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July 23, 2025

Our file *Notre référence*
25-HPAC-00704

Skeena Resources
Attention: Genevieve Pelletier
Suite #2600
1133 Melville St.
Vancouver, BC
V6E 4E5

Via email: gpelletier@skeenagold.com

Subject: Eskay Creek Revitalization Project, Ketchum Creek, Bob Quinn – Application for Authorization under the *Fisheries Act* Required, but Prohibited Effects on Listed Aquatic Species at Risk Are Not Likely.

Dear Genevieve Pelletier:

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on June 23, 2025. We understand that you propose to:

- Redevelop a brownfield mine site in northwest British Columbia. The project is currently under review through the BC Environmental Assessment Act. The mine site footprint contains no fish-bearing habitat. However, the lowest 200 m of Ketchum Creek is fish-bearing, and this 200 m reach will be subject to flow reduction during mine operations. In response to feedback from DFO, the proponent has submitted this Request for Review characterising project effects on the fish-bearing reach of Ketchum Creek.

At the time of this assessment, no aquatic species listed under the *Species at Risk Act* are known to use the area in the vicinity of where your proposal is to be located.

Our review considered the following information:

- Request for Review form, submitted via email on June 24, 2025, signed by Genevieve Pelletier.
- Eskay Creek Revitalization Project, Ketchum Creek, Request for Review, dated June 2025, produced Tahltan ERM Environmental Management, submitted by email on June 24, 2025.

- Eskay Creek Revitalization Project - Application for an Environmental Assessment Certificate, Technical Advisory Committee Review, Environment and Climate Change Canada Comment # ECCC-029 regarding flow predictions in Ketchum Creek.
- Spatial data for Ketchum Creek including: 1m contours; 1m DTM; and Orthophoto provided by Skeena on April 7, 2025.
- [Fish-Stream Identification, Guidance to Support Forestry Stream Classification. Province of British Columbia](#). February 2025. 123 pages.
- Eskay Creek Revitalization Project Application for an Environmental Assessment Certificate / Impact Statement. Chapter 15, Surface Water Effects Assessment. August 2024.
- Eskay Creek Revitalization Project Application for an Environmental Assessment Certificate / Impact Statement. Chapter 16, Fish and Fish Habitat Effects Assessment. August 2024.
- Turbidity information for Ketchum Creek and the Unuk River from page 116 Eskay Creek Revitalization Project, Surface Water Quality Cumulative Baseline, 1990 to 2022. Skeena Resources, November 2023.

Your proposal has been reviewed to determine whether it is likely to result in:

- the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the *Fisheries Act*; and
- effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the *Species at Risk Act*;

The aforementioned outcomes are prohibited unless authorized under their respective legislation and regulations.

Based on the review of the above information, the Program has concluded that the following works, undertakings or activities are likely to result in the death of fish by means other than fishing, and/or the harmful alteration, disruption or destruction of fish habitat:

- Reduction of flow in the lower 200 m of Ketchum Creek in late winter and early spring during mine operations.

Your proposal requires authorization pursuant to paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act* in order to proceed. As your proposal is not likely to result in prohibited effects on listed aquatic species at risk, no permit will be required under the *Species at Risk Act*.

Please submit the following information and documents to apply for a *Fisheries Act* authorization:

- a completed Application Form for the Issuance of an Authorization under Paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act* (Non-Emergency Situations) (<http://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-005-eng.html>);

- the required information and documentation set out in the *Authorizations Concerning Fish and Fish Habitat Protection Regulations* (the Regulations) (<http://www.gazette.gc.ca/rp-pr/p2/2019/2019-08-21/html/sor-dors286-eng.html>); and
- an irrevocable letter of credit or another equivalent financial guarantee, including a performance bond (for more information see: <https://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/applicants-guide-candidats-eng.html#113:~:text=the%20Fisheries%20Act.-,4.3%20Financial%20guarantee,-A%20financial%20guarantee> to cover the cost of offsetting plan, if you are not exempted from providing one as set out in subsection 2(2) of the Regulations.

