

PER No.:	19-113
Tenant:	Corporation of the District of North Vancouver
Project:	Cates Park Foreshore Erosion Protection Project
Project Location:	North Vancouver
VFPA SID No.:	DNV085
Land Use Designation:	Recreation
Applicant/ Permit Holder:	Corporation of the District of North Vancouver
Category of Review:	B
Date of Approval:	November 19, 2019
Date of Expiry:	February 28, 2021

1 INTRODUCTION

The Vancouver Fraser Port Authority (VFPA), a federal port authority, manages lands under the purview of the Canada Marine Act, which imparts responsibilities for environmental protection. VFPA accordingly conducts project and environmental reviews of works and activities undertaken on these lands to ensure that the works and activities will not likely cause significant adverse environmental effects. This project and environmental review report and project permit (the Permit) documents VFPA's project and environmental review of PER No. 19-113: Cates Park Foreshore Erosion Protection Project (the Project) proposed by the Corporation of the District of North Vancouver (the Applicant).

This project and environmental review was carried out to address VFPA's responsibilities under the Canada Marine Act, and to meet the requirements of the Impact Assessment Act, as applicable. The proposed Project is not considered a "designated project" under the Impact Assessment Act and an impact assessment as described in the Impact Assessment Act is not required. However, VFPA authorization is required for the proposed Project to proceed and in such circumstances, where applicable, Section 82 of Impact Assessment Act requires federal authorities to assure themselves that projects will not likely cause significant adverse environmental effects. This review provides that assurance. In addition, VFPA considers other interests, impacts and mitigations through the project and environmental review.

The project and environmental review considered the application along with supporting studies, assessments and consultations carried out or commissioned by the Applicant, as well as other information provided by the Applicant. In addition, this project and environmental review considered other information available to VFPA and other consultations carried out by VFPA. A full list of information sources germane to the review is provided in the following pages of this report.

This Permit is the authorizing document allowing the Applicant to proceed with the Project subject to the listed project and environmental conditions.

2 PROJECT DESCRIPTION

The Applicant will import and deposit sand and gravel materials at two locations within the intertidal area of Cates Park in North Vancouver to protect the upland shoreline and headland from erosion. The Applicant will deposit sand and gravel materials at Roche Point and at the sandy beach

area located approximately 60 metres west of Roche Point. The crest width of fill is designed as 1.0 metre and the beach slope is designed at 3H:1V. The sand and gravel materials will be placed from upland areas using slinger trucks.

In this project permit, the Project means the physical activities authorized by VFPA to be carried out pursuant to **PER No. 19-113**, as described below.

2.1 Proposed Works

Proposed works include:

- Use of slinger trucks to deposit sand and gravel materials at locations described below:
 - Import approximately 75 cubic metres of fill to Roche Point;
 - Import approximately 80 cubic metres of fill to sandy beach area west of Roche Point;

The use of slinger trucks will reduce impacts on the intertidal foreshore. No heavy equipment will access the intertidal foreshore. Sand and gravel materials will be deposited during low tide to reduce potential effects to fish and aquatic habitats.

Estimated project cost is \$10,000.00 and the anticipated construction timeline is Q4 2019 to Q4 2020.

3 VANCOUVER FRASER PORT AUTHORITY INTERNAL REVIEWS

The following VFPA departments have undertaken and completed a review of these works and confirm that the proposal meets their requirements, subject to the listed project and environmental conditions.

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Planning | <input checked="" type="checkbox"/> Environmental Programs | <input checked="" type="checkbox"/> Engineering |
| <input checked="" type="checkbox"/> Public Engagement | <input checked="" type="checkbox"/> Indigenous Consultation | |

4 INDIGENOUS CONSULTATION

VFPA has reviewed the proposed works and determined that the project may have the potential to adversely impact Aboriginal or Treaty rights.

The following Indigenous groups were consulted:

- a) Tsleil-Waututh Nation;
- b) Squamish Nation;
- c) Musqueam Indian Band; and,
- d) Sto:lo Nation.

The following consultation activities were conducted:

- On June 27, 2019, project notification letters were sent to the Indigenous groups listed above, informing of the scope of the project including approach to consultation.
- VFPA provided participation funding to respective Indigenous groups to facilitate their participation in the project and environmental review process.
- Comments for the proposed project were requested and received by July 26, 2019.

A summary of comments received by VFPA and how they were considered as part of the project and environmental review is provided in the table below.

