



LEGAL NOTICE

VANCOUVER FRASER PORT AUTHORITY (VFPA; THE "PORT AUTHORITY")

RESTORATION ORDER

ISSUED TO:

Goodrich Terminals
10880 Dyke Road
Surrey, BC

DATE: February 16, 2021

DESCRIPTION OF UNAUTHORIZED WORKS:

- A. By Licence No. SUR330-11123F-001 dated March 15, 2019, as amended (the "Licence"), the Authority provided to Goodrich Terminal 2012 Ltd. (the "Licensee") those certain land areas totaling some 65,649 square metres, more or less, located in Surrey, British Columbia (the "Licensed Premises").
- B. On June 4, 2020, Project Permit 18-037, attached hereto, was issued to Goodrich Terminals (the "Permit Holder") for a Lumber Transload Facility and Rail Spur at 10880 Dyke Road, Surrey (the "Permit").
- C. On December 17, 2020, the Port Authority became aware that the Permit Holder failed to comply with the requirement to obtain a project permit for the construction of an approximately 200 metre long, 4 metre wide gravel access road within the riparian zone, and has failed to comply with permit condition 6 of the Permit, which states:

Condition 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, including the attached plans and drawings numbered PER No. 18-037-A to H. The Permit Holder shall not carry out any other physical activities unless expressly authorized by VFPA."
- D. On December 18, 2020, the Port Authority requested information from the Permit Holder to determine the extent of unauthorized works that had been carried out and to confirm what steps had been taken to manage any risks to the environment.
- E. On December 22, 2020, in response to the Port Authority's concerns Pacific Land Group, on behalf of the Permit Holder, provided an assessment report to confirm the extent of works carried out and the environmental management practices followed. The recommendations by the Pacific Land Group included removing the gravel and replanting the area with a native riparian seed mix in April/May 2021.
- F. On January 6, 2021, the Port Authority requested additional information from the Permit Holder regarding the unauthorized work, specifically pertaining to potential conflicts between the proposed restoration area and the works permitted under project permit PER No. 18-037, construction methods, and site access. A response was provided on January 7, 2021 by Pacific Land Group on behalf of the Permit Holder.

- G. On January 21, 2021, the Port Authority determined that the Permit Holder also failed to comply with conditions 8, 12a, 16-20, 22-23, 25-26, and 32-33 pertaining to the construction of the unauthorized gravel road.

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 12a: *"The Permit Holder shall prepare and submit a self-report form to VFPA demonstrating compliance with conditions at each of the following project phases: Prior to construction Conditions (self-report shall be submitted a minimum of 15 business days prior to the commencement of construction, or any physical activities, to a maximum of 90 business days prior to construction, or any physical activities)."*

Condition 16: *"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. The Permit Holder shall include confirmation that rail design drawings have been reviewed and approved by CN Rail Engineering."* (Submission timing: 5 business days before commencing construction or any physical activities)

Condition 17: *"The Permit Holder shall provide a draft construction notice to VFPA's satisfaction in accordance with VFPA's Public Consultation Guidelines."* (Submission timing: 20 business days before commencing construction or any physical activities)

Condition 18: *"The Permit Holder shall distribute construction notice to residents and businesses to an area. This shall be completed to VFPA's satisfaction. The Permit Holder shall notify VFPA when such distribution has been completed."* (Submission timing: 10 business days before commencing construction or any physical activities)

Condition 19: *"The Permit Holder shall submit a construction parking and traffic management plan to VFPA's satisfaction. The Permit Holder shall carry out the Project in accordance with the construction parking and traffic management plan, and any updates made to VFPA's satisfaction."* (Submission timing: 20 business days before commencing construction or any physical activities)

Condition 20: *"The Permit Holder shall submit an Archaeological Chance Find Procedure for the Project site, to VFPA's satisfaction. The Permit Holder shall carry out the Project in accordance with this Procedure, and any subsequent updates made to VFPA's satisfaction."* (Submission timing: 30 business days before commencing construction or any physical activities)

