



April 9, 2014

By email only

Your ref. / Votre réf.

Mr Craig Schell
TransCanada PipeLines Limited
450 1st Street SW
Calgary (Alberta) T2P 5H1

Our ref. / Notre réf.
14-HQUE-00022

**Subject : Exploration drilling, installation of a marine terminal, Cacouna –
Implementation of mitigation measures to avoid and mitigate serious
harm to fish.**

Mr Schell,

The Fisheries Protection Program under Fisheries and Oceans Canada (DFO) received your proposal on February 19, 2014. Please note the title and number of the file below:

Fisheries and Oceans Canada file no.: 14-HQUE-00022

Title: Forage exploratoire, implantation d'un terminal maritime, Cacouna
[Exploration Drilling, Defining Geological Structure, Installation of Terminal, St.
Lawrence Estuary, Cacouna]

Your proposal has been reviewed to determine whether it is likely to cause serious harm to fish, which is prohibited under subsection 35(1) of the *Fisheries Act*.

The proposal has also been reviewed to determine whether it would adversely impact listed aquatic species at risk and contravene sections 32, 33 and 58 of the *Species at Risk Act*.

Our review consisted of:

- Email from Carolle Gosselin (CIMA+) to XLAU-Habitat-Qc. February 19, 2014. Request for review – Geotechnical survey. 1 page and attachment.
 - Request for review – geotech signed_2014-02-12. 46 pages.

We understand the proposed activities to be as follows:

- A geotechnical investigation consisting of:
 - well drilling to collect soil samples

.../2

- in situ testing (standard penetration tests, cone penetration tests, vane shear tests and dilatometer tests)

The Beluga, St. Lawrence Estuary population, which is currently listed as a threatened species, can be found in this sector. We took this into account in the current assessment. If you would like further information on this species, please refer to the Species at Risk Public Registry at www.sararegistry.gc.ca.

To avoid potential impacts on the St. Lawrence Beluga and their habitat or residence, the mitigation measures described in your plans must be supplemented with the following mitigation measures.

Beluga monitoring

- An exclusion zone measuring 300 m in radius from the work site must be marked off using visual clues. There must be no Belugas in the zone during the work.
- An observation post must allow for visual coverage of the entire exclusion zone in order to detect the presence of any Belugas.
- The observer must be recognized for his or her skills and experience in identifying Belugas in a natural environment.
- The work cannot begin or be carried out unless the observation conditions allow for visual coverage of the entire exclusion zone and detection of the presence of Belugas.
- Monitoring must start at least 30 minutes before the work begins; the work can only begin if there are no Belugas in the exclusion zone.
- The work must be stopped when a Beluga is inside the exclusion zone.
- A communication protocol must be established between the observer and the construction site manager so that the work will be stopped as soon as a Beluga is reported to be in the exclusion zone.
- Following a work stoppage caused by the presence of Belugas within the exclusion zone, work cannot resume until the observer has confirmed that the Belugas have left the exclusion zone.
- Should Belugas be found within the exclusion zone, disturbing or harming them by urging them to leave the exclusion zone is forbidden.

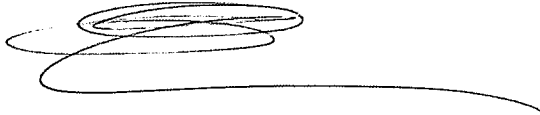
Provided these mitigation measures are incorporated in your plans, DFO is of the view that your proposal will not result in serious harm to fish. DFO is also of the view that your proposal will not contravene sections 32, 33 or 58 of the *Species at Risk Act*. No formal approval is required from DFO under the *Fisheries Act* or the *Species at Risk Act* in order to proceed with your proposal.

If your plans have changed or if the description of your proposal is incomplete, or changes in the future, you should 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 is required by DFO.

Please notify us when your project is scheduled to begin. A copy of this letter should be kept on site while the work is in progress.

For any questions on species at risk, feel free to contact Alain Kemp by telephone at 418-775-0817 or by email at Alain.kemp@dfo-mpo.gc.ca. For any other questions on fish or fish habitats, feel free to contact Annik Gagné by telephone at 418-775-0338 or by email at Annik.gagne@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with us.

Yours sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Guy Michaud
Team Leader
Fisheries Protection Program, Regulatory Reviews

c.c. Alain Kemp, Senior Biologist, Species at Risk, DFO
Yannick Maltais, Principal Director, Transportation – Civil Works, Cima+
Carolle Gosselin, BSc in Biology, Project Leader, Cima+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100