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Please accept this submission to your Office.

Roberts Bank Container Terminal 2 Project (RBT2) Environmental Assessment

Roberts Bank Container Terminal 2 Project (RBT2) Environmental Assessment

Feedback on the B.C EAO Draft Summary Assessment Reports on RBT2, May 8, 2023

B.C. accountability has not been met by the environmental assessment of RBT2

Outline:

1. Environmental Assessment of RBT2 failed to provide a credible Cumulative Effects Assessment
2. Scope of RBT2 failed to incorporate provincial accountability, including to the RBWMA
3. Irreversible Loss of Fraser River Estuary Wetlands
4. Subtidal Wetlands were not assessed
5. BC and Canada Assessment Agencies fail to flag failure of RBT2 Assessment to protect Wetlands
6. RBT2 will cause unmitigable, irreversible, permanent residual effects on wetlands
7. Failure of the EA to provide scientifically-proven, identifiable mitigation measures
8. Failure to assess effects on all shorebirds not reported in the EAO documents
9. Destruction of habitat will exacerbate the decline of Chinook salmon and endangered SRKW
10. Report omits to include importance of biofilm to the health of the Fraser River Estuary
11. RBT2 will alter Roberts Bank Ecosystem resulting in loss of fish, including species at risk
12. Failure of EA to provide credible, identifiable mitigation measures for habitat loss, critical to salmon and SRKW
13. Insufficient Information on ‘threatened’ White Sturgeon
14. Failure to address serious gaps in the environmental assessment of the ‘threatened’ Barn Owl
15. Serious threats to human health from air pollution from RBT2 are not appropriately reported
16. Serious threats to human health from noise pollution cannot be mitigated
17. Serious threats to human health from light pollution cannot be mitigated
18. Failure to address effects of RBT2 light, noise and air pollution on Roberts Bank Ecosystems
19. Significant Adverse Cumulative Effects from Greenhouse Gas Emissions
20. RBT2 will lead to further loss of some of Canada’s best agricultural land
21. Residual, significant, adverse environmental effects on the Estuary and the Salish Sea are ignored
22. Federal and Provincial Conditions are Meaningless in terms of Mitigation
23. Concerns with the process of the B.C. environmental assessment of RBT2
 - Substitution Process is Insufficient
 - B.C. Transferred Roberts Bank wetlands to the Federal Government for RBT2 in 2017
 - Inclusion of Gateway vested business interests in B.C. legal assessment document is inappropriate
 - Premier of B.C. announced approval of RBT2 prior to completion of the BC assessment
24. Draft Summary Assessment Report omits to include level of public concern
 - Contravention of ‘Core Values for the Practice of Public Participation’
25. Claimed Economic Benefits of RBT2 are misleading and the Project will harm existing operations
 - Cost to Taxpayers is \$3.5 billion and counting
26. Conclusions of the Draft Summary Assessment Report gloss over devastating effects of RBT2
 - The EAO Draft Summary Report fails to raise a red flag warning of serious, unmitigable effects
27. Resources and values in the Fraser Estuary and Salish Sea will no longer be available for future generations

1. Environmental Assessment of RBT2 failed to provide a credible Cumulative Effects Assessment

Cumulative Effects of the Roberts Bank Container Terminal 2 Project (RBT2) t, required under *Section 11(2)(b)* of the *BC Environmental Assessment Act, 2002*:

“...the potential effects to be considered in the assessment, including potential cumulative environmental effects;”

And Section 19(1)(a) of the *Canadian Environmental Assessment Act 2012 (CEAA 2012)*:

“...any cumulative environmental effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out;

have not been appropriately incorporated, or addressed, in the environmental assessment reports. The Environmental Assessment (EA) of the Roberts Bank Container Terminal 2 Project (RBT2) fails to meet federal and provincial assessment requirements. Residual significant environmental effects of the Project will negatively impact human health, and will irreparably harm the ecosystems of the lower Fraser River, estuary, and Salish Sea.

RBT2 will cause further degradation of the interactive, interdependent ecosystems that have international, national, and provincial significance. This is recognized with designations, signed agreements, and initiatives that merit acknowledgement and enactment. These include, but are not limited to:

- a. Fraser River Estuary: Canada’s top Important Bird Area (IBA)
- b. Ramsar Wetland of International Significance (RAMSAR)
- c. Western Hemisphere Shorebird Reserve Network (WHSRN) site
- d. Roberts Bank Wildlife Management Area
- e. Burns Bog Ecological Conservancy Area
- f. Pacific Salmon Treaty
- g. Trilateral Committee for Wildlife and Ecosystem Conservation and Management Treaty
- h. Convention of Biological Diversity
- i. The North American Bird Conservation Initiative (NABCI Canada)
- j. U.S.-Canada Cooperation in the Salish Sea
- k. Federal Policy on Wetland Conservation
- l. Conservation Measures for Fraser River Chinook
- m. National Accord for the Protection of Species at Risk
- n. Canada-British Columbia Agreement on Species at Risk
- o. Canada – British Columbia Fish Habitat Management Agreement
- p. Wetland Stewardship Partnership
- q. Fraser River Estuary Management Plan
- r. The Georgia Basin Action Plan
- s. Environmental Cooperation Agreement between B.C. and Washington State
- t. Statement of Cooperation on the Georgia Basin and Puget Sound Ecosystem
- u. Canada-U.S. Cooperation in the Salish Sea
- v. Federal/Provincial White Sturgeon Plan

Unfortunately, these, and other, laws, policies, designations and signed commitments have been effectively ignored in the Environmental Assessment (EA) of the Roberts Bank Container Terminal 2 Project (RBT2). The BC EAO Draft Assessment Report and the Canadian Environmental Assessment Agency documents omit to disclose that legal and signed commitments should have been effectively and legally incorporated into the RBT2 EA.

We have a duty to protect this region that is already experiencing serious, ongoing demise.

Designations and Agreements were not effectively incorporated into the environmental assessment with scattered information and lip-service to cumulative effects.

The Environmental Assessment Office (EAO) Draft Summary Assessment Report should include how we are ethically accountable to these commitments; the *CEAA 2012 Precautionary Principle*; and the need for a credible cumulative effects assessment based on proven science.

2. Scope of RBT2 failed to incorporate provincial accountability, including to the RBWMA

The Draft Summary Assessment Report omits to address the lack of proper scoping for the RBT2 Environmental Assessment. The effects of the Project on British Columbia are far-reaching, from the watershed in the Rockies to the Pacific.

There will be significant, residual adverse environmental effects on endangered Southern Resident Killer Whales; salmon; fish habitat; unique biofilm that supports Western Sandpipers; and millions of migratory waterfowl and shorebirds. Also, there will be far-reaching effects on air and water quality, as well as social and health impacts on immediate communities, and B.C communities along truck and rail routes.

