



Fish and Fish Habitat Protection Program
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May 26, 2021

DFO file

21-HGLF-00193

Mr. Tim Banks
Greenwich Investments, Inc.
P.O. Box 2859
Charlottetown, PEI
C1A 8C4

Subject: Tracadie Bay - Tributary to the Gulf of St. Lawrence - Shellfish Holding Seawater Intake Outfall - Implementation of Measures to Avoid and Mitigate the Potential for Prohibited Effects to Fish and Fish Habitat

Dear Mr. Banks:

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your application on May 17, 2021. We understand that you propose to install intake and outfall plastic pipes in Tracadie Bay, Prince Edward Island (46.408802N, 63.038427W) by:

- Excavating an area of 35 m² and temporarily side casting the material (75 m²) into the intertidal zone using a tracked excavator;
- Installing one 10.2 cm intake and one 15.2 cm outfall plastic pipe in the excavated trench for a distance of 35 meters and backfilling with excavated material;
- Levelling the surface to existing grade as much as possible;
- Completing all works at low tide and in the dry within a period of one day during May or June, 2021.

Our review considered the following information:

- The Request for Review application package and related documents received May 17, 2021;

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

- the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the Fisheries Act; 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; and
- The introduction of aquatic species into regions or bodies of water frequented by fish where they are not indigenous, which is prohibited under section 10 of the Aquatic Invasive Species Regulations.

The aforementioned outcomes are prohibited unless authorized under their respective legislation and regulations.

To avoid and mitigate the potential for prohibited effects to fish and fish habitat (as listed above), we recommend implementing the measures listed below:

- Limit impacts on fish habitat components to those approved for the works, undertakings and activities:
 - Conduct in water undertakings at low tide;
 - Operate machinery in a manner that minimizes disturbance to the watercourse bed and banks (minimize tracking of excavator by using the same pathway as much as possible);
 - Replace/restore any other disturbed habitat features and remediate any areas impacted by the works, undertakings and activity.
- Avoid introducing sediments in the water:
 - Use only clean materials (e.g. pipelines and screens) for works, undertakings and activities;
 - Regularly monitor the watercourse for signs of sedimentation during all phases of the work, undertaking or activity and take corrective action if required;
 - Regularly inspect and maintain the erosion and sediment control measures and structures during all phases of the works, undertakings or activities;
 - Dispose of all excavated material temporarily above the ordinary high water mark before backfilling to prevent sediment entry into the watercourse;
 - Operate machinery on land in stable dry areas.
- Screen intake pipes to prevent entrainment or impingement of fish:
 - Use interim Code of Practice: End of pipe fish protection screens for small water intakes (<https://www.dfo-mpo.gc.ca/pnw-ppe/codes/screen-ecran-eng.html>).
- Develop and immediately implement a response plan to avoid a deleterious substance from entering a waterbody:
 - Stop works, undertakings and activities in the advent of a spill of a deleterious substance;
 - Maintain all machinery on site in a clean condition and free of fluid leaks and aquatic invasive species;
 - Wash, refuel and service machinery and store fuel and other materials for the machinery in such a way as to prevent any deleterious substances from entering the water.

Provided that these measures are incorporated into the plans, the Program is of the view that your proposal is not likely to result in the contravention of the above-mentioned prohibitions and requirements.

Should your plans change or if you have omitted some information in the proposal, 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 remain in compliance with the *Fisheries Act*, the *Species at Risk Act* and the *Aquatic Invasive Species Regulations*.

It is also your *Duty to Notify* DFO if you have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat. Such notifications should be directed to (<http://www.dfo-mpo.gc.ca/pnw-ppe/contact-eng.html>).

It remains your responsibility to meet all other federal, territorial, provincial and municipal requirements that apply to the proposal.

Please note that the advice provided in this letter will remain valid for a period of 1 year from the date of issuance. If you plan to execute your proposal after the expiry of this letter, we recommend that you contact the Program to ensure that the advice remains up-to-date and accurate. Furthermore, the validity of the advice is also subject to there being no change in the relevant aquatic environment, including any legal protection orders or designations, during the 1 year period.

If you have any questions with the content of this letter, please contact me at our Moncton office at (506) 533-6523 or by email at renelle.doucette@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A/Renelle Doucette
Senior Biologist, Regulatory Reviews
Fish and Fish Habitat Protection Program