



2014-02-12

RE: KM 555 KM 571 Alaska Highway Reconstruction

Attached is the CEAA for KM 555 to KM 570 Reconstruction project completed in April 2004. The *Canadian Environmental Assessment Act* was amended on July 6, 2012, and, under the new Act, only projects on the current Regulations Designating Physical Activities, such as the construction of pipelines and mines, will require environmental assessments. While the new act negates the previous requirement for federal departments to conduct environmental assessments of projects identified in the Act and regulations, a new clause applies to PWGSC and all other departments and agencies. This clause, Section 67 of CEAA 2012, states that "departments must not carry out a project on federal lands, or exercise any power or perform any duty or function that would permit a project to be carried out, in whole or in part, on federal lands, unless the department determines that the project is not likely to cause significant adverse environmental effects."

As such, and due to the regulatory requirements of the BC Ministry of Environment, and the changes within the Department of Fisheries and Oceans guidelines and standards with respect to in-stream and near shore work, PWGSC – Environmental Services has prepared this amendment to the original CEAA to ensure the project meets all the required environmental legislation and regulations not included in the original CEAA document.

The B.C. *Water Act* is the main provincial statute regulating water resources in British Columbia. Under the Act, it is an offence to divert or use water, or alter a stream, without formal approval from the Province. Part 7 of the *Water Act* includes the Standards and Best Practices for In-Stream Works and includes: allowing the use of notifications in lieu of approvals for some project types; contain provisions for the protection of water quality, habitat, and other water users; and authorize changes to streams (Ministry of Water, Land and Air Protection, 2004). Works that do not involve diversion of water, are completed within a short period of time, and have minimal environmental impact, are generally able to proceed through the notification process as opposed to approval (Ministry of Water, Land and Air Protection, 2004).

Under the new regulations for the federal Department of Fisheries and Oceans, the *Fisheries Act*, no one may carry out any work or undertaking that results in serious harm to fish that are part of a commercial, recreational or Aboriginal fishery, or to fish that support such a fishery unless authorized under Section 35[1] of the Act. The Department of Fisheries and Oceans (DFO) interprets *serious harm to fish* as: the death of fish; a permanent alteration to fish habitat of a spatial scale, duration or intensity that limits or diminishes the ability of fish to use such habitats as spawning grounds, or as nursery, rearing, or food supply areas, or as a migration corridor, or any other area in order to carry out one or more of their life processes; the destruction of fish habitat of a spatial scale, duration, or intensity that fish can no longer rely upon such habitats for use as spawning grounds, or as nursery, rearing, or food supply areas, or as a migration corridor, or any other area in order to carry out one or more of their life processes. The definition of fish, as defined in the Act (Sec. 2), includes: "shellfish, crustaceans, marine animals, the eggs, sperm, spawn, spat and juvenile stages of fish, shellfish, crustaceans, and marine animals." Fish habitat under the *Fisheries Act* is defined as "spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes"

(Sec. 34[1]). The Act defines other requirements designed to protect fish and fish habitat including safe passage (Sec. 20[1]) and the prohibition of the introduction of deleterious substances (Sec. 36[3]).

In the attached CEAA document, there is a table provided entitled Environmental Effects Analysis and Recommended Mitigation Measures starting on page 9. Please refer to this table to ensure project mitigation obligations are met. A copy of the *Standards and Best Practices for Instream Works* (Ministry of Water, Land and Air 2004) includes information on mitigation of any works that have the potential to impact surface water. Works for this project may include following the guidelines indicated in *Standards and Best Practices for Stream Crossings (page 40)* and *Standards and Best Practices for Streambank and Lakeshore Stabilization (page 61)*.

Public Works and Government Services Canada will obtain all permitting and approvals/notifications from the province under the Water Act. Completion of the Contractor's Environmental Protection Plan (EPP) will provide direction detailing construction works or activities that may fall under the provincial ministry's guidelines. A copy of this plan has been sent out with the contract specifications for tender. Contractors are required to provide documentation on how they will complete tasks that may have impacts on the environment and those that require mitigation. Close attention should be paid to Section 01 35 43 Environmental Procedures included in the specification package.