



2 July 2020

Project No.: 18-007

Peche Island Erosion Protection and Habitat Improvements
Addendum No. 1

Tenderers:

The following items comprise Addendum No. 1 for the above-noted project. Where applicable, specific changes to the text of the original Tender Documents are noted in *italicized* font for your convenience.

A1.0 Clarifications to the Construction Specifications

A1.1 Section 1B – Special Information to Tenders

The Contractor shall note the following revision to Section 1B of the Project Specifications:

11.0 COMPLETION DATE

The first paragraph of Subsection ii) shall be replaced with the following:

*The Contractor shall commence his work on this Contract within **20** working days of receiving written instructions from the Engineer to commence work, unless otherwise authorized by the Engineer. Once work has begun, the Contractor will be required to furnish a normal labour and equipment force, without interruption, until no less than 50% of the works have been completed, unless otherwise authorized by the Engineer. The Contractor shall execute his work on this Contract to achieve 50% completion (measured by contract value) by **31 March 2021**. The balance of the Contract shall be completed by **31 December 2021**.*

The rock berms on the north side of the island (Part A of the Form of Tender) shall be constructed in advance of the rock revetment on the northeast shore (Part B of the Form of Tender), in order to conform with conditions of approval issued by the Department of Fisheries and Oceans.

A1.2 Section 2 – Form of Tender and Form of Agreement

Enclosed is an amended version of Page 2 of the FORM OF TENDER – SCHEDULE OF ITEMS AND PRICES.

Tenderers shall note that an additional pay item has been added to PART C to account for the probable need to deploy and maintain silt curtains to control sediment.

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Only the FORM OF TENDER – SCHEDULE OF ITEMS AND PRICES with the note “Addendum No. 1” appearing in the top right corner of Page 2 will be accepted and considered at the opening of the tender. Failure to complete this amended page of the Form of Tender as instructed herein will constitute an informality and may result in rejection of the Tender (see Section 1A, Item 1.0).

A1.3 Section 4 – Environmental Protection Special Provisions

The Contractor shall note the following additions to Section 4 of the Project Specifications:

9.0 RESTRICTIONS ON IN-WATER WORKS

The following text shall be added:

Measurement

No measurement shall be made for this work.

Payment

Payment for basic sediment control shall be made at the lump sum price bid, and shall be compensation in full for all labour, equipment and material required to comply with the project approvals concerning sediment control, including turbidity monitoring, adjustment of construction methods, etc., but excluding the use of turbidity curtains. Payment for use of turbidity curtains shall be at the provisional lump sum price bid, and shall be compensation in full for all labour, equipment and material required to supply, deploy and maintain this additional sediment control measure. As further addressed herein, tenderers shall assume that deployment and maintenance of silt curtains will be required as part of this Contract.

A1.3 Section 5 – Removals Special Provisions

The Contractor shall note the following clarification to Section 5 of the Project Specifications:

2.0 CLEAR AND GRUB EXISTING TREES AND BRUSH

Scope of Work

The first sentence of this section shall be amended to read:

*This work shall consist of all labour and equipment required to clear, remove and dispose of (**on-site**) all woody vegetation (i.e. trees, stumps, shrubs, brush, etc.), as needed to allow proper construction of the revetment.*

A1.0 Clarifications to the Construction Drawings

A1.1 Drawing No. 18-007-01 – Site Plan

Tenders shall note that Construction Note No. 4 stipulates that “IF REQUIRED BY APPROVAL AGENCIES, THE WORKS WOULD BE CONSTRUCTED WITHIN WORK AREAS CORDONED OFF BY SILT CURTAINS”.

The approvals that have been issued are not clear with regard to the requirement for deployment and maintenance of silt curtains to achieve acceptable sediment control. Therefore, tenderers shall assume that deployment of silt curtains will be required, and shall provide a provisional price to include this sediment control measure in the lump sum price bid.

A3.0 Supplemental Information

A copy of the Authorization that was issued by the Minister of Fisheries and Oceans Canada pursuant to the *Fisheries Act* and *Species at Risk Act* is attached hereto. The conditions of the Authorization that pertain to construction shall be adhered to throughout the execution of the Contract.

