



Fisheries
and Oceans

Pêches
et Océans

Fish Habitat Management
P.O. Box 358
Iqaluit, Nunavut
X0A 0H0

Your file *Votre référence*

0171-125-10-08

Our file *Notre référence*

NU-03-0106

October 23, 2003

Defence Construction Canada
Project Management Office
DEW Line Clean Up
c/o Scott Hamilton, Environmental Officer
Place de Ville, Tower B
112 Kent Street, 17th Floor
Ottawa, ON K1A 0K3

Subject: Clean Up of the FOX-M (Hall Beach) DEW Line Site, Nunavut

Dear Mr. Hamilton

Fisheries and Oceans Canada, Fish Habitat Management (DFO-FHM) has reviewed your proposal to clean up the FOX-M DEW Line Site at Hall Beach, including the July 2003 report prepared by UMA Engineering Ltd entitled 'Project Review Information on the Clean Up of the FOX-M (Hall Beach) DEW Line Site – For Submission to the Department of Fisheries & Oceans'.

Based on my review of the information provided, it is my understanding that the project will commence in 2003 and continue during the summer months to conclude in 2007. During this period the proposed works will include:

- The excavation of approximately 60 square metres of contaminated soils from the former beach refuelling area. The excavated areas will be backfilled and restored to their original profile using granular material taken from local borrow sources.
- The removal of a series of galvanized steel caissons from the site of the former docking facility.
- The removal of debris from the beach, intertidal and subtidal areas along the eastern shoreline. Debris will be removed from an area within 50 metres of the low tide mark to a maximum of 2 metres submerged depth. The extent of this area measures approximately 12,600 square metres. The excavated areas will be backfilled and restored to their original profile using granular material taken from local borrow sources.

Your report also included mitigation measures to further reduce the risk of impacts to fish and fish habitat. These mitigation measures include, but are not limited to:

- The disposal of debris in a manner that prevents it's re-entry into any stream or waterbody.
- The application of erosion control measures, such as silt fences, to prevent the entry of sediments into the water.

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- The application of silt curtains and absorbent booms, as required, to prevent the entry of deleterious substances into the water.
- Any materials placed in the water should be uncontaminated and free of fine particulate materials that could result in sediments being released into the water.
- All activities, including maintenance procedures and refuelling, should be controlled to prevent the entry of petroleum products or other deleterious substances into the water.
- Any 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-FHM and if the 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.

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

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.

Lonnie King
Habitat Biologist
Fish Habitat Management
Eastern Arctic Area
Fisheries and Oceans Canada

copy Eva Schulz, UMA Engineering Ltd.
Gladys Joudrey, Nunavut Impact Review Board
Phyllis Beaulieu, Nunavut Water Board
Ipeelee Itorcheak, DFO-C&P