



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Fisheries and Oceans Canada
Fish and Fish Habitat Protection Program

Arctic Region
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Pêches et Océans Canada
Programme de protection du poisson et son habitat
Région de l'Arctique
301-5204 50th Ave (Franklin)
Yellowknife NT X1A 1E2

June 2, 2025

Your file *Votre référence*
1BR-BER

Our file *Notre référence*
25-HCAA-01041

Nunavut Water Board
P.O. Box: 119
Gjoa haven, NU
X0B 1J0

**Subject: CIRNAC's Bernard Harbour Contaminated Site Remediation Project,
New Type B Water Licence Application, File number: 1BR-BER**

On May 2, 2025, The Nunavut Water Board invited parties to comment on the Bernard Harbour Contaminated Site Remediation Project, New Type B Water Licence Application. The Fish and Fish Habitat Program of Fisheries and Oceans Canada (FFHPP) appreciates the opportunity to review the proposal and offers the following comments:

Comment 1: General Impacts to Fish and Fish Habitat

CIRNAC's Bernard Harbour Contaminated Site Remediation Project, New Type B Water Licence Application, file number: 1BR-BER documents outline the proposed remediation works that include: vessel operation, water withdrawal, and culvert replacements which have the potential to impact fish and fish habitat.

Impacts to fish and fish habitat can occur during remediation activities through loss of riparian habitat during site clearing, erosion and sedimentation, release of drilling fluids and cuttings into aquatic environments, disturbance to fish and fish habitat during sensitive life stages, and water withdrawals, particularly during low water periods, associated with drilling, surface stripping and camp operations.

Direct fish mortality can occur during water withdrawal and sediment removal activities through entrainment/impingement and from unplanned releases of sediment or other deleterious substances. Entrainment occurs when a fish is drawn into a water intake and cannot escape. Impingement occurs when a fish is held in contact with the intake screen and is unable to free itself. Sedimentation can have lethal and sub-lethal effects on fish

from displacement and avoidance behaviours and through cumulative effects on fish egg development and survival.

Based on the information that was submitted, DFO recommends the proponent to complete and submit a request for review form (<https://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-004-eng.html>) as the application meets the criteria for a site specific review, as described on DFO's website (<https://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-003-eng.html>).

In order to comply with the *Fisheries Act*, it is recommended that the Proponent follow DFO's protective measures for fish and fish habitat and standard codes of practice which can be found on DFO's website (<https://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures-eng.html> and <https://www.dfo-mpo.gc.ca/pnw-ppe/practice-pratique-eng.html>).

DFO asks that the proponent to please review and implement any relevant [Measures to protect fish and fish habitat \(dfo-mpo.gc.ca\)](https://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures-eng.html). By doing so, you ensure that any works, undertaking or activities where impacts to fish and fish habitat can be avoided.

Proponents are also asked to respect the NU in-water works restricted activity timing windows (Projects Near Water - Nunavut Restricted Activity Timing Windows for the Protection of Fish and Fish Habitat (dfo-mpo.gc.ca) to protect fish during spawning and incubation periods when spawning fish, eggs and fry are vulnerable to disturbance or sediment.

The proponent should refer to DFO's Interim code of practice: End-of-pipe fish protection screens for small water intakes in freshwater available at <https://www.dfo-mpo.gc.ca/pnw-ppe/codes/screen-ecran-eng.html> when using fish screens and if the water intake flow is up to 0.150 m³/s, or 150 liters per second (L/s).

In addition, the proponent should follow the DFO Protocol for Winter Water Withdrawal in the NWT (2010) and not withdrawal more than 10% of under-ice water volumes (Attachment 1: DFO Winter Water Withdrawal Protocol, 2010).

It is also the proponent's *Duty to Notify* DFO if they have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat. Such notifications should be directed to DFO.ARCENTriage-TriageGEARC.MPO@dfo-mpo.gc.ca.

