



NOTICE OF NON-COMPLIANCE

ISSUED BY VANCOUVER FRASER PORT AUTHORITY (VFPA)

September 8, 2023

PERMIT HOLDER:

Nickel Bros
Schoolhouse Offload
1528 Broadway Street
Port Coquitlam, BC V6B 5A1

DESCRIPTION OF NON-COMPLIANCE:

- A. On July 28, 2023, Nickel Bros (the "Permit Holder") received Project Permit 23-108 (the "Permit"), attached hereto, for the Schoolhouse Offload Pacific Environmental Centre site in West Vancouver (the "Project").
- B. For enhanced vessel safety, a single plane navigation channel is in effect within First Narrows Traffic Control Zone (TCZ-1) for 0.75 nautical miles both east and west of the First Narrows Lions Gate Bridge.
- C. On August 2, 2023, while conducting outbound cruise ship escorts, VFPA harbour patrol noticed and notified VFPA marine operations of a tug and barge departing from Kitsilano Buoy destined for Calamity Shoal with intentions to land on the North Shore and discharge a house aboard. The tug and barge were transiting through TCZ-1 and VFPA had not been notified for the commencement of the tug and barge within TCZ-1. The TCZ-1 procedures apply to all marine traffic.
- D. The Permit includes the following conditions:
 - Condition 20: At least two days prior to commencing any physical activities, the Permit Holder shall notify Project Environmental Reviews, email: PER@portvancouver.com.
 - Condition 21: Prior to the commencement of any vessel-related activities, the Permit Holder must contact CCG Marine Communications and Traffic Services (MCTS), (email: NAVWARN.MCTSPRinceRupert@innav.gc.ca Telephone: 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 must be copied into the request (navigation.review@portvancouver.com).
 - Condition 24: 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.

- E. VFPA was not informed two days prior to starting any physical activities. The actions taken by the Permit Holder's contractor were not in compliance with Condition 20 of the Permit.
- F. On August 11, 2023, VFPA was informed that NAVWARN was not submitted to advise the marine community of potential hazards associated with the Project. The actions taken by the Permit Holder's contractor were not in compliance with Condition 21 of the Permit.
- G. Pursuant to Condition 24, the Permit Holder is responsible for its contractor and has failed to comply with the conditions of the Permit and, in particular, Conditions 20 and 21 of the Permit.

This notice serves as a reminder that it is the responsibility of the Permit Holder to adhere to, and ensure all its employees, agents, contractors, licensees and invitees adhere to, all conditions outlined in the Permit throughout the duration of any work.

ADDITIONAL INFORMATION:

VFPA reserves all of its rights to exercise any of its rights, remedies, powers and privileges, under any applicable lease or licence issued to the Permit Holder, or at law or in equity.

Any questions can be directed to Dean Richards at dean.richards@portvancouver.com.

Vancouver Fraser Port Authority

Original Copy Signed

Dean Richards, P.Ag.
Compliance Monitoring Specialist, Project and Environmental Review
Vancouver Fraser Port Authority

Ref #: PER 23-108_CME001