The Review Panel Report mentioned potential adverse effects on wetlands, but failed to acknowledge that the Scope of the assessment did not include an assessment of the critical habitats, and affected species, of the Roberts Bank Wildlife Management Area (RBWMA). Subtidal wetlands and cumulative effects on wetlands were not assessed.

Effects on coastal birds were not assessed. The Review Panel requested that the Proponent, the Port of Vancouver, perform a cumulative effects assessment for coastal bird subcomponents but the Port failed to comply.

Effects on the Western Sandpiper and Pacific Dunlin were assessed but there was no assessment of all shorebirds and their reliance on critical habitats of the estuary, including the RBWMA.

The B.C. EAO Draft Summary Assessment Report fails to flag the importance of the RBWMA and the failure to assess the effects of RBT2.

Importance:

"The WMA is also a main entry channel into the Fraser River for one of the largest salmon runs in the world, where more than 800 million Sockeye, Chum, Chinook, Pink and other salmon migrate through each year, using the tidal marshes for food, shelter and acclimatization to salt water. Other fish drawn to Roberts Bank include White Sturgeon, Green Sturgeon, Steelhead and anadromous Cutthroat trout. Visiting herring, eulachon, flounders and sculpins are a food source for diving and wading birds. Sea mammals such as endangered Killer Whales, Harbour Seals, California Sea-lions, Muskrat and Beaver, and terrestrial mammals such as Creeping Vole, Townsend's Vole, Eastern Cottontail, Striped Skunk and Coyotes also frequent the WMA."¹

¹ B.C. [Roberts Bank Wildlife Management Area](#).

Effects of RBT2, submitted by the B.C. Ministry of Forests, Land, Natural Resource Operations and Rural Development (FLNRORD):

"FLNRORD commented that the tidal ecosystems of the estuary were mostly under provincial jurisdiction in provincial wildlife management areas. FLNRORD anticipated both direct and indirect effects from the Project on environmental components within the Roberts Bank Wildlife Management Area. Direct Project effects would include the destruction of ecosystems and indirect effects would affect biofilm, tidal marsh, and sedimentation processes."²

Submissions from the public requested a wider scope of assessment, and more specific information in the Terms of Reference. These were ignored.

Assessment of shipping routes was added to the scope late in the process. However, it was clearly stated that the Proponent had no accountability to environmental effects in the expanded scoping area, namely the Salish Sea.

The Draft Summary Assessment Report should include specific information on all these effects on B.C. and how the province will address these impacts, as well as costs to taxpayers.

3. Irreversible Loss of Fraser River Estuary Wetlands

According to the '*Federal policy on Wetland Conservation*', 70% of the Pacific estuary marshes are already gone or degraded. The policy commits the Government of Canada to the goal of 'no net loss of wetland functions' on federal lands and waters. It also commits to securement of wetlands of significance to Canadians.³

Accountability to the '*Federal Policy on Wetland Conservation*,' was mentioned but it was not incorporated into the RBT2 Environmental Impact Statement (EIS); the Review Panel Report; or government environmental agencies' reports.

Wetlands were not appropriately assessed, thereby omitting Canada's commitments under the '*Federal policy on wetland conservation*':

"... Wetlands and wetland functions are inextricably linked to their surroundings, particularly aquatic ecosystems, and therefore wetland conservation must be pursued in the context of an integrated systems approach to environmental conservation and sustainable development efforts. ...Wetlands are critical to federal responsibilities for maintaining the quality of the environment, migratory bird populations, inland and ocean fisheries, and international or transboundary resources such as water and wildlife."⁴

4. Subtidal Wetlands were not assessed

The B.C. Environmental Assessment Office (EAO) Draft Report omits to include the information that subtidal wetlands were not assessed.

The assessment of the Fraser River estuarine wetlands was piecemeal leading to contradictory statements and conclusions. This is the result of an environmental assessment that deliberately partitions the assessment, and then fails to incorporate the fact that all the regions of an estuary function interactively and depend on the continuing health of the entire region. This is the reason for the *CEAA 2012* Precautionary Principle, and the necessity of a credible Cumulative Effects Assessment which is lacking in the RBT2 assessment and government reports.

²[Review Panel Report](#), RBT2, Document #2062, March 27, 2020, Scrolled Page 174/627

³ [Federal Policy on Wetland Conservation](#), Government of Canada, 1991, Scrolled Pages 6 & 9/15, text pages 4&7.

⁴ [Ibid](#); 1991, Scrolled pages 8& 6; text pages 6&4.

The B.C. Environmental Assessment Office (EAO) Report recognizes that there will be significant adverse effects on wetlands and wetland functions, including provincially red-listed communities. However, the Report fails to disclose that the RBT2 Environmental Impact Statement (EIS) did not assess the shallow subtidal areas because the Project Proponent erroneously claimed they were not wetlands.

Without credible scientific evidence, and without an assessment, the RBT2 Environmental Impact Statement (EIS) claimed direct losses of marsh habitat would be counterbalanced by gains that would turn up elsewhere as a result of RBT2. The Proponent, the Port of Vancouver, concluded eight provincially listed estuarine wetland species occurred elsewhere so would not be eliminated.

The Proponent, the Port of Vancouver, also disclosed that cumulative effects were not assessed:

“The Proponent concluded there were no residual effects on intertidal marsh and wetlands, therefore cumulative effects were not assessed. Similarly, cumulative effects were not assessed for red-listed marsh communities.”⁵

Without any assessment, or scientific evidence, the Review Panel Report stated agreement with the Proponent:

“the Panel agrees with the Proponent that the loss in productivity from the causeway widening would be counterbalanced by long-term gains resulting from geomorphic changes caused by the Project placement.”⁶

This is inappropriate considering the omission of subtidal assessment; the flawed conclusions by the Proponent on geomorphic changes; and no scientific evidence. There is the consequence of failing to assess effects on interdependent factors such as coastal birds, vegetation, biofilm, fish, numerous marsh species, and effects up and down the food web.

In contradiction to comments on the subtidal assessment, the Review Panel Report, commenting on the partitioned topic of wetlands and wetland functions, states there will be:

“a residual adverse effect on red-listed wetland communities from the widening of the causeway. Given that these communities are provincially endangered, the Panel concludes the residual effect is significant.”⁷

“The Panel concludes that the Project would result in a significant cumulative effect on wetlands and on wetland functions in the lower Fraser River estuary, including provincially red-listed marsh communities.”⁸

Furthermore, the Review Panel Report states irreversible harm to the Roberts Bank wetlands:

“The Panel considers that Project effect on wetlands and wetland functions would not be fully mitigated, which constitutes a residual effect on wetlands that is high in magnitude, permanent and irreversible.”⁹

⁵ [Review Panel Report](#), IACC RBT2 Assessment, Document # 2062, March 27, 2020, Scrolled Page 176/627

⁶ [Ibid.](#), Scrolled Page 175/627

⁷ [Ibid.](#), Scrolled pages 175 and 176/627

⁸ [Ibid.](#), Scrolled Page 176/627

⁹ [Ibid.](#), Scrolled Page 176/627

The BC EAO Draft Summary Assessment does not include the severity of the irreversible effects of the RBT2 Project on wetlands and wetland functions. It is unacceptable to omit the dire warnings, by the Review Panel, as well as government and independent scientists, of irreversible damage to the Fraser River estuarine wetlands, especially considering that 70% of the Pacific estuary marshes are already gone, and Canada's commitment of 'no net loss of wetland functions' on federal lands and water.

