



LEGAL NOTICE
VANCOUVER FRASER PORT AUTHORITY (“VFPA”)
CORRECTION ORDER

NON-COMPLIANCE WITH PROJECT PERMIT 17-107

July 12, 2021

ISSUED TO:

BC Ministry of Transportation and Infrastructure
Pattullo Bridge Replacement Project
1100 – 401 West Georgia Street
Vancouver, BC V6B 5A1

DESCRIPTION OF NON-COMPLIANCE:

- A. On May 27, 2019, Project Permit 17-107, attached hereto, was issued to the BC Ministry of Transportation and Infrastructure (the “Permit Holder”) for the Pattullo Bridge Replacement at New Westminster and Surrey, BC (the “Permit”).
- B. On February 18, 2021, Fraser Crossing Constructors GP provided a revised Independent Environmental Monitor Terms of Engagement under condition 40 of permit 17-107.
- C. On April 19, 2021, VFPA became aware that the Permit Holder failed to comply with permit condition 38 of the Permit, which states:

“The Permit Holder shall retain a qualified environmental professional to act as an Independent Monitor responsible for reviewing the construction environmental records and on-site construction activities for compliance with the Construction Environmental Management Plan and this Permit. The Independent Monitor shall possess the following qualifications:

- *Suitable education and knowledge demonstrating that they may be reasonably relied on to provide advice within their area of expertise;*
- *A minimum of five years of experience monitoring related types of construction activities in similar environments.*

The Independent Monitor shall not be an employee of the Permit Holder’s organization or of a contractor/consultant retained by the Permit Holder to work on the Project in other capacities.”

- D. On April 26, 2021, VFPA sent written correspondence containing a notice of non-compliance with permit condition 38 to the Permit Holder, and identified expectations to return to compliance with this condition in a timely manner. While VFPA and MOTI staff have had a few discussions on this topic, no formal correspondence has been received from MOTI in response to this written correspondence.

- E. On June 10, 2021, VFPA and MOTI staff had a meeting regarding the non-compliance with the Independent Monitor requirements of permit 17-107. In this meeting, MOTI indicated they were not planning on rectifying the non-compliance at this time as they did not want to jeopardize commercial aspects of the project.

ORDERS:

VFPA orders that the Permit Holder:

- 1) Return to compliance with condition 38, by procuring an Independent Monitor directly from the BC Ministry of Transportation and Infrastructure. The Vancouver Fraser Port Authority will also accept an Independent Monitor that is retained by Transportation Investment Corporation (TI Corp). TI Corp is a subsidiary of the BC Transportation Finance Authority that was established under the Transportation Investment Act to deliver several billion dollars in major infrastructure on behalf of the Ministry of Transportation and Infrastructure, including the Pattullo Bridge Replacement Project.
- 2) Re-submit a revised Independent Monitoring Work Plan, as specified in condition 40, in accordance with the Independent Monitor that is to be retained under order 1.
- 3) While the abovementioned non-compliance with the Independent Monitor is being resolved, the existing Independent Monitor retained by Fraser Crossing Constructors GP shall continue to provide the services as outlined in condition 38 and 40 of permit 17-107.
- 4) Provide documentation by February 28, 2022 confirming that the above steps have been taken to VFPA's satisfaction.

ADDITIONAL INFORMATION:

Requests to appeal this Correction Order must be emailed to per@portvancouver.com within 20 business days of the date hereof. All reasonable supporting documents should be submitted with a request for appeal.

VFPA reserves all of its right to exercise any of its rights, remedies, powers and privileges, under the Lease, at law and in equity.

Should you have any questions please contact the undersigned at 604-665-9081. Thank you for your cooperation regarding this matter.

Vancouver Fraser Port Authority



Carrie Brown
Director, Environmental Programs