

Boundary Bay Conservation Committee
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Project-Splitting of massive LNG production and transport contravenes legislation

The Honourable Steven Guilbeault:

The Boundary Bay Conservation Committee (BBCC) congratulates you on your appointment as Minister of Environment and Climate Change. Dare we hope that you will credibly listen, and support our work to protect the designated, globally-significant ecosystems of the lower Fraser River, estuary, and Salish Sea where numerous industrial projects are being considered?

The BBCC is concerned that you are not being provided with accurate and complete information on the current Project Splitting and flawed environmental assessments of two proposed side-by-side, interactive, interdependent LNG Projects at Tilbury Island in the Fraser River, Delta, B.C. The proponent, FortisBC, is proposing a major LNG plant for the purposes of export and regional LNG fuelling (bunkering) of marine vessels:

1. Tilbury Phase 2 LNG Expansion Project #80496: a plan to convert a small LNG operation in 2019 into a massive LNG plant. In 2019, the LNG plant was permitted to produce 760 tonnes of LNG per day. The Phase 2 expansion application (in addition to an already approved expansion of 2,000 tonnes per day) seeks a total production of 10,460 tonnes per day, a 279% increase. The planned new storage tank will permit a 192% increase in storage capacity. The purpose of the major operation is to produce LNG for export and fuelling of marine vessels in the Vancouver area and the Gulf Islands.¹
2. Tilbury Marine Jetty Project #80105: a proposed new marine terminal for LNG ships and barges to transport LNG down the Fraser River for export and for marine LNG fuelling.²

The millions in capital costs for these Projects will be charged to FortisBC customers.

There are clear and compelling reasons why the two Projects are legally required to be considered as one Project:

1. Massive size of the Interdependent Projects
2. Shared ownership and Purpose of the side-by-side Projects
3. Different legislation is being applied to the two interdependent Projects
4. Inappropriate and Insufficient Scoping
5. Ongoing piecemeal expansions and processes
6. Major changes to Project Description and Scope
 - 6.1 Ongoing changes to the Tilbury Marine Jetty Project #80105
 - 6.1(a) Change of Project Name and Ownership
 - 6.1(b) Change of Scope and Project Description, November 23, 2021
 - 6.1(c) Significant changes to legal scope in Order Under Section 11, July 24, 2015
7. Construction of a new marine terminal under the *Impact Assessment Act, 2019*
8. Massive Expansion of an LNG production and storage site under the *Impact Assessment Act, 2019*
9. Emissions from the Tilbury Projects will contravene the federal mandate on Climate Change
10. Upstream fracking, local LNG production, and downstream burning pose critical health risks
11. Combined effects threaten the safety of nearby communities and communities of the Gulf Islands and San Juan Islands.
12. Failure to provide a credible cumulative environmental effects assessment

1. Massive size of the interdependent Projects

The Tilbury Phase 2 LNG Expansion Project is seeking approval for a 279% increase in LNG production and a 192% increase in storage capacity.

Current permissible LNG production (including approved Phase 1B expansion permitting an increase in production of 2,000 tonnes per day) totals 2,760 tonnes per day. The planned Phase 2 expansion seeks to add 7,700 tonnes a day for a total of 10,460 tonnes per day.³

This information has not been correctly, or transparently, provided to the public. The Public Notice for the Public Comment Period June/July, 2020 claimed plans for a 50% increase in LNG production capacity:

“As proposed, the Tilbury Phase 2 LNG Expansion Project would increase the facility's LNG production capacity by more than 50%, up to 13,700 tonnes of LNG per day for an operational life of at least 40 years.”⁴

This is misleading information as approval of the Project would increase LNG production by 279%.

In fact, the planned increase was even larger in 2020 as FortisBC was seeking approval for an increase of 11,000 tonne per day, which would have been a 398% increase. In a submission on April 22, 2021, FortisBC changed the application to 7,700 tonnes a day, an increase of 279%.

The 2020 application sought to increase LNG storage capacity by 219% with a massive new tank with a storage capacity of 162,000 cubic metres. The changed application of April 22, 2021, reduced the size of the storage tank to 142,000 cubic metres, an increase of 192%.

The Public Notice and information to the public did not clearly indicate the massive size of the planned major LNG plant.

