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2013–August-26

Your file *Votre référence*

Our file *Notre référence*
13-HCAA-CA7-00045

Adele Butcher
Fisheries and Oceans Canada
Freshwater Institute
501 University Crescent
Winnipeg, Manitoba
R3T 2N6

Dear Ms. Butcher:

Subject: Proposal for the abandonment and restoration of the crossing at the Durval River in Pangnirtung is not likely to result in impacts to fish and fish habitat provided that additional mitigation measures are applied.

Fisheries and Oceans Canada – Fisheries Protection Program (DFO) received your proposal on 2013–August-09. Please refer to the file number and title below:

DFO File No.: **13-HCAA-CA7-00045**
Title: **Crossing Abandonment and Restoration Plan, Durval River, Pangnirtung NU**

You may be aware of changes to the *Fisheries Act*, however these have not affected the review of your project at this time. For more information on current changes to the *Fisheries Act* please refer to the DFO website at www.dfo-mpo.gc.ca/media/infocus-alaune/2012/habitat-eng.htm.

Your proposal has been reviewed to determine whether it is likely to result in impacts to fish and fish habitat which are prohibited by the habitat protection provisions of the *Fisheries Act* or those prohibitions of the *Species at Risk Act* that apply to aquatic species.*

Our review consisted of:

- Small Craft Harbours: ABANDONMENT AND RESTORATION PLAN
DUVAL RIVER CROSSING, PANGNIRTUNG, NUNAVUT, JANUARY 2013

*Those sections most relevant to the review of development proposals include 20, 22, 32 and 35 of the *Fisheries Act* and sections 32, 33 and 58 of the *Species at Risk Act*. For more information please visit www.dfo-mpo.gc.ca.

We understand that you propose to:

- Once the river crossing is determined that it is no longer required, the decommissioning process will begin. The planned procedure for removing the culverts will consist of the following:
 - Removing the fill covering the culverts with land based excavation equipment and disposing of the material off-site
 - Removal of culverts for storage off-site
 - Once all excess material has been removed from the site, the site can be returned to the natural state and all disturbed areas will be graded and restored to a pre-disturbed state.
 - Implement a monitoring plan as indicated in the report.

To reduce potential impacts to fish and fish habitat we are recommending that the attached mitigation measures be included into your plans.

1. Measures relating to general mitigation:

- 1.1. Effective sediment and erosion control measures should be in place prior to disturbance, during and after construction to prevent sediment from entering any watercourse or water body. All sediment and erosion control measures should be inspected regularly to ensure that they are functioning properly and are maintained, cleaned and/or upgraded as required until complete re-vegetation of all disturbed areas is achieved.
- 1.2. Construction should be halted during periods of heavy precipitation.
- 1.3. Machinery should be operated in a manner that minimizes disturbance to the banks of the river. Banks should be restored to original condition if any disturbance occurs.
- 1.4. Machinery should arrive on site in a clean condition and is to be maintained free of fluid leaks. Wash, refuel and service machinery and store fuel and other materials for machinery away from the water to prevent any deleterious substance from entering the water. An emergency spill kit should be kept on site in case of fluid leaks or spills from machinery.
- 1.5. Only clean rock, appropriately sized and free of deleterious substances should be used for riprap. These materials should be obtained off site and should not be taken from below the average high water level of any watercourse.
- 1.6. All spoil materials and debris from construction should be removed from the site and properly disposed of above the high water mark such that they do not enter any waterbody.

2. Measures relating to the isolated worksite:

- 2.1. Any instream works in flowing water conditions should be isolated during construction. 100% of downstream flow should be maintained at all times. If a pump is used to maintain downstream flow, the intake should be screened in accordance with DFO's Freshwater Intake End-of-Pipe Fish Screen Guideline

- (available at www.dfo-mpo.gc.ca/Library/223669.pdf). The outlet should have a diffuser or be placed in a location that is not subject to erosion from the outflow.
- 2.2. Materials in isolation berms should be made of non-earthen materials and not introduce clay or silt into any watercourse. Instream works should be confined to the isolated channel section. Accumulations of deposited sediment should be removed from within the isolated area prior to removing the isolation barrier.
 - 2.3. Any fish should be rescued from the isolated area prior to works should be relocated, unharmed, into an area containing sufficient flow and cover. Fish rescue may require a permit. The fish rescues should include:
 - 2.3.1. Capture and handling procedures designed to minimize mortality.
 - 2.3.2. Rescue operations employing effective methods (e.g. electrofishing, seine netting, minnow trapping).
 - 2.4. Should the need for dewatering arise, water should be released into a settling basin and not directly into any watercourse. Water returning to the watercourse should be of equal or better quality than the water in the watercourse.

Provided that the mitigation measures described in the attached are incorporated into your plans, DFO has concluded that your proposal is not likely to result in impacts to fish and fish habitat and you will not need to obtain a formal approval from DFO in order to proceed with your proposal. It remains your responsibility, however, to meet the requirements of any other federal, provincial and municipal agencies.

If your plans have changed or if the description of your proposal is incomplete you should consult our website to determine if a DFO review is required, and if so contact this office to determine if the advice in this letter still applies.

Please be advised that any unauthorized impacts to fish and fish habitat which result from a failure to implement this proposal as described or incorporate the additional mitigation measures included in this letter could lead to corrective action such as enforcement. In addition, under the *Fisheries Act*, there is a requirement to notify DFO of any harmful alteration or disruption, or any destruction of fish habitat that has not been authorized. Such notifications should be directed to .

If you have any questions please contact the undersigned at (705) 750-4010, by fax at (705) 750-4016, or by email at tracy.allison@dfo-mpo.gc.ca.

Yours sincerely,

Tracy Allison
Fish Habitat Biologist