



February 14, 2022

Impact Assessment Agency of Canada
160 Elgin Street, 22 Floor
Ottawa, ON K1A 0H3

via email: conditions@iaac-aeic.gc.ca

To Whom It May Concern,

Re: Roberts Bank Terminal 2 Project (Reference Number 80054)

At the February 7, 2022 Regular Meeting, Delta Council endorsed the following recommendations in relation to the Roberts Bank Terminal 2 project:

A. THAT the federal government be requested to:

- i. postpone its decision on the Roberts Bank Terminal 2 project (RBT2) until it can be determined which of the proposed GCT Deltaport Berth 4 project (DP4) and the proposed RBT2 project will have fewer adverse environmental and community impacts; or
- ii. deny approval of RBT2 based on:
 - the Federal Review Panel Report which, among other things, concludes that the project would result in numerous adverse residual and cumulative effects, and that many of those effects would be significant and unable to be mitigated;
 - Environment and Climate Change Canada's (ECCC) concerns that some adverse effects will be "*immediate, continuous and cannot be mitigated*" and that impacts on biofilm could have species-wide impacts on migratory birds.

B. THAT City of Delta reiterate previous requests for the federal and provincial governments to undertake a regional environmental assessment of the Fraser River estuary and Salish Sea, and develop a long-term environmental management plan for the region to guide conservation efforts and sustainable development, consistent with recommendations in the Federal Review Panel Report.

C. THAT Delta's comments regarding the draft federal conditions, as detailed in Attachment A, be forwarded to the Impact Assessment Agency of Canada (IAAC) and the BC Environmental Assessment Office (BCEAO).

To hear discussion and comments regarding this report, please click on the following link: [Regular Council Meeting - February 7, 2022 \(granicus.com\)](#) (discussion starts at 30:47). A copy of the council report, dated January 4, 2022, is also enclosed. Delta's comments on the draft federal conditions are included as Attachment A to the report.

Thank you for the additional opportunity to provide feedback on this significant project proposal.

Yours truly,



George V. Harvie
Mayor

Enclosure

cc: Brendan Mather, Project Lead, BC Environmental Assessment Office
Delta Council
Sean McGill, City Manager
Mel Cheesman, Director of Corporate Services



City of Delta
COUNCIL REPORT
Regular Meeting

F.07

To: **Mayor and Council**

From: **Corporate Services Department**

Date: **January 4, 2022**

Roberts Bank Terminal 2 Project - Final Public Comment Period

The following report has been reviewed and endorsed by the City Manager.

▪ **RECOMMENDATIONS:**

A. THAT the federal government be requested to:

- i. postpone its decision on the Roberts Bank Terminal 2 project (RBT2) until the environmental and community impacts of the proposed GCT Deltaport Berth 4 project (DP4) have been reviewed; or
- ii. deny approval of RBT2 based on:
 - the Federal Review Panel Report which, among other things, concludes that the project would result in numerous adverse residual and cumulative effects, and that many of those effects would be significant and unable to be mitigated;
 - Environment and Climate Change Canada's (ECCC) concerns that some adverse effects will be "*immediate, continuous and cannot be mitigated*" and that impacts on biofilm could have species-wide impacts on migratory birds.

B. THAT City of Delta reiterate previous requests for the federal and provincial governments to undertake a regional environmental assessment of the Fraser River estuary and Salish Sea, and develop a long-term environmental management plan for the region to guide conservation efforts and sustainable development, consistent with recommendations in the Federal Review Panel Report.

C. THAT Delta's comments regarding the draft federal conditions, as detailed in Attachment A, be forwarded to the Impact Assessment Agency of Canada (IAAC) and the BC Environmental Assessment Office (BCEAO).

D. THAT copies of this report be forwarded to the Mayor's Youth Council and the Climate Action and Community Liveability Advisory Committee for information.

▪ **PURPOSE:**

The purpose of this report is to update Council on (i) new information provided by Vancouver Fraser Port Authority (VFPA) on the RBT2 project, and (ii) the draft federal conditions that are being proposed should the project be approved.

▪ BACKGROUND:

In March 2020, the RBT2 Federal Review Panel submitted its final report to the Minister of Environment and Climate Change (the Minister). In August 2020, the Minister requested that VFPA provide additional information about project impacts and mitigation, and the deadline for a decision on the project was put on hold. In November 2021, VFPA submitted its response to the Minister's questions.

▪ DISCUSSION:

On December 15, 2021, the Impact Assessment Agency of Canada (IAAC) announced a public comment period on the Port's response to the Minister's request for additional information, and on the draft potential environmental assessment conditions that are being proposed should the project be approved. The deadline for comments is February 13, 2022.

