



**The Corporation of the Town of Essex**

**Addendum 2**

**Request for Proposal RFT-CS-23-001**

**Colchester Harbour – Annual Maintenance Dredging Services**

Closing Information:

Date: March 08, 2023

Time: 3:00.00 PM Local Time

Location: Town of Essex Municipal Offices  
33 Talbot Street South  
Essex, Ontario N8M 1A8

Request for Proposal RFP-CD-23-001  
Superintendent and Caretaker of Cemeteries

Announcement

Attached is the Dredging Permit that we received from Department of  
Fisheries and Oceans

**END**



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

Ontario and Prairie Region  
Fish and Fish Habitat  
Protection Program  
867 Lakeshore Road  
Burlington, ON L7S 1A1

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

March 2, 2023

*Our file*      *Notre référence*

22-HCAA-02912

Town of Essex  
ATTENTION: Jay Affleck  
33 Talbot Street South  
Essex, ON, N8M 1A8

**Subject: Dredging, Lake Erie, Essex – Implementation of Measures to Avoid and Mitigate the Potential for Prohibited Effects to Fish and Fish Habitat**

Dear Mr. Affleck:

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on December 9, 2022. We understand that you propose to:

- Dredge approximately 9,500m<sup>2</sup> of accumulated sediment from within Colchester Harbour to deepen the existing navigation channel.
  - Conduct open-water disposal of 3,000m<sup>3</sup> of dredged sediments in Lake Erie.
  - Sediments being deposited back into Lake Erie will be placed across an area of approximately 500,000m<sup>2</sup> at a location southeast of Colchester Harbour within a depth of 5-7 metres and shall be placed on a like-for-like habitat type (i.e. sand-on-sand).

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 Chub (*Macrhybopsis storeriana*) listed as Endangered.
- Eastern Sand Darter (*Ammocrypta pellucida*) listed as Threatened.

Our review considered the following information:

- Request for Review received on December 9, 2022.
- Email correspondences between Scott Blair and Jay Affleck (Town of Essex), between January 10, 2023 – February 1, 2023.

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*;
- 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, in addition to the measures in your application:

- Complete the works outside of the restricted activity timing windows for spawning fish (i.e. no in-water works between March 15 to July 15).
  - Conduct works during fall and/or winter as this is when the affected Species-at-Risk are least likely to be present within your project area.
- Conduct active turbidity monitoring during the disposal of dredged sediments, following CCME Environment Quality Guidelines.
  - If turbidity levels exceed water quality thresholds, all works should be halted until turbidity returns below threshold conditions.
  - It remains your responsibility to adhere to all applicable federal or provincial water quality guidelines and thresholds.
- Any sediments being deposited back into Lake Erie should be placed across an area of approximately 500,000m<sup>2</sup> at a location southeast of Colchester Harbour within a depth of 5-7 metres and shall be placed on a like-for-like habitat type (i.e. sand-on-sand), to avoid impacts on the affected Species-at-Risk.
- Ensure that no silt is present in the disposed sediments.
- Spread the dredged sediments out as much as possible to reduce localized impacts on the existing habitat.
- Complete the work under calm conditions.
- Monitor for fish distress and/or mortality, if distress or mortality of fish is observed cease work and contact DFO.
- Encourage fish to leave the work areas by slowly tapping the bottom with the dredging bucket, this is to take place at the beginning of every work day and after any break in dredging.

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* or the *Species at Risk Act*.

Please note that future applications in the Western basin of Lake Erie will likely have restrictions due to a Silver Chub Critical Habitat. There may be additional mitigation measures required to avoid impacts to Critical Habitat such as disposal of dredged material

on land or in an alternate disposal area. Once there is a final Recovery Strategy and Critical Habitat Order in place for Silver Chub, DFO may be in a position to issue a Letter of Advice for routine dredging and disposal activities over a longer period (i.e. 3-5 years).

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>).

Notify this office at least 10 days before starting any in-water works. Send your notification to the DFO assessor ([Scott.Blair@dfo-mpo.gc.ca](mailto:Scott.Blair@dfo-mpo.gc.ca)) and the DFO 10 notification mailbox: [DFO.OP.10DayNotification-Notification10Jours.OP.MPO@dfo-mpo.gc.ca](mailto:DFO.OP.10DayNotification-Notification10Jours.OP.MPO@dfo-mpo.gc.ca). 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.

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 Scott Blair at (365) 292-2751 or by email at [Scott.Blair@dfo-mpo.gc.ca](mailto:Scott.Blair@dfo-mpo.gc.ca). Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,



Chris Strand  
A/Senior Biologist  
Fish and Fish habitat Protection Program

CC:  
Scott Blair – DFO