



REASONS FOR DECISION

FILE NUMBER: 6409297

APPLICANT: Canadian National Railway Company

BACKGROUND: Canadian National Railway Company (CN) is planning to construct a new Zanardi Bridge and new connecting track between Port Edward and Kaien Island, BC (the Zanardi Project.) An authorization and associated fish habitat offsetting plan are required for the Zanardi Project under the *Fisheries Act*. The offsetting plan includes installing a pipe through CN's right of way to address an existing barrier to fish passage between Lelu Slough and a roughly 1.8 ha saltmarsh. The connection will make the saltmarsh accessible to marine fish and provide refugia, feeding habitat, and improve the flow of nutrients to the Lelu shoreline ecosystem. Most of the wetted saltmarsh and some of the associated riparian habitat is located on un-surveyed Crown Land. CN is not proposing to install infrastructure on Crown Land.. Temporary construction access (up to 50m²) may be required on the Crown parcel for roughly 6 weeks to facilitate the installation of the works on CN property.

DECISION DATE: April 11, 2024

DECISION: PROCESSED – TENURE ISSUED
Licence of Occupation, Industrial, 30 years

REASONS FOR DECISION:

Consistent with relevant policy and procedures, all requirements to issue the Licence of Occupation have been met by CN. A thirty-year term has been offered because the project is for fish offsetting purposes and no infrastructure will be built on site. First Nations did not have any concerns with the longer term for a fish offsetting project.

DECISION MAKER:

Name: Beth Gow
Title: Senior Authorizations Specialist
Delegated authority under *Land Act* s. 11

For more information contact:

Name: Beth Gow
Phone: 250-876-7044
Email: Beth.Gow@gov.bc.ca