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May 20, 2025

Our file Notre référence
24-HPAC-01091

Comox Valley Regional District (CVRD)
ATTENTION: Daniel May
770 Harmston Ave.
Courtenay, BC
V9N 0G8

Via email: dmay@comoxvalleyrd.ca

Subject: Boat Launch Replacement, Lambert Channel, Hornby Island – Implementation of Measures to Avoid and Mitigate the Potential for Prohibited Effects to Fish and Fish Habitat

Dear Daniel May:

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on October 30, 2024. We understand that you propose to replace and improve an existing boat launch (Shingle Spit boat launch) on the west coast of Hornby Island, BC. The proposed works are listed below:

- Removing an existing 165 m² concrete boat launch from the intertidal and upland zones;
- Constructing a new 736 m² precast concrete boat launch within the upland, intertidal and subtidal zones, including riprap placement along the perimeter;
- Installation of four 300 mm diameter steel piles through vibratory methods; and
- Installation of a 56 m long, 2.17 m wide float structure that will attach to a new 6 m² upland precast concrete abutment and the installed piles.

Our review considered the following information:

- *Request for Review (RFR)* package prepared by Calidris Ecological Services Ltd. (Calidris), submitted by email on October 30, 2024, including:
 - *RFR form* prepared by Calidris; and
 - *Shingle Spit Boat Launch Replacement: Biophysical Assessment and Environmental Management Plan*, prepared by Calidris, dated October 7, 2024;
- *Additional Information Required Letter* sent by email to the Proponent requesting additional project details on November 13, 2024.

- *Virtual Meeting* between Daniel May (CVRD), Kim Poupard (Calidris) and Sean Hollis (the Program) to discuss additional project details on November 25, 2025.
- *Additional Information Response - Eelgrass Survey of the Proposed Shingle Spit Boat Launch*, prepared by Calidris, dated May 11, 2025, and sent by email to the Program on May 11, 2025.

Your proposal has been reviewed to determine whether it is likely to result in:

- the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the *Fisheries Act*;
- effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the *Species at Risk Act*; and
- the introduction of aquatic species into regions or bodies of water frequented by fish where they are not indigenous, which is prohibited under section 10 of the *Aquatic Invasive Species Regulations*.

The aforementioned outcomes are prohibited unless authorized under their respective legislation and regulations.

We understand the following aquatic species listed under the *Species at Risk Act* may use the area in the vicinity of where your proposal is to be located:

- Basking Shark, Northeast Pacific Southern Resident Killer Whale, Northern Abalone and Leatherback Sea Turtle, all listed as Endangered;
- Northeast Pacific Transient Killer Whale Population, listed as Threatened; and
- Bluntnose Sixgill Shark, Eastern North Pacific Grey Whale, Pacific Harbour Porpoise, North Pacific Humpback Whale, Longspine Thornyhead, Yelloweye Rockfish (Pacific Ocean Inside Waters Population), Rougheye Rockfish (Type I & II), Steller Sea Lion and Tope, all listed as Special Concern.

To avoid and mitigate the potential for prohibited effects to fish and fish habitat (as listed above), we recommend implementing the measures listed below:

- A qualified environmental professional (QEP) is to conduct environmental monitoring during all project activities that may result in potential negative effects to fish and fish habitat.
- Complete in-water work within the least-risk timing windows for Area 14N (Summer Window: June 1 – September 1; Winter Window: December 1 – February 15).
- Limit the duration of the in-water works, undertakings and activities so that they do not diminish the ability of fish to carry out one or more of their life processes (spawning, rearing, feeding, migrating, etc.).
- Conduct initial construction works, undertakings and activities that are required in the intertidal zone in the dry (i.e., when the site is dewatered by a low or falling tide).

- Conduct barge operations in good weather conditions and during daylight hours that permit visual observations of marine mammals.
- If there is a risk of harm to a marine mammal from direct contact, temporarily suspend construction until there is no longer a risk of harm from direct contact, or the individual has not been sighted for 30 minutes.
- Clearly delineate work areas and sensitive habitats (i.e., eelgrass) to avoid unintentional encroachment beyond planned footprints.
- Water-based equipment is not to ground upon the seabed except for the use of anchors or spuds needed to keep the equipment in place. Anchoring and spudding is not to occur within eelgrass habitat.
- Construction is not to result in the trapping or stranding of fish.
- Salvage motile invertebrate species within the project footprint and return to nearby waters outside of the work area.
- Vibratory pile driving is the preferred method for pile installation rather than impact pile driving. The following mitigation measures are applicable to pile installation by vibratory hammer only:
 - Establish a 500 m marine mammal exclusion zone around the project site prior to pile installation.
 - Monitor for marine mammals for at least 30 minutes prior to the start of pile installation by vibratory hammer. If a cetacean enters the exclusion zone, temporarily suspend pile installation until the individual has left the exclusion zone or has not been sighted for 30 minutes.
 - An experienced QEP is to monitor the area in the vicinity of the piles for the presence of fish during all pile driving activities. If injured or dead fish are observed, pile driving is to cease immediately. Pile driving should only resume after additional mitigation measures are implemented to avoid and mitigate further impacts to fish.
- If impact driving is required, complete pile installation in accordance with the following additional mitigation measures:
 - A QEP is to conduct acoustic monitoring during all impact pile driving to verify that underwater acoustic thresholds are not exceeded.
 - Install an effective sound attenuation device (e.g., multi-tier bubble curtain) to be used prior to and during impact pile driving to ensure sound levels do not exceed 207 dB re: 1 μ Pa and a SEL_{cum} of 203 dB re: 1 μ Pa²s outside of the sound attenuation device.
 - Establish separate fish and marine mammal exclusion zones (e.g., perimeter) around the sound source prior to impact pile driving. The pinniped exclusion zone is to be a minimum 75 m. The cetacean exclusion zone is to be a minimum of 500 m or the distance where sound levels do not exceed 160 dB_{RMS} re 1 μ Pa during impact pile driving, whichever is greater.
 - Monitor the exclusion zone for the presence of fish for at least 10 minutes prior to the start of impact pile driving and during all pile driving activities. If injured or dead fish are observed during pile installation, pile driving is to cease