Additional Information Provided by VFPA:

More than 2,500 pages of additional information has been submitted for review (available at <https://iaac-aeic.gc.ca/050/evaluations/document/141453>). This information represents more than a year of technical work and continued engagement with regulators, indigenous groups and local governments. Most of the issues relate to mitigation and offsetting, biofilm and effects on birds, effects on marine mammals and fish, and consultation with Indigenous groups. Some additional proposals include:

- A proposed increase of offsetting habitat from 29 hectares to 86 hectares to compensate for impacts to fish and fish habitat (the Westham Island-Canoe Pass tidal marsh project is included as an offset despite uncertainty that the project will go ahead due to unresolved concerns from the Delta Farmers' Institute).
- Additional noise and light mitigation measures to protect fish and Southern Resident Killer Whales (SRKW).
- A causeway breach feasibility study to facilitate fish migration.
- A requirement for vessels destined for RBT2 to participate in the Port's Enhancing Cetacean Habitat and Observation (ECHO) program.
- The development of a \$30 million Prey Abundance Fund to support the availability of Chinook salmon for SRKW, which will be developed in collaboration with Indigenous groups and federal agencies.

Should the project be approved, the implementation of the additional mitigation and offsetting measures proposed by the Port would help to further reduce the negative impacts of the project. These measures are set out in over 2,500 pages of material and, as noted as above, result from significant further engagement and technical work by the Port. Based on the conclusions of the Federal Review Panel Report and the ongoing concerns of Environment and Climate Change Canada, however, those additional mitigation and offsetting measures do and cannot substantially address some of the key environmental concerns identified through the assessment project. Key concerns raised by Delta and by Mayor Harvie during his presentation to the Federal Review Panel in May 2019, including:

- the lack of a multi-jurisdictional port policing authority (reflected in Panel recommendation # 48);
- the need for increased Canadian Border Services Agency resources; and
- increased pressure on Delta's agricultural land,

also remain unaddressed. These concerns are noted in the comments to be forwarded to the IAAC and BCEAO (Attachment 'A'), as further discussed below. In light of the foregoing, Delta's previously-stated positions that:

- a decision should be postponed pending completion of the DP4 environmental assessment; and
- RBT2 should be denied based on the conclusions of the Federal Review Panel,

continue to apply.

A decision to proceed with RBT2 would have significant impacts on the environment, as outlined in the Review Panel report, as well as a range of impacts on the local community, both positive and negative. The environmental assessment process for DP4 has another 2-3 years before completion, at which time a comparative assessment of the two projects could be undertaken.

Given the magnitude of these proposed port expansions, planning timeframes in multiples of decades, and billions of dollars in investment, this should not be considered an unreasonable delay, especially if it results in the best option for the environment and the community.

A delay would also provide time for the federal and provincial governments to respond to outstanding requests to undertake a regional assessment of the Fraser River estuary and Salish Sea, and develop a long-term plan to guide conservation efforts, climate change adaptation, and future sustainable development in the region. This could include the re-establishment of an inter-governmental agency, similar to the Fraser River Estuary Management Program, to coordinate environmental management review and interagency communication for projects that could impact the estuarine or marine environment.

It is therefore recommended that Delta reiterate its previous requests to the federal government regarding the RBT2 project (Recommendation A) and a regional environmental assessment (Recommendation B).

Draft Federal and Provincial Conditions:

The Impact Assessment Agency of Canada has provided 48 pages of draft conditions that would become legally binding on VFPA should RBT2 be approved (<https://www.iaac-aeic.gc.ca/050/evaluations/document/142133?culture=en-CA>). The Technical Advisory Group, comprising federal and provincial agencies, Metro Vancouver and local governments, including Delta, has been providing feedback on both federal and provincial draft conditions as they have been developed over the last 18 months. A list of outstanding comments is provided in Attachment 'A' and it is recommended that these comments be provided to the IAAC and BCEAO (Recommendation C).

Implications:

Financial Implications – none.

▪ CONCLUSION:

The additional information provided by the proponent with respect to RBT2 does not substantially address concerns regarding the project as outlined in the Federal Review Panel Report and by Environment and Climate Change Canada and therefore does not alter Delta's previously stated position that a decision should be postponed until a comparative analysis with the DP4 project has been undertaken, or failing that, be denied based on the expected adverse environmental and community impacts. It is recommended that Delta continue to advocate for a development of a more flexible process that would facilitate better informed decision-making and better outcomes for the environment and community.



