

**IN THE MATTER OF  
THE ENVIRONMENTAL ASSESSMENT ACT, S.B.C. 2002, c. 43 (THE ACT)**

**AND**

**IN THE MATTER OF  
AN APPLICATION FOR AN ENVIRONMENTAL ASSESSMENT CERTIFICATE**

**BY**

**VANCOUVER PORT AUTHORITY  
(THE PROPONENT)**

**FOR THE**

**DELTAPORT THIRD BERTH PROJECT  
(THE PROJECT)**

**ENVIRONMENTAL ASSESSMENT CERTIFICATE T06-01  
(THE CERTIFICATE)**

**Whereas:**

- A. The Proponent proposes to construct and operate, through a terminal operator, an expansion to the existing Deltaport container terminal at Roberts Bank. The expansion consists of extending the existing wharf structure to accommodate a third container ship, the Third Berth configuration. The expansion project also requires a new container servicing yard, additional rails within the existing right-of-way and improvements to Highway #17 in Delta, British Columbia (the Project);
- B. The Project constitutes a reviewable project pursuant to Table 14(4) of the *Reviewable Projects Regulation* (B.C. Reg. 370/02), as the construction of the Project will include more than 2 hectares of physical disturbance on submerged Crown land below the natural boundary of a marine coastline;
- C. On March 18, 2003, the Environmental Assessment Office (EAO) issued an order under section 10(1)(c) of the Act, stating that the Project requires an environmental assessment certificate;
- D. On February 9, 2005, the Project Assessment Director, having been delegated certain statutory and regulatory powers by the Executive Director in accordance with section 4(1)(a) of the Act, accepted for review an application filed by the Proponent for an environmental assessment certificate (the Application) for the Project, and established a public comment period for the Application;
- E. On February 24, 2005, the Project Assessment Director determined that the

notification and consultation measures undertaken and proposed by the Proponent for both the public and First Nations were adequate;

- F. The Application and supplementary information provided during the course of the assessment (as listed in Schedule A) were made available for review by the public and by representatives from federal, provincial and local government agencies, and by First Nations in the vicinity of the Project, assessed to have an interest in the Project's review under the Act;
- G. The Project Assessment Director prepared a report on the potential effects of the Project entitled the "Deltaport Third Berth Project Assessment Report" (the Assessment Report);
- H. The Executive Director has referred the Application, supporting documents as listed in Schedule A to this Certificate (the Supporting Documents), the Assessment Report, and Recommendations of the Executive Director and Reasons for Recommendations pursuant to s.17 of the Act, to the Minister of Environment (the Minister) and the Minister of Transportation, (hereafter the Ministers); and
- I. The Ministers have considered the Application, the Supporting Documents, the Assessment Report, and the Recommendations of the Executive Director and Reasons for Recommendations.

**Now Therefore,**

The Ministers, pursuant to s.17(3) of the Act, hereby issue this Certificate to the Proponent for the Project, subject to the following conditions (the Conditions):

**Conditions**

- 1. The Proponent must cause the Project to be designed, located, constructed, and operated in accordance with the Conditions of this Certificate and the documents listed in Schedule A and must comply with all of the Conditions of this Certificate to the reasonable satisfaction of the Minister.
- 2. Where, in the reasonable opinion of the Minister, there is a conflict or inconsistency between any of the documents listed in Schedule A, Condition 1 must be interpreted so that the contents of the later dated document will vary, repeal, rescind or supersede, as the case may be, the contents of the earlier dated documents listed in Schedule A.
- 3. Where, in the reasonable opinion of the Minister, there is a conflict or inconsistency between any of the documents listed in Schedule A and the Conditions which follow, these Conditions must take precedence over and supersede the contents of the documents listed in Schedule A.
- 4. Despite Condition 1 above, if prior to the start of operation of the Project, the Proponent proposes a material change to the design, location, construction, or

operation of the Project as described in the documents listed in Schedule A, and the change may in the opinion of the Executive Director have the potential for significant adverse effects, the Proponent must then provide to the Executive Director:

- a) an application in writing to amend the Certificate pursuant to s.19(1) of the Act; and,
  - b) plans, analysis, records and other information necessary for an effective assessment by the Executive Director of the proposed change.
5. The Proponent must submit a report to the Executive Director on the status of compliance with the Conditions of this Certificate and the commitments made in documents listed in Schedule A two weeks prior to start of significant surface disturbance during construction, four weeks prior to start of operations and one year after the start of operations of the Project.
6. This Certificate is of no force or effect until signed by the Ministers.
7. This Certificate does not constitute a permit, licence, approval or any other authority required under any other enactment.
8. The Proponent, except in connection with granting security to Project lenders or other financing entities or financing facilities, must obtain the written consent of the Minister, such consent not to be unreasonably withheld, prior to disposing, whether legally, beneficially or otherwise, of:
- a) this Certificate, or any right, title or interest conferred by this Certificate; or
  - b) the Project.

### **Duration of Certificate**

9. The Proponent must have, in the reasonable opinion of the Minister, substantially started the construction of the Project within five years of the date of issue of this Certificate, otherwise this Certificate expires.

