

# Compliance monitoring and enforcement program

## *Program overview and 2018 summary report*

### **Background**

The Vancouver Fraser Port Authority has updated its approach to monitoring and documenting project permit condition compliance. These improvements are part of our continued commitment to sustainability and safety at the port authority.

Canada Port Authorities have been the permitting authority for federal port lands and waters since the introduction of the *Canada Marine Act* in 1998, and as a federal authority conduct environmental reviews of projects in accordance with Section 67 of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). In 2018, the Vancouver Fraser Port Authority issued 170 project permits and 3 permit amendments.

In 2013, the port authority commissioned a third-party expert to review our project permitting process. The review found our process to be generally sound and robust, but suggested several improvements, including transparency and timelines, amongst others.

One specific recommendation was to improve our permit compliance monitoring system. This work was undertaken and we have updated and formalized our approach to compliance monitoring and enforcement (CME) based on the following objectives:

- More effective monitoring of compliance with permit conditions
- Formalized permit compliance expectations
- Better tools to communicate effectively between the port authority and applicants/permit holders
- Fair and consistent responses to permit non-compliance

### **Implementation summary**

We have been developing and implementing a formalized CME program in phases over the past year. Program activities implemented in 2018 include:

- All new permits include updated and new project permit conditions which are more clear and measureable
- Category C, D, and Designated project permit holders are required to submit self-reports describing the status of adherence to permit conditions at prescribed intervals
- Category D and Designated project permit holders are required to procure independent monitors to verify compliance with permit conditions during construction
- Site visits are conducted by the port authority to verify compliance with permit conditions for selected permits

- Information sessions and individual meetings with interested parties about the CME program were conducted
- One-on-one meetings are held with permit holders about permit conditions and expectations for self-reporting and compliance verification
- Enforcement tools have been updated
- A dedicated staff member is now in place to coordinate implementation of the program and identify opportunities for continuous improvement

## 2018 Enforcement actions

A summary of enforcement actions issued by the Vancouver Fraser Port Authority (VFPA) in 2018 is provided in the table below, with additional detail in the following section.

### Summary of enforcement actions

Permit Holder / Proponent	Project	PER number	Enforcement action	Status
VFPA	East Commissioner Shoreline Protection Maintenance	PER 17-149	Stop work order issued	Returned to compliance
VFPA	Brownsville Shrub and Garbage Removal	PER 17-148	Stop work order and restoration order issued	In progress
Tilbury Management #1 Ltd.	Water Lot Infill	Preliminary Review 15-326	In progress	In progress

### **Project Permit 17-149: VFPA East Commissioner Shoreline Protection Maintenance**

A stop work order was issued for Project Permit 17-149 on January 30, 2018. Environmental monitoring reports provided to VFPA indicated that the Permit Holder did not comply with permit conditions related to the control and management of sediment laden surface water run-off to Burrard Inlet during shoreline protection repair work at 2775 Commissioner Street, Vancouver. The stop work order was lifted on February 6, 2018, following the implementation of erosion and sediment control and water management mitigation measures.

### **Project Permit 17-148: VFPA Brownsville Shrub and Garbage Removal**

A stop work order was issued for Project Permit 17-148 on April 26, 2018. Site photos provided to VFPA indicated that the Permit Holder did not comply with the scope of work outlined in the permit. Specifically, the Permit Holder had cleared the majority of vegetation from a 32,000 m<sup>2</sup> site at 11940 Old Yale Road, Surrey, including grubbing and ground disturbance, and left exposed soils in place. In addition, no erosion or sediment control measures were in place to mitigate the potential flow of sediment laden-water to the Fraser River and invasive plants were not managed appropriately. The Permit Holder was required to install appropriate mitigation measures immediately.

Subsequently, a restoration order was issued to the Permit Holder on May 22, 2018 outlining requirements to: maintain temporary erosion and sediment control measures until permanent rip-

rap could be installed, conduct an archaeological impact assessment, monitor knotweed growth onsite, conduct riparian planting to restore the 15 m buffer zone, make a donation to a charity in lieu of migratory bird impacts, and stabilize exposed soils.

### ***Preliminary Review 15-326: Tilbury Management #1 Ltd. Water Lot Infill***

Through aerial photographs, VFPA became aware that the Proponent had completed unauthorized filling of approximately 700 m<sup>2</sup> of intertidal area in the Fraser River adjacent to 8295 River Road, Delta. A preliminary review of the Category C water lot infilling project had been conducted by VFPA in 2015 and a checklist issued to the Proponent on December 3, 2015. The Proponent did not complete the required studies or submit an application prior to proceeding with the water lot infill. No permit was issued. The unauthorized filling of the water lot was reported to Fisheries and Oceans Canada (DFO). VFPA is working with DFO to coordinate restoration and/or compensation requirements.

### **Compliance activity**

Future summary reports will include information on project permit compliance verification activities undertaken by VFPA. This may include:

- Number of site visits conducted to date
- Number of self-reports reviewed to date
- Number of enforcement actions issued to date

### **More information**

Learn more about our Project and Environmental Review process at

<https://www.portvancouver.com/development-and-permits/project-and-environmental-reviews/>.

If you have questions, please contact the Vancouver Fraser Port Authority at:

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