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In asylum reversal, Biden follows Trump

ANALYSIS | President turns to provision in law that Trump advocated to restrict border.

By MICHAEL D. SHEAR
The New York Times

WASHINGTON — When President Donald Trump wanted to shut down the southern border in 2018, he found a 73-word provision in the asylum law that he said gave him “magical authorities” to keep migrants out of the country.

President Joe Biden turned to that same provision Tuesday as he took executive action to temporarily close the border to asylum-seek-

ers, suspending long-standing guarantees that anyone who steps onto U.S. soil has the right to ask for protection in America.

“The simple truth is, there is a worldwide migrant crisis,” Biden said in remarks at the White House, “and if the United States doesn’t secure our border, there’s no limit to the number of people who may try to come here.”

Biden’s announcement is a stunning reversal for a president and

a party that spent years arguing that America was a country of immigrants. When President Barack Obama wanted to shore up his chances of reelection in 2012, he issued a sweeping executive order on immigration — one that allowed millions of immigrants to stay in the country legally.

A dozen years later, with the number of people crossing the border illegally at historic highs, the next Democratic president

See > **BORDER, A5**

ARIZONA puts immigration measure on ballot > **A4**

Eviction deadline passes for asylum-seekers in Kent

PROJECT HOMELESS

By ANNA PATRICK AND GREG KIM
Seattle Times staff reporters

More than 100 asylum-seekers prepared to either voluntarily move or be forced to move from King County-owned property in Kent on Tuesday. But the deadline of 3:15 p.m. came and went with no police, no social service

workers and no offers of shelter. Behind the scenes, King County and Kent were in a standoff on whether to clear the encampment. Or, were they in agreement?

The ordeal is the latest in a political tug of war over how to address a growing number of migrants coming into the region seeking asylum. The state has allocated millions to be dispersed starting

See > **KENT, A5**

Can a tiny shorebird stop the massive expansion of a container port?



ERIKA SCHULTZ / THE SEATTLE TIMES

Over 25,000 western sandpipers fly past GCT Deltaport at Roberts Bank, B.C., in May. The estuary’s mud flats are one of the birds’ major migration stopover points between their wintering sites from Peru to California and their nesting sites in Alaska.

By LYNDA V. MAPES
Seattle Times environment reporter

BRUNSWICK POINT, Roberts Bank, B.C. — This is the story of a mud wrestle at the Fraser River delta.

On one side, a government proposal for a massive expansion of a container port. On the other, a tiny

bird, the sandpiper, which relies on this place as its last stopover on a migration as long as 7,000 miles.

Then there’s the mud itself, the prize of the fight. Its chemistry, from the mixing of fresh and saltwater, helps to make it one of the few places a tiny phytoplankton, called a diatom, can create a crucial superfood the sandpipers slurp up.

Over their migration, from their overwintering grounds spanning Peru to California to their nesting grounds in Alaska, hundreds of thousands of western sandpipers alight here. Hungry and exhausted, they pause and refuel on the fatty frappé glistening on the mud.

Places like this matter more than ever as development and changing climate threaten

See > **SANDPIPER, A6**

Landlords hail rule to ease eviction cases jam in King County

By HEIDI GROOVER
Seattle Times business reporter

Certain eviction cases soon will move more quickly through King County Superior Court as the court strains under a monthslong backlog of cases.

The court adopted an emergency rule last week allowing landlords to seek a trial more quickly when they can show evidence that a tenant’s behavior is “substantially” affecting other tenants’ health and safety or increasing fire or accident hazards. Landlords welcomed the change, but tenant advocates warned the move could hurt vulnerable renters.

The new rule, which takes effect immediately, comes on the heels of a surge in eviction filings that has nearly pushed the court to a breaking point.

A confluence of factors is contributing to the backlog: State and local governments have lifted pandemic-era eviction limits and spent down much of their funding for rent assistance, landlords have filed more cases, housing costs remain high and the court has a limited number of commissioners who can hear eviction cases. Some cases also can take longer now that low-income tenants have the right to an attorney to help them navigate the eviction process.

The backlog is significant: More than 2,100 cases were in the queue at the end of March, five times as many as at the end of 2019, according to data from the court.

