



PORT of
vancouver

Vancouver Fraser
Port Authority

Project and Environmental Review guidelines

Independent monitors and monitoring work plans

Vancouver Fraser Port Authority

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1. Introduction

Category D and designated project permits issued under the Project and Environment Review (PER) process require permit holders to engage an independent monitor (IM). The IM assists the Vancouver Fraser Port Authority in confirming projects are constructed in accordance with the project permit conditions.

2. Overview

This guideline is intended to clarify the expectations of the IM role and to identify typical components of, and facilitate the development of, an effective monitoring work plan that meets the requirements of the port authority.

The monitoring work plan is required to be submitted to the port authority as a written document following the general outline presented in this guideline. In addition to each of the monitoring work plan components, permit holders should provide any supporting documents, including verification of the IM's qualifications.

Please note that this document is intended as guidance only. The port authority at its sole discretion will determine the minimum requirements and adequacy of a monitoring work plan through discussion and review of related activities, operations and site conditions.

2.1. Monitoring work plan components

The port authority requires Category D and designated project permit holders to submit a monitoring work plan for approval prior to the start of any construction-related activities. The monitoring work plan is a document created by the permit holder to outline the responsibilities and expectations of the IM. Each monitoring work plan is unique to the specific project and will differ based on the complexity of the project, work activities being undertaken, timing of activities and permit conditions associated with the project

The monitoring work plan will generally include the following components:

- Roles and responsibilities
 - Qualifications
- Frequency of site visits
- Reporting and communication
 - Reporting requirements
 - Stop work orders
 - Key contacts

Further details for each item are identified in the sections below.

2.2. Roles and responsibilities

IMs are responsible for reviewing the construction environmental monitoring reports and onsite construction activities for compliance. Unlike an environmental monitor (EM), IMs are responsible for monitoring compliance with both environmental and other construction-related activities, including confirmation of appropriate building permits, traffic management plans and subsequent plans approved as part of the project scope. Differentiation between the EM and IM roles is provided in Appendix A.

In some instances, the IM may find that permit conditions relate to other regulatory agency authorizations outside of the port authorities own jurisdiction (e.g., *Species at Risk Act*, *Fisheries Act*). The IM is not expected to monitor the conditions on each of these authorizations but rather to inform the port authority of any activities that may contravene other permits referred to in the project permit. The port authority will notify the appropriate agency as required.

2.2.1. Qualifications

In general, the port authority requires an IM to have the following qualifications:

- A minimum of five years of experience monitoring related types of construction
- Suitable education and knowledge demonstrating that they may be reasonably relied on to provide advice within their area of expertise

The IM cannot be an employee of the permit holder’s organization, nor an employee of any contractor or consultant retained by the permit holder to work on the project in any other capacity. The permit holder should nominate at least three appropriately qualified candidates. Résumés of qualified IMs shall be submitted with the monitoring work plan for approval by the port authority prior to engagement. Nominating three IMs will allow flexibility in cases where a specific individual is absent or not available to attend the site.

2.3. Frequency of site visits

Site visit frequency may vary based on the activities associated with the project. Permit holders and IMs may wish to use a risk-based approach to determine site visit frequency (see Table 1). For instance, more frequent site visits may occur during higher risk activities such as in water work or activities with potential to affect contaminated sites.

The site visit frequency, along with the rationale, will be proposed by the permit holder as part of the monitoring work plan to be approved by the port authority.

1.Examples to help determine site visit frequency

Potential risks of project activities	Frequency of site visits
<p>Moderate to high</p> <p><i>Examples of higher risk activities:</i></p> <ul style="list-style-type: none"> • In-water work within the fish window • Upland works or vegetation clearing near species-at-risk critical habitat • Upland work during the bird nesting period • Works in close proximity to, or with potential to affect, contaminated sites or archeological sites • Any other activities identified by the IM as having potential adverse impacts 	<ul style="list-style-type: none"> • Weekly to bi-weekly
<p>Low to moderate</p> <p><i>Examples of lower risk activities:</i></p> <ul style="list-style-type: none"> • Vegetation clearing of invasive species • Construction of infrastructure not impacting critical or sensitive habitat • Work outside of sensitive timing windows 	<ul style="list-style-type: none"> • Bi-weekly to monthly

2.4. Reporting and communication

2.4.1. Reporting requirements

The IM is responsible for providing a written report following each site inspection, including a summary of construction activities being undertaken and observations made and identifying any areas of non-compliance. Reports are simultaneously submitted to both the port authority and permit holder.

General non-compliances that do not pose immediate adverse risks to the environment should be discussed with the EM on site. Any recommendations or suggestions made by the IM shall be reported to both the permit holder and port authority as part of the site visit reports.

For activities that pose immediate adverse risks to the environment, a stop work order will be issued.

2.4.2. Stop work orders

The permit holder must provide the IM the authority to issue stop work orders in circumstances that pose immediate risk to the environment or public. The issuing of a stop work order must be immediately reported to the port authority, followed by a written report outlining the circumstances of the stop work order and any subsequent actions that were taken by the permit holder.

In instances where project permit conditions relate to other regulatory agency authorizations including under the *Species at Risk Act* or *Fisheries Act*, the IM should contact the port authority immediately to notify of any suspected contravention and to determine whether a stop work order should be issued. The port authority will notify the appropriate authority, as required.

2.4.3. Key contacts

Contact information and position titles must be provided for each IM. This list of contacts is used as a reference throughout the construction of the project and should be updated as changes occur.

