



Fisheries and Oceans    Pêches et Océans  
Canada                      Canada

1 Challenger Drive  
P.O. Box 1006  
Dartmouth, NS  
B2Y 4A2

January 7, 2016

*Our file    Notre référence*  
15-HMAR-00124

Carys Burgess  
Cape Sharp Tidal Venture Limited  
1223 Lower Water Street  
Halifax, Nova Scotia  
B3J 3SB

Dear Ms. Burgess:

**Subject:    Implementation of mitigation measures to avoid and mitigate serious harm to fish.**

The Fisheries Protection Program (the Program) of Fisheries and Oceans Canada received your proposal on May 1, 2015 for Cape Sharp Tidal Ventures Limited (CSTV) to install and operate two 2.0 megawatt (MW) tidal energy turbines in the Minas Passage of the Bay of Fundy, Nova Scotia.

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*.

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

Our review consisted of:

- Request for Review Form and supplemental information report submitted May 1, 2015.
- CSTV Environmental Effects Monitoring Plan (EEMP) received August 14, 2015.

The following Species-at-Risk, which are currently listed in Canada, are known to use this area and have been considered as part of this assessment. If you would like more information about this species please visit the *Species at Risk Act* Public registry at [www.sararegistry.gc.ca](http://www.sararegistry.gc.ca).

- Atlantic salmon (Inner Bay of Fundy), SARA Status: Endangered; COSEWIC Status: Endangered



We understand that CSTV proposes to install a fully integrated tidal array for connection to the grid at the Fundy Ocean Research Centre for Energy (FORCE) facility in 2016. The array will consist of two 16 metre (m) diameter open-centre turbines mounted on subsea gravity bases, each with electrical generating capacity of 2.0 MW (total capacity of 4 MW). Once installed, the turbines are intended to operate for a 15 year period and will be removed from the water upon decommissioning.

We also understand that CSTV will implement an EEMP, as a component of the Project Environmental Management Plan, to meet conditions as described in the Environmental Approval granted by Nova Scotia Environment on September 15, 2009. The overall purpose of the EEMP will be to monitor potential near-field environmental effects associated with the Project in order to verify the accuracy of environmental effects predictions made in the joint federal-provincial environmental assessment, test the effectiveness of mitigation measures, ensure compliance with applicable provincial and federal permits and approvals, and contribute to a growing body of knowledge on potential environmental effects associated with tidal power development. The CSTV EEMP is also intended to build upon environmental studies that have been underway at the FORCE facility since 2007 and complement the FORCE EEMPs that are being proposed for initial turbine deployments between 2015 and 2020.

To avoid the potential of serious harm to fish, as well as impacts to aquatic species at risk and their habitat or residence, we are recommending that the mitigation measures provided in the Request for Review Form and Supplemental Information Report be fully implemented along with the proposed EEMP. DFO understands that CSTV will adopt an adaptive management approach to allow for adjustments and constant improvements to be made to the proposed EEMP as monitoring results become known. It is recommended that the results of the EEMP be shared and reviewed on an annual basis with the Program to ensure that monitoring and management strategies can be modified as appropriate.

Provided that these measures are incorporated into your plans, the Program is of the view that your proposal will not result in serious harm to fish. The Program 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 the Program 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, please contact our office at the contact information below to determine whether further review is required.

Please notify this office at least 10 days before starting your project. A copy of this letter should be kept on site while the installation is in progress.

Please note all environmental emergencies should be reported immediately to Regional Emergency Response 1-800-565-1633.



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If you have any questions, please contact Tony Henderson at our Dartmouth office at 902-401-0602, by fax at 902-426-1489, or by email at [Tony.Henderson@dfo-mpo.gc.ca](mailto:Tony.Henderson@dfo-mpo.gc.ca). Please refer to the file number referenced above when corresponding with the Program.

Sincerely,

A handwritten signature in black ink that reads "Mark McLean". The signature is written in a cursive style and is set against a light gray rectangular background.

Mark McLean  
Manager, Fisheries Protection Program, Regulatory Reviews

cc.     T. Henderson  
       S. Sanford