

IN THE MATTER OF
THE *ENVIRONMENTAL ASSESSMENT ACT*, S.B.C. 2018, c. 51
(ACT)

AND
GCT Canada Limited Partnership
(PROPONENT)

AND
AN ENVIRONMENTAL ASSESSMENT OF THE PROPOSED
GCT Deltaport Expansion - Berth Four Project
(PROPOSED PROJECT)

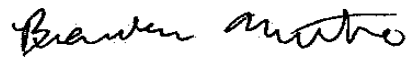
PROCESS ORDER UNDER SECTION 19(2)

WHEREAS:

- A. The Proponent proposes to develop the Proposed Project, which is an expansion of the existing marine terminal with an additional production capacity of two million twenty-foot equivalent (TEU), as described in Part A of Schedule A attached to this Process Order.
- B. The Proposed Project constitutes a reviewable project pursuant to Part 7 of the Reviewable Projects Regulation (B.C. Reg. 607/19), since the Proposed Project would entail dredging, filling, or other direct physical disturbance of more than two hectares (ha) of foreshore or submerged land, or a combination of foreshore and submerged land, below the natural boundary of a marine coastline or marine estuary.
- C. On September 28, 2020, the Chief Executive Assessment Officer (CEAO) approved the Initial Project Description and Engagement Plan for the Proposed Project.
- D. On December 22, 2020, the CEAO issued a notice under Section 13(5) of the Act setting out a summary of comments received on the Initial Project Description and Engagement Plan, and the Indigenous nations that are participating Indigenous nations.
- E. On July 12, 2021, the Proponent submitted a Detailed Project Description in accordance with Section 15 of the Act to the CEAO.

- F. On October 28, 2021, the CEAO issued a notice of decision that the Proposed Project proceed to an environmental assessment by the Environmental Assessment Office (EAO) under Section 19 of the Act.
- G. On May 4, 2022, the Proponent requested the withdrawal of the Short Sea Shipping component of the Proposed Project.
- H. The EAO sought to achieve consensus with participating Indigenous nations with respect to this Order under Section 19 of the Act.
- I. The Proposed Project also requires an impact assessment under Canada's *Impact Assessment Act* (the IAA). The EAO and the Impact Assessment Agency of Canada (the Agency) have agreed to work together to conduct a coordinated environmental assessment and jointly developed the Joint Assessment Plan, Joint Guidelines, Joint Indigenous Engagement and Partnership Plan, and Joint Permitting / Regulatory Coordination Plan.
- J. The Agency determined that marine shipping and rail transportation are incidental to the designated project, meaning that it is part of the project and must be assessed as described in the Joint Guidelines. Also, the Agency and the EAO determined that road transportation associated with the project must be assessed.
- K. Canada's Minister of Environment and Climate Change announced on November 3, 2021 the referral of the Proposed Project for an impact assessment by an independent review panel under the IAA.
- L. The EAO intends to principally rely on the review panel's impact assessment to meet the provincial requirements for an environmental assessment. Each government retains the power to make decisions regarding the Proposed Project as set out in the IAA and *Environmental Assessment Act*.
- M. The EAO has established a Technical Advisory Committee for the assessment of the Proposed Project.
- N. The EAO has established a Community Advisory Committee for the assessment of the Proposed Project.

NOW THEREFORE:



Brendan Mather
Project Assessment Director
Environmental Assessment Office
Dated May 31, 2022

Enclosures: Schedule A, Scope of Proposed Project and Environmental Assessment
Schedule B, [Joint Assessment Plan](#)
Schedule C, [Joint Guidelines](#)

SCHEDULE A

SCOPE OF PROPOSED PROJECT AND ENVIRONMENTAL ASSESSMENT

PART A – SCOPE OF THE PROPOSED PROJECT

1. FACILITIES AND ASSOCIATED ACTIVITIES

1.1 The approximate location of the Proposed Project is shown on Figure 1.

1.2 Pursuant to Section 19(2)(a) of the Act, the facilities and associated activities of the Proposed Project are:

1.2.1 The Terminal Expansion, including:

- a. expansion of the terminal footprint by approximately 56 ha;
- b. a fourth berth, extended by approximately 560 meters, and;
- c. a dredged seabed area.

1.2.2 The expanded intermodal rail yard, including:

- a. expansion of approximately 12 ha along the west side of the causeway;
- b. 7 ha expansion of the length of on-dock rail tracks, and;
- c. 5 ha expansion for buildings, truck gates, truck interchange area and roadways.