That has created a straightforward resources problem for

See > **EVICIONS, A5**

State’s first transgender high school track champion addresses hostile crowd reaction

By AMANDA SULLENDER
The Spokesman-Review

Verónica Garcia did not hear the boos when the race started on May 25.

When she took the lead in the

State 2A girls 400-meter run at the track and field championships in Tacoma, they grew in volume and became unmistakable as she reached the finish line to become the first transgender high school

athlete to place first in state.

Such victories are typically a time for celebration, but the East Valley High School junior’s win has sparked controversy.

People criticized Garcia all

season for participating on the Spokane Valley school’s girls track team. Yet the jeers at Saturday’s meet were “a bit more severe,” she said.

Garcia cheered and clapped for her competitors as they received their medals. When the announcer called her to the podium, the crowd fell silent and the other high school

See > **GARCIA, A7**

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FROM THE FRONT PAGE

< Sandpiper

FROM A1

stopovers for birds to rest and feed during spring. “Over the course of 10 days almost every single western sandpiper in the world is going to stop there,” said Joe Gaydos, science director of the SeaDoc Society, a research and education non-profit on Orcas Island.

Under Canada’s proposal, the new container port would be built on the flats next to the existing Deltaport and Westshore terminals, boosting container capacity 50% at the Port of Vancouver and adding 2.4 million containers per year at Roberts Bank.

It’s a massive, more than \$3 billion (Canadian) undertaking requiring a new wharf, widening of an existing causeway for road and rail access, and an expanded tug boat basin.

In a 2018 review of the project, Environment and Climate Change Canada, a Canadian federal agency, found impacts of the project to the birds’ food source could hurt the long-term viability of western sandpipers as a species. Those impacts, the agency warned, are “potentially high in magnitude, permanent, irreversible, and continuous.”

Approved by Canada and B.C. in 2023, the project is not yet a certainty. Environmental groups in B.C. have filed a lawsuit demanding judicial review of the project. The Lummi Nation near Bellingham also has filed a legal complaint that seeks to overturn the approval. Lummi argues Canada failed in its duty to consult with the nation on a project that would be in one of the most productive fishing grounds in its traditional territory. Proceedings are scheduled on the nation’s claim this month.

Other steps are needed before construction can begin, including a fisheries permit and consultation with B.C. First Nations and local communities. And no developer is yet on board to build the project.

Opponents say expansion, if it happens at all, should go somewhere else, such as the Port of Prince Rupert to the north, to protect mobile, transboundary wildlife that depend on the ecological integrity of the lower Fraser River delta, including endangered southern resident orcas, the Chinook salmon on which they feed and the sandpipers.

“They are the ambassadors for all the other animals, telling us about the functioning of this place,” said Robert Elnor, a scientist emeritus at Simon Fraser University, who has studied the birds’ feeding strategy at the mud flats for years. It was the emphatic particularity of just when and where western sandpipers feed at the delta in spring that clued in Elnor that something special was going on.

He noticed the sandpipers were not here all the time, nor were they feeding just anywhere on the vast expanse of the mud flats. So, armed with nothing but his curiosity and a good dose of stubbornness that what he was reading in the bird books — that the birds were feeding on worms and tiny crustaceans in the mud — didn’t seem correct, he went out to investigate.

“My mantra is, ‘What are the birds telling us?’” Elnor said.

Solving a scientific mystery

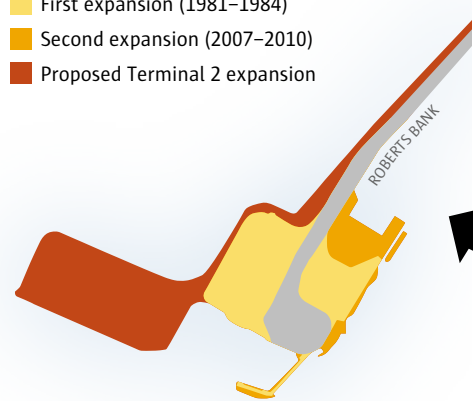
On a recent spring afternoon, Elnor pulled on his hip boots and, armed with a spatula, walked out to the mud flats at Brunswick Point, at the Fraser River delta. With his shock of white hair and sunburned face, he looked more salty sea captain than scientist. “This is my super sophisticated scientific equipment,” he said with a grin, wielding the spatula. Off in the distance,

