

Kate Witherly
Agency Review Manager
Impact Assessment Agency of Canada
160 Elgin St., 22nd Floor
Ottawa, ON K1A 0H3

June 21, 2023

Dear Ms. Witherly,

RE: Deltaport Expansion, Berth Four Project - Request for Extension of Time Limit

GCT Canada Limited Partnership (**GCT**), the proponent for the Deltaport Expansion, Berth Four Project (**DP4**), requests that the Impact Assessment Agency of Canada (the **Agency**) extend the time limit for the Impact Statement phase (**IS Phase**) pursuant to subsection 19(2) of the *Impact Assessment Act (IAA)*.

Subsection 19(1) of the *IAA* requires a proponent to provide the Agency with the information or studies set out in the notice of commencement within three years after the day on which a copy of that notice is posted on the Agency's site (the **Registry**), which, for DP4, occurred on May 31, 2022. The current deadline to provide the information and studies for DP4 is May 31, 2025. As you are aware, the Agency and the British Columbia Environmental Assessment Office (**EAO**) require approximately a year to complete their review of the Impact Statement and seek feedback from relevant parties. As such, under the current timelines, GCT will need to submit its complete Impact Statement to the Agency and the EAO by May 31, 2024.

GCT is requesting a 24-month extension of the IS Phase to May 31, 2027, considering several compelling factors. This request is also in accordance with the draft Agency and EAO Cooperation Agreement which states that “[o]n the Proponent's request, the Agency may extend the time limit by any period that is necessary.”

1. Cumulative Effects

As you are aware, Indigenous Nations have raised concerns with respect to the current level of understanding, assessment and management of cumulative effects on their Indigenous Interests, particularly related to the potential for accidents and malfunctions. In the absence of such an understanding and assessment, many Indigenous Nations have difficulty assessing the impact of projects, including DP4, on the Nations' ability to meaningfully exercise their Indigenous and treaty rights.

GCT will continue to monitor regulatory updates which may impact DP4, including the potential for the Agency to update its guidance on cumulative effects considering changes under the IAA. In addition, Transport Canada is currently undertaking an assessment of the [Cumulative Effects of Marine Shipping \(CEMS\)](#) in the South Coast of British Columbia region and is working with Indigenous Nations, local stakeholders and coastal communities to better understand the effects of marine shipping activities on coastal environments. The CEMS aims to support, and contribute to, the understanding of environmental baseline conditions as well as environmental and cumulative effects in the Salish Sea. We hope that the CEMS, in part, assists in addressing some of the concerns raised by Indigenous Nations (e.g., wake effects, shoreline erosion, accidental discharge) by providing a more robust dataset and important contextual information which can be used to inform and bolster DP4's cumulative effects assessment.

During the extension period, GCT will closely review the submissions being made to Transport Canada, and once available, consider conclusions and recommendations from the CEMS to determine any potential impacts on DP4, including whether the scope of remaining studies needs to be modified, and to further inform the contents of the Impact Statement. GCT believes this is an efficient and considerate approach.

2. Roberts Bank Terminal 2 Project Conditions

In late April 2023, the Roberts Bank Terminal 2 project (**RBT2**) received approval under the *Canadian Environmental Assessment Act, 2012* with 370 conditions. As a prudent proponent, GCT is taking the time to fully understand how the implications of the conditions placed on RBT2's approval may materially impact the review of DP4 and the contents of the Impact Statement.

GCT has also heard from some Indigenous Nations that the Nations are currently concerned with the prospect of both RBT2 and DP4 being constructed and operational, in addition to the existing vessel traffic. GCT will need to further engage with Indigenous Nations to better understand their concerns as outlined during the April 27, 2021 workshop, given the recent approval of RBT2.

An extension will allow for GCT to fully understand, and consider, the implications on DP4's design and methods arising out of the RBT2 approval conditions, assess improvements and, where appropriate, engagement with Indigenous Nations, regulators, the government and the public.

GCT has notified Indigenous Nations with respect to this extension request. Indigenous Nations have either expressed support for GCT's extension request or to date, have not expressed any concerns.

3. Timing Constraints

The current timelines for submission of the complete Impact Statement are challenging for GCT, Indigenous Nations, the Agency and the EAO.

For example, GCT's notice of commencement was posted on the Registry on May 31, 2022, and under the IAA, GCT must provide the Agency with a complete and revised Impact Statement within three years, by May 31, 2025. In practical terms GCT will be required to submit the complete Impact Statement by May 31, 2024, as the Agency has also requested approximately one year to review the complete Impact Statement and seek feedback from the relevant parties in order for GCT to make revisions.

