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VAFFC Airlines (see Distribution List):

January 23, 2012

Dear Mr. Chief Executive Officer:

Schedule 2 to the minutes of the Regular Council meeting held on Monday, January 23, 2012

Re: Need for Airlines to Address Opposition to VAFFC Jet Fuel Delivery Proposal.

VAPOR was formed as a citizens group to oppose your Vancouver Airport Fuel Facilities Corporation's (VAFFC) proposal to transport toxic and flammable jet fuel to YVR by means of barges and Panamax tankers into the Fraser River Estuary. The barges and tankers would enter the main South Arm of this globally significant river and estuary and at a point upstream of a navigation bottleneck (i.e., Massey Tunnel) off load that fuel into a marine terminal and store it in 80 million liter capacity tank farm near the river before pumping it across Richmond by means of a pipeline to YVR, Many citizens were initially upset when they saw the less than thoughtfully planned route could go through residential neighborhoods.

The majority of citizens in the Fraser Valley soon realized that they should be much more concerned about the overall proposal in that it was a high level threat to the river and its vast fish and wildlife resources and supporting habitats. It appears that VAFFC has little corporate memory in that in 1988 a properly constituted Federal Environmental Assessment Review Office (FEARO) panel reviewed and rejected a similar proposal by VAFFC to barge jet fuel into North Arm of the river due to its hazards to the river, its estuary and its abundant fish and wildlife populations. Now you have submitted a proposal that is probably several fold more threatening to the river and has been voluntary submitted for a voluntary review to the BC Environmental Assessment Office (BC EAO). Despite your claims of an exhaustive review by the BC EOA, your wishful claims are simply not supported by the facts.

The BC EAO has been roundly criticized by many in that it expedites such project approvals and has a notorious record of not refusing projects and does little to enforce conditions related to its approvals. This may favor your objectives but it does absolutely nothing to address public concerns and does not provide an acceptable plan in a realistic time frame to secure a safe and secure supply of fuel for YVR.

As part owner of VAFFC you must be aware of the great difficulty VAPOR has had in contacting Mr. Pollard of VAFFC and getting any response to our letters to him. Why has VAFFC and the airlines gone out of the way to discredit and refuse to study a more reliable pipeline only fuel supply system options from the areas two refineries that now supply 100% of your needs and will serve best your future fuel needs and best protect the environment, property and public safety.

We are disappointed when we review the environmental policies of the airlines and see how they are largely ignored by the design of this jet fuel supply proposal. Do the environment and the public concerns not deserve at least equal consideration as the apparent airline agenda to have a fully controlled and a cheaper supply of jet fuel? Despite the fact that you attempted such in 1988 and failed to get approval

and did little over the past two decades to properly address a long term solution that is environmentally friendly and secure jet fuel supply system that has minimum regrets in case of an accident

We are especially upset about the lack of leadership shown by VAFFC. VAFFC initially submitted an outrageous proposal that would create maximum opposition the citizens of Richmond and then had to 'suspend' the proposal for over eight months to put in a relatively unchanged proposal that does absolutely nothing to address the major issues most upsetting the public, i.e., the shipping, unloading and storage of toxic and flammable jet fuel in the Fraser River Estuary.

The environment, property and public safety and your customers shouldn't be the victims of your failure to plan responsibily over the long term. We also feel Transport Canada and the Airport Authority have also been negligent in planning a world class airport and then providing a totally inadequate consideration for a safe, secure and environmentally friendly jet fuel supply for YVR.

The City of Richmond, home of YVR and many airline industry workers officially oppose what you are trying to do. First Nations are very concerned and Environment Canada has taken the position that:

"The project would present a new and unacceptable risk to the locally, nationally and internationally-important fish and wildlife populations of the Fraser River Estuary, including migratory birds and species at risk..." and "Environment Canada is of the opinion that there is a limited ability with currently available technologies to effectively control a potential Jet-A fuel spill in the Fraser river Estuary" (EC to BC EAO August 8, 2011).

Doesn't this position mean anything to the airlines or do you feel the questionable and inadequate harmonized and junior BC EAO and Port Metro Vancouver environmental screening review process you have selected will rubber stamp your proposal adequately so that the public will accept it?

Over 5500 individuals have signed a legal Petition opposing you in the jet fuel transport option using the Fraser River Estuary. This petition has been presented to the BC Legislative Assembly and will be soon be presented into the House of Commons. In addition, a legal Environmental Petition has been registered with the Auditor General of Canada objecting to how the review of this project has been handled. We look for leadership in your industry that should be on the cutting edge of technology and environmental responsibility and safety.

We wrote letters to all airlines in the past. Only a few of the bigger airlines responded. It appears that your responses were cookie cutter letters and you steadfastly maintained that the transport of toxic and flammable jet fuel in Panamax tankers into the Fraser River is safe and secure. That is simply not supported by the views of many experts including those in Environment Canada, local government, VAPQR and the citizens of this region.

It is respectfully requested that you again examine what your jet fuel corporation, VAFFC, has done to tarnish your airlines' image, the image of YVR and to cause such great opposition to your proposal from the majority of citizens in the Vancouver area.

We urge you to withdraw the present proposal including the Addendum and again ask you to set a responsible example – simply show environmental leadership by maintaining your present supply of fuel from the Chevron refinery by an existing pipeline and building a new pipeline some short 75 km from the ARCO refinery at Ferndale to YVR. You have already planned to build the first 15km of that pipeline. Both the Westridge and the Cherry Point facilities have large tanker docks with offloading facilities that can allow VAFFC to import jet fuel during the 60 year life of the project. These options are much more preferable over that proposed by VAFFC including the Addendum. Although the initial cost may be higher, the manpower and the cost to run a pipeline is much more economical in the long run and being on North American soil it is the safer and the most secure source of jet fuel in uncertain times.

We look forward to a early and more environmentally positive response which minimizes any regrets in the event of an accident than what we have received in the past.

