



80 East White Hills Road
St. John's NL A1C 5X1

JUN 03 2015

Your file *Votre référence*
n/a

Our file *Notre référence*
15-HNFL-00086

Rick Bennett
Real Property Branch, DFO
P.O., Box 5667
St. John's, NL A1C 5X1

To Whom It May Concern:

Subject: Implementation of mitigation measures to avoid and mitigate serious harm to fish.

The Fisheries Protection Program (the Program) of Fisheries and Oceans Canada received your proposal on March 18, 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*.

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

Our review consisted of:

- the submitted Request for Review form;
- review of photographs and engineering drawings.

We understand that you propose to:

- install 2 x 900mm corrugated culverts on Cottons River to accommodate the realignment of the road to the Cape Race lightstation.

To avoid the potential of serious harm to fish and their habitat, we are recommending that the attached mitigation measures be included into your plans.

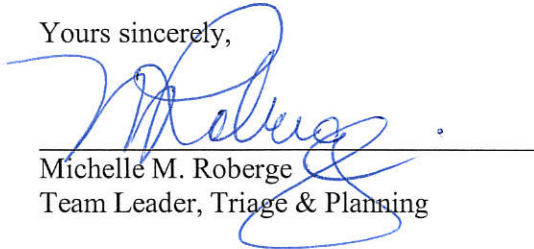
Provided that these mitigation measures are incorporated into your plans, the Program is of the view that your proposal will not result in serious harm to fish. The Program is also of the view that your proposal will not contravene sections 32, 33 or 58 of the *Species at Risk Act*. No formal approval is required from the Program under the *Fisheries Act* or the *Species at Risk Act* in order to proceed with your proposal.

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.

A copy of this letter should be kept on site while the work is in progress.

If you have any questions, please contact Triage & Planning Unit at 709-772-4140, by fax at 709-772-5562, or by email at FPP-NL@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,



Michelle M. Roberge
Team Leader, Triage & Planning

Attachments (1):

1. Culvert Installation: Measures to Avoid Causing Harm to Fish and Fish Habitat



Culvert Installation

Fisheries and Oceans Canada

Measures to Avoid Causing Harm to Fish and Fish Habitat

On November 25, 2013 the Fisheries Protection Provisions of the **Fisheries Act** came into force. The **Fisheries Act** requires that projects avoid causing serious harm to fish unless authorized by the Minister of Fisheries and Oceans. This applies to work being conducted in or near waterbodies that support fish that are part of or that support a commercial, recreational or Aboriginal fishery.

If you are conducting a project near water, it is your responsibility to ensure you avoid causing serious harm to fish in compliance with the **Fisheries Act**. The following advice will help you avoid causing harm and comply with the **Act**.

- a. *Culverts should be aligned parallel to the existing natural channel and located on a straight stream section of uniform gradient.*
- b. *The culvert slope should follow the existing stream gradient slope where possible.*
- c. *Culverts up to 2000 mm in diameter should be countersunk a depth of 300 mm below the streambed elevation.*
- d. *A minimum water depth of 200 mm should be provided throughout the culvert length.*
- e. *Culverts should be sufficiently sized and installed such that scouring of the outlet streambed does not occur as a result of increased water velocities in the culvert.*
- f. *Fish passage will be maintained during all phases of construction and post-construction.*
- g. *Water movement under or around a culvert installation should be prevented through the use of headwalls, or other means, as necessary.*
- h. *Sediment-laden water arising within work areas should be treated to remove sediment prior to release into a watercourse.*
- i. *All instream works should be carried out in the dry.*
- j. *Fill material should not be taken from stream beds, banks or riparian areas.*
- k. *Construction and fill material used should be free of substances that may be deleterious to fish or fish habitat.*
- l. *Flows should be maintained downstream of the construction site at all times.*
- m. *If disturbed, stream channel and/or banks should be restored to original conditions.*
- n. *When work has been completed, the stream channel, banks and approaches should be restored to original condition.*

Additional measures that may be required to protect fish and fish habitat can be found on the DFO national website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) and in the *Guidelines for the Protection of Freshwater Fish Habitat in Newfoundland & Labrador* (<http://www.dfo-mpo.gc.ca/Library/240270.pdf>).

Should your plans change please contact the Fisheries Protection Program-Regulatory Review:

Fisheries Protection Program
Fisheries and Ocean Canada
80 East White Hills Road
St. John's NL A1C 5X1
Telephone: (709) 772-4140
Fax: (709) 772-5562
Email: FPP-NL@dfo-mpo.gc.ca

Note: This advice is only applicable to the project specified on the accompanying DFO letter.

