

Need to Address Real Environmental Impacts in a Revised and New Canadian Assessment Act and Associated Regulations.

Brief by Otto Langer - Fisheries Biologist

To: CEAA Expert Panel Draft Terms of Reference and to the CEAA Expert Review Panel

July 20, 2016

A. Overview Comments:

1. Introduction:

This brief is in response to the Federal Government's recent call for public input into its review for amending the Canadian Environmental Assessment Act (CEAA) and National Energy Board (NEB) environmental review processes as now takes place across Canada.

Environmental protection and assessment legislation needed improvement and fine tuning in the 2000 to 2012 time period. Instead of a logical review of what was needed to do a better job and reduce project delays and endless studies the government of the day neutered several pieces of environmental protection and assessment legislation in Canada. This has left us with next to no aquatic ecosystem protection and a very watered down project environmental assessment legislation in Canada.

Again the public has NOT been given enough time to comment on these extremely important issues affecting all present and future Canadians and our environment. Calling for such a review in the middle of the summer when many holidays have been planned is again questionable. This review should be extended by two weeks with better advertisements. As part of the review the public should be asked to nominate individual for this review panel.

Unfortunately the approach we see here this is what we would have expected from the previous government i.e. call reviews when fewer people can respond to

them. Many ENGOS and concerned Canadians will be left out of this review by less than adequate notification.

Beginning in November 2015 I wrote several letters (see attachments 1 and 2) to the various government ministers of the need to again restore what has been lost in 2012 in NWPA, Fisheries Act and CEAA legislation. Despite that most that I have contacted received no invitation or notice that this present review was taking place. I was fortunate enough to find out about it this review through the grapevine.

When Canadians provide more than ample input into an issue dear to many of us it is incumbent that the government have the wherewithal to record their names on an email notification list should that issue become available for review. To not do so is a failure to serve Canadians and their concerns.

The Canadian Environmental Assessment Act had many shortcomings before the Harper government gutted it and left most of the environmental assessment (EA) job to often low bar (i.e. low threshold standard) provincial EA acts across Canada. What is left in CEAA is a remnant of an environmental assessment act. This does have to be corrected as a very urgent legislative issue.

2. Expert Panel and its Terms of Reference.

CEAA seems to be going through a full process to involve the public in the *Review of environmental assessment processes: Expert Panel Draft Terms of Reference – June 23, 2015*. Due to the urgency of this task it is hoped that this review not become a cumbersome process that takes up too much time as is the case with many environmental assessments. **Time is of the essence and in that this review and following actions on legislative change are very time consuming it is urgently requested that a moratorium be put on many pending project reviews in Canada subject to this review and its outcome.**

Many projects in specific high sensitivity ecosystems (eg. the Fraser River Estuary) will have permanent impacts and should not proceed with their reviews under inadequate CEAA and supporting legislation (eg. Fisheries Act) due to shortcoming created by Bill C38 in 2012.

This review cannot be properly conducted until shortcoming in the Fisheries Act, NWPA, MBCA and SARA also be reviewed in a parallel review. All related acts have to be concurrently reviewed if an ecosystem based approach is to appear in Canada. Each act that supports EAs and ecosystem protection/management cannot be reviewed in isolation of each other..

An expert panel should consist of more than three people understanding that political correctness is necessary in any such panel appointments. It is suggested that at least two very experienced regulatory / EA practitioners / ecologist and a public consultation expert be assigned to the panel in addition to any others. The public should have input into the panel selection or be asked to nominate panel appointments. It should not be based on a sole political appointment process.

The Panel must consult with Canadian in an expedited manner in the fall – early winter season and make every effort to put all on a contact list that have approached government on changes necessary to EAs / environmental protection in Canada.

In that I may not be available for such a review I have added my concerns / recommendations to the Expert Panel ahead of its appointment. Could CEAA insure that these are passed on to the Panel when formed?

3. General Shortcomings of the Present CEAA.

Many of the regulations under the original and present CEAA have been drawn up by individuals that simply did not or do not understand real world environmental impacts or cumulative impact assessment. They do not come from school of experienced habitat protection biologists and ecologists.

Most often the present EA process serves as a series of hurdles that a project proponent must skip over before they get their approval with over 99 conditions associated with it. This seems to be the present shortcoming of CEAA and in the British Columbia Environmental Assessment Act (BC EA) and regulations Almost anyone can get an approval or certificate to proceed on project if they have the patience and money to hire consultants that create thousands of pages of studies to

rationalize little project impact regardless where the project is or what impact it may have.

Many of the regulations designed to trigger proper environmental review are simply bureaucratic and have inadequate relevance to the protection of real world ecosystems (habitats and life forms) in Canada. In many cases the trigger metric is based on some arbitrary length, volume or mass measurement of that project. This is less than logical and is ecologically non-defensible.

It is most often the many smaller, medium sized or expanded projects that can and will cause the most cumulative damage in that they do not receive adequate reviews and are not monitored as to best available construction or siting.

Environmental assessment legislation must address the geography, hydrology, habitats, life forms, and their sensitivity and population sizes to be anything approaching being a science based EA. To date the threshold triggers are usually set by the size of the development regardless the type of habitat or living populations that it is imposed on. This simply does not work if the environment is an important government priority.

The below more detailed comments I will use the Fraser River Estuary as an ecosystem study case in EAs and CEAA will be critiqued in comparison to the BC EA process. This critique will downplay concerns related to the NEB review process since it is not totally relevant to the Fraser River Estuary case examination area.

It is requested that this paper be passed onto any Expert Panel that is appointed for this review.

B. Detailed Comments:

1. Specific projects that must be CEAA projects and subject to a high standard of environmental review in Canada.

In 2012 about 495 projects were subject to some level of CEAA review in BC. After actions of the Harper government in 2012 the list was reduced to five. This was simply irresponsible and that shortcoming must be subject to legislative corrective actions as soon as this review is over.

During the past few years in the Fraser River Estuary a number of projects were not subject to proper or any CEAA reviews despite the projects being in one of the world's important river and a globally significant estuary and were accompanied by 'tonnes' of public concern. Also the estuary was largely under federal ownership or jurisdiction and management.

