

Appendix "C" - Fisheries Act Approval



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September 19, 2015

Your file *Votre référence*

Our file *Notre référence*
15-HMAR-00193

Mr. Gary Hubbard
Fisheries and Oceans - Small Craft Harbour
South West Nova Scotia
215 Main Street
Yarmouth, NS B5A 1C6

Dear Mr. Hubbard:

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 June 12, 2015 detailing plans to construct a service area and dredge the harbor basin at the Small Craft Harbour facilities at Cape St. Marys, Digby County, Nova Scotia.

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:

1. Fisheries and Oceans Canada Request for Review Form and supporting documents (Revised form), received August 10, 2015.
2. Fisheries Protection Program's internal data search (GIS), completed August 13, 2015

We understand that you propose to dredge the harbour basin of approximately 4833 square metres (m²). An excavator will be operated from a barge to remove the material and transfer to the scow. A service area berm will be constructed using corestone, filterstone, armourstone and the dredge spoils as aggregate. The placement of fill material by an excavator will result in approximately 6320 m² of displaced sea bottom.

To avoid the potential of serious harm to fish, we are recommending that the mitigation measures found at the following internet-link be included into your plans: .

[HTTP://WWW.DFO-MPO.GC.CA/PNW-PPE/MEASURES-MESURES/INDEX-ENG.HTML.](http://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures/index-eng.html)

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. 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.

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.

If you have any questions, please contact Rugi Jalloh at our Dartmouth office at (902) 401-0897, by fax at (902) 426-1489, or by email at Rugi.Jalloh@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,



Mark McLean
Regional Manager
Fisheries Protection Program

cc: R. Jalloh, FPP
T. McFarland, PWGSC