5. BC and Canada Assessment Agencies fail to flag failure of RBT2 Assessment to protect Wetlands

Most of the power to protect and conserve B.C.'s wetlands is held by the Provincial Government. While B.C. legislation for protection of wetlands is weak to almost non-existent, there is protection under the *Water Sustainability Act*, where the definition of streams includes wetlands.

There is also provincial accountability under the *B.C. Wildlife Act* to the *Roberts Bank Wildlife Management Area*. Additionally, there are federal/provincial legal commitments to protect endangered and threatened species

The Governments of Canada and B.C. are committed to protect wetlands as signatories to the *Wetland Stewardship Partnership* which states that wetlands:

"make such a vital contribution to social, economic and ecological well-being that we can ill afford to lose more of them..."
... "Wetlands provide essential habitat for wildlife species."

Goals include:

..." commitment of wetland protection and restoration." ...
..." Enhance legal protection of wetlands through effective and effectively enforced laws and policies."¹⁰

The BC EAO Draft Summary Assessment omits to include the need for the province to be accountable to legislation and policies.

The EAO Report also omits to disclose that the RBT2 environmental assessment failed to credibly apply federal legislation to Wetlands and Wetland Functions, namely the *Canadian Environmental Assessment Act (CEAA 2012)*, the *Migratory Birds Convention Act, 1994*, and the *Species at Risk Act*.

The BC EAO Draft Assessment Report omits to include the important information that the RBT2 Environmental Assessment:

- failed to assess subtidal wetlands;
- failed provide a cumulative effects assessment on red-listed marsh communities;
- failed to provide a credible cumulative effects assessment of the Roberts Bank wetlands and the estuarine ecosystems;
- failed to sufficiently, and appropriately, identify residual, significant, adverse environmental effects on the Roberts Bank wetlands;
- failed to assess effects on coastal birds
- failed to provide credible, scientifically-proven, identifiable mitigation and compensation measures

¹⁰ [A Wetland Action Plan for British Columbia](#), March 2010, Pages ii; iii; iv.

6. RBT2 will cause unmitigable, irreversible, permanent residual effects on wetlands

Federal and B.C. Government scientists documented concerns of serious, unmitigable effects on wetlands. They advised RBT2 will cause large-scale habitat destruction; death of fish; change in geomorphological processes; ongoing loss of wetlands and wetland functions; degradation and fragmentation of vegetation; alteration of sedimentation; and impacts on listed species. They advised these effects could not be effectively mitigated as it is not technically feasible to recreate the estuarine habitats.

The BC EAO Draft Summary Assessment omits to advise that no evidence-based, identifiable mitigation measures have been included in the assessment. The BC EAO Report states that there will be monitoring and maybe compensation if damage is done. The Report advises other non-scientific, subjective measures. This contravenes the *Canadian Environmental Assessment Act, 2012*, (CEAA 2012) which requires scientifically proven mitigation measures.

Mitigation under CEAA 2012:¹¹ 19 (1) The environmental assessment of a designated project must take into account the following factors: (d) mitigation measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the designated project.

The BC EAO Draft Summary Assessment fails to advise that there are not sufficient, scientifically-proven, identifiable measures to mitigate damage to the complex interactive, interdependent processes that support the Fraser River Estuary wetlands.

7. Failure of the EA to provide scientifically proven, identifiable mitigation measures

Ecojustice:

“Mitigation measures are intended to be actual, identifiable measures which will eliminate, reduce, or control adverse effects of a project. Courts have been clear that “vague hopes for future technology” to address effects do not constitute mitigation measures. Vague assurances of adaptive management, further study, and conceptual and unproven ideas do not constitute mitigation measures.”¹²

The failure of the environmental assessment process to produce scientifically proven, identifiable mitigation measures is confirmed in the Schedule B of the B.C. Draft Summary Assessment. The mitigation measures listed in Schedule B are plans to make plans, as well as plans to develop monitoring plans. These vague, subjective intentions that cannot be accepted as legal mitigation measures.

The Proponent, the Port of Vancouver, has been investing in Habitat Banking and hopes to present these so-called new habitats as compensation for destroying a huge chunk of the Fraser River Estuary. The Port has been covering up existing habitats away from Roberts Bank with new plantings. They have invested in foreshore log removal thereby destroying valuable roosting and hunting areas for birds of prey, as well as small mammals and song birds. This demonstrates lack of knowledge of the complex Roberts Bank food web that relies on interactive, interdependent processes that occur as the fresh water of the Fraser River meets the salt water of the sea.

It is not possible to mitigate or compensate the degradation that RBT2 will cause to the complex ecosystems at Roberts Bank in the Fraser River estuary.

¹¹ [CEAA 2012](#), Section 4 (1) and Section 19 (1) (a) & (d)

¹² Ecojustice on behalf of David Suzuki Foundation, Georgia Strait Alliance, Raincoast Conservation Foundation and Wilderness Committee, [Document # 1605](#), Volume 1, April 15, 2019, Para, 39, Scrolled page 17/72

Over the past 40 years, compensation and mitigation measures in the Fraser River estuary have not been carried out with credible scientific evidence or transparency. It is senseless that they are after-the-fact measures. Once damage is done, critical habitat for plant and animal species is gone.

A Freedom of Information Request confirmed the Deltaport Third Berth Project was continuing the ongoing pattern of habitat loss at Roberts Bank. A provincial government expert wrote:

“News of the abandonment of efforts to attempt to stabilize the ever-increasing areas of the dendritic channel network the intercauseway is of major concern to us. Notwithstanding the parameters related to mitigating the impacts of the DP3 project, this continuing habitat loss and erosion of mudflat, biofilm and eelgrass features are a defacto port-development artefact...

...with respect to the dendritic channels, we realize it has been agreed that historic port development accountability has been discounted and cumulative effects generally of all port developments apparently seem to be of similar prospect...”

“reporting of fish and wildlife elements in the DP3 Project Reporting Updates from...continues to be grossly incomplete (despite repeated input over the last two years)”¹³

The on-site compensation for the intercauseway was not implemented leading to the continuing loss and erosion of mudflat, biofilm and eelgrass features caused by ongoing port activities.

When it came to implementing the “Plan”, the Agencies concluded that the compensation/mitigation plans for the intercauseway between the Tsawwassen Ferry Terminal and Deltaport might not be successful. As a result, the plan was abandoned. It was replaced with a last-minute scramble for offsite compensation which was a totally different set of interactive environmental processes and habitat.

