

critical fisheries life stages (rearing and migration) when compared to the originally proposed increase occurring year round.

MOE raised concerns regarding the additional risk of potentially increasing the maximum diversion flow rate without analyzing and understanding the effects of an altered flow regime from an operational Project on fish and fish habitat. MOE expressed a preference for operational monitoring of the Project as required by the Certificate, prior to amending the maximum diversion flow rate, to reduce the uncertainty of how the altered flow regime from the Project may affect fish and aquatic ecosystem health.

FLNR commented that the proposed increase in the maximum diversion flow rate would not likely have a significant impact on wildlife or vegetation in the Project area. From a fisheries perspective FLNR provided similar comments to MOE in that they recommend operational monitoring of the Project before the proposed amendment that would affect the flow regime.

#### *Public comments*

EAO held a Public Comment Period to solicit public concerns and questions on the Application from June 20, 2013, to July 20, 2013. An EAO Open House for public review of the proposed Certificate amendment was held on July 4, 2013, in Port McNeill.

EAO received four written comments expressing concerns with the proposed amendment. Key themes included:

- In-stream flow requirements for fish, riparian vegetation, fish production and aquatic habitat; and
- No changes should be made to the Project until sufficient time and monitoring has occurred to determine if the Project is resulting in negative effects to fish and fish habitat.

#### *Conclusion*

Regarding public and Working Group comments for the Application review, EAO concludes that the Proponent has provided adequate responses to all questions provided.

### **3. First Nations' Asserted Rights and Title**

#### *'Namgis First Nation and Tlowitsis First Nation*

On June 17, 2013, EAO sent notification letters seeking comment on the Application to the 'Namgis First Nation and Tlowitsis First Nation as the Project is located within their traditional territories. On July 8, 2013, EAO received a letter of support, from the 'Namgis First Nation, regarding the proposed Certificate amendment. EAO did not receive comments from the Tlowitsis First Nation.