Issue	Mitigations and Permit Conditions	Rationale
Request for any ground disturbance work be completed in accordance with a <i>Heritage Conservation Act</i> permit.	Condition 21 and 22 require the Permit Holder to have appropriately qualified archaeological professionals on site during project activities. This includes opportunities for Indigenous archaeological monitors.	While VFPA does not require proponents to obtain <i>Heritage Conservation Act</i> permits for work undertaken on federal lands, the Permit Holder has confirmed that it will work to ensure project activities follow the <i>Heritage Conservation Act</i> .
Request for a collaborative approach to develop and implement the erosion protection plan and other plans at Cates Park/Wheyah-Wichen.	As per Condition 15, VFPA will require the applicant submit an erosion and sediment control plan to VFPA. This plan must be developed in collaboration with Indigenous groups whom expressed interest.	The Permit Holder has advised that it will work collaboratively with Indigenous groups that expressed interest on any erosion sediment control measures required.
Concern regarding revegetation and potential impacts to archaeological resources Requested that any removed vegetation is cut-at-ground rather than uprooted.	Condition 21 and 22 requires the Permit Holder to have appropriately qualified archaeological professionals on site during project activities. This includes opportunities for Indigenous archaeological monitors.	The Permit Holder has advised that parties have mutually agreed to come to a final landscaping plan that will not disturb underlying archeological deposits. The Permit Holder has confirmed that vegetation will be cut to ground level, with no ground disturbance.

Based on the record of consultation, VFPA is of the view that the duty to consult has been met.

5 EXISTING POLICIES OR GUIDELINES

The Project area is designated as “Recreation” in the VFPA Land Use Plan (2014). The works proposed support the existing use of the site; therefore, the Project is considered to be compliant with the Land Use Plan.

6 NOTIFICATIONS

6.1 Municipal Notification

The municipality is the Applicant for this proposal. Therefore, it was determined that additional notification to the District of North Vancouver was not required.

6.2 Adjacent Tenant Notification

The proposed Project was assessed by VFPA to have minimal or no potential impacts to adjacent tenant interests. Therefore, it was determined that no notification to adjacent tenants was required.

6.3 Community Notification

The proposed Project was assessed by VFPA to have potential impacts to community interests during construction. These include potential impacts such as noise and view impacts from proposed construction activities.

As a result, the Permit Holder is required to post a construction notice in at least two locations in Cates Park to inform park users of the erosion protection works being undertaken. This is condition No. 17 in the permit.

6.4 Public Engagement

To meet requirements of section 86 of the Impact Assessment Act, VFPA posted a description of the Project and notice of public participation to the Canadian Impact Assessment Registry to provide the public 30 calendar days to comment on the project and provide community knowledge. No comments were received from the public.

7 INFORMATION SOURCES

VFPA has relied upon the following sources of information in its review of the Project.

- Application form and materials submitted by the Applicant on May 28, 2019.
- All Project correspondence since May 28, 2019.
- “Whey-Ah-Wichen/Cates Park – Erosion Management”, May 3, 2019, Golder Associates Ltd.
- “Proposed Coastal Erosion Protection at Whey-Ah-Whichen (Cates) Park in North Vancouver, BC”, October 15, 2013, Golder Associates Ltd. Submitted to Fisheries and Oceans Canada Habitat Management Program.

8 ENVIRONMENTAL REVIEW DECISION

In completing the environmental review, VFPA has reviewed and taken into account relevant information available on the proposed project and has considered any adverse impact that the project may have on the rights of the Indigenous peoples, Indigenous knowledge, community knowledge, comments received from the public, and measures that would mitigate any significant adverse environmental effects of the project. We conclude that with the implementation of proposed mitigation measures and conditions described in the project and environmental conditions section below, the Project is not likely to cause significant adverse environmental effects.

ORIGINAL COPY SIGNED

ANDREA MACLEOD
MANAGER, ENVIRONMENTAL PROGRAMS

November 16, 2019

DATE OF DECISION

9 CONCLUSION

In completing the project and environmental review, VFPA concludes that with the implementation of proposed mitigation measures and conditions described in the project and environmental conditions section below, the Project has appropriately addressed all identified concerns.

PROJECT AND ENVIRONMENTAL REVIEW DECISION

Project Permit PER No. 19-113 is approved by:

ORIGINAL COPY SIGNED

November 16, 2019

ANDREA MACLEOD
MANAGER, ENVIRONMENTAL PROGRAMS

DATE OF APPROVAL

10 PROJECT AND ENVIRONMENTAL CONDITIONS

VFPA has undertaken and completed a review of the Project in accordance with the *Canada Marine Act* and Section 5 of the Port Authorities Operations Regulations and, as applicable, Section 82 of the *Impact Assessment Act*.

If at any time the Corporation of the District of North Vancouver (Permit Holder) fails to comply with any of the project and environmental conditions set out in the project permit (the Permit) below, or if VFPA determines that the Permit Holder has provided any incomplete, incorrect or misleading information in relation to the Project, VFPA may, in its sole and absolute discretion, cancel its authorization for the Project or change the project and environmental conditions to which such authorization is subject.

