



[REDACTED]
[REDACTED]
March 30, 2022

Attn: [REDACTED]

Dear Chief and Council:

Re: Site C – Notification of additional information regarding an existing approval under Sec. 9(1) of the *Navigation Protection Act (NPA)*, for Fish Habitat Compensation Structures located at/on 56° 12' 06.88"N 120° 50' 36.53"W, Peace River, Peace River – Side channel upstream of Old Fort, in the Province of British Columbia

We are writing to inform you that Transport Canada (TC) has received additional information from BC Hydro regarding file number 2017-500077.

Background Information

TC issued an approval to BC Hydro for file number 2017-500077, pursuant to Section 9(1) of the *Navigation Protection Act (NPA)* on May 18, 2017.

The approval concerned the construction of a Fish Habitat Compensation Structure that BC Hydro is required to complete as part of Fisheries Act authorizations for the Site C Project. The location spans a section of the Peace River, downstream, of the Site C dam site.

The additional information – Increased proposed Fish Habitat Compensation area

BC Hydro has proposed to expand the previously approved fish habitat compensation structure area. In the attached map, the area represented in red is the area previously approved. The increased fish habitat compensation area will encompass the area represented in green and may extend as far as the area represented in yellow.

Transport Canada is of the opinion that the proposed in water works will have no additional impacts to navigation considering the design and the location of the works and as such will be adding this information to the previously approved file.

Transport Canada Terms and Conditions

TC has a regulatory role for any works placed in, under, through or above a navigable waterway, as there is a potential interference with navigation. As TC has already previously approved the works, the Terms and Conditions will remain the same.



Enclosed for your reference is the updated plans. If you have any questions, please contact Eric Leung, Transport Canada by phone at 778-558-3422 or by email at Eric.Leung@tc.gc.ca

Sincerely,

Eric Leung
Navigation Protection Officer
Transport Canada

Cc:

TC – Kevin.Leung@tc.gc.ca

DFO – James.Chircoski@dfo-mpo.gc.ca

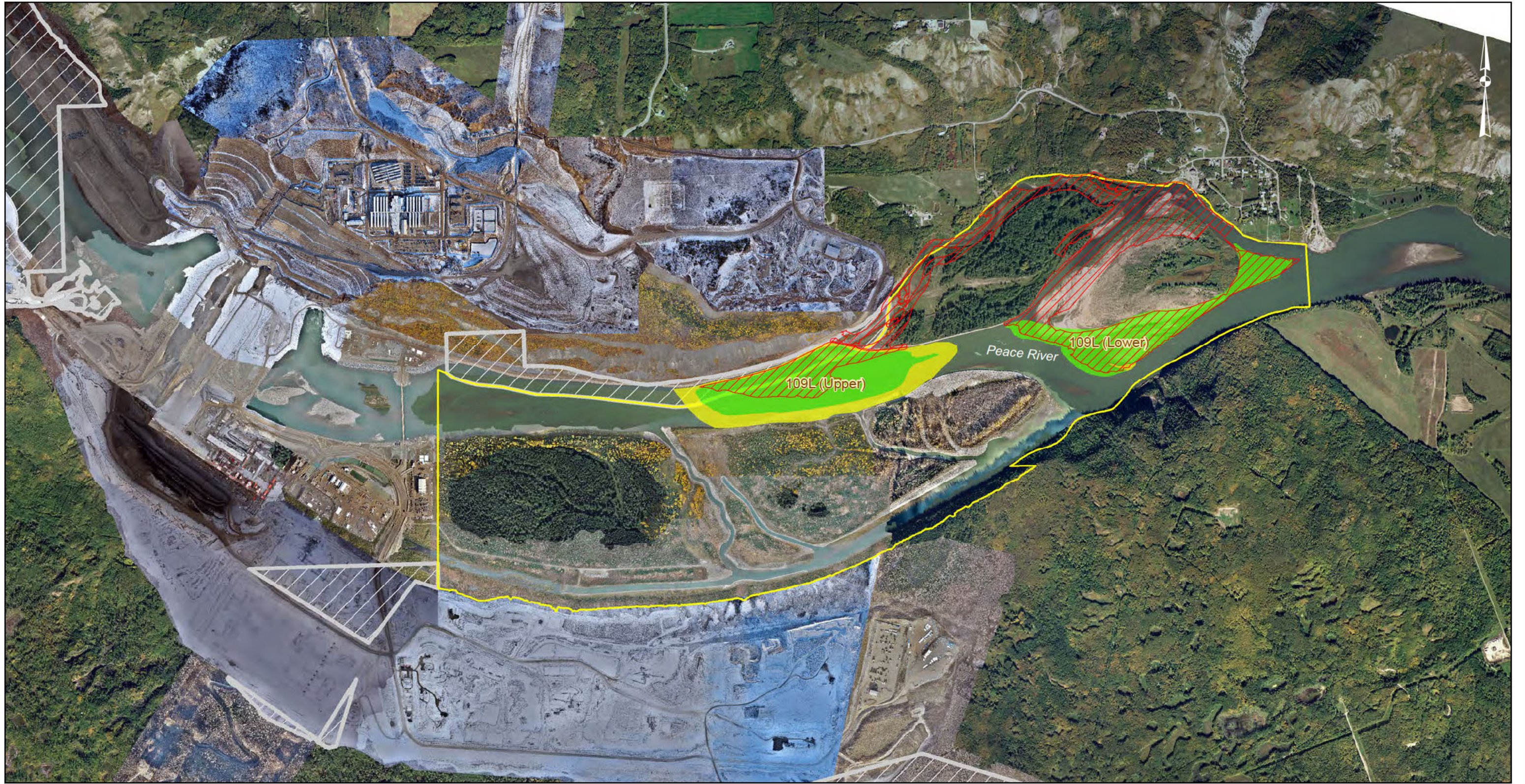
IAAC – iaac.compliance-conformite.aeic@canada.ca

