



Fisheries and Oceans Canada Pêches et Océans Canada

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29 November 2005

Your file Votre référence

Our file Notre référence
WI-05-3372

Mr. Chris Carroll
Geotechnical Engineer
KGS Group
3rd Floor, 865 Waverley St.
Winnipeg, MB R3T 5P4

Dear Mr. Carroll:

Subject: Proposed works or undertakings will not likely result in negative effects to fish habitat if additional protection measures are implemented.

Fisheries and Oceans Canada (DFO) received your proposal on November 10, 2005, concerning riverbank stability improvement and outfall pipe repairs at the City of Winnipeg's Hawthorne Flood Pumping Station. To expedite future correspondence or inquiries, please refer to your referral title and file numbers when you contact us.

Referral File No.: **05-HCAA-CA1-000-003372**
Habitat File No.: **WI-05-3372**
Referral Title: **Riverbank Remediation Works - Hawthorne Pumping Station, Winnipeg, Manitoba**

It is our understanding that your proposal consists of:

- *Construction of a new flood pumping station and gate chamber modifications that do not involve work in or near fish habitat.*
- *Relining and partial replacement of the outfall pipe that do not involve work in or near fish habitat.*
- *Placement of a 0.6 meter thick riprap blanket, comprised of 50 to 450 mm diameter materials, along 40 meters of the Red River shoreline, extending approximately 22.5 meters from the Regulated Summer River Level (at 223.7 meters above sea level) into the river. Cumulative development of the Red River shoreline to rip-rap, in Winnipeg, would increase very slightly from 14.29 to 14.33% following construction. 900 square meters of clay/silt river bottom below the regulated summer river level would be covered by the rip-rap blanket.*
- *Construction of a shear key of tightly spaced rock fill columns at the approximate regulated summer river level.*
- *No removal of in-water vegetation.*
- *Re-vegetation of the river bank and all disturbed areas and access points including planting of indigenous trees and native grasses*

- *An erosion control plan and other mitigation measures to protect fish and fish habitat would be implemented as part of the work.*
- *The work would start in December 2005, at seasonal low winter river levels, with in-water work being completed before March 31, 2005 and site restoration being completed before June 30, 2006.*

as outlined in the following plans:

- *KGS Group: Information Package, Riverbank Remediation Works, Hawthorne Pumping Station - Final Report. Letter of transmittal from C. Carroll (KGS) to N. Fisher (DFO) dated and received November 10, 2005.*
- *KGS Group: Department of Fisheries and Oceans, Shoreline Infilling Information, Hawthorne Flood Pumping Station Upgrade and riverbank stability improvement works, Final Report, dated November 2005, received November 10, 2005..*

We have reviewed your proposal under the habitat protection provisions of the *Fisheries Act*. The measures described in your plans are not adequate to protect fish and fish habitat. Therefore, please ensure that the following additional measures are incorporated into your plans.

- *The deposit of deleterious substances into water frequented by fish is prohibited under the Fisheries Act, appropriate precautions are taken to ensure deleterious substances do not enter the Red River. An emergency spill kit should be available at all times. If planned measures are insufficient for effective control of deleterious substance, it is the responsibility of the proponent to implement alternative measures as required*
- *No work is conducted between April 1 and June 30 of any year. Every reasonable effort is made to minimize the duration of in-water activity and disturbance to the bed and shore of the waterway. Retention of existing vegetation is maximized.*
- *Effective erosion and sediment control measures (e.g. erosion control blankets, sediment barriers, straw mulch, silt curtains) are used to prevent any construction activities from contributing sediment to the Red River.*
- *All excavated material is disposed on land above the high water level, where it will not be a potential source of sediment for any water body. Any sediment, sand, or debris introduced to the ice surface shall be removed upon project completion and prior to spring thaw.*
- *Effective, long term erosion control measures are implemented. This includes stabilizing and seeding disturbed areas immediately after construction and ensuring they are reclaimed to vegetation within one growing season.*
- *The construction site is monitored to evaluate the effectiveness of sediment and erosion control measures. The physical stability of the shoreline both at and beside the work site is monitored. If monitoring identifies any problems, then appropriate actions are taken immediately to rectify the situation.*

By implementing these additional measures, it is our opinion that the proposed works and undertakings will not likely result in the harmful alteration, disruption or destruction (HADD) of fish habitat, which is prohibited unless authorized by DFO. These are recommendations to ensure that the proposed works will likely not result in a HADD of fish habitat. Therefore a subsection 35(2) authorization is not necessary.

You could contravene subsection 35(1) of the *Fisheries Act* if a HADD of fish habitat results from any change in your proposed plan or from failure to properly implement these additional measures. Subsection 35(1) states, "no person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat."

This letter of advice does not permit the deposit of a deleterious substance (section 36 of the *Fisheries Act*) into waters frequented by fish nor does it release you from the responsibility to obtain any other federal (for example, the *Navigable Waters Protection Act*), provincial or municipal approvals.

If these plans have changed since the time of submission, the advice in this letter may no longer apply and you should consult with us to determine if further review is required.

We request that you notify us at least 10 working days before starting the work and that a copy of this letter be kept on site while work is in progress. If you have any questions concerning the above, or if my understanding of the proposal is either incorrect, incomplete, or if there are changes to the proposed works or undertakings, please contact me directly by telephone at (204) 984-1372, by fax at (204) 984-2402, or by e-mail at januszr@dfm-mpo.gc.ca.

Yours sincerely,



Richard Janusz
Fish Habitat Biologist

c.c.: Winnipeg Distribution
L. Janusz (Manitoba Water Stewardship, Winnipeg)
W. Coughlin (Manitoba Water Stewardship, Gimli)