Massive container port planned for B.C. threatens shorebirds, orcas, salmon

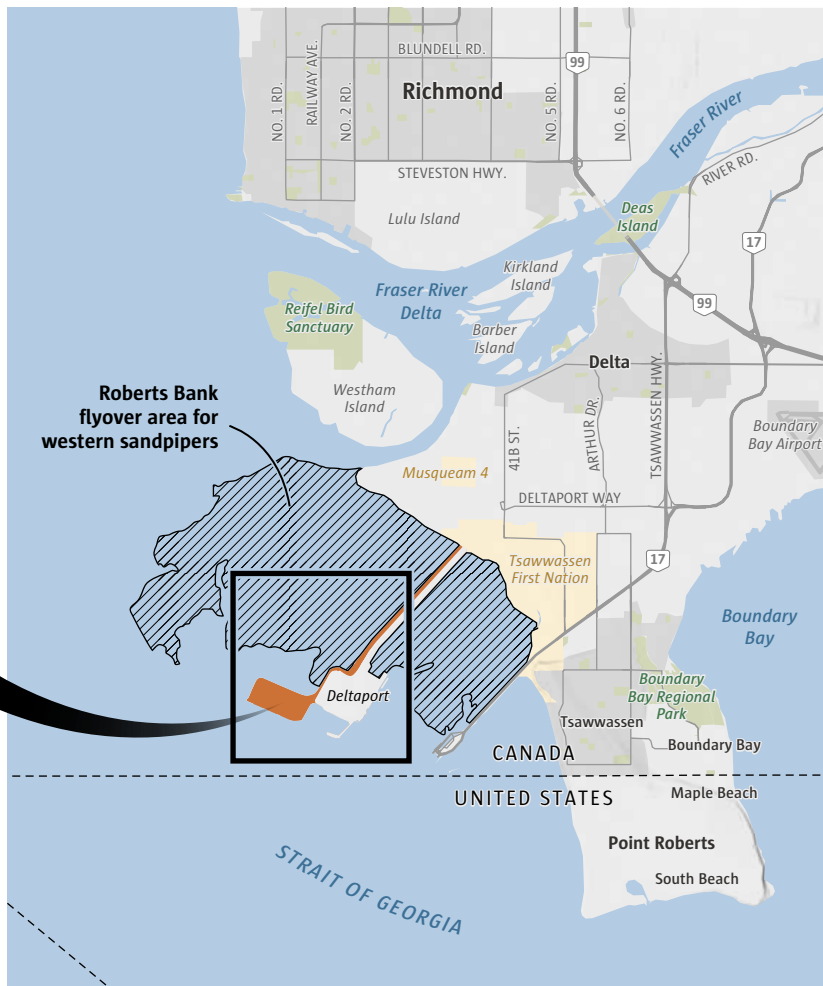
British Columbia is planning an expansion of a container port just over the border at the mouth of the Fraser River where shorebirds forage and orcas hunt for salmon. The Lummi Nation has sued to overturn the approval and require consultation with the tribe.

EXPANSION OF ROBERTS BANK

- Original footprint
- First expansion (1981–1984)
- Second expansion (2007–2010)
- Proposed Terminal 2 expansion



