

PER No.:	19-240
Tenant:	Mill & Timber Products Ltd.
Project:	Shoreline protection and retaining wall upgrade
Project Location:	12745 116 Avenue in Surrey, BC
Vancouver Fraser Port Authority SID No.:	SUR330
Land Use Designation:	Industrial
Applicant/Permit Holder:	Mill & Timber Products Ltd.
Category of Review:	B
Date of Approval:	July 6, 2020
Date of Expiry:	July 31, 2021

1 INTRODUCTION

The Vancouver Fraser Port Authority (the port authority), a federal port authority, manages lands under the purview of the *Canada Marine Act*, which imparts responsibilities for environmental protection. The port authority accordingly conducts project and environmental reviews of works and activities undertaken on these lands to ensure that the works and activities will not likely cause significant adverse environmental effects. This project and environmental review report and project permit (the Permit) documents the port authority's project and environmental review of PER No. 19-240: Shoreline protection and retaining wall upgrade (the Project) proposed by Mill & Timber Products Ltd. (the Applicant).

This project and environmental review was carried out to address the port authority's responsibilities under the *Canada Marine Act*, and to meet the requirements of the *Impact Assessment Act*, as applicable. The proposed Project is not considered a "designated project" under the *Impact Assessment Act* and an impact assessment as described in the *Impact Assessment Act* is not required. However, the port authority authorization is required for the proposed Project to proceed and in such circumstances, where applicable, Section 82 of *Impact Assessment Act* requires federal authorities to assure themselves that projects will not likely cause significant adverse environmental effects. This review provides that assurance. In addition, the port authority considers other interests, impacts and mitigations through the project and environmental review.

The project and environmental review considered the application along with supporting studies, assessments and consultations carried out or commissioned by the Applicant, as well as other information provided by the Applicant. In addition, this project and environmental review considered other information available to the port authority and other consultations carried out by the port authority. A full list of information sources germane to the review is provided in the following pages of this report.

This Permit is the authorizing document allowing the Applicant to proceed with the Project subject to the listed project and environmental conditions.

2 PROJECT DESCRIPTION

The Applicant, Mill & Timber Products Ltd., proposes to repair a timber retaining wall and install a rip rap rock berm to stabilize slopes at their timber mill site at 12745 116 Avenue in Surrey, British Columbia. Approximately 600 m³ of rip rap will be installed at the northwestern shorelines of their lot. The slope will be excavated so that fabric liner and rip rap can be placed at an angle of 1.5:1 (h:v) to protect the slope from eroding. The timber retaining wall will be left in place and timbers that extend above the finished ground surface will be cut to ground level. A new lock block wall will be placed at the top of the slope, inland of the timber wall, to prevent migration of stray wood chips. Some riparian vegetation will be removed from the rip rap footprint. New riparian vegetation will

be planted near the top of the slope. All works will be adjacent and within the southern bank of the Fraser River. Some excavation and rock placement will be below the high water mark. The applicant submitted a request for review to Fisheries and Oceans Canada and received a letter of advice for the project on May 1, 2020. The applicant will implement the mitigation measures provided in Fisheries and Oceans Canada's letter of advice.

The Project is expected to be completed over several weeks in summer or fall of 2020. Works are proposed to occur Monday to Saturday between the hours of 7:00 am and 8:00 pm. Construction will be conducted from land using an excavator and backhoe.

In this project permit, the Project means the physical activities authorized by the port authority to be carried out pursuant to **PER No. 19-240**, as described below.

2.1 Proposed Works

- Excavation of up to 1 m in depth at the base of the slope for the rip rap toe below the high water mark.
- Approximately 100 m³ of soil will be excavated and disposed off-site.
- Installation of approximately 600 m³ of 15 cm graded rock and 0.5 m to 1 m graded armour rock.
- Installation of fabric liner at the base and exterior surfaces of the slope.
- Installation of approximately 136 lock blocks at the top of the slope.
- Removal of approximately 200 m² riparian vegetation (mostly red alder and blackberry).
- Installation of alder and other native vegetation within an area of 210m² along the top of the slope.

3 VANCOUVER FRASER PORT AUTHORITY INTERNAL REVIEWS

The following port authority departments have undertaken and completed a review of these works and confirm that the proposal meets their requirements, subject to the listed project and environmental conditions.

Planning

Environmental Programs

Engineering

Marine Operations

Public Engagement

Indigenous Consultation

4 INDIGENOUS CONSULTATION

The port authority has reviewed the proposed works and determined that adverse impacts to Indigenous or Treaty rights are not expected.

5 NOTIFICATIONS

5.1 Municipal Notification

The proposed Project was assessed by the port authority to have potential impacts to municipal interests. A notification letter was sent to the City of Surrey on June 9, 2020 notifying them of the proposed Project. The City of Surrey responded on June 24, 2020 and has no concerns with the proposed works.

