



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

Central & Arctic Region  
Fish and Fish Habitat  
Protection Program  
867 Lakeshore Road  
Burlington, ON L7S 1A1

Région du Centre et de l'Arctique  
Programme de la protection  
du poisson et de son habitat  
867 Lakeshore Road  
Burlington, ON L7S 1A1

May 20, 2020

*Our file    Notre référence*  
20-HCAA-00378

Rebekah Msuya-Collison - Clerk  
Municipality of South Huron  
322 Main Street South, P.O. Box 759  
Exeter, Ontario, N0M 1S6

**Subject: Drain Cleanout and Enclosure, McDougall Drain, Class F, South Huron County – Implementation of Measures to Avoid and Mitigate Serious Harm to Fish and Prohibited Effects on Listed Aquatic Species at Risk**

Dear Ms. Msuya-Collinson:

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on February 07, 2020. We understand that you propose to:

- conduct a 500 linear metre bottom only cleanout; and,
- enclose 400 linear metres of the McDougall Municipal Drain.

Our review considered the following information:

- DFO Request for Review received on February 07, 2020; and,
- correspondences between Stuart Campbell and William Dietrich between April 08, 2020 to May 20, 2020.

Your 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*.

The aforementioned impacts 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:

- preserve vegetated buffer strips in the downstream 500 linear metres;
- install one sediment trap before the 17<sup>th</sup> Line;

- construct a rip rap lined plunge pool at outlet of new tile;
- install heavy duty silt fence downstream of construction activities;
- conduct work during no flow conditions, and;
- reseed and/or replant any disturbed banks caused by the construction activities.

Provided that you incorporate these measures into your plans, the Program is of the view that your proposal will not require an authorization under the *Fisheries Act*.

Should your plans change or if you have omitted some information in your 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*, avoid prohibited effects on listed aquatic species at risk, any part of their critical habitat or the residences of their individuals, and prevent the introduction of non-indigenous species.

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>).

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. 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 Stuart Campbell at 365-323-4821 or by email at [stuart.campbell@dfo-mpo.gc.ca](mailto:stuart.campbell@dfo-mpo.gc.ca). Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,



Christopher Biberhofer  
A/Senior Biologist

CC:  
Stuart Campbell, Fisheries and Oceans Canada  
Davin Heinbuck, Ausable Bayfield Conservation Authority