

Thomas, Alison [PYR]

From: LaRusic, Adam [PYR]
Sent: Monday, November 22, 2004 4:11 PM
To: Walls, Lisa [PYR]
Subject: FW: Track Report on Deltaport

Latest responses to Don's questions re: comp study process:

How will ENGO concerns about lack of panel be addressed?

- The comprehensive study will adequately assess all environmental effects of the project. The proponent, Vancouver Port Authority (VPA), is undertaking several studies, including, air emissions from traffic and marine vessels, water quality, sediment quality, geomorphology, marine wildlife and terrestrial wildlife.
- The comprehensive study offers substantial opportunity for public participation including consultation during the preparation of the scope of the environmental assessment, during the preparation of the comprehensive study, and during the comment period administered by the Agency on the completed comprehensive study report.
- Many of the public comments referred to the much larger Terminal 2 project proposed by VPA, which is about a year behind Deltaport in development. Also, Terminal 2 will undergo its own environmental assessment review pursuant to BC and federal legislation, in addition to the environmental assessment of the smaller Deltaport project.
- Many of the concerns of local ENGOs, such as their desire for a designated Wildlife Management Area, are not directly related to the project, but to ongoing concerns with the existing terminal.

Does our Minister need to make a decision when he gets the track report and how will our advice be provided to him?

Section 21.1 requires that the Minister of the Environment either refer the project to the Responsible Authority (DFO and EC) so that it may continue as a comprehensive study or refer the project to a mediator or review panel. In making his decision the Minister shall consider the Track Recommendation Report and:

- (i) the scope of the project, the factors to be considered in its assessment and the scope of those factors,
- (ii) public concerns in relation to the project,
- (iii) the potential of the project to cause adverse environmental effects, and
- (iv) the ability of the comprehensive study to address issues relating to the project.

In this case, the Track Recommendation Report is being submitted by DFO (as the lead Responsible Authority) with a Letter of Concurrence from EC.

Cheers

Adam

2/10/2005

we are still awaiting the Draft Track Recommendation Report from DFO HQ. However I heard from Jeff Johansen (Major Projects Unit, DFO Pacific Region) that DFO HQ, upon legal review, is of the opinion that Terminal 2 (T2) should be scoped out of the cumulative effects assessment because the T2 project will undergo an assessment of its own when the project triggers CEAA. Note that this would entail going back out to public comment on the proposed scope of the project, since the original scoping document included T2.

I spoke with Georgina Naismith (CEAA, Vancouver), who told me that it was her (unofficial) opinion that Terminal 2 should be dealt with as a "separate stream" under the current scoping and that we shouldn't go back to a public comment period.

Environment Canada, as a Responsible Authority, will have to weigh in on this matter. This is just a heads-up (since we haven't received the Draft Track Recommendation from DFO yet) that we should start considering how we are going to approach this now. Do we agree with the DFO approach? Should we vet the Track Recommendation through our legal people?

Adam

Adam La Rusic, P.Eng
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Vancouver, BC V6C 3S5

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Note de service Memorandum

A/TO: Lisa Walls
A/Manager
PPAD, EPB
Pacific and Yukon Region

PRÉPARÉ PAR/
PREPARED BY: Adam La Rusic
SÉCURITÉ/
SECURITY: UNCLASSIFIED /
SANS
CLASSIFICATION

DE/
FROM: Adam La Rusic
Senior Env. Assessment Engineer
PPAD, EPB
Pacific and Yukon Region

DOSSIER/FILE: 2-4191-11-1
DATE: 10/21/2004

OBJET/
SUBJECT: Deltaport Third Berth Expansion - Scope of the Cumulative Effects Assessment

This memorandum states my position on the scope of the cumulative effects assessment for the proposed Deltaport Third Berth Expansion project. Specifically, it argues that the proposed Terminal 2 project should be included in the cumulative effects assessment and, if Terminal 2 is removed from the scope of the cumulative effects assessment, then the scoping document should be sent back out for public consultation.

The relevant legislation and policy are:

- *The Canadian Environmental Assessment Act.*
- *Operational Policy Statement: Addressing Cumulative Environmental Effects under the Canadian Environmental Assessment Act.* Canadian Environmental Assessment Agency. March 1999. OPS-EPO/3- 1999.
- *Cumulative Effects Assessment Practitioners Guide Prepared for: Canadian Environmental Assessment Agency.* February 1999. Prepared by: The Cumulative Effects Assessment Working Group (Hegmann, G., C. Cocklin, R. Creasey, S. Dupuis, A. Kennedy, L. Kingsley, W. Ross, H. Spaling and D. Stalker) and AXYS Environmental Consulting Ltd.

All of these references are available on the Canadian Environmental Assessment Agency website.

Scope of Cumulative Effects Assessment

The relevant part of the Act is paragraph 16(1)(a) of the Act, which states:

"Every screening or comprehensive study of a project and every mediation or assessment by a review panel shall include a consideration of the environmental effects of the project, including ... 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."

The Operational Policy Statement states that it was "issued by the Canadian Environmental Assessment Agency ... to provide clarification and guidance to responsible authorities (RAs) on how cumulative environmental effects should be considered in environmental assessments conducted under the *Canadian Environmental Assessment Act*" and is the senior policy document, apart from the legislation, of the references listed above.

The Operational Policy Statement reads that projects which are "certain" or "reasonably foreseeable" should be considered in a cumulative effects assessment. Projects that are "hypothetical" may be considered.

The Practitioners Guide (page 37) defines "certain" as:

- The action will proceed or there is a high probability the action will proceed;
- intent to proceed officially announced by proponent to regulatory agencies;
- submission for regulatory review is imminent;
- currently under regulatory review for approval; and,
- approved.

"Reasonably foreseeable" is defined as:

- The action may proceed, but there is some uncertainty about this conclusion;

- Not directly associated with the project under review but may proceed if that project is approved;
- Identified in an approved development plan in which approval is imminent;
- Identified in an approved development plan; and
- Directly associated with the project under review, but is contingent upon its approval

"Hypothetical" is defined as:

- There is considerable uncertainty whether the action will ever proceed;
- Conjectural based on currently available information; and,
- Discussed on a conceptual basis.

It is critical to note that these descriptors apply to whether or not the project will proceed, not to the level of detail of design that the proposed project has reached.

Based on the above it is clear that Terminal 2 would fall into the category of "certain." The proponent has officially stated to regulatory agencies of their intent to proceed, notably a Letter of Intent to proceed with the environmental assessment of the project from the proponent to the BC Environmental Assessment Office (BC EAO) on February 23, 2003. In their most recent draft correspondence to Fisheries and Oceans Canada, they have stated that submission for regulatory review of Terminal 2 is imminent.

Note that representatives of Fisheries and Oceans Canada stated in an October 15, 2004 conference call with Environment Canada and the Canadian Environmental Assessment Agency conference call that the Letter of Intent to the BC EAO and the BC EAO "Section 10" response were irrelevant as the BC EAO is a provincial agency. However, the Practitioner's Guide makes no distinction between regulatory agencies of federal, provincial or regional jurisdiction.

Material provided by the Terminal 2 proponent (VPA), including promotional material, press releases, public statements by senior managers, and website materials all indicate that it is intent on proceeding with the Terminal 2 project.

The proponent has publicly stated that several engineering and environmental studies have been or are being undertaken with respect to Terminal 2.

Terminal 2 is still in its early design stages, however it is also evident that the project is "certain" to proceed, based on definitions provided in Canadian Environmental Assessment Agency policy documents.

One of the arguments used in favour of removing Terminal 2 from the cumulative effects assessment is that Terminal 2 will undergo a detailed environmental assessment of its own in the future, and therefore considering at this point, when designs have not been finalized, is redundant and inefficient. This precedent would allow other proponents to successfully argue against including all manner of future projects in their cumulative effects assessments, and would eventually defeat the purpose of including future projects in the cumulative effects assessment.

Policy clearly indicates that Terminal 2 should be included by a Responsible Authority in a cumulative effects assessment.

Need for Further Public Consultation

The Fisheries and Oceans Canada position that it is not necessary to go back to the public if T2 were removed from the scope of the assessment due to its uncertainty does not accord with either the intent or the letter of the *Canadian Environmental Assessment Act* (CEAA).