1.2.3 Tsawwassen First Nation Marina, including:

- a. floating dock facilities for crabbing and fishing boats;
- b. a boat ramp for trailer launching;
- c. a floating dock for temporary mooring of launched boats, and;
- d. parking for vehicles and trailers.

1.2.4 Tug basin relocation including:

- a. dredging and landfilling for new tug basin permanently located at the north end of berth four;
- b. floating dock facilities for permanent mooring of tug boats.

1.2.5 Dredging equivalent to approximately 13 ha will be required within the existing dredge pocket for Deltaport Berth 3 to accommodate larger vessels and dredging of approximately 30 ha will be required for ships to access the fourth berth, including:

- a. dredging beneath the expanded container storage and handling area to achieve seismic stability;
- b. dredging for ships to access the fourth berth as an extension to the existing dredge pocket, and;
- c. dredging to accommodate the new Tsawwassen First Nation marina, and relocation of the tug basin.

1.2.6 Activities, including:

- a. Marine shipping: The geographic extent of marine shipping incidental to the project includes the marine shipping routes from the proposed project at Roberts Bank to the outer limit of Southern Resident Killer Whale critical habitat as defined in the 2018 *Recovery Strategy for the Northern and Southern Resident Killer Whales (Orcinus orca) in Canada*. The geographic extent of marine shipping incidental to the project also includes the Maa-nulth Domestic Fishing Areas as defined under the *Maa-nulth First Nations Final Agreement*.
- b. Rail transportation: the rail lines that will be used by project-related rail traffic between the Deltaport terminal, up to Spuzzum, BC at the northern boundary of S'ólh Téméxw or Stó:lō Territory. This includes the following rail lines: the Roberts Bank Rail Corridor from the Deltaport terminal until the Mission Railway Bridge, and the portion of the Cascade and Yale rail subdivisions located between Mission Railway Bridge and Spuzzum, BC.
- c. Road transportation: the area up to and including the South Fraser Perimeter Road between Highway 99 and Highway 91; Highway 99 at the George Massey Tunnel; and the following roads between Highway 99 and the South Fraser Perimeter Road: Highway 17A north of Highway 99, 62b Street, River Road, and 96 Street.

1.2.7 Other upgrades, improvements and services including

- a. Upgrades to the existing wastewater treatment facility;
- b. Upgrades and extensions to underground stormwater, water, sanitary, electric, and data utilities

1.3 Exploration activities or other activities required to prepare the Application for an environmental assessment certificate are not part of the reviewable project for the purposes of the assessment.

PART B – SCOPE OF THE ASSESSMENT

2. SCOPE OF THE ASSESSMENT

- 2.1 The assessment of the Proposed Project includes an assessment of the effects of the Proposed Project on Indigenous nations and rights recognized and affirmed by Section 35 of the *Constitution Act, 1982* as referred to in Section 25(1) of the Act.
- 2.2 The assessment of the Proposed Project includes a consideration of the matters referred to in Section 25(2) of the Act.

PART C – CONSULTATION AND ADDITIONAL INFORMATION

3. CONSULTATION

- 3.1** The Proponent must consult with Indigenous nations, the public, provincial, and local government agencies, as required by the EAO.
- 3.2** The scope and methods of engagement with participating Indigenous nations and with any other Indigenous nation is set out in the Joint Assessment Plan, [Joint Indigenous Engagement and Partnership Plan](#), and the Joint Guidelines.
- 3.3** The EAO will undertake additional measures for consultation, where appropriate, with participating Indigenous nations and with any other Indigenous nation identified in Section 3.5 and 3.6 of this Order.
- 3.4** If directed by the EAO Project Assessment Director, the Proponent must implement additional consultation activities with participating Indigenous nations and with any other Indigenous nation identified in Section 3.5 and 3.6 of this Order.
- 3.5** The following participating Indigenous nations have been identified for the purpose of the assessment of the Proposed Project in accordance with Section 14 of the Act:
- Cowichan Tribes
 - Ditidaht First Nation
 - Esquimalt Nation
 - Halalt First Nation
 - Lyackson First Nation
 - Maa-nulth First Nations: participating collectively in this assessment through the First Nations of the Maa-nulth Treaty Society. The nations represented in this Society are: Huu-ay-aht First Nation, Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, Toquaht Nation, Uchucklesaht Tribe, and YuułuꞀiꞀꞀathꞀ Government.
 - Malahat First Nation
 - Matsqui First Nation
 - Musqueam Indian Band
 - Pacheedaht First Nation
 - Pauquachin First Nation
 - Penelakut Tribe
 - Scia'new First Nation
 - Seabird Island First Nation

