



Fisheries
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April 1, 2003

Mr. Pat McLaughlin, Director
Container Development Group
Vancouver Port Authority
1900 – 200 Granville St.
Vancouver, B.C.
V6C 2P9

Mr. Darrell Desjardin
Container Development Group
Vancouver Port Authority
1900 – 200 Granville St.
Vancouver, B.C.
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Dear Messrs.:

Subject: Proposed Container Terminal Expansion at Roberts Bank

This letter is a follow-up to the pre-application meeting that took place in Victoria on March 11, 2003 as part of the harmonized Canada/BC assessment process for the review of this proposal. At that meeting the Vancouver Port Authority (VPA) described two separate proposals that would form the basis for container terminal expansion at Roberts Bank. These proposals were specifically identified as Delta Port and Terminal 2.

As you know, Fisheries and Oceans Canada (DFO) outlined its concerns with the proposed container terminal expansion (then identified as one project) in a letter from DFO to the VPA dated November 21, 2002. In addition, DFO has met with the VPA on four occasions to discuss proposals for container terminal expansion at Roberts Bank: September 24, 2002, November 14, 2002, November 22, 2002 and January 21, 2003. In each of those meetings DFO clearly stated our concern over any proposal to develop additional container storage and dock facilities on the east side of the existing causeway. In each of those meetings DFO advised the VPA that, because of the critical value of the fish habitat in the area of the proposed expansion, DFO would not be able to issue a *Fisheries Act* Sec. 35(2) authorization for the destruction of that habitat.

Accordingly, as I stated at the March 11 meeting, DFO will not be involved in any review of the Delta Port proposal as the only option proposed for that project results in the destruction of critical fish habitat on the east side of the causeway. These circumstances do not permit DFO to authorize the harmful alteration, disruption or destruction of fish habitat and, as such, DFO cannot exercise any power, duty or function that would permit the Delta Port project to proceed as proposed.

With respect to the Terminal 2 proposal, DFO recognizes that our earlier discussions have resulted in several options being proposed for this project. However, the option designated E1 in the current Terminal 2 proposal results in destruction of critical fish habitat on the east side of the causeway that DFO could not authorize. Option W3 also impacts valuable fish habitat and would result in many of the same impacts to fish habitat as Option E1.

The intent of our earlier meetings and correspondence was to assist the VPA in identifying options that would have the least impact to fish habitat so that the VPA could direct their efforts to those options. In that regard DFO would be pleased to work with you on evaluating Options W1 and W2 or other options for this development that are consistent with DFO's Policy for the Management of Fish Habitat and DFO's Habitat Conservation and Protection Guidelines.

Feel free to contact me at (604) 666-2057 if you wish further meetings or discussion of this file.

Sincerely,

Original Signed By

Jeff Johansen

A/Chief,
Major Projects Review Unit
Habitat and Enhancement Branch

cc. S. Farlinger
C. Masson
D. Paterson
P. Scott
A. Duncan
R. Crook