Some, or all, of the \$1.5 million compensation money for loss of fish habitat at Deltaport was given to Ducks Unlimited to improve habitat that is owned and protected by Nature Trust and the B.C. Government. It appears it was used to dig out channels on islands in the estuary that are used for hunting.

The loss of habitat at Roberts Bank at the mouth of the Fraser River is irreplaceable and it is unconscionable that off-site habitat compensation was not a duplicate of the lost habitat.

Now we are hearing the same unscientific, empty commitments with RBT2, even with evidence that RBT2 can't be built without unmitigable, irreversible harm to the Fraser River estuarine ecosystems.

A 2016 study on mitigation and compensation measures on wetlands and riparian habitats in the Fraser River estuary stated;

“Since the 1980's habitat managers have been trying to establish no-net-loss (NNL) of impacted habitat in the Fraser River Estuary but have been unsuccessful. This study found that 2/3rds of compensation sites did not achieve NNL. Studies in Canada, the United States, and across the world have found similar results, that created wetlands are not functioning as well as natural wetlands.”¹⁴

This critical issue of the requirement of credible mitigation measures is omitted from the B.C. Draft Summary Assessment Report.

¹³ FOI emails, March 2010.

¹⁴ ‘[Assessing Habitat Compensation](#) and Examining Limitations to Native Plant Establishment’, Megan Lievesley, Daniel Stewart, Rob Knight, & Brad Mason, March, 2016, Scrolled page 56/63

8. Failure to assess effects on all shorebirds not reported in the EAO documents

The RBT2 Environmental Impact Statement (EIS) did not assess effects on shorebirds with the exception of the Western Sandpiper and Pacific dunlin. The RBT2 EIS, the Review Panel Report, and the 2021 additional information from the Port of Vancouver fail to identify and incorporate:

- 40% decline of shorebirds in Canada since 1970¹⁵
- Lack of cumulative effects assessment on all 50 species of shorebirds
- Urgent action is required to address the widespread declines in shorebird populations¹⁶
- Commitment of Canada to no net loss of wetlands under the '*Federal Policy on Wetland Conservation*'
- Legal requirements under *CEAA 2012*, *Migratory Birds Convention Act*, and *|Species at Risk Act*.

A Report on the State of Canada's Birds reports many vital areas for shorebirds are being lost to coastal developments. The Report recommends conservation actions:

“Protect and restore migration stopover and wintering sites for shorebirds, such as Important Bird and Biodiversity Areas and Western Hemisphere Shorebird Reserve Network sites.”¹⁷

BC has accountability to shorebirds as they are dependent on the health of the Roberts Bank Wildlife Management Area, areas that are crown provincial, and the overall health of the estuary. Scientists warn that disruption to the estuary from RBT2 will cause unmitigable harm:

“ECCC maintains that predicted Project-induced changes to Roberts Bank constitute an unmitigable species-level risk to Western Sandpipers, and shorebirds more generally, due to the predicted disruption to the salinity regime that supports fatty acid production from biofilm.”¹⁸

9. Destruction of habitat will exacerbate the decline of Chinook salmon and endangered SRKW

The Draft Summary Assessment Report acknowledges findings of the Review panel that a residual adverse effect on Chinook salmon that would be:

“**high in magnitude, local in extent, permanent in duration, and irreversible.**”¹⁹

However, the Report does not appropriately flag the serious omission of a cumulative effects assessment of Marine Fish and Fish Habitat.

¹⁵ [The State of Canada's Birds](http://nabci.net/resources/state-of-canadas-birds-2019/), 2019, The North American Bird Conservation Initiative, Scrolled page 6/12 NABCI Canada <http://nabci.net/resources/state-of-canadas-birds-2019/>

¹⁶ [Conservation Action](https://whsrn.org/about-shorebirds/conservation-action/), Western Hemisphere Shorebird Reserve Network, <https://whsrn.org/about-shorebirds/conservation-action/>

¹⁷ [The State of Canada's Birds](http://nabci.net/resources/state-of-canadas-birds-2019/), 2019, The North American Bird Conservation Initiative, Scrolled page 6/12 NABCI Canada

¹⁸ ECCC, RBT2 EA, [Document #1775](#), Shorebirds and Biofilm, May 18, 2019, Slide 19/23

¹⁹ [Review Panel Report](#), RBT2, Document #2062, March 27, 2020, Scrolled Page 201/627

The Fraser River estuary is a crucial rearing ground for over 300 species of invertebrates and over 80 species of fish and shellfish.²⁰ These in turn nourish fish, birds, and mammals throughout the vast interdependent habitats that stretch thousands of kilometers from high in the Rocky Mountains, through the Fraser River watershed, estuary, and Salish Sea to the Pacific Ocean.

RBT2 will cause a chain of adverse effects on these habitats and the species they support.

12/13 species of Fraser River Chinook salmon have been listed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) because they are at risk of extinction.

Hundreds of millions of juvenile Chinook, chum and pink salmon feed and grow in the estuary before migrating to sea. The decline of endangered Chinook salmon directly impacts the remaining 73 endangered Southern Resident Killer Whales (SRKW) that rely on adult Chinook as a primary food source.

The large-scale destruction of fish habitat from the RBT2 Project will have adverse effects on endangered Chinook salmon which will cause loss of prey availability for endangered Southern Resident Killer Whales. This will be in contravention of the Canadian [*Species at Risk Act*](#), SARA.

By partitioning off comments on salmon as an isolated topic, the EAO Summary Report fails to convey the interactive chain of events affecting the food web and all species that rely on the health of the Fraser River Estuary.

10. Report omits to include importance of biofilm to the health of the Fraser River Estuary

The rich assemblage of marine biofilm at Roberts Bank, formed from diatoms (*a microscopic form of algae*), produces essential fatty acids for not only the highest concentration of migratory birds in Canada, but also for hundreds of millions of migrating juvenile salmon that feed in the estuary before setting out to sea.²¹

"Biofilm are the drivers of the rich marine food web at Roberts Bank. They are the keystone element that allows the food web to exist...

...The diatoms at Roberts Bank produce LCEFA for the entire food Web at Roberts Bank including endangered Fraser River sockeye salmon and migrating shorebirds."²²
(LCEFA- *long-chained essential fatty acids*)

Salmon smolt exit the Fraser River in the spring to spend their time at sea, and here they eat zooplankton which have fed on diatoms. Without fatty acids, salmon are predicted to not develop as well as those that have consumed prey filled with fatty acids."²³

²⁰ [Aquatic Values and Concerns](#) Regarding Habitat in the Fraser River Estuary Associated with Human Activity and Development, Dr. Marvin Rosenau, Presentation for Fall Parkfest, 2012, Slide 6/69

²¹ Kahiltna Research Group on behalf of Federation of B.C. Naturalists, [Document #609](#), October 25, 2016, Scrolled Pages 14/113

²² Ibid; Pages [25](#) & [50](#)/113

²³ [Ibid](#); Page 14/113

11. RBT2 will alter Roberts Bank Ecosystem resulting in loss of fish, including species at risk

The Draft Summary Assessment Report omits to flag information from scientists warning of threats to the Roberts Bank Ecosystem:

"The proposed Roberts Bank Terminal 2 Project will significantly alter the existing Roberts Bank ecosystem resulting in the loss of a large area of marine fish habitats and changes to water circulation and sediment transport processes.