- Semiahmoo First Nation
- Snuneymuxw First Nation
- Stz'uminus First Nation
- S'ólh Téméxw Stewardship Alliance, which includes member nations Aitchelitz First Nation, Chawathil First Nation, Cheam First Nation, Kwaw-kwaw-Apilt First Nation, Sumas (Semá:th) First Nation, Shxwhá:y Village, Skowkale First Nation, Skwah First Nation, Soowahlie First Nation, Skawahlook (Sq'ewá:lw) First Nation, Sq'éwlets First Nation, Squiala First Nation, Tzeachten First Nation, Yakweakwioose First Nation, and Yale First Nation.
- Tsawout First Nation
- Tsawwassen First Nation
- Tseil-Waututh Nation
- T'sou-ke First Nation
- Ts'uubaa-asatx

3.6 The following Indigenous nations require consultation (includes notification) and are not participating Indigenous nations:

- Katzie First Nation
- Kwantlen First Nation
- Kwikwetlem First Nation
- Leq'á:mél First Nation
- Popkum First Nation
- Shxw'owhamel First Nation
- Songhees First Nation
- Squamish Nation
- Tsartlip First Nation
- Tseycum First Nation

4. ADDITIONAL INFORMATION

4.1 Without limiting any of the requirements in this Process Order, the Proponent must, at the request of the EAO Project Assessment Director, provide the EAO with any information or address any issues that the Project Assessment Director considers necessary in order to complete the environmental assessment of the Proposed Project.

5. ASSESSMENT PLAN

- 5.1** The procedures and methods for the environmental assessment of the Proposed Project are set out in the Joint Assessment Plan.

6. APPLICATION INFORMATION REQUIREMENTS

- 6.1** The information requirements for the environmental assessment of the Proposed Project are set out in the Joint Guidelines.