Those projects have included:

- The locating of a coal port and the shipping of coal out of the Fraser River Estuary by barges and then by ships. No federal review other than Port Vancouver collusion with Surrey Fraser Docks to approve the project.
- The locating of a large jet fuel facility in the heart of the Fraser River estuary and the approval of fuel barge and super tanker traffic into this world class fish and wildlife area. The project was delegated to Port Vancouver who delegated it to BC Environmental Assessment Office (BC EAO) which allowed for an inadequate review and approval. Days after this approval (Environmental Certificate) was issued Port Vancouver (PV) managed to issue a copycat report as a CEAA screening which was not subject to any public consultation or any hearings. To compound what is wrong, Port Vancouver has stated that their review would not include an assessment of what is in a ship. If one does not appreciate that grain versus highly toxic and flammable jet fuel requires some impact separation in an EA, it will be a bogus EA.
- The ignoring of the building of a LNG plant in the Fraser River Estuary opposite the jet fuel facility and allowing for just a BC EAO review which has ignored the building of the LNG plant and will only review the new LNG loading dock in the Fraser River.
- CEAA and their supporting agency DFO has done little of anything to properly review the grandiose plans and actions of Port Vancouver to build habitat in the Fraser Estuary so as to obtain habitat credits for compensation as they destroy habitat at other development sites such as for the Roberts Bank Terminal 2 project. When multiple such individual projects were submitted to the BC EAO for review they determined that none was necessary. This is despite that many of the projects can be to be harmfully altering habitat and could end up with a negative net habitat area in the estuary.
- Once again CEAA and the federal government seems to be hiding in the bushes while BC plans a giant 10 lane bridge (\$3.5B - Delta Richmond Bridge - replacing Massey Tunnel across the Fraser River) in the heart of the estuary. Instead the province will do their own EA on their own project. Why CEAA

would accept that in that the BC EA has proven to be one of the most inadequate EA processes in Canada.

- The Roberts Bank Terminal 2 project is one of the few projects to be subject to a CEAA panel review in Canada. That project will have a giant impact on the estuary. The local CEAA authority (PV) opposed such a review and the public had to jump through many hoops to rationalize a proper CEAA review. That was not necessary in that CEAA should have the regulatory provisions in place to automatically trigger a CEAA panel review on such a large project in a highly productive and sensitive ecosystem. Here the CEAA process has been convoluted and very demanding and confusing to the average person and even the expert. The review is well beyond the capability of the public to properly respond to it due to a very bureaucratic and needlessly confusing process accompanied by reams of consultant studies. It appears CEAA and the proponent (i.e. PV) has arranged for exhaustion of the concerned public by process.
- This list is not complete but it should demonstrate why we need greatly improved EAs and process and why they cannot be delegated to an industrial developer e.g. Port Vancouver.

In the above examples it has to be noted that the Fraser is the world's largest salmon river and Canada's largest over wintering habitat for water fowl and a globally significant rest and feeding area for migratory bird life. It is also a federal port, is home to federal managed and protected fish and migratory wildlife, is subject to the Canada Shipping and Pilotage authorities and is home to YVR – an international airport. It also contains federal owned fish and wildlife (refuge) habitat. Why under those circumstances would industrial developments not be subject to a proper and effective federal CEAA EA process?

2. Moratorium on Major Projects.

Further to the above it is urgently requested that a short term moratorium be put on major projects that can and will have far reaching social, economic, and environmental impacts on a key population and fish and wildlife area of Canada. This moratorium must last until the government has completed full consultations on what CEAA and its regulations should be and legislative action has been taken and the new

CEAA has been promulgated. Projects that are under some form of review must be subject to the 'new' CEAA.

It must be noted that on Nov 12, 1975 (see attached below) many requested the same moratorium on a number of new projects proposed in the Fraser Estuary until a proper environmental EA process and protection system was in place. Little was then done about a project moratorium but habitat protection was soon put into the Fisheries Act and FEARO took on the early RSCC EA process. What was put into place soon after 1975 should be the foundation upon which government must restore and build upon. In many way what took place in 2012 relegated environmental protection and environmental assessment to the pre-1975 level.



3. Relationship of CEAA to other environmental acts and law triggers.

The system of 1995 whereby any habitat harmful alteration triggered (i.e. law trigger) a DFO CEAA review was again not well thought out and was bureaucratic in nature. The Harper government simply eliminated the habitat provision from the Fisheries Act (no habitat – no trigger) and the waterways obstruction section from NWWA. These pre-2012 law triggers, if well designed, are valuable and must be restored to CEAA with concurrent restorations of related provisions in the Fisheries and NWP Acts.

The pre-2012 CEAA did an excellent job of creating a giant paper trail on even a low level review (eg. Screening) but it did not offer equivalent environmental protection. It was bureaucratic and swallowed up many years of government staff time and biologists were relegated to process clerks. That promoted system whereby biologists no longer did valuable field work but stayed glued to their computers creating a system of tracking and endless paper trails. This has to be avoided and this has to be a prime consideration in the re-design of CEAA.

Once the habitat provisions (harmful alteration, destruction or disruption) is restored to the Fisheries Act there must be some trigger in a habitat destruction authorization that triggers a proper CEAA EA. CEAA and other environmental legislation cannot be reviewed in isolation of each other. This of course should depend upon the habitat and the fish population diversity, size and sensitivity involved. The same must apply to where works will obstruct navigable waters.

4. Delegation of CEAA to National Port Authorities.

I have commented to the new Trudeau government on several occasions about this unsatisfactory and irresponsible arrangement whereby CEAA has been delegated to national port authorities (see Attachment 3) . The present arrangement is simply shameful unless it is the government priority to subvert environmental and farm land protection to the industrial development whims of a port authority. The case of the Port Vancouver is of special concern because the port authority boundaries encompass the entire Fraser River estuary.

It is a total conflict of interest when Port Vancouver is the prime promoter of industrial development in the Fraser River Estuary and at the same time assess the

impacts of projects it will financially benefit from. This is now the case (e.g. building of questionable habitat on existing estuary habitat or PV doing the review of the building of a 80 million litre jet fuel storage tank farm on the banks of the estuary on PV land. This has been approved by PV without a public hearing. PV will gain financial income from their own review and approval process. Nowhere else would this be permitted – maybe not even in Mexico!

CEAA must come under the direction of those in Environment Canada (*or ideally an independent CEAA agency that reports directly to Parliament*) administering and responsible for that legislation or any development on federal administered resources or land. If the Fraser River and its globally significant estuary are important in any EA this arrangement must be immediately changed.

5. CEAA and National Energy Board (NEB) Reviews and Panels.

Here one can ask - why do we have a separate review process in NEB and in CEAA to review environmental impacts in Canada that are affected by select energy projects such as interprovincial pipelines? Why did the previous government delegate Fisheries Act habitat/fish protection provisions to NEB when fish occurring waters are affected in a NEB review? Let NEB have the responsibility to determine the energy/economic aspects of a pipeline etc. but leave the environmental and social impacts of that pipeline and all energy projects to EC, DFO and CEAA. If they want to combine the two reviews - fine do so with very clear terms of reference and public panel selection with public input.