I trust that you will find the foregoing to be in order. Please call if you have any questions or concerns.

Yours truly,

Landmark Engineers Inc.



Daniel M. Krutsch, P.Eng.
Encl.

c.c.: All prospective tenderers
HCAW
ERCA
City of Windsor

| ITEM NO. | SPEC. CODE | DESCRIPTION | UNIT | ESTIMATED QUANTITY | UNIT PRICE | TOTAL PRICE |
|--|-----------------------|---|---|--------------------|------------|-------------|
| <u>PART 'C' - MISCELLANEOUS COSTS</u> | | | | | | |
| 1 | | Mobilization and Demobilization | Lump Sum | | | _____ |
| 2 | 1B.15.0, 16.0,17.0 | Bonds (Performance and Labour & Material) and Insurance | Lump Sum | | | _____ |
| 3 | 3.24.0 | Supply, install and maintain construction signage, barricades, etc. as needed | Lump Sum | | | _____ |
| 4 | | Supply, install and maintain basic sediment control measures in accordance with project permits as needed | Lump Sum | | | _____ |
| 5 | Addendum #1 | Supply, install and maintain silt curtains as added sediment control measure (PROVISIONAL) | Lump Sum | | | _____ |
| 6 | | Complete fish salvage over course of construction as specified | Lump Sum | | | _____ |
| 7 | | Contingency | Allowance | | | _____ |
| | | | TOTAL PART 'C' | | | _____ |
| | | | TOTAL TENDER PRICE (excl. HST) - | | | _____ |
| | | | TOTAL (A+B+C) | | | _____ |



PARAGRAPH 35(2)(b) FISHERIES ACT AND PARAGRAPH 73 SPECIES AT RISK ACT AUTHORIZATION

Authorization issued to

Essex Region Conservation Authority (*hereafter referred to as the "Proponent"*)

Attention to: Kevin Money
Essex Region Conservation Authority
360 Fairview Avenue West, Suite 311
Essex, Ontario N8M 1Y6

Location of Proposed Project

Nearest community (city, town, village): City of Windsor
Municipality, district, township, county: Windsor
Province: Ontario
Name of watercourse, waterbody: Detroit River and Lake St. Clair
Longitude and latitude, UTM Coordinates: Latitude 42.3476°, Longitude -82.9290°

Description of Proposed Project

The proposed project of which the work, undertaking or activity authorized is a part involves:

- The construction of a 608m long continuous revetment along the north-east side of Peche Island (herein referred to as '*Northern Revetment*'). The works will require the installation of gabion stone overlaid with 1m armour stone resulting in a maximum footprint of 1,929 square meters (m²) below the high water mark.
- The construction of a series of nine (9) long and narrow off-shore rock berms/sheltering islands on the north side of Peche Island (herein referred to as '*Off-shore Berms*'), each occupying an average footprint of 700 square meters (m²) below the high water mark (50m x 10 m each) with 25 meter spaces between each, and one smaller berm (12.5m x 10m) extending from shore on the north side of Peche Island. This series of structures will require the installation of a gabion rock core surrounded by filter rock, armour stone and round stone resulting in a maximum footprint of 6,475 square meters (m²) below the high water mark.

Description of Authorized work(s), undertaking(s) or activity(ies) likely to result in serious harm to fish:

The work(s), undertaking(s), or activity(ies) associated with the proposed project described above, that are likely to result in serious harm to fish, are:

- The placement of a maximum of 8,404 square metres (m²) of rock fill (gabion, filter rock, armour stone and round stone) below the high water mark within the Detroit River at the nearshore and offshore areas of Peche Island.

Description of Authorized work(s), undertaking(s) or activity(ies) likely to result in prohibited impacts to aquatic species at risk, their critical habitat, and/or the residences of their individuals:

The work(s), undertaking(s), or activity(ies) associated with the proposed project described above, that are likely to result in prohibited impacts to aquatic species at risk, their critical habitat, and/or the residences of their individuals:

- The placement of 850 m² of gabion, rock, armour stone below the HWM along the southeastern shoreline of Peche Island in areas identified as Critical Habitat for Northern Madtom. (Schedule 1, Endangered 2016).

