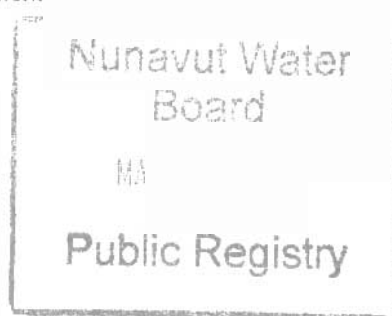




Fisheries and Oceans
Canada

Pêches et Océans
Canada

Eastern Arctic Region
Fish Habitat Management
P.O. Box 358
Iqaluit, Nunavut
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Your file Votre dossier
NWB NWB50YE
Our file Notre dossier
NU-03-0165

March 1, 2004

Nahed Parah
Defence Construction Canada
Place de Ville, Tower B
110 Kent Street, 17th Floor
Ottawa, ON, K1A 0K3
Fax (613) 998-1061

Dear: Mr. Parah

**RE: Nunavut Water Board Type "B" Water Licence Permit for the Cape Dyer (DYE-M)
DEW Line Site Cleanup, Nunavut**

This letter is to advise that Fisheries and Oceans Canada, Fish Habitat Management (DFO-FHM) received the project proposal information, submitted by the Nunavut Water Board, for the clean up of the DYE-M DEW Line Site located at Cape Dyer, Nunavut. DFO-FHM's assessment takes into consideration primarily fish and fish habitat related concerns. Your proposal has been assigned the following file number and name:

NU-03-0165 CLEANUP OF DYE-M DEW LINE SITE, CAPE DYER, NUNAVUT

Please refer to this number on your correspondence or inquiries.

This letter is to advise that DFO-FHM has reviewed the correspondence for the proposed work for impacts to fish and fish habitat. It is my understanding from the information submitted to this office, that:

- The proposed duration of the cleanup program will be July 2004 to October 2011.
- The intent of the cleanup program is to remove all contaminated sediment and debris fields and restore the site back to its pre-disturbed state.
- It is estimated that the quantity of water to be used for running the camp and site cleanup will be 150,000 litres/day.
- Water from the supply lake will be pumped into a water tank on a truck and transported to the camp and then transferred into a storage tank on site.
- All intake water hoses will be equipped with a 2.5mm or smaller mesh screen to prevent the intake of fish.
- No water will be returned to the source.

Based on the above information, I have concluded that the proposed work will not result in the harmful alteration, disruption or destruction of fish habitat. This conclusion is based on the assumption that the information and drawings, as submitted to this office, are a fair and accurate representation of the proposed undertaking. **If there have been any changes to the project or if**

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the above information is inaccurate, please contact me prior to the commencement of any in-water work.

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*. The following mitigation measures, along with mitigation measures indicated in the project proposal, are intended to prevent any potentially harmful impacts to fish and fish habitat.

- 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 properly screened to prevent the entrapment of fish. For guidance please refer to the *Freshwater Intake End-of-Pipe Fish Screen Guidelines* (DFO 1995). No harm will come to fish during water removal as long as the following mitigation measures are pursued:
 - Ensure that the 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.
 - The rate of water withdrawal should be low enough so that fish do not become impinged against the screen.
- Sediment and erosion control measures (i.e. silt curtain etc.) should be installed prior to work and be maintained during the work phase, to prevent entry of silt, sediment or sediment-laden water into the watercourse.
 - All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or upgraded as required.
 - If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed.
 - All disturbed areas of the work site shall be stabilized immediately and revegetated as soon as conditions allow.
 - Sediment and erosion control measures should be left in place until all areas of the work site have been stabilized.
- 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 proposed work is carried out as described in the plans provided to DFO-FIM and if the additional mitigation measures specified above are implemented, the proposed work 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."

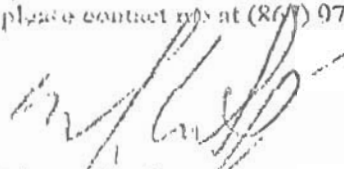
Therefore, an authorization under Subsection 35(2) of the *Fisheries Act* will not be necessary. If a harmful alteration, disruption or destruction of fish habitat and/or the deposition of deleterious substances into fish bearing waters occurs as a result of a change in the plans for the proposed works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

RE: NTLAQ.0165

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Please note that this letter of advice does not release the proponent of the responsibility for obtaining any other permits that may be required under federal, provincial, territorial or municipal legislation.

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.



Marilyn Curtis
Fish Habitat Biologist
Fisheries & Oceans Canada – Eastern Arctic Area

c.c. Phyllis Beaulieu, NWB, fax (867) 360-6369
Eva Schultz, UMA Engineering, fax (403) 270-0399