6. Provincial EA Acts and Equivalency Agreements.

The process by which CEAA or a an agent like a national port determines equivalency is a questionable arrangement and at times (eg. VAFDP) a bogus process i.e. the Vancouver Airport Fuel Delivery Project - lead taken by Port Vancouver and then delegated to the BC EA as a harmonized review. The ground rules for this joint review were not in writing and Port Vancouver largely sat back and delegated the entire review to the BC EAO and then just rubber stamped the EAO final approval. Key agencies that used to be central to such a review such as EC and DFO were sidetracked in a committee behind and the public never did see their work nor their will to protect the environment in real time.

Once CEAA is restored to better than it was in 2012 it is essential that CEAA not be harmonized with a bogus equivalency agreement to satisfy political needs. If one EA is to be done, the provincial legislation must be scientifically and socially equivalent or better than CEAA and associated Fishery Act etc. requirements.

The BC EA is a far cry from what CEAA was in 2012 and what it should be in 2016. For any form of equivalency to suffice the provincial process must have more than one level of review as related to true environmental senility (as must CEAA as noted above) and full and meaningful public consultation and public hearings. Presently the BC process is largely a charade as related to public concerns and input into any project review. This low bar standard for environmental review and public consultation as seen in the BC EA and regulations is totally unacceptable.

Finally the EA process must be reasonable simple and understandable to the public. CEAA and NEB and BC EAO has now put into place a convoluted public gantlet of review that the common layperson and even experts in the field cannot and do not follow nor understand. It is exhaustion by a gauntlet of bureaucratic steps.

7. Cumulative Impacts and Ecosystem Management.

Some critics have noted that a river dies of a thousand cuts. If we look at the BC statistics as created by the past government that means we would have as few as 10 environmental reviews for each 1000 projects. The approximate 990 projects that would not subject to a proper and effective EA could and often does have devastating cumulative impacts on the environment that are most often permanent. Yet they are subject to low bar BC EA or a given a 'free pass' and not properly reviewed by anyone.

In my 45 years in the environmental assessment and protection field I have not seen a proper and effective cumulative impacts study for any project in BC. The best attempt to do such was in the Cohen Inquiry into lost sockeye salmon in the Fraser River in 2011-13.

When I was with DFO for many years it was the advice of the Department of Justice lawyers that DFO do everything to narrow the scope of any project review so as to create less work and assume less responsibility. To some degree this is still practiced

by many and with the massive reduction in EAs and staff, cumulative impact studies are just wishful thinking and if attempted are token reviews with no real meaning to our overall ecosystem health and diversity.

It has been shown time and time again that the concept of ecosystem management (the term now given too many conservation agencies in BC and DFO) is simply smoke and mirrors. The concept of ecosystem management is undermined by a myriad of legislation and government departments that is often in opposition to each other. There is no real sense of ecosystem legislation and work that can be considered to promote any real form of ecosystem management.

This has to change and this change has to start with a new Canadian Environmental Assessment Act that addresses issues of ecosystem health, cumulative impacts and bio-diversity in its proper context.

8. More Meaningful Public Consultation.

Most often EA process goes through the motions of public consultation. It does not fit most definitions of 'meaningful' consultation. The public consultation is most often delegated to the industrial proponent and they have a financial interest in controlling that public opinion and subsequent input. How can you trust and expect proper and unbiased public consultation from a company like Kinder Morgan (Alberta to BC bitumen pipeline) when the company directing the public consultation (albeit under EA guidelines) and probably puts more effort into advertising about how good their project is and how well they are consulting with the public?

This was also a significant issue with the Vancouver Airport Fuel Facilities Corp. plan to import jet fuel into the heart of the Fraser River Estuary. That matter indeed ended up in court but since the public consultation took place under BC EA low bar standards the Judge ruled that VAFFC and BC had met that low bar standard. However the Judge scolded VAFFC in that they could have done a great deal more to better consult with the public.

If the proponent of a project wants to do their own public consultation that should be allowed as a volunteer exercise. However it is essential that a proper transparent and legal public consultation be held by CEAA or by a third party under direct supervision by CEAA.

After decades of public consultation and the development of CEAA type legislation some 20 years ago, those directing the legislation and does the consulting usually do a terrible job of it. There is indeed a reward for doing a biased public consultation i.e. it is in the proponent's interest to show that the public is not that concerned so the project can be approved as soon as possible. Public consultation has to be early and before many project alternatives are rejected by the proponent.

When the public is consulted, they in most situations must be given options to comment on. In most projects this is not done and the EA agency looks upon and puts the project's single option in a take or leave it context – usually subject to 99 plus conditions.

Above all the process must be fully transparent unlike most of what we see in many EA processes. Also the public must know what is to take place in their community. CEAA has to do a much better job to let the public know what is taking place in their region. A full public registry must be restored. When the public does write in letters to their MP or Minister this has to be put into a contact list. Obviously this is not being done by government/CEAA. This can be easily corrected by a more global approach to CEAA by all government agencies.

As an example of how the system should work, over the past two years I complained of the smell of a composting operation in my community. When their permit was to be reviewed by Metro Vancouver I was automatically invited to comment on the permit amendment application. Why can this service not be offered by CEAA? One should not have to review internet sites to find out what is going on in their neighbourhood and be given minimal time to respond to that project – as is the case in this review!

9. Options, Alternatives and Approval Conditions.

Further to the above section, options must be part of a review process and it must not be a quick examination of bogus options as was the case in the Vancouver Airport Fuel Delivery Review as conducted by the BC EAO and their silent CEAA partner Port Vancouver. Here the company quickly reviewed options behind closed doors and then dumped their only option on the public and the EA process. When

other options are entirely obvious and feasible they must be included in any review. In that we are talking about the protection of public resources the public must have meaningful input into the project locations selection process and that has to be part of any legal EA.

If a project is to be altered after any approval that must again be vetted with the public by the proper government agency and not be seen as simply an amendment to the approval. Further to this, a project if selected properly through an examination of options, it must not be allowed to constantly delay the review process by the proponent calling for suspensions to do additional studies to patch up the holes in their project proposal. When this is done the public is left behind as the goal posts are continually moved.

3. Conclusions.

I recommend urgent action to re-design CEAA after alterations in 2012 that cut CEAA off at the knees. However, government must not rush into this without adequate study and thought. We must restore CEAA and associated environment legislation (e.g. Fisheries Act HADD provisions) to what it was prior to 2012 but it has to be fine tuned to be even be more efficient and better than what was in place prior to the butchering of that legislation by the Harper government. CEAA must be the premier EA legislation in Canada and if the provincial EA legislation is not equivalent or better, a CEAA review must take place.

CEAA triggers have to relate to the real environment and the need to protect it and not to the size, volume or length of the project.

Any 'new' CEAA does have to better relate to ecosystems protection so concepts of cumulative impacts, biodiversity, etc. can be better addressed.

Also the public consultation –notification of projects can be better designed for early input into key considerations such as site selection. Public consultations by the proponent are non-trustworthy and questionable.

