



PORT METRO
vancouver

Project & Environmental Review

Guidelines for Designated
Projects

October 2015

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1. PREAMBLE

This document is intended to provide guidance on Port Metro Vancouver's process for reviewing "Designated Projects" as defined by the *Canada Environmental Assessment Act, 2012* (CEAA 2012). This document supplements the Port Metro Vancouver Project and Environmental Review Application Guide and related supporting materials and guidelines.

2. GUIDING PRINCIPLES

For that portion of a Designated Project proposed to be located on land and/or waters managed by Port Metro Vancouver, the following guiding principles will apply:

- Port Metro Vancouver will retain its own regulatory responsibilities and will respect principles of procedural fairness.
- Port Metro Vancouver's review and decision on a project permit application will be made pursuant to these guidelines and other applicable requirements.
- Port Metro Vancouver will rely upon the Environmental Assessment administered by the Responsible Authority to the extent that the process and outcomes satisfies Port Metro Vancouver Project and Environmental Review process.
- Port Metro Vancouver will ensure the Crown's duty to consult Aboriginal groups is discharged with respect to Port Metro Vancouver decisions.

3. LEGAL CONTEXT

Under the *Canada Marine Act*, Port Metro Vancouver is required to address its responsibilities related to the use and development of port lands, which includes, the construction and operation of a Designated Project proposed to be located on lands and/or waters managed by the port authority. Under the CEAA 2012, Port Metro Vancouver can only make a decision that would allow a Designated Project to proceed after the Environmental Assessment is complete and an environmental assessment decision statement has been issued, stating that:

- With the implementation of the conditions set out in the decision statement, the Designated Project is not likely to cause significant adverse environmental effects, or
- The significant adverse environmental effects that the Designated Project is likely to cause after the implementation of the conditions are justified in the circumstances.

Designated Projects proposed to be located in whole or in part on land and/or waters managed by Port Metro Vancouver require:

- (a) a determination through the Environmental Assessment that the project is not likely to cause significant adverse environmental effects or that such effects could be justified;
- (b) a Port Metro Vancouver Project Permit; and
- (c) approvals or authorizations from other federal regulators as applicable.

4. PROCEDURAL ASPECTS

For that portion of a Designated Project proposed to be located on land and/or waters managed by Port Metro Vancouver, the following procedural aspects will apply to Port Metro Vancouver's Project and Environmental Review process and are summarized in Figure 1: Project and Environmental Review Process for Designated Projects.

4.1 PRELIMINARY REVIEW

- Prior to initiating the Environmental Assessment, Proponents of a Designated Project should:
 - Obtain consent from Port Metro Vancouver Real Estate for proposing to locate any portion of the Designated Project on land and/or waters managed by Port Metro Vancouver; and
 - Consult with Port Metro Vancouver to identify the information that Port Metro Vancouver requires to be reviewed through the Environmental Assessment and/or through Port Metro Vancouver's Project and Environmental Review process in order to make a decision on a Project Permit application.
- Port Metro Vancouver will participate in the Environmental Assessment process as applicable and in the manner and to the extent it determines appropriate to address Port Metro Vancouver interests and to minimize duplication of review through the Port Metro Vancouver Project and Environmental Review process.
- Prior to submitting a Project Permit application for a Designated Project, Proponents should consult with Port Metro Vancouver to identify the information, analysis, conclusions and outcomes, including conditions of approval, from the Environmental Assessment process that may help inform the Port Metro Vancouver Project and Environmental Review process.

4.2 GENERAL DIRECTIONS

- Port Metro Vancouver's review of a Project Permit application will address only those aspects of the Designated Project that are applicable to Port Metro Vancouver's Project and Environmental Review process and may include:

- Matters that have been satisfactorily addressed in the Environmental Assessment but for which additional detail is required to support Port Metro Vancouver's review; and
- New issues or information that was not previously considered in the Environmental Assessment but which is applicable and relevant to Port Metro Vancouver's review.
- Port Metro Vancouver may accept a Project Permit application once the Responsible Authority has issued to the designated Minister its Environmental Assessment report stating their conclusions regarding the potential environmental effects of the project, the mitigation measures that were taken into account and the significance of the remaining adverse environmental effects.
- Expected time for review of a Designated Project that has completed a review through the Environmental Assessment is up to 60 business days following Port Metro Vancouver's acceptance of a complete Project Permit application as described in the Port Metro Vancouver Project and Environmental Review Application Guide.
- Port Metro Vancouver will make its decision on the Project Permit application only after an Environmental Assessment decision statement has been released. Should the Environmental Assessment decision statement differ from the Environmental Assessment report, Port Metro Vancouver may require the Proponent to amend their Project Permit application accordingly, as described in the Port Metro Vancouver Project and Environmental Review Application Guide, or withdraw their application.

4.3 CONSULTATION WITH ABORIGINAL GROUPS

- Following Port Metro Vancouver's acceptance of a complete Project Permit application for the Designated Project, Port Metro Vancouver will notify those Aboriginal groups that participated in the Environmental Assessment process and whose asserted or established Aboriginal and Treaty rights may be adversely impacted by the portion of the Designated Project proposed to be located on land and/or waters managed by Port Metro Vancouver. This notification will advise on the following:
 - The manner and extent to which Port Metro Vancouver intends to rely upon the information, analysis, conclusions and outcomes of the Environmental Assessment
 - The manner and extent to which Port Metro Vancouver intends to rely upon the Aboriginal consultation undertaken in the Environmental Assessment process.
- In addition, Port Metro Vancouver may undertake or direct the Proponent to undertake additional consultation with Aboriginal groups for that portion of the Designated Project subject to further review by Port Metro Vancouver in general accordance with the Port Metro Vancouver guidelines entitled Aboriginal Consultation – Information for Applicants.

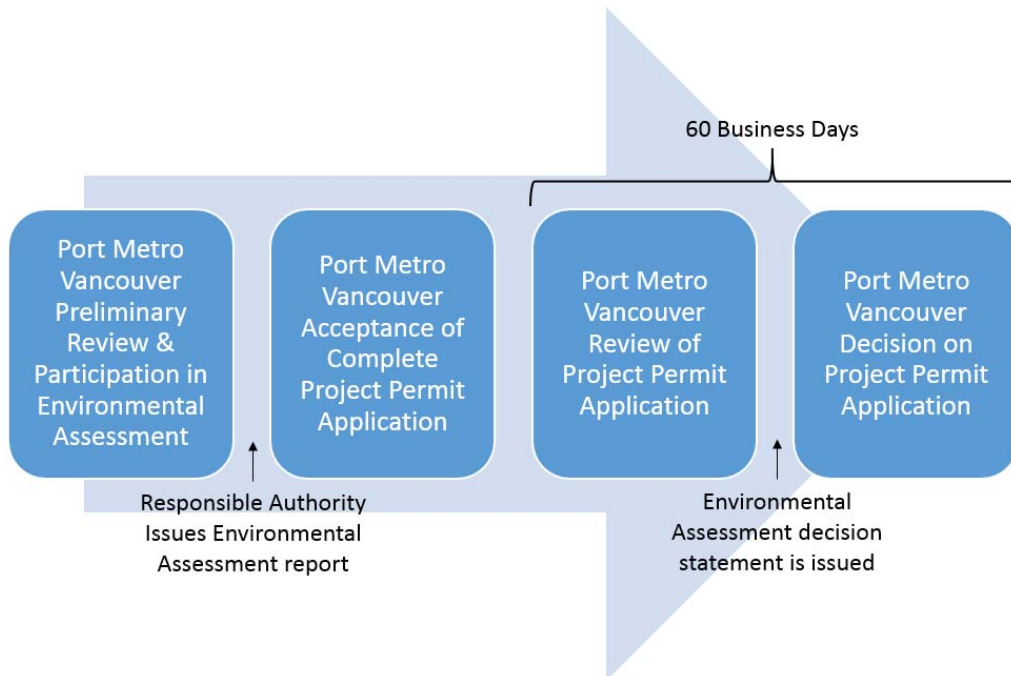
4.4 STAKEHOLDER & PUBLIC CONSULTATION

- Port Metro Vancouver may undertake, or direct the Proponent to undertake, additional consultation with stakeholders and the public for that portion of the Designated Project subject to review by Port Metro Vancouver in general accordance with the Port Metro Vancouver guidelines entitled External Guidelines for Public Consultation and Guidelines – Stakeholder Consultation.