Sincerely yours

Carol Day, Chair VAPOR

Otto Langer, BSc MSc, Fisheries Biologist, Vice-Chair VAPOR

Jim Ronback, BASc, PEng (retired), Systems Safety Engineer, VAPOR Director

<u>VAFFC DISTRIBUTION LIST</u>: Air Canada, WestJet, KLM, British Airways, Air China, Lufthansa, JAL, QUANTAS, US Airways, Cathay Pacific, Continental Airlines, Delta Airlines, Eva Air, Air North, Air Transat, Alaska Airlines, Cargojet Canada,

Copy to: Transport Canada, DFO, Environment Canada, BC MOE, YVR, First Nations, ENGOs, BC EAO, CEAA, Richmond, Delta, Vancouver, West Vancouver, North Vancouver, Dist. of North Vancouver, Burnaby, Port Moody, New Westminster, Surrey, White Rock, TV, Radio and Newspapers.



VAPOR BC

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Mr. Randy Kamp

MP for Maple Ridge BC

Parliament Buildings

Ottawa, Ontario.

January 18, 2012

Dear Mr. Kemp and BC Vancouver Area Conservative Caucus Members:

Re: Opposition to Proposal to Ship Jet Fuel Into the Fraser River.

On September 8, 2011 I wrote a letter to you with a copy to your Vancouver area Conservative caucus and to key government Ministers. The letter concerns the Vancouver Airport Fuel Facilities Corporation to transport Panamax sized tankers of toxic and flammable jet fuel into the Fraser River and unload it there, store up to 80 million litres in storage tanks and then pump it across Richmond in a pipeline. Our original to you is attached. You did note that you would get back to me. The letter is now some five months old and I have received little response back from you or any of your fellow MPs or Cabinet members other than Ms. Wong and Ms. Findlay noting that they could not take a position on that matter at this time.

This project has received no leadership in terms of accountability to the public and the environment and above all its improperly delegated review has again undermined the environmental assessment process of the Federal government. The only paper opposition this high risk and threat to our environment, property and public safety has received is one letter from a junior Environment Canada official to the junior BC voluntary review process. That official on August 8, 2011 advised the BC EAO that:

"The project would present a new and unacceptable risk to the locally, nationally and internationally-important fish and wildlife populations of the Fraser River Estuary, including migratory birds and species at risk..." and "Environment Canada is of the opinion that there is a limited ability with currently available technologies to effectively control a potential Jet-A fuel spill in the Fraser river Estuary".

This project is of special concern in that it poses a great threat to the property along the river, public safety and above all, as noted by the EC officer, is a great threat to the globally

significant fish and wildlife populations of the Fraser River and its estuary. In 1988 the VAFFC proposed a similar but smaller proposal of this sort and in 1989 a properly constituted Federal Government review rejected the proposal. Why in 2012 has the Harper government allowed this much larger project come back and expose the Fraser River to an even greater threat than the 1988 proposal?

Above all, why in 2011 -2012 is this new greater threat not being properly reviewed by the federal CEAA process in that this project is on Federal land (the terminal), supplies fuel to a Federal airport, is in a Federal harbour, in a river and associated ocean approaches governed by Federal navigation and pilotage laws and above all is in a sensitive ecosystem that has Federally protected fish and wildlife resources and critical habitat in it?

The citizens of the Vancouver area are largely against this project in that there is an excellent alternative fuel supply system for YVR that VAFFC has consistently refused to consider in that they are blindly pushing along a terrible proposal just so they can have a facility that will give them 100% ownership of the local fuel delivery infrastructure.

5500 Vancouver area citizens have signed a petition against tis project. This petition has been accepted by the Victoria Legislature and is to be presented to the House of Commons by MP Fin Donnelly. We asked Mr. Donnelly to present it to the House in that we received no interest from within your caucus to do this.. First Nations are extremely concerned and the City of Richmond, home toYVR and many in the airline industry has officially opposed any jet fuel transport anywhere into the Fraser River i.e. on September 12, 2011, Richmond City Council unanimously passed a motion that Council "is opposed to the transportation of jet fuel on any arm of the Fraser River".

In this matter the pipeline option from Ferndale and from Burnaby or a combination of the two is a win - win option. Why would the Federal Government not take the leadership to show VAFFC and all voters in the Vancouver area that this government cares about the environment. We are not a group of green radicals or obstructionists as your Prime Minister has unfortunately described other environmentally concerned organizations. We support a safe and stable jet fuel supply system for YVR and this can only be delivered by means of a pipeline(s).

A copy of a recent press release and updated project backgrounder is attached for your information. It is most urgent that you look into this issue and provide your ministries with the environmental leadership that is sadly lacking in this matter. I look forward to a more positive response than we have received to date.

Sincerely yours:
Carol Day
Otto Langer
Copied to John Cummins, Min of Envir., Transport Canada, DFO and the PMO.
Copies: the media



Letter to: Lower Fraser River First Nations (see Distribution List):

January 17, 2012

Dear Chiefs and Band Members:

Re: Opposition to Jet Fuel Delivery into the Fraser River and its Estuary.

VAPOR is a Lower Fraser River citizens group formed to oppose the proposal by the Vancouver Airport Fuel Facilities Corporation (VAFFC) to ship giant quantities of toxic and highly flammable jet fuel into the Fraser River and its estuary, build an off loading terminal upstream of the Massey Tunnel and then store up to 80 Million liters of this fuel in storage tanks on the banks of the Fraser River and then transport it across Richmond to the Vancouver International Airport (YVR) by means of a new pipeline.

VAPOR does not oppose YVR and their airlines from having a safe and secure source of fuel for their aircraft to serve business and the public. We are however totally opposed to the above mentioned plan in that it poses a great risk and threat to the Fraser River, its estuary, its abundance of fish and wildlife and to property and public safety. VAPOR is joined in this opposition to the proposal by the City of Richmond, We commend the city for being concerned about public safety and our natural environment and the future of the Fraser River and its wildlife and its fishery. We know First Nations value that resource as much if not more than any other group. Jet fuel transport in the Fraser river is a real threat to those resources and can be avoided.

VAPOR has always advocated a safer option – the delivery of jet fuel to YVR from the two existing refineries via land based pipelines from the Chevron Refinery in Burnaby (pipeline now exists) and the construction of a new pipeline to the ARCO refinery in Washington State that now supplies 60% of the fuel (via trucks and barges) used at YVR by about 28 different airlines. The ARCO pipeline would only require a short 60km extension from what VAFFC has now proposed. By pipeline standards, this is a very short pipeline and is by far the safest from a safety and environmental point of view.

VAPOR has recently issued a press release on the latest developments related to this poorly though out proposal and we attach it along with a backgrounder for your information. We respectfully ask that your First Nation and /or Band join the City of Richmond and VAPOR in asking the proponents and key government agencies to reject the present proposal and opt for an environmentally friendly option (ie a pipeline based jotafuel supply system from ARGO and Gheyron Refineries) it or supply yww.



