



Province of British Columbia

Water Sustainability Act

ORDER

Section 93

of the

Water Sustainability Act of British Columbia

IN THE MATTER OF changes in and about a stream, Sweltzer Creek at Cultus Lake Park, Legal subdivision 4, Section 35, Township 22 except firstly: the land covered by the waters of Cultus Lake; and secondly: part subdivided by Plan 25064 New Westminster District (PID 000-823-198).

WHEREAS Water Licence C069972 held by the Cultus Lake Parks Board authorizes the improvement of the channel of Sweltzer River from the outlet of Cultus Lake to the Columbia Valley Highway Bridge during the period of 15th July to 15th September upon prior consent of the Engineer for the New Westminster Water District (clause L).

WHEREAS The City of Chilliwack and the Cultus Lake Park Board (CLPB), as landowners and the latter as licensee, have provided written letters stating no objections to the channel maintenance.

WHEREAS on July 13, 2016, we received plans from the Fraser Valley Regional District to remove approximately 1,500 cubic metres of accumulated excess sediments (predominantly sand) and remnants of the decommissioned lake level control weir, from the channel of Sweltzer Creek, including:

1. FVRD_Sweltzer_Drawing_5708-D-01_Location.pdf (Project drawing – location)
2. FVRD_Sweltzer_Drawing_5708-D-02_Details.pdf (Project drawing - details of work)
3. FVRD_Sweltzer_Drawing_5708-D-03_Sections.pdf (Project drawing - sections)
4. Balanced_Drawing_5603-D-02.pdf (Biophysical conditions - report – drawing)
5. Balanced_Drawing_5603-D-03.pdf (Biophysical conditions - report – photos)
6. FVRD_Sweltzer_Background.pdf (Description of work – background)
7. FVRD_Sweltzer_BestPractices.pdf (Description of work - best practices / mitigation measures)
8. FVRD_Sweltzer_BiophysicalConditions.pdf (Description of work - biophysical conditions report)
9. FVRD_Sweltzer_NeedForWork.pdf (Description of work - need for work)
10. FVRD_Sweltzer_WorkRelatedRisk.pdf (Description of work - work-related risk)
11. Golder Associates. 2015. Hydrotechnical Assessment of Proposed Dredging Works for Sweltzer Creek (reference No. 1536229-001-L-Rev0) submitted on July 28, 2015 to Fraser Valley Regional District.

12. Balanced Environmental. 2016. Memo regarding Fraser Valley Regional District (FVRD) Sweltzer River Channel Maintenance (tracking no. 100174483) submission addenda dated July 26, 2016 submitted to Krista Englund.

WHEREAS Krista Englund, Authorization Specialist, and James Davies, Assistant Water Manager under the *Water Sustainability Act* have reviewed and accepted the plans as being satisfactory.

NOW THEREFORE, I, James Davies, Assistant Water Manager under the *Water Sustainability Act*, hereby order pursuant to Section 93 of the *Water Sustainability Act* of British Columbia that Fraser Valley Regional District, has authorization to proceed with the proposed removal of sand and remnant weir structures (piles), subject to the following conditions:

- a) This Order does not constitute authority of any other agency. The holder of this Order shall have the necessary permits from other agencies concerned prior to the commencement of the works authorized herein.
- b) The holder of this Order shall take reasonable care to avoid damaging any land, works, trees, or other property and shall make full compensation to the owners for any damage or loss resulting from the exercise of rights granted hereunder.
- c) All work shall be carried out in accordance with the Ministry of Environment's "Standards and Best Practices for In-stream Works". The Ministry's guidance can be found at the following link:
http://www.env.gov.bc.ca/lower-mainland/electronic_documents/iswstdsbpsmarch2004.pdf.
- d) All work, including any instream work, must be carried out during favourable weather.
- e) Sweltzer Creek supplies water to licensees located downstream of the proposed worksite, therefore, extra care must be taken to ensure that no unnecessary siltation or disturbance occurs. The following licensees are to be advised 5 days prior to commencement of construction:
FISHERIES & OCEANS CANADA (Water Licence C065319)
201-401 BURRARD STREET, VANCOUVER BC, V6C 3R2
- f) The work authorized shall be completed on or before December 1, 2017.
- g) Work in the stream channel must not be completed outside of the authorized work window of July 15 – September 15.
 - (i) Instream works completed at certain times within this window may require special measures to be implemented to avoid impacts to Sockeye Salmon and other fish or species at risk.