Sources: Beninger et al. 2011, Hakai Magazine
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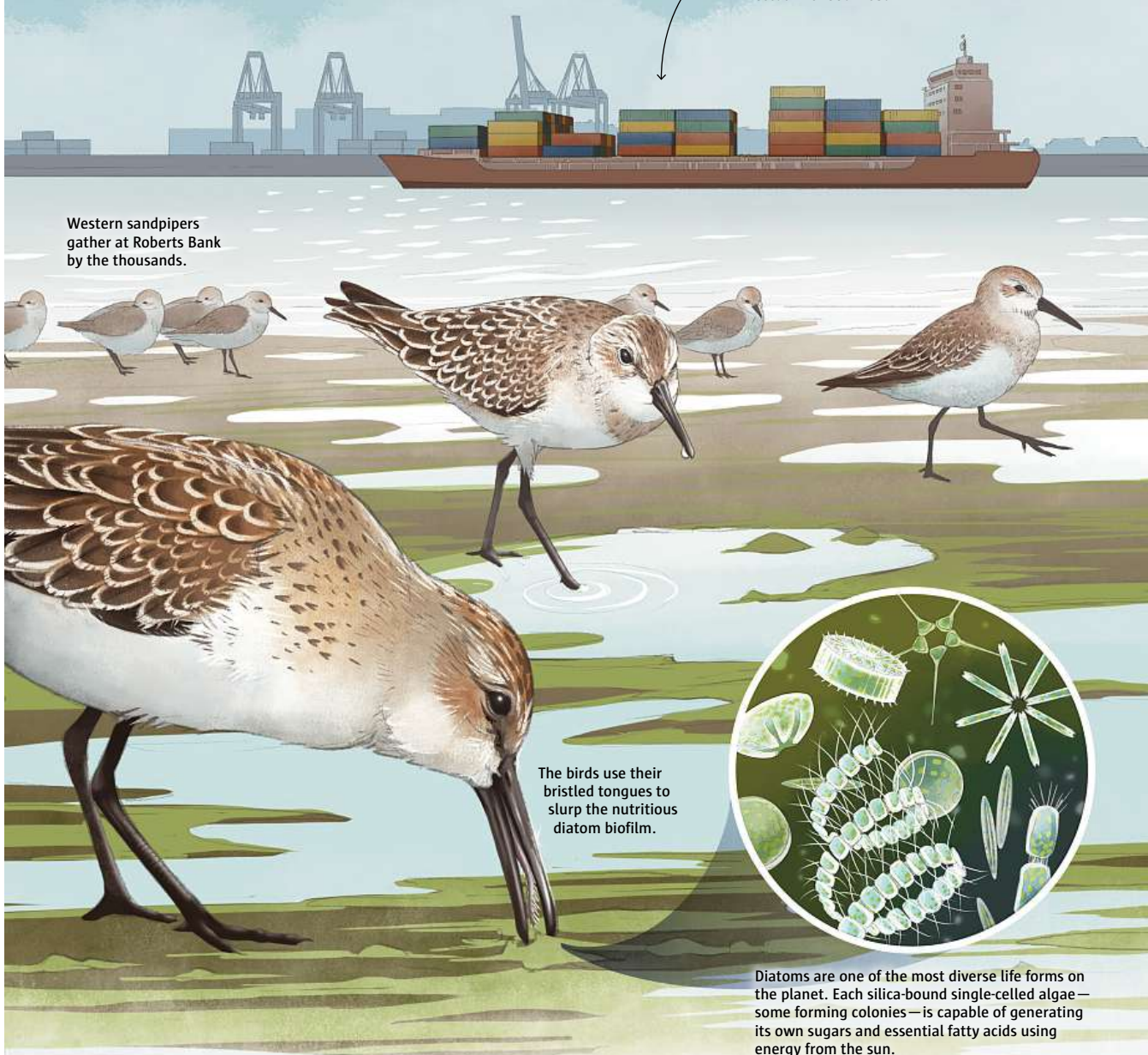
Robert Elnor, a scientist emeritus at Simon Fraser University, at Brunswick Point. “They are the ambassadors for all the other animals, telling us about the functioning of this place,” he says of sandpipers.

ERIKA SCHULTZ / THE SEATTLE TIMES

What are the birds telling us?

On a migration stopover on Roberts Bank, B.C., scientists discovered western sandpipers prefer diatom biofilms over other larger food sources. The diatoms are rich in essential fatty acids fueling their journey.

Expansion of a nearby shipping port may disrupt the unique balance of the delta ecosystem — changing water flow, salinity and the diatom species mix and altering this vital food source not only for the sandpipers but also for the rest of the estuarine food web.



Western sandpipers gather at Roberts Bank by the thousands.

The birds use their bristled tongues to slurp the nutritious diatom biofilm.

Diatoms are one of the most diverse life forms on the planet. Each silica-bound single-celled algae — some forming colonies — is capable of generating its own sugars and essential fatty acids using energy from the sun.

