

**VTACC response to federal court decision on judicial review of Surrey thermal coal port approval. January 25, 2018**

We learned recently of the federal court decision on our challenge to Vancouver Fraser Port Authority's permitting of a proposed US thermal coal port at Fraser Surrey Docks. The court rejected our challenge.

We are disappointed in the decision. We're exploring our options, including the possibility of appeal, with our lawyers at Ecojustice. The court has also awarded costs against us, the amount not yet determined.

Along with our partners Communities & Coal and brave co-applicants Paula Williams and Christine Dujmovich, we are proud to have taken our challenge all the way to federal court. We thank the environmental law charity Ecojustice for their tireless work on this case over the past several years. We're also grateful to have the strong support of New Westminster and Surrey, which intervened in our case and share our concerns about the impacts this coal port would have on our communities, local environment and climate.

Most of all, we are deeply moved by the support -- financial and moral -- that we have received from concerned community members. Without that support, we could not have taken this challenge so far.

In recent years we have raised serious concerns about the permitting of this coal export project and about port authority decision making more generally. The outcome of the case has not changed our views on these issues. In fact, we're more convinced than ever of the need for legislative reform to hold decision makers like port authorities to account.

We think Ottawa needs to reexamine the combined roles our ports play as environmental decision makers and landlords of our public port lands. Ottawa must change the Canada Marine Act to address this conflict if we are to have confidence that our ports are making decisions in the best interests of all Canadians.

We also think Ottawa must bring about reforms to port authority governance to better balance Canada's trade agenda and the interests of port users and local communities.

Despite the disappointing outcome in court, we are heartened by ongoing developments:

First, Fraser Surrey Docks has not yet initiated construction on a coal port on the Fraser River, despite originally planning to get started in 2013.

Second, the Vancouver Fraser Port Authority has begun to revise its project review and environmental assessment processes.

Finally, in 2015 Alberta announced that coal power would be phased out by 2030 (Alberta utilities are on track to meet that goal by 2023), and in November 2017 Canada's Environment Minister proposed a global phase out of coal power as part of international climate talks.

In short, our efforts have started the process of change locally, and across the country public and political opposition to the use and export of thermal coal continues to grow.

Moving forward, we will be encouraging Canada's Environment Minister to resolve the contradiction between her support for a global thermal coal phase out and Canada's support for continued growth in thermal coal exports.