5.2 Adjacent Tenant Notification

The proposed Project was assessed by the port authority to have minimal potential impacts to adjacent tenant interests. Therefore, adjacent tenant notification was not required.

5.3 Public Engagement

To meet requirements of section 86 of the *Impact Assessment Act*, the port authority posted a description of the Project and notice of public participation to the Canadian Impact Assessment Registry to provide the public 30 calendar days to comment on the project and provide community knowledge. No public comments were received.

The proposed Project was assessed by the port authority to have minimal or no potential impacts to community interests in the surrounding area either during construction or once the project is completed. Therefore no construction notification was required.

6 INFORMATION SOURCES

The port authority has relied upon the following sources of information in its review of the Project.

- Application form and materials submitted by the Applicant on behalf of the tenant on December 18, 2019.
- All Project correspondence from December 18, 2019 to June 5, 2020
- “Mill & Timber – Collapsed Wall Remedial Works Assessment”, December 13, 2019, Weaver Technical Corporation
- Letter titled “Retaining Wall Repair, Fraser River, Surrey – Implementation of Measures to Avoid and Mitigate the Potential for Prohibited Effects to Fish and Fish Habitat “, May 1, 2020, Fisheries and Oceans Canada

7 ENVIRONMENTAL REVIEW DECISION

In completing the project and environmental review, the port authority has reviewed and taken into account relevant information available on the proposed project and has considered any adverse impact that the project may have on the rights of the Indigenous peoples, Indigenous knowledge, community knowledge, comments received from the public, and measures that would mitigate any significant adverse environmental effects of the project. We conclude that with the implementation of proposed mitigation measures and conditions described in the project and environmental conditions section below, the Project is not likely to cause significant adverse environmental effects.

ORIGINAL COPY SIGNED

ANDREA MACLEOD
MANAGER, ENVIRONMENTAL PROGRAMS

July 6, 2020

DATE OF DECISION

8 CONCLUSION

In completing the project and environmental review, the port authority concludes that with the implementation of proposed mitigation measures and conditions described in the project and environmental conditions section below, the Project has appropriately addressed all identified concerns.

PROJECT AND ENVIRONMENTAL REVIEW DECISION

Project Permit PER No. 19-240 is approved by:

ORIGINAL COPY SIGNED

ANDREA MACLEOD
MANAGER, ENVIRONMENTAL PROGRAMS

July 6, 2020

DATE OF APPROVAL

9 PROJECT AND ENVIRONMENTAL CONDITIONS

The port authority has undertaken and completed a review of the Project in accordance with the *Canada Marine Act* and Section 5 of the Port Authorities Operations Regulations and, as applicable, Section 82 of the *Impact Assessment Act*.

If at any time Mill & Timber Products Ltd. (the Permit Holder) fails to comply with any of the project and environmental conditions set out in the project permit (the Permit) below, or if the port authority determines that the Permit Holder has provided any incomplete, incorrect or misleading information in relation to the Project, the port authority may, in its sole and absolute discretion, cancel its authorization for the Project or change the project and environmental conditions to which such authorization is subject.

Pursuant to Section 29 of the *Port Authorities Operations Regulations*, the port authority may also cancel its authorization for the Project, or change the project and environmental conditions to which such authorization is subject, if new information is made available to the port authority at any time in relation to the potential adverse environmental and other effects of the Project.

The following are the minimum conditions that must be followed by the Permit Holder to mitigate potential or foreseeable adverse environmental and other effects.

All port authority Guidelines and Record Drawing Standards referenced in this document can be located at: <https://www.portvancouver.com/development-and-permits/project-and-environmental-reviews/technical-guidelines/>.

No.	GENERAL CONDITIONS
1.	The Permit Holder must have a valid lease, licence, or access agreement for the Project site prior to accessing the Project site or commencing construction or any other physical activities on the Project site. This Permit shall in no way limit any of the Permit Holder's obligations, or the port authority's rights, under such lease, licence, or access agreement.
2.	The Permit Holder shall at all times and in all respects, comply with and abide by all applicable statutes, laws, regulations and orders from time to time in force and effect, including all applicable environmental, labour and safety laws and regulations.
3.	This Permit in no way endorses or warrants the design, engineering, or construction of the Project and no person may rely upon this Permit for any purpose other than the fact that the port authority has permitted the construction of the Project, in accordance with the terms and conditions of this Permit.
4.	The Permit Holder shall indemnify and save harmless the port authority in respect of all claims, losses, costs, fines, penalties or other liabilities, including legal fees, arising out of: (a) any bodily injury or death, property damage or any loss or damage arising out of or in any way connected with the Project; and (b) any breach by the Permit Holder of its obligations under this Permit.
5.	The Permit Holder is responsible for locating all existing site services and utilities including any located underground. The Permit Holder is responsible for repair or replacement of any damage to existing site services and utilities, to the satisfaction of the port authority, that result from construction and operation of the Project.
6.	The Permit Holder shall undertake and deliver the Project to total completion in a professional, timely and diligent manner in accordance with applicable standards and specifications set out in the sections above entitled Project Description and Information Sources. The Permit Holder shall not carry out any other physical activities unless expressly authorized by the port authority.
7.	The Permit Holder shall cooperate fully with the port authority in respect of any review by the port authority of the Permit Holder's compliance with this Permit, including providing information and documentation in a timely manner, as required by the port authority. The Permit Holder is solely responsible for demonstrating the Permit Holder's compliance with this Permit.