3. Access to documentation

IMs require unlimited access to documents that may assist in making determinations on site (e.g. permit amendments, management plans, building permits, permit extensions, safety plans, etc.). These documents are typically provided by the permit holder or may be requested from the port authority.

Once the IM and monitoring work plan are approved by the port authority, an initial meeting between the IM and port authority staff will be arranged. The permit holder will also be given the opportunity to attend this meeting, although not required. During this meeting the port authority will address any questions or concerns the IM may have in relation to the permit and expectations of their role.

Appendix: Frequently asked questions

1. What is the difference between an environmental monitor (EM) and an independent monitor (IM)?

Parameter	Environmental monitor	Independent monitor
Reporting relationship	<ul style="list-style-type: none"> Provides reports directly to the contractor and/or permit holder. 	<ul style="list-style-type: none"> Acts as a third-party neutral observer. Although engaged by the permit holder, the IM reports to the port authority on compliance with permit conditions. The IM reports directly to both the port authority and permit holder simultaneously.
Relationship to construction	<ul style="list-style-type: none"> May be fully integrated into the construction team and/or hired directly by the contractor. 	<ul style="list-style-type: none"> Routinely interacts with the construction team and permit holder representatives Independent and not fully integrated with the construction team.
Frequency of presence on site	<ul style="list-style-type: none"> Involved in the day-to-day project activities. 	<ul style="list-style-type: none"> Site visit frequency is proposed by the permit holder in the monitoring work plan. Site visit frequency may vary depending on project activities and timelines, with higher risk activities requiring a more frequent site presence.
Role	<ul style="list-style-type: none"> Monitors construction to ensure the project is developed in accordance with key environmental legislation (e.g., Fisheries Act, Species at Risk Act etc.) Provides advice to the construction team, contractor, and/or permit holder to reduce environmental risk prior to, during and following construction activities Provides planning inputs to proactively prepare for work activities and help mitigate adverse effects. 	<ul style="list-style-type: none"> Inspects construction to verify whether the project is developed in accordance with all applicable laws Monitors all permit conditions and are not restricted to only environmental permit conditions Reviews environmental monitoring reports submitted by the EM Must have an understanding of approved plans and sub plans included as part of the project permit May be directed by the port authority to provide further information or evidence to inform compliance oversight and effective enforcement.
Stop work authority	<ul style="list-style-type: none"> Permit holder and/or contractor chooses whether to delegate stop work authority. 	<ul style="list-style-type: none"> Permit holder and/or contractor are required to grant stop work authority through the monitoring work plan.
Qualifications	<ul style="list-style-type: none"> Often qualified professionals with experience in monitoring construction. 	<ul style="list-style-type: none"> Qualified professional with a minimum of 5 years' experience in monitoring construction.

2. How can an IM be independent if they are paid by the permit holder?

Although IMs are engaged by the permit holder, their responsibility is to independently observe, record and report information to the port authority and permit holder simultaneously.

The port authority and permit holder provide the IM unlimited access to all project-related documents, reports and activities relating to the site. If the port authority has reason to believe that the IM is not acting independently, the port authority may investigate to ensure that all measures are being taken to allow the third-party monitor to conduct their duties in an unrestricted manner. If the IM is not acting independently, this would be considered a non-compliance under the project permit and the port authority may determine that enforcement is required.

3. Can IMs give suggestions to the permit holder and contractors without informing the port authority?

The IM is expected to communicate transparently with all parties. If suggestions or recommendations are made to the permit holder or contractors, these will be documented and communicated with the port authority through IM reports as required by the approved monitoring work plan.

4. Can IMs direct contractors?

No, it is not the responsibility of the IM to direct work except if the IM determines a stop work order is required. Directing work would result in a conflict of interest and would prevent the IM from monitoring as a neutral observer.

5. Do IMs have access to the environmental monitoring reports submitted by the EM?

Yes, EM reports will be provided to the IM once submitted to the port authority.

6. How do IMs engage with the permit holder when the permit holder is funding the IM position under the project permit?

The role of the IM is discussed with the permit holder prior to the IM being engaged. The permit holder is made aware that the IM role is an independent position and that the monitoring work plan will reflect the scope of the work of the IM. The IM does not work in conjunction with the EM nor are they expected to provide advice or recommendations to the permit holder. If however, the IM does provide advice to the permit holder, the IM must inform the port authority of these discussions through the IM report submission.

7. Can the port authority direct the IM to do work outside of the monitoring work plan scope?

No, however, if the port authority has reason to believe that a non-compliance has occurred, the port authority may request further evidence or information from the IM to confirm the non-compliance.

8. How are documents shared with the IM?

Documents are shared with the IM through email correspondence and may also be provided as a hard copy by the permit holder. The IM can request documents from the permit holder or the port authority if they believe they have been overlooked in correspondence that may be important for them to perform their role effectively.

9. Do IMs follow up on non-compliances that have been reported to the port authority while on site?

Yes, the site visit reports submitted by the IM should identify any non-compliances on site. These will remain on future reports to track progress. If the port authority determines a pattern in non-compliances that have not been resolved, then enforcement actions may be issued.

10. Does the port authority provide clarification of how many anticipated management plans and permits IMs are required to review?

Associated plans are typically referenced in the project permit; however, the number of plans associated with the permit will vary depending on the complexity of the project, what activities are occurring on site and what the environmental, community and cultural impacts may be.