The serious harm to fish likely to result from the proposed work(s), undertaking(s), or activity(ies), and covered by this authorization includes:

- Destruction of 4,704 square metres (m²) of fish habitat in the Detroit River due to the construction of the Northern Revetment on Peche Island and Off-shore Berms.
- Permanent alteration of 3,700 square meters (m²) of fish habitat in the Detroit river due to the construction of the Northern Revetment on Peche Island and Off-shore Berms.

The impacts to aquatic species at risk likely to result from the proposed work, undertaking, or activity, and covered by this authorization includes:

- Destruction of a maximum of 850 square meters (m²) of Northern Madtom Critical Habitat in the Detroit River due to the construction of the revetment on the southeastern shoreline.
- Incidental harm, harassment, or potential death as a result of capture using minnow traps during construction, or minnow traps and seine nets during monitoring for the following listed aquatic species at risk in the area:
 - Northern Madtom (*Noturus stigmosus*) (Endangered)
 - Channel Darter (*Percina copelandi*) (Threatened)

Conditions of Authorization

The above described work, undertaking or activity that is likely to result in serious harm to fish and impacts to aquatic species at risk must be carried on in accordance with the following conditions. If the proponent wishes to modify any of the conditions, other than those related to time periods, a new application for authorization should be submitted to Fisheries and Oceans Canada (DFO) identifying the new information supporting the modified conditions.

1. Conditions that relate to the period during which the work, undertaking or activity that will result in serious harm to fish can be carried on

The work, undertaking or activity that results in serious harm to fish is authorized to be carried on during the following period:

From **Date of Issuance to December 31, 2022**

If the Proponent cannot complete the work, undertaking or activity during this period, Fisheries and Oceans Canada (DFO) must be notified in advance of the expiration of the above time period. DFO may, where appropriate, provide written notice that the period to carry on the work, undertaking or activity has been extended.

The periods during which other conditions of this authorization must be complied with are provided in their respective sections below. DFO may, where appropriate, provide written notice that these

periods have been extended, in order to correspond to the extension of the period to carry on a work, undertaking, or activity.

2. **Conditions that relate to measures and standards to avoid and mitigate serious harm to fish and impacts to aquatic species at risk**

2.1. Sediment and erosion control: Sediment and erosion control measures must be in place and shall be upgraded and maintained, such that release of sediment is avoided at the location of the authorized work, undertaking, or activity.

2.1.1. All rock and fill materials shall be clean and free of fine material prior to placement, and will not be obtained from the below the ordinary high water mark from any waterbody.

2.1.2. Erosion and sediment control measures shall be inspected regularly and repaired or upgraded as required and temporary measures removed once the site is stabilized.

2.1.3. Stockpiled material shall be stored in a manner that prevents entry into nearby water bodies.

2.1.4. All areas disturbed by any work, undertaking or activity associated with the project shall be stabilized upon completion of the work.

2.2. List of measures and standards to avoid and mitigate serious harm to fish and the impact of the activity on aquatic species at risk, their critical habitat and/or the residences of their individuals as described below, and as set out in the Proponent's plan titled "*Offset Plan for Fisheries Act Section 35(2)(b) Authorization DFO File No. 19-HCAA-00130 Peche Island Erosion Mitigation Project*" dated April 1, 2020:

2.2.1. No works shall occur within the restricted activity window for spring spawning fish (**March 15 to July 15**) of any year to protect the local fish community during their spawning and other critical life history stages without the specific written approval from DFO.

2.2.2. In-water works and activities including infilling into the Detroit River shall be conducted during dry and calm weather conditions to minimize the risk of sediment transport.

2.2.3. All machinery shall arrive on site in a clean condition and be maintained free of fluid leaks, noxious weeds, and invasive species. Machinery shall be washed, refuelled, and serviced in such a way as to prevent any deleterious substance from entering the water.

2.2.4. Fish salvage and relocation program shall be conducted within the isolated work area (as described in the "*Offset Plan for Fisheries Act Section 35(2)(b) Authorization DFO File No. 19-HCAA-00130 Peche Island Erosion Mitigation Project*" dated April 1, 2020) by a qualified biologist, prior to construction and should include (but is not limited to):

2.2.4.1. Minnow traps shall be deployed a minimum of one week prior to construction, and checked daily to minimize impacts on fishes.

