



NOTICE OF NON-COMPLIANCE

ISSUED BY VANCOUVER FRASER PORT AUTHORITY (VFPA)

February 23, 2024

PERMIT HOLDER:

Fraser Surrey Docks LP
11060 Elevator Road
Surrey, BC V3V 2R7

DESCRIPTION OF NON-COMPLIANCE:

- A. On May 2, 2023, the Fraser Surrey Docks LP (the “Permit Holder”) received Project Permit 22-017 (the “Permit”), attached hereto, for the Canola Oil Transload Facility, Surrey (the “Project”).
- B. The Permit contains the following conditions:

Condition 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.

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 26: 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 must be copied into the request (navigation.review@portvancouver.com).

Condition 31: The Permit Holder shall notify the Port Authority upon commencement of construction, or any physical activities (e.g., mobilization to the Project site).

Condition 33: The Permit Holder shall carry out the Project in accordance with the construction environmental management plan provided by the Permit Holder, and any subsequent updates made to the Port Authority's satisfaction.

- C. The Permit contains and lists distinct Project components and activities. Dredging is not listed within, or is described, as a distinct Project component or activity within the Permit.

- D. The Construction Environmental Management Plan (CEMP) lists and defines distinct project components and activities to implement overall environmental management practices. Dredging is not listed in the Project CEMP.
- E. On December 18, 2023, the Permit Holders' contractor sent a correspondence to VFPA via PER@portvancouver.com. The Permit Holders' contractor requested permission and guidance with regards to dredging and removal of an obstruction.
- F. On January 11, 2024, VFPA emailed the Permit Holder requesting clarification on dredging activities. The Permit Holder informed VFPA that the dredging occurred on December 21, 2023, and that the obstruction had been removed.
- G. On January 12, 2024, VFPA completed a site visit to obtain more information on the dredging activities. The Permit Holder indicated that the obstruction was removed by Vancouver Pile Driving Ltd. working under a separate permit identified as the Fraser River Navigation Channel Maintenance Dredging (Permit Number 21-207). Vancouver Pile and Dredging Ltd. was not authorized to complete dredging work under Permit Number 21-207 and dredging work is not associated with the Project.
- H. On February 6, 2024, VFPA notified the Permit Holder with regards to:
 - a. Dredging activities were not permitted under the Project permit.
 - b. Dredging activities for the Project are not authorized under a separate permit for Fraser River navigation channel maintenance and dredging.
 - c. Permit Holder did not properly notify VFPA on dredging activities; and
 - d. No NAVWARNs were issued for Project dredging activities.
- I. The Permit Holder is responsible for its contractor pursuant to condition 8 of the Permit and has failed to comply with the conditions of the Permit, in particular conditions 2, 26, 31, and 33.

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 the 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

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