



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Ontario and Prairie Region
Fish and Fish Habitat
Protection Program
501 University Crescent
Winnipeg, MB
R3T 2N6

Région de l'Ontario et des Prairies
Programme de protection du
du poisson et de son habitat
501 croissant University
Winnipeg (Manitoba)
R3T 2N6

August 8, 2025

Our file Votre référence
24-HCAA-02352

Township of Muskoka Lakes
Attn: Tim Sopkowe
1 Bailey Street
PO Box 129
Port Carling, Ontario
POB 1J0

**Subject: Dam Repair, Moon River, Lake Muskoka, Township of Muskoka Lakes –
Implementation of Measures to Avoid and Mitigate the Potential for
Prohibited Effects to Fish and Fish Habitat**

Dear Tim Sopkowe:

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on October 9, 2024. We understand that you propose to:

- Raise the existing upstream dam face to 226.50 M.A.S.L. and extend the dam on the upstream south shore.
- Install a concrete spillway lined with rip rap at the top and base of the spillway.
- Place a 43.5m x 0.60m wide embankment wall along the north shoreline.
- Place concrete retaining wall along the left and right banks downstream of the generating station.
- Place bank protection on the right downstream bank.
- Install a cofferdam to isolate the work site.

Our review considered the following information:

- Burgess Dam Rehabilitation - DFO RfR - 09Sep24, pdf, 9/9/2024

.../2

Unclassified - Non-Classifié

- Correspondence with Emilia Myles-Gonzales, email, 11/11/2025 to 3/18/2025.
- Meeting with Tulloch engineers, Teams meeting, 2/13/2025.
- Meeting with MNR, Teams meeting, 2/19/2025.
- Correspondence with Erik Giles, email, 2/12/2025 to 3/17/2025.

Your proposal has been reviewed to determine whether it is likely to result in:

- the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the *Fisheries Act*; and
- effects to 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*; and
- the introduction of aquatic species into regions or bodies of water frequented by fish where they are not indigenous, which is prohibited under section 10 of the *Aquatic Invasive Species Regulations*.

The aforementioned outcomes are prohibited unless authorized under their respective legislation and regulations.

To avoid and mitigate the potential for prohibited effects to fish and fish habitat (as listed above), we recommend implementing the measures listed below:

- Carry out the project in accordance with [timing windows](#).
 - Limit the duration of in-water works undertakings and activities.
- Capture fish trapped within an isolated or enclosed area and relocate them to the same watercourse or water body.
 - Dewater gradually to reduce the potential for stranding fish.
 - Capture and relocate any fish as per applicable permits.
- Screen intake pipes during all phases of the project.
 - Use interim code of practice: [End-of-pipe fish protection screens for small water intakes in freshwater](#).
- Avoid obstructing or interfering with the movement and migration of fish.
- Maintain hydrological conditions (i.e., flow) for bypass channels during all phases of the project.
- Use existing trails, roads, access points of cut lines.
- Maintain a functioning vegetated riparian zone between the project site and the ordinary high water mark.
 - Limit vegetation removal, pruning and grubbing to the area required for accessing the project site.
 - Limit access to shorelines and banks or areas adjacent to the watercourse or water body.
 - Construct roads, access points and approaches perpendicular to the watercourse or water body.

