



**PORT of
vancouver**

Vancouver Fraser
Port Authority

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

PER No.:	21-063
Tenant:	S&R Sawmills Ltd.
Project:	Dredge Pipe Removals
Project Location:	Water lot fronting 19909 - 101 Avenue, Langley, British Columbia
Vancouver Fraser Port Authority SID No.:	LAN353
Land Use Designation:	Log Storage and Barge Moorage
Applicant/Permit Holder:	Fraser River Pile and Dredge
Category of Review:	B
Date of Approval:	June 10, 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. 21-063: Dredge pipe removals (the “Project”) proposed by Fraser River Pile and Dredge working on behalf of Mainland Sand and Gravel (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 consultation 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

Fraser River Pile and Dredge on behalf of Mainland Sand and Gravel propose to remove two 660 millimeter diameter steel pipes that were used as part of sand supply operations at the former Mainland Sand and Gravel Port Kells Sand Depot. The total length of each pipe was originally approximately 100 meters. The upland

sections of the pipes were removed as part of site exit requirements in March 2021, with approximately 30 to 40 meters of each pipe remaining within Port Authority jurisdiction.

The Project location is within the water lot lease of S&R Sawmills. The Applicant has obtained consent from the tenant to enter the property to complete the works.

The work will be undertaken during high tide from a workboat with an onboard winch. The winch will be used to raise each section of pipe separately. The pipes will then be placed onto pontoons and floated out of the area to an offsite storage location. The pipes are located on the surface of the intertidal area and will not require excavation or dredging for removal.

No vegetation will be removed during the work.

Work is anticipated to commence after the fisheries sensitive period and will take approximately two to three days to complete. Work will be undertaken 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 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) Katzie First Nation

The following consultation activities were conducted:

- Notification letter of the proposed project work was provided to Katzie First Nation.

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

5 NOTIFICATIONS

5.1 Municipal Notification

The proposed Project was assessed by the Port Authority not to have potential impacts to municipal interests. As a result, no municipal notification was undertaken.

5.2 Adjacent Tenant Notification

The proposed Project was assessed by the Port Authority not to have potential impacts to adjacent tenant interests. As a result, no tenant or stakeholder notifications were sent.

5.3 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 May 6 to June 4, 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.

6 INFORMATION SOURCES

The Port Authority has relied upon the following sources of information in its review of the Project.

- Application form and materials submitted by the Applicant on April 20, 2021.
- All Project correspondence from April 20, 2021 to June 4, 2021.

7 ENVIRONMENTAL REVIEW DECISION

In completing the project and environmental review, the Port Authority has reviewed and taken into account relevant information available on the proposed project and has considered any adverse impact that the Project may have on the rights of 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

June 10, 2021

DATE OF DECISION

8 CONCLUSION

In completing the project and environmental review, the Port Authority concludes that with the implementation of proposed mitigation measures and conditions described in the project and environmental conditions section below, the Project has appropriately addressed all identified concerns.

PROJECT AND ENVIRONMENTAL REVIEW DECISION

Project Permit PER No. 21-063 is approved by:

ORIGINAL COPY SIGNED

LISA MCCUAIG

MANAGER, ENVIRONMENTAL PROGRAMS

June 10, 2021

DATE OF APPROVAL

9 PROJECT AND ENVIRONMENTAL CONDITIONS

The Port Authority has undertaken and completed a review of the Project in accordance with the *Canada Marine Act* and Section 5 of the Port Authorities Operations Regulations and, as applicable, Section 82 of the *Impact Assessment Act*.

If at any time Fraser River Pile and Dredge working on behalf of Mainland Sand and Gravel (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 obtain permission from the existing lease or license holder prior to accessing the Project site or commencing construction or any other physical activities on the Project site.
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. 21-063 .	
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	SUBMISSION TIMING (business days)
13.	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
14.	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

15.	<p>The Permit Holder must submit a marine construction and staging plan to the Port Authority's satisfaction, which includes:</p> <ul style="list-style-type: none"> a) Freshet considerations, and plan to implement and mitigate the potential for vessels to break free from moorage b) Staging and construction areas c) Dates and hours of operation d) Description of activities taking place e) Equipment and vessels (dimensions must be included) f) Mooring arrangement of vessels g) Method of preferred communication with marine users h) Special request and/or additional information <p>The Permit Holder shall carry out the Project in accordance with the marine construction and staging plan, including any subsequent updates made to the Port Authority's satisfaction.</p>	30 business days before commencing in-river construction or any vessel-related activities
CONDITIONS – DURING CONSTRUCTION OR ANY PHYSICAL ACTIVITIES		
16.	<p>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.</p>	
17.	<p>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>.</p>	
18.	<p>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.</p>	
19.	<p>The Permit Holder shall maintain equipment in good mechanical condition and free of fluid leaks, invasive species, and noxious weeds.</p>	
20.	<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>	
21.	<p>The Permit Holder shall not permit barges or other vessels used during the Project to ground on the foreshore or river/seabed or otherwise disturb the foreshore or river/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.</p>	

22.	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 Fisheries and Oceans Canada (DFO) or the Port Authority. The Port Authority shall be notified of any DFO exemptions allowing works within the fisheries sensitive period.	
23.	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.	
24.	The Permit Holder shall not disturb the river/seabed outside the Project site.	
25.	During any vessel-related activities, the Permit Holder shall: <ol 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)
26.	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 June 30, 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. <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
 100 The Pointe, 999 Canada Place
 Vancouver BC V6C 3T4 Canada

Project & Environmental Review
 Tel.: 604-665-9047
 Fax: 1-866-284-4271
 Email: PER@portvancouver.com
 Website: www.portvancouver.com

After normal business hours:

In the event of any land or marine construction incidents or concerns related to works carried out on-site under this permit, please contact the 24/7 Port Operations Centre 604-665-9086. In the event of an emergency requiring 'First Responders', please call 911 first.

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