2.2.4.2. SAR species shall be sorted from non-SAR species, and processed before all other species.

2.2.4.3. During processing fishes must be held in multiple buckets/tubs to reduce overcrowding and water in buckets/tubs must be replaced every 10 minutes or aerated to maintain dissolved oxygen levels and water temperatures (within $\pm 1^{\circ}\text{C}$ of source water body). Buckets/tubs shall be covered to reduce stress and placed in full shade.

2.2.4.4. All live fish including SAR shall be released downstream to similar habitat, or on the south side of Peche Island.

2.2.4.5. Fish handling, relocation and monitoring activities shall be undertaken by or under the direct supervision of an individual qualified to identify aquatic species at risk.

2.2.4.6. SAR species fish mortality shall not exceed the total of 5 fishes. If mortality of a SAR species occurs, work shall be halted and the proponent shall notify DFO.

Additional measures to avoid and mitigate serious harm and impacts to aquatic species at risk shall be developed and submitted to DFO for approval prior to works recommencing.

- 2.2.5. Turbidity level (NTU) monitoring shall be undertaken upstream and downstream of the in-water work area during construction to monitor the effectiveness of the mitigation measures to control the transport of suspended solids. The Canadian Council of Ministers of the Environment Canadian Water Quality Guidelines for the Protection of Aquatic Life shall form the baseline for water and streambed quality.
- 2.3. Contingency avoidance and mitigation measures shall be put in place if the monitoring required in condition 3 below indicates that the measures and standards to avoid and mitigate serious harm to fish and impacts to species at risk are not successful:
- 2.3.1. Should measures not function as intended, all work shall be halted and contingency measures shall be discussed and implemented in discussion with DFO.
- 2.3.1.1. Work shall resume when effective controls are implemented and NTU monitoring values return to background conditions
- 2.4. Dates by which these measures and standards shall be implemented: Measures and standards to avoid and mitigate serious harm to fish and impacts to aquatic species at risk shall be implemented prior to the commencement of the project and shall be maintained for the duration of the project.
3. **Conditions that relate to monitoring and reporting of measures and standards to avoid and mitigate serious harm to fish and impacts to aquatic species at risk**
- 3.1. Monitoring of avoidance and mitigation measures: The Proponent shall monitor the implementation of avoidance and mitigation measures referred to in section 2 of this authorization and report to DFO, one month post-construction of Phase 1 (by **January 31, 2022**) and Phase 2 (by **January 31, 2023**), and indicate whether the measures and standards to avoid and mitigate serious harm to fish and impacts to aquatic species at risk were conducted according to the conditions of this authorization. This shall be done, by:
- 3.1.1. Demonstration of effective implementation and functioning: Providing dated photographs and inspection reports to demonstrate effective implementation and functioning of mitigation measures and standards described above to limit the serious harm to fish and impacts to aquatic species at risk to what is covered by this authorization.
- 3.1.2. Contingency avoidance and mitigation measures: Providing monitoring details of any contingency measures (including details of fishes captured and relocated, and turbidity level monitoring) that were followed, to prevent impacts greater than those covered by this authorization in the event that mitigation measures did not function as described.
- 3.1.3. As-built survey: An as-built survey shall be undertaken to show the project has been constructed as proposed. A copy of the as-built survey shall be provided to DFO as part of the construction monitoring report.
- 3.2. Other monitoring and reporting conditions:
- 3.2.1. The death of any individual of the affected species at risk listed above, resulting from activities authorized by this permit, be preserved in 10% formalin or 95% ethanol and sent to Hannah Hancock with the DFO file number, digital vouchers (distinguishing characteristics clearly photographed) and field sheets within 24 hours of capture.

