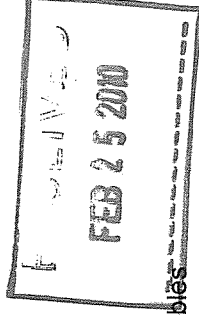




Transport
Canada

Transports
Canada

Navigable Waters Protection Program
Programme de protection des eaux navigables
Suite 820, 800 Burrard Street
Vancouver, B.C. V6Z 2J8



Your File *Voire référence*
2408240, 2001264
Our File *Notre référence*
T10595.4

PRIORITY COURIER

February 23, 2010

Ashlu Creek Investments Limited Partnership
Suite 303 - 38 Fell Avenue
North Vancouver, BC V7P 3S2



Re.: Application under the *Navigable Waters Protection Act* by Ashlu Creek Investments Limited Partnership for Approval of the Weir, Spillway, Intake, Powerhouse (tailrace) and Tunnel/Penstock located on Ashlu Creek in the Province of British Columbia

The Approval document issued on June 20th, 2006 for a period of 50 (fifty) years is now amended. Therefore, please find enclosed an Amended Approval dated February 19th, 2010 and signed on behalf of the Minister of Transport, Infrastructure and Communities pursuant to subsection 11(1) of the *Navigable Waters Protection Act* (R.S.C. 1985, c. N-22), as amended by Part 7 of the *Budget Implementation Act*, 2009, S.C. 2009, c. 2, for the above-referenced work.

Should you have any questions, please do not hesitate to contact our office in Vancouver at (604) 775-8866 or by facsimile transmission at (604) 775-8828 or by e-mail at PacNWP-PENPac@tc.gc.ca.

Sincerely,

Bob Gow
Manager
Navigable Waters Protection Program
Marine Safety
Transport Canada
Pacific Region

BG/ak

Enclosure

cc: **Ledcor Power Inc.**, Corporate Head Office, 1200 – 1067 West Cordova Street,
Vancouver, B.C., V6C 1C7

Canada

NAVIGABLE WATERS PROTECTION ACT (R.S.C. 1985, c. N-22) as amended by Part 7 of the *Budget Implementation Act*, 2009, S.C. 2009, c. 2 (*Navigable Waters Protection Act*), PART I
Paragraph 11.1(1)(a) – Amended Approval

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Amended Approval

APPLICANT:

Ashlu Creek Investments Limited Partnership
Suite 303 - 38 Fell Avenue
North Vancouver, BC V7P 3S2

WORK:

Weir, Spillway, Intake, Powehouse
(tailrace) and Tunnel/Penstock

SITE LOCATION:

Located at Approximately 49° 56' 04.0" N – 123° 22' 28.0" W, Ashlu Creek IPP, weir, spillway, intake at latitude 49.56.04 N longitude 123.22.28 W south of Pokosha Creek and powerhouse at latitude 49.54.47 N longitude 123.19.24 W, Squamish District, in the Province of British Columbia

IMPORTANT NOTICE:

This document approves the work in terms of its effect on marine navigation under the *Navigable Waters Protection Act*. The work must be maintained, operated, used and removed in accordance with the approved plan(s), the *Navigable Waters Protection Act*, its regulations and the terms and conditions in the Approval. It is the applicant's responsibility to obtain any other forms of approval, including building permits, under any applicable laws.

WHEREAS on November 25, 2004, the Minister of Transport did by *Navigable Waters Protection Act* Subsection 5(1) approve the plan(s) and site of the work hereinbefore referred to in favor of Ledcor Power Inc.;

WHEREAS it is considered advisable to grant an amended Approval of the above-mentioned work, having regard to changing conditions in navigation and the condition of the work, for a period of 50 (fifty) years;

THEREFORE, the Minister of Transport, Infrastructure and Communities, pursuant to paragraph 11.1(1)(a) of the *Navigable Waters Protection Act*, hereby amends the original Approval, providing:

1. Dredged material is not allowed to re-enter the waterway.
2. In the event that the operation of the above works is terminated, it will be the proponent's responsibility to remove the works and associated equipment in its entirety.
3. Public recreational facilities such as but not limited to portage facilities and bank protection will be constructed in such a manner as to enhance public safety.
4. Upon completion install and maintain a permanent kayak safety cable across the reservoir at a safe distance upstream of the weir for the safety of vessels. The cable shall be painted yellow and carry reflective material. The safety line may be removed during the winter season, but must be in place from April 15th to November 15th and at all times when conditions allow for reasonable vehicle access to Ashlu Creek above the weir.
5. The *Navigable Waters Works Regulations* apply.



