Fisheries and Oceans Canada
Pêches et Océans Canada

Pacific Region
985 McGill Place
Kamloops, BC
V2C 6X6

Région du Pacifique
985 place McGill
Kamloops, BC
V2C 6X6

July 6, 2021

Our file *Notre référence*
21-HPAC-00499

BC Timber Sales
ATTENTION: Ken Yorston
1560 Highway 16 East
Box 190
Vanderhoof, BC
V0J 3A0

Via email: Ken.Yorston@gov.bc.ca

Subject: Crossing Replacement, Middle River, Fort St. James – Implementation of Measures to Avoid and Mitigate the Potential for Prohibited Effects to Fish and Fish Habitat

Dear Ken Yorston,

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on April 28, 2021. We understand that you propose to:

- Replace an 800 mm culvert conveying an unnamed tributary to the Middle River with a 15.24 m long steel girder bridge at Km 7 on the Leo-Middle FSR near Fort St. James, BC.

Our review considered the following information:

- Request for Review form and supporting documents received via email on April 28, 2021:
  - Environmental Management Plan (EMP) Km 7 Leo-Middle FSR, prepared by Profor Resource Development Inc., dated April 28, 2021.
- Emails between Riley Wall (FFHPP), Jocelyn White (Wildwood Professional Consulting Ltd.) and Ken Yorston (the Proponent).

Your proposal has been reviewed to determine whether it is likely to result in:

- the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the *Fisheries Act*; and

- effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the *Species at Risk Act*.

The aforementioned outcomes are prohibited unless authorized under their respective legislation and regulations.

To avoid and mitigate the potential for prohibited effects to fish and fish habitat (as listed above), we recommend implementing the measures listed below:

- Incorporate all avoidance, mitigation and monitoring measures outlined in the EMP listed above.
- Full-time environmental monitoring should be conducted by or under the supervision of a Qualified Environmental Professional (QEP) to ensure the delivery and effectiveness of the EMP and immediate corrective actions are taken as needed.
- Ensure downstream flows are maintained at all times.
- Avoid introducing sediments into the watercourse.
- Operate machinery from stable dry land.
- Limit impacts on riparian vegetation to those approved for the work or undertaking and re-vegetate all disturbed areas with native species suitable for the area.
- Maintain erosion and sediment control measures until the site has stabilized.
- Ensure the constructed channel mimics natural surrounding habitat and facilitates fish passage at all flow conditions.
- Incorporate features (i.e. boulders or large woody debris) throughout the new channel to limit flushing of newly placed streambed materials and create habitat complexity.
- Where applicable, incorporate DFO Interim Codes of Practice for End-of Pipe Fish Screens and Temporary Cofferdams and Diversion Channels as described on DFO's Projects Near Water website.
- All instream works should take place within an area previously isolated and salvaged for fish by a QEP during the appropriate Reduced Risk Instream Work Window or during low flow when works can be completed in the dry.

Provided that you incorporate these measures into your plans, the Program is of the view that your proposal is not likely to result in the contravention of the above mentioned prohibitions and requirements.

Should your plans change or if you have omitted some information in your proposal, further review by the Program may be required. Consult our website (http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html) or consult with a qualified environmental consultant to determine if further review may be necessary. It remains your responsibility to remain

in compliance with the *Fisheries Act*, the *Species at Risk Act* and the *Aquatic Invasive Species Regulations.*

It is also your *Duty to Notify* DFO if you have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat. Such notifications should be directed to (http://www.dfo-mpo.gc.ca/pnw-ppe/contact-eng.html) or to the DFO-Pacific Observe, Record and Report phone line at 1-800-465-4336.

We recommend that you notify this office at least 10 days before starting your project and that a copy of this letter be kept on site while the work is in progress. It remains your responsibility to meet all other federal, territorial, provincial and municipal requirements that apply to your proposal.

Please note that this Letter of Advice does not provide relief from the obligations set out in the government of British Columbia's Riparian Areas Protection Regulations (RAPR), and cannot be construed to provide authorization pursuant to section 3(2) of the RAPR, for any work, undertaking or activity within the Riparian Assessment Area. For more information on the RAPR, including contacts, please visit: https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/aquatic-habitat-management/riparian-areas-regulation.

Please note that the advice provided in this letter will remain valid for a period of 1 year from the date of issuance. If you plan to execute your proposal after the expiry of this letter, we recommend that you contact the Program to ensure that the advice remains up-to-date and accurate. Furthermore, the validity of the advice is also subject to there being no change in the relevant aquatic environment, including any legal protection orders or designations, during the 1 year period.

If you have any questions with the content of this letter, please contact Riley Wall at our Kamloops office by phone at (236) 334-3629 or by email at Riley.Wall@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.
Yours sincerely,

Rich McCleary

Richard McCleary
Fish and Fish Habitat Protection Program
Kamloops, BC

cc.: Jocelyn White, Profor Resource Development Inc., via email – jwhite@wildwoodgroup.ca.