



Suite 301, 5204-50th Ave
Yellowknife, NT X1A 1E2

September 9, 2015

Your file *Votre référence*

Our file *Notre référence*
15-HCAA-00955

Tetra Tech WEI Inc.
Attention: Dave Tyson M.Sc., R.P.Bio., P.Biol.
400-161 Portage Ave East
Winnipeg, MB R3B 0Y4

Dear Mr. Tyson:

Subject: Implementation of mitigation measures to avoid and mitigate impacts to fish and fish habitat and aquatic species at risk – Ness Avenue crossing replacement Sturgeon Creek

The Fisheries Protection Program (the Program) of Fisheries and Oceans Canada received your proposal on July 28, 2015.

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*.

Your proposal has also been reviewed to determine whether it will adversely impact listed aquatic species at risk and contravene sections 32, 33 or 58 of the *Species at Risk Act* (SARA).

Our review considered the following:

- Request for Review Form and supporting documents dated July 28, 2015;
- Ness Avenue crossing replacement at Sturgeon Creek, environmental assessment report #1400070800-REP-V0001-00, dated July 23, 2015;
- Sturgeon Creek at Ness Avenue crossing replacement hydrologic and hydraulic assessment, July 2015;
- DFO File no.: 15-HCAA-00955 – information request response dated August 18, 2015;
- Project drawings dated June 29, 2015; and
- Telephone communication with Dave Tyson on September 4, 2015.

We understand that you propose to:

- Replace the Ness Avenue culvert at Sturgeon Creek with a three-span bridge;
- Apply rip rap to stabilize and protect the area where the existing crossing will be removed. This includes:
 - Armoring the bank slopes on each side of the creek (877 m²);

- Armoring the newly exposed stream channel where the culvert used to be located (217 m²);
- Armoring the east approach (276 m²) and west approach (199 m²) areas;
- Re-contour the west bank: downstream (1,321 m²) and upstream (353 m²) of the crossing;
- Re-contour and infill below the high water mark (HWM) to accommodate construction of the east abutment of the new bridge (47 m²);
- Isolate the stream with coffer dams (75 m upstream and 150 m downstream of the crossing);
- Partially dewater the work area, if needed, including the downstream scour pool (there is typically no flow in Sturgeon creek during winter months, but if there is water flow, it will be pumped downstream to bypass the work area) (as required);
- Undertake a fish salvage and relocate the fish downstream of the site;
- Incrementally proceed with rock placement in the scour pool from the bank into the channel so as to displace any remaining fish not captured during the fish salvage;
- Install a concrete retaining wall; and
- Recreate 536 m² of fish habitat by recreating open channel habitat at this project location.

DFO requests that a copy of the environmental monitoring report(s) including the results of the fish salvage activities be sent to the Yellowknife office at the end of the project. These can be sent to the attention of Véronique D'Amours-Gauthier at the following address:

Suite 301, 5204-50th Ave
Yellowknife, NT X1A 1E2

Since there are no SARA species or their habitats identified in the project area, no additional approvals under SARA will be required for your proposed activities.

Provided that you implement the required mitigation measures for your project, and follow the guidance available on the DFO website at <http://www.dfo-mpo.gc.ca/pnw-ppe/measures/index-eng.html>, the Program is of the view that your proposal should not result in serious harm to fish or contravene sections 32, 33 or 58 of the *Species at Risk Act*. No formal approval is required from the Program under the *Fisheries Act* or the *Species at Risk Act* in order to proceed with your proposal.

It remains your responsibility to ensure you avoid causing serious harm to fish in compliance with the *Fisheries Act*, and that you meet the requirements under the *Species at Risk Act* as it may apply to your project. If your plans have changed or if the

description of your proposal is incomplete, or changes in the future, you should 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 is required by the Program.

Please be advised that 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>.

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 project.

If you have any questions, please contact Véronique D'Amours-Gauthier at our Yellowknife office at 867-669-4912, by fax at 867-669-4940, or by email at veronique.damours-gauthier@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,



Vincent Harper
Senior Fisheries Protection Biologist-Linear Development
Fisheries Protection Program

C.c. Darren Burmey, P.Eng., City of Winnipeg
Véronique D'Amours-Gauthier, DFO-FPP Yellowknife