Condition 22: *"The Permit Holder shall provide a Project schedule to VFPA showing the anticipated start dates for all major phases of the Project as identified by VFPA."* (Submission timing: 20 business days before commencing construction or any physical activities)

Condition 23: *"The Permit Holder shall notify VFPA Environmental Programs, email: EnvironmentalPrograms@portvancouver.com."* (Submission timing: 2 business days before commencing construction or any physical activities)

Condition 25: *“The Permit Holder shall provide a vegetation mitigation plan to VFPA’s satisfaction. The vegetation mitigation plan shall include the location of replanting, the species of plants to be protected, and a schedule for post-planting assessments.”* (Submission timing: 20 business days before commencing construction or any physical activities)

Condition 26: *“The Permit Holder shall notify VFPA upon commencement of construction, or any physical activities (e.g., mobilization to the Project site).”*

Condition 32: *“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 VFPA’s satisfaction.”*

Condition 33: *“The Permit Holder, or their contractor, shall engage a qualified environmental professional to monitor the Project in order to ensure that the works are carried out in compliance with this Permit. Monitoring events shall take place as required by the environmental monitor, the Construction Environmental Management Plan, or VFPA, provided that monitoring will be full time when works are underway that have the potential to adversely affect fish or fish habitat.”*

- H. On January 21, 2021, the Port Authority determined there was insufficient information provided by the Permit Holder to confirm compliance with conditions 38 and 39 during the construction of the unauthorized gravel road.

Condition 38: *“Without limited the generality of permit condition #2, materials brought onto the project site 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.”*

Condition 39: *“Without limiting the generality of permit condition #2, the Permit Holder shall not, directly or indirectly: (a) deposit or permit the deposit of a deleterious substance of any type in water frequented by fish in a manner contrary to Section 36(3) of the Fisheries Act; or (b) adversely affect fish or fish habitat in a manner contrary to Section 35(1) of the Fisheries Act.”*

ORDERS:

The Port Authority orders that the Permit Holder:

- 1) Immediately cease all unauthorized works at 10880 Dyke Road, Surrey, and non-compliant works pertaining to project permit PER No. 18-037.
- 2) Expeditiously and with all due diligence, restore the site to the same or better condition existing immediately prior to commencement of work not authorized by the Port Authority. The recommendations provided in the Pacific Land Group’s December 22, 2020 report shall be followed which include:
 - a. Removing gravel from the 10 metre setback;
 - b. Applying a native riparian seed mix to the area;
 - c. Conducting the work in April/May 2021 under the supervision of an Environmental Monitor; and
 - d. Implementing appropriate erosion and sediment control practices during the restoration works, as outlined in the Construction Environmental Management Plan dated September 23, 2020, prepared by Pacific Land Group in relation to PER No. 18-037.

- 3) Submit a more detailed vegetation mitigation plan for the restoration area to the Port Authority's satisfaction as required in condition 25, including the schedule for post-planting assessments.
- 4) Adhere to conditions 1-5, 24-30, and 32-39 of project permit PER No. 18-037 during the restoration works. The restoration works must proceed in a timely manner, and may need to be carried out prior to the site development specified in project permit PER No. 18-037. As such, the restoration works may proceed prior to the fulfillment of the "prior to commencing construction or any physical activities conditions" specified in project permit PER No. 18-037.
- 5) Coordinate all employees, agents, contractors, licensees and invitees working on the Project site to attend a Port Authority Compliance, Monitoring and Enforcement Information Session. This information session should be completed by March 31, 2021.
- 6) Provide documentation by May 31, 2021 confirming that the above steps have been taken to the Port Authority's satisfaction.

ADDITIONAL INFORMATION:

Requests to appeal this Restoration Order must be emailed to PER@portvancouver.com within 20 business days of the date hereof. All supporting documents should be submitted with a request for appeal.

The Port Authority reserves all of its right to exercise any of its rights, remedies, powers and privileges, under the Licence, at law and in equity.

Should you have any questions please contact the undersigned at 604.665.9384. Thank you for your cooperation regarding this matter.

Vancouver Fraser Port Authority

ORIGINAL COPY SIGNED

Jennifer Natland
Director, Planning and Development