Multiple sources including Robert Elnor, Patricia Baird, Hakai Magazine and UW School of Oceanography

FIONA MARTIN / THE SEATTLE TIMES

the rumble of the existing terminal built at Roberts Bank grumbled on, as train cars of coal arrived from the U.S. to be loaded onto ships, bound for the rest of the world. Shipping cranes loomed on the horizon, for loading containers. But here, on this spring day, with the gold of the late afternoon sun gilding the

mud, the sound was mainly of birds. Western sandpipers, more than 25,000 of them. Elnor took his spatula and dug a bit, revealing black mud, with a sulfurous stench. “It’s completely anoxic, there is nothing in it,” Elnor said, turning over the muck. This, he was convinced, could not be what was fuel-

ing these birds on their long migration. He skimmed off just the top layer, paper-thin and shining gold-green on the fine-grained mud. Could it be this instead? Here, oh yes, sliding a fingertip across the slick film and putting it to his tongue, this was the stuff of life. Like the taste of oysters, silky

smooth, here was an original umami goodness, not mud at all. This is the delicious fat in eulachon, or surf smelt. The yum in salmon, the lip-smacking delectable richness of crab. This was the work of diatoms by the billions, forming a frosting of nutritious biofilm atop the mud. Elnor worked with colleagues around the world

to investigate further just what was going on. Examination of the birds’ stomachs found few of the crustaceans and worms conventional wisdom said they were eating. Curious to learn more, Elnor cut off and froze some sandpiper heads and shipped them to a colleague in France with an electron microscope.

“That was the eureka moment,” Elnor said. For under the powerful microscope, the secrets of the bird’s feeding strategy — and food source — were revealed. The sandpipers, it turned out, had tongues entirely covered with bristles, tiny spines that caught the even tinier diatoms in the biofilm. Experiments with another colleague, flying live birds in a wind tunnel, showed sandpipers fed food rich in fatty acids increased their flying efficiency by about 12%. That was what these birds were seeking on the mud flats, just then, just there, to get an essential boost to complete the last leg of their journey.

Elsewhere on the mud flat wasn’t the sweet spot, Elnor discovered; the sandpipers only feed in a certain area, where the workings and sediment-sorting of the river leave a slurry fine-grained enough for the diatoms to form the biofilm and for the sandpipers to eat it. And that’s not all: This food is only there just when the sandpipers need it as the river’s spring pulse of fresh water changes the salinity on the mud, shocking the diatoms and activating them to quit business as usual, and switch to producing their superfood with its omega-3 fatty acids. It all comes together just right.

But trying to tell the story of the biofilm has been challenging, Elnor said. “It doesn’t have the charisma of a polar bear, an old-growth forest,” Elnor said. “It’s not valued,” he said of the mud. And yet, “It’s a beautiful phenomenon.”

And so it was, as sandpipers wound and gyred overhead in great murmurations, their white bellies flashing across the snow cone of Mount Baker, floating in the distance. The wind and the birds’ high wild cries were a sound from the beginning of the world. Sunlight glimmered on the mud flat’s living, shimmering sheen.

Said Elnor, “It’s the magic carpet that enables them to fly.”

The underpinnings of life

Diatoms are the very base of the food chain, feeding tiny crab larvae, the baby fish that feed the bigger fish, the seabirds, the zooplankton that feed even the largest of whales. But even that is not the end of the miracle of the diatom. A single-celled algae so tiny that 10 of them lumped together would be as wide as a human hair, each lives in house of glass — a glittering capsule of silica.

Floating singly on the ocean’s surface, or forming long chains, diatoms are a wonder of microscopic beauty, the jewelry of the sea. One of the little things that rule the world, their importance to life on earth can’t be overstated. They are the tiniest of autotrophs, beings that make their own food, in this case, by photosynthesis. As they take carbon from carbon dioxide in the air, they turn it into sugar. As a byproduct of their essential work, they cleanse carbon out of the atmosphere, lessening the threat of climate warming.

They also produce oxygen — about 1 in 3 of your breaths is produced by diatoms, which thrive in both marine and fresh water.

