

<b>PER No.:</b>	<b>20-087</b>
<b>Tenant:</b>	<b>Mainland Construction Materials ULC</b>
<b>Project:</b>	<b>Retaining wall replacement</b>
<b>Project Location:</b>	<b>220 Edworthy Way, New Westminster</b>
<b>Vancouver Fraser Port Authority SID No.:</b>	<b>NEW331</b>
<b>Land Use Designation:</b>	<b>Industrial</b>
<b>Applicant/Permit Holder:</b>	<b>Mainland Construction Materials ULC</b>
<b>Category of Review:</b>	<b>B</b>
<b>Date of Approval:</b>	<b>August 21, 2020</b>
<b>Date of Expiry:</b>	<b>August 31, 2022</b>

## 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. 20-087: Retaining wall replacement (the Project) proposed by Mainland Construction Materials ULC (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

Mainland Construction Materials ULC proposes to replace their failing rip-rap apron and creosote pile foreshore retaining wall with a steel sheetpile retaining wall at their site at 220 Edworthy Way in New Westminster, BC. The works will protect their site from erosion and reduce the risk of rip rap being a hazard to their barge operations. The project includes removal of the existing creosote timber sheet pile wall and rip rap and replacement with a new steel sheet pile wall and drainage system.

In this project permit, the Project means the physical activities authorized by the port authority to be carried out pursuant to **PER No. 20-087**, as described below.

## 2.1 Proposed Works

The proposed works include:

- Site preparation including removal of vegetation in the works area
- Removal of approximately 18 creosote timber piles, and approximately 72 cubic metres of concrete debris along the shoreline using a long reach excavator
- Excavation to 1 m below existing grade along the shoreline
- Installation of approximately 40 linear metres of sheetpile wall using a long reach excavator with a vibratory hammer
- Installation of filter fabric and approximately 792 cubic metres of 20 mm and/or 40 mm clear drain rock between the existing shoreline and the sheetpile wall
- Installation of a 10 inch perforated drain pipe within the drain rock.

All works will occur from land by long reach excavator and vibratory hammer. Works below the high watermark will be conducted in the dry and at low tide, when practical. No dredging will be conducted. The works are proposed to commence in fall 2020 and will take approximately 3 weeks to complete. All works will be conducted during regular construction hours.

## 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"/> 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 EXISTING POLICIES OR GUIDELINES

The Project area is designated as “Industrial” in the VFPA Land Use Plan (2014). The proposed works are consistent with the existing use of the site. The Project is therefore compliant with the Land Use Plan.

## 6 NOTIFICATIONS

### 6.1 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 New Westminster on August 11, 2020, notifying them of the proposed Project. No comments were received from the City of New Westminster.

### 6.2 Adjacent Tenant Notification

The proposed Project was assessed by the port authority to have potential impacts to adjacent tenant interests. A notification letter was sent to Candou Management Ltd. on August 11, 2020, notifying them of the proposed Project. No comments were received from Candou Management Ltd.

### 6.3 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.

At the close of the 30 calendar day public comment period, no comments were received from the public.

### 6.4 Summary of Public Engagement

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.

## 7 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 May 25, 2020.
- All Project correspondence from May 25, 2020 to August 11, 2020
- All plans and drawings submitted, including drawings no.: 774-001, 774-100, 774-200, and 774-201 for the “Retaining wall and bank stabilization winvan ramp”, May 4, 2020, Hugh Tuttle P.Eng.
- Construction details submitted by e-mail from Eric Morris of Mainland Construction Materials ULC to Spencer Chaisson of Vancouver Fraser Port Authority titled “RE: [External] - RE: PER 20-087 Retaining Wall Replacement” on June 15, 2020.
- Letter titled “New Sheet Pile Retaining Wall, New Westminster, BC – Fraser River – Implementation of Measures to Avoid and Mitigate the Potential for Prohibited Effects to Fish and Fish Habitat”, June 29, 2020, Fisheries and Oceans Canada.

## 8 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*

LISA MCCUAIG on behalf of  
MANAGER, ENVIRONMENTAL PROGRAMS

August 21, 2020

DATE OF DECISION

## 9 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. 20-087 is approved by:

*ORIGINAL COPY SIGNED*

LISA MCCUAIG on behalf of  
MANAGER, ENVIRONMENTAL PROGRAMS

August 21, 2020

DATE OF APPROVAL

### 10 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 the Mainland Construction Materials ULC (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: <b>per@portvancouver.com</b> and referencing <b>PER No.20-087</b> .	
11.	Unless otherwise specified, all plans, schedules, and other Project-related documentation that the Permit Holder is required to provide under this Permit, and any subsequent updates, 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.	
	<b>CONDITIONS – PRIOR TO COMMENCING CONSTRUCTION OR ANY PHYSICAL ACTIVITIES</b>	<b>SUBMISSION TIMING (business days)</b>
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.	The Permit Holder shall submit an Archaeological Chance Find Procedure for the Project site, to the port authority's satisfaction. The Permit Holder shall carry out the Project in accordance with this Procedure, and any subsequent updates made to the port authority's satisfaction.	10 business days before commencing construction or any physical activities

