

Transport Canada
Ports Review
Ottawa, Ontario,
CANADA

Emailed to < tc.portsreview-examendesports.tc@tc.gc.ca.>

Otto E. Langer
6911 Dunsany Place
Richmond BC
CANADA V7C 4N8

Dear Port Review Team:

December 2, 2018

Critique of Vancouver Fraser River Port Authority and Port's Canada Approach to Environmental Protection in the Waters and Lands of our National Ports.

Over the past 48 years I have been involved as a DFO environmental protection biologist and now citizen in environmental issues related to the various national ports on our West Coast. Without any reservation I can say that the operation of our ports at Prince Rupert, Nanaimo, Port Alberni and especially Port Vancouver has been done in a less than transparent manner and does not take a balanced nor fair approach to protect the environment and public interest. I will dwell on the Port Vancouver - or whatever it is now called. Changes to any national legislation or policy must address the following shortcomings seen at Port Vancouver.

Several years ago we had three port authorities in the Fraser River Estuary i.e. Port Vancouver, North Fraser Harbour Commission and the Fraser River Harbour Commission. Some 15 to 40 years ago the three port authorities were competing with each other and most often putting environmental and social interests in last place. Also local government's legitimate role was often ignored as the port authorities bulldozed their way in what can be best described as economic growth at any cost.

Then in the past one and a half decades the three Vancouver ports were amalgamated into one port and we made the transition from three competing ports to one authority that is little less than a bureaucratic concrete monolithic structure that seems to do everything to serve its own interests and most often ignores the public good in the Vancouver / Lower Fraser River and estuary area. It now sees itself as in competition with Port Prince Rupert – also located in the middle of an extremely valuable estuary i.e. the Skeena River Estuary.

The Fraser River Estuary is the most important waterfowl overwintering area in Canada. It has the largest salmon runs found in any single river on Earth. It is of global significance and it is unfortunate that this unique living legacy is at the mercy of Port Vancouver. Port Vancouver and its management/operations are now the greatest threat to our quality of life, farmland protection and the very survival of the Fraser River Estuary and its life forms as we now know them.

There is a need to have an overarching port authority for the entire West Coast of Canada. This will determine where the best port needs can be addressed and prevents competition and the present empire building that we now see.

The port authority must be a port authority and not a developer of industrial lands as Port Vancouver now sees itself. This problem has led to Port Vancouver ignoring local and the BC Government land zoning and this terrible land use practice of a senior government has to be terminated.

Further to the above Port Vancouver has noted (CEO Robin Silvester) that our limited and valuable supply of farmland (which has the longest growing season in Canada) is more or less a land bank for future port development. Port Vancouver has to abide by BC Agricultural Land Reserve zoning and a national port bulldozing over farmland and any similarly zone land by junior governments must stop.

The Minister of Transport has to step up to the plate and assume control over what the ports are doing and hold them accountable. I have written many letters to the Minister of Transport (including Marc Garneau) and the only response I get back is that the National Ports are independent of the federal government and cannot be held accountable for what they do. This is hogwash and nothing but brown washing by the Minister and his government.

Further to item above national ports were delegated environmental reviews in their ports by the past Harper Government. This is the greatest conflict of interest I have seen in environmental management in the past 50 years in Canada. This has to be terminated immediately.

Port Vancouver has greenwashed many projects that did require a better environmental impact assessment/review. It may be hard to believe but Port Vancouver indeed was the lead in some projects and the land owner and above all conducted or tried to influence the environmental assessment of their very own projects that often has or will have deleterious impact on the estuary e.g. Vancouver Airport Fuel Facilities Project,

Tilbury LNG Jetty construction project, the new Fraser River Richmond to Delta crossing, Mill Town marina, Surrey Fraser River Coal Terminal and of great upcoming significance the Roberts Bank Terminal 2 project. In most instances the Port has assumed authority over CEAA and has dismissed any significant public review of the project by making it just an 'environmental screening'. i.e. no need for public review and public hearings etc.