The stated purpose of the massive LNG plant is transportation of LNG on the Fraser River for export overseas and bunkering in the region, reportedly at anchorage sites in English Bay, the Fraser estuary, and the Gulf Islands.

The purpose of the Tilbury Phase 2 LNG Expansion cannot be fulfilled without the planned marine terminal, the Tilbury Marine Jetty Project. Conversely, the marine terminal cannot operate without a source of LNG from the adjacent plant.

2. Shared ownership and purpose of the side-by-side Projects

The two Projects have the same ownership, FortisBC and vested associates. The proposed Projects are on adjacent properties. They have the same purpose of exporting LNG and LNG fueling (bunkering) of marine vessels at anchorage sites throughout the Gulf Islands and the Vancouver area, including English Bay (18 sites), West Vancouver, and the Fraser River estuary.

3. Different legislation is being applied to the two interdependent LNG Projects

The two interdependent Projects are being assessed under different federal and provincial Environmental Assessment Acts:

- The Tilbury Phase 2 LNG Expansion Project is being assessed under the federal *Impact Assessment Act, 2019*⁵, and the B.C. *Environmental Assessment Act, 2018*.⁶
- The Tilbury Marine Jetty Project is being assessed under the *Canadian Environmental Assessment Act, 2012*⁷ and the B.C. *Environmental Assessment Act, 2002*.⁸

4. Inappropriate and Insufficient Scoping

The scope of the environmental effects of the two LNG Projects is the Greater Vancouver area; the Salish sea; upstream production and transport; and downstream recipients of the LNG. This far-reaching scope is not appropriately, or effectively, disclosed in the environmental assessment processes due to piecemeal approvals and assessments, as well as project splitting.

The size and scale of the two Projects, separately and combined, merit the highest level of assessment, a single Review Panel assessment by the Impact Agency of Canada. (IAAC) under the *Impact Assessment Act, 2019*.

There is a high level of federal accountability due to the obvious potential of significant residual adverse environmental effects in areas of federal jurisdiction: effects on fish and fish habitat; endangered mammals; designated environmentally-sensitive ecosystems; international agreements; shipping; navigation; and safety in the Fraser River, estuary, English Bay, and the shipping lanes through the Gulf Islands and the San Juan Islands.

There is also accountability to upstream and downstream pollution and emissions affecting the health of upstream populations and wildlife from fracking and downstream use of fuel.

Instead of the highest level of federal environmental assessment, one of the Projects, the Tilbury Marine Jetty, has been inappropriately downloaded to the B.C. Environment Assessment Office (BCEAO) as a substitution process under the *Canadian Environmental Assessment Act, 2012*. Similarly, the BC Environmental Assessment Office has applied to be granted the substitution process for the massive Tilbury Phase 2 LNG Expansion Project.⁹

5. Ongoing piecemeal expansions and processes

Planning for these interdependent Projects has been in the works for several years. From 2013 to 2015, the federal and B.C. governments collaborated and approved incremental increases in Tilbury LNG production and storage without any environmental assessment. Since then, there has been a piecemeal approach by allowing the two Projects to be assessed separately.

6. Major changes to Project Description and Scope

6.1 Ongoing changes to the Tilbury Marine Jetty Project #80105

There have been major changes to the Tilbury Marine Jetty Project since the environmental assessment began on July 10, 2015. The changes prove the purpose is to transport the LNG being produced on the adjacent Tilbury LNG plant. The interdependence of the projects is clear.

6.1(a) Change of Project Name and Ownership:

FortisBC, the owner of the Tilbury LNG plant, became a joint owner of the Tilbury Marine Jetty Project with Seaspan.¹⁰ In a letter dated June 11, 2020, WesPac Midstream LLC, announced changes to the name and ownership:

- The name of the Project has been changed from WesPac Tilbury Marine Jetty to Tilbury Marine Jetty Project; and
- Tilbury Jetty Limited Partnership is replacing WesPac Midstream-Vancouver LLC as the Proponent.¹¹

6.1(b) Change of Scope and Project Description, November 23, 2021

In a letter dated November 23, 2021, the Proponent, Tilbury Jetty Limited Partnership, submitted a substantive change to the Project Description and Scope of the Project¹² increasing LNG vessel calls on the Fraser River from 137 vessel calls to 365 with a significant increase in regional bunkering.