Commitment to public participation is a key feature of CEAA as stated in the preamble:

"the Government of Canada is committed to facilitating public participation in the environmental assessment of projects to be carried out by or with the approval or assistance of the Government of Canada and providing access to the information on which those environmental assessments are based;"

Specifically, the legislation requires, for a comprehensive assessment, that the public be *consulted* on the scope of the project. Subsection 21(1) of the *Act* states:

"Where a project is described in the comprehensive study list, the responsible authority shall ensure public consultation with respect to the proposed scope of the project for the purposes of the environmental assessment, the factors proposed to be considered in its assessment, the proposed scope of those factors and the ability of the comprehensive study to address issues relating to the project."

The removal of T2 from the scope of the assessment is clearly a change in the "factors proposed to be considered in [the] assessment", as Terminal 2 was explicitly mentioned in the original scoping document upon which the public provided comments. Many public responders specifically mentioned Terminal 2 in their comments.

The Act states that the public must be consulted, as opposed to merely informed. Valid consultation must be meaningful. It is my opinion that removing a major factor from the environmental assessment scope without reissuing the scope for public comment would not be meaningful consultation on the scope of the project.

If T2 were removed from the scope of the assessment for any reason, that Act would require that Responsible Authorities consult with the public on this change.

Thank you for the opportunity to comment on this issue. Please contact me at (604) 666-8342 if you have any questions.

Nov 2004
(For Information)

MEMORANDUM TO MINISTER

ENVIRONMENTAL ASSESSMENT OF THE DELTAPORT THIRD BERTH PROJECT

PURPOSE

To inform the Minister's decision regarding the environmental assessment review track for the Deltaport Third Berth Project proposed by the Vancouver Port Authority (VPA). Under section 21.(2) of the *Canadian Environmental Assessment Act*, Environment Canada, in its capacity as a Responsible Authority, must report and recommend to the Minister with respect to the ability of the comprehensive study to address the effects and public response to this proposed project.

SUMMARY

- The Deltaport Third Berth Project, located in the Fraser River estuary, includes the creation of 20 hectares of new land, construction of a wharf, dredging of a ship channel, road and rail lines and ancillary works.
- An assessment of the Deltaport Third Berth Project commenced in June 2004 under the *Canadian Environmental Assessment Act* (CEAA). Since the Project is also subject to the *B.C. Environmental Assessment Act*, a cooperative assessment is being undertaken in accordance with the Canada-British Columbia Agreement for Environmental Assessment Cooperation.
- The Responsible Authorities, Fisheries and Oceans Canada (DFO) and Environment Canada, recommend that the assessment proceed by way of a comprehensive study.
- The proposal for Terminal 2, a much larger VPA container ship terminal at Roberts Bank, is anticipated to be submitted in 2005.

CURRENT STATUS

The Track Report produced by DFO along with the Letter of Concurrence from Environment Canada (Annex 2) recommends that the assessment of the Deltaport project proceed by way of a comprehensive study pursuant to CEAA. Other options included assessment by way of a mediator or by panel review. The recommendation is based on the scope of the project, the potential environmental effects of the project, the ability of the comprehensive study to address the effects, and response to public consultation.

The Regional Director General, Pacific and Yukon Region, has signed a Letter of Concurrence on the Track Report and recommendation for the Deltaport Project. The ADM EPS and the Associate DM have also reviewed and approved the Track Report and recommendation.

✓
In addition to the Deltaport expansion, VPA is also planning to develop a new, much larger, container terminal at Roberts Bank called Terminal 2. This planned project has not yet reached the assessment stage. EC concerns centre on the potential impact of the proposed Terminal 2 development on the integrity of the Roberts Bank ecosystem and its ability to support important migratory bird populations. Terminal 2 will be included in the cumulative effects assessment of the Deltaport assessment, albeit in a highly qualitative manner.

DEPARTMENTAL POSITION

Environment Canada has determined that a comprehensive study will adequately assess potential impacts of the project.

Environment Canada, as a Responsible Authority for this project, will conduct an evaluation of the Third Berth Expansion Project to determine whether the project can proceed without significant adverse environmental effects.

The foreshore, intertidal and sub-tidal areas of Roberts Bank constitute critical habitats for internationally significant populations of migratory birds. Canadian Wildlife Service will be involved in assessing potential impacts of the proposed expansion on birds.

NEXT STEPS

Responsible Authorities will contact key stakeholders who submitted comments to inform them of the Minister's environmental assessment track decision and rationale prior to the public announcement of the decision.

If the process proceeds as a comprehensive study, VPA intends to submit an environmental assessment report in November of 2004. They are hoping for the review of the report and decisions by government agencies to be completed by summer 2005. VPA wants to start construction in the fall of 2005, and start operating by summer of 2008.

Environment Canada will review the assessment report and determine whether the project can proceed without significant adverse environmental effects.

Samy Watson

BACKGROUND

A CEAA review of the Deltaport expansion project was triggered by DFO on June 14, 2004. The project is undergoing a harmonized assessment process with the BC Environmental Assessment Office. The Canadian Environmental Assessment Agency is the Federal Environmental Assessment Coordinator for the project.

VPA is a Canada Port Authority as defined under the *Canada Marine Act*. As a result, VPA has responsibility under the Canada Port Authority Environmental Assessment Regulations of CEAA to also carry out an environmental assessment of the expansion project.

At the conclusion of the review, the Responsible Authorities will decide whether the project, together with any proposed mitigative measures, is likely to cause significant adverse environmental effects.

Marine vessel emissions are likely to increase due to increased traffic with the addition of a third berth and are expected to be a focus of the Georgia Basin-Puget Sound International Airshed Strategy.

Tsawwassen First Nation (TFN) was involved in ongoing litigation with Vancouver Port Authority with respect to construction of the existing Deltaport, but the Memorandum of Agreement between VPA and TFN negotiates settlement of lawsuits brought by the TFN against the VPA, the Government of Canada, the Government of B.C. and related entities for the development and operation of port and ferry terminal facilities at Roberts Bank.

VPA and Tsawwassen First Nation (TFN) announced November 10, 2004 that a \$47 million Memorandum of Agreement has been signed by the two parties to resolve an outstanding legal dispute and clear the way for future port development in the area. The Agreement still requires ratification by the TFN membership.

A separate Vancouver Port Authority proposal for an entirely new and much larger Terminal 2 development in the Fraser River estuary is anticipated to be submitted in 2005.

The National Harbours Board started construction of the Roberts Bank Superport, a 4 km causeway and 20 hectare artificial island, in 1968. No environmental assessment was conducted, although expansions underwent environmental assessments through various processes. Notably, a major expansion to increase the size of the port from 20 to 106 hectares underwent an assessment through the Federal Environmental Assessment Review Office panel, which released its report in 1979. The Deltaport Container Terminal, which was the development of unused parts of the port for container shipping, underwent a Vancouver Port Corporation environmental assessment in 1992 and was completed in 1997.

Drafting Officer's Name:
Branch/Division:
Phone No:

Adam La Rusic
EPB / PYR
(604) 666-8342

ANNEX I

SUPPLEMENTAL INFORMATION



Figure: Proposed Deltaport and Terminal 2 Projects

Briefing Note for Deputy
Minister

Nov 2004

October 20, 2004

Attention:
Kim Houston, A/Senior Advisor
Ontario, BC/Yukon
Habitat Management
Oceans Sector
Fisheries and Oceans Canada
200 Kent Street
Ottawa ON K1A 0E6

Dear Ms. Houston:

Re: Deltaport 3rd Berth Project
Roberts Bank, Delta, British Columbia

The purpose of my letter is to provide additional information to the environmental agencies to assist in determining the environmental assessment requirements and review process for VPA's proposed Deltaport 3rd Berth project at Roberts Bank.

VPA has proposed two container terminal projects at Roberts Bank including the Deltaport 3rd Berth and Container Terminal 2 (Terminal 2) projects. The Deltaport 3rd Berth project is an expansion of an existing container terminal facility for the current terminal operator. Terminal 2 is a proposed new three-berth container terminal. The two projects are completely independent of one another in all aspects including site location, terminal configuration, environmental study and impact assessment, construction, operation and development schedule.

Over the last year, VPA has been able to fully describe the project components required for the proposed Deltaport 3rd Berth project including the project location, terminal configuration and on-site services as well as off-site road and rail improvements. VPA is currently preparing an environmental assessment report for the Deltaport 3rd Berth project that will propose mitigation to deal with all known environmental impacts. The environmental assessment report will be submitted for a harmonized federal-provincial review in mid-November 2004.

