

Multiple Failures in the Environmental Assessment of The Roberts Bank Container Terminal 2 Project. Prepared by Against Port Expansion in the Fraser Estuary Community Group, July 2021

1. Introduction

From the outset – as far back as 2005 – the environmental assessment for the Port of Vancouver’s Roberts Bank Terminal 2 Project was never about:

- The values and richness of the natural habitat, the diversity of the wildlife, its importance as a critical stop on the Pacific Flyway.
- Whether Roberts Bank is the right place to build a container terminal.
- That too much (over 70 percent) of the Fraser Estuary’s natural habitat has already been lost, such that it is important to preserve what remains.
- Whether a project such as Roberts Bank Terminal 2 (RBT2) is worth sacrificing the environmental values of Roberts Bank.

The decision to locate the new terminal on Roberts Bank was made at the beginning and from that moment the Port’s quest was never about using science to determine if this was the right location. It was always about assembling science to justify the decision. No matter how much science was presented, including by very qualified government scientists, demonstrating the Roberts Bank ecosystem was not the right place to build yet another container terminal, the Port was never dissuaded. To use an analogy - “Our minds are made up, please don’t confuse us with the facts”.

Now in summer 2021, with the Port stating a decision on the project “is on the horizon”, they are soon to respond with additional environmental and project information that was requested a year ago by the federal environment minister. Meantime the Port states they are continuing field studies on Roberts Bank as well as assessing the suitability of potential offsetting projects – i.e. remediate habitat at a variety of locations to compensate for the environmental damage the project will cause on Roberts Bank.

Once the Vancouver Fraser Port Authority (VFPA) provides the requested information it will be published on the Impact Assessment Agency’s registry and the Impact Assessment Agency will host a public comment period on the information request response, as well as on draft conditions for approval, which that Agency will have developed. Then the federal government will make a decision on the project.

Within the context of the upcoming public consultation it is important to recognize the entire environmental assessment process has been compromised from the outset. The VFPA in its role of project initiator, developer and regulator had far too much influence over the assessment, the way it was carried out and how the federally appointed Review Panel conducted its environmental review.

The decision makers – the federal and provincial governments - do not have full and correct information. Environment Ministry scientists were muzzled and their concerns, that the project will result in significant adverse environmental effects that cannot be mitigated, have not been taken into account to the extent they should be.

This has resulted in multiple environmental assessment failures for the Roberts Bank Terminal 2 Project.

2. Multiple Environmental Assessment Failures

Starting with the first announcement and initial public consultation for the plans to build a second container terminal on Roberts Bank, the Port of Vancouver (Vancouver Fraser Port Authority – VFPA) adopted a strategy and public relations campaign aimed at subverting opposition to the project on environmental grounds. Their strategy has been and is to recognize the environmental importance of the estuary, and Roberts Bank in particular, whilst then claiming mitigation will solve the negative environmental effects. In addition they assert that by building the man-made island in sub-tidal waters the development is environmentally benign. They then built a science story to support their assertions and implemented a PR campaign to convince the public of the project's environmental sustainability, demonstrating through TV print and radio advertisements that the Port of Vancouver is an environmental champion. Their mission statement claims their vision is for the Port of Vancouver to be the world's most sustainable port.

If only this were true. From the outset the environmental assessment for the Roberts Bank Container Terminal 2 Project has failed on many levels. The many failures included:

