



Bettina Sander  
Regulatory Manager  
Site C Clean Energy Project  
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Vancouver, B.C. V7X 1V5

July 30, 2015

Jason Lee  
Director, Lands and Natural Resources  
Coordinating Lands Office, Treaty 8 Tribal Association  
10233 100th Ave.  
Fort St. John, BC V1J 1Y8  
Email: [JLee@treaty8.bc.ca](mailto:JLee@treaty8.bc.ca)

Sent via Email

**RE: Site C Clean Energy Project – Planned removal and destruction of Bald Eagle nests**

Dear Mr. Lee:

The purpose of this letter and attached figure is to notify Treaty 8 First Nations<sup>1</sup> of the planned removal and destruction of Bald Eagle nests from construction areas of the Site C Clean Energy Project, in accordance with Conditions 11 and 12 of *Wildlife Act* Permit FJ14-154018, issued on July 7, 2015:

11. The permit holder to notify Treaty 8 First Nations at least 30 days prior to the planned removal or destruction of a Bald Eagle nest.

12. On an annual basis, the permit holder will share with Treaty 8 First Nations their plans for removal of identified eagle nests for the coming year as indicated by their latest eagle nest survey information and provide annually to the Ministry of Forests, Lands and Natural Resource Operations (NE Region) records of such communication with Treaty 8 First Nations.

The attached figure shows the locations of both active and inactive Bald Eagle nests documented within the dam site and reservoir area below the confluence of the Peace River with Wilder Creek in 2014 (most recent survey). BC Hydro or its agents will remove these Bald Eagle nests between September 1, 2015 and March 31, 2016 once nests are confirmed inactive by a qualified professional, in accordance with *Wildlife Act* Permit FJ14-154018. If any unrecorded Bald Eagle nests are found within this area that must be removed during this timeframe, BC Hydro will notify Treaty 8 First Nations at least 30 days prior to their removal. If there are active bald eagle nests within and/or proximal to areas subject to forest cover removal, appropriate no-clearing buffers, as determined by a qualified professional, will be implemented and maintained for as long as necessary to avoid disturbance to subject active nests.

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<sup>1</sup> As advised by the Ministry of Forests, Lands and Natural Resource Operations, Treaty 8 First Nations for the purpose of this Notification include: West Moberly First Nations, Saulteau First Nation, McLeod Lake Indian Band, Doig River First Nation, Blueberry First Nation, Halfway River First Nation, Prophet River First Nation, and the Treaty 8 Tribal Association.

In accordance with Condition 6 of the Permit, BC Hydro “must compensate for the “removal or destruction of documented Bald Eagle nests by installing a minimum of 38 artificial nesting platforms” during the construction period. Where feasible and safe, nests will be removed intact and relocated and installed on nest platforms. Information on the installation of the artificial nesting platforms is provided in Appendix K of the Vegetation and Wildlife Mitigation and Monitoring Plan, submitted on June 5, 2015.

If you require additional information or clarification, please do not hesitate to contact me at 604-695-5234.