The Port was prevented from doing this in the present review of the RBT2 project. However they participated in the dismissal of impacts and public involvement in the Vancouver Airport Fuel Facilities Project (now under construction). In that project the Port determined that just a screening was required i.e. no significant public interest and then delegated that project to the BC Environmental Review Office. That office accepted the project as a volunteer submission and then subjected it to an inadequate review and approved it with their 'low bar' environmental review.

In the various discussions of the jet fuel project the harbor master clearly stated that what was in the ships and tankers that came into their port was of no consequence to anyone and their only job was to assure ship safety. The Harbour Master argued that what is inert v noxious vs hazardous cargo is simply a political issue. This is negligent thinking and that must be altered.

The above example is of special significance in that the project was to bring supertankers of toxic and highly flammable jet fuel into the heart of the Fraser River Estuary. The need for a proper federal CEAA public project review was dismissed as unneeded. Despite that fact that this project would set a terrible precedent of such development in the estuary the federal CEAA process did not do a public review of the project. This is despite the fact that:

- The federal government owned much of the land that the project was situated on including the river bed.
- it is a federal port
- it was covered by federal NWPA
- it was covered by all the provisions of the federal Fisheries Act including its pollution and habitat protection provisions.
- It is managed as federal bird habitat under the Migratory Birds Convention Act
- It is home to many parks and conservations and wildlife refuge areas including those owned by the federal government.
- It was a federal waterway requiring the guidance of ship traffic under federal pilotage legislation.

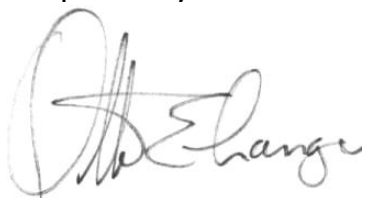
SUMMARY: In this national port review the following issues must be addressed and acted upon:

- 1. The port must dwell on port operations and not become an industrial land developer as is the case with Port Vancouver.**
- 2. Environmental impact reviews must be totally removed from the ports and re-instated with CEAA, EC and DFO. The environmental staff needed to do this properly must be also addressed by this government after the cuts to EC and DFO by the Harper Government.**
- 3. National Ports must better acknowledge the local habitat they are located in and treat environmental sustainability in a serious and accountable manner. The use of government scientists to do environmental reviews would be preferable than the port shopping for consultants that may favor the wishes of the port authority.**
- 4. Environmental triggers for a public environmental impact review must be strengthened so as to prevent what we now see happening in the Fraser River Estuary i.e. projects with significant impact are exempted from federal review or not being properly reviewed by the federal government. Delegation of reviews to industry and junior government environmental assessments and monitoring in a national port is an abdication of federal government responsibility.**
- 5. Environmental impacts in a national port must extend beyond the simple port boundaries and include a regional and ecosystem type review. Impacts to salmon at a project like RBT2 extend 800km up the river and not just around the development site.**
- 6. The West Coast of Canada needs at least a West Coast Port Authority or overview body. The needs and development of all national ports on the Pacific must be coordinated in a non-competitive and seamless manner.**
- 7. If any Port is to do its job it has to consider shipping safety as including what is the ship's cargo. Jet fuel is very deleterious than a ship full of**

wheat! A change is urgently required to re- orient such thinking in port administration.

- 8. Ports must show a much greater degree of transparency in their operations and above all be accountable to the public and local governments.**
- 9. Despite the fact that national port management rests with the federal government they must not use that senior government status to override the wishes and land use decisions of local government.**
- 10. As another way to remove politics and empire building from port operations the port legislation must ensure that at least half of the appointed or elected port directors are from the local port region (or province if we have a West Coast Port Authority). Presently the appointment system is political and is biased to industrial port development.**
- 11. The Minister of Transport or whatever national authority is put into place has to accept the fact that national ports are his/her responsibility and act in a meaningful and accountable manner. The present Minister seems to be in denial of his port responsibility.**

Respectfully submitted by

A handwritten signature in black ink, appearing to read "O. E. Langer". The signature is stylized and cursive.

Otto E. Langer Fisheries and Aquatic Biologist