At Roberts Bank, Patricia Baird, an expert in marine food webs, noted in her critique of the terminal project that no other food in any other place provides the same boost as the diatoms on the mud flats. They are a certain species that when they go off in spring produce lipids key to a physiological

See > SANDPIPER, A7

FROM THE FRONT PAGE

< Garcia

FROM A1

runners at the podium did not acknowledge her as they stood with hands clasped behind their backs.

As she accepted her gold medal, a voice in the crowd could be heard yelling, “She’s not a girl!”

Garcia expected the chilly reaction from the crowd, though she was “somewhat hurt” her peers did not offer congratulations.

“I guess maybe I expected sportsmanship because I was cheering the rest of them on when they were called. So I guess I expected to get that reciprocated,” she said. “But I didn’t get that.”

While the national debate continues to rage regarding the fairness of transgender participation in girls athletic competitions, Garcia said what’s lost is that the subjects of these controversies are often teenagers just trying to have fun in a sport they love.

“I’m just a teenager. I wish people would remember that,” Garcia said.

State meet results

The 16-year-old Garcia pulled away from her opponents with a time of 55.75 seconds in the final — a full second ahead of the second-place finisher at the state meet at Mount Tahoma High School last weekend.

Her win helped the East Valley Knights win the 2A title. Garcia did not set a state meet record in the 400. That is held by Jai’lyn Merriweather, who in 2017 ran the 400 in 53.83 seconds.

Records were set at the meet by East Valley senior Logan Hofstee, who swept the long-distance races in the competition and set 2A records in the 3,200 and 800 races.

East Valley Athletic Director Eric Vermaire said he did not want concerns about Garcia’s participation to overshadow her and the team’s accomplishments.

“Verónica contributed — no doubt about it. But it was a group of girls that did something as a team, and they are elated,” he said, noting this is the first state championship for East Valley’s girls track team since he was hired at the school seven years ago.

State rules allow transgender participation

For 18 years, the Washington Interscholastic Activities Association has had a policy

allowing students to compete in the division of the gender they “most consistently expressed.”

“All students have the opportunity to participate in WIAA athletics and/or activities in a manner that is consistent with their gender identity,” the 2023-24 WIAA handbook reads.

Washington is one of 16 states with policies that allow for full participation of trans, nonbinary and other gender-diverse students in school athletics. Other states may have more restrictive rules that prevent transgender student athletes from competing in their preferred category or more restrictive requirements about their participation.

East Valley High School sits less than 8 miles from the border with Idaho, where state lawmakers have been attempting to restrict transgender students from participating in girls and women’s sports.

In 2020, Idaho became the first state to ban transgender participation in school sports. Dubbed the “Fairness in Women’s Sports Act,” the law barred all transgender women and girls from participating or trying out for female sports teams, from elementary school to the collegiate level.

A lawsuit was filed, claiming the bill is discriminatory. The Idaho law has not been allowed to be enforced since its passage and is currently under consideration by the Ninth U.S. Circuit Court of Appeals.

Unlike some states, Washington does not require transgender student athletes to undergo hormone replacement therapy or suppression of the hormones naturally produced by their bodies. Transgender athletes in Washington also are not required to disclose their medical information to play high school sports.

Garcia declined to disclose whether she has been prescribed hormone replacement therapy medicine or puberty blockers. Efforts this week to interview Garcia’s mother, Traci Brown, have not been successful. However, late last year Brown said she supports Garcia “100%.”

“I’m so proud of her,” she said at the time. When determining Garcia’s eligibility to participate on the girls’ track team this year, Vermaire said he is following federal law, state law and WIAA rules.

“People feel like we’ve done something that we



COLIN MULVANY / THE SPOKESMAN-REVIEW, 2023

Verónica Garcia, a transgender cross country runner from East Valley High School, displays five fingers representing the five races she has run for her school at Plantes Ferry Park in Spokane Valley.

shouldn’t have done,” he said, “but we are doing everything the way it is laid out for us.”

Greater Spokane League Commissioner Paul Kautzman said in a statement that the GSL follows the WIAA guidelines and “supports all high school student-athletes regardless of gender or orientation.”

