



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Fish and Fish Habitat Protection Program
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Programme de protection du poisson et de son habitat
Région de l'Arctique
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July 14, 2025

Your file *Votre référence*
1BR-BER

Subject: Bernard Harbour Contaminated Site Remediation Project

To whom it may concern,

On May 2, 2025, the Nunavut Water Board invited parties to comment on the Bernard Harbour Contaminated Site Remediation Project, file number: 1BR-BER. The Department of Fisheries and Oceans Canada (DFO) has reviewed the documents in accordance with DFO's mandate and has the following comment and recommendations:

Comment:

The Bernard Harbour PIN-C project documents outline the proposed remediation works (culvert replacement, water withdrawal, and shipping) for the project which have the potential to impact fish, marine mammals, and their habitat.

Recommendation:

DFO acknowledged receipt of a Request for Review for the culvert works; DFO determined the works are unlikely to cause the death of fish or the harmful alteration, disruption and destruction of fish habitat.

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/measure-mesures-eng.html> and <https://www.dfo-mpo.gc.ca/pnw-ppe/practice-pratique-eng.html>).

DFO asks that the proponent 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/measure-mesures-eng.html). By doing so, you ensure that any works, undertaking or activities where impacts to fish and fish habitat can be avoided.

Direct fish mortality can occur during water withdrawal activities through entrainment/impingement. 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. In addition, excessive amounts of water withdrawn from waterbodies can impact fish through oxygen depletion, loss of over-wintering habitat and/or reductions in littoral habitat.

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).

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To avoid and mitigate the potential for prohibited effects to fish and fish habitat for marine shipping, 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 a 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](#))
- 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
- Aquatic Invasive Species Regulations
 - The Proponent should avoid and mitigate risk 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.
- 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](#)

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

Additional information on marine mammals is available on DFO's website: <http://www.dfo-mpo.gc.ca/species-especes/mammals-mammiferes/watching-observation/index-eng.html>.

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

Yours sincerely,



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Fish and Fish Habitat Protection Program
Fisheries and Oceans Canada