

PER No.:	20-023
Tenant:	Island Tug and Barge
Project:	Barge Ramp Beam Installation
Project Location:	Berry Point, Burnaby
Vancouver Fraser Port Authority SID No.:	BBY090
Land Use Designation:	Port Terminal
Applicant/Permit Holder:	Island Tug and Barge
Category of Review:	B
Date of Approval:	April 2, 2020
Date of Expiry:	April 30, 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. 20-023: Barge Ramp Beam Installation (the Project) proposed by Island Tug and Barge (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 proposes to excavate a trench of approximately six metres in length and one metre in depth in order to place and bury a five metre steel beam. The beam will be installed above the high water mark at the Applicant's facility on the south shore of the Burrard Inlet at Berry Point in Burnaby. The rationale for the installation is to allow barges to dock at the site for the purpose of loading concrete trucks that will access the neighbouring construction site at Westridge Marine Terminal. The access ramp will be barge based and only in place when barges are being loaded. Approximately 15 concrete trucks are proposed to be loaded on to barges from the site for up to 120 days.

The proposed Project is anticipated to take approximately one day to complete and will be conducted during the port authority's regular construction hours of Monday to Saturday between 7:00am and 8:00pm, excluding statutory holidays.

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.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Planning | <input checked="" type="checkbox"/> Environmental Programs | <input checked="" type="checkbox"/> Engineering |
| <input checked="" type="checkbox"/> Marine Operations | <input checked="" type="checkbox"/> Public Engagement | <input checked="" type="checkbox"/> Transportation |
| <input checked="" type="checkbox"/> 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 Project was assessed by the port authority to have no potential impacts to municipal interests, therefore no consultation was undertaken with the City of Burnaby.

5.2 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.

5.3 Summary of Public Engagement

No comments were received at the end of the 30 calendar day public comment period.

The 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 February 3, 2020.
- All Project correspondence from February 3, 2020 to February 28, 2020.

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

March 27, 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. 20-023 is approved by:

ORIGINAL COPY SIGNED

CHRIS BISHOP
MANAGER, PLANNING

April 2, 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 Island Tug and Barge (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.19-023 .
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 – DURING CONSTRUCTION OR ANY PHYSICAL ACTIVITIES	
14.	The Permit Holder shall notify the port authority upon commencement of construction, or any physical activities (e.g., mobilization to the Project site).
15.	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. To modify these hours the Permit Holder must submit a plan, describing proposed activities and additional mitigation, to VFPA's satisfaction no less than 20 business days prior to the desired start date.
16.	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.
17.	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.
18.	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.
19.	The Permit Holder shall use an environmentally clean excavator bucket. The bucket and any portion of the excavator arm that will be in contact with or near the water shall be cleaned of any residual hydrocarbons or other contaminants prior to the start of works.
20.	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. VFPA shall be notified of such activities and provided relevant documentation upon completion.
21.	The Permit Holder shall dispose of any soils excavated from the project site that are not suitable for backfill at appropriate off-site facilities and maintain records of off-site disposal.
22.	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.
23.	The Permit Holder shall carry out all activities in a manner that prevents the release of sediment, sediment-laden waters, and turbid waters to the aquatic environment. Sediment and erosion control measures shall be implemented prior to the start of ground disturbance activities and should meet or surpass the standards outlined in the 1992 Fisheries and Oceans Canada (DFO) "Land Development Guidelines for the Protection of Aquatic Habitat".
24.	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/).
25.	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 Fisheries Act; or (b) adversely affect fish or fish habitat in a manner contrary to Section 35(1) of the Fisheries Act.
26.	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.

27.	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"> Immediately stop any activities that may disturb the archaeological resource or the site in which it is contained (Site); Not move or otherwise disturb the archaeological resource or other remains present at the Site; Stake or flag the Site to prevent additional disturbances; and, Immediately notify the port authority by email and phone. 	
	CONDITIONS – UPON COMPLETION	SUBMISSION TIMING (Business Days)
28.	The Permit Holder shall notify the port authority upon completion of the Project.	Upon substantial completion
29.	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
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 March 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.