



# Compliance Monitoring and Enforcement Program

## 2020, Annual Summary Report

### Background

Canada Port Authorities have been the permitting authority for federal port lands and waters since the introduction of the *Canada Marine Act* in 1998, and as a federal authority, we conduct environmental reviews of projects in accordance with Section 82 of the *Impact Assessment Act*.

The Vancouver Fraser Port Authority uses its own Project and Environmental Review (PER) process to fulfill our federal responsibilities under the *Canada Marine Act* and the *Impact Assessment Act*, carefully reviewing and considering potential effects from all proposed project development on federal lands and waters before determining if a project should proceed. If a proposed project is approved, a project permit will be issued with conditions. A permit holder must comply with the scope and conditions as outlined in the project permit.

Under the compliance monitoring and enforcement (CME) program, projects are monitored against permit conditions and enforcement actions are taken for non-compliant projects or unauthorized works. Unauthorized work is work or activities that are undertaken without a required project permit, or work undertaken that is beyond the scope of work authorized in a project permit.

### Overview of compliance monitoring and enforcement program

We have updated our approach to compliance monitoring and enforcement to achieve the following objectives:

- Formalize permit compliance expectations
- More effectively monitor compliance with permit conditions
- Communicate more effectively with applicants/permit holders
- Ensure fair, consistent and transparent responses to permit non-compliance

Since the programs launch in 2018, we have provided education to permit holders and tenants about the CME Program, and worked closely with permit holders to assist with understanding and resolving instances of non-compliance with project permit conditions.

### CME Program Statistics

The table below summarizes the number of permits issued by the port authority in the fourth quarter of 2020 and the compliance verification activities conducted during that period:

Permit category	Number of permits issued	Projects under construction	Fourth Quarter Compliance verification activities conducted by the port authority:	
			Site Visits*	Report Reviews: self-reports, IM & EM reports
Category A permits	23	Data not available	0	0
Category B permits	11		1	29
Category C permits	0		4	20
Category D permits	0		0	33
Designated projects permits	0		0	27
Potentially unauthorized works	N/A	N/A	1	N/A

\*Port authority site visits were reduced March 16, 2020 due to COVID-19.

The table below summarizes the number of permits issued by the port authority in 2020 and the compliance verification activities conducted this year:

Permit category	Number of permits issued	Projects under construction	Annual Compliance verification activities conducted by the port authority:	
			Site Visits*	Report Reviews: self-reports, IM & EM reports
Category A permits	123	Data not available	1	0
Category B permits	50		1	102
Category C permits	2	16	10	126
Category D permits	0		0	158
Designated projects permits	0		0	83
Potentially unauthorized works	N/A	N/A	3	N/A

\*Port authority site visits were reduced March 16, 2020 due to COVID-19.

Compliance verification activities conducted by the port authority during 2020 included:

- Desktop reviews of self-reports submitted by permit holders indicating the status of compliance with each condition of their permit
- Desktop reviews of environmental monitoring reports submitted by permit holders that provide information on the regular environmental monitoring conducted on site to ensure consistency with the project Construction Environmental Management Plan and permit conditions
- Desktop reviews of independent monitoring reports submitted by the independent monitor for Category D and designated projects
- Site visits

## Enforcement actions

A summary of enforcement actions which have been issued or resolved in the fourth quarter of 2020 is provided in the table below.

### Summary of enforcement actions

Permit holder / proponent	Project	PER number	Permit category	Enforcement action		Status
				Tool used	Date issued	
Fibreco Export Inc.	Fibreco Terminal Enhancement Project	16-268-1	C	Correction Order	August 2019	Returned to compliance December 2020.
661010 B.C. Ltd.	Bill's Marina – 35 Vessel Marina	Preliminary Review – 17-216	B	Restoration Order	October 2019	Restoration Order lifted December 2020
Vancouver Fraser Port Authority	Brownsville Shrub and Garbage Removal	17-148	B	Restoration Order	April 2018	Returned to compliance October 2020.
Amix Salvage & Sales Ltd	Building Demolition	19-124	B	Stop Work Order	July 2019	No further enforcement action will be pursued.

### **16-268-1: Fibreco Export Inc**

A correction order was issued to Fibreco Export Inc. on August 13, 2019 as VFPA became aware that Fibreco Export Inc. had conducted unauthorized works by installing several temporary construction trailers and associated construction equipment, and upgrading their berth fenders. Fibreco Export Inc. has addressed all outstanding items and the correction order was satisfied on December 4, 2020.

### **Preliminary Review 17-216: 661010 B.C. Ltd**

A restoration order was issued to 661010 B.C. Ltd on October 3, 2019 for the installation of floats without the required authorization. The port authority lifted the restoration order on December 7, 2020.

### **15-012: VFPA Brownsville**

A restoration order was issued to Vancouver Fraser Port Authority on May 22, 2018 outlining requirements to for erosion and sediment control, archaeology, riparian and migratory bird impacts. The order was largely satisfied in 2018. A donation was made to the Nature Conservancy of Canada on October 19, 2020, satisfying the remaining component of the restoration order.

### **19-124 Amix Salvage & Sales Ltd.**

A stop work order was issued to Amix Salvage & Sales Ltd on July 19, 2019 as several building demolitions were underway at 12021 Musqueam Drive, Surrey without the required authorization from VFPA. As the company is no longer a tenant at this location, the port authority has decided not to pursue any further enforcement.

### **Update on enforcement actions in progress**

An update on enforcement actions which have been issued by the port authority in 2019 and 2020 that remain in progress is outlined below:

### **17-299 Westshore Terminals Limited Partnership**

A correction order was issued to Westshore Terminals Limited Partnership on September 24, 2019 as the VFPA became aware that Westshore Terminals Limited Partnership had not provided their signed and sealed drawings, obtained a building permit nor provided record drawings for the Berth 2 Variable Frequency Drive Enclosure. The order is in progress.

### **More information**

If you have questions, please contact the Vancouver Fraser Port Authority at:

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