Water Comptroller – Dave.Heikkila@gov.bc.ca

Candy, Meaghan, Meaghan.Candy@bchydro.com

von Muehldorfer, Karen, Karen.vonMuehldorfer@bchydro.com

encl: Plans



Map Notes:
 1. Datum: NAD83
 2. Projection: UTM Zone 10N
 3. Base Data: Province of B.C.
 4. Imagery Dates: 1:40,000 photos taken Sep. 10, 2007, and UAV mosaic current as of Dec 12, 2021

Legend

- Licence of Occupation (L815957)
- Dam Site Licence of Occupation (#815646)
- UPDATED: Peace River Downstream Habitat Enhancement Areas
- Potential Temporary Access
- PREVIOUS VERSION: Peace River Downstream Habitat Enhancement Areas

1:20,000 0 1 km

Canadian Navigable Waters Act Downstream Contouring Fish Habitat Enhancement Areas			
Date	March 4, 2022	DWG NO	1016-N11-01365
			R 1

Path: X:\ArcGIS\Projects\Permitting\Federal_Permitting\NWA_Application_Comparison_Downstream_Contouring_Fish_Habitat_Enhancement_Areas_1016_N11_01365.mxd



Navigation Protection Program
Suite 610, 800 Burrard Street
Vancouver B.C. V6Z 2J8

Your file

Our file
2017-500077

May 18, 2017

BC Hydro
Suite 600 - Four Bentall Ctr
1055 Dunsmuir St. PO Box 49260
Vancouver, BC V7X 1V5

Attention: Karen von Muehldorfer

RE: Notice to the Minister\permission to proceed under the *Navigation Protection Act* for Fish Habitat Compensation Structures, located at/on 56° 12' 06.88" N x 120° 50' 36.53" W, Peace River, Peace River – Side channel upstream of Old Fort, in the Province of British Columbia

The Minister of Transport has determined that your work is not likely to substantially interfere with navigation.

