

**IN THE MATTER OF THE ENVIRONMENTAL ASSESSMENT ACT S.B.C. 2002, c.43
(ACT)
AND
NON-COMPLIANCES
WITH ENVIRONMENTAL ASSESSMENT CERTIFICATE E14-02
ORDER UNDER SECTION 34(1)**

WHEREAS:

- A. On October 14, 2014, Environmental Assessment (EA) Certificate E14-02 (Certificate) was issued to British Columbia Hydro and Power Authority (Certificate Holder) for the Site C Clean Energy Project (Project).
- B. Condition #19 of the Certificate requires the Holder to avoid and reduce injury and mortality to amphibians on roads adjacent to wetlands and other areas where amphibians are known to migrate across roads, including locations with structures designed for wildlife passage.
- C. Condition #16 of the Certificate requires the Certificate Holder to develop and implement a Vegetation and Wildlife Mitigation and Monitoring Plan (Plan). The Plan states that the Holder will conduct additional amphibian surveys at Portage Mountain to identify specific mitigation structures and placement prior to road construction.
- D. On August 30 to September 1, 2016, in his role as Compliance and Enforcement Officer, the undersigned conducted an inspection of the Project. During that inspection he noted that the Certificate Holder had recently constructed the Portage Mountain access road.
- E. On November 28, 2016, the Certificate Holder e-mailed the undersigned and stated that they had not conducted additional amphibian surveys at Portage Mountain, nor had they installed amphibian mitigation structures.
- F. Based on the above, the undersigned has determined the Certificate Holder is not compliant with Conditions 16 and 19 of the Certificate, in regard to implementing measures to minimize adverse effects to amphibians on Project roads.
- G. Section 34 of the Act specifies that the Minister may order the Certificate Holder to carry out measures to mitigate the effects of non-compliance.
- H. The undersigned has received written delegation of the Minister's powers under Section 34 of the Act.

DEFINITIONS:

In this Order,

(a) **Qualified Professional (QP)** - A person who has training, experience and expertise in conducting field surveys, impact assessments, and mitigation of adverse effects to amphibians, and who is registered with the appropriate professional organization in British Columbia, is acting under that organization's code of ethics, and is subject to disciplinary action by that organization.

NOW THEREFORE:

Pursuant to Section 34(1) of the Act, I order that the Certificate Holder must:

1. Cause a QP to develop a surveys plan, including methods, locations and timelines, for conducting amphibian surveys on the newly constructed Project access road and any unsurveyed sections of the 400 road between Canyon Drive and Portage Mountain Quarry by February 15, 2017.
2. Cause a QP to conduct amphibian surveys as per the surveys plan in clause 1 above unless otherwise authorized by Environmental Assessment Office (EAO) Compliance and Enforcement.
3. Based on the surveys required in clause 2 above and the survey conducted in 2013 on the old access road, cause a QP to determine what, if any, amphibian mitigation measures are required to address potential effects to amphibians on the road between Canyon Drive and Portage Mountain Quarry.
4. Consult with the parties identified in condition 19 in the development of the mitigation measures required in clause 3 above.
5. Under the direction of a QP, implement the amphibian mitigation measures as per the methods, locations and timeframe prescribed by a QP in clause 3 above; and
6. For as long as the Certificate Holder is using the road between Canyon Drive and Portage Mountain Quarry for the purposes of the Project, cause a QP to monitor the use and effectiveness of amphibian mitigation measures, and implement any recommendations made by the QP, to ensure effects to amphibians are addressed to the satisfaction of a QP.



Alex McLean
EA Compliance Officer
Environmental Assessment Office

Dated December 22, 2016