Mel Cheesman

Director of Corporate Services

Department submission prepared by: Bernita Iversen, Manager of Corporate Policy

▪ ATTACHMENT:

A. Comments on draft federal conditions

COMMENTS ON DRAFT FEDERAL CONDITIONS FOR RBT2

Federal condition (paraphrased)	Previous staff comment	Updated comment
Use of qualifier "technically and economically feasible".	The use of this term can be problematic when there are different opinions as to what constitutes technical and economic feasibility. Authority to determine feasibility is not assigned; however, it is typically the proponent who makes the decision. The ongoing issue of burying the overhead power lines along the causeway is an example ¹ .	Acknowledge this is standard terminology used in most federal certificates, but reiterate concern.
2.10 Proponent is required to submit annual reports, including a plain language executive summary.	Requested that the federal government provide an assessment of each annual report, including the Agency's determination of compliance status, issues of concern and corrective actions.	Reiterate request.
3.2.4 Proponent is required to review existing voluntary and incentive-based greenhouse gas reduction programs, and indicate if they could be improved to include mandatory measures.	To more proactively air quality and noise concerns, Delta has asked that more aggressive measures be taken to accelerate the use of shore power, including more incentives for ships to use shore power and a mandated phasing-in period for the use of shore power similar to those being implemented at ports in California.	Reiterate request.
4.1 The proponent is required to monitor noise and vibration and implement mitigation measures where Health Canada guidelines are exceeded.	Mitigation options are often extremely limited, either because the noise source cannot be identified or is not under the control of the port.	4.3.6 requires noise mitigation at source or at any receptor location where sound levels exceed

¹ There is a longstanding issue with existing overhead power lines where Delta and other groups and agencies have asked that they be buried along the causeway to reduce the risk of bird collisions and mortalities. This issue was identified as a concern by the Federal Environmental Assessment Review Panel in 1979 and subsequently in 1996, when the Panel recommended that "the Vancouver Port Corporation, BC Hydro and appropriate provincial and federal government agencies develop and implement a strategy to phase out overhead power lines on the Roberts Bank causeway by the year 2002". Since that time, various studies have been undertaken and bird diverters and spiral vibration dampers have been placed on the lines. A 2005 study into the effectiveness of these measures was determined by Environment Canada to be inadequate in 2010. Nevertheless, the issue of bird mortalities continues to be of concern for Canadian Wildlife Service as well as local birders and biologists.

Federal condition (paraphrased)	Previous staff comment	Updated comment
	Requested that mitigation options include receptor locations (house, school) in addition to source locations.	predicted levels or human health thresholds. Issue addressed.
4.4 The proponent is required to develop a protocol for communicating about noise, and receiving and managing complaints.	Communication relating to noise is important to reduce complaints and manage public expectations. Delta asked to be consulted on the protocol.	The proponent will develop the noise protocol in consultation with City of Delta. Issue addressed.
5.1.7 The proponent is required to implement measures to “reduce effects caused by light emitted from the marine terminal on Brunswick Point”.	At night Brunswick Point will be significantly impacted by terminal lighting; however, no specific mitigation options have been identified by either the proponent or the Agency. Requested clarification on this.	Reiterate request.
13.8 The proponent is required to participate in any regional initiative related to the prevention, monitoring and compensation of any adverse environmental effect attributable to the project on ALR properties located adjacent to the designated project area.	Staff is concerned about the vagueness of this condition but note that this issue is addressed in the draft provincial conditions which would require the proponent to develop an Agricultural Management Plan and an Agriculture Land Offsetting Plan to address RBT2 impacts on land in the ALR.	Addressed by draft Provincial condition. Note, however, that Delta’s broader concern that agricultural land is under pressure from port-related development is not addressed. The proponent has stated that the construction of the project will require 2,500 acres of well-located developable industrial land, and that it would consider using agricultural lands as a ‘last resort’ to accommodate this.
18. Environmental Monitoring Committee	The formation of this committee appears to be discretionary.	Request that an Environmental Monitoring Committee be made a requirement of project approval.

Other Comments:

What mechanism is in place to ensure that the following Panel recommendations are acted upon in a timely manner:

- Panel recommendation # 48: the development of a multi-jurisdictional port policing authority.
- Panel recommendation # 54: the development/implementation of a charter to minimize visual effects of port expansions and promote social acceptance.
- Panel recommendation # 68: the development/implementation of intergovernmental management programs for the improvement and long-term environmental management of the Fraser River estuary and the Salish Sea.

- Panel recommendation # 69: will the federal government ensure that there is adequate funding to pursue the Cumulative Effects of Marine Shipping Initiative of the Ocean's Protections Plan?
- Panel recommendation # 70: the undertaking of regional environmental assessments for the Salish Sea and lower Fraser River.