



301-5204 50th Avenue
Yellowknife, NT
X1A 1E2

March 14, 2023

Your file *Votre référence*

Our file *Notre référence*

23-HCAA-00374

Imperial Oil – N.W.T Limited
Attention: Benjamin Fraser
505 Quarry Park Blvd. SE
Calgary, Alberta
T2C 5N1

Subject: Bosworth Creek Bank Stabilization – Norman Wells, NT

Dear Mr. Fraser:

The Regulatory Review Unit of the Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your request for review on January 30, 2023. We understand that you propose to undertake the stabilization of a 21m portion of bank on Bosworth Creek through the following methods:

- Creating an access route from the top of bank to Bosworth Creek
- Moving equipment, 140m³ Class 2/1M riprap, and other materials approximately 300m along Bosworth Creek from the access point to the work location, using swamp mats where necessary
- Prepare the worksite by clearing the creek bank of any loose or sloughed material, and removing creek ice.
- Place non-woven geotextile filter fabric along the bank
- Place Class 2 and 1M riprap armour rock along the creek bank per design using an excavator
- Key in approximately 40m² of riprap below the highwater mark

Our review considered the following information:

- The Request for Review and accompanying information submitted to DFO on January 30, 2023

Your proposal has been reviewed to determine whether it is likely to result in:

- the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the *Fisheries Act*; and

- effects to 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*.

The aforementioned outcomes are prohibited unless authorized under their respective legislation and regulations.

To avoid and mitigate the potential for prohibited effects to fish and fish habitat (as listed above), we recommend implementing the measures listed below:

- Avoid killing fish by means other than fishing
- Only conduct work while the watercourse is frozen to the bottom
 - If a need arises for work to be completed when the river is not frozen to the bottom, additional mitigation measures may need to be taken
- Adhere to DFO's Code of Practice for Ice Bridges and Snow Fills
- Limit impacts on riparian vegetation to those approved for the work, undertaking or activity
- Avoid placing fill or other temporary or permanent structures below the High Water Mark outside of the approved work area
- Avoid introducing sediment (silts, clays, and sands) to the watercourse
- Develop and implement an erosion and sediment control plan to minimize the introduction of sediment into any waterbody during all phases of the work, undertaking or activity
- Dispose of, and stabilize any excavated material above the High Water Mark or top of bank of nearby waterbodies and ensure sediment re-entry to the watercourse is prevented
 - Remove sediment from the surface of the ice prior to project completion
- Do not deposit any deleterious substances in the water course
- Develop and implement a response plan to avoid a spill of deleterious substances

Provided that you incorporate these measures into your plans, the Program is of the view that your proposal is not likely to result in the contravention of the above mentioned prohibitions and requirements.

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 is your responsibility to remain in compliance with the *Fisheries Act*, the *Species at Risk Act* and the *Aquatic Invasive Species Regulations*.

It is also your *Duty to Notify* DFO if you have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of

fish habitat. Such notifications should be directed to fisheriesprotection@dfo-mpo.gc.ca or 1-855-852-8320.

We recommend that you notify this office at least 10 days before starting your project and that a copy of this letter 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 Nicholas Wasilik at our Yellowknife office at 1-867-444-0497 or by email at nicholas.wasilik@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

Daniel Coombs
Senior Fisheries Protection Biologist
Yellowknife, NT
daniel.coombs@dfo-mpo.gc.ca

Cc:
Nicholas Wasilik – DFO - Lead Assessor