



PORT of
Vancouver

Vancouver Fraser
Port Authority

VANCOUVER FRASER PORT AUTHORITY
PROJECT AND ENVIRONMENTAL REVIEW
REPORT AND PERMIT

PER No.:	20-168
Tenant:	District of North Vancouver
Project:	District North Vancouver Designated Anchorage Area
Project Location:	Deep Cove North Vancouver
Vancouver Fraser Port Authority SID No.:	DNV117
Land Use Designation:	Recreation
Applicant/Permit Holder:	District of North Vancouver
Category of Review:	B
Date of Approval:	June 18, 2021
Date of Expiry:	June 30, 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. 20-168 District North Vancouver Designated Anchorage Area (the “Project”) proposed by the District of North Vancouver (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 District of North Vancouver proposes to install a designated anchorage area in Deep Cove. The designated anchorage area is proposed to address concerns over long-term boat anchorage in Deep Cove. The designated anchorage area would allow the District to restrict the number of anchorages, designate specific mooring

locations, and limit the amount of time boats could remain anchored in Deep Cove. The works include installation of four Transport Canada compliant mooring buoys on the south side of Deep Cove.

In this project permit, the Project means the physical activities authorized by the Port Authority to be carried out pursuant to **PER No. 20-168**, as described below.

2.1 Proposed Works

The prosed works include:

- Installation of four (4) Transport Canada compliant mooring buoys
- Mooring hardware to be used for installation includes anchors, ground chains, mooring chains, and shackles

Mooring buoy locations have been selected to avoid areas where eelgrass may be located by selecting locations that are deeper in the water.

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 type="checkbox"/> Engineering |
| <input checked="" type="checkbox"/> Marine Operations | <input checked="" type="checkbox"/> Public Engagement | <input type="checkbox"/> Transportation |

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.

The following Indigenous groups were consulted:

- a) Musqueam Indian Band – notification
- b) Squamish Nation – notification
- c) Tsleil-Waututh Nation

The following consultation activities were conducted:

- Consultation package sent to Tsleil-Waututh Nation with Project information
- Notification letter and Project location map sent to Musqueam
- Notification letter and Project location map uploaded to Squamish's referral portal
- Reminder email regarding comment deadline
- Response table provided to Nations who provided comments on the Project

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	Mitigations and Permit Conditions	Rationale
Additional information requested regarding the location of the mooring buoys	None	The proposed locations of the mooring buoys including UTM, latitude and longitude information was provided to Indigenous groups. Mooring buoy locations were selected to avoid areas where eelgrass is located by selecting locations that are deeper in the water.

Issue	Mitigations and Permit Conditions	Rationale
Concern related to lack of waste pump out facilities available to the public in Deep Cove. Concern for the proposed pump-out facility in Whey-ah-wichen/Cates Park to provide a local, publically available pump-out facility	None	<p>The Applicant has confirmed that the proposed pump-out facility in Whey-ah-wichen/Cates Park has been removed from the Project scope.</p> <p>In 2018, the Port Authority conducted an awareness campaign to boaters and local marinas on grey and black water regulations and best management practices. The information included available pump-out locations (e.g., Lions Gate Marina, Mosquito Creek Marina, and mobile pump-out services). In our awareness campaign we also urged the boating community or anyone who suspects a vessel is or has discharged black and/or grey water to record the incident (photo/video and details) and report it to appropriate authorities.</p>
<p>Concerns that implementing the Designated Anchorage Area (DAA) will lead to an increase in moorage in other areas due to displacement from Deep Cove.</p> <p>Request for the Port Authority to monitor potential displacement and vessel movement after the DAA is implemented.</p>	None	<p>The Port Authority does monitor vessels of interest throughout the jurisdiction, however we have limited options and authority for moving recreational vessels that are not hazards to navigation.</p> <p>The Applicant confirmed their staff currently monitors boats anchored in Deep Cove, as well as vessels tied up at the Gallant Wharf with daily patrols by their Park Rangers, while engaging with vessel owners and live-aboard residents.</p> <p>This continued engagement has provided the opportunity for ongoing dialogue with all residents in this area, and has allowed staff to become familiar with residents' potential and individual needs in regards to the implementation of the DAA. As the Project progresses, the Applicant's staff will continue to engage with these residents, and ensure that they are offered supports, such as through North Shore Outreach or Lookout Housing and Health Society, if required.</p>
Request to provide feedback on the contents of a guide to boating within Burrard Inlet.	None	The Port Authority has a one-page safe boating guide targeted at inexperienced boaters and updates are made, as required. A more detailed guide is in the development stage with the plans to include more information from our Port Information Guide. The guide will largely be aimed at navigational safety. We are happy to share this guide with Indigenous groups when available.