Destruction or alteration of approximately 176 ha of tidal and sub-tidal habitats is anticipated as a result of construction of the marine terminal, causeway widening, and dredging to expand the tug boat basin and deepen the berth pocket. The types of marine habitat that would be impacted as a result of the Project include tidal and sub-tidal sand, mudflat, eelgrass, and marsh...

..... even with mitigation, unavoidable death of fish is anticipated.

...Based on the Project information to date - including the large-scale destruction of fish habitat, the high degree of uncertainty in predictions of incidental benefits and the small-scale of proposed offset concepts - DFO's view is that the goal of sustaining the ongoing productivity of fisheries will not be achieved....

...Twelve populations of Fraser River Chinook Salmon has been determined to be at risk by COSEWIC - 7 Endangered, 4 Threatened and 1 Special Concern."²⁴

Not only will there be loss and pollution of habitat, but there will also be loss of juvenile salmon as they migrate to the sea. Having to circumvent the new massive island means they will subject to a much higher level of predation

12. Failure of EA to provide credible, identifiable mitigation measures for habitat loss, critical to salmon and SRKW

The Draft Summary Assessment Report states the federal government intends to mitigate loss of fish and fish habitat but fails to provide any scientific evidence that this can be achieved.

The failure of all government and proponent submissions to provide evidence that habitat loss can be, and will be, mitigated is totally unacceptable.

Ecojustice provided further evidence of unproven mitigation measures:

"... the Proponent's experience with habitat compensation projects illustrates many of the concerns and cautions raised by witnesses about the limitations of habitat restoration to offset the loss of fish habitat. As confirmed during the Hearing, while the Proponent has demonstrated its ability to physically grow plants and physically create marsh-like environments, they have not yet studied the biological function of these recreated environments to confirm whether they actually function as fish habitat."²⁵

"There is no evidence on the record that the Proponent can or will avoid or lessen the Project's adverse effects on the availability Chinook salmon prey in critical habitat for Southern Residents...
...the Project will result in the direct loss of large-scale destruction of important habitat for Fraser River Chinook populations that are both at risk and in decline..."²⁶

²⁴ Fisheries and Oceans Canada, [Document #1630](#), April 15, 2019, Scrolled Pages 74 & 75/207

²⁵ Ecojustice on behalf of David Suzuki Foundation, Georgia Strait Alliance, Raincoast Conservation Foundation and Wilderness Committee, [Document #2036](#), Paragraph 37, August 26, 2019, Scrolled page 14/38

²⁶ Ecojustice on behalf of David Suzuki Foundation, Georgia Strait Alliance, Raincoast Conservation Foundation and Wilderness Committee, [Document #2036](#), August 26, 2019, Paragraphs 94, Scrolled pages 29/38

13. Insufficient Information on ‘threatened’ White Sturgeon

The Review Panel did not have enough information to conclude that RBT2 is unlikely to cause adverse effects on the Lower Fraser River white sturgeon because there is lack of research on how sturgeon are behaving in the estuary and marine waters. White Sturgeon are found in the fresh waters of the lower Fraser. However, they have been observed in the Fraser River Estuary, the Strait of Georgia and throughout the Strait of Juan de Fuca.

The Draft Summary Assessment Report omits to disclose that the White Sturgeon of the lower Fraser River is a threatened species as assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). From 2004-2011, lower Fraser white sturgeon numbers declined by 20%. Also, there was an alarming decline of 78% of the immature white sturgeon during the same period.

It is astonishing that the B.C. Environmental Assessment Office states it is satisfied that the federal conditions and the commitments by the Port of Vancouver will address potential adverse effects to endangered white sturgeon when there is no science-based evidence that it is possible.

Why does the B.C. EAO Report omit to state B.C.’s commitment to work with federal fisheries and First Nations on the Fraser River White Sturgeon Plan? Approval of RBT2 will not correlate with the Plan.

Where is any scientific information? Where is the application of the Precautionary Principle? Where are the “specific measures” mentioned in the Summary Assessment Report?

The commitment by the Port of Vancouver to gift \$500,000 for research on eulachon does not prevent the loss of white sturgeon habitat and food supply. Why is it even mentioned here?

14. Failure to address serious gaps in the environmental assessment of the ‘threatened’ Barn Owl

The Draft Summary Assessment Report omits to disclose that the Proponent, the Port of Vancouver, failed to produce a cumulative effects assessment of the Barn Owl as requested by the Review Panel. Government Agencies appear to be ignoring this failure.

“The Panel requested that the Proponent perform a cumulative effects assessment for coastal bird subcomponents, including barn owl. In making this request, the Panel stated that the Proponent had not adequately substantiated the conclusions that the Project would not have residual effects, since the relationship between the effectiveness of the mitigation measures and their capacity to reduce the effects was neither clearly nor systematically described. The Proponent did not perform the requested cumulative effects assessment.”²⁷

Environment and Climate Change Canada (ECCC) advised the Environmental Impact Statement (EIS) did not sufficiently address potential adverse effects on the listed Barn owl:

“Although mortality risk is anticipated to increase, the EIS does not provide adequate information regarding the risks of long-term, population level impacts of prolonged high road mortality rates. As such, ECCC is of the opinion that the Proponent has not adequately described, in full, potential adverse effects to Barn Owls.”²⁸

²⁷ [The Review Panel Report](#), RBT2, Document #2062, March 27, 2020, Scrolled Page 255/627

²⁸ RBT2 Environment Assessment, ECCC, [Document 1146](#), February 12, 2018, Page 5/16

Bird Studies Canada (BSC) advised that the scope of the assessment in the Environmental Impact Statement (EIS) was insufficient:

"BSC explained that the restricted geographic boundaries of the assessment undermined the conclusions and did not allow for a proper evaluation of the majority of area where barn owls and the Project would interact, which was outside the LAA. BSC cited the Proponent's study that reported six dead barn owls along a portion of the Deltaport Way in 2013, and argued that the study was omitted from the EIS because the area was outside the LAA. "²⁹

15. Serious threats to human health from air pollution from RBT2 are not appropriately reported

The Draft Summary Assessment Report notes that the effects of RBT2 on air quality will be high in magnitude.

Both Health Canada and the B.C. Ministry of Health reported that the RBT2 Environmental Impact Statement on Air Quality was insufficient.

There will be air pollution from RBT2 construction and operations; increased rail movements; and probably double the number of trucks carrying containers throughout the lower mainland. There will also be air pollution to the Gulf Islands at anchorage sites, and through the Salish Sea from more, or larger, container vessels.

