



PORT of
vancouver

Vancouver Fraser
Port Authority

VANCOUVER FRASER PORT AUTHORITY
PROJECT AND ENVIRONMENTAL REVIEW
REPORT AND PERMIT

PER No.:	21-157
Tenant:	Upland property owner at 5063 Whiskey Cove Lane, Belcarra
Project:	New Pile Installations for Recreational Dock – 5063 Whiskey Cove Lane
Project Location:	5063 Whiskey Cove Lane, Village of Belcarra
Vancouver Fraser Port Authority SID No.:	BEL114
Land Use Designation:	Port Water
Applicant/Permit Holder:	Anchor Dock Services on behalf of upland property owner
Category of Review:	B
Date of Approval:	January 31, 2022
Date of Expiry:	January 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. 21-157: New Pile Installations for Recreational Dock – 5063 Whiskey Cove Lane (the “Project”) proposed by Anchor Dock Services working on behalf of the upland property owner at 5063 Whiskey Cove Lane, Belcarra (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

In this project permit, the Project means the physical activities authorized by the Port Authority to be carried out pursuant to **PER No. 21-157**, as described below.

2.1 Proposed Works

Anchor Dock Services on behalf of the upland property owner proposes to conduct maintenance and repair works to an existing recreational dock, located in Burrard Inlet adjacent to 5063 Whiskey Cove Lane, Belcarra. The proposed works include installing two 406 millimetre (16 inch) diameter, HDPE-lined steel piles to support and secure the existing float. The dock is currently anchored to the seabed by chains and anchors, which will be removed once the installation of the piles has been completed. The piles are to be installed by a vibratory hammer on a barge with crane. Drilling may be required to set one pile in place due to seabed conditions.

The works are expected to take approximately five days to complete.

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"/> Project Consultation | |

4 INDIGENOUS CONSULTATION

The Port Authority has reviewed the proposed works and determined that the Project may have the potential to adversely impact Aboriginal or Treaty rights.

Every reasonable effort was made to consult the following Indigenous groups:

- a) S'ólh Téméxw Stewardship Alliance (STSA) through the People of the Rivers Referral Office (PRRO) - notification
- b) Tsleil-Waututh Nation

The following consultation activities were conducted:

- Referral package provided including referral letter, Project location map and dock drawings or notification letter and Project map
- Reminder email regarding comment window
- Response table provided to Indigenous groups which commented on the application

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
Slow start-up procedure for machinery for pile installation.	None required.	Underwater noise-related impacts to marine life are not anticipated as a result of the installation of two 406 mm diameter piles using vibratory techniques and drilling, only if required. For this reason, the Port Authority does not require the implementation of a slow start-up procedure.

Issue	Mitigations and Permit Conditions	Rationale
Request to send Indigenous monitor to pile installation work.	None required.	Environmental monitors are required to be retained by an applicant during higher risk activities and would be required to be present during in water works that may impact fish and fish habitat. The proposed construction activities are considered to be minor in nature (two piles), happening during the least risk fisheries window for the area, do not require a <i>Fisheries Act</i> Authorization, and are not in an area with eelgrass considerations. Therefore, an environmental monitor will not be required as a permit condition for this Project.

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 “Port Water” in the Port Authority Land Use Plan (2020). Recreational docks may be permitted in the port water designation; therefore, the proposed Project is compliant with the Port Authority’s 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 Village of Belcarra on January 24, 2022, notifying them of the proposed Project. The Village of Belcarra advised that they would require advanced notice as well as appropriate traffic management should there be any interruptions to upland traffic, however the proposed works will be taking place on the marine side of the property.

6.2 Adjacent Resident Notification

The proposed Project was assessed by the Port Authority to have potential impacts to adjacent resident interests. A notification letter was sent to the adjacent residents on January 24, 2022, notifying them of the proposed Project. The Port Authority did not receive comments on the proposed Project.

6.3 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 November 16 to December 15, 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 September 27, 2021
- Project correspondence from September 27, 2021 to January 26, 2022

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

January 27, 2022

DATE OF DECISION

LISA McCUAIG
MANAGER, ECOSYSTEM MANAGEMENT AND
ENVIRONMENTAL PROGRAMS

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. 21-157 is approved by:

ORIGINAL COPY SIGNED

January 31, 2022

DATE OF APPROVAL

CHRIS BISHOP
MANAGER, PROJECT AND ENVIRONMENTAL
REVIEW

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 Anchor Dock Services working on behalf of the upland property owner at 5063 Whiskey Cove Lane, Belcarra (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 plans, documents, and notices required under this Permit to the following email address: per@portvancouver.com and referencing PER No. 21-157 .
10.	The Port Authority shall have unfettered access to environmental compliance documentation and the Project site at all times during construction without notice.
11.	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)
12.	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
13.	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. Port Authority Marine Operations shall be copied on the request (navigation.review@portvancouver.com).	As per Coast Guard requirements
CONDITIONS – DURING CONSTRUCTION OR ANY PHYSICAL ACTIVITIES		
14.	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.	
15.	Piles shall be driven with a vibratory or drop hammer. Piles shall not be installed using a diesel or hydraulic hammer or other technology such as drilling without review and authorization by the Port Authority.	
16.	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.	
17.	The Permit Holder shall cap any exposed hollow pipe piles to prevent wildlife entrapment.	
18.	Sediments contained within piles after driving shall be left in place. If it is determined that they must be removed for engineering reasons, the Permit Holder shall consult the Port Authority for review and authorization prior to initiating the proposed physical activities.	
19.	The Permit Holder shall not permit barges or other vessels used during the Project to ground on the foreshore or seabed or otherwise disturb the foreshore or 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.	
20.	The Permit Holder shall maintain equipment in good mechanical condition and free of fluid leaks, invasive species, and noxious weeds.	

21.	<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>	
22.	<p>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.</p>	
23.	<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>	
24.	<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>	
25.	<p>The Permit Holder shall maintain equipment in good mechanical condition and free of fluid leaks, invasive species, and noxious weeds.</p>	
26.	<p>During any vessel-related activities, the Permit Holder shall:</p> <ul 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)	
27.	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 January 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
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.