



Fisheries and Oceans
Canada

Pacific Region
Ecosystems Management Branch
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Pêches et Océans
Canada

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

January 26, 2023

Our file *Notre référence*
22-HPAC-01322

BC Ministry of Transportation and Infrastructure
ATTENTION: Alexandria Carnevale
213 – 1011 4th Avenue
Prince George, BC
V2L 3H9

Via email: Alexandria.Carnevale@gov.bc.ca

Dear Alexandria Carnevale:

Subject: Road Upgrades, Tributary to Cluculz Lake, Vanderhoof – Implementation of Measures to Avoid and Mitigate the Potential for Prohibited Effects to Fish and Fish Habitat

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on October 18, 2022. We understand that you are proposing to undertake works to improve both the Shallow Bay Road and Guest Road intersections along Highway 16 that will involve the widening of the highway. To accommodate increased highway width, the works will mainly entail:

- the extension of an existing culvert by six meters on the upstream side into a wetland with the inlet armoured with riprap.
- the infilling of a portion of a wetland from the high-water mark out approximately 6 m.

Our review considered the following information:

- Request for Review form received via email on October 18, 2022.
- Supporting documents received via email on October 18, 2022:
 - McElhanney Ltd. document titled “Environmental Management Plan for Shallow Bay Road and Guest Road Intersection Improvements” dated October 2022 Revision 0 including Appendices.
 - McElhanney Ltd. Photos from document titled “Aquatic and Terrestrial Assessment for Shallow Bay Road and Guest Road Intersection Improvements” dated September 2021 Revision 0.
 - R.F. Binnie & Associates Ltd. Project No. 37851-0000 BC Ministry of Transportation and Infrastructure Northern Region “Highway 16 Guest Road and Shallow Bay Road Intersections” Drawings 100% Detailed Design dated August 24, 2022.

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.

In addition to the mitigation measures outlined in the Request for Review form and supporting documents to avoid and mitigate the potential for prohibited effects to fish and fish habitat (as listed above), we recommend implementing the measures listed below:

- An experienced Qualified Environmental Monitor should oversee all works, directing mitigation measures and recommending improvements as necessary.
- Plan in-water works, undertakings and activities to respect timing windows to protect fish, including their eggs, juveniles, spawning adults and/or the organisms upon which they feed and migrate.
- Screen intakes to prevent entrainment or impingement of fish following the DFO interim code of practice: End-of-pipe fish protection screens for small water intakes in freshwater (<http://www.dfo-mpo.gc.ca/pnw-ppe/codes/screen-ecran-eng.html>).
- Implement best practices for temporary cofferdams and diversion channels following the DFO Interim code of practice: Temporary cofferdams and diversion channels (<https://www.dfo-mpo.gc.ca/pnw-ppe/codes/cofferdams-batardeaux-eng.html>).
- Install effective erosion and sediment control measures prior to beginning works to stabilize all erodible and exposed areas.
- Regularly monitor the watercourse for signs of sedimentation during all phases of the work, undertaking or activity and take corrective action as required.
- Riprap should be clean and free of silt and debris.
- Riprap should be placed individually by excavator with thumb; end dumping should be avoided.
- Limit the amount of riprap used to only that required to meet construction objectives.
- Stop work, contain sediment-laden water and other deleterious substances and prevent their further migration into the watercourse.
- Keep an emergency spill kit on site during the work, undertaking or activity.
- Maintain all machinery on site in a clean condition and free of fluid leaks.

Provided that you incorporate these measures into your plans, the Program is of the view that your proposal is not likely to contravene 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 the DFO-Pacific Observe, Record and Report phone line at 1-800-465-4336 or by email at DFO.ORR-ONS.MPO@dfo-mpo.gc.ca.

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 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 Brian Naito by email at Brian.Naito@dfo-mpo.gc.ca or by phone at 236-339-5792 or alternately contact Andy Morris by email at Andy.Morris@dfo-mpo.gc.ca or by phone at 250-299-6153. Please refer to the file numbers referenced above when corresponding with the Program.

Yours sincerely,



Brian Naito
Senior Biologist – BC Interior
Fish and Fish Habitat Protection Program
Ecosystems Management Branch
Fisheries and Oceans Canada / Government of Canada

cc: Susan O'Bryan, McElhanney Ltd.

Via email: sobryan@mcelhanney.com