RBT2 will not meet air quality standards and will cause an increase in toxic nitrogen dioxide (NO₂); fine particulate matter (PM_{2.5}); and ozone, all dangerous to human health as they damage the lungs and respiratory systems. It is disconcerting that the Conclusions of the Review Panel Report referred to toxic contaminants as "respiratory irritants". They are more than that as they settle in the lungs causing respiratory diseases that kill people:

"The Panel concludes that construction and operations of the Project would result in exceedances of applicable air quality standards and guidelines for NO₂, PM_{2.5}, and contribute to exceedances of ozone."³⁰

It is disconcerting that the B.C. Environmental Assessment Office is not raising a massive red flag on this issue. It will affect the whole airshed of the lower mainland and up the Fraser Valley.

It is also disconcerting that the Draft Summary Assessment Report states that the B.C. Environmental Assessment Office is satisfied that the federal conditions will address potential adverse effects to air quality from RBT2. This is ludicrous as it is not possible to prevent the increase in killer toxins into the lower mainland airshed. The federal conditions are monitoring and collecting data. That will not prevent the pollution of the airshed.

²⁹ [The Review Panel Report](#), RBT2, Document #2062, March 27, 2020, Scrolled Page 254 & Page 250/627

³⁰ [Review Panel Report](#), Document #2062, March 27, 2020, Scrolled Page 92/627

16. Serious threats to human health from noise pollution cannot be mitigated

The Draft Summary Assessment Report notes that the effects of RBT2 on noise and vibration pollution will be high in magnitude.

As with air pollution, noise pollution is highly detrimental to human health.

Mitigation measures of monitoring, measuring, plans and protocols of complaints cannot prevent the inevitable increase in noise pollution.

17. Serious threats to human health from light pollution cannot be mitigated

The Draft Summary Assessment Report addresses light pollution under a strange heading, Visual Resources. The language used in this section appears to obfuscate the fact that there will be significant light pollution from RBT2. This section addresses measures to minimize light pollution but that does not address the fact that it is not possible to build a massive man-made island and double the container business at Robert Bank without a very significant increase in light pollution.

Add to that larger container ships and massive gantry cranes, as well as anchorage sites, the increase in light pollution will be extensive. These effects cannot be mitigated. There will be devastating residual significant adverse environmental effects on human and wildlife health.

18. Failure to address effects of RBT2 light, noise and air pollution on Roberts Bank Ecosystems

The increase in light, noise and air pollution will also affect the estuarine processes and there will be adverse effects on wildlife. This is not a topic to be dismissed because Roberts Bank has global significance as noted at the beginning of this document. It also has importance to the health of the Fraser River watershed and the life it supports.

19. Significant Adverse Cumulative Effects from Greenhouse Gas Emissions

The Review Panel Report noted there will be perpetual Greenhouse gas emissions affecting the atmosphere and the Salish Sea.

RBT2 operations can minimize greenhouse gas emissions as much as possible but there will be a significant increase in emissions that cannot be mitigated.

20. RBT2 will lead to further loss of some of Canada's best agricultural land

The container business at Roberts Bank has already gobbled up large tracts of prime agricultural land in Delta and Richmond. These properties were once protected under the Agricultural Land Reserve designation. They were removed from protection for political reasons.

Political pressure will be even greater to accommodate port needs for container transloading and storage.

The loss of productive agricultural land cannot be mitigated with the proposed measures of monitoring and exploring options.

21. Residual, significant, adverse environmental effects on the Estuary and the Salish Sea are ignored

The Draft Summary Assessment Report notes that RBT2 would further contribute to existing significant adverse cumulative effects that are already occurring in the Fraser River estuary and Salish Sea from past and present activities.

The Review Panel Report recommended management programs and management plans; future environmental assessments of cumulative effects; and mitigation measures.

These recommendations were made back in 1979 when port development began at Roberts Bank. At every development stage, the same recommendations were made and then ignored.

Piecemeal development at Roberts Bank has been going on for 44 years and at every development, the same pleas are made to protect the ecosystem. Legislation and scientific evidence have been ignored. The degradation continues.

22. Federal and Provincial Conditions are Meaningless in terms of Mitigation

The Draft Summary Assessment Report states the B.C. Environmental Assessment Office is responsible for proposing conditions that would become legally binding.

The B.C. Environmental Assessment Office has outlined Provincial Conditions in Schedule B

The conditions are notifications, consultations, schedules, monitoring and management plans. These are tools that are essential to the work of environmental assessment agents. However, they do not provide any evidence of credible, achievable, identifiable mitigation and compensation measures.

Monitoring is an excellent tool but it does not prevent habitat destruction or loss.

The Draft Summary Assessment Report fails to document the fact that there are no credible, identifiable, mitigation measures with scientific evidence that habitat loss and destruction can, and will be, mitigated. It is not possible to mitigate or compensate destruction in an estuary.

23. Concerns with the process of the B.C. environmental assessment of RBT2

The Draft Summary Assessment Report has not addressed concerns raised during the assessment process.

Substitution Process is Insufficient

The Substitution process is not working. There have been some good reports by B.C. Government scientists to the environmental assessment. However, the B.C. scientists have not been sufficiently or meaningfully engaged in the process. Reliance on the federal process has created critical gaps in provincial accountability to protect Roberts Bank in the Fraser River Estuary.

The Draft Summary Assessment Report has not addressed some of the process concerns submitted by the public. One concern is the inclusion of vested business interests in the B.C. legal document of the B.C. Environmental Assessment.

Inclusion of Gateway vested business interests in legal B.C. assessment document is inappropriate

In the legal document, [Order Under Section 14, Section 4, 4.1.4](#), December 19, 2014, the B.C. Government inappropriately states that information from the Gateway Transportation Collaboration Forum must be considered:

“The Executive Director will consider in the assessment relevant information created by the Gateway Transportation Collaboration Forum to the extent such information is available prior to referral to provincial Ministers for decision as described in section 4.2.”

It appears to be a conflict of interest to make it legally mandatory to include information from vested business interests. The [Gateway Transportation Collaboration Forum](#) consists of government and private business interests that received [\\$200 million from the federal](#) government in May/June, 2018. The Port of Vancouver received \$100 million [funding from the federal government](#) on July 23, 2019, for Projects that were identified by the Forum.

B.C. Transferred Roberts Bank wetlands to the Federal Government for RBT2 in 2017

Under [Order-in-Council 311](#), August 30, 2017, the B.C. Government transferred public estuarine wetlands to the federal government to facilitate RBT2 even though the environmental assessment was in progress and the Project had not been approved. This sent a message as early as 2017 that the B.C. Government intends to approve the Project.

The understanding in the Environmental Impact Statement (EIS) was that a transfer was not supposed occur until approval of RBT2.

