letters sponsored by Ecojustice:

[https://www.support.ecojustice.ca/page/59349/action/1?ea.tracking.id=Email\\_2020\\_04\\_20\\_BreakingNews&utm\\_medium=email&utm\\_source=engagingnetworks&utm\\_campaign=bn\\_2020.04.20&utm\\_content=2020.04.20+T2+campaign+launch&ea.url.id=4679221](https://www.support.ecojustice.ca/page/59349/action/1?ea.tracking.id=Email_2020_04_20_BreakingNews&utm_medium=email&utm_source=engagingnetworks&utm_campaign=bn_2020.04.20&utm_content=2020.04.20+T2+campaign+launch&ea.url.id=4679221)

4. Also write to the Ontario Federal Liberal Caucus (Ruby.Sahota@parl.gc.ca), pointing out if RBT2 is approved another \$4.0 Billion in federal funding may be going to the West.

5. Sign petitions!

[https://secure.avaaz.org/en/community\\_petitions/pm\\_trudeau\\_federal\\_env\\_minister\\_wilkinson\\_bc\\_premi\\_refuse\\_roberts\\_bank\\_terminal\\_2\\_rbt2\\_and\\_save\\_the\\_fraser\\_river\\_estuary/details/?fbclid=IwAR2xiK8bNeBrMWI9bXMtSXnCwLQKMy\\_KzK8BCnOMTRkLlguVdFwuv6WzuOQ](https://secure.avaaz.org/en/community_petitions/pm_trudeau_federal_env_minister_wilkinson_bc_premi_refuse_roberts_bank_terminal_2_rbt2_and_save_the_fraser_river_estuary/details/?fbclid=IwAR2xiK8bNeBrMWI9bXMtSXnCwLQKMy_KzK8BCnOMTRkLlguVdFwuv6WzuOQ)

### Reference Materials

These are either cross-referenced in the report or provided as additional background.

1. Panel Report – March 27 2020.  
<https://iaac-aeic.gc.ca/050/documents/p80054/134506E.pdf>
2. Summary of Findings March 27 2020.  
<https://iaac-aeic.gc.ca/050/documents/p80054/134507E.pdf>
3. ECCC Statement on Biofilm February 12 2018.  
<https://iaac-aeic.gc.ca/050/documents/p80054/121632E.pdf>
4. Professor P. Beninger University of Nantes, Faculty of Science  
Biofilm Dynamics April 13 2019  
<https://iaac-aeic.gc.ca/050/documents/p80054/129234E.pdf>  
Public Hearing Presentation May 16 2019  
<https://iaac-aeic.gc.ca/050/documents/p80054/129733E.pdf>  
Closing Remarks July 19 2019  
<https://iaac-aeic.gc.ca/050/documents/p80054/131064E.pdf>
5. Professor P. Baird PhD, Simon Fraser University, Kahiltna Research Group  
Fatty Acids, Diatoms and Shorebirds April 15 2019.  
<https://iaac-aeic.gc.ca/050/documents/p80054/129294E.pdf>  
Public Hearing Presentation: Biofilm and Diatoms and Shorebirds – RBT2 The Essentials Ignored May 16 2019.  
<https://iaac-aeic.gc.ca/050/documents/p80054/129830E.pdf>  
Closing Remarks August 22 2019.  
<https://iaac-aeic.gc.ca/050/documents/p80054/132505E.pdf>
6. Frontiers in Marine Science February 18 2020.  
<https://www.frontiersin.org/articles/10.3389/fmars.2020.00063/full>
7. Ecosphere Naturalist Journal May 2020  
<https://esajournals.onlinelibrary.wiley.com/doi/epdf/10.1002/ecs2.3133>
8. Air Pollution Feb 18 2020 Yuchi, W., Sbihi, H., Davies, H. *et al.* Road proximity, air pollution, noise, green space and neurologic disease incidence:  
<https://ehjournal.biomedcentral.com/articles/10.1186/s12940-020-0565-4>



9. Near Road Study Southern Ontario Centre For Atmospheric Research University of Toronto 2019  
<https://tspace.library.utoronto.ca/bitstream/1807/96917/4/Near%20ORoad%20Study%20Report.pdf>.
10. Overhead Power Lines – Still not buried.  
<https://delta.civicweb.net/document/78785>  
***The Vancouver Port Corporation, BC Hydro and appropriate provincial and federal government agencies develop and implement a strategy to phase out overhead powerlines on the Roberts Bank causeway by the year 2002***
11. Environment Canada (EC), April 27, 2005: Environmental Assessment of Deltaport Third Container Berth at Roberts Bank in the Fraser Estuary: – Issues still Present in 2020.  
[https://www.againstportexpansion.org/uploads/images/file\\_view/Environment\\_Canada\\_DPN3\\_Assessment\\_April\\_27\\_2005.pdf](https://www.againstportexpansion.org/uploads/images/file_view/Environment_Canada_DPN3_Assessment_April_27_2005.pdf)  
 Sec 2.1 Failure to properly assess coastal food web.  
 Sec 11.9 Habitat compensation failures.  
 Sec 23.5 Dendritic channels still a problem today.  
 Sec 23.6 Potential for eutrophication – lack of tidal flushing still a problem  
 Page 25 – Breaking the Chain of the Pacific Flyway.  
 “Given the international significance of Roberts Bank for migratory birds, and fish and wildlife generally, EC urges caution, and recommends a more detailed understanding of ecological impacts of past, present, and future planned projects, before any further changes are made to the system...We are concerned that the “chain” of the Pacific Flyway could be broken for shorebirds at some point given the ongoing economic development in the Delta. This constitutes a major risk for Canada’s environmental reputation and the economic and social benefits derived from wildlife.”
12. VFPA Statement April 7 2020.  
<http://www.robertsbankterminal2.com/news-updates/the-vancouver-fraser-port-authoritys-comments-on-the-federal-review-panel-report-for-the-roberts-bank-terminal-2-project/>
13. Delay in Decision Statement April 3 2020.  
<https://iaac-aeic.gc.ca/050/evaluations/document/134523>
14. \$ 3.5 - \$4.0 billion to build RBT2  
<http://www.robertsbankterminal2.com/wp-content/uploads/2019-12-09-VFPA-RBT2-Market-Sounding-Phase-1A.pdf>



