



Fisheries and Oceans
Canada

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Ontario and Prairie Region
Fish and Fish Habitat Protection Program
867 Lakeshore Road
Burlington, ON L7S 1A1

Région de l'Ontario et des Prairies
Programme de la protection du poisson et de son habitat
867 Lakeshore Road
Burlington, ON L7S 1A1

December 13, 2021

Our file *Notre référence*

21-HCAA-02514

Government of Northwest Territories

Attention: Patricia Coyne

7th Floor, YK Centre

4922 48 Street, P.O. Box 1320

Yellowknife, NWT, X1A 2L9

Subject: Bridge Maintenance and Culvert Installation, Unnamed, Francis, and Hellava Creeks, Normal Wells – Implementation of Measures to Avoid and Mitigate the Potential for Prohibited Effects to Fish and Fish Habitat

Dear Patricia Coyne:

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on November 18, 2021. We understand that you propose to:

- Transform the Prohibition Creek to an all-weather road resulting in approximately 429 square meters (m²) footprint below the High Water Mark (HWM) by:
 - Repair the existing bridge aprons and install riprap protection at the Francis Creek and Hellava Creek crossings resulting in approximately 131m² footprint below the HWM;
 - Install a 2280mm diameter by 27.84m multiplate culvert at crossing C9/WX-010, and stabilize the culvert inlet (3.42m) and outlet (4.56m) with riprap aprons, resulting in 214m² footprint below the HWM.
- Embed culvert to allow for fish passage; and,
- Work in isolation of flow or open water to avoid sedimentation of the watercourse.

We understand the following aquatic species listed under the *Species at Risk Act* may use the area in the vicinity of where your proposal is to be located:

- Bull Trout listed as Special Concern.

Our review considered the following information:

- Request for Review and supporting documents received on November 18, 2021.
- Correspondence between DFO and K'alo-Stantec Ltd. on December 3, 2021.

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 outlined in your plan(s), in addition to the following listed below:

- Plan in-water works, undertakings and activities to respect [timing windows](#) to protect fish and fish habitat;
- Capture, relocate and monitor for fish trapped within isolated, enclosed, or dewatered areas;
- Limit impacts on riparian vegetation to those approved for the work, undertaking or activity;
- Salvage, reinstate or match habitat structure (e.g., large wood debris, boulders, instream aquatic vegetation/substrate) to its initial state;
 - If rocks, stumps or logs need to be moved on the lake or river bottom or shoreline to rebuild a shoreline wall, they should be relocated to an area of similar depth and not removed altogether from the bottom or shoreline;
 - Do not obtain rocks from below the high water mark for the purpose of shoreline armouring, unless salvaging washed out shoreline protection materials for rebuilding;
- Conduct in-water undertakings and activities during periods of low flow;
- Develop and implement a Sediment Control Plan to minimize sedimentation of the waterbody during all phases of the work, undertaking or activity;
 - Inspect and maintain regularly the erosion and sediment control measures and structures during all phases of the project;
 - Operate machinery on land, or on ice;
 - Monitor the watercourse to observe signs of sedimentation during all phases of the work, undertaking or activity and take corrective action;
- Do not deposit any deleterious substances in the water course; and,
- 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

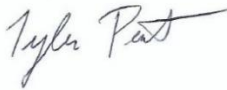
to determine if further review may be necessary. It remains your responsibility to remain in compliance with the *Fisheries Act*, and the *Species at Risk Act*.

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 (<http://www.dfo-mpo.gc.ca/pnw-ppe/contact-eng.html>).

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 Tyler Peat at (613) 213-0293 or by email at tyler.peat@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,



Tyler Peat
Biologist, Triage and Planning
Fish and Fish Habitat Protection Program

CC: Doug Chiperzak – K'alo-Stantec Ltd.