Therefore, your work is permitted under the NPA s.9(1) Construction, and you may proceed pursuant to the attached plans (8) in accordance with the following terms and conditions:

1. The NPA Approval and its Terms and Conditions shall be posted at the dam site office.
2. As built plans of the works are to be forwarded to Transport Canada upon completion of the project.
3. The proponent shall conduct a survey of the channels 5 years after the dam begins operation and shall submit that survey to Transport Canada for review. Survey will confirm existing depth, any significant infilling and existing or potential bank failures.
4. In the event that the operation of the above works is terminated prior to completion, it will be the proponent's responsibility to remove the works and associated equipment in its entirety from the waterway including any anchors and pilings. The banks and bed of the waterway disturbed by the works shall be contoured to match the local conditions as required.
5. Provide adequate information about the fish habitat enhancement work using the Boater Communications Protocol, and the following actions:
 - For the duration of inwater works, post a notice at the Peace Island Park boat launch
 - On the owner website, on a web page related to the project
6. Upon completion of the work and removal of equipment and temporary works, provide adequate information about the fish habitat enhancement channels layout and depths using the Boater Communications Protocol, and the following actions:
 - For 1 year, posted notice at the Peace Island Park, boat launch
 - Handout or mail to every resident of Old Fort
 - On the owner website, on a page related to the project for a minimum of 1 year

7. A safety boat shall be manned and monitoring the river at the site of the work while equipment is working in the mainstem of the Peace River
8. No equipment shall be moored or secured with cables unless the equipment is in an area isolated upstream and downstream by berms and no boat traffic is able to use that portion of the waterway.
9. Install and maintain a yellow flashing light on the outermost extremity of any equipment, construction machinery or barges anchored or left in or on the waterway overnight. The lights shall be visible upstream and downstream.
10. If the isolation berms are wetted on the river side, the following conditions apply;
 - Shall mark the berms with orange high visibility markers to be seen from the wetted side;
 - Install and maintain a flashing yellow light on the berms. The lights shall be in operation in periods of darkness or limited visibility; and
 - Inspect and maintain weekly all lights and markings to ensure function and correct positioning.
11. Install and maintain warning signs on both banks of the river at locations, approximately 1.3 km downstream of Old Fort. Signs shall be a minimum of 72" x 48", with a white background and black lettering, with text as outlined below

WARNING INSTREAM WORKS AHEAD

12. Install and maintain warning sign on Peace River Construction Bridge facing upstream. Sign shall be a minimum of 72" x 48", a white background with black lettering, with text as outlined below

WARNING INSTREAM WORKS AHEAD

The owner is responsible to ensure the temporary construction works are designed and maintained to withstand local weather conditions and the wash of vessels transiting the area.

Pursuant to Sec. 34 of the Navigation Protection Act, the owner shall provide unimpeded access to the Minister or their representatives for inspection purposes.

Pursuant to Sec. 5 of the Navigable Waters Works Regulations, no person shall permit any tools, equipment, vehicles, temporary structures or parts thereof used or maintained for the purpose of building or placing a work in a navigable water to remain in such water after the completion of the project.

Pursuant to Sec. 6 of the Navigable Waters Works Regulations, where a work or a portion of a work that is being constructed or maintained in a navigable water causes debris or other material to accumulate on the bed or the surface of such water, the owner of that work or portion of that work shall cause the debris or other material to be removed to the satisfaction of the minister.

This permission relates only to the effect of your work on navigation under the NPA and does not grant any rights related to the ownership of the bed of the waterway.

It is the owner's responsibility to comply with any other applicable laws and regulations.

Please note that the NPA, amongst other obligations, requires the owner to immediately notify the Minister if his work causes or is likely to cause serious or imminent danger to navigation and take reasonable measures to remediate the danger to navigation (section 12 of the NPA).

Should you have any questions, please do not hesitate to contact our office in Vancouver by phone at (604) 775-8867 or by e-mail at NPPPAC-PPNPAC@tc.gc.ca.

Respectfully,



Colin Parkinson
Navigation Protection Program Officer
Programs Group
Transport Canada
Pacific Region

CP/co

cc: DFO
Brian.Naito@dfo-mpo.gc.ca
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FLNRO - Keith.Hansen@gov.bc.ca

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First Nation's