WIAA spokesperson Sean Bessette acknowledged the organization has received multiple complaints about Garcia’s participation in the week since her victory. In defending their policy, Bessette cited state law prohibiting discrimination and federal Title IX protections — both of which include transgender identity as a protected class.

“The WIAA considers numerous personal, political, and religious beliefs of communities that join the Association,” according to a statement provided by Bessette. “Many of these beliefs do not align, resulting in a conflict among the diverse groups the Association serves. For this reason, the WIAA Executive Board has been advised to follow state and federal law.”

Beth Daranciang, a Republican running for a state House seat representing North Seattle, Lake Forest Park and Kenmore, who has protested multiple sporting events with transgender athletes, attended the state track meet to support women’s and girls’ “sex-based rights.” She wants the WIAA to change its policy.

“It just seems very unfair,” she said of Garcia’s eligibility to participate in the competition. “Sports are based on physical competition. It’s not

based on identity. So that’s why we should keep sports based on the physical distinctions between males and females.”

Signs in hand, Daranciang and several other protesters stood outside the fencing to protest Garcia’s participation in the state track meet. She said the competitors who lost to Garcia were being “bullied” by their school districts and the WIAA by allowing Garcia to compete.

“They were probably furious and hurt and feeling overwhelmed by the fact that they have no voice in this,” she said of the high school athletes.

“It’s one thing if you want to advocate for whatever, but your message becomes deflated when you start insulting.”

VERONICA GARCIA
East Valley High School
student athlete

Daranciang said she hopes Garcia receives treatment for gender dysphoria, which she called a “real” condition. But by participating in girls’ sports, she said Garcia was doing something deserving of criticism. Garcia was “belittling” and “stealing” from the other girls, Daranciang said.

“I don’t wish anything mean, but disagreeing with someone is not mean. Protesting something in civil language is not mean,” she said.

Following Garcia’s victory, several high-profile critics of transgender athletes rebuked

the East Valley student. This includes Riley Gaines, who has spoken out against transgender people’s inclusion in sports after tying for fifth place with a transgender athlete in a collegiate swimming competition.

“Would you look at that ... the thing that never happens happened again,” Gaines posted on X. She called Garcia a “boy” who “dominated” the event.

Garcia received support from Spokane’s Odyssey Youth Movement, which provides support and resources to transgender youth in Eastern Washington. Executive Director Ian Sullivan congratulated Garcia on behalf of the Odyssey Youth Movement and said transgender, nonbinary and gender-diverse youth should have the “same rights and opportunities” as any other student.

“School activities and extracurriculars are designed for the growth and development of ALL students and we as a community should be working together to support & uplift every student in Washington State,” Sullivan said in a statement.

The negative attention and controversy could have a severely negative impact on Garcia, said Dr. Kellan Bryne, an executive director of Whitman-Walker, a national organization that provides health care to the LGBTQ community.

“It’s horrendous. There’s already a mental health crisis among young people in this country, trans or not, and to be attacked for wanting the same thing that every other teenager wants — which is to fit in, to belong, to partici-

pate, to be on the team, to play ... That’s incredibly damaging, and it’s incredibly cruel.”

It is also particularly dangerous, he said, for transgender youth — who are at higher risk of suicide and self-harm compared to their peers.

Garcia on the controversy

Since beginning her gender transition last year, Garcia said she has received a “taste of how hard we as a species can be for absolutely no reason other than being a little different.”

She said she has been bullied on and off the track, and has been the subject of what she calls discriminatory comments invalidating her identity as a transgender girl. Most of it has come from adults — not her classmates or teammates. Her track team has become “like a family” to Garcia, and their support has ushered her through dark days when she feels “like an outcast.”

“I can be myself and do things in a way that I was never really able to do. I kind of feel like I’m living my authentic self,” Garcia said of the past year.

Garcia said Vermaire has been her biggest supporter since coming out. “Regardless of the situation, that is still a kid,” Vermaire said of the backlash. “It’s a polarizing situation, but we need to support kids. That’s what we do in education.”

It is in part because of such support that Garcia said she has come to love competing in track. She doesn’t race “for the medals.” She races because she enjoys it.

