

A.P.E

AGAINST PORT EXPANSION IN THE FRASER ESTUARY BC



APE Newsletter January 2015

EDITORIAL – WHAT WILL IT TAKE TO STOP TERMINAL 2

“There will need to be an “all-out war” if there is any chance of stopping Port Metro Vancouver going ahead with T2”, is what someone familiar with the project recently said to me. (As you now know Port Metro Vancouver (PMV) formally launched its T2 project in 2014 – to build a second container terminal out on Roberts Bank.)

If indeed it is to be “all out war” then let the battle commence, because we are ready. Bring it on!! This battle will be won on two fronts – environmental damage and lack of a business case. We have documents and research to support both.

On the environment front we have obtained data and research papers on the importance of biofilm found on Roberts Bank. Only recently has it been discovered that a variety of shorebirds rely on Roberts Bank biofilm for their very survival as a species. The concern is that if PMV were to build the T2 man made island right on Roberts Bank it is likely to destroy, or at least severely damage, this critical food source. Bird Life International already names Roberts Bank as an Important Bird Area in danger. The environmental damage that PMV will cause cannot be mitigated.

We have just received a research paper “Bringing Roberts Bank’s Migratory Birds to the Forefront of Environmental Assessment”. This paper researches legislation and case law and identifies how we can defeat T2

Add to that a recent analysis of increased ship movements showing potential for

impacts in Georgia Strait on the orca population – a species at risk - and this provides further evidence that by building T2 PMV would be violating key provisions of the Species at Risk Act.

For the PMV business case we have some good analyses of their latest forecast, which shows that it is flawed in a number of key aspects. We have carried out a review of the business case and that shows just how weak is PMV’s justification for constructing T2. So weak in fact that PMV declined a formal request for a community forum to explain their rationale and answer questions.

We now have a better understanding of the negative impacts on US Ports that has resulted from PMV handling US Containers rather than these being moved through US ports. Handling US containers adds little or nothing to the Canadian economy. If PMV were not handling US containers there would be plenty of port capacity in Vancouver without ever building T2.

In summary:

- We can highlight research on Roberts Bank’s biofilm, its critical importance, and the risks of population level declines in shorebirds
- We can invoke the Species at Risk Act, demonstrating potential for harm to Orcas in Georgia Strait
- We can show the forecasts are flawed and the business case is very weak
- We can report on the potential for transboundary treaty violations as well as the negative impacts on US Ports.

We are ready to get T2 stopped.

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APE WEBSITE

We launched the new website in early 2014 and now provide regular updates. Please do visit the website on a regular basis www.againstportexpansion.org

We regularly monitor activity on the website. In December 2014:

- 75 percent site visitors are new
- 193 sessions from 10 different networks, including dccnet and telus
- Visits from 10 countries – 110 visits from US and Canada

In 2015 it will be critical for us to keep the website updated with new information as it becomes available. All of this of course costs money. We have a dwindling bank account and really do need regular contributions to keep the website operating. One hundred percent of funds donated go to the upkeep and maintenance of the website. So please consider donating by mailing a cheque to:

Against Port Expansion

P.O. Box 18060
1215-C 56th Street
Delta BC V4L 2M4

No matter the size of your donation, it will help keep the website operating.

2015 PANEL REVIEW

As of now The Canadian Environmental Assessment Agency (CEAA) has still not finalized the Panel Terms of Reference.

Drafts Terms of Reference were issued in August 2014 and a public comment period ended on Sept. 22. Over 60 comments were submitted, most of them very critical of the terms of reference. As a result of the many comments submitted, in October CEAA issued a letter to PMV asking to what extent PMV would be reviewing and commenting on impacts outside of the T2 footprint – to include such things as marine impacts in Georgia Strait, road and rail impacts in surrounding communities etc. Predictably PMV responded that they had no “care and control” beyond the port footprint. Therefore marine road and rail impacts were outside their jurisdiction.



This created another round of negative comments back to CEAA. Included in these are concerns expressed by both our MLA Vicki Huntington as well as the Corporation of Delta. There is also precedent with other assessments that suggest PMV cannot limit the assessment to the port footprint. In fact to do so would make the whole process a sham.

We expect PMV to produce its Environmental Impact Statement (EIS) in late February/early March. What happens next?

1. CEAA reviews the EIS and invites comments as to its completeness. CEAA will determine when it is complete, asking PMV for more information if necessary.
2. Minister of Environment issues the Panel Terms of Reference and a three person Panel is appointed.
3. Panel convenes and conducts its assessment. Information it uses is made available to the public. It may invite comments on the sufficiency of information to proceed to public hearing.
4. Panel holds public hearings. The public, government agencies, and aboriginal groups provide their views on the potential effects of the proposed project; and PMV explains the project and responds to concerns and questions raised by interested parties during the hearing.
5. Panel then prepares a report to the Minister in which it set out its rationale, conclusions and recommendations, including mitigation measures and follow-up programs. It also includes a summary of any comments received from the public.
6. The Minister has the authority to issue a decision statement indicating that a project is not likely to cause significant adverse environmental effects. Should the Minister determine that a project is likely to cause significant environmental effects the project is referred to Governor in Council to determine whether the effects are justified in the circumstances.

PORT METRO VANCOUVER PR AND SPIN IS IN HIGH GEAR

If you have been following the exchanges of letters in local media – especially the Delta Optimist - you will have noticed that for every letter questioning the need for T2 PMV's Cliff Stewart gets his response printed almost immediately.

Problem is that whereas the public's letters offer factual and reasoned criticism, Stewart's responses are misleading, full of spin and quite often totally inaccurate.