“ Approximately 48 ha of the Project will be constructed on provincial Crown lands. Port Metro Vancouver is currently negotiating with the Province of B.C. to acquire tenure to these lands. Depending on the outcome of these negotiations, the lands will either remain as provincial Crown lands or become federal lands. Finalisation of a tenure agreement is not anticipated prior to completion of the formal EA process. (*RBT2 EIS, section 3.3.3, page 3-8*)”

Premier of B.C. announced approval of RBT2 prior to completion of the B.C. assessment

“Premier David Eby is in full support of the approval for the Vancouver Fraser Port Authority’s (VFPA) planned Roberts Bank Terminal 2 (RBT2) project.”³¹

The Premier of B.C, David Eby, stated approval of RBT2 at a news conference, Thursday, April 27, 2023. At the same time, the B.C. Environmental Assessment Office is inviting public comment prior to completion of the BC environmental assessment. Consequently, the current process of public input is meaningless, indicating lip service to due process.

24. Draft Summary Assessment Report omits to include level of public concern

There has been considerable public input to the RBT2 environmental assessment. Thousands of submissions have expressed opposition to RBT2 and concern for the health of the Fraser River Estuary and Salish Sea.

³¹ [Delta Optimist](#), Sandor Gyarmati, May 1, 2023, ‘False choice’ presented on RBT2, says BC premier’.

Members of the public have not been treated well. No questions in submissions have been answered. No adjustments were made to the scope and terms of reference in response to public input. Reports summarized public comments in vague, unreadable boxes categorizing comments. There was nothing in the reports to indicate follow-up on the comments. The Proponent responded in a column of boxes. This was done by copying information from the Environmental Impact Statement, effectively dismissing the concerns.

Contravention of 'Core Values for the Practice of Public Participation'

There has never been any indication that public comments were incorporated into any of the reports by the Proponent or the Government Assessment Agencies. This contravenes the 'Core Values for the Practice of Public Participation':³²

1. *Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.*

All peoples of Canada, and other countries, will be affected by RBT2 with the decline of many species, including migrating salmon; migratory birds of the Pacific Flyway; migrating shorebirds, particularly western sandpipers; and endangered southern resident killer whales. Pollution will affect people in the lower mainland of B.C. and through the Salish Sea.

2. *Public participation includes the promise that the public's contribution will influence the decision.*

This certainly hasn't happened. The only support for RBT2 is vested interests and politicians.

3. *Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.*

Interests of all participant were not included. Decision makers and civil servants ignored public participation.

4. *Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.*

There was facilitation for public input but submissions were ignored.

5. *Public participation seeks input from participants in designing how they participate.*

The public had no say in the opportunities for public input.

6. *Public participation provides participants with the information they need to participate in a meaningful way.*

Information provided to the public was thousands of pages that lacked credible summaries and critiques. The public was not meaningfully informed.

7. *Public participation communicates to participants how their input affected the decision.*

This certainly hasn't happened with RBT2.

³² International Association for Public Participation (IAP) Core Values, [Core Values for the Practice of Public Participation](#);

All peoples of Canada will be affected by RBT2 with the decline of many species, including migrating salmon; migratory birds of the Pacific Flyway; migrating shorebirds, particularly western sandpipers; and endangered southern resident killer whales. Pollution will affect people in the lower mainland of B.C. and through the Salish Sea.

25. Claimed Economic Benefits of RBT2 are misleading and the Project will harm existing operations

The Draft Summary Assessment Report states the Review Panel reported that RBT2 will benefit the container business by increasing container terminal capacity; supporting competitiveness; and providing operational and spin-off jobs.

This information is misleading as the west coast of Canada is increasing container capacity at Vancouver terminals and at the Port of Prince Rupert. There is ample current and planned capacity for decades, without RBT2.

The touted spin-off jobs are already activated with current operations.

The International Longshore & Warehouse Union – Local 502 submitted concerns of job losses resulting in unemployment in the transport sector and revenue losses in local communities:

“...it is our submission that this will result in very significant job losses for longshore workers and hundreds of millions of dollars of lost wages and lost inputs for the community of Delta, in particular. This will be coupled with tens of millions of dollars of lost Federal, Provincial and municipal tax revenues.”

“We take this position RBT2 or any similar project that has the potential to cause serious economic harm to our workforce and to our community.”

The Union further stated insufficient information on the social and economic impacts and a lack of real data:

“Simply put, RBT2 make no sense if on the one hand the construction of the project is found to be environmentally sound while the actual operation of the terminal causes significant job loss and harm to the community and the larger economy”³³

Their submissions of concern have been ignored.

The current operator at Deltaport, Roberts Bank, Global Containers Inc., is also vehemently opposed to RBT2 and advises that RBT2 will negatively impact their business.

Instead of considering the best options for Canada’s west coast container business, the Port of Vancouver continues to promote RBT2. As a result, the tenants of the Port of Vancouver will become the Port’s competitors. RBT2 will disrupt Vancouver’s existing employment and transportation operations..

Submissions of concern by Global Containers Inc. are being ignored.

The public cannot compete with the strong lobbying in Ottawa by the Port of Vancouver; nor can they compete with the large sums of money spent by the Port of Vancouver on advertising. It should be noted that these large sums of money, spent by the Port of Vancouver, have been earned from Canadian assets, the long shorelines of the B.C. lower mainland, where the Port profits from rentals.

³³ RBT2, EIS, CEAA 80054, [International Longshore & Warehouse Union](#) – Local 5012, Closing Remarks, page 2, August 28, 2019, Document #2049

The container business forecasts, submitted by the Port of Vancouver, are not being realized. Worldwide container movements are shifting and even the lowest container business forecasts by the Port of Vancouver are not being met.

There are no economic benefits to taxpayers from the increased pollution and congestion RBT2 will cause in the lower mainland: double the number of trucks; taking away train transportation from other business; squeezing out Canada's lucrative bulk shipping; container transloading and storage on valuable agricultural and industrial lands; and loss of globally significant wildlife.

Cost to Taxpayers is \$3.5 billion and counting

Taxpayers will be expected to pay the \$3.5 billion cost and let the Port of Vancouver utilize public assets. Even if foreign investment is secured, taxpayer dollars will be required to fund millions in related infrastructure and mitigation measures. Tax dollars will be required to fund road and rail upgrades which will cause further congestion and pollution in the lower mainland.

Taxpayers have been funding the Asia-Pacific Gateway and Corridor Initiative (APGCI) for decades. In 2015, the federal government announced \$16.5 million for transportation infrastructure projects in B.C.:

"To date, the Government of Canada has invested close to \$1.4 billion in APGCI infrastructure projects.³⁴

The Deltaport Terminal Road and Rail Improvement Project and Truck Staging Project cost taxpayers \$18.3 million. Now the Port of Vancouver wants taxpayers to pay \$3.5 billion to destroy Fraser River estuary globally-significant habitat to funnel import containers from Asia, through Canada, to the U.S. About only 10% of containers arriving in Vancouver are for local use.

