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Vancouver Fraser
Port Authority

The Project and Environmental Review (“PER”) process

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Canada

Canada Port Authority – Mandate and role

- Facilitate Canada's trade
- Protect the environment
- Consider local communities
- Operate safely
- Be commercially viable
- *Work for the benefit of all Canadians*



Federal port lands and waters



Project and Environmental Review (PER)

- Process to ensure environmental and legislative requirements are met
- Enables the port authority to consider potential environmental and other effects of proposed projects before making any decision that would allow a project to proceed and, if so, under what conditions



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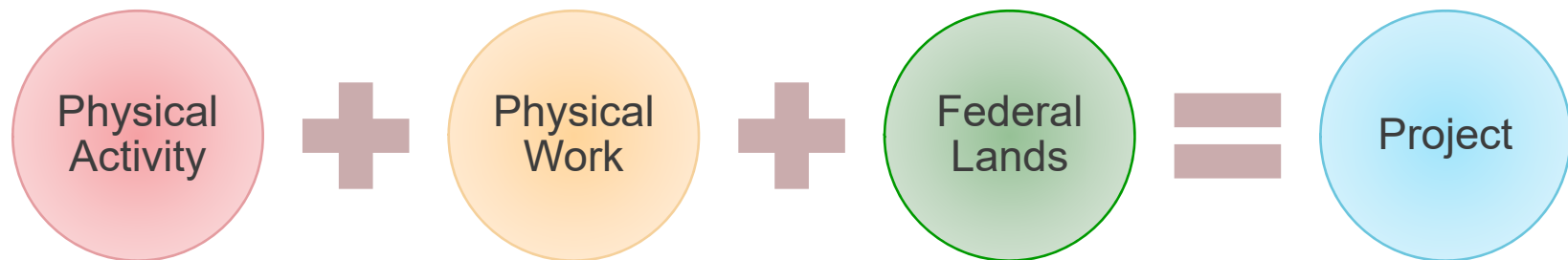
Regulatory context

- ***Canada Marine Act and Port Authorities Operations Regulations***
 - Legally mandated to manage activities on port land and waters including navigation.
- ***Impact Assessment Act***
 - Environment (fish and habitat, aquatic species, migratory birds, air, soil, water)
 - Adverse impacts on Indigenous peoples
 - Indigenous knowledge
 - Community knowledge and public comments
 - Measures that would mitigate significant adverse environmental effects

Projects that require a review

The 3 criteria of a project:

- A physical activity consists of carrying out tasks or actions involved with construction, modification, operation, and decommissioning, i.e., involving a degree of physical effort.
- A physical work includes structures that have been built by humans and that have a defined area and fixed locality, i.e., has a local permanence.
- Federal lands as defined by section 2 of the *Impact Assessment Act*: this applies to proposed projects that are wholly or partially located on lands and waters managed by the port authority.



Categories of Review

SIMPLE **A** **B** **C** **D** COMPLEX

CATEGORY A

- 1-10 business days
- Minor, predictable impacts – no s.82 determination required
- No public engagement or consultation anticipated

CATEGORY B

- 10-60 business days
- Low potential for environmental/ community impacts
- May require consultation with Indigenous groups and stakeholders

CATEGORY C

- 60-120 business days
- Moderate potential for environmental/ community impacts
- Public engagement, and consultation with Indigenous groups and stakeholders anticipated

CATEGORY D

- 120-180 business days
- High potential for environmental/ community impacts
- Public engagement, and consultation with Indigenous groups and stakeholders required

PER process

Preliminary
Review

Application
Review

Project
Decision

Compliance



Engagement and consultation under PER

- Certain projects may require public engagement and consultation with Indigenous groups and stakeholders. When these are required:
 - The PER team leads
 - Federal registry comment period (30 calendar days)
 - Indigenous consultation
 - Stakeholder consultation
 - The applicant leads
 - Public engagement period (up to 30 business days depending on category)
 - Notification about engagement periods or construction start, as applicable



Indigenous consultation under PER

- The port authority has the duty to consult on projects that may have the potential to adversely impact asserted or established Aboriginal or treaty rights
- We align with federal practices in addition to following our principled approach to engagement
- Some examples of factors we must consider are:
 - Indigenous knowledge
 - Fishing
 - Archaeology
- The port authority also recognizes the importance of UNDRIP and is committed to aligning with the federal Principles Respecting the Government of Canada's Relationship with Indigenous Peoples within our mandate provided for in the *Canada Marine Act*.