16.	Prior to the commencement of any vessel-related activities, the Permit Holder shall contact Canadian Coast Guard (CCG) Marine Communications and Traffic Services (MCTS), (email: <a href="mailto:NAVWARN.MCTSPrinceRupert@innav.gc.ca">NAVWARN.MCTSPrinceRupert@innav.gc.ca</a> ; Phone: 250-627-3070) regarding the issuance of a Navigational Warning (NAVWARN) to advise the marine community of potential hazards associated with the Project.	As per Coast Guard requirements
17.	At least two days prior to commencing any physical activities, the Permit Holder shall notify the Harbour Master and VFPA Environmental Programs, email: <a href="mailto:Harbour_Master@portvancouver.com">Harbour_Master@portvancouver.com</a> <a href="mailto:EnvironmentalPrograms@portvancouver.com">EnvironmentalPrograms@portvancouver.com</a>	2 business days before commencing construction or any physical activities
<b>CONDITIONS – DURING CONSTRUCTION OR ANY PHYSICAL ACTIVITIES</b>		
18.	All general construction and physical activities related to the Project shall be conducted from <b>Monday to Saturday</b> between the hours of <b>7:00 am and 8:00 pm</b> . 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 30 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 Fisheries and Oceans' Letter of Advice dated June 29, 2020 to Mainland Construction Materials ULC regarding the Project.	
21.	Prior to commencing construction or any physical activities, the Permit Holder shall have in place a spill prevention, containment and clean-up plan for hydrocarbon products (including fuel, oil and hydraulic fluid) and any other deleterious substances. Appropriate spill containment and clean-up supplies shall be available on the Project site at all times and all personnel working on the Project shall be trained on the spill prevention, containment and clean-up plan. The Permit Holder shall carry out the Project in accordance with the spill prevention, containment and clean-up plan.	
22.	Without limiting the generality of permit condition #2, the Permit Holder shall not, directly or indirectly: (a) deposit or permit the deposition 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> .	
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.	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.	
25.	No dredging shall be conducted as part of the Project. Any proposals to dredge shall be the subject of a separate application to VFPA.	
26.	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.	

27.	The Permit Holder shall maintain equipment in good mechanical condition and free of fluid leaks, invasive species, and noxious weeds.
28.	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.
29.	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.
30.	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.
31.	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.
32.	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.
33.	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.
34.	All non-road diesel equipment in use within VFPA jurisdiction shall be reported as required under the Non-Road Diesel Equipment Program ( <a href="https://www.portvancouver.com/environment/air-energy-climate-action/terminal-energy-efficiency/nrde/">https://www.portvancouver.com/environment/air-energy-climate-action/terminal-energy-efficiency/nrde/</a> ).
35.	Air emissions from vehicle/equipment exhaust, dust and vapours shall be minimized and managed to avoid effects on and off the Project site. More detailed guidance is available in Best Practices for the Reduction of Air Emissions from Construction and Demolition Activities prepared for Environment Canada (Cheminfo Services Inc. March 2005).
36.	The Permit Holder shall conduct all activities involving the use of concrete, cement, mortars and other Portland cement or lime-containing construction materials in a manner that shall not deposit sediments, debris, concrete (cured or uncured), and concrete fines into the aquatic environment, either directly or indirectly. Water that has contacted uncured or partly cured concrete or Portland cement or lime-containing construction materials (such as the water that may be used for exposed aggregate wash-off, wet curing, equipment and truck washing) shall not be permitted to enter the aquatic environment. The Permit Holder shall provide containment facilities at the site for the wash-down water from concrete delivery trucks, concrete pumping equipment, and other tools and equipment, as required
37.	The Permit Holder shall remove all abandoned utilities from the project site, both underground and aboveground. At locations of connection to municipal work (i.e., at property lines), the abandoned utilities shall be capped.

38.	<p>If the Permit Holder encounters, expects to encounter, or should expect to encounter an actual or potential archaeological resource, the Permit Holder shall:</p> <ol style="list-style-type: none"> <li>Immediately stop any activities that may disturb the archaeological resource or the site in which it is contained (Site);</li> <li>Not move or otherwise disturb the archaeological resource or other remains present at the Site;</li> <li>Stake or flag the Site to prevent additional disturbances; and,</li> <li>Immediately notify the port authority by email and phone.</li> </ol>	
39.	<p>The Permit Holder shall remove piles completely by extracting the entire length of pile from the river/seabed. If physical conditions result in the breakage of piles, the Permit Holder shall remove the remaining pile stubs with the least amount of disturbance of the river/seabed as possible. Should it be impossible to remove the remaining pile stubs, they are to be cut as close as possible to the nominal bed elevation in the immediate area of each pile.</p> <p>If the angle of a battered pile is such that the construction equipment is unable to extract the pile, then a document from the contractor stating the limitations of the equipment and rationale for not being able to extract the piles is required. If the rationale is reasonable, the piles are to be cut as close as possible to the nominal bed elevation in the immediate area of each pile.</p>	
	<b>CONDITIONS – UPON COMPLETION</b>	<b>SUBMISSION TIMING (Business Days)</b>
40.	The Permit Holder shall notify the port authority upon completion of the Project.	Upon substantial completion
41.	The Permit Holder shall provide record drawings in accordance with the port authority's Record Drawing Standards (available at: <a href="http://www.portvancouver.com/development-and-permits/project-and-environmental-reviews/technical-guidelines/">http://www.portvancouver.com/development-and-permits/project-and-environmental-reviews/technical-guidelines/</a> ), 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
42.	Upon successful completion of the pile extraction work, a hydrographic survey of the location is required with survey data and post extraction drawing provided to the port authority.	Within 30 business days of completion
43.	The Permit Holder must provide 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 <a href="mailto:chsdatacentre@dfompo.gc.ca">chsdatacentre@dfompo.gc.ca</a> ) to arrange for the relevant Canadian Hydrographic Service charts to be updated. VFPA's Marine Operations department must be carbon copied into the request ( <a href="mailto:navigation.review@portvancouver.com">navigation.review@portvancouver.com</a> ).	Within 30 business days of completion
<b>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.</b>		
<b>LENGTH OF PERMIT VALIDITY</b>		
The Project must be completed no later than <b>August 31, 2022</b> (the Expiry Date).		

## AMENDMENTS

- 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 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](mailto:PER@portvancouver.com)  
Website: [www.portvancouver.com](http://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.