We feel that any letters to the BC EAO, the Cities of Richmond and Burnaby, and the BC Minister of Environment and the Department of Fisheries and Oceans and Environment Canada and Port Metro Vancouver would promote a rational and common sense plan to supply fuel to YVR. Any letters to the major airlines would also be very helpful. A list of suggested contacts is attached.

VAPOR is most agreeable to appear in your offices on your lands to discuss this matter further. Your dedication and concern for our future generations and the future of the fish and wildlife resources in the Fraser River and its estuary is fully appreciated.

Sincerely yours,

Carol Day Chair

Otto Langer Co Chair

Suggested Contacts:

BC EA Office <eaoinfo@gov.bc.ca>

BC Minister of Environment: Terry Lake <env.minister@gov.bc.ca>

Minster of Department of Fisheries and Oceans: Kelth Ashfield <minister@dfo-mpo.gc.ca>

Minister of Environment Canada: Peter Kent <minister@ec.gc.ca>

Metro Port Vancouver: <juergen.baumann@vfpc.ca>

<u>Cities</u>: Richmond: <MayorandCouncillors@richmond.ca> Surrey: <mayor@surrey.ca> Vancouver: <MayorandCouncillors@vancouver.ca> Burnaby<mayor.corrigan@burnaby.ca>

Delta: < mayor-council@corp.delta.bc.ca>

Airlines: Lufthansa, Air Canada, Westjet, Air China, Japan Airlines, KLM, Korean Airlines (see

attached contact list)

Vancouver Airport Fuel Facilities Corporation: <info@vancouverairportfuel.ca>

<u>Distribution List</u>: Tsawwassen First Nation, Musqueam First Nation, Cowichan Alliance, Semlahmoo First Nation, Kwantlan First Nation, Sto:lo First Nation



Mr. Scott Vaughan
Commissioner of the Environment and Sustainable Development
Office of the Auditor General of Canada
Attention: Environmental Petitions
240 Sparks Street
Ottawa, Ontario, K1A OG6

November 22, 2011

Dear Commissioner Vaughan:

Re: <u>Environmental Petition to the Commissioner of the Environment and Sustainable Development of Canada</u>

The following is our petition to your office as per the provisions in Section 22 of the *Auditor General Act of Canada*. I trust that the nature and subject matter in this petition meets your criteria for acceptance.

1.0. Contact Information:

Carol Day - Chair of VAPOR 11631 Seahurst Road, Richmond, B.C., V7A 4K1 phone: 604 240-1986 email: carol@catsigns.ca

Otto Langer - Co-Chair of VAPOR 6911 Dunsany Place, Richmond, B.C., V7C 4N8 phone: (604) 274 7655 email: ottolanger@telus.net

2.0. Names and Addresses of Petitioners:

Carol Day - Chair of VAPOR 11631 Seahurst Road, Richmond, B.C., V7A 3H6

Otto Langer - Co-Chair of VAPOR 6911 Dunsany Place, Richmond, B.C., V7C 4N8

3.0. Title of the Petition:

Roles of Environment Canada (EC), Department of Fisheries and Oceans (DFO) and Transport Canada (TC) and the Federal Environmental Assessment and Review Office (FEARO) and Port Metro Vancouver (PMV) in the Environmental Review of the Proposal by a Vancouver International Airport jet fuel delivery corporation to ship toxic and flammable jet fuel into the Fraser River Estuary to supply the Vancouver International Airport (YVR).

4.0. Name of Group Submitting this Petition:

VAPOR (Originally called Vancouver Airport Pipeline Opposition Richmond but is now referred to as "VAPOR"). The directing members of VAPOR are listed in Appendix 4. VAPOR is a citizen's group organized to oppose the shipping and handling of jet fuel anywhere in the Fraser River Estuary where it will pose a threat to the environment, property and public safety.

5.0. Background Information:

In 2008 the Vancouver International Airport jet fuel delivery corporation (herein called the 'jet fuel delivery corporation') made a voluntary application to the British Columbia Environmental Assessment Office (BC EAO) for their voluntary review of a proposal to ship very toxic and flammable jet fuel (Appendix 5) into the Fraser River Estuary and up the main, i.e., South Arm of the Fraser River to a point upstream of the George Massey Tunnel whereby the fuel barges and large Panamax tankers would unload the fuel into a marine terminal and then pump the fuel into six large storage tanks (80 million liters) to be constructed on the north bank of the South Arm of the Fraser River. The original proposal then calls for a pipeline to be built across City of Richmond farmlands, roads and residential neighborhoods to deliver the jet fuel some 15 km to the Vancouver International Airport (YVR).

VAPOR is a citizens' group formed to assess the proposal as made public by the BC EAO in 2011. VAPOR members respectfully submit this petition to the Environmental Commissioner of the Office of the Auditor General of Canada in that we believe the federal government of Canada has abdicated its responsibilities and has allowed the jet fuel delivery corporation to voluntarily allow the BC EAO to voluntarily assess the proposal in harmony with the Port Metro Vancouver (PMV) despite the fact that this seems to create a conflict of interest in that PMV will lease land and have other jurisdictional and business relationships with the fuel delivery corporation.

Also the *British Columbia Environmental Assessment Act* is not empowered to review and enforce standards against federal agencies with federal responsibilities such as that related to the many fish, wildlife, habitat, shipping and navigation laws under federal mandate. Also the BC EAO and its operations have been criticized for not doing a full and proper job of evaluating and fulfilling its mandate to achieve its own stated environmental conditions as documented by the British Columbia Auditor General's Office⁷ study of 2011 and the study by the University of Victoria Law Centre⁸ in 2010. The public has little faith or trust in the BC EAO and associated environmental review process that it has initiated for this project. The BC EAO, as the leader in the harmonized process, has undertaken very limited public consultation and has an apparent record of facilitating development as a primary goal over the protection of the environment.

The purpose of this petition is to inquire why the federal government seems to have allowed such a development to be proposed without proper federal *Canadian Environmental Assessment Act* (CEAA) review and above all allow delegation of federal responsibilities to the Port Canada organization and the British Columbia Environmental Review Office. This improper de facto delegation to PMV and the BC EAO appears to fetter the influence and authority of the federal government and that is not in the public interest.

