



Fisheries and Oceans
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Canada

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

May 5, 2021

Our file *Notre référence*
21-HPAC-00478

City of New Westminster
Attention: Hooman Hedayatnassab
511 Royal Avenue
New Westminster, BC
V3L 1H9

Via email: hedayatnassab@newwestcity.ca

Dear Hooman Hedayatnassab,

Subject: Wood Street Canal Bank Reinstatement, New Westminster, BC – 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 April 22, 2021. We understand that you propose to undertake the following works:

- Reinstatement of three sections (a ~30m long section on the east bank, a ~6m long and ~50 m long section on the west bank) of failing bank on the Wood Street Canal near the pump station at the north end of the Canal. The works will mainly involve 1) installation of scour protection (i.e. riprap) at the toe of the west canal bank sections, 2) removal of any sediments that have sloughed into the canal, 3) installation of a vegetated wall system on the east canal bank section and 4) revegetating riparian areas that have been disturbed on the west canal bank.

Our review considered the following information:

- The Request for Review form completed and signed by Donnah MacKinnon dated 21/04/2021 and supporting documents including but not limited to Figures and Drawing.
- Aplin Martin Project No. 19-030 City of New Westminster “Boyd & Wood St Storm Upgrades Storm Works Sta 2+000 To 2+300” Drawing No. 02 of 07 “Wood Street Canal Riparian Impacts Figure” dated April 2019.

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 disturbance to riparian vegetation and aquatic habitat should be kept to the minimum required to conduct the works.
- Any disturbance to riparian vegetation should be restored by planting of riparian vegetation.
- Works should be conducted in the dry. If works are not conducted in the 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 watercourse flows, maintain an appropriate depth and flow (i.e., base flow) for the protection of fish and fish habitat, both upstream and 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 operated from the top of the bank.
- 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.
- It is recommended that a Qualified Environmental Professional (QEP) be on site for all sensitive and high risk works (i.e., site isolation, fish salvage, in-water works). The QEP should to 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/measure-mesures-eng.html>).

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*.

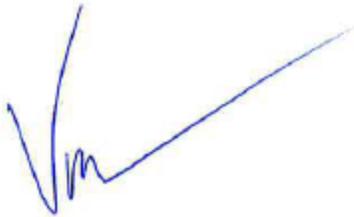
It is also your Duty to Notify DFO if you have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat. Such notifications should be directed to the DFO-Pacific Observe, Record and Report phone line at 1-800-465-4336 or by email at DFO.ORR-ONS.MPO@dfo-mpo.gc.ca.

We recommend that you notify this office 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 me at our Vancouver office by email at vance.mercer@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Sincerely,



Vance Mercer
A/Section Head
Lower Mainland Watershed Regulatory Operations
Fish and Fish Habitat Protection Program

cc: D. MacKinnon, Pottinger Gaherty Environmental Consultants (dmackinnon@pggroup.com)
Lower Mainland WSA Referrals (WaterActReferrals.LowerMainland@gov.bc.ca)
WSA File No. 2008627