*Hannah Hancock
Fish and Fish Habitat Protection Program
Fisheries and Oceans Canada
867 Lakeshore Road
Burlington, Ontario L7S 1A1
Tel: 289-527-4265, Email: Hannah.Hancock@dfo-mpo.gc.ca*

- 3.2.2. A report containing the following information shall be submitted to the Fish and Fish Habitat Protection Program, Hannah Hancock, one month after construction of phase I and phase II are completed including the DFO File number.
 - 3.2.2.1. Vouchers (digital or physical) for each fish species (both species at risk and common species) must be collected at every site following the protocol outlined in Appendix 2 of Mandrak and Bouvier (2014) (Mandrak, N.E., and Bouvier, L.D. 2014. Standardized data collection methods in support of a classification protocol for the designation of watercourses as municipal drains. DFO Can. Sci. Advis. Sec. Res. Doc. 2013/077. v + 26 p.). The applicant shall retain vouchers unless/until requested by DFO; if desired, vouchers may be disposed of after one (1) year from the time of collection.
 - 3.2.2.2. Using the spreadsheet provided, identify all species caught by site (including number caught, date of capture, latitude, longitude) and a map clearly indicating all collection sites (identified by site code).
4. **Conditions that relate to the offsetting of the serious harm to fish and impacts on aquatic species at risk likely to result from the authorized work, undertaking or activity**
 - 4.1. Letter of credit: DFO may draw upon funds (\$127,150) available to DFO as the beneficiary of the letter of credit provided to DFO as part of the application for this authorization, to cover the costs of implementing the offsetting measures required to be implemented under this authorization, including the associated monitoring and reporting measures included in section 5, in instances where the Proponent fails to implement these required measures.
 - 4.2. Scale and description of offsetting measures: Offsetting shall be undertaken at the location of the project site on the Detroit River and shall be carried out in accordance with the measures set out in the Proponent's offsetting plan titled "*Offset Plan for Fisheries Act Section 35(2)(b) Authorization DFO File No. 19-HCAA-00130 Peche Island Erosion Mitigation Project*" dated April 1, 2020 approved by DFO. The offsetting plan is summarized as follows:
 - 4.2.1. Construct a minimum of twelve to a maximum of eighteen rocky habitat structures that are 4m in length with a total footprint of 42 square meter (m²) each extending from the toe on each side of the Off-shore Berms constructed on the north side of Peche Island using clean 100-200mm round stones.
 - 4.2.2. Establishment of a 105,000 square meters (m²) backwater area resulting from the construction of the Off-shore Berms on the north side of Peche Island. The backwater area will be constructed and laid out in accordance to phasing plans provided in section 1.4 of the "*Offset Plan for Fisheries Act Section 35(2)(b) Authorization DFO File No. 19-HCAA-00130 Peche Island Erosion Mitigation Project*" dated April 1, 2020.
 - 4.3. Offsetting criteria to assess the implementation and effectiveness of the offsetting measures: All fish habitat offsetting measures shall be completed and functioning according to the following criteria listed below and as described in the "*Offset Plan for Fisheries Act Section 35(2)(b) Authorization DFO File No. 19-HCAA-00130 Peche Island Erosion Mitigation Project*" dated April 1, 2020.
 - 4.3.1. All offset structures and features shall be shown to be constructed and installed as per the design specifications and demonstrated to be stable using pre- and post-construction data from the same vantage points (as described in section 8.2 of the "*Offset Plan for Fisheries Act Section 35(2)(b) Authorization DFO File No. 19-HCAA-00130 Peche Island Erosion Mitigation Project*" dated April 1, 2020.)
 - 4.3.2. A minimum of 80% of the created rocky structures as described above in 4.2.1 shall be demonstrated as stable using bathymetric surveys and underwater video footage (in the as-built configuration for the duration of the offsetting monitoring).
 - 4.3.3. The wave action and velocity in the backwater area (minimum 105,000 square metres) behind the Off-shore Berms on the northern side of Peche Island shall be decreased, and confirmed by photo and video evidence pre- and post-construction from the same vantage point and direction

on the North shore of Peche Island during high-wave events. A description of how these measures meet the biophysical features, functions and attributes of Critical Habitat for Northern Madtom (Schedule 1, Endangered 2016) shall be included.