VAPOR and our supporters are very concerned about why in 2011 have the federal government allowed federally mandated and sanctioned facilities or activities that can harm environmental conservation provisions under federal jurisdiction to proceed as they have under the guidance of a British Columbia Environmental Assessment Office (BC EAO) led environmental review process. This can very well undermine key federal legislation and international agreements and thereby harm Canada's often stated priorities of conservation and sustainability. Further, why has the interpretation and application of our

conservation and environmental assessment needs been so diluted so as to not represent the present public interest and the needs and options of future generations?

6.0. The Petition Questions and Requests:

Whereas, the Canadian Heritage Fraser River and the Fraser River Estuary lies within the globally significant Pacific migratory bird fly-way (Reference 1) and in that only 11% of the wetlands of the Estuary have survived human activity (Reference 2), this critical remnant habitat must be given maximum protection:

Whereas, Boundary Bay, Roberts Bank, Sturgeon Bank (Fraser River Estuary) wetlands qualify or are RAMSAR sites and much of the estuary is a Wildlife Management Area and the area downstream and adjacent to the jet fuel delivery project is home to the Reifel Migratory Bird Sanctuary and the Alaksen National Wildlife Area;

Whereas, the Fraser Estuary is vital to the survival of Pacific salmon and being the world's largest salmon river it also provides essential habitat for endangered sturgeon and over 70 other fish species (Reference 3);

Whereas, the proposed fuel delivery corporation's proposal is to ship barges and Panamax tankers containing toxic and flammable jet fuel into the Fraser River and its estuary, construct a terminal along the Fraser River in an area prone to floods and severe shaking and liquefaction during earthquakes and a similar application to build such by VAFFC was rejected in 1989 due to its threat to the estuary (Reference 4);

Whereas, the jet fuel delivery corporation has stated high frequencies of jet fuel spillage into the Fraser River during normal transfer of fuel at the proposed marine terminal and the immediate upstream and extensive downstream areas have many sensitive fishery and wildlife habitats and is home to many riverside residential, recreational and commercial areas (Reference 5):

Whereas, spilled jet fuel is highly toxic, persistent and spreads quickly over water it would have a great negative impact on the Fraser River, its fish and wildlife and the many sensitive habitats including the very large marshes and mudflats in the Steveston and Ladner areas and on Roberts and Sturgeon's Banks and in the North Arm Musqueam Marshes (Reference 6 and Appendix 5);

Whereas, dense residential areas and a recreational complex are located just 350 meters downstream from the tankers docked at the proposed jet fuel terminal and tank farm during a spill, explosion or fire the resultant aftermath could drift into that area causing an impact to human life and their enjoyment of life;

Whereas, pipelines exist or could be built to existing refineries in BC and Washington State, thus eliminating the need for marine shipping on the Fraser, these safer and smaller carbon footprint alternatives need to be thoroughly explored;

Whereas, global warming must now be addressed and with the need to reduce fossil fuel consumption, the future of our environment and future generations of our children must receive consideration;

Whereas, a proposal by the jet fuel delivery corporation applied for approval in 1988 to barge fuel up the North Arm of the Fraser River and that was rejected by a proper Federal Environmental Assessment and Review Office (FEARO) Public Panel review in 1989 (Reference 4);

Whereas, on August 17, 2011 Environment Canada (letter to B.C. Environmental Assessment Office⁹) have taken the technical position; "The Project would present a new and unacceptable risk to the locally, nationally and internationally important fish and wildlife populations of the Fraser River Estuary including migratory birds and species at risk";

Whereas, over 5500 citizens in the Lower Fraser region have signed a petition opposing the jet fuel corporation proposal to ship toxic and flammable jet fuel into the Fraser Estuary, unload it and store it on the banks of the Fraser River and build a pipeline through residential areas (Appendix 1 and 2).

We therefore petition the Department of Fisheries and Oceans (DFO), Environment Canada (EC including FEARO) and Transport Canada (TC – including Ports Canada and Port Metro Vancouver) to respond to the following questions:

- (1) Why has Canada not developed the guidelines, rules or regulations on the application of the Canadian Environmental Assessment Act (CEAA) to include a large proposal such as the construction of a marine terminal and a jet fuel storage complex on the banks of the Fraser River which is to accommodate weekly jet fuel transport in barges and Panamax tankers into the Fraser River and Estuary for unloading and storage considering that in 1988 the then federal Environmental Assessment and Review Process (EARP the CEAA predecessor) did conduct a Public Panel Review of a much smaller such proposal by the same proponent and rejected it as too great a threat to the estuary (Reference 4 and Appendix 3)?
- (2) Why in 2010- 2011 would Canada not have the screening guidelines or law list triggers or adequate regulations in place and take the lead and demonstrate proactive stewardship in protecting Canada's key habitat areas and fish and wildlife resources by conducting a proper CEAA led Public Panel Review of the much larger and high risk 2011 fuel delivery corporation's proposal in the same manner they did for the much smaller 1988-1989 jet fuel delivery corporation's fuel transport project?
- (3) Why in 2011 would the federal government with a large mandate to protect the estuary and its biological resources, navigation and public safety allow statutory provisions of their mandates and resources to be assessed by a more junior level of government (British Columbia) using their less than satisfactory *British Columbia Environmental Assessment Act* and the B.C. Environmental Assessment Office and processes and why would Canada allow that to be undertaken with the local Port Metro Vancouver in a harmonized assessment? Has all federal legal due diligence been addressed in this arrangement as to enforcement of conditions and any fettering of federal powers?
- (4) Why has the federal government delegated the authority to conduct environmental reviews to Transport Canada (i.e., Ports Canada and Port Metro Vancouver) in that those agencies have a mandate to develop ports and shipping business? How can TC and their port agencies properly and in an unbiased manner, free of any apparent or real conflict of interest be delegated the authority to evaluate environmental impacts of their own decisions or relating to their property and financial gain when they do not have a legitimate mandate to deliver on or administer the various environmental protection provisions found in federal environmental legislation (i.e., Fisheries Act, Migratory Birds Convention Act, Species at Risk Act and the Canadian Environmental Protection Act)? How has that delegation ensured an unbiased environmental review process?
- (5) Further to 4) above, why has Canada (e.g., EC, DFO and the FEARO) allowed the delegation of the Canadian Environmental Assessment Act to Port Metro Vancouver (Ports Canada) for the review of any project in the Port Metro Vancouver area of the Fraser River Estuary or environs where they will financially benefit from the approval of the project and thereby introduces a great concern for bias and a real conflict of interest? Will this conflict of interest be addressed and if so, how and when?
- (6) Why has DFO, EC, and TC not put into place proactive policies to not allow the bulk transporting and handling of highly toxic and flammable jet fuel or any other such toxic and very flammable bulk commodity anywhere in the Fraser River Estuary or the building of any new jet fuel storage facilities beside or near the river or estuarine shoreline?
- (7) Why has EC, DFO and TC not called upon the management of the jet fuel delivery corporation, Vancouver International Airport (YVR) and the airlines operating out of YVR to adopt the option of a safer pipeline delivery of jet fuel to Vancouver International Airport from US and Canadian jet fuel refineries and locate any new pipeline away from residential and environmentally-sensitive areas and abandon the high risk proposal of shipping jet fuel directly into the Fraser River Estuary