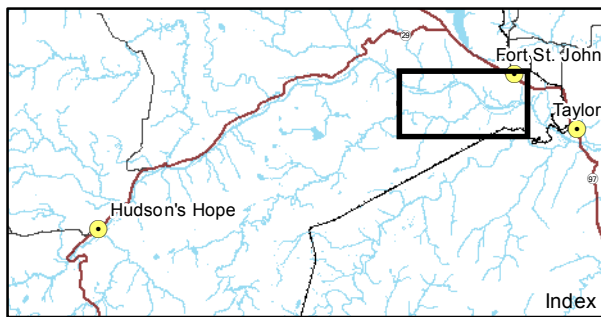
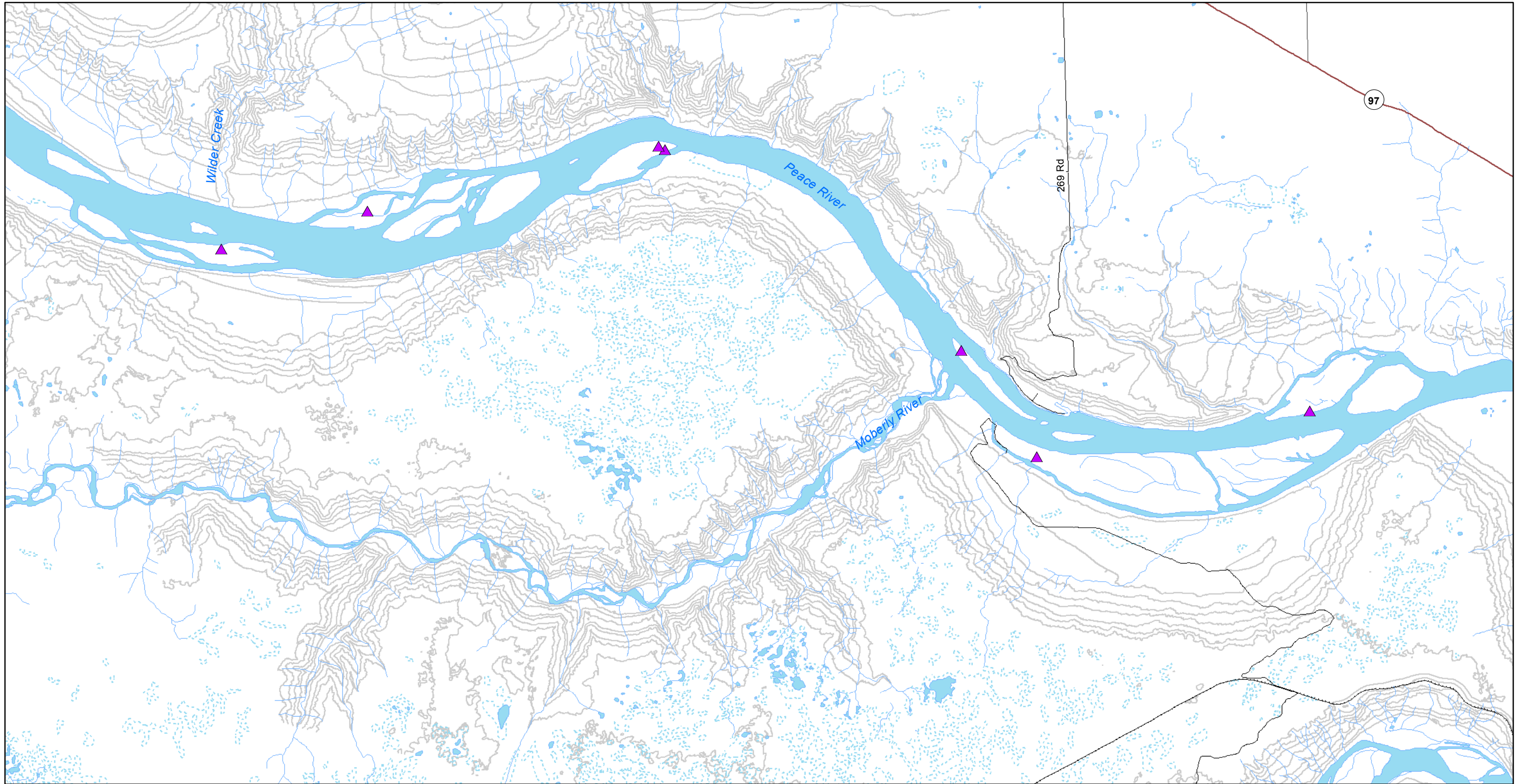
Sincerely,



Bettina Sander  
Regulatory Manager  
Site C Clean Energy Project

cc: Chief and Council, Saulneau First Nations  
Chief and Council, Prophet River First Nation  
Chief and Council, West Moberly First Nations  
First Nations' Technical Working Group  
Shawn Reed, Ministry of Forests, Lands and Natural Resource Operations  
Seanna McConnell, Manager, Site C Engagement Team, BC Hydro  
Joanna Mullard, Senior Negotiator, Site C Engagement Team, BC Hydro  
Aliana Slot, Aboriginal Relations Coordinator, Site C First Nations Engagement

Encl. 1. Figure - Bald Eagle Nests Planned for Removal September 1, 2015 – March 31, 2016  
2. *Wildlife Act* Permit FJ14-154018



Map Notes:  
 1. Datum: NAD83  
 2. Projection: UTM Zone 10N  
 3. Base Data: Province of B.C.  
 4. Bald Eagle Nest survey data collected in 2014.

### Legend

- ▲ Bald Eagle nest planned for removal Sept 1, 2015 - Mar 31, 2016
- Road
- Highway
- Railway

1:50,000 0 1 km



### Bald Eagle Nests Planned for Removal September 1, 2015 – March 31, 2016

Date	July 30, 2015	DWG NO	1016-C14-B7916	R 0
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## WILDLIFE ACT

### PERMIT FJ14-154018

<b>PERMIT HOLDER</b>	BC Hydro Suite 1100, Four Bentall Centre, 1055 Dunsmuir Street PO Box 49260 Vancouver BC V7X1V5 Attention: Bettina Sander PHONE: (250) 695-5234 Fax: (250) 695-5290
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**IS EXEMPT UNDER** s. 3 (1)(d)(ii) of the *Permit Regulation*, B.C. Reg. 253/2000,