Unclassified - Non-Classifié

- Use methods to reduce soil compaction (e.g., swamp mats, pads).
 - Reinststate stream banks and slopes of the affected riparian zone.
 - Re-vegetate the affected riparian zone with native species suitable for the project site.
- Ensure that equipment and machinery are clean and free of aquatic invasive species prior to arriving on the project site.
- Limit disturbance of fish habitat features (e.g., aquatic plants, rocks, woody material) to the area required to carry out the project.
 - Operate machinery on land, from barges or on ice during all phases of the project.
 - Limit operation of vehicles and machinery to the area required to carry out the project.
- Maintain base flow and seasonal flow of water during all phases of the project.
- Restore the bed and banks, gradient and contour affected by the project.
- Avoid introducing sediment in the water, like silt, clay and sand.
- Manage sediment laden water flowing onto or through the site during all phases of the project.
 - Install erosion and sediment controls prior to beginning the project.
 - Pump sediment laden water into a vegetated area or a filtration system (e.g., settling basin).
 - Release water gradually when suspended sediment has settled in the settling basin and water is clear.
 - Conduct all operations in isolation of open or flowing water.
 - Follow [interim in-water site isolation standard](#).
 - Install a turbidity curtain.
 - Install cofferdams, diversion channels, flumes and elevated pipes or pump arounds to work in the dry.
 - Develop and implement an erosion and sediment control plan for all phases of the project.
 - Regularly observe the watercourse or water body for signs of suspended sediment during all phases of the project and take corrective action when and where required.
 - Inspect the erosion and sediment controls regularly during all phases of the project.
 - Repair the sediment controls during all phases of the project.
 - Operate machinery on land in stable areas.
 - Use biodegradable materials for erosion and sediment controls whenever possible.
 - Remove all non-biodegradable erosion and sediment controls once the site has been stabilized.
 - Dispose of, and stabilize, all excavated material above the ordinary high water mark or top of bank of nearby watercourses or water bodies.
 - Use only clean materials.

Unclassified - Non-Classifié

- Keep the erosion and sediment controls in place until all disturbed ground has been stabilized and suspended sediments have settled.
- Develop a plan to prevent deleterious substances from entering a watercourse or water body.
 - Maintain all machinery on site in a clean condition and free of fluid leaks.
 - Wash, refuel and service machinery in such a way as to prevent any deleterious substances from entering a watercourse or water body.
 - Store fuel and other materials for the machinery in such a way as to prevent any deleterious substances from entering a watercourse or water body.
 - Plan activities near water such that materials (e.g., paint, primers, blasting abrasives, rust solvents, degreasers, grout, poured concrete or other chemicals) do not enter a watercourse or water body.
 - Ensure that building material used in a watercourse or water body has been handled and treated in a manner that prevents the release or leaching of deleterious substances into a watercourse or water body.
 - Dispose of all waste materials on land in a designated area away from the ordinary high water mark of any watercourse or water body.
- Implement a response plan immediately in the event of a spill of a deleterious substance (including sediment).
 - Stop all works, undertakings and activities.
 - Report spill immediately when a deleterious substance enters a watercourse or water body.
 - Contain water with deleterious substances.
 - Clean-up and dispose of water contaminated with deleterious substances.
 - Use an emergency spill kit.
- Aquatic invasive species are introduced and spread through transporting water, sands and sediments and using contaminated construction equipment. To prevent the spread of aquatic invasive species during construction in aquatic environments:
 - Ensure that equipment and machinery are clean and free of aquatic invasive species prior to arriving on the project site.

Provided that you incorporate these measures into your plans, the Program is of the view that your proposal is not likely to result in the contravention of the above mentioned prohibitions and requirements.

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 remain in compliance with the *Fisheries Act*, the *Species at Risk Act* and the *Aquatic Invasive Species Regulations*.

It is also your *Duty to Notify* DFO if you have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction

Unclassified - Non-Classifié

of fish habitat. Such notifications should be directed to (<http://www.dfo-mpo.gc.ca/pnw-ppe/contact-eng.html>).

Please notify this office at least 10 days before starting any in-water works. Send your notification to the assessor (contact information below) and the DFO 10 notification mailbox: DFO.OP.10DayNotification-Notification10Jours.OP.MPO@dfo-mpo.gc.ca. We recommend that a copy of this letter 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.

Please note that the advice provided in this letter will remain valid for a period of 2 years from the date of issuance. If you plan to execute your proposal after the expiry of this letter, we recommend that you contact the Program to ensure that the advice remains up-to-date and accurate. Furthermore, the validity of the advice is also subject to there being no change in the relevant aquatic environment, including any legal protection orders or designations, during the 2 year period.

If you have any questions with the content of this letter, please contact Dylan McKenzie at our Winnipeg office at 431-371-1870, or by email at Dylan.McKenzie@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,



Jeff Moyer
Senior Biologist

Cc: Emelia Myles-Gonzalez
Erik Giles
Dylan McKenzie