

Hi Keith,

I apologize for the delay in getting back to you on your memberships questions about the use of fish spawning deterrents. I can appreciate sensitivity of this issue to BC Metis Federation members. I have spent some time working with our environment team so that we could provide you with an accurate and informative answer respecting our use of fish spawning mats.

Trans Mountain installed fish spawning deterrents (mats) in 8 locations in summer 2017 as described in the National Energy Board (NEB) plans (Condition 43 Watercourse Crossing Inventory). These mats were fastened to the bottom of the streams at locations where potential spawning habitat had been identified at stream crossings planned for construction in the winter of 2018.

These fish mat installations were undertaken to ensure that construction would not damage incubating eggs or larvae that may not have hatched before instream construction was to occur. While fish are known to return to specific streams to spawn, they do not return to the exact same spot as natural stream events modify the location of spawning grounds from one year to the next. Spawning deterrent mats do not prevent fish from spawning in the streams, it only deters them from spawning at a specific location. This type of mitigation has been accepted by the NEB and has been approved previously on other projects by the Department of Fisheries of Environment Canada. I have attached a document that provides more information with respect to this technique.

The issue with the NEB arose because Trans Mountain began installation of deterrents as part of mitigation in advance of construction as a pre-construction activity – which is permitted under NEB decision. However after the installations occurred, the NEB examined the issue and in its inspection report, the Board stated that

- o “the installation of fish deterrent mattings falls within the definition of construction in Certificate OC-064”
- o “numerous conditions of Certificate OC-064 which require approval in advance of construction of the pipeline portion of the project have not yet been approved by the Board, and “
- o “it is the IO’s [National Energy Board’s] view that there is potential for greater environmental harm should the company be required to remove the spawning deterrents while target fish remain actively spawning within the relevant systems. The IO is therefore satisfied that Trans Mountain should monitor, maintain and remove the previously installed spawning deterrents according to the measures and timing outlined in its Sept 25 and 28 NNC responses. “

The 8 spawning deterrent mats that were installed are now being removed in accordance with NEB’s direction.

I hope this addresses the concerns of members respecting this issue. Please let me know if you or your membership have any further questions.

Best regards,