Finally the CEAA process has to be simple and not designed for the proponent, their consultants and CEAA staff to develop a paper trail of endless process and studies that often exhaust the public and are inadequate for a full and proper EA. The proponent has to accept greater responsibility to do a better job in designing a project and doing studies that are relevant and meaningful from the very start.

Respectfully submitted by:

A handwritten signature in black ink, appearing to read 'O. E. Langer', with a stylized, cursive script.

Otto E. Langer MSc
Fisheries Biologist and Aquatic Ecologist <contact information removed>

ATTACHMENT 1.

Brief to the New Liberal Government Concerning the Urgent Need to Address Environmental Issues in the Fraser River and Estuary.

By Otto E. Langer – November 18, 2015

Office of the Prime Minister
House of Commons
80 Wellington Street
Ottawa, ON. K1A 0A2
CANADA

<contact information removed>

November 18, 2015

Dear Prime Minister Justin Trudeau and DFO/CCG Minister Hunter Tootoo; EC/CC Minister Catherine McKenna; Justice Minister Jody Wilson-Raybould; TC Minister Marc Garneau; Minister of Sports/PWD Carla Qualtrough; Science Minister Kirsty Duncan; External Affairs

Minister Stephane Dion and Richmond MP Joe Peschisolido:

Re: Real Change Urgently Needed in Fraser River Environmental Protection.

It is with great satisfaction that I congratulate our new government in its recent success in replacing a decade of less than stellar environmental and science leadership in Canada. We anticipate that we can now look forward to a more transparent, democratic and environmentally caring governance in Canada. Although our government will have many requests for early real change and significant international challenges I urge you to not forget about our and our children's futures – our natural environment that sustains our lives.

A number of industrial projects that can do irreversible damage to our environment and the laws and processes that assess them must receive early consideration and action if we want to maintain a healthy environment and a quality of life befitting a Canadian.

A key environmental priority issue in Canada is our extreme concern for the protection of our rivers, lakes estuaries and oceans and the diverse and abundant forms of life found therein. I draw your attention to the Fraser River and its estuary in that its protection has greatly slipped backwards under the Harper government over the past decade.

The Fraser River is rated as one of the world top 50 Heritage Rivers. It is Canada's largest overwintering habitat for waterfowl. As a single stream it still supports the largest salmon runs in the world. It is one of eight Western Hemisphere Shorebird Reserve Networks in North and South America. It is a river and estuary of global significance.

The river and estuary and its rich legacy of aquatic life forms a unique ecosystem that is now under great threat due to years of mismanagement and federal downgrading of effective environmental assessments and the handicapping of legislation. Habitat protection staff have been cut and those remaining are now unable to do the job Canadians expect of them. All balance in the concept of 'sustainable development' has been lost in the past decade due to a myopic economic growth and jobs at any cost agenda.

Projects in the Fraser River and its estuary that are the concern of the general public and most local governments due to inadequate public consultation, environmental assessments and protection include:

1. Jet Fuel terminal in the hearth of the Fraser River Estuary:

The airlines at Vancouver International Airport are to start building a jet fuel dock in the middle of the Fraser River estuary (City of Richmond) so supertankers of cheaper offshore jet fuel can come into the river, offload and store its fuel in a large tank farm on the river banks prior to transporting it across Richmond in a new pipeline to the airport. This facility was terribly assessed by the Province of BC in what can be best described as a very low bar environmental assessment. Of greater disappointment was the fact that the federal agencies like EC and DFO did not participate in any public review of the project. The token federal participation in the review was mainly by Port Metro Vancouver (PMV). They will lease land to the project and have approved the project on behalf of the Federal Government. This is the type of assessment and approval is an extreme conflict of interest that we could only expect to take place in some distant little banana republic.

In 1988 the Federal Government held a public panel review of a much smaller but similar jet fuel project in the river by the same proponent and rejected it due to the risk such highly toxic and flammable fuels would pose to public safety, the river and its life Why would we now have less public consultation and environmental protection than we did 25 years ago?

In 2012 over 5000 area citizens signed a petition objecting to this project and it was submitted to the House of Commons by a MP Fin Donnelly but ignored by the Harper Government.

2. PMV Terminal 2 on Roberts Bank:

PMV has proposed the building of a massive new container terminal on the already significantly compromised Roberts Bank part of the Fraser River Estuary where it will do irreversible harm to fish and wildlife resources. As in the above project the environmental assessment, this time by the federal government, is becoming highly suspect and does not meet public expectations.

3. Two LNG Terminals in the estuary:

The building of up to two LNG export facilities in the Fraser Estuary that will cause significant additional tanker river traffic and public safety concerns. The first of these projects was approved 'out of the blue' by NEB in 2015. Since European contact some 150 years ago, tankers have never entered the Fraser River. The second LNG facility and export terminal was just announced to be placed on Roberts Bank part of the PMV port development area. This development is on prime farmland which also serves as key wildlife habitat.

4. Coal export terminal in the estuary:

The building of a coal export facility in the upper estuary in Surrey will cause coal dust issues and more marine traffic. Public opposition to this project has been largely ignored and again environmental assessment studies have been less than in the public interest and again done under the auspices of Port Metro Vancouver.

5. Bitumen export facility:

Kinder Morgan is planning a new pipeline to transport more Alberta bitumen to BC for export to other countries out of Burrard Inlet. This ongoing NEB environmental assessment is highly suspect (as was the one for the Northern Gateway Pipeline) and has undermined proper and full public consultations. A fear is that the export terminal may be moved to the Fraser River estuary due to various local government pressures to get it out of Burrard Inlet. Both options are untenable.

6. New bridge to open up the river to heavy industry:

The BC Government has announced the plans to build a large new bridge across the Fraser Estuary to replace the Massey Tunnel joining Richmond and Delta. This giant project will allow for the removal of the tunnel and the massive dredging of the river to allow it to accept large freighters and super tankers to new facilities such as the jet fuel, coal and LNG ports. This will convert the Lower Fraser into a Rotterdam type port with great losses to fish and wildlife resources and a loss in our quality of life. No public hearing process has been held to examine this three billion dollar project.

7. New 4th Runway at Vancouver International Airport.

Ongoing planning and less than open dialogue is taking place around Vancouver International Airport and Transport Canada plans to develop a fourth runway at YVR. The preferred option outlines a plan to build a runway across Sturgeons Bank.

Completion of several of the above projects, especially that related to the Roberts and Sturgeons Bank areas and shipping of hazardous cargoes in the river such as jet fuel, will be the death knell for the Fraser River and its estuary as we now know it. Considering 150 years of past development in the Fraser River and its delta area, the ecological integrity and our enjoyment of this part of the world will be totally undermined.