8.	The Permit Holder shall review the Permit with all employees, agents, contractors, licensees and invitees working on the Project site, prior to such parties participating in any construction or other physical activities on the Project site. The Permit Holder shall be solely responsible for ensuring that all such employees, agents, contractors, licensees and invitees comply with this Permit.	
9.	The Permit Holder shall make available upon request by any regulatory authority (such as a Fishery Officer) a copy of this Permit.	
10.	Unless otherwise specified, the Permit Holder shall provide all plans, documents, and notices required under this Permit to the following email address: per@portvancouver.com and referencing PER No.19-240 .	
11.	Unless otherwise specified, all plans, schedules, and other Project-related documentation that the Permit Holder is required to provide under this Permit must be to the port authority's satisfaction.	
12.	The port authority shall have unfettered access to environmental compliance documentation and the Project site at all times during construction without notice.	
13.	The Permit Holder must maintain and retain any records associated with, or produced by, actions or activities undertaken to achieve compliance or that indicate non-compliance with project permit conditions. These records must be made available at the request of the port authority.	
	CONDITIONS – PRIOR TO COMMENCING CONSTRUCTION OR ANY PHYSICAL ACTIVITIES	SUBMISSION TIMING (business days)
14.	The Permit Holder shall submit signed and sealed drawings for proposed works approved for construction by a professional engineer licensed to practice in the Province of British Columbia.	5 business days before commencing construction or any physical activities
15.	At least two days prior to commencing any physical activities, the Permit Holder shall notify the Harbour Master and VFPA Environmental Programs, email: Harbour_Master@portvancouver.com EnvironmentalPrograms@portvancouver.com	2 business days before commencing construction or any physical activities
16.	The Permit Holder shall sample and test soil in the project excavation areas. Parameters tested shall include, but are not limited to, metals and polycyclic aromatic hydrocarbons. The results shall be compared to appropriate federal thresholds for contamination. If the soil samples have contamination above the thresholds, the Permit Holder shall submit a soil management plan to the satisfaction of the port authority.	If required, 10 business days before commencing any excavation work
17.	All intended works are planned to be carried out from the land side. If, however, certain works cannot be carried out from land side and a marine barge is required, then the permit holder must submit a Marine Construction Staging Plan the port authority's satisfaction before any works can commence from the water.	If required, 10 business days before commencing construction or any physical activities
	CONDITIONS – DURING CONSTRUCTION OR ANY PHYSICAL ACTIVITIES	
18.	All general construction and physical activities related to the Project shall be conducted from Monday to Saturday between the hours of 7:00 am and 8:00 pm . No construction and physical activities shall take place on Sundays or holidays. These hours shall not be modified without prior approval of the port authority. To request permission to conduct activities outside these hours, the Permit Holder must submit a written request no less than 20 business days prior to the desired start date.	