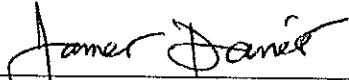
- h) The holder of this Order shall retain a qualified Environmental Monitor to provide daily or full-time supervision of all work in or near the stream the works authorized under this Order.
- i) The Environmental Monitor (EM) is responsible for observing the methods of construction and preparing information and reports on the compliance of the construction activities. The EM will provide advice on any measures necessary to isolate the stream, control erosion and sediment, and mitigate impacts to the land, fish, wildlife and habitat of the stream.
- j) The Environmental Monitor must attend to the site in advance of the works starting to inspect for fish, wildlife and species at risk, complete any salvages necessary, and to ensure appropriate environmental protection measures are installed properly.
- k) The Environmental Monitor is hereby granted authority to stop the work authorized under this Approval if deemed necessary by the Environmental Monitor to address risks to the environment.
- l) In the event of an environmental incident or non-compliance with any of the terms or conditions of this Order, the Environmental Monitor shall notify the Engineer under the *Water Sustainability Act* (604-586-4400), within 24 hours.
- m) To the extent possible, proposed work shall be completed in isolation of the stream flows.
- n) Upon commencement of the project, the works shall be pursued to completion as quickly as possible.
- o) A spill containment kit must be readily accessible on-site and no equipment or machine refueling shall take place within 30 metres of any watercourse.
- p) Equipment and machinery used must be in good operating condition and free of leaks, excess oil and grease.
- q) Control measures to prevent the release of silt, sediment or sediment-laden water must be in place before starting works that may result in sediment mobilization.
- r) Care shall be exercised during all phases of the work to prevent the release of silt, sediment, sediment-laden water, raw concrete, concrete leachate, or any deleterious substances.
- s) Discharge and runoff water from the site into any watercourses may not exceed 25 mg/L above suspended solid levels, and 25 nephelometric turbidity units (NTU), of the receiving waters during normal dry weather operation, and 75 mg/L above suspended solid levels, and 100 NTU, of receiving waters during storm events. Water quality monitoring must be conducted by the Environmental Monitor on every day in which instream works are being conducted. Daily reports must be prepared by the Environmental Monitor summarizing the current weather, the time and location of any

measurements taken, the activity being conducted at the time, and the respective turbidity levels. Daily monitoring reports must be made available upon request and provided as an Appendix to the Post-Construction Report requested in clause z.

- t) If dewatering or isolation of flow will be conducted, and the stream is known or suspected to contain fish and/or amphibians, the holder of this Approval will designate an appropriately qualified environmental professional to salvage any fish and amphibians present, prior to commencement of work in the stream channel. It is the responsibility of the holder of this Approval to obtain any permits needed prior to the salvage.
- u) All excavated material and debris shall be removed from the site or placed in a stable area above the high water mark of the stream and mitigative measures to protect the excavated material and debris from erosion and reintroduction into the watercourse shall be used, such as, but not limited to, covering the material with erosion blankets or seeding and planting with native vegetation.
- v) The holder of this Order shall be responsible for the repair, operation and maintenance of works to the satisfaction of the Water Manager.
- w) All temporary works (including a ford, stream crossing, flow bypass) and debris (litter) associated with the construction shall be removed on completion of the project.
- x) Vegetation removed for the purposes of temporary access must be replanted using native species that are suitable for the site conditions.
- y) Archeological sites (both recorded and unrecorded) are protected under the Heritage Conservation Act and must not be altered or damaged without a permit from the Archeology Branch. The holder of this Approval must advise everyone who will be involved in ground-disturbance and construction that if archeological materials are encountered, activities must be halted and the Archeology Branch contacted at 250-953-3334 for direction.
- z) The holder of this Order must provide a brief post-construction report within 60 days of completion of the works. That report shall include a signed statement from the Environmental Monitor summarizing:
 1. the in-stream works undertaken, the timing of those works, the total in-stream area directly affected, and the amount of sand removed;
 2. the frequency of monitoring and results of salvages and monitoring conducted (e.g. turbidity measurements);
 3. whether or not they observed or were otherwise aware of any non-compliance with the terms and conditions of this Order;
 4. a description of any environmental incidents, non-compliance or other difficulties, and how these were addressed and reported; and
 5. representative project photographs.

The report shall be provided as a hard copy addressed to Krista Englund, Authorizations Specialist, labelled with the file number of this Order.

Dated at Surrey, British Columbia this 29th day of July 2016.

A handwritten signature in black ink, appearing to read "James Davies", written over a horizontal line.

James Davies, P.Eng.
Assistant Water Manager