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ENVIRONMENT CANADA - ENVIRONNEMENT CANADA PERMIT – PERMIS

Remediation Planning Activities

Permit for/Permis de pour

BC-14-0041

Permit no./ No. de permis

British Columbia / Colombie Britannique

province(s), territoires -la (les) provinces / territoires

4

Issued under section/Délivre en vertu de l'article

Name and address - Nom et adresse

Wildlife Area Regulations

Règlement sur les réserves de la faune

SLR Consulting (Canada) Ltd.

Lindsay Petersen

200-1475 Ellis Street

Kelowna BC V1Y 2A3

Species At Risk Act 73 and 74

Loi sur les espèces en péril

Date of issue/ Date de mission : 23 September 2014

Date of expiry /Date d'expiration; 15 November 2014

For the minister/ Pour le ministre

Special Conditions

Spéciales

Wilmer Marsh Unit Columbia National Wildlife Area

Remediation Planning Activities

Project No.: 219.05112

Reference no: DFRP # 16096, ARMS # 00394, FCSI # 16096079

Description of Work

Requiring a SARA permit was deemed unlikely by Environment Canada in 2010 given the low possibility of Species at Risk (SAR) to occur at this site. However, further studies prior to the commencement of work were advised by Environment Canada. Recommended wildlife surveys include those for three SARA-listed SAR: American Badger *jeffersonii* subspecies (*Taxidea taxus jeffersonii*), listed as Endangered under SARA; Western Toad (*Anaxyrus boreas*) and Western Painted Turtle (Intermountain - Rocky Mountain population; *Chrysemys picta bellii*, pop. 2), both listed as Special Concern under SARA. Surveys to identify potential wildlife trees were also to be undertaken and "no work" buffer zones would be demarcated around these wildlife trees. Wildlife trees include trees that have the potential to be used for nesting, roosting, feeding, etc. but may currently be active or inactive. In addition, work will be avoided during the migratory bird breeding season so as not to disturb active nests or breeding birds.

SARA-relevant activities proposed for this NWA permitting process of the project are to complete surveys and studies as recommended by Environment Canada (stated above).

Several other SARA-listed species have the potential to use the project site or be in the area of the site (SLR 2013/2014 Site Works Summary and Remedial Action Plan Report – p. 27, Table B: Summary of Species at Risk). As such, regulatory compliance is required with respect to s. 73 and 74 of SARA for all SARA-listed species.

Pre-Conditions

All reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted.

Numerous remedial action plans were presented to Environment Canada to provide options based on various remediation concepts, their risks, and strategies. They ranged from surficial debris clean-up at various locations, to partial excavation and debris removal, to complete excavation and debris removal at the main debris area. These plans vary in their potential for invasiveness to SAR. The most beneficial and least intrusive option will be decided upon and adopted.

In terms of SAR, surveys and observations of wildlife, and their habitats and residences, including wildlife trees, will inform best solutions for any necessary mitigation. Survey and observation methods will follow RIC standards and, if needed, CWS and species-specific experts/Recovery Teams will be consulted (i.e., given timing of surveys, targeted wildlife may already be in torpor or preparing for hibernation and RIC standards may not apply for successful surveys).

All feasible measures will be taken to minimize the impact of the activities on SAR or the residences of their individuals.

Prior environmental monitoring for wildlife had been completed and included in a DRAFT report of the entire project (SLR 2013/2014 Site Works Summary and Remedial Action Plan Report) that was submitted to Environment Canada for review. The Canadian Wildlife Service further required other measures to be taken to minimize impacts on SAR or their residences. Initially, this will involve specific surveys of three suggested SAR (as above): American Badger *jeffersonii* subspecies, Western Toad, and Western Painted Turtle *bellii* subspecies – Intermountain-Rocky Mountain population. Additionally, surveys will be undertaken to identify potential wildlife trees and buffers will be placed around them as “no work” zones.

The activity will not jeopardize the survival or recovery of species at risk.

Any impacts from surveys to survival or recovery will be incidental, as the survey work to be carried out is to be non-invasive. Surveys will occur before remediation work commences and will inform remediation activities in order to preempt any possibility of impacts.

