

Notice of Determination

Porpoise Bay, Sechelt BC – January 5, 2021 – The Department of Fisheries and Oceans, Small Craft Harbours Branch has determined that the proposed Porpoise Bay Boat Grid Remediation Project is not likely to cause significant adverse environmental effects.

This determination was based on a consideration of the following factors:

- impacts on rights of Indigenous peoples;
- Indigenous knowledge;
- community knowledge;
- comments received from the public;
- assessment of biophysical site conditions surrounding work area(s);
- letter of advice received from the Fish and Fish Habitat Protection Program; and
- technically and economically feasible mitigation measures.

Mitigation measures taken into account for this determination are:

- Between the excavation area and the eelgrass bed to provide additional protection:
 - The silt fence must be attached to the seabed to prevent sediment from going underneath;
 - The silt fence must be located between the excavation area and the eelgrass bed, without disturbing the eelgrass bed.
 - If the eelgrass bed is destroyed by the silt curtain or dredging, the contractor will be responsible for replanting the eelgrass at a ratio of 2:1.
 - The silt fence must be removed upon project completion.
- An appropriately qualified environmental monitor will be retained to conduct water quality monitoring for turbidity. Turbidity not to exceed 8 NTU above background where marine vegetation (i.e. eelgrass) is present. If exceedances occur, the work will stop until additional silt curtains/fences are installed or work is conducted under different tidal conditions (e.g., incoming tide);
- Excavation should be conducted during favourable weather conditions and avoid periods of heavy rainfall (e.g. in excess of 25mm/24 hour period);
- Double handling of sediment will not be permitted on the foreshore;

- Sediment placed below the high-water mark will be sufficiently clean of clay and silt and will not contain contaminated soil as defined by the Canadian Council of Ministers of the Environment (CCME). It will be inspected by the environmental monitor prior to placement;
 - Barges loaded with sediment will not be allowed to dewater contaminants into an eelgrass bed or adjacent foreshore; only clean water will be allowed to be directed back into the marine environment. Barges must have walls to prevent overflow of water;
 - Mobile invertebrates should be salvaged from the excavation area if present (e.g., sea stars);
 - The excavation area must be clearly delineated onsite. The location should be confirmed by the environmental monitor prior to starting works;
 - Trucks must be lined with liners to prevent leakage of contaminated water onto the dock or roadways.
- Mitigation requirements for industrial equipment usage include:
- Equipment (e.g., excavators, marine derricks) used in and around water will be kept clean and in good working condition (e.g., free of leaks, excess oil, and grease). Minimum daily inspections of heavy equipment (e.g. excavators) must be conducted by the contractor and documented;
 - Hydraulic machinery will use environmentally-friendly hydraulic fluids (i.e., non-toxic to aquatic life, biodegradable);
 - Spuds will not be permitted within the eelgrass bed;
 - Grounding of the barge is not permitted;
 - Equipment washing, refuelling, and servicing will be conducted away from the water (i.e., at least 30 m away from the high-water mark), unless a refuelling plan is in place that includes use of a containment tray to collect spilled fuel; and
 - A spill containment kit will be fully stocked, accessible onsite and in each piece of equipment.

The project should be able to be conducted without causing any change to existing fish habitat. In the unlikely event that the adjacent eelgrass bed is harmed, SCH will notify the fish protection program and eelgrass will be replanted at a 2:1 ratio at the site. The extent of eelgrass will be mapped at project completion and compared to the pre-project survey to confirm that it has not been affected.

- Clams located within the boat grid footprint are not expected to contribute to a viable fishery due to the contamination present. Once clean material is placed in this area, clams are expected to re-colonize the area quickly. With the addition of clean material, conditions for fish and fish habitat are expected to be improved.

The Department of Fisheries and Oceans, Small Craft Harbours Branch is satisfied that the carrying out of the project is not likely to cause significant adverse environmental effects.

Therefore, the Department of Fisheries and Oceans, Small Craft Harbours Branch may carry out the project, exercise any power, perform any duty or function, or provide financial assistance to enable the project to be carried out in whole or in part.