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 Terminal” in the Port Authority Land Use Plan (2020). The proposed construction of the Designated Anchorage Area for recreational boat moorage is an appropriate use of the site. The Project is therefore compliant with the Land Use Plan.

6 NOTIFICATIONS

6.1 Municipal Notification

As the District of North Vancouver is the Applicant for the proposed project, Municipal Notification was not required.

6.2 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. The comment period ran from November 7 to December 6, 2020. At the close of the 30 calendar day public comment period, no comments were received from the public.

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 September 3, 2020.
- Project correspondence from September 3, 2020 to May, 21, 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.



LISA MCCUAIG
MANAGER, ENVIRONMENTAL PROGRAMS

June 18, 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. 20-168 is approved by:

LISA MCCUAIG
MANAGER, ENVIRONMENTAL PROGRAMS

June 18, 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 the District of North Vancouver (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/wp-content/uploads/2020/01/VFPA-Record-Drawing-Standards-version-2-3.pdf>.

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 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.	
6.	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.	
7.	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.	
8.	The Permit Holder shall make available upon request by any regulatory authority (such as a Fishery Officer) a copy of this Permit.	
9.	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.20-168 .	
10.	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.	
11.	The Port Authority shall have unfettered access to environmental compliance documentation and the Project site at all times during construction without notice.	
12.	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		
13.	At least two days prior to commencing any physical activities, the Permit Holder shall notify the Harbour Master and Environmental Programs, email: Harbour_Master@portvancouver.com EnvironmentalPrograms@portvancouver.com	2 business days before commencing any vessel related activities
14.	Prior to commencing any works on the water, the Permit holder shall provide the maritime project engineer's stamped drawing to Port Authorities Satisfaction. This document shall determine that the new mooring buoys proposed to be installed are adequate for purpose as per the District of North Vancouver's intended use.	10 business days before commencing any vessel related activities
15.	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.	As per Coast Guard requirements

CONDITIONS – DURING CONSTRUCTION OR ANY PHYSICAL ACTIVITIES	
16.	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 30 business days prior to the desired start date.
17.	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.
18.	During any vessel-related activities, the Permit Holder shall: <ol style="list-style-type: none"> 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 Exhibit the appropriate lights and day shapes at all times Monitor the VHF channel used for MCTS communications in the respective area at all times and participate as necessary Be familiar with vessel movements in areas affected by the Project Plan and execute the Project in a manner that will not impede navigation or interfere with vessel operations During night hours, unless working 24 hours per day, ensure that all associated vessels and equipment are securely positioned, in such a way as not to impede any other traffic, and lit in accordance with all applicable rules and regulations
19.	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> .
20.	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: <ol style="list-style-type: none"> 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 when background is greater than 50 NTU, induced turbidity shall not exceed the background values by more than 10% of the background value. 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.
21.	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.

22.	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.	
23.	No dredging shall be conducted as part of the Project. Any proposals to dredge shall be the subject of a separate application to the Port Authority.	
24.	The Permit Holder shall not disturb the seabed outside the Project site.	
25.	All non-road diesel equipment in use within Port Authority jurisdiction shall be reported as required under the Non-Road Diesel Emissions Program (https://www.portvancouver.com/environmental-protection-at-the-port-of-vancouver/climate-action-at-the-port-of-vancouver/non-road-diesel-emissions-program/).	
	CONDITIONS – UPON COMPLETION	SUBMISSION TIMING (Business Days)
26.	The Permit Holder shall notify the Port Authority upon completion of the Project.	Upon substantial completion
27.	The Permit Holder shall provide coordinates of the recreational moorage buoys to the Port Authority upon completion of installation.	Within 40 business days of completion
28.	The Permit Holder shall provide the location of the designated anchorage area as well as the locations 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. The Port Authority's Marine Operations department shall be copied on 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 May 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 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
Tel.: 604-665-9047
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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.