



Compliance Monitoring and Enforcement Program

2022, 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 Activities

Compliance verification activities conducted by the port authority during 2022 included:

- There were seven 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
- Twelve site visits

Enforcement actions

A summary of enforcement actions which have been issued or resolved in 2022 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	
BC Ministry of Transportation and Infrastructure	Pattullo Bridge Replacement Project	17-107	D	Correction order	July 2021	Resolved

17-107: BC Ministry of Transportation and Infrastructure

A notice of non-compliance was issued to BC Ministry of Transportation and Infrastructure as the permit holder did not meet the requirement for an environmental monitor to be present during activities that could affect fish and fish habitat. As a result, the environmental monitor was absent during dewatering activities and there was a spill of construction wastewater to the aquatic environment. The permit holder resolved this by establishing a protocol between the construction and environment teams to communicate any changes to the timing of construction activities.

More information

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

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