As part of the above projects the number of large barges, ships and supertankers into the Fraser River and its estuary will greatly increase and the risk to the environment and public safety will also increase. If the above projects are approved, an increase of 2000 barges, tankers and large carriers (4000 ship movements) a year will occur and that is into what is already Canada's largest and busiest port. Many parties seem to forget that the PMV port area is also our home and is home to a globally significant estuary. The overall cumulative impacts of these new projects and greatly increased marine traffic has not been adequately assessed.

The reason that we cannot now properly evaluate and make informed decisions on such projects as was done some 20-30 years ago is that BC provincial environmental assessment

legislation in BC is in many respects terribly weak and that of the federal government has been greatly watered down by the past Harper government. Great improvement must be made in the environmental assessment process so as to achieve what we at least had in place some 10-20 years ago or these projects will greatly impact this world class river and estuary.

Time is of the essence. If affirmative action is not now taken to address the quality of life and environmental needs of this key and sensitive part of the West Coast of Canada it will be an environmental disaster in the making. I urgently ask you to now look into the weaknesses in environmental review and protection legislation and process and correct those shortcomings as soon as possible. Some of those shortcomings include; loss of the protection of fish habitat in the Fisheries Act, downgrading the NWPA so as to not trigger environmental reviews, the downgrading of CEAA so as to eliminate 95% of federal reviews, inadequate meaningful public consultation, the laying off of habitat protection staff and the muzzling of scientists.

Since legislative reviews and initiatives do take time, we do not believe the environment should be subject to interim irreversible losses. We strongly recommend that a delay should be put on many projects reviews and approvals until a proper evaluation and permitting process is put back in place and improved over what we had some 10 to 25 years ago. Considering significant past environmental and habitat losses why should we and life in our river and estuary settle for anything less than the level of environmental protection we had 25 years ago?

A summary of recommended action items is attached. Although the Fraser River is of key concern, it must be noted that key estuarine and other sensitive and productive habitat areas across Canada are also under development pressures. For instance on our North Coast of BC the Skeena and Kitimat River estuaries are also under great development pressures.

10 Key Political, Policy and Legislative Issues that Need Urgent and Immediate Attention to Protect the Fraser River and Associated Aquatic Ecosystems Areas of the West Coast of Canada

1. Restore habitat protection provisions to the Fisheries Act as promulgated in 1977 by the then Trudeau Government and restore key habitat protection offices and staffing in areas in BC and across Canada. Redefine as “fisheries” as including all fish in Canada.
2. Upgrade habitat enforcement capability and motivate EC and DFO staff to uniformly enforce environmental laws and prosecute offenders in BC and across Canada.
3. Provide an implementation / action deadlines for Implementation of the Cohen Commission Recommendations as related to all BC coastal salmon issues.
4. Restore CEAA so as proper federal environmental assessments are done to protect the public interest of all Canadians and improve the Act so it relates to habitat sensitivity and importance and not bureaucratic thresholds for environmental reviews. The law has to be assessment/protection oriented and not a paper trailing statute. Other statutes/regulation (i.e. SARA) need a parallel review and upgrading so as to provide a seamless ecosystem based approach to conservation of Canada’s natural resources.

5. Restore NWPA so as public safety is assessed in all waterways with any new development affecting navigation.
6. Re-in state and upgrade the multi-agency / multi-government Fraser River Estuary Management Plan (FREMP) which served as an open house coordinating body in the Fraser River Estuary. Ensure that it is not under the authority of Port Metro Vancouver.
7. Further to 6, remove the authority of Port Metro Vancouver (and other federal ports) over environmental reviews and approvals in their port areas.
8. Develop a strategy and implementation schedule to develop a world class Marine Protected Areas network for all of Canada's waters. That must include estuaries such as that on the Fraser and Skeena Rivers.
9. Develop an energy policy for Canada so we do not have a free for all clutter of pipeline building issues, oil on our railways, fossil fuel development and export facilities all over the map without any real relationship to climate change and present environmental and social protection along the BC Coast and elsewhere across Canada.
10. As part of 9 above, act to reverse 10 years of inaction on real action to reduce global warming gases and climate change. Climate change is a real issue for Fraser River salmon stocks.

{Above code – red = urgent short term action - blue = longer term action}

Our local and global communities will greatly appreciate your early response to and action on these matters that greatly affects one of Canada's great rivers and estuaries. I am of course available to anyone to advance actions on these issues. If you wish to examine my knowledge or qualifications in the Fraser River and its estuary or on environmental issues, I have attached a short resume of my background.

Sincerely yours:

A handwritten signature in cursive script, appearing to read 'O. E. Langer'.

Otto E. Langer MSc
Fisheries Biologist and Aquatic Ecologist

P.S. I do acknowledge and praise your early action on keeping tankers off our BC North Coast and the announcing the re-opening of the Kitsilano Coast Guard Station in Vancouver. As part of this, should you not now act to keep tankers of jet fuel and other hazardous products out of the Fraser River Estuary.

Copies to: MP Fin Donnelly; MP Richard Cannings; MP Jinny Jogindera; MP Joyce Murray; MP Nathan Cullen; MP Don Davies, MP Pam Goldsmith-Jones, Hon. Harjit S. Sajjan

***Background of Otto E. Langer – BSc (Zool) and MSc - fisheries biology (UofA).
Fisheries Biologist and Aquatic Ecologist***

I worked for DFO and DOE for 32 years as habitat protection, water quality biologist and manager of salmon habitat protection programs. Organizer of the Assoc. of Prof. Biologists of BC and was President of the group. I have been qualified as an expert witness on over 100 pollution and habitat destruction court cases in Canada from the Arctic to Newfoundland to Vancouver Island. Those cases involved habitat destruction, petroleum spills, sediment and coal discharges. Main area of work was in BC and the Yukon and to a greater degree the Fraser River and its estuary.

Have published or directed many studies relating to the protection of the Fraser River and its Estuary and pioneered the use of the concept of no net loss. Was the author of the red, yellow and green habitat color zoning system that is used to protect the Fraser River Estuary and adapted to many other habitat management programs.

After leaving government in 2001 I joined the David Suzuki Foundation (2001 to 2005) and developed a Marine Conservation Program. Have been retired for past 10 years but do contract work and much volunteer work for several conservation causes including jet fuel issues for VAPOR, Fraser River Gravel Stewardship Committee (Chilliwack), in situ oil sands issues in Alberta, advisor to the London UK based Marine Stewardship Council (2001-2010), BC Marine Conservation Caucus etc. I had legal standing before the Cohen Inquiry on Fraser River declining sockeye stocks. In 2012 I revealed to the media and the public the secret plans by the Harper government to eliminate habitat protection from the Fisheries Act.

I have spent much of my past 47 years working on habitat and fisheries issues in the Fraser River and its estuary for the Federal Government, ENGOs and as a private citizen.

