



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Pacific Region
Ecosystem Management Branch
200 – 401 Burrard Street
Vancouver, BC
V6C 3S4

Région du Pacifique
Direction de la gestion des écosystèmes
Pièce 200 – 401 rue Burrard
Vancouver (C.-B.)
V6C 3S4

August 3, 2022

Your file *Voire référence*

Our file *Notre référence*
21-HPAC-01527

EPTA Development Corporation (EDC)
Attention: Angelo Tsakumis
1910-1177 W Hastings St.

Via email: atsakumis@eptadevcorp.com

Dear Angelo Tsakumis:

Subject: Ditch Closures, Fraser River, Pitt Meadows – 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 December 23, 2021. We understand that you propose to:

- Infill four watercourse features having a total aquatic footprint of 528 m² and a total riparian footprint of 1639 m²:
 - Unnamed Ditch 1, located along the western boundary of the property at Bonson Road.
 - Unnamed Ditch 2, located along the southern boundary of the property along the north edge of Wharf Street (Fraser Industrial Way).
- Construct a new day lit ditch (248 m² aquatic footprint) within a proposed greenway south of Wharf Street (Fraser Industrial Way).
- Upgrade an existing stormwater outfall at the south end of Bonson Road with the installation of a concrete stormwater outfall pipe with concrete headwall (130 m² aquatic footprint). Riparian enhancements such as native plant species are proposed totalling 3134 m² of riparian habitat.

Furthermore, we understand the following aquatic species listed under the *Species at Risk Act* may use the area in the vicinity of where your proposal is to be located:

- Green Sturgeon, which are currently listed as Special Concern.

Our review considered the following information:

- The *Request for Review* package with attachments received by email on December 23, 2021 signed by Kyla Milne.
- The *DFO Response Memo Katzie First Nations Request for Review Additional Information* memorandum provided by Pacific Land Group, dated March 25, 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.

To avoid and mitigate the potential for the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat, it is important that all proposed measures are implemented as set out in the information that was submitted to the Program in relation to your project. In addition, we recommend implementing the measures listed below to avoid and mitigate the potential for the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat. If there is a conflict between the proposed measures as set out in the information that was submitted to the Program and the following measures, the following measures shall prevail.

- The removal of or disturbance to riparian vegetation should be kept to a minimum during the works.
 - Avoid tree removal where possible.
 - Proposed riparian replanting should be conducted as soon as possible to minimize erosion and stability impacts.
 - Monitoring of planted riparian vegetation for survival is recommended.
 - Re-vegetate the disturbed area with native species suitable for the site.
- Limit impacts to riparian vegetation to those proposed in the Request for Review package and supplementary information.
- Works should be conducted when the watercourse is dry. If works cannot be conducted when the watercourse is dry, works should be conducted in isolation of flow in accordance with DFO's interim code of practice for Temporary cofferdams and diversion channels (<https://www.dfo-mpo.gc.ca/pnw-ppe/codes/cofferdams-batardeaux-eng.html>) and including implementation of the following measures:
 - An appropriately qualified professional is to conduct a fish salvage of the isolated work area. Choose low impact salvage methods such as minnow trapping and seining before opting for higher impact electrofishing. In the event that isolation is breached, stop work and repeat fish salvage efforts.
 - Dewater the isolated area gradually to reduce the potential for stranding fish.
 - Ensure pumps are screened to prevent entrainment or impingement of fish in accordance with DFO's interim code of practice for End-of-pipe Fish Protection Screens for Small Water Intakes in Freshwater (<https://www.dfo-mpo.gc.ca/pnw-ppe/codes/screen-ecran-eng.html>).

- When diverting creek flows, maintain an appropriate depth and flow (i.e., base flow) for the protection of fish and fish habitat downstream of the isolated work area.
- Complete the works as quickly as possible once they are started.
- Undertake works during dry weather and low water conditions.
- Equipment is to be situated in the dry stream channel within the footprint of the works, or operated from the top of the bank.
- For works in fish bearing waters, fish passage is to be maintained upon completion of the works.
- Ensure that material such as rock, riprap, or other materials placed on the banks or within the active channel or floodplain of the watercourse is inert and free of silt, overburden, debris, or other substances deleterious to aquatic life.
- Minimize the introduction of sediments (e.g., silts, clays and sand) into the watercourse or downstream reaches of the watercourse.
- Develop and implement an erosion and sediment control plan to avoid and minimize the introduction of sediment into or induced sedimentation in the watercourse.
- Do not deposit any substances deleterious to fish or fish habitat directly or indirectly into the watercourse or downstream reaches of the watercourse.
- Develop and implement a response plan to avoid a spill of deleterious substances into the watercourse.
- Stormwater associated with the development should be managed in a manner that does not adversely impact fish and fish habitat in watercourses including those watercourses off-site and downstream of the upland development.
- It is recommended that a Qualified Environmental Professional (QEP) be on site for all sensitive and high-risk works (i.e., site isolation, in-water works). The QEP should monitor for compliance with the Fisheries Act and to ensure appropriate implementation of environmental best management practices during construction (e.g., DFO's Measures to Protect Fish Habitat: <https://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures-eng.html>).
- Enhancement work areas should be monitored for riparian planting success for a period of at least three years. If the results of the monitoring indicate a lack of success of the riparian planting, additional planting should be undertaken to achieve success.

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 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.

Please notify the Program by email at Renee.Lemmond@dfo-mpo.gc.ca at least 10 days before starting your project, ensuring your file number and appropriate on-site contact information is included. We recommend that a copy of this letter be kept on site while the work is in progress.

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 Renee Lemmond at our Vancouver office at 604-348-7005 or by email at Renee.Lemmond@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Sincerely,



Duncan Lanoville
A/Senior Biologist
Fish and Fish Habitat Protection Program

c.c.: Kyla Milne at Pacific Land Group (kyla@pacificlandgroup.ca)