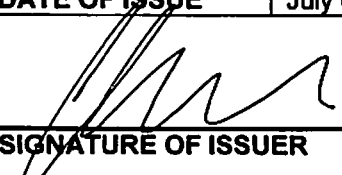
<b>FROM</b>	The prohibitions in section 34(b) of the <i>Wildlife Act</i> against possessing, taking or destroying the nests of <b>Bald Eagles</b> ( <i>Haliaeetus leucocephalus</i> ) in the Peace Region, specifically nests located within MUs 7-31 through 7-35.
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**AND,**

**IS AUTHORIZED UNDER** s. 2 (k)(i) of the *Permit Regulation*, B.C. Reg. 253/2000,

<b>TO</b>	Temporarily possess the feathers of a <b>Bald Eagle</b> ( <i>Haliaeetus leucocephalus</i> ) in the Peace Region, specifically within MUs 7-31 through 7-35.
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**SUBJECT TO THE FOLLOWING:**

<b>TERMS OF PERMIT</b>	The permit holder must comply with the terms in Appendix A.	
<b>ADVISORY</b>	It is the permit holder's responsibility to be aware of all applicable laws and the limits of this permit.  The Province is not liable for any illness contracted through actions taken under authority of this permit. It is the responsibility of the permit holder to inform themselves of possible health hazards, and to ensure that all reasonably necessary safety measures are undertaken.	
<b>COMPLIANCE ADVISORY</b>	Failure to comply with any term of this permit is an offence under the <i>Wildlife Act</i> , and may result in any or all of prosecution, suspension of the permit, cancellation of the permit, ineligibility for future permits, and denial of future permit requests.	
<b>PERIOD OF PERMIT</b>	This permit is only valid from July 7, 2015 to March 31, 2023	
<b>DATE OF ISSUE</b>	July 6, 2015	
<b>SIGNATURE OF ISSUER</b> 	Chris Addison Regional Manager Recreational Fisheries & Wildlife Programs Peace Region	<b>PERMIT FEE</b> \$400.00  <b>HCTF SURCHARGE</b> \$55.00

# APPENDIX A TERMS OF PERMIT

## PERMIT FJ14-154018

### REPORTING REQUIREMENTS:

1. The permit holder must maintain an accurate up to date record of all activities conducted under authority of this permit that includes the following information:
  - a) location\* where a bald eagle nest was removed or destroyed;
  - b) date and time an inactive bald eagle nest was removed or destroyed;
  - c) the number of bald eagle feathers that were recovered from each nest,
  - d) confirmation of the inactive status of a bald eagle nest if required under General Conditions.

\*includes a UTM grid location in NAD83 to + or – 100m accuracy (zone 2 digits, easting 6 digits, northing 7 digits)
2. The permit holder must submit an up to date copy of the above record to Front Counter BC annually. The record must be submitted by January 31 of each year, containing all records from the previous calendar year. The permit holder must also submit the comprehensive summary of all activities undertaken under the authority of this permit within **21 days** of the permit's expiry.
3. The permit holder must produce a copy of the record referred to in paragraph 1 on the demand of an officer.

### GENERAL CONDITIONS:

1. The permit holder must comply with all laws applicable to the activities carried out under this permit.
2. This permit extends to the permit holder's employees or contractors only when they are engaged in the direct performance of their duties on behalf of the permit holder.
3. All work is to be undertaken or supervised by trained professionals with suitable experience.
4. The permit holder must take all reasonably necessary steps to ensure that public safety is not jeopardized and fish or wildlife habitat is not damaged by any action taken under authority of this permit.
5. This permit **does not** authorize the molestation or destruction of **active** bald eagle nests. The removal or destruction of nests must be undertaken and completed outside of the critical period for raptors (April 1<sup>st</sup> to July 31<sup>st</sup>). If removal or destruction of a bald eagle nest must be conducted within the raptor cautionary period (March 1<sup>st</sup> to March 31<sup>st</sup> and August 1<sup>st</sup> to September 30<sup>th</sup>) a qualified professional must confirm the nest *is inactive*.
6. The permit holder must compensate for the removal or destruction of documented bald eagle nests by installing a minimum of **38** artificial nesting platforms as detailed in documents included in BC Hydro's October 24, 2014 permit application. Locations of artificial nesting platforms must also consider the existing spatial distribution of the documented nests to be removed or destroyed.
7. No removal of bald eagle nests in the Peace River Valley upstream of the confluence of the Peace River and Wilder Creek prior to July 31, 2016.
8. Where feasible and safe, the permit holder will remove inactive nest structures intact from trees before felling and subsequently install such nests on nesting platforms installed as compensation.

