



Fisheries
and Oceans

Pêches
et Océans

Fish Habitat Management
P.O. Box 358
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February 24, 2003

Richard Connelly
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NIJ03213

Nunavut Water
Board

FEB 24 2003

Public Registry

RE: Commercial Caribou Harvest Project, Coral Harbour, Southampton Island

Dear Mr. Connelly:

This letter is to advise that The Department of Fisheries and Oceans, Fish Habitat Management (DFO-FHM) received copies of your Application for Access to Inuit Owned Land and Application for Land Use Permit from the Nunavut Impact Review Board as well as copies of your Water Licence Application Form and Exploration/Remote Camp Supplementary Questionnaire from the Nunavut Water Board. Operations are proposed to take place in the Coral Harbour area from January 1 to April 15 of 2003 and 2004. I have reviewed the applications and included the following comments.

Any operations in or near water may result in the harmful alteration, disruption or destruction of fish habitat, which is prohibited under Section 35 of the *Fisheries Act*. It appears that your caribou harvest operations will not pose any harm to local fish and their habitat as long as the following mitigation measure is pursued:

- All disturbed areas should be stabilized upon completion of work and restored to a pre-disturbed state. Ensure a proper clean-up of the campsite. Properly dispose of garbage and waste at an approved dumpsite.

Withdrawing water from a water source by means of pails does not contravene the *Fisheries Act*. However, extraction of water via intake from any water body is prohibited under Section 30 of the *Fisheries Act* unless the entrance of the intake is covered with a fish guard or screen. No harm will come to fish during water removal as long as the following mitigation measures (if ever applicable) are pursued:

- Ensure that the meshes or holes in the screen are small enough that no fish of any size can pass through the screen and into the intake.
- Make certain that the fish guard or screen is properly maintained in a good and efficient state of repair, and do not permit its removal except for renewal or repair.
- During the time in which a renewal or repair is being conducted, the entrance of the water intake must be closed in order to prevent the passage of fish into the intake.

Depositing deleterious substances into fish bearing waters is prohibited as stated under Subsection 36(3) of the *Fisheries Act*. The following are measures to mitigate habitat disturbance or loss as well as the deposition of deleterious substances.

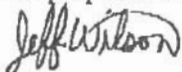
- All activities, including maintenance procedures and vehicular refuelling, should be controlled to prevent the entry of petroleum products, sediment, debris, rubble, or other deleterious substances into the water. Impermeable spill mats, drip pans or other measures to prevent ground or ice contamination should also be used when refuelling equipment on site. Ensure that refuelling activities are conducted at least thirty (30) metres away from the normal high water mark of any water body.
- All wastes, sewage containments and fuel caches must be located a minimum of thirty (30) metres from the normal high water mark of any water body. Impermeable spill mats or plastic sheets as well as efficient containment berms should be incorporated into these caches to ensure that contaminants do not enter water bodies.
- If any fuel is to be brought to the campsite, have available an extra fuel storage container equal to or bigger than the size of the largest fuel container. This container can be used to replace any existing container showing signs of leakage. Check for container leaks on a daily basis and prepare any visible leaks immediately. Ensure that spill kits are readily available at all times. All spills of oil, fuel, or other deleterious material should be reported immediately to the 24-Hour Spill Line at (867) 920-8130.

If the mitigation measures specified above are implemented and there is an adherence to the statements made in your applications, your caribou harvesting operations will not be considered as contravening Subsection 35(1) of the *Fisheries Act* which reads:

"No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat."

Therefore, an authorization under Subsection 35(2) of the *Fisheries Act* will not be necessary. If a harmful alteration, disruption or destruction of fish habitat and/or the deposition of deleterious substances into fish bearing waters occurs as a result of a change in the plans for the proposed work or failure to implement the mitigation measures specified above, prosecution under Subsection 35(1) and/or Subsection 36(3) of the *Fisheries Act* may be initiated.

Please note that this letter of advice will apply for the period of the current lease. If you have any questions concerning the mitigation measures or should there be any changes to the proposed work, please contact me at (867) 979-8011 or by fax at (867) 979-8039.



Jeff Wilson
Habitat Management Coordinator
Department of Fisheries and Oceans – Eastern Arctic Area

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