PER and community liaison committees

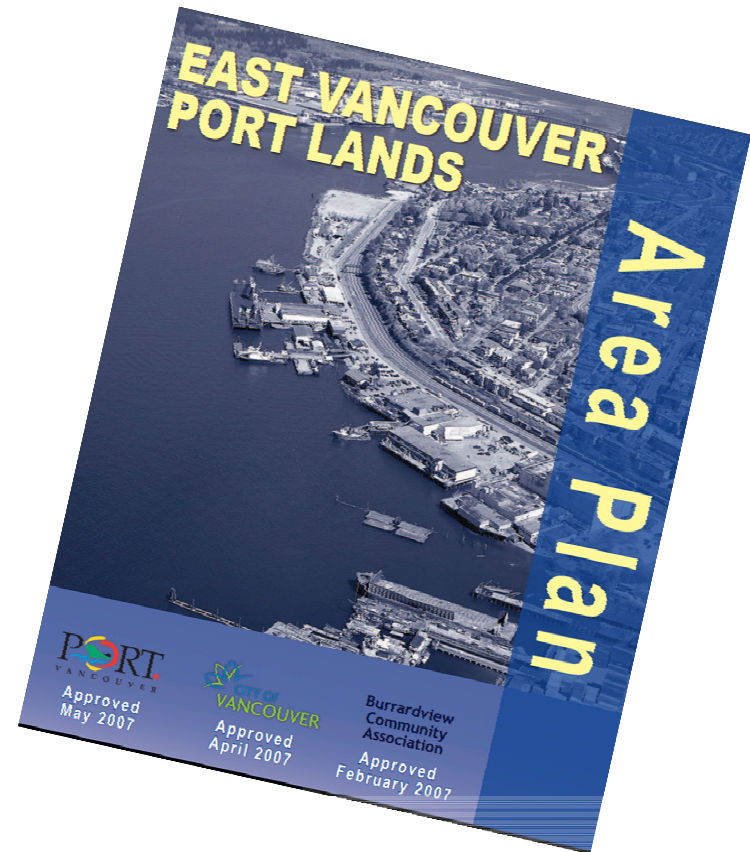
- When a proposed project is in a community liaison committee's area of interest, we assess the requirements to notify the committee, or seek their feedback.
- When we seek feedback from a committee, we typically share the following:
 - information about the proposed project, potential construction impacts, construction timelines, and proposed mitigations.
- Committee feedback is considered during the PER process.
- We will share updates about the PER decision and any construction notification, if required.



East Vancouver Port Lands (EVPL) Area Plan

The PER team will:

- Confirm potential port land use category: green, yellow, or red
- Identify the recommended development approval process
- Seek advice from the liaison committee on issues and public engagement, as required



Environmental considerations and potential impacts

- Change in air quality or emissions
- Change in ambient noise levels
- View impacts
- Proximity to known archaeological sites or resources
- Potential presence of species at risk, including critical habitat or environmentally sensitive areas
- Potential effects to fish or fish habitat
- New discharge to a water body



Mitigation

- Changes to project design
- Physical controls (construction or operations)
- Timing windows
- Monitoring
- Habitat offsetting



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Project decision and compliance

- Project permit
 - Conditions relating to tenure, and different phases of construction and operations
- Building permit
 - Conditions relating to construction and conditions to be met prior to an occupancy permit being issued
- Compliance Monitoring and Enforcement (CME)



Questions?

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