Pursuant to Section 29 of the Port Authorities Operations Regulations, VFPA may also cancel its authorization for the Project, or change the project and environmental conditions to which such authorization is subject, if new information is made available to VFPA at any time in relation to the potential adverse environmental and other effects of the Project.

The following are the minimum conditions that must be followed by the Permit Holder to mitigate potential or foreseeable adverse environmental and other effects.

All VFPA Guidelines and Record Drawing Standards referenced in this document can be located at: <https://www.portvancouver.com/development-and-permits/project-and-environmental-reviews/technical-guidelines/>.

No.	GENERAL CONDITIONS
1.	The Permit Holder must have a valid lease, licence, or access agreement for the Project site prior to accessing the Project site or commencing construction or any other physical activities on the Project site. This Permit shall in no way limit any of the Permit Holder's obligations, or VFPA's rights, under such lease, licence, or access agreement.
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.
3.	This Permit in no way endorses or warrants the design, engineering, or construction of the Project and no person may rely upon this Permit for any purpose other than the fact that VFPA has permitted the construction of the Project, in accordance with the terms and conditions of this Permit.

4.	The Permit Holder shall indemnify and save harmless VFPA in respect of all claims, losses, costs, fines, penalties or other liabilities, including legal fees, arising out of: (a) any bodily injury or death, property damage or any loss or damage arising out of or in any way connected with the Project; and (b) any breach by the Permit Holder of its obligations under this Permit.	
5.	The Permit Holder is responsible for locating all existing site services and utilities including any located underground. The Permit Holder is responsible for repair or replacement of any damage to existing site services and utilities, to the satisfaction of VFPA, that result from construction and operation of the Project.	
6.	The Permit Holder shall undertake and deliver the Project to total completion in a professional, timely and diligent manner in accordance with applicable standards and specifications set out in the sections above entitled Project Description and Information Sources. The Permit Holder shall not carry out any other physical activities unless expressly authorized by VFPA.	
7.	The Permit Holder shall cooperate fully with VFPA in respect of any review by VFPA of the Permit Holder's compliance with this Permit, including providing information and documentation in a timely manner, as required by VFPA. The Permit Holder is solely responsible for demonstrating the Permit Holder's compliance with this Permit.	
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.	
9.	The Permit Holder shall make available upon request by any regulatory authority (such as a Fishery Officer) a copy of this Permit.	
10.	Unless otherwise specified, the Permit Holder shall provide all plans, documents, and notices required under this Permit to the following email address: per@portvancouver.com and referencing PER No.19-113 .	
11.	Unless otherwise specified, all plans, schedules, and other Project-related documentation that the Permit Holder is required to provide under this Permit must be to VFPA's satisfaction.	
12.	VFPA shall have unfettered access to environmental compliance documentation and the Project site at all times during construction without notice.	
13.	The Permit Holder must maintain and retain any records associated with, or produced by, actions or activities undertaken to achieve compliance or that indicate non-compliance with project permit conditions. These records must be made available at the request of VFPA.	
	CONDITIONS – PRIOR TO COMMENCING CONSTRUCTION OR ANY PHYSICAL ACTIVITIES	SUBMISSION TIMING (business days)
14.	The Permit Holder shall submit signed and sealed drawings for proposed works approved for construction by a professional engineer licensed to practice in the Province of British Columbia.	5 business days before commencing construction or any physical activities

15.	The Permit Holder shall submit an Erosion and Sediment Control Plan for the Project site, to VFPA's satisfaction. The Plan must be developed in collaboration with Indigenous groups whom expressed interest.	5 business days before commencing construction or any physical activities
16.	The Permit Holder shall provide a draft construction notice to VFPA's satisfaction in accordance with VFPA's Public Engagement Guidelines.	20 business days before commencing construction or any physical activities
17.	The Permit Holder shall post at least one approved construction notice in Cates Park.	10 business days before commencing construction or any physical activities
CONDITIONS – DURING CONSTRUCTION OR ANY PHYSICAL ACTIVITIES		
18.	The Permit Holder shall notify VFPA upon commencement of construction, or any physical activities (e.g., mobilization to the Project site).	
19.	All general construction and physical activities related to the Project shall be conducted from Monday to Saturday between the hours of 7:00 am and 8:00 pm . No construction and physical activities shall take place on Sundays or holidays. These hours shall not be modified without prior approval of VFPA. To request permission to conduct activities outside these hours, the Permit Holder must submit a written request no less than 20 business days prior to the desired start date.	
20.	The Permit Holder shall notify VFPA within two business days of any complaints received from the community and stakeholders during construction and indicate how the Permit Holder has responded to such complaints.	
21.	The Permit Holder shall ensure that an appropriately qualified archaeological monitor be on the Project site at all times during ground disturbing activities with the potential to intrude into native soils.	
22.	The Permit Holder shall provide opportunities for interested Indigenous groups to monitor and be present on the Project site at all times during ground disturbing activities with the potential to intrude into native soils.	
23.	The Permit Holder shall engage a qualified environmental professional to monitor the Project during sand and gravel placement and implement measures as needed to avoid potential impacts on fish.	
24.	If the Permit Holder encounters, expects to encounter, or should expect to encounter an actual or potential archaeological resource, the Permit Holder shall: <ul style="list-style-type: none"> a) Immediately stop any activities that may disturb the archaeological resource or the site in which it is contained (Site); b) Not move or otherwise disturb the archaeological resource or other remains present at the Site; c) Stake or flag the Site to prevent additional disturbances; and, d) Immediately notify VFPA by email and phone. 	