6.1(c) Significant changes to legal scope in Order Under Section 11, July 24, 2015

The type of environmental assessment and public input were based on the scope in the legal document, Order Under Section 11, July 24, 2015¹³. Major changes since then nullify the process.

- August 6, 2019: Order Under Section 13 Amending Section 11 Order: The Scope was significantly expanded which should have raised flags of the need for a higher level of federal accountability and assessment:

“G. On July 9, 2019, the scope of marine shipping was expanded to include an assessment of the effects of marine shipping activities from the Project's marine terminal to the 12-nautical-mile limit of Canada's territorial sea.”¹⁴

- Under the same July, 2019 Order Under Section 13, a serious change was made to PART C- SCOPE OF THE ASSESSMENT. Section 3.1.4 disappeared from the original Order Under Section 11. It originally stated:

“3.1.4 The factors under Section 19(1) of CEAA 2012, including, but not limited to, any environmental effects as defined by Section 5 of that Act.”

The August 6, 2019 Order Under Section 13 did not state removal of 3.1.4. The Order just changed 3.1.4. The Order stated:

“(4) Section 3.1.4 is added and reads:

3.1.4 Potential adverse effects that are likely to result from the movement of Project-related vessels along the marine shipping channel to and from the pilot station at Sand Heads to 12 nautical miles at sea limit; and,”¹⁵

No reason was given for removing reference to the essential factors of the assessment,

The Order Under Section 11 is a legal document that sets out the scope, procedures, and methods for the environmental assessment. The Order Under Section 11 for the Tilbury Marine Jetty Project was amended so many times that the wording of the final legal document is unclear. There is no transparency of a legal document.

7. Construction of a new marine terminal under the *Impact Assessment Act, 2019*

As the Tilbury Marine Jetty Project is the building of a new marine terminal, it is a designated project requiring assessment under the *Canadian Impact Assessment Act of 2019*. Due to the large scope of the impacts of the planned marine terminal, the potential significant adverse environmental effects qualify the Project for the highest level of environmental assessment, a federal Review Panel. The high level of public concern confirms the need for a Review Panel Assessment of one project combining the interdependent marine terminal and the planned massive expansion of LNG production and storage next door.

8. Massive Expansion of an LNG production and storage site under the *Impact Assessment Act, 2019*

Section 38 of the Physical Activities Regulations¹⁶ of the *Impact Assessment Act, 2019*, identifies a significant LNG expansion Project as a designated Project. Section 7(1) of the IAA lists potential environmental effects and prohibits the proponent of a designated project to carry out a project that will cause the listed effects.¹⁷ This confirms the high level of federal accountability that should not be downloaded to the BC assessment under the weak substitution process.

9. Emissions from the Tilbury Projects will contravene the federal mandate on Climate Change

Industry proponents suggest LNG can reduce carbon pollution on a global scale by replacing coal power plants in Asia. But the evidence does not support this. In August, 2021, it was reported that China is planning 43 new coal-fired power plants.¹⁸

Canada has no evidence that the export of LNG will reduce carbon emissions. To the contrary, a 2020 report by the international organization, Natural Resources Defense Council (NRDC), states that LNG is not an effective climate strategy and has a large GHG footprint:

- “The greenhouse gas (GHG) emissions from the extraction, transport, liquefaction, and re-gasification of LNG can be almost equal to the emissions produced from the actual burning of the gas, effectively doubling the climate impact of each unit of energy created from gas transported overseas.
- The liquefaction, tanker transport, and re-gasification steps required for overseas export can account for up to 21 percent of total life-cycle emissions for LNG.
- Leaks and intentional releases of methane, a potent GHG, during the extraction and transport of the LNG can constitute up to 14 percent of LNG’s life-cycle emissions.”¹⁹

A 2021 Report by the World Bank, in collaboration with the University Maritime Advisory Services, evaluated the role of LNG as a bunker fuel in shipping. The Report concluded:

“the uncertainties surrounding the GHG benefits of LNG suggest that new public policy support for LNG as a bunker fuel should be avoided....

...existing policy support for LNG as a bunker fuel should be curtailed...

