



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Eastern Arctic Area

P.O. Box 358
Iqaluit, NU X0A 0H0
Phone: (867) 979-8000
Fax : (867) 979-8039

Secteur de l'Arctique de l'est

Boîte postale 358
Iqaluit, NU X0A 0H0
Tél: (867) 979-8000
Télécopieur: (867) 979-8039

June 13, 2006

Your file

Votre référence

Our file

Notre référence

NU-04-0122

Ms. Sarah Gagné
Technical Advisor
Nunavut Water Board
PO Box 119
Gjoa Haven, NU X0B 1J0

Dear Ms. Gagné:

Subject: Proposed works or undertakings will not likely result in negative effects to fish habitat if additional protection measures are implemented.

Fisheries and Oceans Canada (DFO) received a proposal on May 31, 2006, concerning watercourse crossings to be constructed during the 2006 remediation program at the FOX-C, Ekalugad Fiord site. To expedite future correspondence or inquiries, please refer to your referral title and file numbers when you contact us.

Habitat File No.:

NU-04-0122

Referral Title:

Site Investigation, Ekalugad Fiord, FOX-C

It is our understanding that your proposal consists of:

Installation and/or replacement of culverts at 12 locations along the current road alignment; Culverts will be removed in the fall of each year and re-installed the following spring after freshet to prevent washout.

Installation of 2 porous embankments to facilitate crossings at two non-fish bearing watercourses noted in plans as River Crossing 1 and River Crossing 2.

as outlined in the following plans:

- *Report from EBA Engineering Consultants Ltd. to Mr. Brad Thompson, dated April 26, 2006;*
- *E-mail exchange between Greg Johnson and Derrick Moggy of this office between the dates of March 17, 2006 and March 28, 2006.*

If the above plans have changed since the time of submission, the advice in this letter may no longer apply and the proponent should consult with us to determine if further review is needed. Please note that this advice pertains only to the watercourse crossings at the site and that the advice provided by Rich Rudolph, Habitat Management Biologist, DFO Iqaluit on May 5, 2005

remains valid and provides additional mitigation measures to address other proposed work at the FOX-C site.

We have concluded that the proposed works and undertakings are adequate to protect fish and fish habitat provided that the work is carried out as described in the plans and the following additional measures are implemented:

- Sediment and erosion control measures should be implemented prior to the commencement of, and maintained during the work to prevent the entry of disturbed sediments into the water column;
- work should be timed, as much as possible so that construction occurs during periods of reduced flow;
- All mobilization and operations should be undertaken in a manner that minimizes disturbance to the bed and banks of any waterbody.
- 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.

By implementing these additional measures and those already outlined in the plans, it is our opinion that the proposed works and undertakings will not likely result in the harmful alteration, disruption or destruction (HADD) of fish habitat, which is prohibited unless authorized by DFO. These are recommendations to ensure that the proposed works will likely not result in a HADD of fish habitat. Therefore a subsection 35(2) Authorization is not necessary.

The proponent could contravene subsection 35(1) of the *Fisheries Act* if a HADD of fish habitat results from any change in the proposed plan or from failure to properly implement these additional measures. Subsection 35(1) states, "*no person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.*"

This letter of advice does not permit the deposit of deleterious substance (section 36 of the *Fisheries Act*) into waters frequented by fish nor does it release the proponent from the responsibility to obtain any other federal (for example, the *Navigable Waters Protection Act*), territorial, or municipal approvals.

We request that the proponent notify us at least 10 working days before starting the work and that a copy of this letter be kept on site while work is in progress. If there are any questions concerning the above, or if my understanding of the proposal is either incorrect, incomplete, or if there are changes to the proposed works or undertakings, please contact myself directly by telephone at 876-979-8007, by fax at 867-979-8039, or by e-mail at gordaniert@dfo-mpo.gc.ca.

Yours sincerely,

Original Signed By:

Tania Gordanier
Habitat Management Biologist

c.c.: Brad Thompson, Public Works and Government Services Canada