The Terminal 2 project is included in VPA's container terminal expansion program for the Port of Vancouver but the planning for this terminal is not as advanced as the Deltaport 3rd Berth project. VPA has identified the preferred location for Terminal 2 but not the terminal configuration, the on-site services or the offsite road and rail requirements. Extensive engineering and feasibility studies will be required in order to determine each of these components and scope the complete project before undertaking

environmental impact and mitigation studies. This process is further complicated by the fact that VPA does not control the process for defining road and rail improvements. The result is that VPA has not determined the scope of the Terminal 2 project nor defined the scope of the eventual environmental assessment.

We anticipate that it will take at least a year to define the project scope for Terminal 2 and longer to complete an environmental assessment. The Terminal 2 project would be subject to its own harmonized federal and provincial environmental assessment process at which time the cumulative effects of Terminal 2, the Deltaport Third Berth project, and other projects that may either be in the application process or approved at time of application, would be assessed.

I trust this information will assist the environmental agencies in determining the assessment process for the Deltaport Third Berth Project. Should you require further information or clarification on this matter please feel free to contact the undersigned : 604-665-9044.

Yours truly,

Patrick McLaughlin
Director, Container Development Group
Vancouver Port Authority

lolme,Elena [PYR]

From: Walls,Lisa [PYR]
Sent: October 21, 2004 11:35 AM
To: LaRusic,Adam [PYR]; McPherson,Morag [NCR]; Waters,Susan [NCR]
Cc: Hobby,Bev [PYR]
Subject: FW: draft letter clarifying the status of Terminal 2

1
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 assessment for Deltaport Third Berth Expansion on the basis that it is hypothetical, rather than certain or reasonably foreseeable. Also, DFO has advised VPA that if the letter, T2 could be removed from the scoping document without the need to go back for public consultation. Do you agree with this? Lisa

-----Original Message-----

From: Desjardin, Darrell [mailto:Darrell.Desjardin@portvancouver.com]
Sent: October 20, 2004 8:31 AM
To: Kim Houston (E-mail)
Cc: Scott,Paul [CEAA]; Naismith,Georgina [CEAA]; Jeff Johansen (E-mail); Walls,Lisa [PYR]; McLaughlin, Paul
Subject: draft letter clarifying the status of Terminal 2

Kim,

Please find attached a copy of a draft letter clarifying the status of Terminal 2. I am just wondering whether it should be jointly addressed Environment Canada as well as the other RA? As discussed I have included everyone that was present on the Monday conference call as well as Lisa Walls from Environment Canada in the recipient list.

If you have any questions please feel free to give me a call.

Regards,

Darrell

Darrell Desjardin
Manager - Environment
Container Development Group
Vancouver Port Authority
Tel: 604.665.9334
Fax: 604.665.9339
darrell.desjardin@portvancouver.com

10/02/2005

-----Original Message-----

From: Elner,Bob [PYR]
Sent: Wednesday, October 20, 2004 11:37 AM
To: Kluckner,Paul [PYR]
Cc: Parker,Nadine [PYR]; Butler,Rob [PYR]
Subject: FOR YOUR APPROVAL: VPA letter

Paul: A letter to Vancouver Port Authority for your signature please. The particular issue is evident from the letter but the intent is not only to head off yet another VPA environmental dodge of responsibility but also to re-state EC resolve in light of an even bigger prospective confrontation on the proposed terminal 2 development. Preliminary modelling on the latter indicates an alarming disruption of processes over the remaining part of Roberts Bank closest to the Fraser that could put the whole Western Sandpiper migration at risk. Bob

-----Original Message-----

From: Parker,Nadine [PYR]
Sent: Wednesday, October 20, 2004 10:01 AM
To: Elner,Bob [PYR]
Subject: VPA letter

See attached.

Nadine

Nadine Parker
Environmental Assessment Officer
Canadian Wildlife Service
PWRC, RR#1 5421 Robertson Road
Delta, BC V4K 3N2

Phone 604 940 4685
Fax 604 946 7022

Email nadine.parker@ec.gc.ca

Patrick McLoughlin
Director, Container Development Group
Vancouver Port Authority
1900-200 Granville Street
Vancouver V6C 2P9

October 20, 2004

Dear Patrick

With regard to the Environmental Assessment of the Delta Port Third Berth Expansion Project, Environment Canada wishes to reiterate our recommendation concerning information that should be included in the project environmental assessment to address the potential for eutrophication of the inter-causeway area.

During ongoing discussions with the Vancouver Port Authority (VPA), Environment Canada has consistently recommended that VPA conduct specific bio-geo-chemical investigations to assess the potential for eutrophication of the inter-causeway area and Robert's Bank. As a result of an October 7, 2004 meeting with VPA, we understand that the recommended studies will not form part of VPA's environmental assessment for the proposed Delta Port Third Berth Expansion Project. Further, VPA has indicated its expectation that the existing studies will adequately address this potential and has expressed the opinion that the studies will not identify eutrophication as having a significant adverse environmental effect.

An assessment of eutrophication is fundamental to the preservation of the foreshore, intertidal and sub-tidal areas of Roberts Bank. These areas constitute critical habitat for internationally significant populations of migratory birds, including the Western Sandpiper, a species experiencing significant population declines. Additionally, the area supports 411 breeding pairs of Great Blue Heron, a species listed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) as Special Concern under the Species at Risk Act (SARA Schedule 1). Eutrophication of the inter-causeway area and Robert's Bank could potentially destroy habitat utilized by these species for foraging and feeding, which would have serious consequences for these populations.

In summary, Environment Canada's view is that VPA's decision not to pursue bio-geo-chemical studies to fully assess the propensity for eutrophication in the inter-causeway area creates an undue risk that there may be insufficient information on this environmental effect to conclude our review under CEAA. The proponent is reminded that Environment Canada, as a Responsible Authority, must determine that the project is unlikely to result in any significant adverse environmental effects prior to making a decision on the issuance of a Disposal at Sea permit that would enable the project to be carried out.

Yours sincerely

Paul Kluckner
Regional Director
Environmental Conservation Branch

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Elena [PYR]

Walls, Lisa [PYR]
October 13, 2004 3:48 PM
LaRusic, Adam [PYR]; Colodey, Al [PYR]
RE: Deltaport - The Inter-causeway Issue

ect:

n, As discussed, I think that a letter to VPA reiterating our study recommendations would be appropriate. Since CWS
scientific lead on this issue, I suggest that they write and sign the letter. You can offer to review for consistency with
A process. Lisa

-----Original Message-----

From: LaRusic, Adam [PYR]
Sent: October 13, 2004 12:51 PM
To: Colodey, Al [PYR]; Walls, Lisa [PYR]
Subject: Deltaport - The Inter-causeway Issue

Hi Al and Lisa,

Please see Bob Elner's message below and advise. Let me know if you need further info. I'll work on the updated BN
this afternoon.

Thanks

Adam.

Adam La Rusic, P.Eng
Sr Environmental Assessment Engineer
Environmental Protection Branch
Environment Canada
201-401 Burrard St.
Vancouver, BC V6C 3S5

Telephone: (604) 666-8342
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email: adam.larusic@ec.gc.ca

-----Original Message-----

From: Elner, Bob [PYR]
Sent: Wednesday, October 13, 2004 12:45 PM
To: LaRusic, Adam [PYR]; Robinson, Andrew [CEAA]
Cc: Parker, Nadine [PYR]; Butler, Rob [PYR]
Subject: RE: The Inter-causeway Issue

Adam/Andrew: This unsettling news is contrary to my understanding with Darrel - and given that VPA also seems to
have bailed on the notion of hosting a science workshop to examine physical - chemical-biological processes on the
bank to further elucidate these risks - my strong suspicion is that, once again, they're attempting to dodge
environmental responsibilities. I do not believe that the analyses of the existing studies will be adequate to assess the
eutrophication scenario. There is no scientific means to effectively address the potential for the third birth to cause
inter-causeway "stagnation" without having first evaluated the status and trajectory of the more general inter-causeway
system. I can foresee a "stand-off" when the results come in and moreover if EC let's this pass then we're setting a
dangerous precedent of appeasement for the even more environmentally contentious issue to come ... Terminal 2
(which threatens the environmental integrity, including ability to sustain shorebirds, of the remaining half of Roberts
Bank). I would suggest that EC needs to write a formal letter into VIA paraphrasing our understanding from Darrel
and reiterating the risk. Please can you let me know your thoughts on who to write the letter, who to sign etc. Thank
you, Bob

-----Original Message-----

From: LaRusic, Adam [PYR]
Sent: Friday, October 08, 2004 11:43 AM
To: Robinson, Andrew [CEAA]; Elner, Bob [PYR]

holme,Elena [PYR]

Walls,Lisa [PYR]
October 18, 2004 3:01 PM
LaRusic,Adam [PYR]
RE: Deltaport - T2 and Cumulative Effects

Subject:

I just spoke with Darrell. He confirmed that we will receive a copy of the draft letter for review. Apparently VPA was presented with 3 options: (i) leave T2 in the CE assessment and recommend referral to Panel; (ii) remove T2 from CE assessment and go back out for consultation; (iii) letter from VPA explaining uncertainty with respect to T2 and continuation as Comp Study without T2 but no need to consult on the change. I said this was a bit more definitive than what we had discussed on Friday. Lisa

-----Original Message-----

From: LaRusic,Adam [PYR]
Sent: October 18, 2004 2:18 PM
To: Walls,Lisa [PYR]
Subject: Deltaport - T2 and Cumulative Effects

Hi Lisa,

I got a phone message from Georgina this morning who sat in on the call between VPA and DFO on the issue of T2 and the cumulative effects assessment. According to Georgina, the outcome is that VPA will be drafting a letter for review by DFO legal and EC on the issue. More on this after I speak with Georgina in person tomorrow.