Comment 2: Vessel operation & Marine Mammals:

To avoid and mitigate the potential for prohibited effects to fish and fish habitat (as listed above), the Proponent shall comply with the following Acts and Regulations and implement the measures listed below:

Marine Mammals Regulations :

Section 7 of the Marine Mammal Regulations (Fisheries Act) prohibits the disturbance of marine mammals. Generally, disturbance is interpreted as disruption to an animal's normal life processes, resulting from intentional human activities (e.g., to pursue, accompany, overtake, encircle, approach repeatedly, hunt, disperse, drive or herd individuals or groups of marine mammals). This applies equally to divers, kayaks, motor boats and aircraft. Disturbance response thresholds vary among individuals, species and locations.

- DFO recommends that watercraft should survey the area for Marine Mammals to avoid disturbing them. If marine mammals are encountered, and remain in the area, effort should be made to avoid disturbing them by rerouting, slowly navigating around their location at a reduced speed and maintaining their distance. Marine mammals should not be approached, in general, within 100 m and 400 m for Species at Risk. Please see the approach distances set out in [Schedule VI of the Marine Mammal Regulations](#) for specific setback based on species and location.
- In certain circumstances, the proponent can apply for an authorization to disturb marine mammals (see: [Application instructions for the authorization of marine mammal disturbance](#))
- DFO recommends to review the [Statement of Canadian Practice with respect to the Mitigation of Seismic Sound in the Marine Environment](#) to avoid disturbing marine mammals.
- DFO recommends consulting with local communities to avoid known marine mammal aggregation areas.

Species at Risk Act (SARA):

- SARA's general prohibitions makes it an offence to:
 - kill, harm, harass, capture, or take an individual of a species listed in Schedule 1 of SARA as endangered, threatened or extirpated
 - possess, collect, buy, sell or trade an individual of a species listed in Schedule 1 of SARA as endangered, threatened or extirpated
 - damage or destroy the residence (e.g. nest or den) of one or more individuals of a species listed in [Schedule 1](#) of SARA as endangered, threatened or extirpated, if a recovery strategy has recommended the reintroduction of that extirpated species

Marine Protected Areas:

- Proponent must adhere to the [Tarium Naryutait Marine Protect Areas Regulations](#) and the [Anguniaqvia niqiqyuam Marine Protected Areas Regulations](#)
- DFO requests that ships avoid transiting through the MPAs and advises that a geo-fence is in place to identify and alert the appropriate organizations when vessels cross the boundaries

Parks Canada in Nunavut

- Anyone planning to enter a Parks Canada protected area should contact Parks Canada directly at permits.nunavut.permis@pc.gc.ca

Other measures

- Proponent should consider integrating the following tools when planning
 - [ISR Cruise Ship Management Plan 2022-2025](#)
 - Note that the map on p.18-19 shows current shipping routes and should not be considered low impact shipping corridors
 - [NOTMAR Annual Edition 2024](#) June 2024 Amendments
 - Latest Beaufort Sea Beluga Management Plan on [FJMC website](#)
 - Latest Recommended Nunavut Land Use Plan on the Nunavut Planning Commission [Public Registry](#)
 - Consult with local communities to avoid known marine mammal aggregation areas

People are encouraged to report abuse or harassment (fisheries violation), through the following 24-hours/day toll-free numbers:

- Crime Stoppers: 1-800-222-TIPS (8477)
- Marine VHF radio channel 16
- [Report a fisheries violation](#)

And report marine pollution through the following 24-hours/day toll-free numbers and

- 1-867-979-5269
- At DFO.CCG.ArcticERDO-ODIEArctique.GCC.MPO@dfo-mpo.gc.ca or IqaNordreg@innav.gc.ca
- Marine VHF radio channel 16

Comment 3: Aquatic Invasive Species Regulations:

Vessel operations are required as part of this project, DFO recommends that the proponent use avoidance and mitigation risks related to the importation, possession, transportation, or release of aquatic invasive species set out in Part 2 of the schedule of the Aquatic Invasive Species Regulations; and/or the introduction of aquatic species into regions or bodies of water frequented by fish where they are not indigenous. For example, the release of ballast water from ships is a potential pathway for the introduction of non-indigenous species.

Yours sincerely,



Anna-Maija LaFlamme
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Fish and Fish Habitat Protection Program, Arctic Region
Fisheries and Oceans Canada