I have been awarded:

- Outstanding achievement award from BC Assoc. of Prof. Biologists 1994.
- BC Wildlife Federation. - Ted Barsby Award for BC Conservationist of the Year 2009
- Canadian Wildlife Federation -. Roland Michner Award - Canadian Conservationist of the Year 2010.
- 2001 Staff selection as best manager in DFO.
- The BC Government Silver Metal for work on urban stream riparian protection work (2000),
- 2005 – Best BC Book Award for co-authoring 'Stain Upon the Sea'.
- 2016 – Totem Flyfishers – Roderick Haig-Brown Award for Outstanding Contribution to Conservation.

ATTACHMENT 2.

The Lower Fraser River and its Estuary: Conservation Steps Needed to Protect and Sustain Fish and Wildlife and Our Quality of Life. --

-- An Urgent Action Plan for the New Trudeau Gove

An Urgent Action Plan for the New Trudeau Government

Otto E. Langer - March 10, 2016.

A. Introduction:

I have been asked by some federal MPs after the October 2015 federal election to compose list of Fraser River Estuary issues that have to be addressed by this new government after years of neglect and environmental losses under the past government. The Lower Fraser River is in the midst of a new industrial revolution* that is taking advantage of the lack of diligent environmental protection laws and less than adequate environmental assessment procedures. In November 2015 I sent government a letter (Attached) outlining the need to address urgent Lower Fraser River and estuary conflicts. The following is a more complete list and also includes action steps to protect what we now have.

Many seem to pretend that the estuary as an ecologically intact unit. However, it has to be appreciated that the globally significant Lower Fraser and its estuary is not what it was before European contact some 150 years ago. Over 90 percent of

**The Lower Fraser has now been or will be subject to three industrial development periods that has greatly affected the nature of the river and its life. In each development period some significant attributes from our natural world was lost and we are now dealing with a remnant of what habitat and fish and wildlife we had in 1860.*

1. ***The 1st Industrial Era : 1860 to 1920*** (land clearing, dyking, drainage of wetlands)
2. ***The first Interlude: 1920 to WW II*** (no protection laws but little development due to war and depression))
3. ***The 2nd Industrial Era : 1950 to 1975***(no protection laws and major industrial devilmnt such as Roberts Bank port)
4. ***1975 - 2010 – 2nd Interlude – Age of Enlightenment*** (ongoing economic development but with many new environmental protection laws)
5. ***The 3rd Industrial Era: 2010+*** (reduced environmental protection and major developments planned – RBT2, LNG, jet fuel terminal, etc.).

the estuaries' marshlands have been destroyed. We are trying to protect a remnant of what we once had! Is protecting what now exists asking too much considering that we have less than a half dozen of estuaries of this size and importance along the entire North and South American west coast from the Arctic to the Antarctic Oceans?

One must appreciate that the Lower Fraser River is not a self- sustaining ecological – hydrogeological entity. Everything that occurs in the upstream watershed affects the water flow, impacts on fish, sediment transport and water quality. That includes the multiple pulp mills in Kamloops, Quesnel and Prince George, the massive forest removal and pine beetle damage, farming activities, road building and a number of other anthropogenic activities.

Further to the above, water quality in the Lower River, especially its estuary, is an ongoing concern. Improvements were made over the years (eg. secondary treatment at the main sewage treatment plants) but gains have been offset by continuous growth in the Metro Vancouver – Abbotsford – Chilliwack areas. All the wastes of some three million people, and the industry of the area, flow into the river after no or various forms of treatment. This water quality issue is not considered in the below issue and action outlined due to space limitations.

Further to the above comment, invasive species, over fishing and hunting pressures have of course affected life in the river. As with water quality, these issues are also not addressed in this brief.

B. Present threats to the environment of the Lower Fraser River (Hope to Steveston reach and the estuary).

- **Threat ratings: Overall present threat to the Lower River and its estuary. (8-10) – Of extreme concern. Imminent threat that will cause significant alteration and damage to the river and its life.**
- **(5-7) Of significant concern to the protection of life and habitats in the Lower Fraser River and its estuary. The estuary includes English Bay.**
- **(1-4). Of lessor importance and threat to the Lower Fraser at this time.**

1. **Roberts Bank Terminal 2 project (Threat rating 10).** This is one of a very few projects in Canada that is now subject to a CEAA Review Panel. PMV has applied to build a 180 hectare new fill area adjacent to the present port that is also built on the estuary mudflat. This new fill area will be one of the final nails in the coffin of the valuable fish and migratory bird habitat on Roberts Bank. The public has been very upset with the complexity of the CEAA review as directed to date. The process makes it impossible for the local citizen to have input into such a bureaucratic and gantlet type review.
2. **New Richmond – Delta Bridge. (10).** The proposal to build a bridge to replace the George Massey Tunnel may not directly affect fish and wildlife habitat but the loss of the tunnel will allow the river to be dredged much deeper and this will allow the promotion of deep sea super freighter and tanker traffic in the lower Fraser and that alone will set an irreversible and negative trend for most habitat and quality of life issues along the river's edge. There will be Jet fuel supertankers, LNG tankers coal freighters and associated terminals, etc. Also a deeper river could well lead to the loss of riparian marshes due to ship wake erosion and slippage of river banks into deeper waters. This new bridge and lowered bed in the Fraser River will greatly enhance the penetration of salt water into the Fraser River where it can affect the biology of the river and the use of water along the river such as for Richmond and Delta farmers.
3. **Jet fuel transport on the Fraser (9).** The Vancouver Airport Fuel Facilities Corporation's plans as approved by PMV and the Province EAO to allow Panamax jet fuel tankers to enter the Fraser river in Richmond and build an off-loading terminal with a very large tank farm and pipe the fuel across Richmond to YVR. The Federal CEAA process and EC and DFO played no public role in this review and the PMV simply did a screening and approved the project along with the province.
4. **PMV habitat banking program (7).** This is an ongoing program by PMV to develop habitat on top of existing habitat so as to get habitat credits to apply against other habitats that they will, or plan to, destroy such as the subtidal habitats at Roberts Bank. Although it is called a Habitat Enhancement Program it is far from that. Many PMV projects are really habitat restoration and that should not be used to gain credits that will be used to destroy habitat created by nature that is stable, often more diverse and long lasting. Indeed the clean-up of a Boundary Bay habitat area in 2014 by PMV for habitat credits as issued by DFO was misguided and probably did more damage than good.
5. **Kinder Morgan bitumen pipeline project (6).** This project will allow about 600 super tankers of bitumen to be exported out of Burrard Inlet i.e. in the middle of Metro Vancouver. Any spills from the large new pipeline will affect the Fraser River and ship based or loading spill will greatly harm Burrard Inlet. This project is under NEB-CEAA

review but it has largely muzzled the public by not allowing the common citizen without extensive backup to appear before the panel. Those that can appear before the panel have no right to cross examine any presentation made. Once again PMV will greatly benefit from this project if it is approved.