Cheers
Adam

Adam La Rusic, P.Eng
Sr Environmental Assessment Engineer
Environmental Protection Branch
Environment Canada
201-401 Burrard St.
Vancouver, BC V6C 3S5

Telephone: (604) 666-8342
Fax: (604) 666-7294
email: adam.larusic@ec.gc.ca

Alison [PYR]

Walls, Lisa [PYR]
Friday, October 08, 2004 5:01 PM
McPherson, Morag [NCR]; LaRusic, Adam [PYR]
Waters, Susan [NCR]; Hobby, Bev [PYR]
RE: Deltaport Track Recommendation Report - Scoping of Terminal 2

Subject:

Sensitivity:

Confidential

Morag, Adam and I are available from 2:00 to 3:00 EDT. Do you want to call my office (604-666-2799)? Lisa

-----Original Message-----

From: McPherson, Morag [NCR]
Sent: October 8, 2004 12:22 PM
To: Walls, Lisa [PYR]; LaRusic, Adam [PYR]
Cc: Waters, Susan [NCR]; Hobby, Bev [PYR]
Subject: RE: Deltaport Track Recommendation Report - Scoping of Terminal 2
Sensitivity: Confidential

Hi again,

I would like to propose a conference call early next week to discuss the cumulative effects-T2 consideration in the Deltaport project. It would be helpful to have a group discussion on our position and how we would like to approach this. I propose Tuesday, Oct. 12 at 2:00 PM EDT. Please let me know if you are available or if another time is preferred.

I spoke with Clare Cattrysse this afternoon and they would also like to have a conference call with us next week on this issue, to help clarify for the draft Track Report.

Thanks,
Morag
(819) 997-3851

-----Original Message-----

From: McPherson, Morag [NCR]
Sent: Friday, October 08, 2004 9:57 AM
To: Walls, Lisa [PYR]; LaRusic, Adam [PYR]; Colodey, Al [PYR]
Cc: Waters, Susan [NCR]; Hobby, Bev [PYR]
Subject: RE: Deltaport Track Recommendation Report - Scoping of Terminal 2
Sensitivity: Confidential

Hi everyone,

The Agency's Operational Policy Statement on addressing cumulative env effects provides some guidance on identifying future projects to include in the CEA, that I think is helpful in evaluating this situation.

According to the Guide, the selection of future actions to consider in the CEA should reflect "the most likely future scenario". Emphasis is given to projects with greater certainty of occurring; however, hypothetical projects might be discussed on a conceptual basis in some cases.

As stated above, the Act refers to the consideration of "any cumulative environmental effects that are likely to result from the project in combination with other projects or activities that ... will be carried out". Accordingly, in identifying future projects to include in the CEA, RAs should consider projects that are "certain" and "reasonably foreseeable", as recommended by the Guide.

RAs should be guided by a clear rationale in selecting future projects to include in the CEA. RA staff will need to exercise judgment in distinguishing projects that are certain, reasonably foreseeable and

hypothetical
The definitions contained in Annex I can assist RAs in making these distinctions.

Conclusion:
The action will proceed or there is a high probability the action will proceed.
Reasonably Foreseeable:

The action may proceed, but there is some uncertainty about this conclusion.

Hypothetical:

There is considerable uncertainty whether the action will ever proceed.

Conjectural based on currently available information.

The level of effort directed to the assessment of cumulative environmental effects should be appropriate to the nature of the project under assessment, its potential effects and the environmental setting. For example, the practitioner should give particular attention to the selection of future projects to be considered in the CEA where:

- certain and reasonably foreseeable projects may have an impact on the same valued ecosystem components as the project under assessment;
- rapid development of the project area is anticipated; or
- particular environmental sensitivities or risks are involved.

With this guidance in mind, I don't understand how the T2 project can be scoped out of the CEA using the rationale that it will undergo its own assessment.

Adam - did Georgina provide any more explanation on how treating it as a "separate stream" under the current scope would play out? I'm not sure I understand exactly what that means. Would it or would it not be included in the CEA if it is still in the scope, but dealt with under a different "stream"?

I will try to contact DFO and CEAA HQ today to further discuss this and the track report.

Thanks,
Morag

-----Original Message-----

From: Walls, Lisa [PYR]
Sent: Wednesday, October 06, 2004 1:08 PM
To: LaRusic, Adam [PYR]; McPherson, Morag [NCR]; Colodey, Al [PYR]
Cc: Waters, Susan [NCR]; Hobby, Bev [PYR]
Subject: RE: Deltaport Track Recommendation Report - Scoping of Terminal 2
Sensitivity: Confidential

Adam --

I had a brief discussion about this with Morag and Susan, during a break in today's NEACC meeting. I asked Susan if she could advise us on the CE and public consultation questions that have been raised in relation to the Deltaport Expansion Track Recommendation Report. Given that the recommendation is being drafted by DFO HQ, I thought it would make sense to involve Susan, with cc to Bev Hobby.

Susan will touch base with DFO legal and also look into how CEAA contemplates CE (s. 16.(1)(a) "projects or activities that have been or will be carried out") in respect of a planned project such as T2. Please forward a copy of the published scoping document to Susan Waters (cc Lisa, Bev, Morag) so that she can see how T2 is referenced.

Lisa

-----Original Message-----

From: LaRusic, Adam [PYR]
Sent: October 5, 2004 2:10 PM

Nadine [PYR]; Naismith, Georgina [CEAA]
The Inter-causeway Issue

KS,
Folks,

Further to this, I spoke with Darrel yesterday and he indicated to me that VPA was not going to undertake this biogeochemical study, and that he was confident that the analyses of the existing studies would adequately indicate that eutrophication would not be a significant adverse environmental effect of the Deltaport Third Berth Expansion project.

I made it clear to Darrel that he was inheriting some risk with this decision. If the Application (i.e. the assessment) does not adequately demonstrate that eutrophication is not an issue with respect to the project, then VPA may be in a position of having to go back and revamp their application at the 11th hour. Darrel acknowledged this.

On our side we must make sure that we address the eutrophication issue within the scope of the project and the scope of the assessment. I understand that this has been an ongoing concern for several years, independent of the Deltaport expansion project. However any work that we request or require will have to be in relation to the project at hand.

Cheers

Adam

Adam La Rusic, P.Eng
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Environment Canada
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Fax: (604) 666-7294
email: adam.larusic@ec.gc.ca

-----Original Message-----

From: Robinson, Andrew [CEAA]
Sent: Friday, October 08, 2004 10:03 AM
To: Elner, Bob [PYR]
Cc: Parker, Nadine [PYR]; LaRusic, Adam [PYR]; Naismith, Georgina [CEAA]
Subject: RE: The Inter-causeway Issue

Bob,

A meeting was held between VPA, EAO, EC, and CEAA yesterday afternoon regarding the above, and additional wording has been added to the ToR to reflect the eutrophication issue. It is my understanding that it is Darrel's view that VPA's proposed studies will address this issue. Mutual sceptism aside for the moment, the project Application is intended to be submitted sometime this November (presumably then the studies are already complete, or will be very shortly). Regardless, we will be able to discern in the fairly near future whether this issue has indeed received an appropriate level of attention.

Thanks to Georgina and Adam for their efforts on this matter.

Andrew.