by barges and Panamax tankers? Why has DFO and EC slipped into the role of advisors to another subordinate process than taking a lead in protecting habitat in a direct manner as required by the intent of the legislation that they administer and are responsible for implementing?

- (8) Why has Transport Canada not used their good offices to foster a integrated plan to allow the environmentally safer delivery of toxic and flammable jet fuel to a major Pacific coast federally regulated international airport that is under their jurisdiction (i.e. the Vancouver International Airport) so as to meet the demands of the airport and of the various Federal environmental and navigational and shipping laws applicable to protect the interests of the public and all Canadians?
- (9) Why is Transport Canada (and Port Metro Vancouver) and possibly FEARO not subject to the rules that require DFO and EC to legally respond to this petition and provide the public with transparency and a rationale for this omission in federal environmental openness and responsibility? Why would any federal agency with any ability to do environmental harm and/or assessments be excused from such public inquiry as to their actions? It is also requested that DFO and EC respond to this question.

7.0. Summary and Signatures:

We look forward to a prompt response to this very important issue relating to the conservation of one of the world's globally significant estuaries with its wealth of fish and wildlife resources and safety of property and human life.

We hereby submit this petition to the Auditor General of Canada under section 22 of the Auditor General Act.

VAPOR Chairpersons (signed on November 22, 2011);

Carol Day, VAPOR Chair, Richmond - Business owner and community activist.

Otto Langer, VAPOR Co-Chair, Richmond - Retired fisheries biologist and aquatic ecologist

8.0. References:

- 1. Butler, R.W., and R.W. Campbell. 1987, The birds of the Fraser River delta; populations, ecology and international significance, Occasional Paper No. 65, Canadian Wildlife Service, Delta, BC.
- 2. Langer, O.E., Hietkamp, F., and Farrell, M., 1996, Human Population Growth and the Sustainability of Urban Salmonid Streams in the Lower Fraser Valley, AFS Conf. April 26-30\96. Victoria, B.C., pages 349 362 in "Sustainable Fisheries Management: Pacific Salmon", Lewis Publishers, New York. 724pp.
- 3. Northcote, T.G., and Larkin, P.A., 1989, The Fraser River: A major salmonine production system, pages 172-204 in D.P. Dodge, editor, Proceedings of the International Large River Symposium, Canadian Special Publication of Fisheries Aquatic Sciences. Number 106, DFO, Ottawa, Ontario.
- 4. FEARO, 1989, Sea Island Fuel Barge Facility Federal Environmental Assessment Review Office, Report of the Environmental Assessment Panel, No. 33, March 1989, Vancouver, B.C.
- 5. VAFFC 2011, Environmental Assessment Certificate Application for the Vancouver Airport Fuel Delivery Project prepared for the Vancouver Airport Fuel Facilities Corporation by Hatch Ltd., February 15, 2011, Executive Summary.
- 6. Langer, O.E., 2011, Vancouver Airport Fuel Delivery Project, Brief to the British Columbia Environmental Assessment Office, April 26, 2011, Richmond, B.C.
- 7. Sydor, M., W. Schmitz, A. Haret and T. Wood. 2011. An Audit of the Environmental Assessment Office's Oversight of the Certified Projects. Office of the Auditor General of British Columbia. Rpt. 4, July 2011 Victoria, B.C. 25 pages.
- 8. Haddock, M. 2010. Environmental Assessment in British Columbia. Environmental Law Centre, University of Victoria, Faculty of Law. Nov. 2010, Victoria, B.C. 82 pages.
- 9. Parker, N. 2011. Environmental Assessment of the Proposed Vancouver airport Fuel Delivery Project Environment Canada Comments on Supplements and July 2011 Issues Tracking Table. Environment Canada, Vancouver, B.C. 10 pages.

9.0. Listing of Appendices:

Appendix 1. Public petition form signed by 5500 citizens.

Appendix 2. Copy of the scanned-in 5500 public petitions as signed by 5500citizens (to be handled as private information as specified by federal government law and OAG privacy policies).

Appendix 3. Copy of the Media Back Grounder of November 8, 2011.

Appendix 4. Directors of VAPOR

Appendix 5. Brief by Otto Langer to the BC Environmental Assessment Office, Vancouver Airport Fuel Delivery Project, Victoria, BC, April 2011.

Appendix 6. Open <u>letter from the Boundary Bay Conservation Committee in support of this Environmental Petition,</u> November 8, 2011.



Open Letter to:

November 8, 2011

- Prime Minister Stephen Harper
- Ministers of Fisheries and Oceans Canada, Environment Canada and Transport Canada
- Members of Parliament

Re: Proposal By the Vancouver Airport Fuel Facilities Corp. (VAFFC) to Ship Jet Fuel into the Fraser River Estuary.

VAPQR is a Vancouver area grass root citizens' group formed to oppose a fuel delivery proposal by the airlines at the Vancouver International Airport (YVR). The proposal is to ship large quantities of toxic and flammable jet fuel into the Fraser River Estuary on barges and Panamax tankers and up the Fraser River and there unload it at a marine terminal. There it will be stored in a large tank farm on the banks of the river and then piped across Richmond to the airport.

