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January 25, 2018

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*Our file            Notre référence*

17-HCAA-01274

Parkland County  
Attention: Keith Bobey  
53109A Hwy 779  
Parkland County, AB  
T7Z 1R1

**Subject: Channel Realignment, Tomahawk Creek, Parkland County, AB –  
Implementation of Measures to Avoid and Mitigate Serious Harm to Fish  
and Prohibited Effects on Listed Aquatic Species at Risk**

Dear Mr. Bobey:

The Fisheries Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on September 2, 2017. We understand that you propose to:

- Realign 1650 m<sup>2</sup> of Tomahawk Creek along Range Road 55 in Parkland County, and remove a large beaver dam.

Our review considered the following information:

- Request for Review, received September 2, 2017.
- 2017 Fish Habitat Assessment of Tomahawk Creek for Channel Re-Alignment, prepared by Matrix Solutions Inc. and received September 2, 2017.
- Email communications on October 3, 2017, October 14, 2017, and October 15, 2017.
- Site visit on November 1, 2017.
- Email communications on November 14, 2017, November 15, 2017, and December 18, 2017.

Your 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* unless authorized. Your proposal has also been reviewed to determine whether it is likely to affect 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*, unless authorized.

To avoid and mitigate the potential for serious harm to fish and fish habitat, we recommend implementing the measures listed below:

- Avoid conducting in-stream works inside of the Restricted Activity Period of April 16<sup>th</sup> to June 30<sup>th</sup>.
- Ensure that appropriate erosion and sediment control measures are implemented and monitored throughout the commencement of in-stream works.
- Ensure that appropriate spill containment measures and an emergency spill kit are on site.
- Avoid the commencement of in-stream works during windy, wet, or rainy periods.

Provided that you incorporate these measures into your plans, the Program is of the view that your proposal will not result in serious harm to fish or prohibited effects on listed aquatic species at risk. As such, an authorization under the *Fisheries Act* or a permit under the *Species at Risk Act* is not required.

Whirling disease, a disease of finfish, caused by infection with a microscopic parasite called *Myxobolus cerebralis*, has been identified in Alberta. There may be a requirement for you to apply for a permit from the Canadian Food Inspection Agency to move certain species of finfish, such as rainbow trout, and things, such as sediments, within or out of Alberta. Please visit <http://www.inspection.gc.ca/animals/aquatic-animals/domestic-movements/eng/1450122972517/1450122973466> for more information.

If no federal or provincial permit is required, we encourage you to follow best practices to prevent the spread of this disease. More information can be found by accessing links to the Parks Canada and Alberta Environment and Parks sites provided at <https://www.pc.gc.ca/en/pn-np/ab/banff/info/gestion-management/enviro/aqua/lac-johnson-lake> and <http://aep.alberta.ca/fish-wildlife/wildlife-diseases/whirling-disease/stop-the-spread.aspx>.

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 avoid causing serious harm to fish and avoid prohibited effects on listed aquatic species at risk, any part of their critical habitat or the residences of their individuals.

It is also your *Duty to Notify* DFO if you have caused, or are about to cause, serious harm to fish that are part of or support a commercial, recreational or Aboriginal fishery. Such notifications should be directed to <http://www.dfo-mpo.gc.ca/pnw-ppe/violation-infraction/index-eng.html>.

Please notify this office at least 10 days before starting your project. 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.

If you have any questions with the content of this letter, please contact Alexandra Sorckoff at our Edmonton office at 780-495-3277 or by email at [Alexandra.Sorckoff@dfo-mpo.gc.ca](mailto:Alexandra.Sorckoff@dfo-mpo.gc.ca). Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stephanie Martens', written in a cursive style.

Stephanie Martens  
Senior Fisheries Protection Biologist

Cc: Alexandra Sorckoff – Fisheries and Oceans Canada  
Vageli Dadiotis – Matrix Solutions Inc.