



Fisheries and Oceans
Canada

Pacific Region
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Pêches et Océans
Canada

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

June 30, 2021

Our file Notre référence
21-HPAC-00661

161884 Canada Inc, Inc. No. A103821
Attention: [REDACTED]
3030 Gilmore Diversion
Burnaby, BC
V5G 3B4

s.19(1)

Via email: [REDACTED]

Dear [REDACTED]

**Subject: Infill and Reconstruction of Wetlands at Lot Rem A – 60 Avenue, Langley, 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 June 4, 2021. We understand that you propose to develop the property at Lot Rem A – 60 Avenue, Langley, BC which will include undertaking the following works:

- Infill of two wetlands.
- Enhancement of two wetlands involving reconstruction, planting of riparian and aquatic vegetation and placement of large woody debris.

Our review considered the following information:

- The Request for Review form completed and signed by Kirsti Juurakko dated May 26, 2021 and supporting documents.
- Aplin Martin Project “Gloucester Rem Lot A Rem Lot A 60 Ave, Langley, BC” Plan No. 21-008-01 Sheet No. 01 of 05 “Integrated Site Design Concept Plan” Rev. 1 dated 20/05/21.
- Envirowest Consultants Inc. “161884 Canada Inc, Inc No. A103821 Burnaby, BC Gloucester” Drawings:
 - Drawing No. 467-21-04 Sheet 1 of 2 “Proposed Wetlands Landscape Plans” Rev. 01 dated May 19, 2021.
 - Drawing No. 467-21-05 Sheet 2 of 2 “Proposed Wetlands Landscape Plan Specifications and Details” Rev. 01 dated May 19, 2021.
 - Drawing No. 467-21-07 “Existing and Proposed Wetlands” Rev. 00 dated June 30, 2021.

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*.

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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.
- 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 applicable measures in 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>).
- Complete the works as quickly as possible once they are started.
- Undertake works during dry weather and low water conditions.
- Equipment should 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, 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>).

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 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 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,



s.19(1)

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

cc: K. Juurakko, Envirowest Consultants Inc. WaterActReferrals.LowerMainland@gov.bc.ca
Lower Mainland WSA Referrals (WaterActReferrals.LowerMainland@gov.bc.ca)
WSA File No. 100347323