-----Original Message-----

From: Elner, Bob [PYR]
Sent: October 7, 2004 11:28 AM
To: Robinson, Andrew [PYR]; Robinson, Andrew [CEAA]
Cc: Parker, Nadine [PYR]
Subject: The Inter-causeway Issue

Andrew: It is important that the VPA conduct studies to explicitly address the potential for eutrophication of the inter-causeway area. This has been an ongoing but unaddressed concern of CWS for the past 14

years or so and with the further proposed development between the causeways the risk becomes even higher. As it is the current study plans contain elements of the work required but there is no explicit intent to pull them all together and really look at where this system is heading. My (unfortunate) experience with VPA in the RBERC era was not they dodged going there and effectively stalled on progressing on this and other cumulative effect studies. It is in everyone's best interest that this "bull" is grasped by the horns (latter being the ferry and coalport terminals). In a nutshell, we have the causeways cutting off estuarine flow from the Fraser and creating a pocket in which 2 species of eel grass have developed and thrived on hitherto unvegetated mudflat. The grass breaks down every year but we have no notion on the fate of the resulting organics/nutrients and how and where they are breaking down. Additional organics are coming into the system from the TFN land. So, if there is inadequate flushing, the possibility is that the eelgrass system is not stable and the system will flip such that it will go eutrophic, killing the eelgrass and leaving only an anoxic mud bank emitting strong maliferous fumes of the rotten egg variety. Not only would this be insufferable to TFN and tourists at the ferry terminal and uncomfortable for VPA but a major political embarrassment for everyone. Hence the importance of working to determine the ecological stability and trajectory of the present system and determining the effect of the proposed new construction. The research will demand a focused multidisciplinary bio-geo-physical study. Trust this assists, Bob

Adam

CWS has reviewed the Draft Terms of Reference for the proposed Deltaport Third Berth Expansion and offers the following comments.

For your information, the foreshore, intertidal and sub-tidal areas of Roberts Bank constitute critical habitats for internationally significant populations of migratory birds. It is clear that unresolved impacts remain from the construction of the BC Ferry Terminal and Roberts Bank Terminal, and which, in turn, predispose sensitive and valuable ecosystem components within the intercauseway to the cumulative effects of further development. One major concern is that the Deltaport Third Berth Project (and in addition to the proposed Terminal 2) has the potential to influence physical processes - flushing and nutrient flux rates, for example - that could result in the eutrophication of intertidal and foreshore habitats within the intercauseway.

The potential for, and impacts of eutrophication can only be addressed, in our view, through detailed biogeochemical investigations of which coastal geomorphology, sediment and water quality assessments form integral components. The aforesaid should be modelled in such a way that all of the relevant variables can be taken into account, and considered under different environmental conditions. Model outputs should be used to draw inferences upon, and make predictions about, the potential adverse environmental effects of the project upon sensitive intercauseway habitats.

Given the above, please note the following:

- APPENDIX A Coastal Geomorphology Study
 - Last bullet: 'It is anticipated that the geomorphologic results 'may' be used in other studies, including, but not limited to: Marine Environment Impact Assessment; Waterfowl and Coastal Seabird Impact Assessment; Water Quality; and Sediment Quality'

CWS recommends the wording be changed to 'will'.

CWS also requires clarification on this bullet. Does this include biogeochemical investigations? If so, this should be explicitly stated. If not, CWS recommends a Terms of Reference that states there will be a biogeochemical assessment.

- APPENDIX C Sediment Quality Study
 - Second bullet: 'The study area for the sediment assessment corresponds to areas proposed for dredging works.'

In general, CWS recommends that all proposed assessments or studies (Appendix A through F) be conducted to the same scale - that of the coastal geomorphology study (i.e. Roberts Bank). Specifically, CWS notes the small scale of the sediment quality study in particular. CWS recommends that this be amended to a sediment quality investigation of Roberts Bank.

Regards
Nadine

Nadine Parker
Environmental Assessment Officer
Canadian Wildlife Service
PWRC, RR#1 5421 Robertson Road

Delta, BC V4K 3N2

Phone 604 940 4685
Fax 604 946 7022

1.0 INTRODUCTION

On June 8, 2004, the Vancouver Port Authority (the VPA) submitted to Fisheries and Oceans Canada (DFO) and Environment Canada (EC) a description of its proposal, referred to by the Proponent as the Deltaport Third Berth Project (the Proposal), to construct and operate a new shipping berth at the existing Deltaport Container Terminal located at Roberts Bank, Delta, British Columbia.

DFO and EC have regulatory responsibilities, which have triggered the environmental assessment process pursuant to the *Canadian Environmental Assessment Act* (CEAA) in relation to the Proposal: for DFO, it is issuance of an authorization for the harmful alteration, disruption or destruction of fish habitat (HADD) under section 35(2) of the *Fisheries Act*; and, for EC, it is issuance of a licence or permit for disposal of dredged material at sea under subsection 71(1) of the *Canadian Environmental Protection Act* (CEPA). DFO and EC are responsible authorities (RAs) under the CEAA. Other federal authorities (FAs) identified to date, Natural Resources Canada, Transport Canada, and Health Canada, will provide expert advice.

The project, as scoped by the RAs under section 15(1) of the CEAA (the Project), is subject to a comprehensive study under the CEAA, pursuant to paragraph 28 (c) of the *Comprehensive Study List Regulations*, because the Project includes "construction ... of ... a marine terminal designed to handle vessels larger than 25 000 DWT (dead weight tonne)".

The VPA is a port authority established under the *Canada Marine Act*. As a result, the VPA, as the proponent of the Proposal, must conduct an environmental assessment in relation to the Proposal under the *Canada Port Authority Environmental Assessment Regulations* (CPAEAR) of CEAA. The VPA are not a Responsible Authority under CEAA but they are still required to conduct a comprehensive study that is independent of the comprehensive study being prepared by the federal Responsible Authorities. Thus, there is a requirement that there will be two federal EAs of the Project. In an effort to streamline the conduct of the environmental assessment review processes and guided by the requirements of section 8 of the CPAEAR and section 12 of the CEAA, DFO and EC are working with the VPA to ensure that the federal environmental assessment of the Project addresses both the RAs and VPA's separate environmental assessment requirements.

The Proposal is also subject to review under the British Columbia *Environmental Assessment Act*; therefore, the terms of the Canada-BC Agreement on Environmental Assessment Cooperation (the Agreement) apply. Under the Agreement, projects that require an environmental assessment by both the Government of Canada and the Government of British Columbia will undergo a single assessment, where possible, administered cooperatively by both governments. The Canadian Environmental Assessment Agency (CEA Agency) in its role as Federal Environmental Assessment Coordinator (FEAC) in accordance with section 12.4 of CEAA, facilitates the harmonization of the federal review process with the provincial review process. Both

Comment: May want to state the entire paragraph 28(c) here ("... that are routinely and have been historically used as a marine terminal or that are designated for such use in a land-use plan that has been the subject of public consultation.")

05/10/2004

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Environmental Assessment
Track Report & Environmen-
tation, VPA Proposed

Third Berth Expansion

Oct 4/2004

- Relocation of a safety boat launch (currently located on the north side of Deltaport)
- Addition of approximately 7,000 meters (23,000 feet) of rail track, which includes:
 - the extension of the Gulf siding arrival/departure tracks from east of Arthur Drive to 64th Street, Delta (within BC Rail's right-of-way)
 - additional support track on the causeway, within BC Rail's property

The operation of the Deltaport Third Berth facility includes:

- Increase in associated marine traffic (container vessels and tugs).
- Increase in terminal loading and unloading equipment (ship-to-shore gantry cranes, rubber tire gantries, rail mounted gantries, tractor-trailers).
- Increase in associated road and rail traffic.

The RAs have considered the provisions of section 15(3) of the CEAA and concluded that construction and operation are the only undertakings that are likely to be carried out in relation to the physical work part of the Project.

4.0 FACTORS TO BE CONSIDERED

The factors proposed to be considered in the environmental assessment, pursuant to section 16 of CEAA, will be:

- the environmental effects of the project, including the environmental effects of malfunctions or accidents that may occur in connection with the project and 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;
- the environmental effects of the project, including any change that the project may cause to listed wildlife species, its critical habitat, or the residences of individuals of that species, as those terms are defined in subsection 2(1) of the *Species at Risk Act* (SARA), (species also include those identified by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) (e.g., status as endangered, threatened, etc));
- the significance of the environmental effects referred to above;
- comments from the public ;
- measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the project;
- the purpose of the project;
- alternatives to the project;
- alternative means of carrying out the project that are technically and economically feasible and the environmental effects of any such alternative means;
- the need for, and the requirements of, any follow-up program in respect of the project;
- the capacity of renewable resources that are likely to be significantly affected by the project to meet the needs of the present and those of the future; and,

lighting impact assessment will be conducted and will include project impacts on day time light (glare); spill-over light (light trespass); night time glare from point light sources; and, sky-glow. Appropriate mitigation measures will be identified as part of the study.