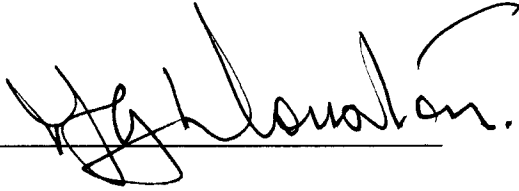
### **Suspension, Cancellation and Amendment of Certificate**

10. This Certificate may be subject to cancellation, suspension in whole or in part, amendments, or the attachment of new Conditions, for any of the following reasons:
- a) the Minister has reasonable and probable grounds to believe that the Proponent is in default of:
    - i. an order of the Courts under section 35(2), 45 or 47 of the Act;
    - ii. an order of the Minister made under section 34 or 36 of the Act; or,
    - iii. one or more requirements or Conditions of this Certificate; or

- b) the Proponent or its officers or employees when acting on behalf of the Proponent, have been convicted of an offence under the Act, with respect to the Project.

The Conditions of this Certificate are agreed to by the Proponent this

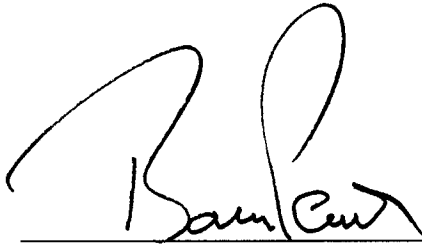
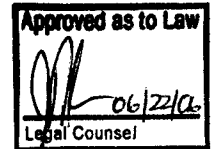
\_\_\_\_\_ day of \_\_\_\_\_, 2006



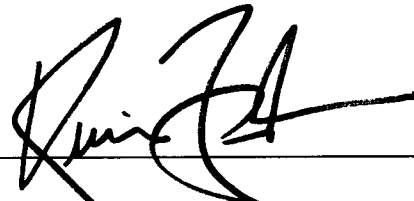
Capt. Gordon Houston  
President and CEO  
Vancouver Port Authority



Dean Readman  
Corporate Secretary  
Vancouver Port Authority



Honourable Barry Penner  
Minister of Environment



Honourable Kevin Falcon  
Minister of Transportation

Issued this 28<sup>th</sup> day of September, 2006, in Victoria, British Columbia.

## SCHEDULE A

### DOCUMENTATION AND CORRESPONDENCE FOR THE DELTAPORT THIRD BERTH PROJECT

1	February 24, 2003	D.J. Desjardin, Vancouver Port Authority (VPA) submitted Project Description to the Environmental Assessment Office (EAO).
2	June 14, 2004	D.J. Desjardin, VPA submitted Project Description, describing the proposed Project in as much detail as presently known, to the EAO.
3	February 11, 2005	Letter from D.J. Desjardin, VPA to Jan E. Hagen, EAO with final version of the Proponent's Application and Supporting Studies (one ring binder and 11 Technical Volumes on disc)
4	July 27, 2005	Letter from D.J. Desjardin, VPA to Jan E. Hagen, EAO re: Deltaport Third Berth Project – Clarification of Terminal Footprint, Tug Basin Design and Dredging Volumes.
5	November 9, 2005	Email with attachment from Denise Lok, VPA to Jan E. Hagen, EAO re: Deltaport Third Berth, Proposed Habitat Compensation Draft Report (November 2005)
6	November 17, 2005	Email with attachments from D.J. Desjardin, VPA to Jan E. Hagen, EAO re: Submission of Draft Deltaport Third Berth Project Adaptive Management Strategy (AMS) (November 2005).
7	December 2, 2005	Email with attachments from D.J. Desjardin, VPA to Karie Hardie, EAO re: Deltaport Third Berth EA revised Chapter 13 Air Quality November 2005.
8	December 2, 2005	Email with attachments from D.J. Desjardin, VPA to Karie Hardie, EAO re: Submission of Revised Chapter 23 Cumulative Effects Assessment.
9	February 13, 2006	Letter from Patrick McLaughlin, VPA to Jan E. Hagen, EAO re: Deltaport Third Berth Adaptive Management Strategy Agreement.
10	April 4, 2006	Letter from D.J. Desjardin, VPA to Jan E. Hagen, EAO re: Submission of Final Deltaport Third Berth Proposed Habitat Compensation Document (March 12, 2006).
11	April 4, 2006	Letter from D.J. Desjardin, VPA to Jan E. Hagen, EAO re: Submission of Updated Construction Schedule for Deltaport Third Berth Project.
12	June 16, 2006	Letter from D.J. Desjardin, VPA to Jan E. Hagen, EAO re: Deltaport Third Berth Project – Submission of Compendiums A,

		B, C, D and E (the "Final Compendiums") dated June 16, 2006 containing VPA's Responses to Agency, First Nations and Corporation of Delta comments on the Environmental Certificate Application, Thirteen Technical Volumes in support of the Application, and Four Addendum Documents.
13	June 19, 2006	Letter from Patrick McLaughlin, VPA to Jan E. Hagen, EAO re: Final Acceptance of the <i>Owner's Table of Commitments and Assurances</i> for the Deltaport Third Berth Project dated June 19, 2006.