6. **Increased water temperatures (6).** have and will affect hydrology and continue to cause mortalities of salmon in the Fraser River and eventually affect all other ecological concerns. Climate change is a real issue for the Lower Fraser River.
7. **Fortis LNG Facility on Tilbury Island (6).** This facility has been improperly assessed by the federal CEAA and BC EAO process. The use of fossil fuel (LNG) and the building of the plant and storage tank(s) have been ignored and only the dock in the river is subject to the EAO review.
8. **Gravel mining (6).** Continued gravel mining in the salmon and sturgeon spawning areas of the Fraser River in the Chilliwack to Seabird Island reach of the river. This mining began in earnest in about 2004 when the DFO largely delegated their responsibilities to the Province and the Province saw this as a valuable source of gravel for construction in the Lower Mainland. Little of this gravel mining has anything to do with flood control.
9. **Flood control initiatives (6).** There has been years of clamor for better flood control along much of the Lower Fraser river. In many locations it is valid. To date misguided efforts have determined that gravel mining and dredging of the river will provide that protection. However, improved dykes are in order and such a program along the river can result in significant damage to shoreline fish and wildlife habitat as it did after the 1948 flood when many riparian areas were destroyed and sloughs were cut off from the river. Any new dyking – riprapping program has to be conducted in an environmentally aware manner.
10. **River dredging for flood control (6).** Further to the above, many local officials in the tidal reach of the river believe in the misguided concept that one has to dredge out sand from the estuary to prevent flooding. The high tide level determines the level of flooding and the depth of the river provides little or no new flood protection. The demands for more dredging is accompanied by many new industrial developments such as the dredging of the river associated with the new Richmond-Delta Bridge, the wishes of Maple Ridge to have a cruise ship facility and the plans of Mission. The massive dredging of the sands of the Lower Fraser River can have untold impacts on river behavior and its habitats such as that of the near extirpated Eulachon.
11. **Port expansion to Mission (6).** The old FRHC port boundaries extended to Kanaka Creek. However that port authority noted many years ago their desire to extend the port to

Mission. With PMV now in charge the ambitions to develop ports and industrial lands is greater than ever regardless of fish and wildlife habitat or ALR values. This is combined with a constant push by Mission to have the river dredged for flood control and the operation of barges for business ventures in Mission. The extension of the port to Mission is a giant threat to the Lower Fraser River.

12. As noted above, **increased shipping traffic (5)** is an increased threat to the river and its riparian habitats. Shoreline erosion of rare and endangered habitats occurs from the large wake of boats. Also with the BC government allowing jet fuel transport on the river (LNG next) there are greater probabilities of accidents and spills of hazardous materials into the river.
13. **Surrey Fraser Dock coal export facility (5)**. This facility is to export US thermal coal to Asia. Originally it was to be shipped down the Fraser by open barges but now large ocean carriers could be allowed into the Surrey Docks if the George Massey Tunnel is replaced by a bridge and the river is dredged out to allow large freighters and tankers up the Fraser River. Once again the Federal Government did not review this project under CEAA but delegated the environmental-social impact review to Port Metro Vancouver.
14. **The Hazardous Waste site in Chilliwack (3)**. This site was again ignored by the Federal review process and the City of Chilliwack approved it despite the fact that it is on the banks of the Fraser River and was met with tremendous public opposition. Although public pressure seemed to have defeated this proposal it was then followed by a recent proposal to put a contaminated soil dump in to the salmon rich Chehalis River watershed.
15. Long term plans by YVR to add a **4th runway to the Vancouver International Airport (3)**. The only option to date seems to be a filling in of one of the last two large marsh- mudflat areas of the estuary i.e. Sturgeons Banks. As with RBT2 on Roberts Bank, this project will be the last nail in the coffin of this valuable habitat area. With Roberts and Sturgeons Bank largely compromised by these two projects the globally significant Fraser River Estuary will be small remnant of what it was in 1860 and what has survived over 150 years of development to 2016.

C. The overarching issues that contribute to habitat threats and losses in the Lower Fraser River. These umbrella issues are in need of corrective action by government

Priority for action:

- 10-8 - urgent – immediate action required;
- 7-5 - must be acted on in the near future;
- 4-1 - of longer term concern for future action.

1. **(Priority for action - 10). Federal delegation of environmental and social impacts reviews to PMV is an unbelievable conflict of interest** in that the port promotes such development, profits from it and also now reviews and approves it. A neutral federal agency (a revitalized CEAA) must take over the review of all PMV and Fraser estuary projects.
2. **(10). A new and aggressive approach by PMV to develop habitats and farmland for future industrial purposes is bound to negatively affect our renewable resources.** This rush for industrial lands has to be tempered with protective and enhancing the remnant farmland and habitat we have and input from the local communities must be stressed.
3. **(10). CEAA and NWPA and the Fisheries Act have been watered down by the past government** so they have little effect on almost any development proposal in this critical environment and its fish and wildlife habitat areas. CEAA has to be upgraded so as to address projects that have sensitivity to the habitat affected and the nature of the development and not necessarily its size regardless of siting location. Also their approach to 'valued components' needs great improvement.
4. **(10). The dissolution of DFO Habitat Protection Offices** along the Fraser River directly associates with item 5 below. The rebuilding of DFO and EC as conservation agencies with a directed will to do the job is essential.
5. **(10). Further to the above the removal of habitat protection provisions from the Fisheries Act (2012) and the directing of Fishery Officers and remaining habitat from doing any habitat enforcement work must be reversed.** The habitat provisions (HADD) must be immediately re-inserted into the Fisheries Act. This habitat law did not hinder industrial development in Canada from 1976 to 2012.
6. **(9). As recently indicated by the present government, address climate change in a time effective manner** so as many resources that we now have are not lost in the next few decades as we wait for controls to be implemented and take effect. High water temperatures are already having a negative impact on salmon survival.
7. **(8). A fully functional FREMP type organization** to coordinate the environmental protection needs of the various federal, provincial, and local government laws and regulations has to be restored since it was dissolved by the past government. PMV pretends that they can now fulfil this role. That is an outrageous substitute to replace the loss of FREMP due to PMV's mandate and conflict of interest.

