



Fish and Fish Habitat Protection Program  
Fisheries and Oceans Canada  
Ontario and Prairie Region  
1028 Parsons Rd SW  
Edmonton, Alberta  
T6X 0J4

Programme de Protection du poisson et de son habitat  
Pêches et Océans Canada  
Région de l'Ontario et des Prairies  
1028 rue Parsons Sud-Ouest  
Edmonton, AB  
T6X 0J4

March 12, 2024

*Your file* *Votre référence*  
N/A

*Our file* *Notre référence*  
23-HCAA-02078

Thomas Cavanagh Construction Ltd.  
Attn: Phil White  
9094 Cavanagh Road  
Ashton, ON  
K0A 1B0

**Subject: Aggregate Pit, Barber’s Lake, Long Sault Creek, Township of Lanark Highlands – Implementation of Measures to Avoid and Mitigate the Potential for Prohibited Effects to Fish and Fish Habitat**

Dear Phil White:

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on October 3, 2023. We understand that you propose to:

- Construct an aggregate extraction pit (Highland Line Pit) covering 35.1 hectares located 170m northwest of Long Sault Creek and 125m west of Barber’s Lake in the Township of Lanark Highlands, Lanark County, Ontario.
- Upon closure, rehabilitate the pit by converting the extraction areas into permanent pond features which will include graded banks (slope: 3:1) seeded with native vegetation, the creation of littoral habitat (slope: 5:1) planted with emergent aquatic vegetation and the installation of habitat enhancement features including boulder clusters and roots wads.

Our review considered the following information:

- Request for Review and additional supporting documents dated October 3, 2023;
- “Natural Environment Report, Proposed Highland Line Pit, Lanark County, Ontario” technical report prepared by Golder Associates Ltd., dated December 12, 2022

- “Level 1 and Level 2 Water Report, Proposed Highland Line Pit, Township of Lanark Highlands, Ontario” technical report prepared by Golder Associates Ltd., dated December, 2022; and,
- Meeting between DFO, Thomas Cavanagh Construction Ltd. and WSP discussing project details on February 14, 2024.

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:

- Limit impacts on riparian vegetation to those approved for the work, undertaking or activity:
  - Limit access to banks or areas adjacent to waterbodies
  - Prune or top the vegetation instead of grubbing/uprooting
  - Limit grubbing on watercourse banks to the area required for the footprint of works, undertaking or activity
  - Construct access points and approaches perpendicular to the watercourse or waterbody
  - Remove vegetation selectively and in phases
  - Re-vegetate the disturbed area with native species suitable for the site
- Operate machinery in a manner that minimizes disturbance to the watercourse bed and banks.
- Develop and implement a Sediment Control Plan to minimize sedimentation of the waterbody during all phases of the work, undertaking or activity:
  - Schedule work to avoid wet, windy and rainy periods (and heed weather advisories)
  - Regularly inspect and maintain the erosion and sediment control measures and structures during all phases of the project
  - Use biodegradable sediment control materials whenever possible
  - Remove all exposed non-biodegradable sediment control materials once site has been stabilized
  - Operate machinery on land, or from barges or on ice
  - Use methods to prevent substrate compaction (e.g., swamp mats, pads)
  - Monitor the waterbody to observe signs of sedimentation during all phases of the work, undertaking or activity and take corrective action

- Dispose and stabilize all dredged material above the high water mark of nearby waterbodies to prevent entry in the water
- Develop and immediately implement a response plan to prevent deleterious substances from entering a water body:
  - Stop works, undertakings and activities in the event of a spill of a deleterious substance;
  - Immediately report any spills (e.g., sewage, oil, fuel or other deleterious material), whether near or directly into a water body;
  - Keep an emergency spill kit on site during the works, undertakings and activities;
  - Contain any water with deleterious substances;
  - Ensure clean-up measures are suitably applied so as not to result in further alteration of the bed and/or banks of the waterbody;
  - Clean-up and appropriately dispose of the sediment-laden water and water contaminated with deleterious substances;
  - Maintain all machinery on site in a clean condition and free of fluid leaks;
  - 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;
  - Dispose of all waste materials (e.g., construction, demolition, commercial logging) above the ordinary high water mark to prevent entry into the waterbody; and,
  - Plan activities near water such that materials such as paint, primers, blasting abrasives, rust solvents, degreasers, grout, poured concrete or other chemicals do not enter the waterbody.
- Aquatic invasive species are introduced and spread through transporting sands and sediments and using contaminated construction equipment. To prevent the spread of aquatic invasive species during construction in aquatic environments:
  - Clean, drain and dry any equipment used in the water; and,
  - Never move organisms or water from one body of water to another.

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 according to : <http://www.dfo-mpo.gc.ca/pnw-ppe/CONTACT-eng.html>.

**The Proponent shall notify DFO at least 10 days prior to starting any in-water works** by sending an email to the DFO 10 day notification inbox at [DFO.OP.10DayNotification-Notification10Jours.OP.MPO@dfo-mpo.gc.ca](mailto:DFO.OP.10DayNotification-Notification10Jours.OP.MPO@dfo-mpo.gc.ca). We recommend 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 Brett Ellis at (587) 357-5802, or by email at [Brett.Ellis@dfo-mpo.gc.ca](mailto:Brett.Ellis@dfo-mpo.gc.ca). Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Amelia', followed by a long horizontal flourish.

Amelia Corrigan  
A/Senior Biologist – Mining, Oil & Gas – South  
Fish and Fish Habitat Protection Program  
Ontario & Prairies Region  
Fisheries and Oceans Canada

Cc: Brett Ellis, Fisheries and Oceans Canada  
Andrew Rou, WSP  
Warren Aken, WSP