



Fisheries and Oceans
Canada

Pêches et Océans
Canada

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

December 11, 2024

Your file Votre référence

N/A

Our file

Notre référence

23-HCAA-01992

St. Marys Cement Inc.
ATTENTION: David Hanratty
55 Industrial Street
Toronto, ON
M4G-3W9

Subject: Pit/Quarry, Credit River watershed, Caledon– Implementation of Measures to Avoid and Mitigate the Potential for Prohibited Effects to Fish and Fish Habitat

Dear David Hanratty:

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on September 21, 2023. We understand that you propose to:

- Develop a 261 hectare pit/quarry over in the vicinity of nine watercourses and one pond in the Credit River watershed near Caledon, Ontario;
- Continuously dewater below the water table. Excess water will be pumped to irrigation ponds at the Osprey Valley golf course and discharged to the Credit River through existing infrastructure; and,
- Upon closure, rehabilitate the three pits by converting the extraction areas into permanent pond features

Our review considered the following information:

- Request for Review and additional supporting documents dated September 21, 2023;
- “Water Report Level ½, Proposed Caledon Pit/Quarry” technical report prepared by Golder Associates Ltd., dated December 2022 (Revised July 2023);
- “Natural Environment Report, Proposed Caledon Pit/Quarry” technical report prepared by Golder Associates Ltd., dated December 2022 (Revised July 2023);

- “Blast Impact Assessment, Proposed Caledon Pit/Quarry” technical report prepared by Golder Associates Ltd., dated December 2022 (Revised July 2023);
- Technical Memorandums from Heather Melcher (WSP) dated May 16, 2024 and September 9, 2024; and,
- Correspondence between Faith Tallas (DFO) and Warren Aken (WSP), November 6, 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; and,
 - 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;

- 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; and,
- Use only clean materials
- 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 water, sands, and sediments and using contaminated construction equipment. To prevent the spread of aquatic invasive species during construction in aquatic environments:
 - Ensure all equipment arrives on site clean and free of invasive species;
 - 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 is not likely to result in the contravention of the above mentioned prohibitions and requirements.

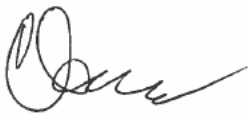
Should your plans change or if you have omitted some information in your proposal, further review by the Program may be required. Consult our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) or consult with a qualified environmental consultant to determine if further review may be necessary. It remains your responsibility to remain in compliance with the *Fisheries Act*, 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 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 works by sending an email to the DFO 10 day notification inbox at 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 Faith Tallas at 587-357-9730 or by email at Faith.Tallas@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,



Clayton James
Senior Biologist – Mining, Oil & Gas – South
Fish and Fish Habitat Protection Program
Ontario and Prairie Region
Fisheries and Oceans Canada

Cc: Faith Tallas, DFO
Warren Aken, WSP
Heather Melcher, WSP