

PER No.:	20-153
Tenant:	Upland property owner at 4505 Belcarra Bay Road, Belcarra
Project:	New Pile Installation for Recreational Dock
Project Location:	4505 Belcarra Bay Road, Belcarra
Vancouver Fraser Port Authority SID No.:	BEL112
Land Use Designation:	Port Water
Applicant/Permit Holder:	Upland property owner at 4505 Belcarra Bay Road, Belcarra
Category of Review:	B
Date of Approval:	October 5, 2021
Date of Expiry:	October 31, 2022

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. 20-153: New Pile Installation for Recreational Dock (the “Project”) proposed by Blue Water Systems working on behalf of the upland property owner at 4505 Belcarra Bay Road, Belcarra (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, Port Authority authorization is required for the proposed Project to proceed and in such circumstances, where applicable, Section 82 of the *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 upland property owner of 4505 Belcarra Bay Road, Belcarra, proposes to conduct maintenance and repair works to an existing recreational dock. In this project permit, the Project means the physical activities authorized by the Port Authority to be carried out pursuant to **PER No. 20-153**, as described below.

2.1 Proposed Works

The proposed works include the installation of two 304 mm diameter steel piles to better support and secure the existing float during inclement weather or conditions. The float is currently anchored to the seabed by chains and anchors which will be removed following the installation of the new piles. The piles are anticipated to be installed using a barge-mounted crane and driven by vibratory techniques and/or drop hammer.

The Project is anticipated to take approximately one week to complete. Construction will occur during normal working hours (7:00 a.m. to 8:00 p.m. Mondays to Saturdays, with no work permitted on Sundays or 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.

- Planning
- Environmental Programs
- Marine Operations
- Project Consultation

4 INDIGENOUS CONSULTATION

The Port Authority has reviewed the proposed works and determined that the Project may have the potential to adversely impact Indigenous or treaty rights.

All reasonable efforts were made to consult the following Indigenous groups:

- S'ólh Téméxw Stewardship Alliance (via PRRO)
 - Aitchelitz First Nation
 - Chawathil First Nation
 - Cheam First Nation
 - Kwaw'Kwaw'Apilt First Nation
 - Scowlitz First Nation
 - Shxwha:y Village
 - Skawahlook First Nation
 - Skwah First Nation
 - Skowkale First Nation
 - Soowahlie First Nation
 - Squiala First Nation
 - Sumas First Nation
 - Tzeachten First Nation
 - Yakwekwioose First Nation
 - Yale First Nation
- Tsleil-Waututh Nation

The following consultation activities were conducted:

- On June 28, 2021, a referral package was sent to each of the Indigenous groups listed above, including:
 - Consultation letter
 - Project location images and drawings, including:
 - Location Plan Map PER 20-153
- Comments were requested from Indigenous groups within 45 calendar days
- Response tables were provided to Indigenous groups who provided comments on the project
- Additional responses were provided for supplementary comments submitted by Indigenous groups, as required

Below is a table summarizing comments received by the Port Authority and how they were considered as part of the project and environmental review.

Issue	Considerations	Permit Conditions
Potential impact of underwater noise to fish and marine life	Underwater noise-related impacts to marine life are not anticipated from installation of 304 mm diameter steel piles using vibratory techniques. For this reason, the Port Authority does not require hydroacoustic monitoring for this project.	Condition no. 21 and 22 have been included in the Permit to address potential underwater noise impacts.
Potential to impact undisturbed archaeological resources	The Project is anticipated to occur in deep water (i.e., below the tidal low water line), with installation of the two (2) piles occurring from a barge. As a result, ground disturbing activities are not anticipated and archaeological studies are not planned.	Condition no. 20 has been included in the Permit to address concerns regarding archaeological resources.

Based on the record of consultation, the Port Authority is of the view that the duty to consult has been met.

5 EXISTING POLICIES OR GUIDELINES

The Project area is designated as “Port Water” in the Port Authority Land Use Plan (2020). Recreational docks may be permitted in the port water designation; therefore the proposed Project is compliant with the Port Authority’s Land Use Plan.

6 NOTIFICATIONS

6.1 Municipal Notification

The proposed Project was assessed by the Port Authority to have potential impacts to municipal and regional interests. A notification letter was sent to the Village of Belcarra and Metro Vancouver on September 3, 2020, notifying them of the proposed Project.

The Village of Belcarra responded in a letter on September 8, 2020 requesting that the Applicant provide a stamped report by the contracted engineer confirming that there will be no impact on the municipality’s water main, which is located approximately nine metres away from the Project. This is reflected in Condition No. 14.

Metro Vancouver did not have any comments on the Project.

6.2 Adjacent Resident Notification

The proposed Project was assessed by the Port Authority to have potential impacts to adjacent resident interests. A notification letter was sent to adjacent residents on August 18, 2021 notifying them of the proposed Project. The adjacent residents did not provide comments on the proposed Project.

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.

The comment period ran from August 14 to September 12, 2020. At the close of the 30-calendar day public comment period, no comments were received.

The proposed Project was assessed by the Port Authority to have potential impacts to community interests during construction. This includes potential impacts such as noise from pile driving during proposed construction activities in a residential location. As a result, the Applicant is required to send a construction notification to adjacent residents. The construction notification will be distributed prior to the start of the works. This is condition no. 15 of the Permit.

