

From: FPP.CA / PPP.CA (DFO/MPO) <fisheriesprotection@dfo-mpo.gc.ca>
Sent: January 17, 2022 12:09 PM
To: Den Haas, Taco
Cc: Peter Martens; Candido, Mike
Subject: RE: 21-HCAA-02660 - Request for Review/ Sun-Canadian Pipeline Company Ltd./ East Sixteen Mile Creek, Town of Milton, Ontario
Attachments: HDD Mitigation Summary.pdf

Dear Peter Martens:

Subject: Pipeline replacement, East Sixteen Mile Creek, Regional Municipality of Halton (21-HCAA-02260) - Implementation of Measures to Avoid and Mitigate the Potential for Prohibited Effects to Fish and Fish Habitat

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on December 9, 2021. We understand that you propose to:

- Replace 480m of the existing NPS 12 pipeline in the vicinity of Sixteen Mile Creek; and
- Install the pipeline using Horizontal Directional Drill (HDD).

We understand the following aquatic species listed under the Species at Risk Act may use the area in the vicinity of where your proposal is to be located:

- Silver Shiner listed as THREATENED

Our review considered the following information:

- Request for Review form and associated documents.

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.

Provided that the plans are implemented in the manner, and during the timeframe described, the Program is of the view that your proposal will not require an authorization under the *Fisheries Act* or the *Species at Risk Act*. Additional information on measures to protect fish and fish habitat can be found in the attached document.

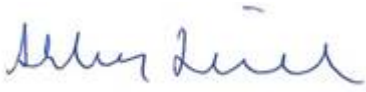
Should your plans change or if you have omitted some information in your proposal, further review by the Program may be required. Consult our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) or consult with a qualified environmental consultant to determine if further review may be necessary. It remains your responsibility to remain in compliance with the *Fisheries Act*, and 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 FisheriesProtection@dfo-mpo.gc.ca or 1-855-852-8320.

We recommend that you notify this office at least 10 days before starting your project and that a copy of this letter 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 Ashley Lindley at 289-439-3997 or Ashley.Lindley@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,



Ashley Lindley
Biologist, Triage and Planning
Fish and Fish Habitat Protection Program

From: Den Haas, Taco <Taco.DenHaas@stantec.com>
Sent: Thursday, December 9, 2021 3:17 PM
To: FPP.CA / PPP.CA (DFO/MPO) <fisheriesprotection@dfo-mpo.gc.ca>
Cc: Peter Martens <pmartens@sun-canadian.com>; Candido, Mike <michael.candido@stantec.com>
Subject: 21-HCAA-02660 - Request for Review/ Sun-Canadian Pipeline Company Ltd./ East Sixteen Mile Creek, Town of Milton, Ontario
Importance: High

Hello:

On behalf of Sun-Canadian Pipeline Company Ltd. please find the attached Request for Review Form for a proposed pipeline replacement project. This project will take place on East Sixteen Mile Creek in the Town of Milton, Ontario using Horizontal Directional Drill techniques. Don't hesitate to contact me directly via email or cell 647 205 5738 if you have any trouble opening the attached or if you need more information.

Regards,
Taco

Taco Den Haas M.Sc., CISEC #0377
Senior Fisheries Biologist

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Measures to Protect Fish and Fish Habitat for Horizontal (High Pressure) Directional Drilling:

1. Use existing trails, roads or cut lines wherever possible, as access routes to avoid disturbance to the riparian vegetation.
2. Design the drill path to an appropriate depth below the watercourse to minimize the risk of frac-out and to a depth to prevent the line from becoming exposed due to natural scouring of the stream bed. The drill entry and exit points are far enough from the banks of the watercourse to have minimal impact on these areas.
3. The removal of select plants may be necessary to access the construction site. This removal should be kept to a minimum and within the road or utility right-of-way.
4. Machinery fording the watercourse to bring equipment required for construction to the opposite side is limited to a one-time event (over and back) and should occur only if an existing crossing at another location is not available or practical to use. A Temporary Stream Crossing Code of Practice is available at <https://www.dfo-mpo.gc.ca/pnw-ppe/codes/temporary-crossings-traversees-temporaires-eng.html>.
 - 4.1. If minor rutting is likely to occur, stream bank and bed protection methods (e.g., swamp mats, pads) should be used provided they do not constrict flows or block fish passage.
 - 4.2. Grading of the stream banks for the approaches should not occur.
 - 4.3. If the stream bed and banks are steep and highly erodible (e.g., dominated by organic materials and silts) and erosion and degradation are likely to occur as a result of equipment fording, then a temporary crossing structure or other practice should be used to protect these areas.
 - 4.4. Time the one-time fording to prevent disruption to sensitive fish life stages by adhering to appropriate fisheries timing windows. Timing windows can be found at <https://www.dfo-mpo.gc.ca/pnw-ppe/timing-periodes/index-eng.html>.
 - 4.5. Fording should occur under low flow conditions and not when flows are elevated due to local rain events or seasonal flooding.
5. Operate machinery on land above the ordinary high water mark and in a manner that minimizes disturbance to the banks of the watercourse.
 - 5.1. Machinery is to arrive on site in a clean condition and is to be maintained free of fluid leaks.
 - 5.2. Wash, refuel and service machinery and store fuel and other materials for the machinery away from the water to prevent any deleterious substance from entering the water.
 - 5.3. Keep an emergency spill kit on site in case of fluid leaks or spills from machinery.
 - 5.4. Restore banks to original condition if any disturbance occurs.
6. Construct a dugout/settling basin at the drilling exit site to contain drilling mud to prevent sediment and other deleterious substances from entering the watercourse. If this cannot be achieved, use silt fences or other effective sediment and erosion control measures to prevent drilling mud from entering the watercourse. Inspect these measures regularly during the course of construction and make all necessary repairs if any damage occurs.
 - 6.1. Dispose of excess drilling mud, cuttings and other waste materials at an adequately sized disposal facility located away from the water to prevent it from entering the watercourse.
7. Monitor the watercourse to observe signs of surface migration (frac-out) of drilling mud during all phases of construction.

Emergency Frac-out Response and Contingency Planning:

8. Keep all material and equipment needed to contain and clean up drilling mud releases on site and readily accessible in the event of a frac-out.

9. Implement the frac-out response plan that includes measures to stop work, contain the drilling mud and prevent its further migration into the watercourse and notify all applicable authorities, including DFO at FisheriesProtection@dfo-mpo.gc.ca. Prioritize clean up activities relative to the risk of potential harm and dispose of the drilling mud in a manner that prevents re-entry into the watercourse.

10. Ensure clean up measures do not result in greater damage to the banks and watercourse than from leaving the drilling mud in place.

11. Implement the contingency crossing plan including measures to either re-drill at a more appropriate location or to isolate the watercourse to complete the crossing at the current location.

12. Stabilize any waste materials removed from the work site to prevent them from entering the watercourse. This could include covering spoil piles with biodegradable mats or tarps or planting them with preferably native grass or shrubs.

13. Vegetate any disturbed areas by planting and seeding preferably with native trees, shrubs or grasses and cover such areas with mulch to prevent erosion and to help seeds germinate. If there is insufficient time remaining in the growing season, the site should be stabilized (e.g., cover exposed areas with erosion control blankets to keep the soil in place and prevent erosion) and vegetated the following spring.

13.1. Maintain effective sediment and erosion control measures until re-vegetation of disturbed areas is achieved.