The report highlights the need for urgent and strong policy action to regulate methane emissions both in the supply chain of LNG and its use on board existing ships and newbuilds.”²⁰

The report advises that LNG is unlikely to play either a transitional or temporary role in the decarbonization of the shipping industry

LNG consists mainly of methane. Over a 20-year time period, methane **traps 86 times more heat** than the same amount of CO₂. If even a small amount of methane escapes anywhere along the process of extracting it from the earth and burning it in an engine, using LNG could emit more life-cycle GHGs than conventional fuels.

The mandate letter to the Minister of Environment and Climate Change directs the Minister to include new measures by March, 2022, that will cap and cut oil and gas sector emissions, further reducing methane emissions.²¹

The planned Tilbury LNG massive expansion and transport contravene this order as the extraction, processing, and transport of gas emit greenhouse gases, including large amounts of methane from leaks and intentional releases at wells, and also at storage and processing facilities.²²

“Proposals for LNG infrastructure must include disclosures on the full life-cycle GHG emissions of LNG, including all indirect and cumulative emissions, as these often account for the majority of emissions from a project and cannot be dismissed.”²³

“... the lifecycle of LNG produces carbon emissions at every step of the process: production of natural gas, delivery to a liquefaction plant, liquefaction processing, shipment by vessel, regasification, end-use, and storage at several points along the way. Seen from this perspective, LNG is incompatible with a net-zero future.”²⁴

10. Upstream fracking, local LNG production, transportation, and downstream burning pose critical health risks

In a report, January, 2020, the Canadian Association of Physicians for the Environment (CAPE) have called for a moratorium on all new fracking operations due to serious adverse health effects from chemicals which contaminate water courses. Their studies report strong evidence of negative impacts on pregnancy and birth outcomes. They also flag aggravation of asthma from several sources of air pollutants from extraction operations.²⁵

A November 1919 report by Physicians for Social Responsibility, Climate and Health Risks of Liquefied Natural Gas, warns of health effects from chemicals:

“The hydraulic fracturing extraction process injects a slurry of chemicals and millions of gallons of water thousands of feet underground at high pressure. Many of the chemicals used in fracking are not disclosed, but of the ones that are known, many have significant health effects...

... Fracked gas as it comes out of the ground is a mixture containing methane, volatile organic compounds (VOCs), particulate matter, and nitrogen oxides (NOx). Among the VOCs are the BTEX group, consisting of benzene, toluene, ethylbenzene and xylene. Benzene has been classified as a carcinogen and major human health concern with no safe levels of exposure. Meanwhile, toluene and xylene both have detrimental impacts on the nervous system, and long-term exposure to ethylbenzene may lead to blood disorders...

...To be liquified, the fracked gas must undergo a process that removes CO₂, mercury and some heavy hydrocarbons to create an end product that is primarily methane, which is then supercooled into a liquid. Little public research has been conducted as to where the byproducts of the concentration or “purification” process go. These chemicals may cause serious harm. Mercury is a well-known neurotoxin; exposure in utero can result in lifelong impairments in cognitive thinking, memory, language, and attention.

The Report also exposes the presence of toxins in air emissions from LNG terminals such as the planned marine terminal on the Fraser River, the Tilbury Marine Jetty Project:

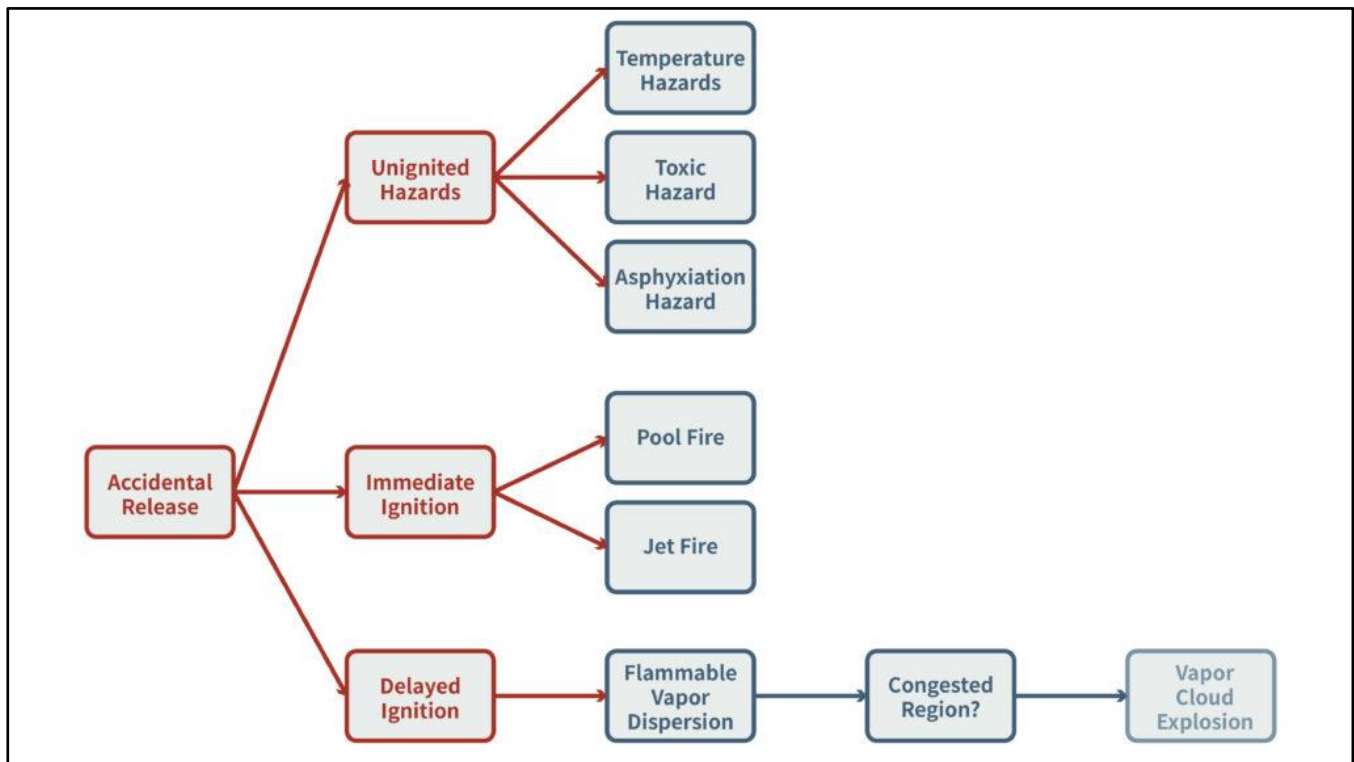
“The presence of LNG terminals also leads to poorer air quality. Loading and offloading tankers results in fugitive emissions of methane as well as NO_x, VOCs, ozone and particulate matter...

... With LNG terminals often sited in areas that fail to meet National Ambient Air Quality Standards, these extra air pollutants exacerbate the health risks that already face heavily burdened communities.”

11. Combined effects threaten the safety of nearby communities and communities of the Gulf Islands and San Juan Islands.

LNG vapors are extremely flammable and explosive and can be ignited by any sparks, flames or any possible source of ignition. The main hazards are fire and explosion, cryogenic freeze burns, embrittlement of metals and plastics, and confined spaces hazards.

The Tilbury LNG liquefaction and storage plant presents 7 potential hazards:



GEXCON, March 16, 2021

A Report by Physicians for Social Responsibility, Climate and Health Risks of Liquefied Natural Gas, expresses safety concerns and failure of the LNG industry to appropriately report accidents and incidents:

“LNG is a volatile and potentially explosive material, so plants pose challenges to safety.

In 2014 in Plymouth, Washington, LNG processing equipment exploded, injuring five employees while leaking enough gas to prompt the evacuation of residents within a two-mile radius. The incident highlights serious gaps in oversight of the LNG industry: The injuries were not reported, since the employees were able to leave the hospital the same day. Shrapnel from the explosion pierced multiple storage tanks causing LNG leaks. However, these leaks went unreported. Why? The accidents are not in the reportable category because, when LNG comes in contact with the air, it evaporates. Thus, the leaks are never reported as “spills...