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 between August 6, 2020 and June 29, 2021
- Project correspondence from August 6, 2020 to September 23, 2021

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 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
MANAGER, ECOSYSTEM MANAGEMENT
AND ENVIRONMENTAL PROGRAMS

October 5, 2021

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. 20-153 is approved by:

ORIGINAL COPY SIGNED

LISA McCUAIG
MANAGER, ECOSYSTEM MANAGEMENT
AND ENVIRONMENTAL PROGRAMS

October 5, 2021

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 Blue Water Systems working on behalf of the upland property owner at 4505 Belcarra Bay Road, Belcarra (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.

Port Authority Guidelines and Record Drawing Standards referenced in this document can be located at:

<https://www.portvancouver.com/permitting-and-reviews/per/project-and-environment-review-applicant/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 shall provide an Infrastructure Surveyed Data Drawing that includes topographic and utility locate data based on surveys in accordance with the Port Authority's Record Drawing Standards. 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 plans, documents, and notices required under this Permit to the following email address: per@portvancouver.com and referencing PER No. 20-153 .	
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.	
	CONDITIONS – PRIOR TO COMMENCING CONSTRUCTION OR ANY PHYSICAL ACTIVITIES	SUBMISSION TIMING (business days)
14.	The Permit Holder shall submit a stamped report by the contracted engineer to the Port Authority's satisfaction. The report shall confirm that the project will not impact the Village of Belcarra water main which is located in close proximity to the project.	10 business days before commencing construction or any physical activities
15.	The Permit Holder shall distribute a construction notification to adjacent residents prior to the start of works.	Prior to 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: NAVWARN.MCTSPrinceRupert@innav.gc.ca ; Phone: 250-627-3070) regarding the issuance of a Navigational Warning (NAVWARN) to advise the marine community of potential hazards associated with the Project. Port Authority Marine Operations shall be copied on the request (navigation.review@portvancouver.com).	As per Coast Guard requirements
17.	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.	Prior to 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 a.m. and 8:00 p.m. 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 carry out the Project in accordance with the Port Authority's Archaeological Chance Find Procedure. The Archaeological Chance Find Procedure shall be provided to employees, agents, contractors, licensees and invitees working on the Project site prior to such parties conducting any groundbreaking activities.
21.	Piles shall be driven with a vibratory or drop hammer. Piles shall not be installed using an impact hammer or other technology such as drilling without review and authorization by the Port Authority.
22.	The Permit Holder shall immediately cease work and notify the Port Authority if the Permit Holder has reasonable grounds to believe that the Project has harmed fish or fish habitat, including observation of distressed, injured, or dead fish. The Permit Holder shall not resume work until authorized by the Port Authority.
23.	The Permit Holder shall cap any exposed hollow pipe piles to prevent wildlife entrapment.
24.	Sediments contained within piles after driving shall be left in place. If it is determined that they must be removed for engineering reasons, the Permit Holder shall consult the Port Authority for review and authorization prior to initiating the proposed physical activities.
25.	The Permit Holder shall not permit barges or other vessels used during the Project to ground on the foreshore or seabed or otherwise disturb the foreshore or seabed (including disturbance as a result of vessel propeller wash), excepting only such disturbance as is reasonably required resulting from the use of barge spuds.
26.	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 of the <i>Fisheries Act</i> ; or (b) adversely affect fish or fish habitat in a manner contrary to Section 35 of the <i>Fisheries Act</i> .
27.	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.
28.	The Permit Holder shall maintain equipment in good mechanical condition and free of fluid leaks, invasive species, and noxious weeds.
29.	<p>The Permit Holder shall not permit sediment, sediment-laden waters, or other deleterious substances to enter the water during the Project. The Permit Holder shall carry out all physical activities in a manner that prevents induced sedimentation of foreshore and near shore areas and induced turbidity of local waters, and the release of sediment, sediment-laden waters, and turbid waters to the aquatic environment. The Permit Holder shall manage turbidity in compliance with the following water quality criteria:</p> <ul style="list-style-type: none"> a) when background is less than or equal to 50 nephelometric turbidity units (NTU), induced turbidity shall not exceed 5 NTU above the background values; and b) when background is greater than 50 NTU, induced turbidity shall not exceed the background values by more than 10% of the background value. <p>For the purposes of this condition, "background" means the level at an appropriate adjacent reference site (as determined to the satisfaction of the Port Authority) that is affected neither by physical activities at the project site, nor sediment-laden or turbid waters resulting from physical activities at the project site.</p>

30.	During any vessel-related activities, the Permit Holder shall: <ul style="list-style-type: none"> a) Position vessels and equipment associated with the Project in such a manner so as not to obstruct line of sight to navigational aids or markers b) Exhibit the appropriate lights and day shapes at all times c) Monitor the VHF channel used for MCTS communications in the respective area at all times and participate as necessary d) Be familiar with vessel movements in areas affected by the Project e) Plan and execute the Project in a manner that will not impede navigation or interfere with vessel operations f) During night hours, unless working 24 hours per day, ensure that the rig and associated equipment is moored outside the navigation channel and lit in accordance with all applicable regulations 	
CONDITIONS – UPON COMPLETION		SUBMISSION TIMING (Business Days)
31.	The Permit Holder shall notify the Port Authority upon completion of the Project.	Upon substantial 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 October 31, 2022 (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
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 Vancouver BC V6C 3T4 Canada

Project & Environmental Review
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 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.