This proposal poses a great risk to the Fraser River Estuary, its abundant fish and wildlife populations and their habitats. It will also endanger property and human safety along the river. Yet the proposal is not being assessed by the Federal FEARO process. Instead a voluntary environmental assessment is being done by the Province of BC in harmony with Port Metro Vancouver (PMV). This is unacceptable since vast responsibilities rest with the federal government and PMV has a conflict of interest in that it will lease land to VAFFC and benefit from the proposal. When FEARO reviewed a similar proposal from VAFFC in 1989, it was rejected because of the high environmental risk to the Fraser River Estuary.

VAPOR has documented the need and identified alternative options for a more environmentally friendly and safer way of getting jet fuel to YVR i.e. by using pipelines from the Chevron Refinery in Burnaby and the ARCO Refinery in Ferndale Wash. State – the two sources of 100% of YVR's present jet fuel supply.

VAPOR has presented its concerns to the airlines, the federal and provincial governments and received little positive feedback. The City of Richmond (home of the airport/fuel shipping proposal) is totally opposed to the VAFFC proposal. We have accordingly prepared a petition for the public to review and sign. About 5500 citizens of the Fraser Valley and Canada have signed this petition opposing the VAFFC proposal and the BC Environmental Assessment Office's "voluntary" assessment.



We respectfully submit three volumes of petitions for your review and request action to protect the very productive and fragile Fraser River and its estuary from the high risk of transporting jet fuel into this globally significant habitat area and better protect property and public safety from any toxic and flammable jet fuel spills and delivery mishaps. Petition Volume One also includes a series of letters received from a number of groups including an Environment Canada technical staff letter. The attached letters support the position or concerns VAPOR has taken against the VAFFC proposal. They are from:

- Garden City Lands Coalition Society;
- 2. Wreck Beach Preservation Society;
- 3. Environment Canada, Environmental Protection Operations, Environmental Stewardship Branch Pacific and Yukon;
- 4. Dogwood Initiative;
- 5. David Suzuki Foundation;
- 6. Waterstone Pier Strata BCS 1965;
- 7. The Federation of Canadian Naturists;
- 8. Pacific Spirit Park Society;
- 9. Naturist Action Committee;
- 10. Save the Fraser, Gathering of Nations, 'Save the Fraser Declaration'.

We look forward to your consideration of this VAPOR initiative and urge you to protect the Fraser River Estuary for future generations of fish, wildlife and Canadians.

Sincerely yours,

Carol Day - VAPOR Chair

Otto E. Langer - VAPOR Co-Chair

Attachments:

- 10 letters of support
- Three volumes of petitions.



Open Letter to:

November 18, 2011

- Premier Christy Clark
- Ministers of Environment; Energy and Mines; Forests, Lands and Natural Resources; Public Safety and Solicitor General
- Members of the Legislative Assembly

Re: Proposal By the Vancouver Airport Fuel Facilities Corp. (VAFFC) to Ship Jet Fuel into the Fraser River Estuary.

VAPOR is a Vancouver area grass root citizens' group formed to oppose a fuel delivery proposal by the airlines at the Vancouver International Airport (YVR). The proposal is to ship large quantities of toxic and flammable jet fuel into the Fraser River Estuary on barges and Panamax tankers and up the Fraser River and there unload it at a marine terminal. There it will be stored in a large tank farm on the banks of the river and then piped across Richmond to the airport,

This proposal poses a great risk to the Fraser River Estuary, its abundant fish and wildlife populations and their habitats. It will also endanger property and human safety along the river. Yet the proposal is not being assessed by the Federal FEARO process. Instead a voluntary environmental assessment is being done by the Province of BC in harmony with Port Metro Vancouver (PMV). This is unacceptable since vast responsibilities rest with the federal government and PMV has a conflict of interest in that it will lease land to VAFFC and benefit from the proposal. When FEARO reviewed a similar proposal from VAFFC in 1989, it was rejected because of the high environmental risk to the Fraser River Estuary.

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Carol Day - VAPOR Chair

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Attachments:

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VAPOR PRESS RELEASE

January 9, 2012

VAPOR has learned that the Vancouver Airport Fuel Facilities Corporation (VAFFC) has recently submitted an addendum to the BC Environmental Assessment Office for review. The public has been given from January 11 to February 1, 2012 to comment on this amendment. The proposal was to ship large quantities of toxic and flammable jet fuel to the Vancouver International Airport (YVR) on barges and large Panamax tankers into the Fraser River and its estuary, build an offloading terminal upstream of the Massey Tunnel and store up to 80 million litres of jet fuel in a large tank farm on the banks of the estuary near the Riverport recreational and the Riverside condominium projects. They then are to deliver the jet fuel in a 15 km pipeline across Richmond through farmland and residential neighbourhoods to YVR.

VAFFC has given in to endless public objections to one part of this overall poorly thought out proposal and now wants to amend their application. The addendum submitted by VAFFC is only for the option of relocating and installing the pipeline along Hwy 99 to avoid it going through residential areas of Richmond They now say this is their preferred choice but without relinquishing any other unacceptable options through Richmond.

All the other highly unacceptable aspects of their proposal such as the frequent oil tanker traffic to an offloading terminal and storage in a tank farm which poses a great risk to the Fraser River and its estuary, the large populations of fish and wildlife and property and public safety has been left unmodified. This is most unfortunate.

VAPOR is extremely disappointed with this inadequate amendment which does not eliminate jet fuel tanker traffic on the Fraser River still results in a totally unacceptable proposal. We again ask where is the leadership in Air Canada, Westjet, Air China, KLM and Lufthansa and over 20 other airlines at YVR that own the fuel corporation. Why would they ignore their own environmental policies and stubbornly refuse to accept that the transporting and handling of giant quantities of toxic and flammable jet fuel via giant tankers in the Fraser River is highly hazardous to public safety and where a major incident such as a collision, explosion, fire, or spill can endanger human life and irrevocably damage and pollute the fragile environment and the human habitat along the Fraser River estuary and its shores for decades to come?

We are also disappointed that the Federal government including Environment Canada, Department of Fisheries and Oceans, Transport Canada and the Vancouver Port Authority have shown poor environmental leadership and that has allowed this dangerous proposal with



risks of very high consequence to public safety and the environment during its 60 year life to reach this stage in that it affects major federal mandates including the fishery, wildlife, ship transport, navigation, river pilotage and a federal airport and harbour. Why has this project been the subject of a voluntary environmental review by the BC Environmental Assessment Office when a similar proposal by the same fuel corporation some 22 years ago was rejected by a properly constituted federal environmental review process?