...LNG also poses grounds for concern in regard to national security. A full LNG tanker carries the energy equivalent of 55 atomic bombs, making it a potential target for terrorist attacks, especially when at port near population centers.”²⁶

Hazards of bunkering plans by FortisBC

FortisBC has announced plans for LNG fuelling of marine vessels (bunkering) in the region, reportedly at anchorage sites in English Bay, the Fraser estuary, and the Gulf Islands. Bunkering is challenging and involves dangerous risks with a high human accountability:

- Spills from overflow or leakages
- Collisions
- Incorrect line up
- Mooring failures
- Cargo transfer hose failure
- Improper Monitoring

Safety4Sea has identified additional risks.

LNG Bunkering operation hides risks:

- Rollover phenomenon: a rapid release of LNG vapour as a result of a mix-up of LNG from different densities.
- Rapid phase transition: a very rapid physical phase transformation of liquefied natural gas to vapour, when the LNG meets water. Previous incidents include LNG spills on water.
- Vapour dispersion and remote flash fire: The potential for a cloud of gas to burn without the generation of any significant over-pressure.

- Possible BLEVE (Boiling Liquid Expanding Vapour Explosion): This phenomenon, also known as a fireball, is a sudden release of the pressurised gas caused by a rupture of a tank containing a pressurised liquid above its boiling point
- Asphyxiation: A potential release of LNG and the formation of cold gas will result in the gas spreading above the water and on deck. When cold, the methane is heavier than air. Methane is not a poisonous gas; however, it will deplete the oxygen present in the air and will likely cause asphyxiation.²⁷

Location of the planned Tilbury Marine Terminal contravenes safety standards

Plans for the Tilbury LNG marine terminal on the Fraser River, 21 km from the estuary, contravene safety guidelines for locating LNG terminals. The terminal is planned at an unsafe location as LNG vessels will have to travel narrow, winding stretches of the Fraser River which is busy with commercial and recreational vessels. Across the narrow stretch of the river are several jet-fuel tanks, a deadly source for an ignition accident. LNG vessels will have to navigate over the Massey Tunnel, a critical, busy, transport route. The planned terminal is also close to population and commercial centres.

These factors contravene guidelines for locating LNG Terminals. The Guidance on Risk Management for LNG Operations over Water, by Sandia National Laboratories, identifies this type of location as a critical Zone of Concern, Zone 1:

“...Within this zone, the risk and consequences of an accidental LNG spill could be significant and have severe negative impacts. Thermal radiation poses a severe public safety and property hazard, and can damage or significantly disrupt critical infrastructure located in this area.”²⁸

The planned terminal also contravenes LNG Terminal Siting Standards published by the Society of International Gas Tanker and Terminal Operators (SIGTTO). The proposed Tilbury Marine Terminal does not meet any of the 8 siting standards:²⁹

LNG Terminal Siting Standards

SIGTTO

Society of International Gas Tanker and Terminal Operators

The de facto world authority on LNG terminal siting standards.

Virtually the entire world LNG industry holds membership in SIGTTO.

The standards are published in, "[*Site Selection and Design for LNG Ports and Jetties*](#)," (ISBN 13: 9781856091299) available for purchase from Witherbys Seamanship International, of Livingston, Scotland.

SIGTTO LNG Terminal Siting Standards Abbreviated Summary

The LNG industry has a good safety record. Any LNG catastrophe could destroy public confidence in the industry, ending the import of LNG.

Observing the industry's best practices and standards helps to preserve safety, public confidence, the industry, energy security, and the economy.

1. There is no acceptable probability for a catastrophic LNG release [¹];
2. LNG ports must be located where LNG vapors from a spill or release cannot affect civilians [²];
3. LNG ship berths must be far from the ship transit fairway;
 1. To prevent collision or allision [³] from other vessels;
 2. To prevent surging and ranging along the LNG pier and jetty that may cause the berthed ship to break its moorings and/or LNG connection;
 3. Since all other vessels must be considered an ignition source;
4. LNG ports must be located where they do not conflict with other waterway uses [⁴] — now and into the future. [This requires long-range planning for the entire port area prior to committing to a terminal location];
5. Long, narrow inshore waterways are to be avoided, due to greater navigation risk;
6. Waterways containing navigation hazards are to be avoided as LNG ports;
7. LNG ports must not be located on the outside curve in the waterway, since other transiting vessels would at some time during their transits be headed directly at the berthed LNG ship;
8. Human error potential always exists, so it must be taken into consideration when selecting and designing an LNG port.

