

August 5, 2009

76975-35/Wahleach

Ms. Renata Kurschner  
Director, Generation Resource Management  
BC Hydro  
6911 Southpoint Dr  
Burnaby BC V3N 4X8

Via email: Renata.Kurschner@bchydro.com

Dear Ms. Kurschner:

**Re: Amendment to Wahleach Water Use Plan Order**

The section 88 order to implement the Wahleach Project Water Use Plan was issued January 18, 2005.

Since then a greater understanding of the fisheries values in the Wahleach system has been gained, leading to proposed operational changes. The operational changes are embodied in the recently issued section 35(2) and 32 authorization under the Fisheries Act.

I understand the federal Department of Fisheries and Oceans reviewed the changes with First Nations and all fisheries agencies are in support of the change in operations.

I also understand the changes should lead to greater fish and power benefits while not affecting other water use values.

In recognition of the above, clause 2 of schedule A of the January 18, 2005 order is amended by adding the following:

“C. If during the Sept 15 to Nov 30 period the following conditions exist, the diversion at Boulder Creek fish-water by-pass gate (PD 42969) will be reduced to provide a minimum flow of 0.60 cms in Wahleach Creek, as measured at the gauge near Laidlaw, for as long as both conditions persist:

- i. Kokanee are utilizing Boulder Creek downstream of the fish-water by-pass gate for spawning and incubating, and;
- ii. Spawning salmon are not utilizing lower Wahleach Creek habitats below the Laidlaw Bridge.”

Sincerely,



Pieter Bekker  
Deputy Comptroller of Water Rights

cc's: Dan Sneep, Habitat Assessment Biologist, Department of Fisheries and Oceans Canada  
Ted Down, Manager, Fisheries Science Section, Ministry of Environment