Figure 1. Deltaport Berth 4 Terminal Area

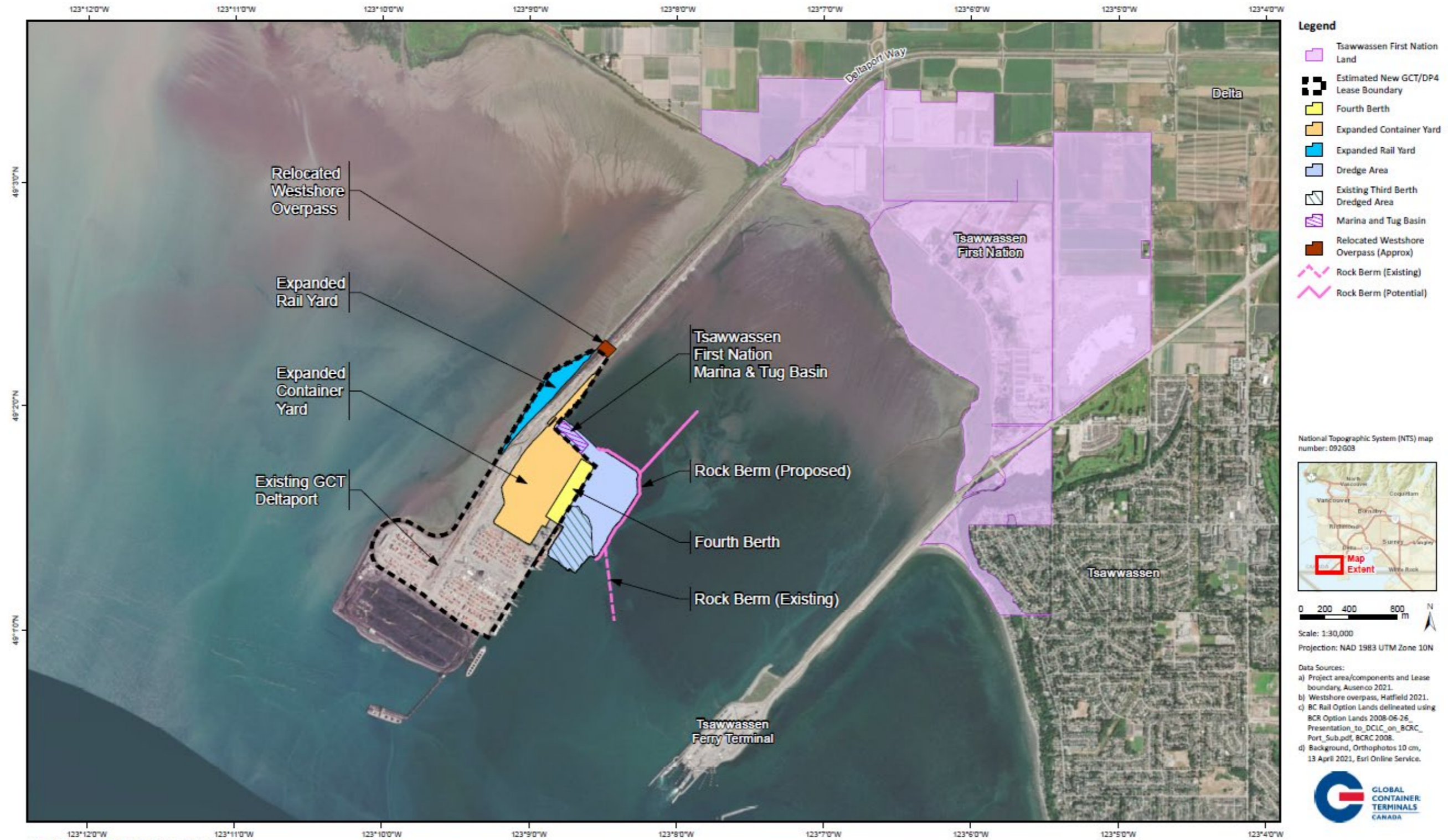


Figure 2. Geographic Extent of Marine Shipping for the Project

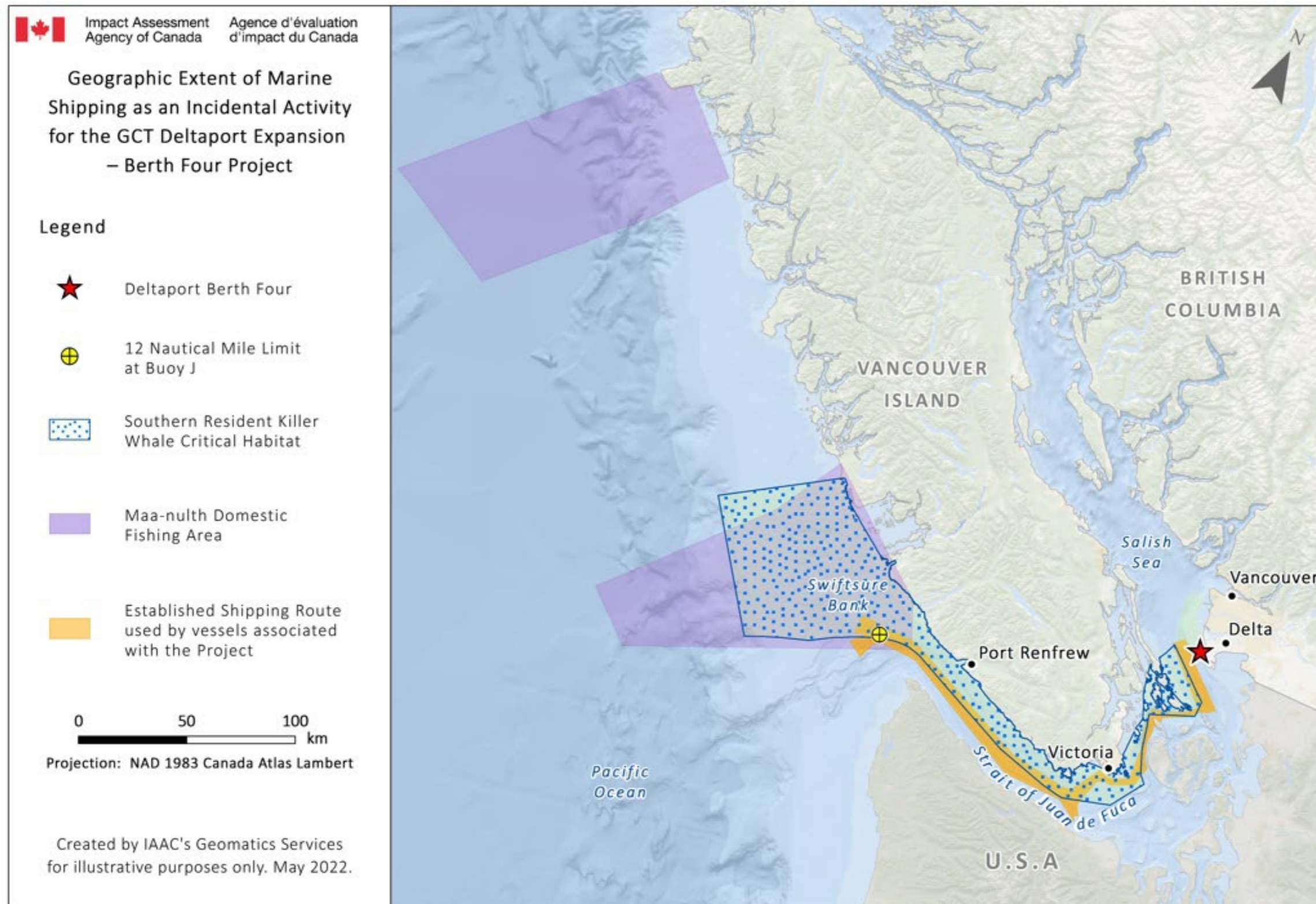