8. **(8).** There is a **complete lack of an environmental management body and plan** for the area of the Fraser upstream of the old FREMP boundary (Kanaka Ck.) to Hope. This area is home to over 400,000 people with various demands on the river and its riparian habitat. This plan is especially essential to coordinate flood control issues in this reach of the river as related to gravel removal as a flood control technique.
9. **(8).** It is extremely unusual that **much of the Lower Fraser is federal port, under federal navigation laws under federal pilotage authority and is home to federally protected habitat and fish and migratory wildlife resources and home to several federal conservation areas.** Yet after 2012 the federal government sees it as not having to do any environmental review of impacts to this key and essential habitat area that is of global significance. The federal government did a much more effective job of protecting social and environmental attributes of this area in the 1980s under the EARP – FEARO process before the development of proper legislation (CEAA) to do this job. However, CEAA was effective until about 2012 when its role as related to NWPA and the Fisheries Act was totally undermined by the past government. This problem has to be urgently corrected.
10. **(7).** **The BC EAO environmental assessment process is largely ineffective** in directly addressing the real threats of a project that may be planned with the wrong rationale for the wrong location. The BC EAO has many shortcomings including low bar standards that are applied to all projects regardless of habitat sensitivity, lack of follow-up enforcement and a process that allows for no public hearings and thereby eliminates fair public consultation and input. The federal government must drop their dependence on the ineffective BC method of doing EAs that must be done by the federal government in a much more effective manner. The BC EAO process does not allow any panel type review with public hearings.
11. **(7).** **Harmonized federal/provincial environmental assessments have failed to credibly meet CEAA requirements.** Changes made in 2012 to the CEAA have allowed several projects to proceed in B.C. through substitution. The changes permitted the replacement of the federal EA process with the provincial EA process through “substitution” (i.e., one EA process and both the provincial and federal ministers render a decision on the result), or “equivalency” (i.e., one EA process and a provincial decision only) on request from the B.C. government. The LNG proponents were advised by lawyers that: *“The key to this strategy is to avoid an EA that encompasses additional associated project components, such as pipeline and/or power, and focus on the provincial EA process as the principal venue...”*

D. CONCLUSIONS:

The Lower Fraser River and its globally significant estuary has been developed by industries, land reclamation, flood control and urbanization to such a degree that its functioning as a sustainable ecological unit is now at stake. During the past few years there have been a number of new setbacks in protecting what is remaining of a once large healthy natural estuary ecosystem.

It is obvious that environmental protection actions and social considerations have been greatly downgraded from what was in place during the 1977 to 2012 era. This downgrading was often by politically directed bureaucratic actions (2000 – 2012) and then in 2012 the recent past government totally handicapped environmental assessment and navigable waters and environmental protection legislation. We have experienced about 15 years of downward negative setbacks in environmental protection in the Lower Fraser River.

This was done by disingenuous changes to almost all environmental legislation from the Fisheries Act, CEAA, NWPA, and Species at Risk Acts. From Section B above, it appears that all activities, laws, and administrative arrangement were essential to do the job and must be now acted upon to give not only the Lower Fraser River, but all Canadians and their waterways the protection they deserve for the enjoyment and survival of life in our waterways for future generations.

It is most urgent that above noted legislation be restored (with some fine tuning where necessary) and environmental assessments and approvals be given to or directed by CEAA, DFO and EC and not PMV. PMV is in a great conflict of interest each time it assesses a project and then approves it to their business advantage.

Select projects now are creating a significant risk to the river and its life and must be addressed in a more effective manner than recently shown by regulatory authorities.

A handwritten signature in black ink, appearing to read 'O. E. Langer', with a large, stylized initial 'O'.

By Otto E. Langer MSc Fisheries Biologist March 8, 2016.

Peer reviewed by Dr. Marvin Rosenau BCIT, John Werring DSF and Susan Jones BBCC.

ATTACHMENT 3.

House of Commons
Ottawa, Ontario
CANADA

Dear Rt. Hon. Justin Trudeau - Prime Minister;
Rt. Hon. Marc Garneau - Minister of Transport;
Rt. Hon. Dominic LeBlanc - Minister DFO and Canadian Coast Guard Cabinet
Ministers and MPs:

<contact information removed>

June 7, 2016

Re: Urgent Need for Action to Address Port Vancouver Conflict of Interest and also Rehabilitate DFO and the Fisheries Act.

The issue of how our national ports operate and how environmental assessments (EAs) and protection is offered in port jurisdictions is an outstanding issue that our new government must now act on. Political action on this file is long overdue.

The conflict of interest and real damage being done to the Fraser River Estuary by the decisions and works of Port Vancouver has to be addressed on an urgent basis. I have written letters and briefs to you (attached) on this urgent situation and have received little meaningful feedback. Mr. Garneau did indicate that his office sent my letter to Port Vancouver CEO Robin Silvester. That is of little help.

Mr. Silvester and the aggressive port development actions combined with unacceptable federal port laws and regulations are the basis of the problem. The port's environmental protection assessments and developments are in an obvious conflict of interest. That is the crux of the problem and the port does not have social license or community buy-in to function the way it has.

For some unknown reason Port Vancouver has been given the federal role to conduct environmental assessments of private and their own projects in their port area. This is a

giant area of jurisdiction encompassing Burrard Inlet, English Bay, the ocean down to the US border and the entire Fraser River and estuary to some 50km inland.

Often Port Vancouver leases federal land to private interests and assesses the environmental impacts associated with that development. With development approvals the port benefits greatly in that they get fees and lease moneys associated with that approval. For instance the Port has given the Vancouver Airport Fuel Facilities Corp. an EA approval as conducted by the province and now has permitted construction of jet fuel tanks beside the Fraser River on federal land as leased to VAFFC by the Port. Port Metro then says it is immaterial what is in the ships and tankers that come into the river – they just ensure transport safety. This is not how a meaningful and responsible EA must be done.

Our government (the new Trudeau Government) did promise a resolution of many of these issues to provide "real change" in environmental assessment and protection. In addition to the mess the Fisheries Act, NWPA and CEAA are in due to the Harper Government's actions now is your opportunity to address these outstanding issues. As each month passes, the problem does get worse and the victim is the environment and our world class salmon populations and wildlife resources in the globally significant Fraser River estuary.

Finally, it is with regret that the Fisheries and Oceans and Canadian Coast Guard Minister had to resign his ministry and the Liberal caucus for addiction treatment. Despite Mr. Tootoo's unfortunate personal problem I feel now you have the opportunity to address many of the real problems facing DFO. My briefs to you (attached) also address that issue. Promises have been made on that front and now with the

appointment of a new and assertive DFO minister the public interest and good can be best served for future generations of Canadians.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'Otto E. Langer', written in dark ink.

Otto E. Langer Fisheries Biologist Richmond BC

- **3 email attachments**

- **Copies to:**
Carla Qualtrough Minister of Sport and Disabilities
Catherine McKenna Minister of Environment and Climate Change
Joe Peschisolido MP
Joyce Murray MP
Fin Donnelly MP
Richard Cannings MP
Nathan Cohen MP
Peter Julian MP
Don Davies MP
Mayors and City Councillors of Richmond, Delta, Burnaby, New Westminster, Surrey and Vancouver