

**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  
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**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 4<sup>th</sup> 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 black ink, appearing to read 'Otto E. Langer', written in a cursive style.

**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.*
- *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’.*
- *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.*

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