



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Ecosystems Management
Quebec Region

Gestion des écosystèmes
Région du Québec

Security

May 21, 2014

By email only

Your ref.

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

Our ref.
14-HQUE-00022

Subject : Geotechnical survey, installation of a marine terminal, Cacouna – DFO notification amendment.

Dear Sir:

Fisheries and Oceans Canada received your amendment to Geotechnical survey in the vicinity of the Port of Gros-Cacouna on April 29, 2014.

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

The amended 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 Alain Kemp and Nicole Bouchard. April 29, 2014. Geotechnical survey. 1 page.
- Email from Carolle Gosselin (CIMA+) to Alain Kemp. May 06, 2014. Geotechnical survey – additional information. 2 pages.
- Email from Carolle Gosselin (CIMA+) to Alain Kemp. May 13, 2014. Geotechnical survey marine mammals monitoring programme. 1 page and attachment.
 - TC_Geotech_Monitoring Plan_DFO Final rev. 1_2014-05-13.pdf, 74 pages.
- Email from Carolle Gosselin (CIMA+) to Alain Kemp. May 16, 2014. Geotechnical survey – additional information. 2 pages marine mammals monitoring programme. 1 page and attachment.
 - Cacouna_deployments_May_2014.pdf, 1 page.

We understand the proposed activities to be as follow:

- A geotechnical investigation consisting of:
 - sixteen wells drilling to collect soil samples
 - using two drilling barges
 - in situ testing (standard penetration tests, cone penetration tests, vane shear tests and dilatometer tests)

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As you are aware, the Beluga, St. Lawrence Estuary population, which is currently listed as a threatened species, can be found in this sector. To avoid potential impacts on the St. Lawrence Beluga and their habitat, the following mitigation measures, as included in your amended project proposal, must be implemented:

- An exclusion zone measuring 500 m in radius from each drilling barge 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.
- An *in situ* measurement campaign of sound level will be implemented to confirm that the sound level is not higher than expected and the protected area is adequate.

We understand from your emails and attachments that you will implement these mitigation measures.

Provided that these mitigation measures are implemented, DFO is of the view that your amended proposal will not result in serious harm to fish. DFO is also of the view that your amended 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 amended 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 amended 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 418-775-0656 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 truly,

A handwritten signature in black ink, appearing to read 'D. Boula', with a long horizontal stroke extending to the right.

Dominic Boula
Team Leader, int.
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+