

APPENDIX 'P'

IMPLEMENTATION OF MEASURES TO AVOID AND MITIGATE SERIOUS HARM TO FISH AND PROHIBITED EFFECTS ON LISTED AQUATIC SPECIES AT RISK



1028 Parsons Road SW
Edmonton, AB
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March 21, 2018

Your file Votre référence

Our file Notre référence

17-HCAA-01475

City of Winnipeg
Public Works Department
Attention: Ryan Cunningham
1155 Pacific Avenue
Winnipeg, Manitoba
R3E 3P1

Subject: Bridge Repair, Seine River, Winnipeg – Implementation of Measures to Avoid and Mitigate Serious Harm to Fish and Prohibited Effects on Listed Aquatic Species at Risk

Dear Mr. Cunningham:

The Fisheries Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on October 17, 2017. We understand that you propose to:

- Regrade and armour the headslopes of a bridge over the Seine River with riprap, and stabilize the upstream bank with riprap.

Our review considered the following information:

- Request for Review, received October 17, 2017.
- *Seine River Bridge Rehabilitation at Fermor Avenue, Winnipeg, Manitoba: Fish Habitat Assessment*, received October 17, 2017.
- Email communications between Alexandra Sorckoff (DFO) and Mike Lau (Dillon) on February 26, 2018.

Your proposal has been reviewed to determine whether it is likely to result in serious harm to fish which is prohibited under subsection 35(1) of the *Fisheries Act* unless authorized. Your proposal has also been reviewed to determine whether it is likely to affect 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*, unless authorized.

To avoid and mitigate the potential for serious harm to fish, we recommend implementing the measures listed below:

- Avoid the commencement of in-stream works during the Restricted Activity Period of April 1st to June 15th.
- Ensure effective erosion and sediment control measures are in place prior to disturbance, as well as during and after construction to prevent sediment from entering any watercourse or water body. All erosion and sediment control measures will be inspected regularly to ensure that they are functioning properly and are maintained, cleaned and/or upgraded as required until complete re-vegetation of all disturbed areas is achieved.
- If flowing water is present, isolate all in-stream activities from flowing water to maintain the natural flow of water downstream and avoid introducing sediment into the watercourse.
- Screen all pumps as per DFO's Freshwater Intake End-of-Pipe Screen Guideline (1995). The outlet will have a diffuser or will be placed in a location that is not subject to erosion from the outflow.
- A fish rescue and relocation will be conducted by a qualified professional, if water is present.
- Contain and stabilize all excavated and waste material above the high water mark of nearby waterbodies to prevent re-entry.
- Ensure that machinery arrives on site in a clean condition and will be maintained free of fluid leaks, invasive species and noxious weeds.
- Ensure that machinery will be washed, refueled and serviced, and fuel will be stored above the high water mark to prevent deleterious substances from entering the water.
- Ensure that spill containment measures and an emergency spill kit are on site.
- Avoid the commencement of in-stream works during windy, wet, or rainy periods.

Provided that you incorporate these measures into your plans, the Program is of the view that your proposal will not result in serious harm to fish or prohibited effects on listed aquatic species at risk. As such, an authorization under the *Fisheries Act* or a permit under the *Species at Risk Act* is not required.

Should your plans change or if you have omitted some information in your proposal, further review by the Program may be required. Consult our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) or consult with a qualified environmental consultant to determine if further review may be necessary. It remains your responsibility to avoid causing serious harm to fish and avoid prohibited effects on listed aquatic species at risk, any part of their critical habitat or the residences of their individuals.

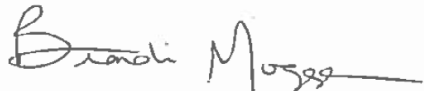
It is also your *Duty to Notify* DFO if you have caused, or are about to cause, serious harm to fish that are part of or support a commercial, recreational or Aboriginal fishery. Such notifications should be directed to <http://www.dfo-mpo.gc.ca/pnw-ppe/violation-infraction/index-eng.html>.

Please notify this office at least 10 days before starting your project. A copy of this letter should be kept on site while the work is in progress. It remains your responsibility to

meet all other federal, territorial, provincial and municipal requirements that apply to your proposal.

If you have any questions with the content of this letter, please contact Alexandra Sorckoff at our Edmonton office at 780-495-3277, or by email at Alexandra.Sorckoff@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A handwritten signature in black ink that reads "Brandi Mogge". The signature is written in a cursive style with a long horizontal line extending to the right.

Brandi Mogge
A/Senior Fisheries Protection Biologist

Cc: Alexandra Sorckoff – Fisheries and Oceans Canada
Maureen Forster – M Forster Enterprises
Mike Lau – Dillon Consulting Ltd.