



NOTICE OF NON-COMPLIANCE

ISSUED BY VANCOUVER FRASER PORT AUTHORITY (VFPA)

March 4, 2024

PERMIT HOLDER:

Kiewit Engineering Group Inc.
#210, 4350 Still Creek Drive
Burnaby, BC, V5C 0G5

DESCRIPTION OF NON-COMPLIANCE:

- A. On June 30, 2022, Peter Kiewit Sons ULC (the “Permit Holder”) received Project Permit 22-046 (the “Permit”), attached hereto, for maintenance dredging at 1950 Brigantine Drive in Port Coquitlam, BC (the “Project”).
- B. On February 14, 2024, VFPA Harbour Patrol noticed and notified VFPA marine operations of several large Kiewit barges being moored and conducting loading operations outside of their lease area in Sapperton Channel. In addition to being outside their lease area, the barges were partially blocking the safety and navigational channel. VFPA had not been notified of the commencement of barge staging activities within the safety and navigational channels.
- C. On February 16, 2024, VFPA Harbour Patrol noticed and notified VFPA marine operations that dredging activities were occurring under PER 22-046. VFPA marine operations did not receive or review a Navigational Warning (NAVWARN) to advise the marine community of potential hazards. Additionally, VFPA did not receive or review an updated marine construction and staging plan.
- D. The Permit includes the following conditions:

Condition 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.

Condition 15: 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 16: 15 days prior to commencing any physical or construction activities, 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) Method of communicating updates to relevant marine users;
- h) Emergency contact information; and
- i) 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.

Condition 29: 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 Plan and execute the Project in a manner that will not impede navigation or interfere with vessel operations
- e) 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

- E. On February 16, 2024, VFPA was informed that a NAVWARN was not submitted to advise the marine community of potential hazards associated with the Project. The actions taken by the Permit Holder were not in compliance with Condition 15 of the Permit.
- F. On February 16, 2024, VFPA was informed that a marine construction and staging plan was not submitted for the activities in question. The actions taken by the Permit Holder were not in compliance with Condition 16 of the Permit.
- G. The Permit holder failed to comply with Condition 29 (e) and (f) when mooring vessels within the navigation channel after working hours were complete, partially blocking the navigation channel without properly notifying marine users and impeding the safe passage of passing vessel traffic.
- H. Pursuant to Condition 8, the Permit Holder has failed to comply with the conditions of the Permit and, in particular, Conditions 15, 16, and 29 (e)(f).

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.

Any further instances of non-compliance may result in immediate enforcement action, without further notice, including termination of the Permit.

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., BC-CESCL
Compliance Monitoring Specialist, Project and Environmental Review
Vancouver Fraser Port Authority

Ref #: PER 22-046_CME001