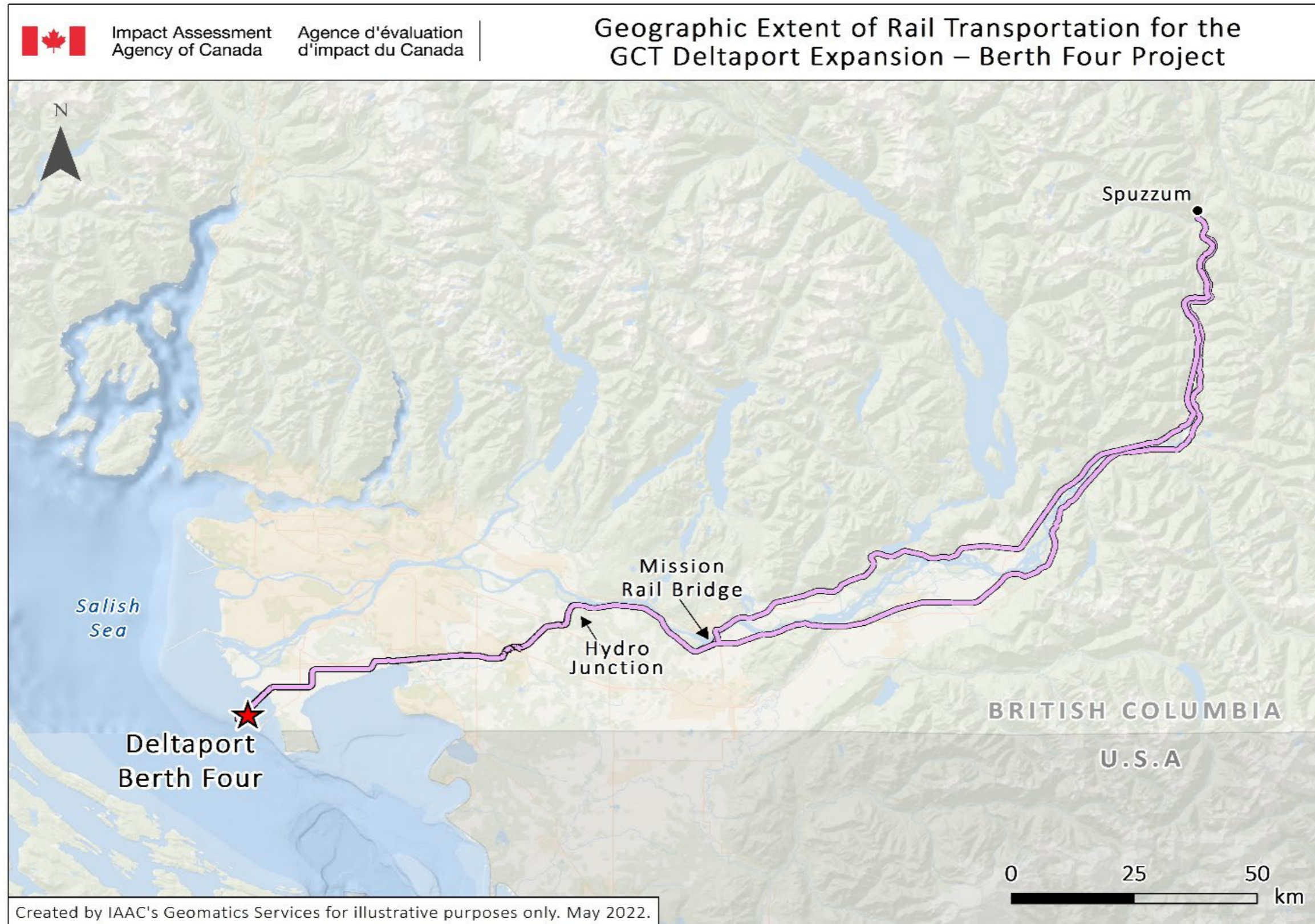
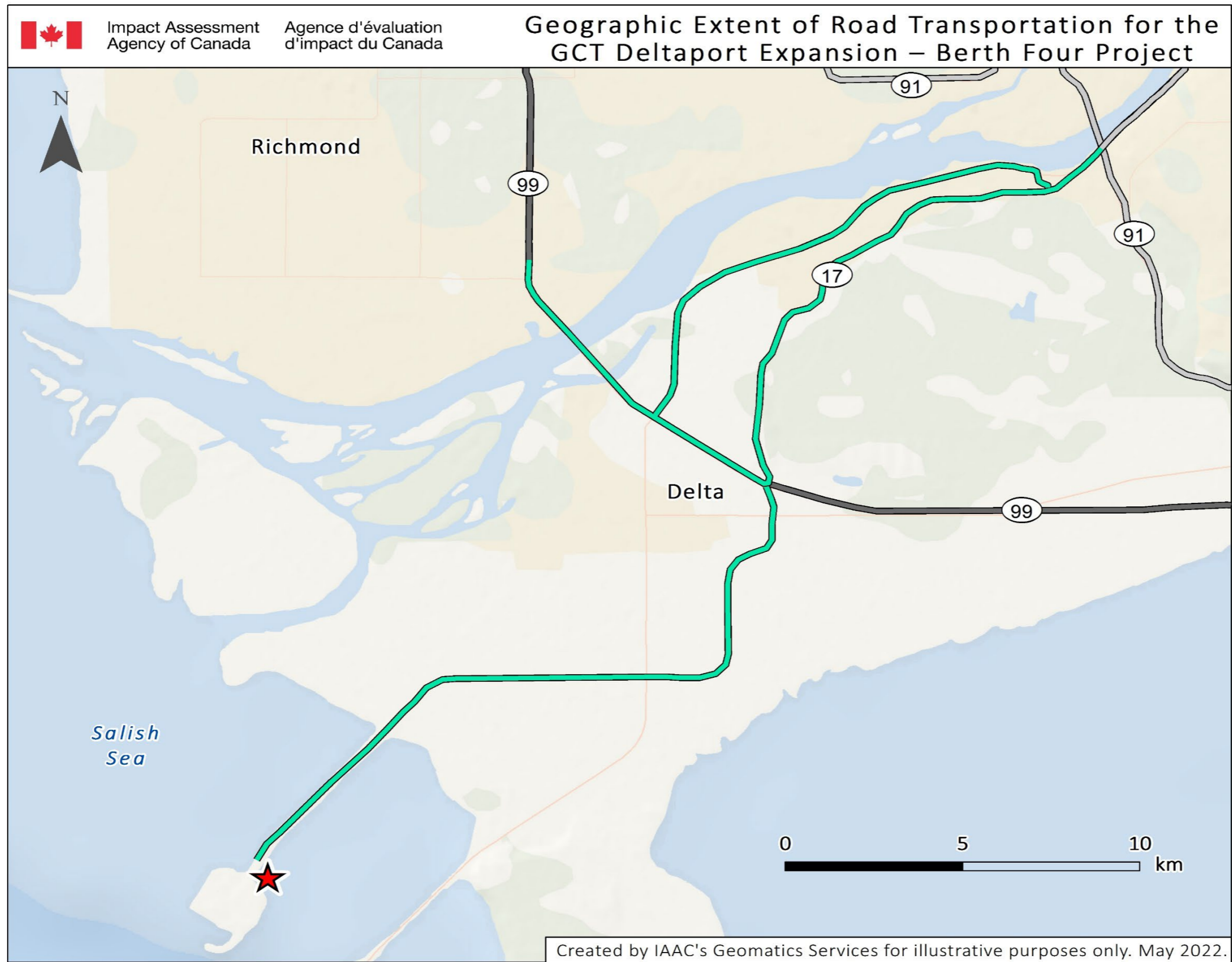



Figure 3. Geographic Extent of Rail Transportation for the Project



Created by IAAC's Geomatics Services for illustrative purposes only. May 2022.

Figure 4. Geographic Extent of Road Transportation for the Project



 Highways and roads part of the extent of road transportation for the Project