Archaeological and Heritage Resources

An archaeological and heritage resources study will consist of an overview assessment (which identifies and assesses archaeological resource potential or sensitivity within the proposed study area) and an impact assessment (according to the BC Archaeological Impact Assessment Guidelines). First Nations input will be included in the assessment of cultural significance of any identified archaeological resources. Study results will be provided in the Application subject to any confidentiality agreements with relevant First Nations.

Traffic and Transportation

Traffic and transportation studies (road, rail and marine) will be conducted and will include an assessment of potential effects on marine traffic and navigability.

Malfunctions and Accidents

- The possible malfunctions or accidents associated with the project and the potential adverse environmental effects of these events (such as spills, and boating accidents). [added statement as requested by public]
- Contingency measures for responding to emergencies.

Any change to the project that may be caused by the environment

The environmental factors that may affect the project and the predicted effects of those environmental factors will also be considered in accordance with CEAA. The following are examples of issues that would be addressed:

- seismic activity;
- climate change;
- erosion; and,
- flooding (i.e., tsunamis).

Cumulative Environmental Effects

The 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 will be identified and assessed.

Other projects and activities that will be considered are:

- The past development of the Roberts Bank port facility;
- The past development of the Tsawwassen Ferry Terminal;
- The proposed future development of Container Terminal 2 at Roberts Bank; and
- Other future projects approved in the study area.



Appendix 4 -

Written Public Comments – Scope of Project (summary)	RAs Response
Comments were received that requested the "scope of project should be viewed alongside parallel proposal for Terminal 2."	Terminal 2 is a completely separate and independent container terminal to the berth expansion to the existing Deltaport container terminal. The existing and proposed container terminals are not functionally linked, and either project can proceed independently. The VPA have identified the preferred location for Terminal 2 but not the terminal configuration, the on-site services, or the offsite road and rail requirements. However, VPA is communicating early on with the community about proposed developments for the Port of Vancouver. The cumulative environmental effects of Terminal 2 will be addressed to the extent that is reasonable and feasible in the comprehensive study process.
Would prefer no port expansion in the Roberts Bank ecosystem, but if any expansion is done questioned whether the VPA and the government agencies would consider an Environmental and Community Legacy for Delta.	The comprehensive study will have to determine that the proposed project is not to likely cause significant adverse environmental effects or it will not be approved. The VPA has identified their intent to undertake an environmentally and socially sustainable project, which will be evaluated through the comprehensive study Process.
How many new cranes will be installed - will it be 3 or 4?	The Scoping Document references the "Preliminary Deltaport Third Berth Project Description" prepared by the VPA where three ship-to-shore gantry cranes are identified for the Third Berth project. This information has also been communicated to the public by the VPA as part of their community consultation program.

2) Public Comments on the Scope of Assessment and Factors

Written Public Comments – Scope of Assessment & Factors (summary)	RAs Response
Comments were received that requested more detailed traffic studies and suggested consideration of a dedicated truck route adjacent to the current railway track.	Road, rail and marine traffic studies are included in the Scoping Document in the Scope of Factors to be considered for the comprehensive study.

05/10/2004

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Appendix 4 -
Public Comments and RA
Response

Holme, Elena [PYR]

From: Walls, Lisa [PYR]
Sent: September 21, 2004 5:15 PM
To: LaRusic, Adam [PYR]; Colodey, Al [PYR]
Subject: RE: DP3: CE Workshop

V61 3

I am surprised this project review is under way. At the meeting I attended for Don in September, VPA said they wouldn't be putting forward a proposal for T2 for another year (Adam, you must have been wondering what I was talking about when I said that on today's IEACC telcon). The status of the T2 pre-app work should be included in the expanded background for the requested Ministerial BN. Lisa

-----Original Message-----

From: LaRusic, Adam [PYR]
Sent: September 21, 2004 3:05 PM
To: Walls, Lisa [PYR]; Colodey, Al [PYR]
Subject: FW: DP3: CE Workshop

Just a heads-up that neither the Port nor the EAO will be too happy too read this, so you might hear about it.

Cheers

Adam

Adam La Rusic, P.Eng
Environmental Assessment Engineer
Environmental Protection Branch
Environment Canada
11-401 Burrard St.
Vancouver, BC V6C 3S5

Telephone: (604) 666-8342
Fax: (604) 666-7294
Email: adam.larusic@ec.gc.ca

---Original Message-----

From: LaRusic, Adam [PYR]
Sent: Tuesday, September 21, 2004 2:34 PM
To: 'Hagen, Jan E EAO:EX'; Naismith, Georgina [CEAA]
Darrell Desjardin; Johansen, Jeff: DFO XPAC; XT:Hemsley, Paul Hemmera Envirochem Inc.
J:IN; Hardie, Karie EAO:EX; Goulet, Bev J EAO:EX
Subject: RE: DP3: CE Workshop

Jan,

Please note that Environment Canada has not yet submitted comments on the Deltaport Terms Reference. We will need two more weeks before we can submit these comments.

Thank you

Adam

Adam La Rusic, P.Eng
Environmental Assessment Engineer
Environmental Protection Branch
Environment Canada
11-401 Burrard St.
Vancouver, BC V6C 3S5

holme,Elena [PYR]

From: Brock,Ken [PYR]
Sent: September 23, 2004 9:55 AM
To: amathewson@bleapfrempp.org
Cc: Butler,Rob [PYR]; Elner,Bob [PYR]; Parker,Nadine [PYR]; Nassichuk,Mike [PYR]; LaRusic,Adam [PYR]
Subject: FW: Draft Delta Area Designations - change required in Schedule 1
Importance: High

Anna,

This is a touchy one. VPA is currently involved in assessing potential impacts of their expansion and EC-CWS is quite concerned about some of the potential impacts to the mudflats north of the causeway.

I do not want to prejudice the outcome of the environmental review of VPA's proposal so I do not concur with VPA's suggestion that the area designation recognize their proposed expansion, at least until the review is completed and a screening decision is made.

Ken

-----Original Message-----

From: Anna Mathewson [mailto:amathewson@bleapfrempp.org]
Sent: Thursday, September 23, 2004 9:59 AM
To: Brock,Ken [PYR]; 'Janice Richmond'; NaltoB@pac.dfo-mpo.gc.ca; 'Andrew Bak'; Mike Willcox (Mike Willcox); Paul Skydt (Paul Skydt); 'Nures Kara'
Cc: 'Desjardin, Darrell'; 'Marcy Sangret'
Subject: Draft Delta Area Designations - change required in Schedule 1
Importance: High

Hi everyone,

Please see the attached notes from Darrell about the draft Delta area designations. His comment relates to Mgmt Unit VI-4 (section 279) which in the draft agreement is designated as Water-Oriented Conservation (WCON). VPA would like recognition of the potential port expansion of Terminal 2 in this area. Attached is a JPEG of this area.

This appears to be a major change that will require some discussion. Given that there is some time pressure, one suggestion for the Task Group is that we revise the draft designation for Unit VI-4 to Undetermined (U). Putting it as "U" for now would allow the public review process to go ahead while we figure this out, so this may be the way to go. Another option is to keep WCON but have some notation regarding Darrell's point.

Please let me know ASAP how you'd like to proceed. Tx.
Anna

Message-----

From: Desjardin, Darrell
Sent: Wednesday, September 22, 2004 2:12 PM
To: Blancarte, Alicia; McLaughlin, Patrick
Subject: RE: Draft Delta Area Designations - for MC approval

The only issue that remains outstanding is that Management Unit VI-3 is designated port use and is described as *Roberts Bank Port Terminal and Causeway including ship turning basin* - turning basin includes turning circle on south side of causeway immediately behind east corner of

10/02/2005

facility designation applies to all existing pods and future improvements. But Management Unit VI-4 is designated as wildlife conservation and is described as North side, Roberts Bank causeway, Roberts Bank foreshore, Brunswick Point, and southwestern shore of Canoe Passage which allows for maintenance of dykes and drainage structures is a recognized requirement. We need to include some recognition of potential port expansion for Terminal 2 in this area to the north.

