



Navigation Protection Program  
Suite 610, 800 Burrard Street  
Vancouver B.C. V6Z 2J8

Our file  
**2015-500399**

July 27, 2016

BC Hydro  
Suite 600 - Four Bentall Ctr, 1055 Dunsmuir St.  
Vancouver, BC V7X 1V5

**Attention: Karen von Muehldorfer**

**RE: Notice to the Minister under the Navigation Protection Act for review of relocated surplus excavated material (RSEM) area L5 and associated fish habitat compensation structure located on the Peace River, located on unsurveyed foreshore or land covered by water being part of the bed of Peace River, Site C, fronting Sec. 15, 16, Twp 83, Rge 19, West of the 6th Meridian Peace River District, City of Fort St. John, in the Province of British Columbia**

Our assessment of your work has determined that it is not likely to substantially interfere with navigation.

Therefore your work is permitted under section 9(1) – Construction, of the *Navigation Protection Act* (NPA) and you may proceed per the attached plans (3) in accordance with the following terms and conditions:

1. The works are to be constructed or installed in accordance with the reviewed plans.
2. During the construction period, the owner shall:
  - a) Post the NPA authorization and its Terms and Conditions at an easily accessible place at the worksite;
  - b) Provide a copy of the NPA authorization and Terms and Conditions to all contractors working on the Main Civil Works components that are on or near the Peace River prior to construction commencing.
3. While public vessel traffic on the Peace River is capable of transiting through or accessing portions of the RSEM L5 construction site the owner shall:
  - (a) Install and maintain warning signs at locations approximately 100m upstream and downstream of the RSEM L5 construction site advising of the work in progress prior to, and for the duration of, construction until the closure of the river. Signs shall state

**WARNING CONSTRUCTION AHEAD  
PROCEED WITH CAUTION**

and be in accordance with the Canadian Dam Association Technical Bulletin on Public Safety around Dams, 2011 or as updated. See Appendix B for Examples taken from the Bulletin;

- (b) Mark the outermost extremity of the works extending from the bank above the surface with orange high visibility markers on the upstream and downstream corners and every 75m,

- (c) Install and maintain a flashing yellow light on the outermost extremity of the works above the surface on the upstream and downstream corners and every 150m. The lights shall be in operation in periods of darkness or limited visibility,
  - (d) Install and maintain a yellow flashing light on the outermost extremity of any equipment, construction machinery or barges anchored or left in or on the waterway overnight. The lights shall be visible upstream and downstream, and
  - (e) Inspect and maintain weekly all lights and markings to ensure function and correct positioning.
- 4. Once the construction of the works are completed, the owner shall provide a Statutory Declaration to Transport Canada that the works are built and placed in conformity with the authorized plans and site pursuant to the *Navigation Protection Act*, its regulations and the Terms and Conditions of approval.
  - 5. As built plans of the works are to be forwarded to Transport Canada upon completion of the project.
  - 6. In the event that the operation of the above works is terminated prior to completion, it will be the proponent's responsibility to remove the works and associated equipment in its entirety from the waterway including any anchors and pilings. The banks and bed of the waterway disturbed by the works shall be contoured to match the local conditions as required.

## **Depth**

- 7. Except for any artificial islands on RSEM L5, the uppermost portion of RSEM L5 and habitat structures must not exceed an elevation of 458.5 metres ASL.

## **Signage and Markings**

- 8. The outermost extent from shore RSEM L5 that has depths of less 3 m at a water surface elevation of 460.0 metres ASL must be marked by buoys or pilings during the boating season of May 1st to Oct 1st unless ice is present at this location. See Appendix A for an illustration of the buoy or pile locations. Buoys or pilings are to be placed as follows:

## **Buoys**

- a) The northwest corner and southwest corner of the RSEM L5, are to be marked by red lateral buoys.
- b) Lateral buoys shall be lit with a flashing red light (0.5 sec. flash, 3.5 sec. eclipse). Horizontal bands of red retroreflective tape, not less than 10 cm in width and 15 cm in length, shall be placed at intervals around the horizontal circumference of the buoys or displayed from suitable topmarks that are visible from all directions.
- c) The northern and southern edges are to have one cautionary buoy at the midpoint between the shore and lateral buoys.
- d) The the west edge of RSEM L5, is to be marked by cautionary buoys spaced 250 m apart between the lateral buoys.
- e) The cautionary buoys are to be yellow in colour. All buoys are to be no less than 0.6 metres in diameter. Horizontal bands of yellow retroreflective tape, not less than 10 cm in width and 15 cm in length, shall be either placed at intervals around the horizontal circumference of the buoys or displayed from suitable topmarks that are visible from all directions.

## Pilings

- f) Pilings may be used in lieu of any of the lateral buoys. They must be marked with starboard daybeacons. The marks on the piling shall be at least 1.5 metres above the 461.8 metre elevation and be no less than 0.6m tall.
- g) Pilings may be used in lieu of any of the cautionary buoys. They must be marked with the same markings as a hazard buoy, *as per the Canadian Aids to Navigation System, 2011*, with the wording "Shallow Water" contained within the orange diamond. The markings on the pilings shall be at least 1.5m above the 461.8 metre elevation and be no less than 0.6m tall. Horizontal bands of yellow retroreflective tape, not less than 10 cm in width and 15 cm in length, shall be placed around the horizontal circumference of the pilings both on the top and bottom of the orange diamonds.

## Reservoir Operation

- 9. During operation of the dam, the NPA authorization and its Terms and Conditions shall be posted at the dam site office.
- 10. Aids to navigation shall be inspected at the beginning of the open water season and repaired or replaced as required.

Pursuant to Sec. 34 of the *Navigation Protection Act*, the owner shall provide unimpeded access to the Minister or their representatives for inspection purposes.

Pursuant to Sec. 5 of the Navigable Waters Works Regulations, all temporary works including piles, false works, silt curtains, construction material or debris, are to be completely removed from the waterway.

Please also note that the NPA, amongst other obligations, requires the owner to immediately notify the Minister if your work causes or is likely to cause serious or imminent danger to navigation and take reasonable measures to remediate the danger to navigation (section 12 of the NPA).

This permission relates only to the effect of your work on navigation under the NPA and does not grant any rights related to the ownership of the bed of the waterway. It is the owner's responsibility to comply with any other applicable laws and regulations.

**Should you have any questions, please do not hesitate to contact our office in Vancouver by phone at (604) 775-8867 by e-mail at [NPPPAC-PPNPAC@tc.gc.ca](mailto:NPPPAC-PPNPAC@tc.gc.ca).**

Respectfully,



Colin Parkinson  
Officer  
Navigation Protection Program  
Programs Group  
Transport Canada  
Pacific Region

cc DFO- Brian Naito  
CEAA- Steve Chapman  
FLNRO – Rhonda Cage