GCT has also received feedback received from some Indigenous Nations, including Tsawwassen First Nation and Maa-nulth First Nations, that they welcome an extension as it will enable them to undertake a proper assessment of their Nation-specific impacts. An extension would assist in alleviating these timing constraints.

In addition, GCT has heard from some Indigenous Nations that there are capacity constraints on the Nations to participate in DP4 associated work plans, studies and associated review processes. An extension allows GCT to better leverage existing input and Indigenous Knowledge provided by Indigenous Nations through their participation in other processes and allows GCT to be more efficient with the requests of Indigenous Nations' time and resources. Indigenous Nations will be requested to continue to validate and approve the use of such Indigenous Knowledge prior to any inclusion in the Impact Statement.

To date, GCT has invested significant resources into the DP4 assessment process. It has successfully advanced through the Planning Phase, seeking consensus along the way, and worked closely with 52+ Indigenous Nations, the public and regulators to inform the Joint Guidelines, the Joint Indigenous Engagement and Partnership Plan, the Joint Assessment Plan and the Joint Permitting and Regulatory Coordination Plan. GCT has advanced field studies, collected the data necessary to inform the Impact Statement, worked directly with Indigenous Nations and federal and provincial authorities, and has commenced the creation of a Marine Regulatory Advisory Group to understand how best to collaborate on the assessment of DP4's effects on the marine environment.

The progress made to date, milestones reached and engagement with Indigenous Nations and the public has been regularly communicated by GCT to the Agency and the EAO through weekly regulatory meetings held between the parties. For further reference, Appendix A:

- provides an overview of all engagement activities, linked to the development of required information and studies, undertaken with Indigenous Nations and the public;
- includes documentation demonstrating the advancement of the assessment process;
- provides an overview of the work plans detailing the progress made to date; and
- provides an overview of the necessary work that GCT will assess to complete the Impact Statement.

During the extension period, in addition to assessing the implications arising from the CEMS and other cumulative effects initiatives and assessing the implications from the RBT2 conditions on DP4, GCT will also continue to engage with Indigenous Nations, as appropriate. An updated

schedule for DP4 is attached as Schedule 2, with further detail provided in Appendix B. GCT will continuously provide progress and other updates to the Agency and the EAO during the extension period.

GCT acknowledges the importance of a timely assessment process and the efforts made by the Agency and the EAO to coordinate this process—GCT remains dedicated to advancing the review of DP4 in a responsible and efficient manner. GCT further acknowledges the importance of ensuring that an assessment is robust, comprehensive, and responsive to changing conditions and developments.

GCT appreciates the commitment of the Agency and the EAO to ensuring a diligent assessment process. Please contact me if you have any questions regarding this request.

Sincerely,

<Signature removed>

Mike McLellan

Vice President, Project Development GCT Global Container Terminals

c.c. Terry Hubbard, Impact Assessment Agency of Canada
Elenore Arend, British Columbia Environmental Assessment Office
Ian Cowan, British Columbia Environmental Assessment Office
Marko Dekovic, GCT Global Container Terminals Inc.

APPENDIX A

Impact Assessment Activities

Activities to Date in the Impact Statement Phase

Baseline Information – Existing Conditions

- Completed desktop research to identify available information sources to maximize the use of existing information as specified in the Joint Guidelines.
- Conducted gap analyses to identify information requirements to complete the Impact Statement.
- Undertook baseline environmental studies. Fieldwork programs and progress to date are highlighted in Schedule 1.
- Prepared detailed workplans for fieldwork programs that describe the study areas and methods. Shared workplans with Indigenous Nations and regulators and responded to questions and comments on these plans.
- Prepared a Workplan Summary document that (i) summarizes each fieldwork program's study area and methods; (ii) lists the DP4 Valued Components (**VCs**), sub-components and topics to be assessed and describes the Local Assessment Area (**LAA**) and Regional Assessment Area (**RAA**); and (iii) includes comprehensive maps of LAAs and RAAs for all VCs. Shared this document with Indigenous Nations and regulators.

Impact Statement

- Developed the structure for the Impact Assessment, including volumes for the DP4 marine terminal, marine shipping and rail and road transportation, and the template to be used for each of the VC chapters in these volumes.
- Developed a draft methodology section of the Impact Assessment (for biophysical VCs as well as Indigenous Interests) based on Agency and EAO guidance.

