



Transport Canada    Transports Canada

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

Our file  
**2015-500397**

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 and associated fish habitat compensation structure (RSEM R5A), 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. 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. Statutory Declaration is attached to this authorization.
4. As built plans of the works are to be forwarded to Transport Canada upon completion of the project.
5. 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.

6. Except for any artificial islands on RSEM R5A, the uppermost portion of RSEM R5A and habitat structures must not exceed an elevation of 458.5 metres ASL.

### **Signage and Markings**

7. The outermost extent from shore of RSEM R5A that has depths of less than 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 piling locations. Buoys or pilings are to be placed as follows:

#### **Buoys**

- a) The northeast corner and southeast corner of RSEM R5A are to be marked by green lateral buoys.
- b) The northern and southern edges are to have two cautionary buoys spaced evenly between the shore and lateral buoys.
- c) Lateral buoys shall be lit with a flashing green light (0.5 sec. flash, 3.5 sec. eclipse). Horizontal bands of green 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.
- d) The east edge of RSEM R5A, 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 port 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**

8. During operation of the dam, the NPA authorization and its Terms and Conditions shall be posted at the dam site office.
9. 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