- 4.3.4. Increase of submergent aquatic vegetation cover from 10% to a minimum of 15% cover within the 105,000 square meter (m²) backwater area between the nearshore berms and the shoreline of Peche Island. A description of how these measures meet the biophysical features, functions and attributes of Critical Habitat for Northern Madtom (Schedule 1, Endangered 2016) shall be included.
- 4.3.5. An visual assessment shall be carried out by a qualified biologist for fish species presence and abundance of multiple life stages, including use by the Northern Madtom, and at least two [2] native warm- or cool-water fish species within the backwater area for the duration of the offsetting monitoring, not previously identified on the north side of Peche Island.

4.4. Contingency measures: If the results of monitoring as required in condition 5 indicate that the offsetting measures are not completed by the date specified and/or are not functioning according to the above criteria in 4.3, the Proponent shall give written notice to DFO and shall implement the contingency measures and associated monitoring measures, as contained within the approved offsetting plan (attached to this authorization or referenced in section 4.2), to ensure the implementation of the offsetting measures is completed and/or functioning as required by this authorization.

4.4.1. Scale and description of contingency measures:

- 4.4.1.1. Should the rocky structures not be demonstrated to be stable (<80% is stable), additional rock (or other equivalent material) shall be added to the structures to restore the intended size and structure.
- 4.4.1.2. Should the submerged aquatic vegetation in the minimum 105,000 square meters of backwater habitat not meet the success criteria described in condition 4.3.4, supplemental native vegetation plantings and seeding shall be completed to reach the described success criteria.
- 4.4.1.3. Should offsetting measures not meet the intended fish presence and fish use targets described in conditions 4.3.5 and 4.3.6 by **November 30, 2024** for Phase 1 and by **November 30, 2025** for Phase 2, additional contingency offsetting measures shall be completed within one year to balance the remaining project impacts. The size and extent of additional contingency offsetting measures shall be determined in consultation with DFO.

4.4.2. Monitoring measures to ensure contingency offsetting measures are completed and/or functioning as required:

- 4.4.2.1. Should the offsetting measures be deemed unstable or deficient as stated in section 4.4 repairs or replacements shall be implemented by the Proponent to rectify the offsetting measures within 60 days of knowledge of the deficiencies.
- 4.4.2.2. Should offsetting measures be deemed unstable or deficient described in section 4.3 by **November 30, 2024** for Phase 1 and by **November 30, 2025** for Phase 2, two (2) additional years of inspection, monitoring, and reporting to ensure stability and functioning as designed, shall be implemented.

Should contingency offsetting measures be required, physical construction and biological monitoring criteria shall be determined through consultation with DFO, following completion of the contingency measures.

4.5. The Proponent shall not carry on any work, undertaking or activity that will adversely disturb or impact the offsetting measures.

5. **Conditions that relate to monitoring and reporting of implementation of offsetting measures (described above in section 4):**