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6. Flow releases will be provided for four weekends (Saturdays and Sundays) in May and eight weekends in August and September, for a total of 24 days. The flow releases will occur from 9 am until 6 pm each day and be minimum of 16 m³/s and range up to 32 m³/s. The amount of flow released will depend on water availability and will be co-ordinated between the Operator and the kayakers in advance of the weekend. For example, one day could be a lower flow day and the next a higher flow day depending on the water conditions in the river. This flow release range will allow for lower flow releases to accommodate kayakers who want to use the Commitment and Lower Canyon Runs or higher flow releases for the lower end of the Mine Run (between the project diversion structures and the Mile 25 Bridge). The flow releases will be coordinated via an on-line booking system that will be established by the Operator. The Operator will accept no liability for injury to kayakers or for loss of equipment due to kayaking in the bypass reach (the diverted portion of the Creek).
7. These flow release days will be in addition to the days made available for kayaking during the freshet period of late May to early August due to the diversion of a portion of water from the Creek.
8. A real time flow gauge will be installed within the bypass to provide flow information to a dedicated website. The actual flow conditions and the recent flow trend over the past 24 hours will be displayed. The flow gauge will be located the Mile 25 Bridge where a staff gauge has historically been located and used by recreational users in the past. The gauge location will have close proximity to both the bottom of the Mine Run and the top of the Commitment Canyon Run.
9. A portage route will be constructed along the north bank of the Creek (i.e. along the edge of the head pond) for recreational users to bypass the diversion structures (i.e. intake, weir). The Operator will maintain the portage route.
10. An access road and parking area off the main Forestry Service Road down to the diversion structures will be constructed and maintained by the Operator to provide shared access with recreational users to the Creek.
11. Synchronized bypass valves (i.e. energy dissipating valves) will be installed on the turbines for safety to mitigate any unexpected flow releases in the bypass reach when the Project is operating and kayakers are present. The purpose of the bypass valves is to control the flow in the bypass reach under emergency conditions if the turbines are suddenly shut down due to a load rejection by BC Hydro. Under this condition, the water level in the bypass reach would rapidly rise when flow is redirected back into the creek at the intake from passing through to the turbines in the powerhouse. With bypass valves, the amount of water released back into the bypass reach can be slowly increased to safeguard against impacting fish or recreational users.
12. The bypass valves will be specified to sustain full flow bypassing the turbines over the proposed 9 am to 6 pm flow release time on weekends in May, August and September and during the modified summer flows.
13. Warning signs will be installed and maintained at appropriate locations (at a minimum of 100 m upstream of the construction site) advising of the work in progress and, upon completion, install and maintain warning signs indicating that there is a suction hazard ahead. The signs would be a minimum of 4' X 4' aluminum with a white background 2" black border and black lettering
DANGER – SUCTION HAZARD – STAY WELL CLEAR
14. An audible alarm system will be installed to warn recreational kayakers in the bypass reach of any sudden changes in water flow due to a load rejection by BC Hydro. The alarm system will be installed at the diversion structures, the Mile 25 Bridge, the Mile 23 road pull-out and at the powerhouse as these areas will be the principal access points to the Creek by recreational kayakers.
15. Warning signs will be installed and maintained to advise of potential water flow changes at the diversion structure, the 25 Mile Bridge, the 23 Mile road pull-out and at the powerhouse.
16. A tailrace hazard sign will be posted and maintained at the roadside near the powerhouse to advise recreational kayakers to stay well clear of the tailrace. The sign would be a minimum of 4' X 4' aluminum with a white background, 2" black border and black letters.
17. Adequate marking/lighting will be provided during all phases of construction to safeguard navigation.



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16. Construction materials and debris will not become waterborne during construction. An independent Environmental Monitor will be present on site during construction and will monitor for debris (i.e. silt, materials) in the Creek and will report directly to the Department of Fisheries and Oceans as per the terms and conditions of the Construction Environmental Monitoring Plan.
17. The bed and the banks of the Creek will be restored to their original contours once the Project is removed after the end of operational life. Protection of the banks of the Creek from erosion in those areas where structures are installed (i.e. at the diversion and powerhouse) will be carried out; all other portions of the Creek that are undisturbed by construction activities for the Project would remain in their current, natural state.
18. All temporary false works, debris, etc. will be completely removed from the Creek after construction. All temporary, in-stream works (i.e. coffer dams, cut-off walls) required for construction of the intake, wier and tailrace will be removed from the Creek once construction of the Project is completed.
19. The portage facilities and bank protection will be constructed in such a manner as to enhance public safety. All of the facilities at the diversion and powerhouse locations will be constructed to ensure public safety is not compromised.
20. Transport Canada representative(s) will have unimpeded access to the site for inspection and/or monitoring purposes. Access will be granted to Transport Canada representative(s) according to Provincial and construction safety standards. Inspections and/or monitoring will be co-ordinated with the Owner prior to any site visits to ensure construction personnel are fully aware of visitors on site for safety and security reasons.
21. Ramping rates to be used for start up and shutdown of flow diversions into the water conduit and for recreational kayaking (described in Sec 6.1) will be determined, in consultation with DFO, during commissioning of the Project.

Ramping for scheduled flow release in the bypass reach will be required to provide sufficient water for recreational kayaking (as per Transport Canada). These flow releases will occur on weekends in May, August and September from 9 am to 6 pm and will range from 16 to 32 m³/s. The flows will be provided only if they are pre-booked by kayakers, otherwise, no flow releases will occur.
22. Should ownership of the "Ashlu Creek Investments Limited Partnership" change, Transport Canada should be notified in writing within 30 days.

Vancouver, B.C.



Date: _____

Bob Gow
Manager
Navigable Waters Protection Program
Marine Safety
Transport Canada
Pacific

for the Minister of Transport, Infrastructure and
Communities