



Province of British Columbia

WATER SUSTAINABILITY ACT
ORDER
Section 93

File No.: 0179602

WHEREAS:

1. Rio Tinto Alcan is the operator of the Nechako Reservoir, for which it holds Final Water Licence 102324.
2. Clause (k) of Final Water Licence 102324 requires the release of water from the Skins Lake Spillway for the protection of sockeye and chinook salmon in accordance with the "Short Term Annual Water Allocation" as defined in section 2.1 A of the 1987 Settlement Agreement, dated 14 September 1987;
3. The "Short Term Annual Water Allocation" requires flow releases from the Skins Lake Spillway in accordance with Schedule "C" of the 1987 Settlement Agreement which includes flows for cooling purposes in the Nechako River.
4. The flows, referred to in Section 2.1 A.b of the 1987 Settlement Agreement, are referred to as the Summer Temperature Management Program (STMP). The STMP requires flows of 170 cubic metres per second (m^3/s) to 283 m^3/s at Cheslatta Falls (Water Survey of Canada hydrometric gauge 08JA017) for the period of July 20 to August 20 to manage water temperature in the Nechako River at or below 20 degrees Celsius;
5. In late 2018 a landslide into the Fraser River occurred near the vicinity of Big Bar (Big Bar Slide) creating a constriction in the river preventing the migration of salmon in 2019.
6. Fisheries agencies have indicated that a reduced flow in the Fraser River at the Big Bar Slide will help support successful fish passage. Fisheries agencies have indicated that a preferred maximum flow target at Cheslatta Falls, for the benefit of fish passage at Big Bar Slide, would be 170 m^3/s ;
7. In an email dated August 2, 2019, Fisheries and Oceans Canada (DFO) and the Ministry of Forests, Lands, Natural Resource Operations, and Rural Development (FLNRORD) Fish and Aquatic Habitat Branch have requested that the STMP be suspended for 2019 to enable passage of salmon at the Big Bar Slide from August 3 to August 20. The rationale is that the early Stewart Sockeye run are not able to pass the Big Bar Slide and suspension of the STMP is expected to improve the flow conditions in the Fraser River for salmon passage.

Ministry of Forests, Lands,
Natural Resource Operations
and Rural Development

Resource Stewardship Division

Office of the Comptroller
of Water Rights

Water Management Branch

Mailing Address:
PO Box 9340 Stn Prov Govt
Victoria BC V8W 9M1
Telephone: 778-698-7344
Facsimile: 250-356-0605

Location:
4th Floor, 2957 Jutland Road
Victoria BC V8T 5J9





8. Suspension of the STMP may have temperature related effects on Sturgeon and resident fish in the Nechako River. Monitoring of forecast air and water temperatures and adjusting the release of flow from the Skins Lake Spillway will mitigate potential risks to Sturgeon and resident fish. Flow adjustments will balance the potential benefits to fish passage at the Big Bar Slide and potential implications for resident fish in the Nechako River.
9. The Carrier Sikani Tribal Council and Upper Fraser Fisheries Alliance have provided endorsement for the suspension of the STMP in 2019 to benefit the passage of salmon at the Big Bar Slide.

I HEREBY DIRECT AS FOLLOWS:

1. The licensee is to suspend the Summer Temperature Management Program for the Nechako River for August 2019.
2. From August 3 to August 20, 2019 the licensee is to operate the Skins Lake Spillway to provide flows at Cheslatta Falls (Water Survey of Canada hydrometric gauge 08JA017) that balance the needs of:
 - Flow required to enable fish passage at the location of the Big Bar Slide on the Fraser River;
 - Water temperature and flow in the Nechako River as measured at Water Survey of Canada hydrometric station 08JA017 required for cooling purposes to protect Chinook and Sockeye Salmon;
 - Water temperature for Sturgeon and other resident fish.
3. Discharge is to reviewed daily and adjusted with input from Fisheries and Oceans Canada (DFO) and Forests, Lands, Natural Resource Operations, and Rural Development (FLNRORD) Fish and Aquatic Habitat Branch.
4. The licensee may operate the works in an alternate manner in the event of an emergency, dam safety requirement, or extreme hydrological event.
5. The licensee will provide a daily report on flows at Cheslatta Falls, gate changes, and rationale for the changes to Fisheries and Oceans Canada (DFO) and Forests, Lands, Natural Resource Operations, and Rural Development (FLNRORD) Fish and Aquatic Habitat Branch and the Comptroller of Water Rights.
6. This order expires on September 1, 2019.

Dated at Victoria, B.C., this 3 day of August, 2019.



Comptroller of Water Rights

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