VAPOR will now step up its campaign to have the Cities of Vancouver, West Vancouver, North Vancouver, Burnaby and Surrey join the City of Richmond in opposing this most hazardous project with unacceptable risks to public safety and the environment... Also VAPOR has had Viki Huntington, a Delta independent MLA, present a VAPOR petition of over 5500 names to the BC Legislative Assembly opposing this project. Also Fin Donnelly, the NDP MP from New Westminster will be presenting this brief to the House of Commons in Ottawa.

VAPOR is very disappointed in the lack of political leadership by the BC Liberals and the Federal Conservatives in allowing this dangerous proposal to reach this stage especially when safer and more environmentally friendly options are available. We continue to advocate a more secure and environmentally friendly and safer option to deliver fuel to YVR. It is strongly recommended that the airlines direct their fuel corporation, VAFFC, to maintain fuel supplies from the Burnaby Chevron refinery by means of an existing pipeline and the rest of their jet fuel that they now get from the ARCO Ferndale refinery in Washington State be now transported to YVR by a pipeline from that refinery directly to YVR.

The above option would eliminate all present and future fuel transport on barges and tankers into the Fraser River and Burrard Inlet and be much safer and cheaper to operate over the long term. The public and local governments and First nations are encouraged to ally themselves with VAPOR to push for an environmentally responsible Vancouver International Airport and its client airlines that are supplied by a safer, more environmentally friendly and secure pipeline only based system of delivering fuel to YVR. VAFFC is now willing to build a pipeline across Richmond along Highway 99. We simply ask that they now extend that pipeline to Ferndale for another short 60 km to achieve a best solution for everyone involved.

For more information - see attached backgrounder and please contact:

Richmond: Carol Day VAPOR Chair 604 240-1986

Otto Langer Co-Chair 604 274-7655

Delta: James Ronback 604 948-1589

Fraser Valley: Judy Williams 604 856-9598



VAPOR Media Backgrounder

Richmond, B.C. -----January 8, 2012.

Re: VAFFC Amends Jet Fuel Delivery Proposal to YVR but only amends the option of relocating the pipeline along Highway 99 to avoid Richmond residential areas. All other highly unacceptable risks to the Fraser River and estuary have remained unchanged.

In April 2011 a group of citizens met to form VAPOR. It was a spontaneous ad hoc grass roots group of citizens from the Lower Fraser Valley. They are opposed to the Vancouver Airport Fuel Facilities Corporation (VAFFC) proposal to ship large quantities of toxic and flammable jet fuel in barges and Panamax tankers into the Fraser River Estuary and the river's South Arm to a point upstream of the George Massey Tunnel. Here they proposed the building of a marine terminal to unload the fuel and store it in a large tank farm on the banks of the estuary. To make matters worse, VAFFC then proposed to build a pipeline through Richmond residential neighborhoods to deliver the fuel to Vancouver International Airport (YVR).

Despite a recent Addendum to the original VAFFC application, the proposal continues to pose a great risk to the rich fish and wildlife populations, their habitat, recreation, navigation, property and public safety in the Fraser River Estuary. VAPOR has mobilized a great deal of interest in this matter and the inappropriate and unsatisfactory manner in which its environmental and social impact reviews are being conducted by the Federal and Provincial governments. Issues of great concerns and a project update include:

- VAFFC made a smaller but similar proposal in 1988 and that was registered with the Federal Environmental Review Process (FEARO) and a Public Panel held hearings and the proposal was rejected in 1989 due to the threat such transport and terminal would pose to the globally significant Fraser River Estuary and it rich fish and wildlife resources.
- The environmental review legislation has been so watered down since 1988 that VAFFC was not legally required to do any public review of this project. VAFFC applied for a voluntary review by the BC Environmental Assessment Office (BC EAO) and that was accepted by EAO.
- EAO has 'harmonized' its voluntary review with Port Metro Vancouver (PMV) with the Province taking the lead. This provincially led review attempted to

conduct a rush review and limited the public to two minute presentations in the spring of 2011 and the public and local government had to demand an extension in the comment period to allow for the submission of written comments to EAO. Further the BC EAO refuses to consider more environmentally friendly alternatives in their assessment in that they will only evaluate one option.

- Despite that the period of public comment was terminated, the BC EAO has
 continued to work with select parties and VAFFC on possible other options to the
 proposal to address the many public criticisms. The expedited EA process has
 been put into indefinite suspension while VAFFC reconsiders what it can better
 do to address public complaints.
- While the VAFFC proposal is in suspension, VAFFC indicated that they want to now examine the options of shipping more fuel via Burrard Inlet to YVR via barges and pipeline or revisit their 1988 proposal of barging fuel up the North Arm of the Fraser River to YVR – the proposal that was rejected by the Federal Government in 1989.
- Despite the confusion caused by VAFFC and exactly what they are proposing, they have just re-activated their project review with the BC EAO and on January 4, 2012 the BC EAO notified the public that an addendum (amendment) has been submitted and the public has from January 11 until February 1, 2012 to comment on it. The amendment is ONLY for the option of relocating and installing the pipeline along Highway 99 to avoid Richmond residential areas. However VAFFC has stated that they will not relinquish their other options though Richmond farmlands and neighbourhoods. VAFFC had earlier rejected this highway option in that it would interfere with highway expansion.
- Further to the Highway 99 Addendum, all the other highly unacceptable
 aspects of this proposal such as the frequent oil tanker traffic to an
 offloading terminal and storage in a tank farm which poses a great risk to the
 Fraser River and its estuary, the large populations of fish and wildlife and
 property and public safety has been left unmodified. This continued
 disregard for the Fraser River and estuary is truly most unfortunate.
- VAPOR has contacted the three most directly affected municipalities (Richmond, Delta and Vancouver) to elevate their level of concern of such a high risk development in the Fraser River Estuary. Richmond has shown the greatest leadership by strongly coming out against any jet fuel transport anywhere into the Fraser River.
- VAPOR has written letters to Air Canada, Westjet, KLM, Lufthansa and the 20 or more other airlines that own VAFFC and to date VAPOR has only received limited responses and all have followed the same cookie cutter response. Despite the rejection of their Fraser Estuary option in 1989 the airlines see no real concern

