



Fisheries and Oceans
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December 4, 2007

Your file Votre référence

Our file Notre référence
WI-07-2389

Bill Ebenspanger, P.Eng.
City of Winnipeg
106 – 1155 Pacific Avenue
Winnipeg, MB R3E 3P1

Dear Mr. Ebenspanger:

Subject: Proposed works or undertakings will not likely result in negative effects to fish habitat if additional protection measures are implemented.

Fisheries and Oceans Canada (DFO) received your proposal on **August 20, 2007**, concerning **the replacement of City of Winnipeg's Access Bridge over Bunn's Creek to 330/334 Bonner Ave.** To expedite future correspondence or inquiries, please refer to your referral title and file numbers when you contact us.

Referral File No.: **WI-07-2389.**
Habitat File No.: **07-HCAA-CA1-000-002389.**
Referral Title: **Bridge Replacement – Bunn's Creek, Winnipeg, Manitoba.**

It is our understanding that your proposal consists of:

- *Removing existing two span creosote treated timber bridge and creosote treated timber abutments on Bunn's Creek.*
- *Installing an approximately 10m long clear span concrete bridge with concrete abutments founded on steel driven "H" piles.*
- *Accessing the construction site via Bonner Avenue from the North and the pathway off Delbrook Crescent from the South.*
- *Using of a pile driving crane to install the "H" piles for the abutments.*
- *Abutments will be formed with untreated wood and be outside the existing waterway and will be cast in place.*

as outlined in the following plans:

- *Proposed Replacement of City of Winnipeg's Access Bridge over Bunn's Creek to 330/334 Bonner Avenue, File No.: 113731410, August 17, 2007. Prepared for City of Winnipeg by Stantec. Received by DFO August 20, 2007.*

If the above plans have changed since the time of submission, the advice in this letter may no longer apply and you should consult with us to determine if further review is needed.

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We have concluded that the proposed works and undertakings are adequate to protect fish and fish habitat provided that the work is carried out as described in your plans and the following additional measures are implemented:

1. No in-water works should occur between **April 1** and **June 30** of any given year.
2. The bridge is installed according to the “Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat” (Manitoba Natural Resources and DFO, 1996).
3. All materials from the demolition and removal of the bridge superstructure, abutments and pilings should be contained and prevented from entering the watercourse using tarps or shrouding as required. All pilings should be completely removed from the streambed if possible, or broken off or cut below streambed elevation. The piling holes should be capped off with clean granular material to reduce the release of creosote to the environment. Any spoils excavated for the removal of the piles or the abutments that may be contaminated with creosote oil should be removed to a suitable landfill location.
4. The removal of instream pilings and abutments should be isolated to prevent the release of sediments or creosote oil to the watercourse. A spill kit with oil absorbent pads should be kept on site to clean up any creosote oil or other deleterious substance released to the water during demolition/construction.
5. In-water works should be isolated from the watercourse unless the area is frozen to the bottom or dry during construction.
 - 5.1 Works should be isolated using a turbidity curtain or temporary coffer dam and bypass (e.g. sheet pile dam, aqua dam, coffer dams made of sand bags or clean granular wrapped in plastic) or other effective temporary isolation techniques. Flowing water should be diverted around the construction area in a manner that avoids sediment generation to downstream areas and does not alter the volume of flow in the watercourse (e.g. using a bypass pump or flume to divert the water).
6. The duration of the work and amount of disturbance to the bed and banks of the water body is minimized.
7. Ensure that the surface of rock armour exposed to flowing water is clean and free of fine materials and is of sufficient size and/or placed in a way to resist displacement during high flow events. Haul rock in from an appropriate land-based source. Avoid using poor quality limestone that breaks down quickly when exposed to the elements or acid generating rock (common from metal mines).
8. Any in-stream rock placement is to be done such that it does not constrict the channel or change the hydraulics in a way that might damage the bed and/or banks of the watercourse or interfere with fish passage.
9. Where grading of banks is required they are sloped by pulling material back from the water's edge. Stabilize any waste materials removed from the work site, above the ordinary high water mark, to prevent them from entering any water body. Spoil piles could be contained with silt fence, flattened, covered with biodegradable mats or tarps, and/or planted with preferably native grass or shrubs.

10. Shoreline vegetation is retained to the greatest extent possible to maximize the stability of the banks.
11. The deposit of deleterious substances into water frequented by fish is prohibited under the *Fisheries Act*. Appropriate precautions must therefore be taken to ensure that potentially deleterious substances (such as fuel, hydraulic fluids, oil, sediment etc.) do not enter any water body.
12. Operate machinery from outside of the water and in a manner that minimizes disturbance to the banks of the water body.
 - 12.1 Machinery is to arrive on site in a clean condition and is to be maintained free of fluid leaks.
 - 12.2 Wash, refuel and service machinery and store fuel and other materials for the machinery away from the water to prevent deleterious substances from entering the water.
 - 12.3 Keep an emergency spill kit on site in case of fluid leaks or spills from machinery.
13. Install and maintain effective sediment and erosion control measures before starting work in order to prevent the entry of sediment into the watercourse. Inspect them regularly during the course of the work and until vegetation is fully established to ensure they are functioning properly. Make all necessary repairs and adjustments if any damage is discovered or if these measures are not effective in controlling erosion and sedimentation.
14. Vegetate any disturbed soils by planting and seeding preferably native trees, shrubs or grasses and cover such areas with mulch or biodegradable erosion control blankets to prevent soil erosion and to help seeds germinate. If there is insufficient time in the growing season remaining for the seeds to germinate, stabilize the site (e.g. cover exposed areas with erosion control blankets to keep the soil in place and prevent erosion) and then vegetate the following spring.

By implementing these additional measures and those already outlined in your plans, it is our opinion that the proposed works and undertakings will not likely result in the harmful alteration, disruption or destruction (HADD) of fish habitat, which is prohibited unless authorized by DFO. These are recommendations to ensure that the proposed works will likely not result in a HADD of fish habitat. Therefore a subsection 35(2) Authorization is not necessary.

You could contravene subsection 35(1) of the Fisheries Act if a HADD of fish habitat results from any change in your proposed plan or from failure to properly implement these additional measures. Subsection 35(1) states, “no person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.”

This letter of advice does not permit the deposit of deleterious substance (section 36 of the Fisheries Act) into waters frequented by fish nor does it release you from the responsibility to obtain any other federal (for example, the Navigable Waters Protection Act), provincial, territorial, or municipal approvals.

We request that you notify us at least 10 working days before starting the work and that a copy of this letter be kept on site while work is in progress. If you have any questions concerning the above, or if my understanding of the proposal is either incorrect, incomplete, or if there are changes to the proposed works or undertakings, please contact myself directly by telephone at (204) 983-4231, by fax at (204) 984-2402, or by e mail at Todd.Schwartz@dfo-mpo.gc.ca.

Yours sincerely,

Handwritten signature in blue ink that reads "C. Churchward" with the word "for" written in smaller letters below the signature.

Todd Schwartz
Fish Habitat Biologist
Prairies Area, Winnipeg Office

cc: J. Hunt (MB Water Stewardship, Winnipeg)
W. Coughlin (MB Water Stewardship, Gimli)
K. Amy (Stantech, Winnipeg)
Winnipeg Distribution