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July 24, 2017

Your file Votre référence

Our file Notre référence
17-HMAR-00257

Gary Hubbard
Senior Project Engineer
Small Craft Harbours
Department of Fisheries and Oceans Canada
215 Main Street, Yarmouth, NS
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VIA Email: Gary.Hubbard@dfo-mpo.gc.ca

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 27, 2017. Please refer to the file number and title below:

DFO File No.: **17-HMAR-00257**
Title: **SCH - South Side Shelburne - Maintenance Dredging**

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* or 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:

- DFO's Request for Review form received via email by Tamara McFarland on June 27, 2017; and
- Site monitoring that was conducted by the Program on July 12, 2017 using an underwater remote operated vehicle within the proposed dredge area.

We understand that you propose to dredge the South Side Small Craft Harbour in Shelburne County to remove approximately 5000m³ of sediment that has accumulated within and near the mouth of the harbour. The dredging will occur within an area of approximately 7500m² and to a depth of -2.0m to -2.4m below the current bottom depth and dredged material will be permanently disposed on land. Dredging and disposal

activities are anticipated to commence in September 2017 and take approximately 10 weeks to complete. Dredging and disposal activities will be completed using one or a combination of the following methodologies: a clam dredge bucket or an excavator from a floating platform, an excavator from the existing wharf, an excavator from temporary access roads, and a suction dredge from a floating platform.

To avoid the potential of serious harm to fish and their habitat, we are recommending that the applicable mitigation measures listed in your proposal be included into your plans and that you include the following mitigation measures in your plans to avoid and mitigate impacts to fish and fish habitat:

- Dredged sediments should be disposed of in accordance with all applicable Provincial and Federal regulations, guidelines and best management practices;
- Wastewater and sediments should not be released during transfer to the disposal site and the disposal site should be dewatered using best management practices; and
- Dredging should be conducted in such a manner to limit turbidity and minimize sediment suspension at all times.

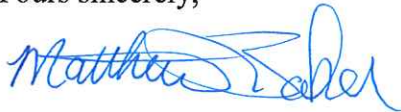
Provided that these mitigation measures are incorporated into your plans, the Program is of the view that your proposal will not result in serious harm to fish. The Program is also of the view that your proposal will not contravene sections 32, 33 or 58 of the *Species at Risk Act*. No formal approval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

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 Matthew Baker at our Dartmouth office by fax at 902-426-1489 or by email at Matthew.Baker@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,



Matthew Baker
Fisheries Protection Biologist

Electronic Cc:

Tamara McFarland, A/Senior Environmental Specialist, Public Services and Procurement Canada