PORT of vancouver Vancouver Fraser Port Authority	**VANCOUVER FRASER PORT AUTHORITY PROJECT AND ENVIRONMENTAL REVIEW REPORT AND PERMIT**

PER No.:	**22-033**
Tenant:	**Harken Towing Co. Ltd.**
Project:	**Harken Towing - HT20 Storage Grounds Pile Relocation**
Project Location:	**Water lot fronting Tannery Park, Surrey**
Vancouver Fraser Port Authority SID No.:	**SUR330**
Land Use Designation:	**Industrial**
Applicant/Permit Holder:	**Fraser River Pile and Dredge (GP) Inc. on behalf of Harken Towing Co. Ltd.**
Category of Review:	**B**
Date of Approval:	**May 20, 2022**
Date of Expiry:	**May 31, 2024**

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. 22-033: Harken Towing - HT20 Storage Grounds Pile Relocation (the "Project") proposed by Fraser River Pile and Dredge (GP) Inc. working on behalf of Harken Towing Co. Ltd. (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.

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2 PROJECT OVERVIEW

2.1 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. 22-033**, as described below.

The Applicant proposes to relocate nine (9) 914-millimetre diameter steel piles from their lower storage grounds to their upper storage grounds and replace two (2) damaged 914-millimetre diameter steel piles, like for like, at the upper storage grounds. The purpose of the Project is to provide additional support to mooring barges at the upper storage grounds (Figure 1).

Figure 1. Location of Harken Towing Co. Ltd. lower (blue area) and upper (purple area) storage grounds fronting Tannery Park, Surrey

2.2 Proposed Works

Piles will be relocated and installed as follows:

- Nine (9) of the piles will be relocated from the lower storage grounds to the upper storage grounds
- Two (2) piles at the upper storage grounds are damaged and will be replaced like for like

Figure 2. Proposed pile reconfiguration

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Piles within the lower storage grounds will be extracted and placed on a barge and transported to the upper storage ground for installation. Piles will be relocated using a marine spud derrick equipped with a vibratory hammer.

The Project is anticipated to be completed within approximately two days.

3 INDIGENOUS CONSULTATION

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

Given the location of the proposed works, the following Indigenous group received notification of the proposed Project:

a) Tsawwassen First Nation

The following consultation activities were conducted:

- Notification email and application package provided via email to Tsawwassen First Nation

No comments were received by the Port Authority in relation to the notification that was sent to Tsawwassen First Nation for the Project.

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

4 EXISTING POLICIES OR GUIDELINES

The Project area is designated as “Industrial” in the Port Authority Land Use Plan (2020). The proposed removal and installation of piles to provide additional support to mooring barges conforms to the land use designation of the site.

5 NOTIFICATIONS

5.1 Municipal Notification

The proposed Project was assessed by the Port Authority to have no potential impacts to municipal interests. Consequently, municipal notification was not conducted.

5.2 Adjacent Tenant Notification

The proposed Project was assessed by the Port Authority to have potential impacts to adjacent tenant interests. A notification letter was sent to Goodrich Group on May 12, 2022, notifying them of the proposed Project.

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 April 12 to May 11, 2022. 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.

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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 March 9, 2022
- Project correspondence from March 11, 2022 to May 13, 2022

7 PROJECT AND 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.

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 Permit PER No. 22-033 is approved by:

ORIGINAL COPY SIGNED	May 20, 2022
CHRIS BISHOP **MANAGER, PROJECT AND ENVIRONMENTAL REVIEW**	**DATE OF APPROVAL**

8 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 (GP) Inc. working on behalf of Harken Towing Co. Ltd. (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/.

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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 is responsible for locating all existing site services and utilities, including any located underground. The Permit Holder shall provide an Infrastructure Surveyed Data Drawing that includes topographic and utility locate data based on surveys in accordance with the Port Authority's Record Drawing Standards. The Permit Holder is responsible for repair or replacement of any damage to existing site services and utilities, to the satisfaction of the Port Authority, that result from construction and operation of the Project.
6.	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.
7.	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.
8.	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.
9.	The Permit Holder shall make available upon request by any regulatory authority (such as a Fishery Officer) a copy of this Permit.
10.	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. 22-033**.
11.	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.
12.	The Port Authority shall have unfettered access to environmental compliance documentation and the Project site at all times during construction without notice.

13.	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)**
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.	Before commencing construction or any physical activities
15.	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. The Port Authority's Marine Operations department shall be copied on the request (navigation.review@portvancouver.com).	As per Coast Guard requirements
16.	The Permit Holder shall submit a marine construction and staging plan to the Port Authority's satisfaction, which includes: a) Identification of navigation related hazards and risk mitigation measures b) Staging and construction areas c) Dates and hours of operations d) Description of activities taking place e) Participating equipment and vessels (dimensions must be included) f) Method of preferred communication with marine users g) Emergency contact information h) Special requests and/or additional information 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.	15 business days prior to any vessel related activities
	CONDITIONS – DURING CONSTRUCTION OR ANY PHYSICAL ACTIVITIES	
17.	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.	
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 of the *Fisheries Act*; or (b) adversely affect fish or fish habitat in a manner contrary to Section 35 of the *Fisheries Act*.	

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19.	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 shall be full time when works are under way that have the potential to adversely affect fish or fish habitat.	
20.	The Permit Holder shall carry out the Project in accordance with the document titled “Harken HT20 Storage Grounds - Category B Project permit Application Pile Relocations - Mitigation Measures” provided by the Permit Holder, and any subsequent updates made to the Port Authority’s satisfaction.	
21.	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.	
22.	The Permit Holder shall maintain equipment in good mechanical condition and free of fluid leaks, invasive species, and noxious weeds.	
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.	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.	
25.	The Permit Holder shall cap any exposed hollow pipe piles to prevent wildlife entrapment.	
26.	During any vessel-related activities, the Permit Holder shall: 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
28.	The Permit Holder shall confirm that the Project was constructed within the approved area by providing to the Port Authority digital photographs of the Project site both before and after construction of the Project.	Within 40 business days of completion

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29.	The Permit Holder shall contact the Database Information Office of the Canadian Hydrographic Service (CHS) at (250) 363-6360 or chsdatacentre@dfo-mpo.gc.ca to arrange for the relevant CHS charts to be updated. The Port Authority's Marine Operations department shall be copied on the request (navigation.review@portvancouver.com).	Upon 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 **May 31, 2024** (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 days 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 and 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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