

From: [FPP.CA / PPP.CA \(DFO/MPO\)](#)
To: [Hellinga, Erin](#)
Cc: [Mike Shute](#); [Hellinga, Nathan](#)
Subject: RE: 19-HCAA-00817 - DFO Request for Review - Centra's Everett Creek Depth of Cover Remediation Project
Date: Monday, August 26, 2019 2:58:54 PM
Attachments: [image001.png](#)

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Subject: Stream Restoration, Everett Creek, Rainy River, Emo – Serious Harm to Fish and Prohibited Effects on Listed Aquatic Species at Risk Can Be Avoided or Mitigated (19-HCAA-00817)

Dear Erin Hellinga:

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on July 5, 2019. We understand that you propose to:

- Reinforce and cover existing natural gas pipeline under creek with added riprap and erosion and sediment controls

You may be aware of recent changes to the *Fisheries Act* as a result of the passage of Bill C-68, *An Act to amend the Fisheries Act and other Acts in consequence*, on June 21, 2019. While these changes have not affected our review of your proposal, further modifications to the *Fisheries Act* expected to come into force in the near future could affect the current assessment of your proposal. These anticipated changes include, among other things:

- protection for all fish and fish habitats;
- the repeal of the current prohibition against causing serious harm to fish that are part of, or support a commercial, recreational or Aboriginal fishery, and;
- the restoration of the previous prohibitions against the harmful alteration, disruption or destruction of fish habitat, and against causing the death of fish by means other than fishing.

Therefore, the advice provided in this correspondence may not adequately protect fish and fish habitat in accordance with the anticipated changes to the *Fisheries Act*, if your project is conducted on or after the date on which the future legislative modifications enter into force. You are encouraged to consult our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) for further information on changes to the *Fisheries Act* and for guidance to help you to determine whether additional assistance should be sought from the Program to remain compliant with the Act.

Our review considered the following information:

- Request for Review Form and Supporting Documents

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

- serious harm to fish that are part of or support a commercial, recreational, or Aboriginal fishery, which is prohibited under subsection 35(1) of the *Fisheries Act* (unless authorized); 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* (unless authorized).

Provided that your plans are implemented in the manner, and during the timeframe, described, the Program has determined that your proposal will not result in serious harm to fish. As such, an authorization under the *Fisheries Act* or a permit under the *Species at Risk Act* is not required.

Should your plans change, if you have omitted some information in your proposal, or if you have not completed implementation of your plans as of the day on which *An Act to amend the Fisheries Act and other Acts in consequence* comes fully into force, 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 avoid causing serious harm to fish in compliance with the *Fisheries Act*, and avoid prohibited effects on listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in compliance with the *Species at Risk Act*.

It is also your *Duty to Notify* DFO if you have caused, or are about to cause, serious harm to fish that are part of or support a commercial, recreational or Aboriginal fishery. Such notifications should be directed to FisheriesProtection@dfo-mpo.gc.ca or 1-855-852-8320.

We request that you please notify this office at least 10 days before starting your project (to be used in accordance with the regional monitoring plan). A copy of this letter should 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 Lucas Coletti at our Burlington office at 905-319-6959 or by email at Lucas.Coletti@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

Lucas Coletti

Biologist | Biologiste

Fisheries and Oceans Canada | Pêches et Océans Canada

Fish and Fish Habitat Protection Program | Programme de Protection du Poisson et de Son Habitat

867 Lakeshore Road, Burlington, ON, L7S 1A1 | 867, ch. Lakeshore, Burlington, ON, L7S 1A1

T: (905) 319-6959

Email/Courriel: Lucas.Coletti@dfo-mpo.gc.ca

violations (occurrences) and information requests are managed in Central and Arctic Region (Alberta, Saskatchewan, Manitoba, Ontario, Nunavut and the Northwest Territories). Please be advised that general information regarding the management of impacts to fish and fish habitat and self-assessment tools (e.g. Measures to Avoid Harm) that enable you to determine Fisheries Act requirements are available at DFO's "Projects Near Water" website at www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html. For all occurrence reports, or project proposals where you have determined, following self-assessment, that you cannot avoid impacts to fish and fish habitat, please submit to fisheriesprotection@dfo-mpo.gc.ca. For general inquiries, call 1-855-852-8320.

From: Hellinga, Erin <erin.hellinga@woodplc.com>

Sent: 2019-July-05 12:09 PM

To: FPP.CA / PPP.CA (DFO/MPO) <fisheriesprotection@dfo-mpo.gc.ca>

Cc: Mike Shute <mshute@efgroupplc.com>; Hellinga, Nathan <nathan.hellinga@woodplc.com>

Subject: 19-HCAA-00817 - DFO Request for Review - Centra's Everett Creek Depth of Cover Remediation Project

To Whom It May Concern,

Please find attached a Fisheries and Oceans Canada Request for Review for Centra's Everett Creek Depth of Cover Remediation Project.

Please note a hard copy of this application with an original signature has been couriered to:

Fisheries Protection Program
Fisheries and Oceans Canada
867 Lakeshore Road
Burlington, Ontario L7S 1A1

Should you have any questions regarding this request for review please contact Nathan Hellinga at 647-294-8986 or Nathan.hellinga@woodplc.com.

Kind Regards,

Erin M. Hellinga, B.Sc.

Environmental Biologist

900 Maple Grove Road, Unit 10

Cambridge, ON N3H 4R7

Direct: +1 (519) 650-7132

Mobile: +1 (647) 919-7607

www.woodplc.com



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