25.	<p>The Permit Holder shall not permit sediment, sediment-laden waters, or other deleterious substances to enter the water during the Project. The Permit Holder shall carry out all physical activities in a manner that prevents induced sedimentation of foreshore and near shore areas and induced turbidity of local waters, and the release of sediment, sediment-laden waters, and turbid waters to the aquatic environment. The Permit Holder shall manage turbidity in compliance with the following water quality criteria:</p> <ul style="list-style-type: none"> a. when background is less than or equal to 50 nephelometric turbidity units (NTU), induced turbidity shall not exceed 5 NTU above the background values; and b. when background is greater than 50 NTU, induced turbidity shall not exceed the background values by more than 10% of the background value. <p>For the purposes of this condition, “background” means the level at an appropriate adjacent reference site (as determined to the satisfaction of VFPA) that is affected neither by physical activities at the project site, nor sediment-laden or turbid waters resulting from physical activities at the project site.</p>	
26.	<p>The Permit Holder shall repair and/or remediate any damage or erosion resulting from disturbance to the intertidal foreshore during the Project.</p>	
27.	<p>The Permit Holder shall carry out all works in the intertidal area in the dry, i.e., above the water surface.</p>	
28.	<p>The Permit Holder shall manage invasive plants in a manner that prevents their spread. Invasive plants and potentially affected materials, such as soil, shall be appropriately contained, collected and disposed of.</p>	
29.	<p>The Permit Holder shall contain and collect debris and waste material in the immediate working area within the Project site. The Permit Holder shall dispose of waste material at suitable upland locations and maintain records of off-site disposal.</p>	
30.	<p>Without limiting the generality of permit condition # 2, materials brought onto the project site to be used for backfilling, site preparation, or other uses shall be from sources demonstrated to be clean and free of environmental contamination, invasive species and noxious weeds. The Permit Holder shall maintain records to verify this.</p>	
31.	<p>Without limiting the generality of permit condition # 2, if suspect contaminated materials are encountered, the Permit Holder shall contain, test and dispose of such materials at appropriate licensed off-site facilities and maintain records of off-site disposal. VFPA shall be notified of such activities and provided relevant documentation upon completion.</p>	
CONDITIONS – UPON COMPLETION		SUBMISSION TIMING (Business Days)
32.	<p>The Permit Holder shall notify VFPA upon completion of the Project.</p>	<p>Upon substantial completion</p>

33.	The Permit Holder shall provide record drawings in accordance with VFPA's Record Drawing Standards (available at: http://www.portvancouver.com/development-and-permits/project-and-environmental-reviews/technical-guidelines/), in both AutoCAD and Adobe (PDF) format to VFPA, including a Project site plan that clearly identifies the location of works.	Within 40 business days of completion
VFPA reserves the right to rescind or revise these conditions at any time that new information warranting this action is made available to VFPA.		
LENGTH OF PERMIT VALIDITY		
The Project must be completed no later than February 28, 2021 (the Expiry Date).		
AMENDMENTS		
<ul style="list-style-type: none"> • Details of any material proposed changes to the Project, including days and hours when construction and any physical activities will be conducted, must be submitted to VFPA for consideration of an amendment to this Permit. • For an extension to the Expiry Date, the Permit Holder must apply in writing to VFPA no later than 30 days prior to that date. <p>Failure to apply for an extension as required may, at the sole discretion of VFPA, result in termination of this Permit.</p>		

CONTACT INFORMATION

Vancouver Fraser Port Authority (VFPA)
 100 The Pointe, 999 Canada Place
 Vancouver BC V6C 3T4 Canada

Project & Environmental Review
 Tel.: 604-665-9047
 Fax: 1-866-284-4271
 Email: PER@portvancouver.com
 Website: www.portvancouver.com

After normal business hours:

In the event of any land or marine construction incidents or concerns related to works carried out on-site under this permit, please contact the 24/7 Port Operations Centre 604-665-9086. In the event of an emergency requiring 'First Responders', please call 911 first.