- A heavily flawed environmental assessment by a federally appointed Review Panel wherein:
 - i. Terms of reference for the federal review panel were compromised because the VFPA imposed restrictions such that the assessment did not cover project effects or impacts beyond the terminal footprint. This meant for example the negative effects of increased road and rail traffic were never considered.
 - ii. During the public hearing, at the end of each day, the Panel allowed the Port to make closing remarks, which could not be questioned nor challenged. The Port used this opportunity to disparage any evidence submitted that day on which they disagreed and this went unchallenged.
 - iii. The Panel allowed the Port to have a third party validate growth forecasts submitted by Ocean Shipping Consultants (OSC), even though that third party (Intervistas) is a subsidiary of the same parent company as OSC.
 - iv. The Panel refused to allow hearing participants to present evidence on other port expansions that obviate the need and justification for RBT2.
 - v. The Panel relied too heavily on the Port's science on biofilm and did not take into consideration the significant concerns raised by government scientists, nor those submitted by internationally recognized wetlands experts, who challenged the Port's science.
- No cumulative effects assessment to take into consideration past projects in the Lower Fraser and Estuary as well as multiple port and industrial projects already under construction or planned.
- No analysis of the Salish Sea's navigation channels to determine their practical capacity in terms of vessel movements, by day, month or year.
- No analysis of the practical capacity of the road and rail corridors required to service the port, including an analysis of the limitations of the rail route through the already congested Fraser Canyon, taking into consideration the requirements for all types of commodities, including grain, oil, lumber, coal, potash, containers, etc.
- No consideration of the natural values of the Roberts Bank ecosystem as well as its status as the most important overwintering ground in Canada for birds, nor its designation as an Important Bird Area (already listed as endangered).
- No independent peer review of the science generated by Port contractors, who determined that biofilm would not be degraded. This despite peer-reviewed science by other internationally

recognized wetland experts to the contrary, the results of which demonstrate that the salinity oscillations that drive the richness of the diatoms in biofilm will be negatively impacted should the terminal be constructed, such that the biofilm will no longer support the migratory and other shorebirds that rely on it as a critical food source.

- No analysis of the totality of container terminal capacity on West Coast Canada and the US, including reviews of other port developments, to see whether these fill the needs for container trade for many years to come (which they do), rather than build a terminal in an internationally recognized highly valued ecosystem.
- No attempt to reach out to or consult with internationally recognized birding and environmental groups such as Audubon, Bird Life International, and Western Hemisphere Shorebird Reserve Network.
- No risk analysis of vulnerable or endangered wildlife species, such as salmon, the southern resident killer whale, western sandpiper.

3. Approval for Roberts Bank Terminal 2 Must Be Denied

Flawed though the environmental assessment was for the Roberts Bank Container Terminal 2 Project, even so the Panel still identified significant adverse environmental effects.

The federal government recently turned down a port expansion in Quebec, stating, “ In the 21st century, economic development must take place in respect of the environment.” The Governor In Council then stated, “The potential significant direct and cumulative adverse environmental effects of the Laurentia Project are not justified in the circumstances.” There is even more at stake for the environment in the Fraser Estuary and on Roberts Bank. The Fraser Estuary is on the brink of collapse. Roberts Bank Terminal 2 will likely be the tipping point.

With more than enough container terminal expansion to meet Canada’s trading needs for many years to come there is no justification for Roberts Bank Terminal 2. The Port of Vancouver has been working for over eight years and has demonstrated neither economic nor environmental justification for this project. It repeatedly ignored the results of a federal government study that recommended no further port development in Vancouver until the Port of Prince Rupert has maximized its potential. The Port of Prince Rupert is far from maximizing its development potential and the port operator (DP World) has announced plans to add significant capacity that negates the need for RBT2.

Over forty environmental groups, three Metro Vancouver cities (Richmond, Delta and White Rock), government scientists, and international wetland experts all oppose the Roberts Bank Terminal 2 project, knowing it will result in significant adverse environmental effects that cannot be mitigated.

There is too much at risk for the Fraser Estuary and its natural habitat.

Accordingly what is now required from the federal and BC provincial environment ministers, confirmed by the Governor in Council, is the following decision:

“ Building Roberts Bank Terminal 2 presents potential significant direct and cumulative adverse environmental effects on Roberts Bank and in the Fraser Estuary. The Project is not justified in the circumstances and therefore project approval is denied”.