In addition, the following actions are recommended to support your authorization application:

- Based on a overview of the 1 m contour intervals for lower Ketchum Creek, the feasibility of establishing a hiking trail to access the mouth of Ketchum Creek from the bench to the west is high (Appendix A). Engage a safety specialist or forestry technician to determine the best route for a trail construction to lower Ketchum Creek (i.e. the lowest 200 of the creek). Establishment of a safe access route would allow on-the-ground habitat assessment and fish sampling, and aid future monitoring of flow changes.
- Assess salmonid stock information from DFO and Alaska (e.g. escapement patterns, migration and spawning timing) for the Unuk River, to confirm the appropriate timing and frequency of fish sampling required to rule out chinook and coho salmon use in lower Ketchum Creek.
- Conduct a fish use assessment of lower Ketchum Creek. Based on their respective life histories for the Unuk River, a minimum of 3 years of sampling would be required to rule out coho salmon spawning in Ketchum Creek, and a minimum of 5 years of sampling would be required to rule out chinook salmon spawning in Ketchum Creek. Knowledge of char life histories, specific to the knowledge whether they spawn every year, or may skip a year, is required to inform use by char. Until studies are completed to rule out this use, as per the precautionary principle, Pacific salmon and char use are assumed.
- Establish and operate a hydrometric station at Ketchum Creek at Node Lower Ketchum Creek (KC-2.00) to accurately measure discharge in lower Ketchum Creek.
- To reduce uncertainty in flow predictions in lower Ketchum Creek, when more flow data is available, update Figure 15.4-10: Lower Ketchum Creek (KC-2.00) Water Quantity Summary Sheet in Chapter 15 – Surface Water Effects Assessment, including predicted changes in mean monthly flow .
- Once the flow predictions in lower Ketchum Creek are updated, use the revised flow predictions to evaluate the effects of flow changes on fish habitat in Lower Ketchum Creek. Identify the flow sensitivity by month based on criteria in the 2022 BC Environmental Flow Needs Risk Assessment Framework. Identify the Risk Management Rating (i.e., Level 1, 2 or 3) by month based on the cumulative withdrawal amount.
- To supplement the Risk Management ratings on lower Ketchum Creek, conduct a detailed habitat assessment using standard methods.

- Describe which of the standard mitigations for impacts from fall and winter water diversions, such as reduced consumption and use of water storage reservoirs, will be applied during operations to minimize impacts.

Please note that the decision whether to issue or not an authorization under paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act* is “Crown conduct” to which the duty to consult will apply and, when appropriate to accommodate, when Aboriginal or treaty rights may potentially be adversely affected. For more information on Indigenous consultation, please consult the attached document *Crown Duty to Consult and, when appropriate, Accommodate*.

Should you choose to relocate or redesign your proposal, this could reduce the potential impacts of your proposal to a level where the aforementioned prohibited effects to fish and fish habitat can be avoided and authorization under the *Fisheries Act* would no longer be required. If you choose to modify your proposal to avoid a need for authorization, please submit your revised Request for Review form.

Please note that information submitted to DFO will be shared with Indigenous peoples with whom DFO is consulting in relation to the Crown’s Duty to Consult if it is determined that the decision to authorize or not your proposed works, undertakings or activities may adversely affect Aboriginal or treaty rights.

As you are aware, Bill C-68 included new provisions (sections 42.2 to 42.5) in the *Fisheries Act* that require the Minister of Fisheries and Oceans to establish a public registry to facilitate public access to certain records, including amongst other items, authorizations issued pursuant to paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act*. While the public registry provisions of the *Fisheries Act* are not yet in force, the Department has begun to post a list of authorizations issued since August 28, 2019, when amendments to the fish and fish habitat protection provisions of the Act came into force.

If DFO issues such an authorization at the end of its review of your proposed works, undertakings or activities taking place in or near water, information pertaining to this authorization will be posted to the *Fisheries Act Registry* and accessible from the Department's website at <https://www.dfo-mpo.gc.ca/pnw-ppe/registry-registre-eng.html> as well as from the Open Government Portal at: <https://open.canada.ca/data/en/dataset/2c09d2fd-9a8e-4d8c-b5af-95747e36eaac> and the Common Project Search at <https://common-project-search.canada.ca/>. Information and data will be updated as the Department continues to develop the *Fisheries Act Registry*.

Any disclosure of information will be conducted in accordance with the *Access to Information Act* and the *Privacy Act*. Should you have any documents that contain sensitive or proprietary information that you believe should be protected from public disclosure, please contact us prior to providing them to DFO to discuss whether and how the information may be protected.

Please be advised that any unauthorized work, undertaking or activity that violates sections 34.4 and 35 of the *Fisheries Act*, sections 32, 33 and/or subsection 58(1) of the *Species at Risk Act* could lead to corrective action such as enforcement.

If you have any questions with the content of this letter, please contact Barrie Tuite at our Nanaimo office at 778-268-2476 or by email at barrie.tuite@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

David Carter M.Sc. RPBio
Regional Manager
Fish and Fish Habitat Protection Program

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Appendix A: Area of Interest for access trail to lower Ketchum Creek