For every nest successfully relocated onto a nesting platform, one nesting platform will be taken off the total specified in condition 6.

9. Any eagle feathers which are contained within removed or destroyed nests must be documented as per the above *Reporting Requirements* 1a, collected (provided it is safe to do so) and submitted to the Fort St John Front Counter BC office or the Conservation Officer Service within **30 days** of nest removal or destruction.
10. To allow construction of the BC Hydro Site C clean energy project, this permit authorizes the removal or destruction of necessary:
  - a. bald eagle nests spatially identified within BC Hydro's October 24, 2014 *Wildlife Act* permit application;
  - b. additional nests, either not documented or newly constructed, provided requirements detailed in *General Conditions #5* above are adhered to.
11. The permit holder to notify Treaty 8 First Nations at least 30 days prior to the planned removal or destruction of a bald eagle nest.
12. On an annual basis, the permit holder share with Treaty 8 First Nations their plans for removal of identified eagle nests for the coming year as indicated by their latest eagle nest survey information and provide annually to the Ministry of Forests, Lands and Natural Resource Operations (NE Region) records of such communication with Treaty 8 First Nations.
13. If there are active bald eagle nests within and/or proximal to areas subject to forest cover removal, appropriate no-clearing buffers as determined by a qualified professional, must be implemented and maintained for as long as necessary to avoid disturbance to subject active nests.
14. During project construction and operations, retain all bald eagle nests outside of the Site C Clean Energy Project Activity Zone, including those newly active or newly constructed.
15. On an annual basis, the permit holder report to the Ministry of Forests, Lands and Natural Resource Operations (NE Region) the number and location of bald eagle nests removed or destroyed during the construction phase of the Site C Clean Energy Project.

## APPENDIX B ADVISORY

### PERMIT FJ14-154018

#### GENERAL

- It is the permit holder's responsibility to be aware of all applicable laws and the limits of this permit. For example, this permit does not give the permit holder authority to access or travel through any private land without permission from the landowner.
- The Province is not liable for any illness contracted through wildlife handling. It is the responsibility of the permit holder to inform themselves of possible health hazards, and to ensure that all reasonably necessary safety measures are undertaken.
- If applicable, the permit holder is responsible for renewing his or her own permit. The issuer is not obliged to send a reminder notice.

#### LEGISLATION

Here are some, but not all, relevant excerpts from the **Wildlife Act**:

##### **Property in Wildlife**

**2 (1)** Ownership in all wildlife in British Columbia is vested in the government.

**2 (4)** If a person by accident or for the protection of life or property kills wildlife, that wildlife, despite subsection (3), remains the property of the government.

**2 (5)** Despite anything in this Act, no right of action lies, and no right of compensation exists, against the government for death, personal injury or property damage caused by

- a) wildlife, or
- b) an animal that escapes or is released from captivity or is abandoned

in British Columbia

##### **Documents not transferable**

**81** Except as authorized by regulation or as otherwise provided under this Act, a licence, permit or limited entry hunting authorization is not transferable, and a person commits an offence if the person

- a) allows his or her licence, permit or limited entry hunting authorization to be used by another person, or
- b) uses another person's licence, permit or limited entry hunting authorization.

##### **Failure to pay fine**

**85 (1)** This section applies if a person

- (a) fails to pay, within the time required by law, a fine imposed as a result of the person's conviction for an offence under this Act or the *Firearm Act*, and
- (b) has been served with notice of this section.

(2) In the circumstances referred to in subsection (1),

- (a) the person's right to apply for or obtain a licence, permit or limited entry hunting authorization under this Act is suspended immediately and automatically on the failure to pay the fine,

- (b) all licences, permits and limited entry hunting authorizations issued to that person under this Act are cancelled immediately and automatically on the failure to pay the fine,
- (b.1) the person must not apply for employment as an assistant guide,
- (b.2) the person must not guide as an assistant guide, and
- (c) the person commits an offence if, before that fine is paid, the person
  - (i) applies for, or in any way obtains, a licence, permit or limited entry hunting authorization under this Act,
  - (ii) does anything for which a licence, permit or limited entry hunting authorization under this Act is required,
  - (iii) applies for employment as an assistant guide, or
  - (iv) guides as an assistant guide.

### **Production of licence or permit**

**97** If a person who is required to hold a licence, permit or limited entry hunting authorization issued under this Act

- a) fails to produce it for inspection to an officer on request, or
- b) fails or refuses to state his or her name and address to an officer on request,

the person commits an offence.

### **REGULATIONS**

This excerpt from the **Permit Regulation**, made under the **Wildlife Act**, is relevant:

**8** A person who holds a permit under the Act or the Permit Regulation commits an offence if he or she fails to comply with a term of the permit.