



Fisheries and Oceans
Canada

Pêches et Océans
Canada

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June 9, 2004

Your file Votre référence
NIRB 04DN048

Our file Notre référence
NU-99-0097

Ms. Gladys Joudrey
Environmental Assessment Officer
Nunavut Impact Review Board
P.O. Box 2379
Cambridge Bay, NU X0E 0C0

Via electronic mail to:
gjoudrey@nirb.nunavut.ca

Dear Ms. Joudrey:

Subject: Proposed works or undertakings will likely avoid negative effects to fish habitat.

Fisheries and Oceans Canada (DFO) received your proposal on May 11, 2004, concerning a Land Use permit application for the repackaging of PCB amended painted materials currently in storage at the former FOX-4 Cape Hooper DEW Line Site. To expedite future correspondence or inquiries, please refer to your referral title and file numbers when you contact us.

Referral File No.: **99-HCAA-CA7-017-000097**
Habitat File No.: **NU-99-0097**
Referral Title: **DEW LINE CLEAN-UP AT CAPE HOOPER**

It is our understanding that your proposal consists of:

- *Re-packaging the materials at the Temporary PCB Storage Area according to Transport Canada guidelines so the containers can be shipped off-site.*
- *An estimated 5000L/day will be withdrawn from an existing water supply lake.*
- *The water intake hose will be equipped with screens with a mesh size of 2.5 millimetres or less to prevent the intake of fish.*
- *A temporary camp will be set up adjacent to the airstrip.*
- *Works will occur between August 2004 and October 2005.*

as outlined in the following plans:

- *INAC Application for Land Use Permit, dated April 2, 2004.*
- *NWB Water Licence Application Form*
- *NWB Exploratory/Remote Camp Supplementary Questionnaire*

We have reviewed your proposal under the habitat protection provisions of the *Fisheries Act*. Field operations related to your research, particularly camps, 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*. In addition to the measures set out in the project proposal, the following mitigation measures, if incorporated into the project, are intended to prevent any potentially harmful impacts to fish and fish habitat.

- If a temporary or permanent camp is to be established please submit details (size, site plan, proximity to any watercourse, size of water body, fish species present etc.) to DFO for review.

- All disturbed areas should be stabilized and re-vegetated as required, upon completion of work, and restored to a pre-disturbed state.
- No material should be left on the ice when there is potential for that material to enter the water (i.e. spring break-up).

By implementing these additional measures, 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.

You could contravene subsection 35(1) of the *Fisheries Act* if a HADD of fish habitat results from any change in your 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."*

The 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 entrainment of fish. Refer to the *Freshwater Intake End-of-Pipe Fish Screen Guideline* (DFO 1995), which is available upon request. No harm should come to fish during water removal as long as the following mitigation measures are implemented:

- 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.
- The rate of water withdrawal should be such that fish do not become impinged on the screen.
- Make certain that the fish guard or screen is properly maintained, in a good state of repair, and is not removable except for renewal or repair.
- During the time in which a renewal or repair is being conducted, the entrance of the water intake should be closed in order to prevent the passage of fish into the intake.
- If the operations requires water in sufficient volume that the source water body may be drawn down, please submit details (volume required, size of water body, fish species etc.) to DFO for review. DFO strongly discourages the use of streams as a water source.

This letter of advice does not permit the deposit of a deleterious substance into waters frequented by fish nor does it release you from the responsibility to obtain any other federal (for example, the *Navigable Waters Protection Act*), territorial or municipal approvals. The following are additional 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, debris, slash, rubble, or other deleterious substances into the water.
- All wastes, sewage containments and fuel caches should be located a minimum of thirty (30) metres from the normal high water mark of any water body, and be sufficiently bermed or otherwise contained to ensure that these substances do not enter any water body.

- All spills of oil, fuel, or other deleterious material should be reported immediately to the 24-Hour Spill Line at (867) 920-8130.

If these plans have changed since the time of submission, the advice in this letter may no longer apply and you should consult with us to determine if further review is required.

We request that you 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 you have 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 me directly by telephone at (867) 979-8011 or by fax at (867) 979-8039.

Yours sincerely,

Original signed by:

Derrick Moggy
Habitat Management Biologist
Fisheries and Oceans Canada – Eastern Arctic Area

Attachment(s):

Copy: Eva Schulz – UMA Engineering Ltd.
Phyllis Beaulieu – Nunavut Water Board
Keith Pelley - Fisheries & Oceans Canada – Conservation and Protection