Indigenous Nation Engagement

- Met regularly with Indigenous Nations to provide project updates, as well as developed agreements and advanced the Indigenous Interests sections of the Impact Statement.
- Advanced Indigenous Knowledge agreements with Indigenous Nations, including executing four agreements and advancing 23 more.
- Advanced agreements with Indigenous Nations providing capacity funding and alignment on collaborative process with Nations during the Impact Assessment process. GCT has executed 24 capacity funding agreements for phase one, and five agreements for the current phase, while advancing 11 more.
- Worked collaboratively with Indigenous Nations to develop a Terms of Reference document for the assessment of impacts to each Nation's Indigenous Interests. These

Terms of Reference include the division of responsibilities and timelines. GCT has developed 10 Terms of Reference.

- Developed the section of the Impact Statement methodology for the assessment of impacts to Indigenous Interests and shared this section with Nations for their review and comment. Responded to questions and comments.
- Compiled a database of existing Indigenous Knowledge and conducted a gap analysis of information required to complete the Impact Statement.
- Sought to build and strengthen relationships with Indigenous Nations, including through inviting and hosting Nations at a DP4 site visit.

Activities remaining in the Impact Statement Phase, which remain subject to GCT's assessment of the cumulative effects initiatives, further engagement with Indigenous Nations, and deeper understanding of the RBT2 conditions (see Schedule 2):

Baseline Information (Existing Conditions)

- Additional fieldwork.
- Drafting of technical data reports summarizing the results of the studies and related collaboration with Indigenous Nations and regulators.
- Interviews with Indigenous peoples, community members and stakeholders to inform the Impact Statement.

Impact Statement

- Modelling in support of the Impact Statement, including air quality, noise and economic effects.
- Collaborating with Indigenous Nations and regulators to develop mitigation measures to avoid or reduce project-related adverse effects.
- Collaborating with Indigenous Nations and regulators to develop follow-up programs.
- Collaboration with regulators, federal authorities and the Technical Advisory Committee to continue to gather information to inform the Impact Statement.
- Developing the Impact Statement based on the information collected.

Indigenous Nation Engagement

- Discussions with, and addressing concerns from, Indigenous Nations who have expressed concerns about two container terminal projects at Roberts Bank.
- Seeking guidance from Indigenous Nations on identifying traditional and non-traditional habitat offsetting approaches.
- Collaborating on a Terms of Reference with the remainder of Indigenous Nations who want to take a collaborative approach to authorship of their Indigenous Interests' assessment.

- Indigenous Nations' review of any additional studies to supplement publicly available Indigenous Knowledge, including through project-specific studies.
- Drafting Indigenous Interests' assessments in accordance with each Nation's Terms of Reference and engagement with that Nation. Provide opportunities for each Nation to review their section.

SCHEDULE 1
WORK COMPLETED

	2022												2023				
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Baseline Studies																	
Bird studies																	
Sediment chemistry & shellfish																	
Human health - tissue sampling																	
Marine mammals																	
Marine fish																	
Dungeness crab																	
Water quality & oceanography																	
Biofilm																	
Marine vegetation & habitat																	
Light/ visual																	
Indigenous Engagement																	
Project engagement																	
Baseline studies workplans																	
Indigenous Knowledge agreements																	
Nation-specific assessments																	
Regulator Engagement																	
Regulator engagement																	
Stakeholder Engagement																	
Stakeholder engagement																	
Project Development																	
Geotechnical studies																	

*Grey squares indicate month activity was undertaken.

SCHEDULE 2

ANTICIPATED PROJECT SCHEDULE

	2022		2023		2024		2025		2026		2027		2028		2029		2030		2031		2032		2033		2034		
	H1	H2	H1	H2	H1	H2	H1	H2	H1	H2	H1	H2	H1	H2	H1	H2	H1	H2	H1	H2	H1	H2	H1	H2	H1	H2	
Baseline field studies																											
Indigenous Nation engagement				*	*	*	*																				
Regulator engagement				*	*	*	*																				
Stakeholder engagement				*	*	*	*																				
Complete Impact Statement preparation																											
Revised Impact Statement review and revisions																											
Federal panel review and reporting																											
Ministerial decision making																											
Permitting related engagement & preparation																											
Stage 1 construction																											
Stage 2 construction																											
Increased operational capacity																											
Full operations																											

* Limited to three items outlined in the letter

APPENDIX B

Indicative Project Schedule