- 5.1. Schedule(s) and criteria: The Proponent shall conduct monitoring of the implementation of offsetting measures in accordance to timelines and criteria described in the ‘*Offset Plan for Fisheries Act Section 35(2)(b) Authorization DFO File No. 19-HCAA-00130 Peche Island Erosion Mitigation Project*’ dated April 1, 2020 and as listed below:
- 5.1.1. List of timeline(s) and monitoring and reporting criteria:
- 5.1.1.1.A digital photographic record of pre-construction, during construction and post-construction conditions shall be compiled using the same vantage points and direction to show that the approved works have been completed and are stable in accordance with the offsetting plan by **January 31, 2022** for Phase 1 and by **January 31, 2023** for Phase 2.
 - 5.1.1.2. Final as-built design for all constructed habitat features (e.g., Off-shore Berms and rocky structures) shall be assessed within 1 month of construction through as-built surveys identifying the extent of placed material, the gradation of the placed material, and associated elevations match those identified in the offsetting plan by **January 31, 2022** for Phase 1 and by **January 31, 2023** for Phase 2.
 - 5.1.1.3. The stability of the rocky structures shall be assessed through bathymetry and underwater video surveillance (or other methods agreed upon in writing by DFO) during the summer/fall bi-annually during Year 1 and Year 3 post-construction (by **January 31, 2023** and **January 31, 2025** for Phase 1 and by **January 31, 2024** and **January 31, 2026** for Phase 2) following project completion.
 - 5.1.1.4. Fish presence shall be monitored at the offsetting features at a minimum in the summer/fall bi-annually during Year 1 and Year 3 post-construction (by **January 31, 2023** and **January 31, 2025** for Phase 1 and by **January 31, 2024** and **January 31, 2026** for Phase 2) following project completion. The effectiveness of all offset measures (e.g. fish presence, abundance, and life stages) shall be assessed by a qualified biologist and completed using standard fish and fish habitat survey designs.
 - 5.1.1.5. Establishment of submerged aquatic vegetation shall be monitored at the offsetting features in the summer/fall bi-annually during Year 1 and Year 3 post-construction (by **January 31, 2023** and **January 31, 2025** for Phase 1 and by **January 31, 2024** and **January 31, 2026** for Phase 2) following project completion. The effectiveness of the offset measures shall be assessed by a qualified biologist following the methods of the pre-construction assessment (as described in section 8.2 of the “*Offset Plan for Fisheries Act Section 35(2)(b) Authorization DFO File No. 19-HCAA-00130 Peche Island Erosion Mitigation Project*” dated April 1, 2020).
- 5.2. List of reports to be provided to DFO: The Proponent shall report to DFO on whether the offsetting measures were conducted according to the conditions of this authorization by providing the following:
- 5.2.1. Photographic record (as described in section 5.1.1.1) and as-built survey (as described in 5.1.1.2) shall be submitted to DFO by **January 31, 2022** for Phase 1 and by **January 31, 2023** for Phase 2.
 - 5.2.2. The results of the offsetting measures (as described in sections 5.1.1.2, 5.1.1.3, 5.1.1.4 and 5.1.1.5) shall be submitted in an annual report to DFO prior to the end of each monitoring year, by **January 31, 2023** and **January 31, 2025** for Phase 1 and by **January 31, 2024** and **January 31, 2026** for Phase 2.

Authorization Limitations and Application Conditions

The Proponent is solely responsible for plans and specifications relating to this authorization and for all design, safety and workmanship aspects of all the works associated with this authorization.

The holder of this authorization is hereby authorized under the authority of Paragraph 35(2)(b) of the *Fisheries Act*. R.S.C., 1985, c.F. 14 to carry on the work(s), undertaking(s) and/or activity(ies) that are likely to result in serious harm to fish as described herein. The holder of this authorization is also authorized under

the authority of section 74 of the *Species at Risk Act* S.C. 2002, c. 29 to incidentally harm, capture, or cause potential death to the Channel Darter and the Northern Madtom, both listed as Endangered and Threatened respectively, under the *Species at Risk Act*.

This authorization may be revoked or amended to ensure the survival or recovery of the above species. This authorization does not purport to release the applicant from any obligation to obtain permission from or to comply with the requirements of any other regulatory agencies.

This authorization does not permit the deposit of a deleterious substance in water frequented by fish. Subsection 36(3) of the *Fisheries Act* prohibits the deposit of any deleterious substances into waters frequented by fish unless authorized by regulations made by Governor in Council.

This authorization does not permit the buying, selling, or trading of individuals of any aquatic species listed under the *Species at Risk Act* (SARA) (s. 32 of the SARA), or the damage or destruction of residence of individuals of such species (s. 33 of the SARA) or the destruction of the critical habitat of any such species (s. 58 of the SARA).

The failure to comply with any condition of this authorization constitutes an offence under Paragraph 40(3)(a) of the *Fisheries Act* and subsection 97(1) of the *Species at Risk Act* and may result in charges being laid under the *Fisheries Act* and the *Species at Risk Act*.

This authorization must be held on site and work crews must be made familiar with the conditions attached.

This authorization cannot be transferred or assigned to another party. If the work(s), undertaking(s) or activity(ies) authorized to be conducted pursuant to this authorization are expected to be sold or transferred, or other circumstances arise that are expected to result in a new Proponent taking over the work(s), undertaking(s) or activity(ies), the Proponent named in this authorization shall advise DFO in advance.

Date of Issuance: _____ June 25, 2020 _____

Approved by: _____

David Nanang
Regional Director General
Ontario & Prairie Region
Fisheries and Oceans Canada