15. Port of Vancouver Container Volumes  
<https://www.portvancouver.com/wp-content/uploads/2020/04/Container-Statistics-Year-to-Date-March-2020.pdf>
16. Prince Rupert Container Volumes.  
[https://www.rupertport.com/app/uploads/CargoPDF/2020\\_March.pdf](https://www.rupertport.com/app/uploads/CargoPDF/2020_March.pdf)
17. Industry Research, Drewry et al  
<https://www.drewry.co.uk>
18. Equator Principles - is a risk management framework, adopted by financial institutions, for determining, assessing and managing environmental and social risk in projects and is primarily intended to provide a minimum standard for due diligence and monitoring to support responsible risk decision-making.  
<https://equator-principles.com>
19. VFPA Newsletter where it appears the Port Authority is concerned that neither the public, recognized environmental groups, wetland experts, nor the decision makers are buying into the Port's assertion that Roberts Bank Terminal 2 will not result in significantly adverse impacts to the Roberts Bank biofilm and the Western Sandpipers that rely on it as a food source, critical to their survival. The Port's newsletter and video contain nothing new, but it is in direct conflict with the positions taken by Environment Canada (ECCC) scientists as well as the independent internationally recognized experts that made presentations as part of the RBT2 environmental assessment.  
<http://www.robertsbankterminal2.com/news-updates/western-sandpipers-return-to-roberts-bank-this-spring/>

**Groups Opposed to RBT2**

- Against Port Expansion in the Fraser Estuary
- Audubon
- BC Nature
- Birdlife International
- Birds Canada
- Boundary Bay Conservation Committee
- Burns Bog Conservation Society
- David Suzuki Foundation
- Delta Naturalists
- Ecojustice
- Fraser River Coalition
- Fraser Voices
- Friends of Semiahoo Bay
- Friends of the San Juans
- Garden City Conservation Society
- Georgia Strait Alliance
- Great Blue Heron Society
- International Longshore and Warehouse Union – Local 502
- International Ornithological Society
- Liferforce Foundation
- Little Campbell Watershed Society
- Nature Canada
- North Shore Wetland Partners
- Orca Conservancy
- Raincoast Conservation Foundation
- West Coast Environmental Law
- Western Hemisphere Shorebird Reserve Network
- White Rock Naturalists
- Wilderness Committee

## Port of Vancouver wants to build a huge man-made island on Roberts Bank and then let it sit idle. Will Roberts Bank Terminal 2 (RBT2) ever be built?

### Delta June 11 2020

What many feared about Roberts Bank and its further industrial development by the Vancouver Fraser Port Authority (VFPA) has now started to play out. Late afternoon June 10 VFPA issued a release stating they plan to build the man-made island on Roberts Bank and then have it sit unused. When do they plan to finish it? That work would only start about three years prior to bringing it into operation.

So the man-made island, the size of 150 football fields, could sit for years, degrading the most important ecosystem on the whole of the West Coast of North America. Roberts Bank is recognized for its biodiversity, as a wetland of international significance, a Globally significant important bird area, a crucial stopover on the Pacific Flyway and a vital connection of the food web for fish, birds and marine mammals across the North Pacific Ocean.

If they are successful - and we need to work hard to ensure that they are not - then who knows when they might bring it into operation, or what they might use the man-made island for?

It could be Roberts Bank Container Terminal 2 (RBT2), or it could be:

- An oil terminal - long since suggested by a group of professional engineers;
- A cruise ship terminal - VFPA has been wanting an alternative to the inner harbour;
- A Bulk products terminal;
- or?

The Environmental Assessment by Review Panel was for a container terminal. This action by VFPA effectively nullifies that assessment.

VFPA still needs \$1.0 billion to build the man-made island, plus another \$1.0 billion approximately to build the wharf structure. They may need an increase in their borrowing limits to make this happen.

At the VFPA AGM on June 9 (an online event) none of this was even hinted at. However there was a clue. In the Q and A someone asked the question "What is the latest costing on Terminal 2?" After dodging the question CEO Silvester turned to VP Cliff Stewart. His response - "\$2 billion plus". Now given that documentation on the Port website already puts the cost at \$3.5 billion, red flags immediately went up. And of course the cost of the man-made island and wharf structure is about \$ 2.0 billion.

Why are they taking this action now:

- Have they finally realized that their forecasted growth is way overstated?
- Have they realized that they cannot get an operator to run what would be the most expensive container terminal in the world?
- Are they seeing their US traffic - which they rely on - going back to US ports?
- Do they see the container expansion at Prince Rupert taking much of any increase in container traffic, leaving RBT2 with minimal take-up and a money-losing proposition?

Who knows?

However remember, this is the same stunt they pulled many years ago. They succeeded in building a pod at Roberts Bank and then it sat idle. At various times it was going to be for grain handling, other bulk products. After many years they finally settled on its current use.

The mandate for the federally-appointed Review Panel was to carry out an environmental assessment of the proposal for Container Terminal 2 on Roberts Bank, not for a man-made island to sit idle until the Port Authority finds a use for it.

Clearly, and in accordance with the environmental assessment regulations, the RBT2 project should now be terminated.

For more information visit [www.againstportexpansion.org](http://www.againstportexpansion.org)

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