Garcia admitted there are “not easy answers” to transgender inclusion in sports. But she wishes those who think she should not be able to compete would take their complaints to those who make policy decisions, rather than yelling at her.

“I’m just a teenager. It’s one thing if you want to advocate for whatever, but your message becomes deflated when you start insulting,” she said. “As soon as you start harassing transgender people, then I think your message starts to fall apart.”

“At the very least, give us respect, because I think the best thing anyone can do is, even if you don’t understand why we’re transgender, the very least is to be nice to us. Kindness goes a long way.”

This story includes Spokesman-Review reporting from 2023.

< Sandpiper

FROM A6

cascade that enhances the shorebirds’ migration.

So dependent are the sandpipers on the biofilm at Roberts Bank that it comprises as much as 59% of the mass in their diet, and half their daily energy budget, Elner and his collaborators found.

“They are so content feeding on this, so drawn to this stuff, it’s completely magnetizing,” Elner said. “This is not normal mud.”

A port for things

The port-expansion project is called Roberts Bank Terminal 2 and is led by the Vancouver Fraser Port Authority. It includes construction of a three-berth container terminal.

Promoted by the port and business groups to support Canada’s economic growth over the coming years, it’s a massive undertaking.

Agency scientists recommended Canada choose a terminal configuration that would avoid such changes on Roberts Bank, changes for which there is no proven mitigation.

The federal government of Canada, however, in its approval for the project issued last year, said “the significant adverse environmental effects ... that the designated project is likely to cause are

Stopovers for western sandpipers

These tiny birds migrate thousands of miles along the Pacific Northwest coast between their breeding range in Alaska and nonbreeding ranges farther south. Scientists have found successful migrations depend on energy-rich diatom biofilms such as those found in the Fraser River Delta.



Source: Cornell Lab of Ornithology, Hakai Magazine

FIONA MARTIN / THE SEATTLE TIMES

justified in the circumstances.”

However, in the hundreds of conditions Canada put on its approval was one potential stopper: a requirement that an independent body of

experts verify predicted changes caused by the project on salinity, and the effect of those changes on biofilm and western sandpipers. Mitigation must remedy conditions created by the

project with measures that, if necessary, could include infrastructure redesign — or removal.

Said Elner, “It’s essentially a poison pill.” The port welcomes the

independent assessment, noted Devan Fitch, Roberts Bank Terminal 2 program director at the Port Authority. He said the port expects no harm to the birds or the biofilm.

Fitch said in a statement to The Seattle Times that the port has “plans in place to avoid, monitor and — if required — mitigate any potential impacts. This includes locating the terminal in subtidal waters, away from sensitive shorebird stopover habitat. We are also developing a comprehensive follow-up monitoring program in consultation with First Nations, Environment and Climate Change Canada, Fisheries and Oceans Canada, and international experts — which will be informed by more than a decade of port authority-led studies.”

Roger Emsley remains hopeful. A resident of the Delta area since 1968, he fought the original terminal and lost. Executive director of the Against Port Expansion Community Group, he is determined to fight the project. Other locations, such as Prince Rupert, not only are closer for shippers to Asian ports, but would make more sense for expansion if it is even needed, Emsley argued.

“We said, ‘Maximize Prince Rupert before doing anything else,’” Emsley said. “Which they ignored.”

Alex Munro, spokesperson for the port, said an expan-

About the project

Climate Lab is a Seattle Times initiative that explores the effects of climate change in the Pacific Northwest and beyond. The project is funded in part by The Bullitt Foundation, Jim and Birte Falconer, Mike and Becky Hughes, University of Washington and Walker Family Foundation, and its fiscal sponsor is the Seattle Foundation.

sion at Prince Rupert is in early stages of development and not expected to be constructed and operational until after Roberts Bank Terminal 2, which he added is vital for timely supply chain capacity.

Container trade through the Port of Vancouver has been in decline. But the Port Authority predicts growth ahead “due to a range of factors, including ongoing economic and population growth, both in Canada and around the world, and increasing international demand for Canadian commodities,” Fitch said.

Emsley said he won’t give up. “I don’t want to let it get the better of us,” he said of the project. “I love this place.”

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