4.5 APPLICATION DOCUMENTS

- The Proponent is required to submit a completed Project Permit application form for a Designated Project (attached) with accompanying documentation.
- The application documents should clearly identify the information, analysis, conclusions and outcomes from the Environmental Assessment process, and material that is derived from other sources.
- The application documents should include only information relevant to Port Metro Vancouver's review and should not include information pertaining to aspects of the project beyond the lands and/or waters managed by Port Metro Vancouver.
- Application documents that are excerpted from original documents previously filed in the Environmental Assessment should identify the original document.
- The application documents should include a summary of all consultation activities undertaken pursuant to the Environmental Assessment and related to those aspects of the Designated Project subject to review by Port Metro Vancouver. Consultation summaries should be provided in a format agreed to in advance with Port Metro Vancouver and shall include a summary of comments received and the response by the Proponent to address those comments. Separate summaries should be provided for each applicable group including the public, other stakeholders and Aboriginal groups.
- Port Metro Vancouver will endeavour to post all application documents on its website within one week of confirmation that the submitted Project Permit application is complete.

Figure 1: Project and Environmental Review Process for Designated Projects



5. DEFINITIONS

In this document, the following terms have the same meaning as in the CEAA 2012 and are reproduced here:

Designated Project - one or more physical activities that

- (a) are carried out in Canada or on federal lands;
- (b) are designated by regulations made under paragraph 84(a) of the CEAA 2012 or designated in an order made by the Minister under subsection 14(2) of the CEAA 2012; and
- (c) are linked to the same federal authority as specified in those regulations or that order.

It includes any physical activity that is incidental to those physical activities.

Environmental Assessment - an assessment of the environmental effects of a designated project that is conducted in accordance with the CEAA 2012.

Proponent - the person, body, federal authority or government that proposes the carrying out of a designated project.

Responsible Authority - the authority that is referred to in section 15 [of the CEAA 2012] with respect to a designated project that is subject to an environmental assessment, and is:

- (a) the Canadian Nuclear Safety Commission, in the case of a designated project that includes activities that are regulated under the Nuclear Safety and Control Act and that are linked to the Canadian Nuclear Safety Commission as specified in the regulations made under paragraph 84(a) of the CEAA 2012 or the order made under subsection 14(2) of the CEAA 2012;
- (b) the National Energy Board, in the case of a designated project that includes activities that are regulated under the National Energy Board Act or the Canada Oil and Gas Operations Act and that are linked to the National Energy Board as specified in the regulations made under paragraph 84(a) of the CEAA 2012 or the order made under subsection 14(2) of the CEAA 2012;
- (c) the federal authority that performs regulatory functions, that may hold public hearings and that is prescribed by regulations made under paragraph 83(b) of the CEAA 2012, in the case of a designated project that includes activities that are linked to that federal authority as specified in the regulations made under paragraph 84(a) of the CEAA 2012, or the order made under subsection 14(2) of the CEAA 2012; or
- (d) the Canadian Environmental Assessment Agency (the Agency), in the case of a designated project that includes activities that are linked to the Agency as specified in the regulations made under paragraph 84(a) of the CEAA 2012 or the order made under subsection 14(2) of the CEAA 2012.

6. REFERENCES

- Canadian Environmental Assessment Act, 2012
- Port Metro Vancouver Project and Environmental Review Application Guide
- Port Metro Vancouver Aboriginal Consultation – Information for Applicants
- Port Metro Vancouver External Guidelines for Public Consultation
- Port Metro Vancouver Guidelines – Stakeholder Consultation

7. CONTACT INFORMATION

If you require clarification, or assistance with respect to these guidelines, please contact the Planning and Development department at 604.665.9047 or PER@portmetrovancover.com

8. UPDATES

These guidelines are available for viewing and downloading from our website (www.portmetrovancover.com). To ensure that you are referring to the most up-to-date document, please reference the version date clearly indicated on the front page.



