



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

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19 April 2021

Our file      Notre référence  
20-HPAC-00722

Ministry of Transportation and Infrastructure  
ATTENTION: Donna Olsen  
Environmental Services Coordinator  
231-447 Columbia Street  
Kamloops, BC  
V2C 2T3

Via email: [Donna.Olsen@gov.bc.ca](mailto:Donna.Olsen@gov.bc.ca)

Dear Donna Olsen:

**Subject: Highway Widening, Tappen Creek and White Creek, Tappen – Fisheries Act Authorization**

Pursuant to Paragraphs 34.4(2)(b) and 35(2)(b) for the authorization for work/undertaking/activity resulting in harmful alteration, disruption or destruction of fish habitat under the *Fisheries Act*, Fisheries and Oceans Canada (DFO) authorizes the carrying on of your proposed work, undertaking or activity that results 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 attached authorization under paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act* authorizes the works, undertakings, and activities as proposed for the widening of Highway 1 near Tappen, BC, that will result in the following:

- Destruction of 467 m<sup>2</sup> of aquatic habitat within Tappen Creek;
- Destruction of 2,220 m<sup>2</sup> of riparian habitat along Tappen Creek;
- Destruction of 826 m<sup>2</sup> of aquatic habitat within White Creek; and
- Destruction of 6,071 m<sup>2</sup> of riparian and floodplain habitat along White Creek.

Failure to comply with any of the terms or conditions of the attached authorization may lead to prosecution under the *Fisheries Act*.

A copy of this authorization should be kept on site while the work is in progress and upon request be provided to relevant federal or provincial officials. The authorization holder is responsible for ensuring work crews are familiar with, and able to adhere to, the conditions.

Please note that information submitted to DFO may be shared with Indigenous peoples with whom DFO has consulted in relation to the Crown's Duty to Consult if your proposed work(s), undertaking(s) or activity(ies) may adversely affect Aboriginal or treaty rights.

As you are aware, Bill C-68 included new provisions (sections 42.2 to 42.5) in the *Fisheries Act* that require the Minister of Fisheries and Oceans to establish a public registry to facilitate public access to certain records, including amongst other items, authorizations issued pursuant to paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act*. While the public registry provisions of the *Fisheries Act* are not yet in force, the Department has begun to post a list of authorizations issued since August 28, 2019, when amendments to the fish and fish habitat protection provisions of the Act came into force.

Information pertaining to this authorization will be posted to the *Fisheries Act* Registry Dataset and accessible from the Department's website at <https://www.dfo-mpo.gc.ca/pnw-ppe/registry-registre-eng.html> as well as from the Open Government DFO Registry Portal at: <https://open.canada.ca/data/en/dataset/2c09d2fd-9a8e-4d8c-b5af-95747e36eaac> . Project-specific information will continue to be posted online, as the Department continues to develop its own Registry resources. Updates to the data set will be released monthly.

Any disclosure of information will be conducted in accordance with the *Access to Information Act* and the *Privacy Act*. Should you have any documents that contain sensitive or proprietary information that you believe should be protected from public disclosure, please contact us to discuss whether and how the information may be protected.

If you or anyone conducting work on your behalf have any questions please contact Riley Wall at our Kamloops office at 236-334-3629, or by email at [Riley.Wall@dfo-mpo.gc.ca](mailto:Riley.Wall@dfo-mpo.gc.ca).

Yours sincerely,



Rebecca Reid  
Regional Director General  
Fisheries and Oceans Canada

*Att.* AUTHORIZATION

*c.c.:* Patty Burt, McElhanney Consulting Services Ltd., via email: [pburt@mcelhanney.com](mailto:pburt@mcelhanney.com)