



**PORT of
vancouver**

Vancouver Fraser
Port Authority

**VANCOUVER FRASER PORT AUTHORITY
PROJECT AND ENVIRONMENTAL REVIEW
REPORT AND PERMIT**

PER No.:	21-038
Tenant:	Gracia Financial Corporation
Project:	Rip rap placement and parking reinforcement
Project Location:	9321 and 9295 River Road, Delta
Vancouver Fraser Port Authority SID No.:	DEL322
Land Use Designation:	Industrial
Applicant/Permit Holder:	Gracia Financial Corporation
Category of Review:	B
Date of Approval:	August 6, 2021
Date of Expiry:	August 31, 2023

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. 21-038: Rip rap placement and parking reinforcement (the “Project”) proposed by Weaver Technical working on behalf of Gracia Financial Corporation (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

Weaver Technical on behalf of Gracia Financial Corporation is proposing to raise the existing parking area from 2.0 meters chart datum (CD) to 3.5 meters CD to prevent flooding of the site from high water flood events. The infilled area will be used as a gravel parking lot with a total footprint of approximately 1,503 square meters. Fill

material will meet Canadian Council of Ministers of the Environment (CCME) and BC Contaminated Sites Regulation industrial standards for soil.

Two drainage swales will be constructed parallel to the existing building, outside of Port Authority jurisdiction. Less than 30% of the infilling and grading work will be undertaken within Port Authority jurisdiction.

The existing shoreline armament consisting of a band of riprap located in the intertidal zone along the north edge of the property will be enhanced using riprap revetment to protect the newly raised parking area from erosion. The riprap will cover an area of approximately 374 square meters, with a final grade of 3.5 meters CD at a slope of 1.5 meters horizontal distance to 1 meter vertical rise (H:V). Four lock blocks will be installed adjacent to the existing building to provide additional protection. Some excavation of soft sediments in the intertidal zone will be undertaken using an excavator from the upland to re-establish the toe. All work will be undertaken in dry conditions during low tide.

A small amount of riparian vegetation clearing will occur on the upland (approximately 36 square meters), outside of Port Authority jurisdiction. In addition to the proposed clearing, observations of the site through aerial images show that approximately 177 square meters of riparian vegetation has been lost as a result of historical clearing. As a best practice, the Applicant has developed a habitat compensation plan that includes planting approximately 192 square meters of riparian vegetation consisting of native trees and shrubs along the north shoreline as well as the western edge of the 9295 River Road property. In addition, an effectiveness monitoring and post-treatment plan will be implemented for a period of between three to five years to determine success. The habitat restoration is a voluntary commitment made by the Applicant and is not an offsetting requirement under the *Fisheries Act*.

The proposed project is anticipated to take between four to six months to complete.

In this project permit, the Project means the physical activities authorized by the Port Authority to be carried out pursuant to **PER No. 21-038**, as described below.

2.1 Proposed Works

The proposed works include:

- Placement of fill over an approximate 1,503 square meter area to increase the elevation of the existing parking area (approximately 30% of the upland work is within Port Authority jurisdiction)
- Placement of riprap over an approximate 374 square meter area on top of the existing armament
- Installation of four lock blocks measuring 0.75 meters by 0.75 meters by 1.5 meters
- Removal of approximately 36 square meters of riparian vegetation (outside of Port Authority jurisdiction)
- Habitat enhancement of approximately 192 square meters of riparian vegetation

3 VANCOUVER FRASER PORT AUTHORITY INTERNAL REVIEWS

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

Planning

Environmental Programs

Engineering

Marine Operations

Public Engagement

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.

Reasonable efforts have been made to consult with the following Indigenous groups:

- Cowichan Tribes

- Halalt First Nation
- Katzie First Nation
- Kwantlen First Nation
- Kwikwetlem First Nation
- Lyackson First Nation
- Musqueam Indian Band
- Penelakut Tribe
- Semiahmoo First Nation
- S'ólhTéméxw Stewardship Alliance (STSA)
- Stz'uminus First Nation
- Tsawwassen First Nation
- Tseil-Waututh Nation
- Ts'uubaa-asatx First Nation (Lake Cowichan)

The following consultation activities were conducted:

- A referral package was sent to each of the Indigenous groups listed above (less STSA). The referral package included the Environmental Management Plan, a response from Fisheries and Oceans Canada (DFO) and design drawings
- A notification for STSA was uploaded to StoloConnect through the People of the River Referrals Office. The notification included a letter and project location map
- Reminder emails to each Indigenous group of the comment window closing date
- Response tables provided to Indigenous groups which provided comment 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
Concern around the invasive species found on site and the potential for their spread.	Conditions 24, 26 and 30 require the Permit Holder to manage and mitigate invasive species on site.	The Applicant has indicated that the two identified invasive species at the site will be managed through best management practices outlined in the Environmental Management Plan, a secondary management plan will be developed to address concerns regarding transmission and disbursement of these plants, and post construction effectiveness monitoring of replanted areas will be conducted for three to five years.
Potential for sedimentation to occur in the Fraser River due to erosion from the project site.	Conditions 29 and 33 require the Permit Holder to have erosion and sediment control measures in place prior to start of ground disturbing activities and prevent induced sedimentation and turbidity.	The Applicant has committed to having an Environmental Monitor inspect erosion and sediment control measures
Impacts to unidentified archaeological materials	Condition 16 requires the Permit Holder to adopt the Vancouver Fraser Port Authority Archaeological Chance Find Procedure for the project.	The Project will infill and re-armour existing riprap, therefore the potential to impact unidentified archaeological resources has been deemed low. A chance find procedure will be in place for the duration of Project works.

Issue	Mitigations and Permit Conditions	Rationale
Impacts to fish in the Fraser River	Conditions 25, 27 and 31 require the Permit Holder to conduct Project work in the dry, within the least risk fish window for this area of the Fraser River and cease work if fish or fish habitat has been harmed and contact the Port Authority.	As there are no proposed in water works for this project, the risk to fish and fish habitat will be mitigated through the mentioned permit conditions.

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 “Industrial” in the Port Authority Land Use Plan (2020). The Permit Holder has indicated that they are continuing existing warehouse operations at the site, which is an appropriate use under the Industrial land use designation. 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 Delta on April 23, 2021, notifying them of the proposed Project. No comments were received from the City of Delta.

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 April 8 to May 7, 2021. 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 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 March 3, 2021.
- Project correspondence from March 3, 2021 to July 16, 2021.
- Updated application materials submitted by the Applicant on April 1, 2021 and July 16, 2021.
- DFO Letter of Advice re: file no. 20-HPAC-01063, dated November 6, 2020.

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, ENVIRONMENTAL PROGRAMS

August 6, 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. 21-038 is approved by:

ORIGINAL COPY SIGNED

LISA McCUAIG
MANAGER, ENVIRONMENTAL PROGRAMS

August 6, 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 Weaver Technical working on behalf of Gracia Financial (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 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.21-038 .
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 Issued For Construction drawings in accordance with the Port Authority's Record Drawing Standards, in both AutoCAD and PDF format. Both CAD and PDF file names must correspond to the Port Authority's record drawing index number (Section 2.10 –VFPA Record Drawing Standards). These shall be 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 a copy of the traffic management plan or a description of the City of Delta's traffic management requirements for the Project.	20 business days before commencing construction or any physical activities
16.	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.	Before commencing construction or any physical activities
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.	Before commencing construction or any physical activities
CONDITIONS – DURING CONSTRUCTION OR ANY PHYSICAL ACTIVITIES		
18.	The Permit Holder shall notify the Port Authority upon commencement of construction, or any physical activities (e.g., mobilization to the Project site).	
19.	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.	
20.	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.	
21.	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.	
22.	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> .	
23.	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.	

24.	The Permit Holder shall maintain equipment in good mechanical condition and free of fluid leaks, invasive species, and noxious weeds.	
25.	The Permit Holder shall carry out all works in the intertidal zone in the dry, i.e., above the water surface.	
26.	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.	
27.	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.	
28.	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.	
29.	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".	
30.	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.	
31.	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 the Port Authority. The Port Authority shall be notified of any DFO exemptions allowing works within the fisheries sensitive period.	
32.	Riprap shall be clean and free of fines.	
33.	<p>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>	
	CONDITIONS – UPON COMPLETION	SUBMISSION TIMING (Business Days)
34.	The Permit Holder shall notify the Port Authority upon completion of the Project.	Upon substantial completion
35.	The Permit Holder shall submit a copy of the annual habitat compensation monitoring reports.	Within 90 days of each monitoring event

36.	The Permit Holder shall provide record drawings in both AutoCAD and PDF format (with an Engineers stamp where applicable) in accordance with the Port Authority's Record Drawing Standards, including a Project site plan that clearly identifies the location of works. Both CAD and PDF file names must correspond to the Port Authority's record drawing index number (Section 2.10 –VFPA Record Drawing Standards).	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 August 31, 2023 (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. <p>Failure to apply for an extension as required may, at the sole discretion of the Port Authority, result in termination of this Permit.</p>		

CONTACT INFORMATION

Vancouver Fraser Port Authority
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 Vancouver BC V6C 3T4 Canada

Project & Environmental Review
 Tel.: 604-665-9047
 Fax: 1-866-284-4271
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 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.