



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

Deputy Minister

Sous-ministre

PROTECTED B

2024-201-00021

MEMORANDUM FOR THE MINISTER

**Avon River Tidal Gate Operations  
(FOR SIGNATURE)**

**Summary**

Further to a discussion with your office, the purpose of this note is to provide you with a draft letter (Tab 1) to be sent from you to the Nova Scotia Ministers of Agriculture and Municipal Affairs and Housing to seek clarity on their intended operations of the Avon River tidal gate during the upcoming spring migratory period (April to June) and to further understand whether alternative options are being explored to support fire suppression and provide for effective fish passage.


The Department remains concerned about the impacts that the current operation of the tidal gate is having on fish and fish habitat, particularly as the spring migratory period nears for a number of important fish species, including species at risk. The Mi'kmaq of Nova Scotia and stakeholders have expressed similar concerns and are seeking clarity on the Department's intentions to require fish passage and support compliance with the *Fisheries Act*.

Prior to the issuance of the Department's initial Ministerial Order in 2020, the Province would lower lake levels to provide for fish passage during peak migration period and open gates for various periods of time during spring migration. The Province has not indicated whether they intend to adopt a similar approach this year.

Sending this letter will build on previous engagement to date, and provide an opportunity for both Ministers to respond given their shared responsibilities related to current operations.

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Annette Gibbons  
Deputy Minister

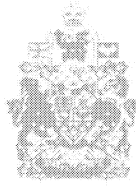
MAR-28-2024  
  
Kevin Brosseau  
Associate Deputy Minister

Attachment: 1

**Canada**

# Tab 1

Minister of  
Fisheries and Oceans



Ministre des  
Pêches et des Océans

Ottawa, Canada. K1A 0E6

April 12, 2024

Honourable Greg Morrow  
Minister of Agriculture  
PO Box 2285 STN CENTRAL  
Halifax NS B3J 3C8

Honourable John Lohr  
Minister of Municipal Affairs and Housing  
1505 Barrington Street  
P.O. Box 216  
Halifax, NS B3J 2M4

Dear Ministers Morrow and Lohr,

Fisheries and Oceans Canada (DFO) has a legislated requirement to protect fish and fish habitat under the *Fisheries Act* and the *Species at Risk Act*. I am writing to you as Ministers responsible for the Windsor Causeway Aboiteau operated by the Nova Scotia Department of Agriculture, and for the Provincial Emergency Order that was established under Minister Lohr's authority in 2023.

As you are aware, I have not issued a federal ministerial order since the implementation of the Provincial Emergency Order by your government. While the Emergency Order remains in effect at your government's discretion, I want to emphasize the need to address the situation with species such as the Rainbow Smelt and Gaspereau, which move upstream to freshwater in order to spawn. In the years prior to the federal ministerial order, Nova Scotia has taken measures to ensure fish passage of these species and others, including a voluntary protocol that ensured important Gaspereau migration.

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Therefore, I am writing to ask that you take measures to ensure proper fish passage this spring, and to allow the lifecycle process to take place. Furthermore, I am asking that your departmental officials correspond with my departmental officials on the measures that have been taken to reconcile fish passage with the underlying conditions that have resulted in the establishment of the Emergency Order.

Yours Sincerely,



The Honourable Diane LeBouthillier, P.C., M.P.  
Minister of Fisheries, Oceans and the Canadian Coast Guard

c.c.: Annette Gibbons, Deputy Minister, Fisheries and Oceans Canada  
Loretta Robichaud, Deputy Minister, Nova Scotia Department of Agriculture  
Byron Rafuse, Deputy Minister, Nova Scotia Department of Municipal Affairs and Housing  
Kim Masland, Minister of Public Works Nova Scotia  
Kent Smith, Minister of Fisheries and Aquaculture