General Terms and Conditions

1. Permit must be signed to be valid.
2. Any additional work to be carried out in accordance to permit application.
3. The issuance of this permit does not supersede the necessity to meet other legal requirements to acquire any federal, provincial or municipal licenses, permits or other authorizations required by law.
4. This permit is not transferable to any other person(s) or organisation(s).
5. Upon completion notify Courtney Albert so an inspection of site maybe conducted.
6. This permit becomes invalid if SARA Terms & Conditions described in these Appendices are not respected.
7. Any SARA-listed species collected (i.e., incidental mortalities) shall remain the sole property of the Federal Crown and shall not be traded, sold, or bartered.

Standard Terms & Conditions

1. Only qualified personnel, experienced in the identification and life cycle of the target Species at Risk and familiar with the specific locations, will monitor and oversee the timing of the activities.
2. All reasonable alternatives to this activity have been considered, all feasible measures will be taken to minimize the impact of the activity on the species, and the activity will not jeopardize the survival or recovery of the species
3. The survey methods to be implemented are non-invasive. Invasive survey methods will not be employed and those include, but are not limited to, trapping, handling, and/or marking. No animals will be killed, injured or removed. No biophysical attributes of survival, recovery, or critical habitat will be destroyed or damaged. Additional threats will not be introduced.
4. Prior to exercising the activities subject to the SARA compliancy Terms & Conditions in these Appendices, the Columbia National Wildlife Area's manager(s) is (are) to be notified relative to survey procedures, times and locations of studies
5. These Terms & Conditions are only valid for the activities described above. They (or a copy) must be carried with the by the applicant or a member of the field crew and be made available to a Wildlife Enforcement Officer upon request.
6. A report shall be provided to CWS, prior to the commencement of works, outlining in detail the survey methods and results, and any observations of SARA-listed species or their residences. Submission of the SARA-specific report should also detail observed impacts of survey activities, including (as applicable) the number of individuals possessed, collected, captured, harmed, harassed, taken, or killed, and the number and location of residences, and the total area and location of habitat impacted.
7. Species at Risk occurrence data must be reported to the Province of British Columbia through the Conservation Data Centre (<http://www.env.gov.bc.ca/cdc/contribute.html>) or Species Inventory Database.

Specific Terms & Conditions for SARA compliancy

1. A qualified biologist will inform and oversee surveys for species at risk and will advise on biophysical attributes of habitat; Environment Canada will be provided the opportunity to approve the qualifications of the participating QP.
2. SAR surveys must adhere to non-invasive methods described in taxa- or species-specific BC RIC Inventory Methods.
3. Concurrent with surveys, specific RIC survey methods being used must be submitted to CWS explaining how these methods optimize surveying for target species given the time of year, such that most surveys are optimally conducted during and immediately following breeding periods; in September-October, target species may be in or preparing for dormancy/torpor/hibernation.
4. Mitigation measures developed must address wildlife dormancy, torpor, and/or hibernation during work that may possibly disturb hibernacula/shelters.

5. Identification of potential wildlife trees (active and inactive) that may be impacted by remediation works must be buffered as "no-work" zones; surveys should include observations of existing nests, nest boxes, and cavities suitable, for example, for nesting Williamson's Sapsucker or Lewis's Woodpecker; any nest sites encountered are to be left undisturbed and permanently left in place along with neighbouring vegetation.
6. Work should be avoided during the highest-risk seasonal time frame, approximately the end of March to the end of September/beginning of October (i.e., when seasonally active SAR and migratory birds are least likely to be using biophysical attributes within the project area and in order to minimize any incidental (transitory) SAR occurrence).
7. Pre-project surveys: any sign/identification of SAR (i.e. badger dens, Western Toad sightings, and/or observations of unanticipated SAR) should be reported immediately to CWS and Recovery Teams for advice; advice to be used prior to project commencement.

Sub-permit holder: Employee(s) of SLR Consulting, Employee(s) Lotic Environmental Ltd.

Kalina Noel, B.Sc., M.E.Des., P.Biol., R.P.Bio

I declare that I have read and understand this Permit, including all the conditions attached.

Je déclare que j'ai lu et que je comprends le présent permis et toutes les conditions qui y sont prévues.

Signature of permit-holder(s)

Signature du détenteur du permis