- immediately. Pile driving should only resume after additional mitigation measures are implemented to avoid and mitigate further impacts to fish.
- An experienced and qualified marine mammal observer(s) is to monitor for marine mammals in the exclusion zone for 30 minutes prior to the start of and during all impact pile driving.
 - If fish and marine mammals are not observed in the respective exclusion zones during the prestart period, a soft start procedure is recommended where the impact energy is gradually increased over a 10-minute period. The soft start procedure is also recommended any time after there is a break of 30 minutes or more during impact pile driving.
 - If a marine mammal enters the marine mammal exclusion zone, temporarily suspend pile installation until the individual has left the exclusion zone or has not been resighted for 30 minutes.
 - If hydroacoustic monitoring indicates that these thresholds are being exceeded, work is to be halted and additional measures implemented to effectively reduce sound levels below the above thresholds.
- All rock used for permanent and/or temporary installations is to be non-acid generating, clean, and free of fine sediment and debris. Backfill voids in the riprap to the same or higher elevation than the adjacent beach to prevent trapping or stranding of fish.
 - Do not stockpile materials (i.e., cement mixes, fill, etc.) below the high-water mark or in areas where the material has the potential to enter fish-bearing waters.
 - Conduct cement pouring and curing in isolation of the marine environment. Uncured cement and cement wash water is not to come in contact with the marine environment at any time. Complete water quality monitoring, including pH monitoring, in the adjacent marine environment during cement application and until it has cured completely.
 - Develop and implement an erosion and sediment control plan to avoid the introduction of sediment into any waterbody during all phases of the works, undertakings, or activities.
 - Develop and implement a response plan to avoid a spill of deleterious substances into the marine environment.
 - Machinery and equipment are to be free of leaks and in good working condition.

Provided that you incorporate these measures into your plans, the Program is of the view that your proposal is not likely to result in the contravention of the above-mentioned prohibitions and requirements.

Should your plans change or if you have omitted some information in your proposal, further review by the Program may be required. Consult our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) or consult with a qualified environmental consultant to determine if further review may be necessary. It remains your responsibility to remain in compliance with the *Fisheries Act*, the *Species at Risk Act* and the *Aquatic Invasive Species Regulations*.

It is also your Duty to Notify DFO if you have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat. Such notifications should be directed to the DFO-Pacific Observe, Record and Report phone line at 1-800-465-4336 or by email at DFO.ORR-ONS.MPO@dfo-mpo.gc.ca.

Please notify the Program by email at Sean.Hollis@dfo-mpo.gc.ca at least 10 days before starting works, ensuring your file number and appropriate on-site contact information is included. We recommend that a copy of this letter be kept on site while the work is in progress. It remains your responsibility to meet all other federal, provincial and municipal requirements that apply to your proposal.

Please note that this Letter of Advice does not provide relief from the obligations set out in the government of British Columbia's *Riparian Areas Protection Regulations* (RAPR) and cannot be construed to provide authorization pursuant to section 3(2) of the RAPR, for any work, undertaking or activity within the Riparian Assessment Area. For more information on the RAPR, including contacts, please visit: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/aquatic-habitat-management/riparian-areas-regulation>.

Please note that the advice provided in this letter will remain valid for a period of one year from the date of issuance. If you plan to execute your proposal after the expiry of this letter, we recommend that you contact the Program to ensure that the advice remains up-to-date and accurate. Furthermore, the validity of the advice is also subject to there being no change in the relevant aquatic environment, including any legal protection orders or designations, during the one-year period.

If you have any questions with the content of this letter, please contact Sean Hollis at our Nanaimo office at 604-679-8145, or by email at Sean.Hollis@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

Michael Lockhart
Senior Biologist, Coastal Watershed Regulatory Operations
Fish and Fish Habitat Protection Program

c.c.: Kim Poupard, Calidris Ecological Services Ltd., kdpoupard@gmail.com