



Fisheries and
Oceans Canada

Pêches et
Océans Canada

Central & Arctic Region
Fisheries Protection Program
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Région centrale et de l'Arctique
Programme de Protection des Pêches
867 Chemin Lakeshore
Burlington, ON
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May 21 2019

Our file Notre référence
19-HCAA-00137

Town of Hay River
ATTENTION: Devin Braun
Civil Infrastructure Manager
100 – 62 Woodlawn Drive, Hay River, NT X0E 1G1

**Subject: Dredging, Porritt Landing, Mackenzie River Basin, Hay River –
Implementation of Measures to Avoid and Mitigate Serious Harm to Fish
and Prohibited Effects on Listed Aquatic Species at Risk**

Dear Mr. Braun,

The Fisheries Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on 11 February 2019. We understand that you propose to:

- Conduct dredging of a 600m² area on the north west portion of Porritt Landing for boat access off of Hay River
- Install silt curtains around the work area and exclude fish
- Remove dredged material, stockpiled 700m away on commissioners land, material may be used as common fill.
- Ensure equipment is free of fluid leaks.
- Works proposed to be completed between 15 May 2019 – 15 June 2019.

Our review considered the following information:

- Request for Review received on February 11, 2019.
- Email and telephone correspondences between Sophie Bowen, Earle Dumas and Devin Braun between 1 May 2019 – 3 May 2019
- Email correspondence with Ellen Lea, Fisheries Management Biologist Northern Operations on 7 May 2019

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:

- Install a silt curtain around the in-water work zone to exclude fish

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, please contact Sophie Bowen at 905-315-5268 or by email at Sophie.Bowen@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,



Rick Kiriluk
Senior Fisheries Biologist
Fisheries Protection Program
Fisheries and Oceans Canada

CC:

Earle Dumas – Town of Hay River
Sophie Bowen – Fisheries and Oceans Canada