Darrell

-----Original Message-----

From: Anna Mathewson [mailto:amathewson@bieapfremf.org]

Sent: Wednesday, September 22, 2004 11:02 AM

To: 'Mike Nassichuk'; 'Brian Clark'; Blancarte, Alicia; 'Valerie Jones'; 'Pat Weber'; WildJ@pac.dfo-mpo.gc.ca

Cc: 'Alison Hilkewich (Calderwood)'; 'Susan Haid'; 'Ken Brock'; 'Paul Skydt (Paul Skydt)'; NaitoB@pac.dfo-mpo.gc.ca; 'Mike Willcox (Mike Willcox)'; 'Nures Kara'; Desjardin, Darrell

Subject: Draft Delta Area Designations - for MC approval

Hi everyone,

Apologies for sending another item for approval via email, however this cannot wait for the October 12 MC meeting.

Attached is the draft Delta Area Designation agreement for your approval. This agreement has been in development for a number of years between FREMP partners and the Corporation of Delta through the Delta Area Designation Task Group. We are finally nearing the last stages by sending the area designations for public review in Delta. Delta is planning to include the draft designations in their OCP, and on October 5 the Council will consider making the draft OCP document public. At this stage, the BIEAP-FREMP Management Committee approval of the draft designations for public review purposes is required.

On September 9, WLUC endorsed the draft agreement (and designations contained in Schedule 1) and forwarded it to the Management Committee for approval. Note that this approval is of the draft area designations and not the final agreement itself; the latter will come back to Management Committee after the public review period, at which time we will consider signing and approval options. Delta had earlier indicated they did not wish to sign a formal AD statement of intent, but they are now reconsidering and in any event are committed to including the designations in their OCP (recall that City of Surrey pursued this course as well).

Please let me know if you have any comments or questions. If I do not hear otherwise by October 1, 2004 I will let Delta staff know that the draft designations are endorsed by the MC for public review purposes.

Thanks,
Anna

Alison [PYR]

Green, Andrew [PYR]
 Tuesday, September 28, 2004 7:39 PM
 LaRusic, Adam [PYR]
 Mennell, Morris [PYR]; Churchland, Leslie [PYR]
 RE: Deltaport - Air Quality Comments on Draft ToR Requested

Subject:

Adam - I've looked over the terms of reference for Deltaport Third Berth and they appear to cover air emissions and air quality issues comprehensively, indeed more comprehensively than I expected.

I have one question that you may wish to refer to ECB, and that is: Is CALPUFF the appropriate dispersion model to use? (See third-to-last bullet on page 9 of Appendix G.) I suspect that it is indeed appropriate.

I also have one minor suggestion: For clarity, consider adding the following sentence to the fourth-to-last bullet on page 9 of Appendix G: "Marine vessel emissions will include emissions occurring within the same geographic area as used in the GVRD inventory, e.g. including emissions while transiting Georgia Strait to and from the Project." Or something along those lines...

Thanks for the opportunity to provide input.

Andrew.

p.s. Morris & Leslie- Some highlights are:

- They will inventory net new emissions (CAC's, GHG's, air toxics) from container vessels and tugs, terminal loading and unloading equipment, road and rail traffic, plus emissions from the construction phase.
- They will compare these emissions to GVRD region-wide emissions.
- They will model expected changes to ambient air quality concentrations, both in the local area and regionally.
- They will undertake a human health risk assessment as per Bates et al. 2002 and the BC Lung Phase I report.
- They will develop mitigation options for both construction and operation.

-----Original Message-----

From: LaRusic, Adam [PYR]
Sent: Thursday, September 23, 2004 10:31 AM
To: Green, Andrew [PYR]
Subject: Deltaport - Air Quality Comments on Draft ToR Requested

Hi Andrew,

Please find attached the Draft terms of Reference for the proposed Deltaport Third Berth Expansion (DP3 for you acronym lovers). The Terms of Reference set out the work for the environmental assessment and are pretty general in nature. Please provide comments on air quality aspects (Section 8.1).

Environment Canada is a Responsible Authority under the Canadian Environmental Assessment Act for this project, which is to say we are a decision maker. It appears at this time as if this will be a "comprehensive" assessment under the Act, which means that it is more involved than most of our screenings.

Finally, you should be aware that the Vancouver Port Authority (the proponent) has indicated that they will be submitting a project proposal for Terminal 2 in about a year. Terminal 2, the addition of a second terminal, is a much larger expansion than this project and the assessment will probably proceed by way of a panel. Please keep T2 in mind if you are looking at cumulative effects.

I've attached the Draft Terms of Reference, a Briefing Note on Deltaport, a photo of Deltaport and a picture showing DP3 and T2.

Sorry for the tight deadlines, but is it possible to comment by next Thursday Sept 30, end of day?

Thanks

Adam

re-file #1

VOL. 1.

Appendix II

II

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Thomas, Alison [PYR]

From: Robinson, Andrew [PYR]
Sent: July 7, 2004 2:33 PM
To: LaRusic, Adam [PYR]
Subject: FW: Deltaport Third Berth Project -- Scoping Document for Assessment

Adam:

Some thoughts from Sean on the above.

Andrew.

-----Original Message-----

From: Boyd, Sean [PYR]
Sent: Monday, July 05, 2004 10:14 AM
To: Robinson, Andrew [PYR]
Subject: RE: Deltaport Third Berth Project -- Scoping Document for Assessment

Andrew:

I may have commented on the scoping doc earlier. It seems to be adequate except that it doesn't have any suggestions for an assessment of the long-term effects of previous expansions. There have been 2 major projects in the past, the original construction and the expansion phases. In both cases, as in this one, monitoring of environmental effects over the long-term were proposed. Have those been done, have they been done adequately, and what has been learned? What info can be used to predict the long-term effects of this latest proposal? Here, I'm thinking about things such as the changes to eelgrass, fish, birds, sedimentation/erosion rates and patterns (including the effectiveness of the rock wall around the turning area, erosion in that area, and the impact of the sand wedge deposited on the eelgrass bed). Also, what actions has the proponent taken to mitigate impacts in the past and how effective have they been? Finally, I'd like to see more emphasis on mitigation opportunities to reduce negative effects and compensation possibilities for those that cannot be mitigated.

Sean

-----Original Message-----

From: Robinson, Andrew [PYR]
Sent: Wednesday, June 30, 2004 4:28 PM
To: Brock, Ken [PYR]; Butler, Rob [PYR]; Elner, Bob [PYR]; Boyd, Sean [PYR]; McKelvey, Rick [PYR]; Smith, Barry D [PYR]
Cc: LaRusic, Adam [PYR]
Subject: FW: Deltaport Third Berth Project -- Scoping Document for Assessment

Fyi only.

Adam: unless my memory has truly deserted me (always a possibility, methinks), we worked on this thing previously.

Andrew.

-----Original Message-----

From: LaRusic, Adam [PYR]
Sent: Wednesday, June 30, 2004 4:22 PM

Malfunctions and Accidents

- The possible malfunctions or accidents associated with the project and the potential adverse environmental effects of these events
- Contingency measures for responding to emergencies.

Any change to the project that may be caused by the environment

The environmental factors that may affect the project and the predicted effects of those environmental factors. The following are examples of issues that would be addressed:

- seismic activity;
- climate change;
- erosion; and,
- flooding (*i.e.*, tsunamis).

Cumulative Environmental Effects

The 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 will be identified and assessed. The approach and methodologies used to identify and assess cumulative effects will be explained.

Other projects and activities that will be considered are:

- The past development of the Roberts Bank port facility;
- The past development of the Tsawwassen Ferry Terminal;
- The proposed future development of Container Terminal 2 at Roberts Bank; and,
- Other proposed future projects in the study area.

The Container Terminal 2 project is proposed as part of the Roberts Bank Container Expansion Project and would involve creating a new three berth container terminal, approximately 81 hectares (200 acres) in size adjacent to the existing Roberts Bank Port facilities.

Sustainability of the Resource

The environmental assessment will consider the renewable resources that may be significantly affected by the project and whether their sustainable use will be affected.