>> Additional items exist in the standard than are summarized here. Please refer to "[*Site Selection and Design for LNG Ports and Jetties.*](#)" and the [*USCG Navigation And Vessel Inspection Circular \(NVIC\) No. 01-2011.*](#)

¹ While risk of small LNG spills is acceptable, any risk of catastrophic LNG release is unacceptable.

² Sandia National Laboratories defines for the US Department of Energy three Hazard Zones (also called, "Zones of Concern") surrounding LNG carriers. The largest Zone is 2.2 miles/3,500 meters around the vessel, indicating that LNG ports must be located at least that distance from civilians. Some world-recognized LNG hazard experts, such as Dr. Jerry Havens (University of Arkansas; former Coast Guard LNG vapor hazard researcher), indicate that three miles or more is a more realistic Hazard Zone distance.

³ Allision — (nautical term) Impact between a moving vessel and a stationary vessel or object.

⁴ Conflicting waterway uses include fishing and recreational boating.

Unfortunately, Canada does not appear to comply, or agree, with international safety standards. It is clear that the combined Tilbury Projects present a high safety risk and there are no safeguards. When an accident occurs, and it will, there will be no accountability. FortisBC has no liability beyond the footprint of its land operations. The Port of Vancouver has no accountability for marine vessel accidents. There is no accountability, no insurance, and no credible, enforceable safety rules:

“Locating a world-scale LNG plant on an earthquake-prone island in a narrow river channel trafficked by tugs, freighters, pleasure boats and seaplanes, opposite a jet fuel storage facility, is asking for trouble.

Floating 50,000-tonne tanker-loads of it past populated areas of Delta and Richmond to get to open ocean amplifies the locational risk. LNG industry association SIGTTO strongly advises against locating LNG plants in narrow inland waterways with significant ferry, commercial and recreational marine traffic. That’s the Lower Fraser.”³⁰

12. Failure to provide a credible cumulative environmental effects assessment

As the Tilbury Phase 2 LNG expansion and the Tilbury Marine Jetty are interdependent, there will be combined cumulative adverse environmental effects from all relevant factors including life-cycle GHG emissions; local and regional air pollutants; light and noise pollutants; impacts to nearby communities and communities of the Gulf Islands and San Juan islands; communities near anchorage sites; impacts to fish and fish habitat; and endangered mammals. Upstream fracking, processing, and transport will cause air pollution and water pollution harming human health and wildlife.

Transport through the Fraser River, estuary and Salish Sea will cause air, light and noise pollution and safety risks. There will be downstream effects at bunkering sites and export destinations. There is the potential for catastrophic adverse effects from spills and accidents.

There has never been a credible cumulative environmental effects assessment of past and ongoing major industrial new projects and expansions in the lower Fraser River and estuary and their effects on the lower mainland and shipping lanes through the Gulf Islands and the San Juan islands.

There hasn’t been a credible cumulative environmental effects assessment for these two projects in combination with past, current and planned projects in the region including, but not limited to:

Roberts Bank Container Terminal 2 Project
Roberts Bank Berth 3 Project (DP3)

Roberts Bank Berth 4 Project, Global Container Terminals Inc.
Operation of B.C. Tsawwassen Ferry Terminal
George Massey Tunnel Project
Vancouver Airport Fuel Delivery Project
Tilbury LNG Plant
Tilbury Jetty Project
Delta Grinding Facility
South Fraser Perimeter Road
Deltaport Terminal Road and Rail Improvement Project
Deltaport Truck Staging Facility
Iona Island Wastewater Treatment Plant
Effects on ongoing increased shipping through the Strait of Georgia and the Salish Sea

Project Splitting of Tilbury LNG Projects contravenes law and due process

The BBCC submits that the Tilbury Phase 2 LNG Expansion and Tilbury Marine Jetty Project are completely interdependent and would be unable to meet their stated purposes without approval of both proposals.