Project Permit Application Form for Designated Projects

Information in this form and attached documents may be made public and sent to other authorities during the Project and Environmental Review Process and is subject to the *Access to Information Act*.

The following fees will apply: *Please contact Port Metro Vancouver Planning and Development to discuss the application fee. A documentation deposit equal to 1% of project cost (min. \$1500 - max. \$10,000) will apply. Cheques must be made payable to Port Metro Vancouver. Payment will be processed when Port Metro Vancouver considers the application to be complete. Document deposits will be returned upon completion of construction and submission of as-built drawings.*

PROJECT TITLE
NAME OF PORT METRO VANCOUVER PRELIMINARY REVIEW PROJECT LEAD

SECTION A. CONTACT INFORMATION

TENANT OR COMPANY NAME	
ADDRESS	
PRIMARY CONTACT NAME	CONTACT COMPANY AND POSITION
ADDRESS	
PHONE	EMAIL
SECONDARY CONTACT NAME	CONTACT COMPANY AND POSITION
ADDRESS	
PHONE	EMAIL

SECTION B. PROJECT LOCATION

If the project location is not the same as the tenant address provided in Section A, please attach a map such as a Google satellite screen shot indicating the location of the project, and a site plan showing the project area and components.

STREET ADDRESS OR LOCATION DESCRIPTION
MUNICIPALITY

SECTION C. ESTIMATED COST AND PROPOSED TIMING AND DURATION OF PROJECT

ESTIMATED PROJECT COST	DOCUMENTATION DEPOSIT AMOUNT (1% OF PROJECT COSTS TO MAX. \$10,000)
PROPOSED START DATE (YYYY-MM-DD)	PROPOSED COMPLETION DATE (YYYY-MM-DD)
WILL ALL CONSTRUCTION ACTIVITIES TAKE PLACE MONDAY TO SATURDAY BETWEEN 7:00 AM AND 8:00 PM EXCLUDING HOLIDAYS? IF NO, PLEASE DESCRIBE PROPOSED CONSTRUCTION HOURS AND RATIONALE.	

SECTION D. PROJECT SUMMARY

Please provide a brief summary of the project including the purpose of the project and all proposed works.

Attach detailed project description, as required.

SECTION E. STATUS OF ENVIRONMENTAL ASSESSMENT

Please identify the current status of the Environmental Assessment for the Designated Project.

- The Responsible Authority has released the Environmental Assessment report but a determination on the significance of adverse environmental effects has not been made.
- A determination has been made on the significance of potential adverse environmental effects that finds:
 - With the implementation of the conditions set out in the decision statement, the project is not likely to cause significant adverse environmental effects; or,
 - The significant adverse environmental effects that the project is likely to cause after the implementation of the conditions are justified.

Attach a copy of the Environmental Assessment decision statement if applicable.

SECTION F. LIST OF RELEVANT PLANS, STUDIES, REPORTS AND OTHER DOCUMENTS

Please list the relevant plans, studies, reports and other documents that are attached to the application and identify all materials that formed the submission to the Responsible Authority for the Environmental Assessment.

Attach plans and reports.

SECTION G. SUMMARIES OF CONSULTATION

Please list all consultation summary reports that are attached to the application. A separate report should be provided for each applicable group including the public, other stakeholders and Aboriginal groups.

Attach consultation summary reports.

SECTION H. OTHER REGULATORY APPROVALS

In addition to the Environmental Assessment, has the project been submitted for review to another agency or regulatory authority (e.g. Environment Canada for a Disposal at Sea Permit)? If yes, describe.

SECTION I. BUILDING PERMITS

Are there structures that are considered to be reviewable under the 2010 National Building Code and National Fire Code?

YES NO

Will the submission of building permits be phased? If yes, please attach schedule describing each phase.

YES NO

SECTION J. SIGNATURE

By signing this application, you certify that the information provided in this application form and supporting documentation is correct to the best of your knowledge.

FOR OFFICE USE ONLY (TO BE COMPLETED BY PORT METRO VANCOUVER)

PROJECT REVIEW NUMBER	SID	CATEGORY DETERMINATION
NOTES		
RECEIVED DATE (YYYY-MM-DD)	REVIEW BY MANAGER	ASSIGNED TO