

Delta Optimist



PHOTO BY JULIE NERSON

a metal lamp standard are all that remain at the scene of a bus accident on Good Friday morning. The Lines bus was on its way to the Tsawwassen ferry terminal around 6:30 a.m. when it hit the lamp stan- way 17 near 56th Street. Fortunately, no one suffered serious injury, although 10 of the 25 passengers at Delta Hospital, with three going to Vancouver General Hospital. The RCMP freeway patrol is continuing ion, although drugs and alcohol have already been ruled out as causes.

Port impacts minimized as review split

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Documents show bureaucrats separated Terminal 2 and Deltaport so full effects of Roberts Bank expansion not studied

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Department of Fisheries and Oceans lawyers advised the Vancouver Port Authority how to circumvent part of the environmental review for its Roberts Bank expansion plans, the *Delta Optimist* has learned.

In a series of confidential e-mails dating back to October of 2004, Environment Canada officials became concerned when the DFO and the Canadian Environmental Assessment Agency advised the VPA it could remove

Terminal 2 from the cumulative effects study on the Deltaport Third Berth project even though its inclusion is mandated under federal legislation.

Environment Canada staff emphasized they are required to include future projects on massive developments if there is some degree of "certainty" or a "reasonably foreseeable" chance the project would proceed.

Environment Canada staff were under the impression Terminal 2, a separate three-berth terminal, was a go — and for good reason.

Since the port authority announced its \$1 billion expansion plan in 2002, both projects,

the third berth at Deltaport and Terminal 2, were discussed in tandem. However, that changed in early 2005 following the port authority's confidential discussions with the DFO and Canadian Environmental Assessment Agency.

It was at that time, in early 2005, the scoping document, outlining what would be studied, was amended to exclude most of the

cumulative effects of Terminal 2. They argued Terminal 2 would go through its own environmental assessment, but Environment Canada staff had a problem with that.

They emphasized that if Terminal 2 was included in the study on the Deltaport expansion, the public would get a more complete picture of the potential impacts.

Delta-Richmond East MP John Cummins has not seen the documents, but said if it's true that federal officials advised the port authority on certain aspects of the environmental review, then "it's an outrageous betrayal of their mandate."

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entous way," he said. Cummins said he intends writing to the new Fisheries minister, fellow conservative MP Loyola Jeune, about the issue. Susan Jones, a member of the Boundary Bay Observation Committee, said it is an opportunity for the minister to make things right. Her group has been calling on the federal and provincial governments to

include Terminal 2 in the environmental review of the Deltaport expansion. Jones said it's shocking that federal bureaucrats manipulated the environmental process. "The process was unjustly altered by government bureaucratic interference on behalf of the proponent," Jones said. The internal government e-mails obtained by the *Optimist* reveal a serious disagreement among federal

bureaucrats. After receiving a copy of a letter written by the VPA's Patrick Moloughlin, under advisement from DFO lawyers Lisa Walls, a senior manager with Environment Canada, asked her staff for advice. In an Oct. 23 e-mail, Walls wrote: "Here is a draft letter from VPA explaining the likelihood of T2. I seek your advice on whether this letter would provide sufficient rationale to remove T2 from the cumulative effects assess-

ment for Deltaport Third Berth expansion. Are you in agreement with this?" The two staff members she asked, Adam LaRue and Marie Mothersen, did not agree. LaRue, in a five-page memo to his boss, said under the Canadian Environmental Assessment Act, every assessment shall include "any cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be

carried out." LaRue argued the federal government's own Operational Policy Statement states projects which are certain or reasonably foreseeable should be considered in a cumulative effects assessment. Projects that are hypothetical may be considered. The draft letter from the port authority, he said, was vetted by DFO lawyers, downplayed the likelihood of Terminal 2 proceeding, allowing it to fall under "hypothetical"

definition. LaRue, in his interim memo, argued the VPA consistently stated its intent to proceed with Terminal 2 and had even issued a letter of intent to the Canadian Environmental Assessment Agency. During a conference however, DFO officials missed the VPA's intent as "irrelevant" because it was made provincial agency. The *Optimist* reached VPA before yesterday.