



Fisheries and Oceans
Canada

Pêches et Océans
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Région du centre et de l'arctique
501 University Crescent
Winnipeg (Manitoba)
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January 5, 2017

Your file Votre référence

1BR-IIA1518

Our file Notre référence

14-HCAA-00957

Manager of Licensing
Nunavut Water Board
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Dear Manager of Licensing,

**Subject: Iqaluit International Airport Improvement Project – Amendment of
Nunavut Water Board License**

The Fisheries Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your Public Notice of Amendment Application on November 25, 2016 inviting comments on the Type "B" Amendment Water License Application submitted by Arctic Infrastructure Limited Partnership for the Iqaluit International Airport Improvement Project.

The Proponent recently informed us on January 3, 2017, that they did not do the work as proposed in the amendment. However, it is our understanding that the Nunavut Water Board still requires DFO comments on the proposed licence amendment.

Accordingly, the proposed amendment and information from the Proponent has been reviewed to determine whether it was likely to result in serious harm to fish which is prohibited under subsection 35(1) of the *Fisheries Act*.

The proposed amendment and information from the Proponent has also been reviewed to determine whether it would have adversely impacted listed aquatic species at risk and contravene sections 32, 33 or 58 of the *Species at Risk Act* (SARA).

Our review considered the information filed with the Nunavut Water Board at:

<ftp://ftp.nwb-oen.ca/registry/1%20INDUSTRIAL/1B/1BR%20-%20Remediation/1BR-IIA1518%20AILP/>

We understand that the Proponent proposed to increase the allowable construction water use volume from 96.0 to 299 m³/day using on-site surface water. The increase required an amendment to the Nunavut Water Board Type "B" water licence. Subsequently, however, we understand that construction proceeded in 2016 using a potable water supply to meet the increased water volume requirements.

Regarding the proposed water licence amendment and the manner in which work actually took place:

- Since there are no SARA species or their habitats identified in the project area, no additional approvals under SARA would have been required for the proposed activities.
- To have avoided the potential for serious harm to fish that is prohibited under the *Fisheries Act*, the mitigation measures set out in the Proponent's project plans should have been followed.
- Provided that the Proponent implemented the required mitigation measures for the project, and followed the guidance available on the DFO website at <http://www.dfo-mpo.gc.ca/pnw-ppe/measures/index-eng.html>, the Program is of the view that the proposal should not have resulted in serious harm to fish or have contravened sections 32, 33 or 58 of the *Species at Risk Act*. No formal approval would have been required from the Program under the *Fisheries Act* or the *Species at Risk Act* in order to proceed with the proposal.
- It remained the Proponent's responsibility to ensure they avoided causing serious harm to fish in compliance with the *Fisheries Act*, and that they met the requirements under the *Species at Risk Act* as it may have applied to their project. If their plans had changed or if the description of their proposal was incomplete, or changed, they should have consulted our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) or consulted with a qualified environmental consultant to determine if further review was required by the Program.
- It was also their Duty to Notify DFO if they caused, or were about to cause, serious harm to fish that are part of or support a commercial, recreational or Aboriginal fishery. Such notifications should have been directed to <http://www.dfo-mpo.gc.ca/pnw-ppe/violation-infraction/index-eng.html>.
- The Proponent should have kept a copy of any correspondence from DFO on site while the work was in progress. We note for example, that the Proponent had a letter of advice from DFO for the project in general, dated August 11, 2014, along with approvals for schedule changes.
- In addition, it remained the Proponent's responsibility to meet all other federal, territorial, provincial and municipal requirements that applied to their project.

To date, DFO assumes that the work was carried out with due diligence to avoiding serious harm to fish that are part of or support a commercial, recreational or Aboriginal fishery as it has no information to the contrary.

If you have any questions please contact Heather Flynn at our Winnipeg office at (204) 983-4190, by fax at (204) 984-2404 or by email at Heather.flynn@dfo-mpo.gc.ca.

Yours sincerely,



Richard Janusz
Senior Fisheries Protection Biologist
Fisheries Protection Program

Cc: T. Hoggarth (DFO-Burlington)
H. Flynn (DFO-Winnipeg)