26. Conclusions of the Draft Summary Assessment Report gloss over devastating effects of RBT2

The B.C. Environmental Assessment Office (EAO) claims satisfaction that adverse effects related to provincial jurisdiction have been adequately assessed. As noted in the information provided above, this statement can be challenged as major factors were not assessed:

- a) subtidal wetlands
- b) cumulative effects on wetlands
- c) cumulative effects on the estuary and Salish Sea
- d) accountability to the B.C. Wildlife Management Area
- e) importance of biofilm to the health of the Fraser River Estuary
- f) 17 bird species listed on the Species at Risk Act or by the Committee of Endangered Wildlife in Canada (COSEWIC)
- g) cumulative effects assessment of all shorebirds (only 2 species of 50 were assessed)
- h) level of public concern
- i) accountability to designations; agreements; policies; and legislation

³⁴ Feds invest in Asia-Pacific Gateway infrastructure, July 29, 2015

<https://www.insidelogistics.ca/infrastructure/feds-invest-in-asia-pacific-gateway-infrastructure-141294/>

Other factors were not satisfactorily assessed:

- a) serious threats to human health from pollution affecting the lower mainland and the Salish sea
- b) light and Noise pollution that cannot be mitigated
- c) loss of fish and fish habitat
- d) effects on endangered southern resident killer whales
- e) 'threatened White Sturgeon'
- f) 'threatened Barn Owl'
- g) loss of agricultural land

The EAO states practical means have been identified to reduce any potential adverse effects of RBT2 to provincial jurisdiction. What practical means? The only means documented are monitoring, consultation, and planning. How does that reduce the documented, devastating effects on salmon, migratory birds, endangered species and human health?

The EAO acknowledges that not all effects would be fully mitigated:

- effects on wetlands and wetland functions;
- effects on juvenile chum and Chinook salmon;
- effect on human health due to chronic exposure of annual-average NO₂ (during the construction phase of RBT2); and
- contribution to additional greenhouse gas emissions in the Metro Vancouver area;

The EAO Draft Summary Report fails to raise a red flag warning of serious, unmitigable effects.

27. Resources and values in the Fraser Estuary and Salish Sea will no longer be available for future generations

The Draft Summary Assessment Report acknowledges some of the harm RBT2 will cause at Roberts Bank but fails to identify all effects and the implications to the health of the Fraser River Estuary and Salish Sea ecosystems. Under the heading, 'Resources or Values that may no Longer be Available for Future Generations':

The EAO acknowledges that there could be potential impacts to resources or values of importance to current and future generations. As described in the Panel Report, RBT2 would require the conversion of approximately 168.1 ha of intertidal and subtidal habitat on Roberts Bank in the Fraser River estuary, an ecologically productive and sensitive area of coastal British Columbia

Surely there will be a loss of Resources AND Values. This section glosses over the seriousness of the degradation that will definitively occur from the RBT2 Project.

The wording, "could be potential impacts" does not being to correlate with the seriousness of concerns raised by government and independent scientists, as well as the Review Panel, that warned effects will be **high in magnitude, permanent and irreversible**:

"The Panel considers that Project effect on wetlands and wetland functions would not be fully mitigated, which constitutes a residual effect on wetlands that is high in magnitude, permanent and irreversible."³⁵

³⁵ [Review Panel Report](#), RBT2 EA, Document #2062, March 27, 2020, Scrolled Page 176/627

“The Panel concludes that the Project will have an adverse residual effect on juvenile Chinook salmon due to migration disruption, coupled with minor adverse effects in the acoustic and light environments during construction and operations. This effect would be high in magnitude, local in extent, permanent in duration, and irreversible.”³⁶

Environment and Climate Change Canada, Submission 1775

Effects of RBT2 on biofilm and Western Sandpipers³⁷

Magnitude	High
Extent	Local/National
Duration	Permanent
Reversibility	Irreversible
Frequency	Continuous

Environment and Climate Change Canada, Submission 1146

“ECCC characterizes the Project’s residual adverse impacts on biofilm due to predicted changes in salinity as potentially high in magnitude, permanent, irreversible, and, continuous”³⁸

Independent Scientist, Dr. Kim Baird, Kahiltna Group:

“...RBT2 should not be constructed because doing so would probably irreversibly and negatively alter a vital marine area’s ecology”³⁹

Fisheries and Oceans Canada:

“Based on the Project information to date - including the large-scale destruction of fish habitat, the high degree of uncertainty in predictions of incidental benefits and the small-scale of proposed offset concepts – DFO’s view is that the goal of sustaining the ongoing productivity of fisheries will not be achieved.”⁴⁰

Review Panel Report: Noise Pollution:

“cumulative health effects due to noise from the Project would be **high in magnitude** since the Project would be adding to an already severely degraded environment with exceedances of several different human health thresholds across a large portion of the upland LAA, **irreversible (for operations), long-term** in duration, and **continuous**. Therefore, the cumulative effects on human health would be significant.”⁴¹

³⁶ IACC, RBT2 Environmental Assessment, [Review Panel Report](#), March 27, 2020, Document #2062, scrolled page 201/627

³⁷ ECCC, [Document # 1775](#), May 18, 2019, Slide 22/23

³⁸ RBT2 Environment Assessment, ECCC, [Document 1146](#), February 12, 2018, Page 14/16

³⁹ Kahiltna Group, [Document #1604](#), April 15, 2019, Scrolled Page 8/15

⁴⁰ RBT2 EIS, Fisheries and Oceans Canada, [Document # 1630](#), April 15, 2019, Scrolled Pages 74 & 75/207

⁴¹ [The Review Panel Report](#) , RBT2, Document #2062, March 27, 2020, Scrolled Page 415/627

Review Panel Report on Air Quality:

The Panel concludes that construction and operations of the Project would result **in exceedances of applicable air quality standards and guidelines for NO₂, PM_{2.5}, and contribute to exceedances of ozone.**⁴²

The BC EAO Draft Summary Assessment Report suggestion of monitoring and consultation as a remedy insults intelligence. The suggestions are illogical and evasive.

The B.C. EAO Draft Summary Assessment Report omits to report the documented severity and importance of the effects of RBT2.

RBT2 will alter the interactive, interdependent, complex processes in the Fraser Estuary where the fresh water blends with the tidal salt water creating unique, rich ecosystems. By failing to address the interactive estuarine processes, and by failing to provide a credible, meaningful cumulative effects assessment, the Governments of Canada and B.C. have denied due process. The assessment has failed to meet the legal requirement of identifiable, proven mitigation measures, and has failed to acknowledge that it is not possible to mitigate, or compensate, for deliberate destruction in the Fraser Estuary.

The **Precautionary Principle**, called for in CEAA 2012, has not been applied.

"A little integrity is better than any career."

Ralph Waldo Emerson

Submitted by the Boundary Bay Conservation Committee

The Boundary Bay Conservation Committee (BBCC) was established in 1988 to enhance public awareness of the Fraser River delta and estuary. We have worked with other conservation groups to obtain protection and recognition for this world class ecosystem.

⁴² Environmental Assessment of RBT2, [Review Panel Report](#), Document #2062, March 27, 2020, Scrolled Page 92/627