



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Central and Arctic Region
Fish and Fish Habitat Protection Program
867 Lakeshore Road
Burlington, Ontario
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Région centrale et de l'Arctique
Programme de protection du poisson et de son habitat
867 chemin Lakeshore
Burlington, Ontario
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August 13, 2019

Your file *Votre référence*
1AR-NAN1419

Our file *Notre référence*
19-HCAA-01008

Licence Administrator
Nunavut Water Board
PO Box 119
Gjoa Haven, NT

Dear Richard Dwyer:

Subject: Serious harm to fish can be avoided or mitigated - Comment Request for Continued Reclamation and Post-Closure Monitoring Activities, Nanisivik Mine Project, Type A Water Licence Amendment and Renewal

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada received the Nanisivik Mine Project proposal for a Type A water licence amendment and renewal for Canzinc Mines Ltd. on July 26, 2019.

You may be aware of recent changes to the *Fisheries Act* as a result of the passage of Bill C-68, *An Act to amend the Fisheries Act and other Acts in consequence*, on June 21, 2019. While these changes have not affected our review of the proposal, further modifications to the *Fisheries Act* expected to come into force in the near future could affect the current assessment of the proposal. These anticipated changes include, among other things:

- protection for all fish and fish habitats;
- the repeal of the current prohibition against causing serious harm to fish that are part of, or support a commercial, recreational or Aboriginal fishery, and;
- the restoration of the previous prohibitions against the harmful alteration, disruption or destruction of fish habitat, and against causing the death of fish by means other than fishing.

Therefore, the advice provided in this correspondence may not adequately protect fish and fish habitat in accordance with the anticipated changes to the *Fisheries Act*, if the project is conducted on or after the date on which the future legislative modifications enter into force. You are encouraged to consult our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) for further information on changes to the *Fisheries*

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Act and for guidance to help you to determine whether additional assistance should be sought from the Program to remain compliant with the *Act*.

The 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. The 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.

Provided that the plans are implemented in the manner, and during the timeframe, described, the Program has determined that the 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.

Should the proponent's plans change, if the proponent has omitted some information in the proposal such that the proposal meets the criteria for a site specific review, or if the proponent has not completed implementation of their plans as of the day on which *An Act to amend the Fisheries Act and other Acts in consequence* comes fully into force, further review by the Program may be required. The proponent should consult our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>).

It is your Duty to Notify DFO-FPP 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 FisheriesProtection@dfo-mpo.gc.ca or 1-855-852-8320.

If you have any questions please contact Lisa Wren at our Burlington office at 905-973-8392 or by email at Lisa.Wren@dfo-mpo.gc.ca.

Yours sincerely,



Lisa Wren
A/Team Leader Triage and Planning

COPY: Ashley Lindley – Fisheries and Oceans Canada