

# Notice of Determination

Port Simpson Harbour (Lax Kw'alaams), Porcher Island, BC – January 15, 2021 – The Department of Fisheries and Oceans, Small Craft Harbours Branch has determined that the proposed Port Simpson Dredging 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);
- receipt of a Disposal at Sea (DAS) permit;
- 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:

Avoidance has been considered in the design of the harbour entrance dredge cut. In order to avoid dredging eelgrass, the dredge cut was shifted to the east. A 25 m wide width is required for the use of the harbour, and a 3.5 m CD draft is required for the vessels that use the harbour. Therefore, the minimized size of dredge cut has been utilized that has the least impact on fish and fish habitat. The works will also be scheduled to occur prior to February 15, 2021, when juvenile salmon and Pacific herring are least likely to be present in marine waters.

In order to mitigate the effects of deposition of the plume on adjacent eelgrass beds, a robust silt curtain will be required. The silt curtain will need to:

- Span the full tide height of +7.3m CD plus additional height to accommodate the subtidal portions of the seabed (an additional minimum depth of 2.5 m below the low water line). The proposed location of the silt curtain is shown on Figure 1

- The silt curtain will need to be anchored to the seabed to prevent the bottom from moving into the eelgrass bed or the dredge cut
- An environmental monitor will need to inspect the toe of the curtain during dredging to confirm it is not moving
- Further, to confirm deposition is not occurring over the eelgrass, water quality sampling stations have also been shown on Figure 1 where an environmental monitor will check the turbidity during dredging

The design of the silt curtain will be the responsibility of the marine contractor, however, their design will need to comply with the requirements within this assessment and will be checked daily during dredging by the environmental monitor to confirm compliance.

In order to protect adjacent eelgrass beds, the environmental monitor will request a work stoppage if the turbidity at the eelgrass bed monitoring stations exceed 20 NTU above background; this has previously been used on similar dredging projects approved by DFO. The environmental monitor will inspect the silt curtain to determine if there are any components that are not functioning and determine if additional mitigation measures are required.

In order to minimize the impact to existing invertebrates within the dredge cut, a marine salvage will be conducted prior to the first day of dredging. The salvage will be conducted by a team of commercial divers under the supervision of an R.P.Bio. Only invertebrates that can be reasonably be salvaged will be collected (e.g. the clams will not be relocated). All species will be relocated under a Federal scientific collection permit and will be relocated to an adjacent location of similar species composition and elevation. Collection of crabs may also occur with the assistance of crab traps. One full day of salvage will be conducted.

The marine contractor will be required to follow industry standard best management practices for dredging to minimize unnecessary environmental effects above and beyond what is typically generated during dredging. The mitigation measures proposed are:

- No double handling of dredge material
- No grounding of vessels on the foreshore
- A spill kit must be present
- Equipment must be in good working order, clean and free of leaks, cracked hoses or fittings
- Dredging shall only occur within the perimeter identified on Figure 1
- Spuds or anchors shall not be used in eelgrass beds adjacent the dredge area
- Works must stop if any wildlife appear to be in distress as a result of the work
- Works must stop immediately if a request is made by the environmental monitor, SCH or DFO
- Contractor to have a spill response plan that they will implement in the event of a spill
- If a spill occurs, the contractor must clean up the spill immediately and provide those details to the environmental monitor to report to SCH and DFO
- If a fish kill is observed, that must be report immediately to the environmental monitor to report to SCH and DFO.

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.