- despite the fact that what they have proposed is contrary to their stated environmental policies designed to protect the environment.
- The VAFFC proposal indeed admits that repeated jet fuel spills will occur into the Fraser estuary during the operation of the facilities over the next several decades but they feel this is of little concern in that the solution to pollution is simply Fraser River dilution and atmospheric evaporation. They indeed have proposed to simply flush spills out into the Fraser River as a key part of spill mitigation.
- The irony of this proposal is that the BC led EA harmonized review with Port Metro Vancouver is at odd s with government mandates, the public trust and public interest. This is a proposal to deliver fuel to a Federal airport, via a Federal waterway under Federal rules of pilotage and navigation, in a Federal port, involving Federally protected fish and wildlife resources and their habitats yet the Federal government sees no strong need to take a direct and lead role in the assessment of this proposal. This totally contradicts what the Federal Government did in 1989.
- VAPOR asks the Federal Government to again show proactive leadership and remind VAFFC of their 1989 jet fuel river transport proposal rejection and advise them to quit wasting taxpayer resources and avoid causing a great risk to the estuary, its life and people and their property and direct the airlines and VAFFC to develop an environmentally friendly solution to address airport fuel needs.
- As part of the above, VAPOR strongly feels that the best solution to deliver fuel to YVR is by a pipeline(s) from the refinery sources (Chevron Burnaby and ARCO- Ferndale) directly to YVR. This would eliminate all present and future jet fuel transport into the Fraser River Estuary and Burrard Inlet for supplying YVR.
- Air Canada has indicated that a local pipeline from the ARCO Ferndale refinery is risky due to homeland security concerns, too expensive and has to cross too many jurisdictions. To use this as an excuse is truly unfortunate. In North America we have thousands of miles of pipelines crossing hundreds of jurisdictions including Canadian pipelines that deliver oil to the USA on a continuous basis. The operation of pipeline(s) to supply jet fuel to airports is widely practiced in North America as the most reliable way to deliver fuel. Also a pipeline is much easier and more economic to operate than daily shipping from various North American and overseas sources of fuel including that from South East Asia. Although VAFFC wants to import jet fuel from SE Asia, the crude oil has to be shipped to SE Asia for refining and then shipped about 15,000 km to YVR. It is near non-comprehendible how that can be a more secure source of fuel in times of turmoil.
- VAPOR is of the firm belief that the present BC EA process as harmonized with Metro Vancouver Port is not in the public interest in that the BC EA process has been documented to be incomplete and inadequate by the BC Auditor General and the University of Victoria Law Centre reports.

- VAPOR strongly feels that Canada has abdicated its responsibility by allowing the MVP to work with the Province to conduct an EA of a project that affects their own jurisdiction related to port development and financial gain i.e. PMV is in a conflict of interest.
- VAPOR continues to demand accountability in the environmental review process and above all demand that the Federal Government provide the leadership required to protect the many resources and jurisdictions that is largely under their constitutional mandate as related to this proposal.
- VAPOR also asks that the many airlines including Air Canada, Westjet, Lufthansa and KLM show greater environmental leadership and live up to the spirit of their environmental policies and not just use them as window dressing as they propose a project that poses an unacceptable risk to the Fraser River Estuary, its rich natural life, property and the safety of local residents.

To this end VAPOR has registered a legal petition to the Commissioner of the Environment and Sustainable Development of the Office of the Auditor General of Canada. We are questioning why Canada and their agencies (DFO, DOE, TC, PMV and CEAA have allowed this project to unfold as it has and to explain their less than proactive approach and their apparent abdication of direct EA and environmental stewardship responsibilities as expected from their legal mandates.

The concerns objections and actions of VAPOR are now supported by over 5500 citizens that have signed a petition opposing what VAFFC has proposed. This is supported by many groups including VAPOR and its many supporters, the Fraser River Coalition, Wreck Beach Preservation Society, Boundary Bay Conservation Committee and local government. VAPOR has presented this petition to MP Fin Donnelly (Coquitlam, New Westminster and Port Moody) for presentation to the House of Commons. Also Independent MLA Vicki Huntington (South Delta) has accepted this same petition and has presented it to the Legislative Assembly in Victoria.

For further information please contact www.vaporbc.com or call:

In Richmond:

Carol Day VAPOR Chair 604 240-1986

Otto Langer Co-Chair

604 274-7655

In Delta:

James Ronback

604 948-1589

In the Fraser Valley: Judy Williams

604 856-9598

OEL Jan 8, 2012

L1631 Suniverst Road, Richmond, BC VVA 3H6

604.240-1406

www.vaporbe.com



vaporgroup1@gmail.com

OpposeTankers of Toxic and Flammable Jet Fuel, a Marine Terminal and 80 Million Litre Storage Tanks in the Fraser River Estuary.

Voice your Opinion to the BC Environmental Assessment Office

The BC EAO will be accepting public comments from now until Feb 1, 2012 on Vancouver Airport Fuel Facilities Corporation (VAFFC) proposal to change the pipeline route from residential neighborhoods to Hwy 99 right of way. However, this new proposal does nothing to address significant public safety and environmental concerns posed by transportation of large tankers of toxic and flammable jet fuel up the Fraser River where it will be unloaded and stored on the banks of the river in 80 million litre tank farm.

Go to BC EAO website and the comment link can be found at:

Vancouver Airport Fuel Delivery Project Comment form

http://www.eao.gov.bc.ca/pcp/forms/VAFD form.html.

Also attend the VAFFC OPEN HOUSE: Jan 28, 2012 10:00 am to 2:00 pm

East Richmond Community Hall 12360 Cambie Road **Richmond BC**

Come and state your opposition to this high risk proposal that is a threat to the public, the river, its estuary and its fish and wildlife populations.

It is also very important to send your comments and opinions to Local, Province and Federal representatives below are a few suggested e-mail contacts:

- BC Minister of Environment Honourable Dr. Terry Lake <env.minister@gov.bc.ca>
- BC Premier Honourable Christy Clark <christy.clark.mla@leg.bc.ca>
- Canada Minister of Fisheries and Oceans Honourable Keith Ashfield FAX: 613 996 9955
- Minister of Environment Canada Honourable Peter Kent <minister@ec.gc.ca>

Produced by VAPOR - A citizens group dedicated to the protection of public safety and the environment and a safer and more secure fuel supply system for Vancouver international Airport. Contact: us at: http://www.vaporbc.com or email: vaporgroup1@gmail.com>