Here is a selection:

1. PMV maintains year over year growth going forward will be between six and seven percent. This is way higher than Canada's forecasted GDP. More likely is a yearly growth rate between 3 and four percent. PMV claims container traffic has grown at an average of almost seven percent annually since 2000. This is a misleading statement. By using a time period of 2000-2013 PMV masks the fact that recent annual growth has been at a much lower rate. Here are the facts:

- Prince Rupert came online in late 2008 (first full year 2009) and obviously this reduced growth at PMV going forward and will impact future growth at PMV as well. (Prince Rupert is expanding its terminal and will soon have even more capacity).
- PMV compound annual growth rate 2008 – 2013 is 2.54 percent, 2007 – 2013 2.09 percent. This is a truer measure of historical growth than what PMV is using.
- Since 2006 PMV container growth (to 2014) has averaged at just over 4 percent per year. 2014 is likely to show a growth rate in the order of 3 percent. Actual YTD growth to Nov. 2014 vs. 2013 is 2.8 percent
- Looking at laden TEUs 2014 YTD the pictures is even worse. Whilst imports rose by 4.9 percent exports were off by 6.1 percent resulting in there being less laden TEUs YTD Nov 2014 than for the same time period 2013.

2. PMV keeps asserting that current container capacity is at or near the practical limit of 85 percent. There are two problems here. First of all current terminal

capacity is around 60 percent. Second, the terminal operators have already counted in the 85 percent factor in determining port capacities. PMV is double counting.



3. PMV's Stewart recently denied that the Terminal 2 project was removed from consideration during the Deltaport third berth project review.

Not so – here is what actually happened. When PMV first made their application for the third berth it did indeed include T2. The third berth and T2 application were being reviewed by Comprehensive Study, which at the time was the second highest form of assessment. As the assessment proceeded, and comments were coming in from federal agencies, PMV soon realized that by proceeding with an environmental assessment of both the third berth as well as T2 there was a real possibility that both would get turned down. So, with the assistance of government lawyers from the regulatory authorities, they pulled T2 from the assessment and went ahead with the third berth on its own. In fact the Delta Optimist had obtained internal government emails and on April 19 2006 reported on the removal of T2 from the cumulative effects assessment.

4. According to PMV Canadian demand for imports is increasing and population increases in the Lower Mainland will create even more demand.

There are two problems here. First import growth from Asia is slowing down – one of the reasons being that manufacturers are moving production back to North America. Second, only a small percentage of imports are destined for the Lower Mainland. Most go back East. So the incremental increase resulting from a growing BC population is quite small.

It really is time that Port Metro Vancouver stopped putting out misleading information As Abraham Lincoln once said – “You can fool all the people some of the time, and some of the people all the time, but you cannot fool all the people all the time.” The people in Delta, especially those of us that are following the port developments, are not so easily fooled.

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HABITAT BANKING PROGRAM – AN UPDATE

The PMV habitat banking program has existed for several years. It operates under an agreement between the port and government agencies, whereby PMV will “improve” existing natural habitat so that they can later offset the damage that they do when developing new port facilities.

<http://www.portmetrovanancouver.com/en/environment/initiatives/HabitatBankingProgram.aspx>

Their objective with recent projects is to “improve” existing habitat in the area so that this can be offset against the damage they will do on Roberts Bank if T2 is built.

As you will recall in September 2013, without any warning, PMV moved in and removed logs from the foreshore of Boundary Bay. People in the community that have knowledge and expertise on this ecosystem were not consulted. There was no opportunity for community input and comment. A number of scientists, expert in salt marshes, had said it was best left alone - but Port Metro Vancouver ignored them. This was not habitat restoration - it was habitat destruction.

However the first major storm of 2014 did what many of us had predicted and the area is now covered with logs and debris.



PMV’s log removal made the salt marsh more fragile, such that the storm has caused more damage than if they had left the area alone. There is no way they will ever be able to use this project to offset damage they do elsewhere. We will make very sure of that.

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We will also make sure that DFO and Government Agencies are aware of this failure, as hopefully it will prevent PMV from doing any further habitat replacement – for example in Canoe Pass.

It is high time that many of these habitat banking and destruction schemes of PMV were brought under better scrutiny and control. Hopefully the recent winter storm will cause the regulatory agencies to pay more attention to what PMV is doing.

ROBERTS BANK PEEP-IN

We will hold our second annual Peep-In at Roberts Bank (Brunswick Point) to celebrate the return of the Western Sandpipers. They are one of the bank’s smallest visitors that migrate northward along the Pacific flyway from their coastal wintering grounds in the south to their breeding grounds in Alaska. These “peeps” — as they are known — use the mudflat at Roberts Bank as a critical feeding stop, where they consume a nutritious goo – in the form of biofilm – which is tuned to particular conditions on the Bank and provides them with an essential food source.

The event will take place in the latter half of April – time and date yet to be fixed. Please do come out and show your support for the peeps and send Port Metro Vancouver a strong message – **NO T2**.

SPECIES AT RISK ACT AND PMV

Has PMV been lobbying Ottawa to get changes made such that they can ignore provisions of Species at Risk legislation?

Buried in the most recent Federal Government Omnibus Budget Bill were several significant changes to the Canada Marine Act that could allow port authorities to ignore or get around the Species at Risk Act (SARA). This is particularly concerning since T2 and its shipping lanes are in an area of importance to the Orcas, an endangered species under SARA, which could be an obstacle to getting T2 approved. Has PMV asked for these changes? We intend to find out.