19.	The Permit Holder shall notify the port authority within two business days of any complaints received from the community and stakeholders during construction and indicate how the Permit Holder has responded to such complaints.
20.	The Permit Holder shall implement all measures listed within the May 1, 2020 DFO Letter of Advice for the Project.
21.	Without limiting the generality of permit condition #2, the Permit Holder shall not, directly or indirectly: (a) deposit or permit the deposit of a deleterious substance of any type in water frequented by fish in a manner contrary to Section 36(3) of the <i>Fisheries Act</i> ; or (b) adversely affect fish or fish habitat in a manner contrary to Section 35(1) of the <i>Fisheries Act</i> .
22.	There shall be no in-water works during the fisheries sensitive period from March 1 to June 15, inclusive, unless otherwise approved in writing by DFO or VFPA. VFPA shall be notified of any DFO exemptions allowing works within the fisheries sensitive period.
23.	Without limiting the generality of permit condition #2, if suspect contaminated materials are encountered, the Permit Holder shall contain, test and dispose of such materials at appropriate licensed off-site facilities and maintain records of off-site disposal. The port authority shall be notified of such activities and provided relevant documentation upon completion.
24.	Without limiting the generality of permit condition #2, materials brought onto the project site to be used for backfilling, site preparation, or other uses shall be from sources demonstrated to be clean and free of environmental contamination, invasive species and noxious weeds. The Permit Holder shall maintain records to verify this.
25.	The Permit Holder shall manage invasive plants in a manner that prevents their spread. Invasive plants and potentially affected materials, such as soil, shall be appropriately contained, collected and disposed of.
26.	The Permit Holder shall use reasonable efforts to retain existing native riparian vegetation and native soil. Disturbance or clearing of vegetation shall be staged and strictly limited to that required for the Project.
27.	Rip rap shall be clean and free of fines and shall be lowered through the water column and deposited near the river/seabed and not dumped or deposited from above or near the water surface.
28.	The Permit Holder shall contain and collect debris and waste material in the immediate working area within the Project site. The Permit Holder shall dispose of waste material at suitable upland locations and maintain records of off-site disposal.
29.	During upland construction activities, the Permit Holder shall not conduct refuelling or maintenance activities on nonroad equipment within 30 metres of any waterbody, or in an area where run-off may potentially reach surface waterbodies. Fuel and other hydrocarbon inventories shall not be stored in such areas, temporarily or otherwise.
30.	All non-road diesel equipment in use within VFPA jurisdiction shall be reported as required under the Non-Road Diesel Equipment Program (https://www.portvancouver.com/environment/air-energy-climate-action/terminal-energy-efficiency/nrde/).
31.	The Permit Holder shall engage a qualified environmental professional to monitor the Project in order to ensure that the works are carried out in compliance with this Permit. Monitoring events shall take place as required by the environmental monitor, the construction environmental management plan, or VFPA, provided that monitoring will be full time when works are under way that have the potential to adversely affect fish or fish habitat.

32.	The Permit Holder shall ensure that an appropriately qualified archaeological monitor be on the Project site at all times during ground disturbing activities with the potential to intrude into native soils.	
33.	If the Permit Holder encounters, expects to encounter, or should expect to encounter an actual or potential archaeological resource, the Permit Holder shall: <ol style="list-style-type: none"> a) Immediately stop any activities that may disturb the archaeological resource or the site in which it is contained (Site); b) Not move or otherwise disturb the archaeological resource or other remains present at the Site; c) Stake or flag the Site to prevent additional disturbances; and, d) Immediately notify the port authority by email and phone. 	
CONDITIONS – UPON COMPLETION		SUBMISSION TIMING (Business Days)
34.	The Permit Holder shall notify the port authority upon completion of the Project.	Upon substantial completion
35.	The Permit Holder shall provide a report summarizing the environmental monitoring for the entirety of the Project, complete with photographs.	Within 30 business days of completion
36.	The Permit Holder shall provide record drawings in accordance with the port authority's Record Drawing Standards (available at: http://www.portvancouver.com/development-and-permits/project-and-environmental-reviews/technical-guidelines/), in both AutoCAD and Adobe (PDF) format to the port authority, including a Project site plan that clearly identifies the location of works.	Within 40 business days of completion
37.	The Permit Holder must send record drawings of all newly constructed and/or demolished marine works to the Database Information Office of the Canadian Hydrographic Service (250-363-6360 or chsdatacentre@dfo-mpo.gc.ca) to arrange for the relevant Canadian Hydrographic Service charts to be updated. VFPA's Marine Operations department must be carbon copied into the request (navigation.review@portvancouver.com).	Within 30 business days of completion
The port authority reserves the right to rescind or revise these conditions at any time that new information warranting this action is made available to the port authority.		
LENGTH OF PERMIT VALIDITY		
The Project must be completed no later than July 31, 2021 (the Expiry Date).		
AMENDMENTS		
<ul style="list-style-type: none"> • Details of any material proposed changes to the Project, including days and hours when construction and any physical activities will be conducted, must be submitted to the port authority for consideration of an amendment to this Permit. • For an extension to the Expiry Date, the Permit Holder must apply in writing to the port authority no later than 40 business days prior to that date. 		
Failure to apply for an extension as required may, at the sole discretion of the port authority, result in termination of this Permit.		

CONTACT INFORMATION

Vancouver Fraser Port Authority
100 The Pointe, 999 Canada Place
Vancouver BC V6C 3T4 Canada

Project & Environmental Review
Tel.: 604-665-9047
Fax: 1-866-284-4271
Email: PER@portvancouver.com
Website: www.portvancouver.com

After normal business hours:

In the event of any land or marine construction incidents or concerns related to works carried out on-site under this permit, please contact the 24/7 Port Operations Centre 604-665-9086. In the event of an emergency requiring 'First Responders', please call 911 first.

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