Chris SBED:EX; XT:Pennier, Clarence Sto:lo Nation Government House EAO:IN; Mackie, Al SRM:EX; XT: [redacted],
Corporation of Delta EAO:IN; Czernick, Greg TRAN:EX; XT:Mackie, John Canadian Coast Guard EAO:IN; Cla: Brian
AP:EX; Robinson, Andrew [PYR]; XT:Johansen, Jeff Fisheries and Oceans Canada EAO:IN; Georgison, Paul J LWBC:EX;
XT:Abraham, Tara Fraser Health Authority EAO:IN; cdemarco@gvrd.bc.ca; mail@semiahmoofirstnation.org;
Naismith, Georgina [CEAA]; Pellett, Tony ALC:EX; LaRusic, Adam [PYR]; XT:Bak, Andrew Tsawwassen First Nation EAO:IN;
Willcox, Michael WLAP:EX; XT:Sparrow, Leona Musqueam Indian Band EAO:IN; XT:Sidi, Shelina Greater Vancouver Regional District
John GVRD EAO:IN; XT:Radnidge, Ian Corporation of Delta EAO:IN; XT:Shelina Greater Vancouver Regional District
EAO:IN; Carsen, Dannie CAWS:EX; XT:Alleyne, Carl Health Canada EAO:IN; shorsburgh@corp.delta.bc.ca; Crepault, Jean
[CEAA]; XT:Goody, Kelly Transport Canada EAO:IN; carl_alleyne@hc-sc.gc.ca
Cc: mlachmann@hemmera.com; XT:Hemsley, Paul Hemmera Envirochem Inc. EAO:IN; Hagen, Jan E EAO:EX; Goulet, Bev J
EAO:EX; Roderick Bell-Irving; Desjardin, Darrell; mark.griggs@portvancouver.com
Subject: FW: Deltaport Third Berth and Container Terminal 2 - Draft Work Plans for Sediment and Water Quality

Attached please find the Draft Sediment Quality Assessment and the Draft Water Quality Assessment Workplans. As mentioned in Darrell's note below, the draft sediment workplan is specific to Deltaport Third Berth, while the draft water quality workplan applies to both Delta Port Third Berth and Container Terminal 2. With the submission of these two draft workplans, all the draft workplans for the environmental studies that VPA identified in their Roberts Bank Container Expansion Study Program have now been submitted to the Working Groups for review and comment.

I would like to inform you that a joint meeting of the Working Groups have been arranged for August 25th in Vancouver starting at 9:00 AM. The purpose of this meeting is to allow for a discussion on the two draft workplans and to provide an update on the EA review of the proposed projects. Additional information on this meeting including the meeting location and the proposed Agenda will be provided in the near future.

Please confirm your participation at the upcoming VCCEP meeting on August 25, 2004 by responding to me or Bev Goulet (Bev.Goulet@gems2.gov.bc.ca) at your earliest convenience.

Finally, if you had intended to submit comments on the Archaeological Services, Noise Impact Assessment, Visual Impact Consulting Services and Socio-economic Impact Assessment Workplans that were discussed at the June 10, 2004, but had not forwarded them to our office yet, please submit them to the EAO by August 20, 2004 at the latest.

Cheers,

Karie Hardie
Project Assessment Officer
Environmental Assessment Office
2nd Floor, 836 Yates Street, Victoria
Phone: (250) 356-5327 Fax: (250) 356-6448
email: Karie.Hardie@gems2.gov.bc.ca

-----Original Message-----

From: Desjardin, Darrell [<mailto:Darrell.Desjardin@portvancouver.com>]
Sent: August 4, 2004 4:39 PM
To: Hardie, Karie EAO:EX
Cc: Michelle Lachmann (E-mail); Hagen, Jan E EAO:EX
Subject: Draft Work Plans for Sediment and Water Quality

Karie,

Please find attached the draft work plans for sediment and water quality. The sediment work plan is specific to Deltaport Third Berth whereas the draft water quality work is for the Roberts Bank project area. Should you require further information or clarification on this matter please feel free to contact me at your convenience.

Regards,

Darrell

10/07/2005

A proposes to expand its container terminal facilities in order for the Port to meet container ship demand increases due to growth in global trade. The project will increase Deltaport capacity by approximately 50% and is part of the VPA strategy to triple their container terminal capacity by 2020.

THE STEPS

- Responsible Authorities will submit a report to the Minister of the Environment with a recommendation on whether the project should proceed as a comprehensive study or by way of mediator or joint panel review. Concurrently, several engineering, environmental and socio-economic studies are being undertaken.
- VPA intends to submit an application in November of 2004, with the review of the application and decisions by government agencies to be completed by summer 2005. VPA wants to start construction in the fall of 2005, and start operating by summer of 2008.

BACKGROUND

- CEAA was triggered by DFO on June 14, 2004. The project is undergoing a harmonized assessment process with the BC Environmental Assessment Office. A comprehensive study under the CEAA is required. The Canadian Environmental Assessment Agency is the Federal Environmental Assessment Coordinator for the project. Responsible Authorities include DFO, Environment Canada and likely Transport Canada. Environment Canada is a Responsible Authority because a Disposal at Sea permit will be required.
- Since the last expansion of the Roberts Bank port facilities in the early 1980's, VPA has experienced a rapid growth in demand for container service through the Port. Present facilities are now at or near capacity, and demand is forecast to continue to rise.
- In 2002/03 VPA proposed two container terminal expansion projects at Roberts Bank: addition of a third berth to Deltaport Container Terminal and development of a new container terminal called Terminal 2. DFO advised that it would not be able to issue an authorization for the destruction of critical fish habitat. As such, DFO stated it "cannot exercise any power, duty or function" that would permit the Deltaport expansion or two of the four Terminal 2 options, as initially proposed, to proceed.
- VPA withdrew the proposed options to study how the proposal could be modified so that it would be reviewable by DFO. The current proposal includes only the Deltaport Third Berth, and not the larger Terminal 2 proposal. VPA is still considering Terminal 2 as a future separate project.
- Tsawassen First Nation is involved in ongoing litigation with Vancouver Port Authority with respect to construction of the existing Deltaport.

Writing Officer's Name: Adam, La Rusie
Job/Division: PYR
File No: (604) 666-8342
Drafted: August 6, 2004

Bringing notes for
Minister

✓
Subject: Brock, Ken [PYR]; Sullivan, Dixie [PYR]; Au, Vivian [PYR]; Beech, Fred [PYR]; Liu, Stan [PYR]
DP3 Application Review

Hi Folks,

Heads up...

The Vancouver Port Authority has submitted their Application for their proposed addition of a third berth to Deltaport (colloquially referred to as DP3). Later on this week I will be distributing the Application to the following folks unless I hear back otherwise:

Andrew and Kirk	-	Air issues
Fred and Chirs	-	Emergencies Prevention, Preparedness and Response
Nadine and Ken	-	Wildlife, Species at Risk, Migratory Birds and Wetlands
Dixie and Christy	-	Disposal at Sea issues

I have a hard copy of the (rather voluminous) binder in my office, but will be sending you a CD copy. If you need the binder, feel free to come up and borrow it. There will be a 30 day review period, after which I will collect comments for a consolidated response. Please review the file carefully as this is a large project with potentially significant environmental impacts and a high public and political profile.

Also please keep in mind that VPA is proposing for the near future a much larger project called Terminal 2 (colloquially called T2). Since the *Canadian Environmental Assessment Act* requires that we consider cumulative effects of future projects, please do be sure to read the cumulative effects section of the Application. ✕

Finally -- You may know that DFO is actively eschewing water quality issues and deferring to Environment Canada's advice. There are some potentially significant water quality issues related to this project specifically related to eutrophication issues between the Deltaport and BC Ferries causeways. I have no idea of who at Environment Canada would be able to comment intelligently on this aspect, so if you have any ideas, please let me know.

Feel free to call if you have any questions; I'm in all week.

Cheers

Adam.

Adam La Rusic, P.Eng
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Environment Canada
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Fax: (604) 666-7294

email: adam.larusic@ec.gc.ca

-----Original Message-----

From: LaRusic, Adam [PYR]
Sent: September 21, 2004 3:03 PM
To: Green, Andrew [PYR]; Standing, Sean [PYR]; Parker, Nadine [PYR]; Beech, Fred [PYR]
Cc: Churchland, Leslie [PYR]; Brock, Ken [PYR]; Johnstone, Kirk [PYR]; Sullivan, Dixie [PYR]; Walls, Lisa [PYR]
Subject: DP3: Project Review Team
Importance: High

To: CCD (Air Quality); CWS (Migratory Birds, Terrestrial Wildlife, SARA, wetlands); D@S (Disposal at Sea); Aquatic and Atmospheric Sciences (Air and Water Quality); Emergencies (Contingency Planning and Emergency Response)

The proposed Deltaport 3rd Berth Expansion project is undergoing an assessment under the *Canadian Environmental Assessment Act* (CEAA). Vancouver Port Corporation proposes to expand the operating Deltaport shipping container terminal facility, located in Delta near Vancouver, BC, by adding a third berth.