



**PORT of
vancouver**

Vancouver Fraser
Port Authority

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

PER No.:	20-215
Tenant:	Viterra Canada Inc.
Project:	Pacific Terminals New Revetment Slope
Project Location:	1803 Stewart Street, Vancouver, BC
Vancouver Fraser Port Authority SID No.:	VAN069
Land Use Designation:	Port Terminal
Applicant/Permit Holder:	Urban Systems
Category of Review:	B
Date of Approval:	July 20, 2021
Date of Expiry:	July 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. 20-215: Viterra Pacific Terminals New Revetment Slope (the “Project”) proposed by Urban Systems working on behalf of Viterra Canada Inc. (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 Applicant proposes to remove a portion of a failing retaining wall and replace it with a new revetment slope consisting of rock fill, geotextile and rip rap at 1803 Stewart Street, Vancouver, BC. Temporary emergency repairs to the retaining wall were conducted in 2018 to prevent damage to property and the environment. The Project is intended to permanently replace the failing retaining wall and prevent future potential collapse.

In this project permit, the Project means the physical activities authorized by the Port Authority to be carried out pursuant to **PER No. 20-215**, as described below.

- The Project consists of excavating the area behind the existing wall, removing deteriorated sections of the concrete retaining wall and base slab, and placing fill material and rip rap to reinforce the excavated slope.
- Work will be completed using land-based excavators, dump trucks, and demolition equipment, with staging occurring in the adjacent upland parking area.
- Works below the high-water mark will have an estimated footprint of 400 square metres.
- Excess fill material and waste concrete will be removed and disposed of off-site.

The Project is anticipated to take three to four weeks to complete. The duration of in-water works is estimated to be approximately five to ten days.

3 VANCOUVER FRASER PORT AUTHORITY INTERNAL REVIEWS

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

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

4 INDIGENOUS CONSULTATION

The Port Authority has reviewed the proposed works and determined that adverse impacts to Indigenous or Treaty rights are not expected.

5 NOTIFICATIONS

5.1 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 18 to June 16, 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 December 21, 2020 and May 13, 2021
- Project correspondence from December 21, 2020 to July 19, 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

July 20, 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. 20-215 is approved by:

ORIGINAL COPY SIGNED

LISA McCUAIG
MANAGER, ENVIRONMENTAL PROGRAMS

July 20, 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 Urban Systems working on behalf of Viterra Canada Inc. (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 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. 20-215 .
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 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
14.	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		
15.	Physical activities related to the Project may be conducted from Monday to Sunday between the hours of 7:00 am and 8:00 pm . No construction works shall occur during statutory holidays. These hours shall not be modified without prior approval from the Port Authority.	
16.	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.	
17.	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.	
18.	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> .	
19.	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.	
20.	The Permit Holder shall carry out the Project in accordance with the construction environmental management plan provided by the Permit Holder and any subsequent updates made to the Port Authority's satisfaction.	
21.	The Permit Holder shall engage a qualified environmental professional to monitor the Project in order to ensure that the works are carried out in compliance with this Permit. Monitoring events shall take place as required by the environmental monitor, the construction environmental management plan, or the Port Authority, provided that monitoring will be full time when works are under way that have the potential to adversely affect fish or fish habitat.	
22.	The Permit Holder shall provide environmental monitoring reports to the Port Authority's satisfaction as specified in the construction environmental management plan or more frequently if the Port Authority requires.	

23.	There shall be no in-water works during the fisheries sensitive period from March 1 to August 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.	
24.	The Permit Holder shall not dewater excavations unless a dewatering plan has been submitted to the Port Authority's satisfaction.	
25.	Rip rap shall be clean and free of fines and shall be lowered through the water column and deposited near the seabed and not dumped or deposited from above or near the water surface.	
26.	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.	
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.	All non-road diesel equipment in use within Port Authority jurisdiction shall be reported as required under the Non-Road Diesel Equipment Program (http://www.portvancouver.com/environment/air-energy-climate-action/cargo-handling-equipment/nrde/).	
	CONDITIONS – UPON COMPLETION	SUBMISSION TIMING (Business Days)
29.	The Permit Holder shall notify the Port Authority upon completion of the Project.	Upon substantial completion
30.	The Permit Holder must send record drawings of all newly constructed and/or demolished marine works to the Database Information Office of the Canadian Hydrographic Service (250-363-6360 or 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 40 business days of completion
31.	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 July 31, 2023 (the Expiry Date).		

AMENDMENTS

- Details of any material proposed changes to the Project, including days and hours when construction and any physical activities will be conducted, must be submitted to the Port Authority for consideration of an amendment to this Permit.
- For an extension to the Expiry Date, the Permit Holder must apply in writing to the Port Authority no later than 40 business prior to that date.

Failure to apply for an extension as required may, at the sole discretion of the Port Authority, result in termination of this Permit.

CONTACT INFORMATION

Vancouver Fraser Port Authority
100 The Pointe, 999 Canada Place
Vancouver BC V6C 3T4 Canada

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