As they are both designated projects under the Canadian *Impact Assessment Act, 2019*, and,

As the Scope and Project Description of the Tilbury Marine Jetty has been significantly changed and expanded, and,

As there is a high level of federal jurisdiction for both Projects, and

As the combined Projects will result in adverse effects of greater magnitude than currently being considered,

the BBCC requests that you declare the separate environmental assessments inappropriate Project Splitting and terminate the assessments.

Sincerely,



Susan Jones
Director: Boundary Bay Conservation Committee (BBCC)

The Boundary Bay Conservation Committee (BBCC) was established in 1988 to enhance public awareness of the Fraser River delta and estuary. We have worked with other conservation groups to obtain protection and recognition for this world class ecosystem.

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- ¹ Tilbury Phase 2 LNG Expansion Project #80496, Impact Agency of Canada, 2020-02-27
[Tilbury Phase 2 LNG Expansion Project - Canada.ca \(iaac-aeic.gc.ca\)](https://www.iaac-aeic.gc.ca/eng/projects/tilbury-phase-2-lng-expansion-project)
B.C. website: <https://projects.eao.gov.bc.ca/p/5df7f1bfb7434b002164961c/project-details>
- ² Tilbury Marine Jetty Project #80105, Impact Agency of Canada, Start Date 2015-07-10
[Tilbury Marine Jetty Project - Canada.ca \(iaac-aeic.gc.ca\)](https://www.iaac-aeic.gc.ca/eng/projects/tilbury-marine-jetty-project)
B.C. website: <https://projects.eao.gov.bc.ca/p/58851208aaecd9001b829b58/project-details>
- ³ FortisBC Tilbury Phase 2 LNG Expansion, Letter to BC EAO, April 22, 2021
- ⁴ Public Notice, Tilbury Phase 2 LNG Expansion Project, Public Comment Period and Virtual Open Houses, June 1 – July 16, 2020
[Public Notice - Public Comment Period & Virtual Open Houses - Canada.ca \(iaac-aeic.gc.ca\)](https://www.iaac-aeic.gc.ca/eng/projects/tilbury-phase-2-lng-expansion-project-public-comment-period-and-virtual-open-houses)
- ⁵ *Impact Assessment Act, 2019* <https://laws.justice.gc.ca/eng/acts/I-2.75/index.html>
- ⁶ Environmental Assessment Act, 2018 B.C.
<https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/18051>
- ⁷ *Canadian Environmental Assessment Act, 2012*
<https://www.canlii.org/en/ca/laws/stat/sc-2012-c-19-s-52/latest/sc-2012-c-19-s-52.html>
- ⁸ *Environmental Assessment Act, 2002*, B.C.
https://www.bclaws.gov.bc.ca/civix/document/id/consol14/consol14/00_02043_01
- ⁹ Letter from BCEAO to Impact Agency of Canada, March 5, 2020, signed by Kevin Jardine, Associate Deputy Minister [134894E.pdf \(iaac-aeic.gc.ca\)](#)
- ¹⁰ Tilbury Pacific, News Release, June 16, 2020, WesPac names new proponent for EA process
[WesPac names new proponent for EA process – Tilbury Pacific](#)
- ¹¹ [EAO Transfer Notice 20200611 copy \(gov.bc.ca\)](#)
- ¹² Letter from Tilbury Jetty Limited Partnership to BC EAO, Letter of changes to bunkering plans and number of LNG vessels
https://projects.eao.gov.bc.ca/api/public/document/61a7c06190fb52002298bf95/download/20211123_TJLP_to_EAO_Bunker_Demand_Scenario_Supplemental_Assessment_Proposal.pdf
- ¹³ Order Under Section 11, BC Environmental Assessment Office, July 24, 2015
<https://projects.eao.gov.bc.ca/api/public/document/5886b0ebe036fb01057695dc/download/Enclosure%20-%20Section%2011%20Order.pdf>
- ¹⁴ Order Under Section 13 Amending Section 11 Order, August 6, 2019, Page 1/5
https://www.projects.eao.gov.bc.ca/api/public/document/5d49de934cb2c7001b13cb1d/download/Section%2013%20Order_20190806.pdf
- ¹⁵ Order Under Section 13 Amending Section 11 Order, August 6, 2019, Page 2/5
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- ¹⁶ Physical Activities Regulations (SOR/2019-285), Schedule (Section 2) 38(d)
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