

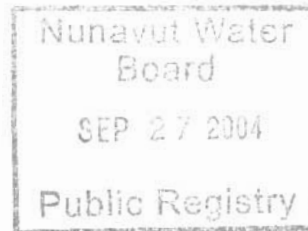


Environment Environnement
Canada Canada

Environmental Protection Branch
Suite 301, 5204 - 50th Avenue
Yellowknife, NT, X1A 1E2

September 23, 2004

Licensing Administrator
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU
X0B 1J0



Our file:

Via facsimile

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Re: NWB5LON – Proposed Monitoring Plan and QA/QC Plan for Fox-2 DEW Line site at Longstaff Bluff, Nunavut

On behalf of Environment Canada (EC), I have reviewed the information submitted with the above-mentioned documentation. The following comments are provided pursuant to Environment Canada's mandated responsibilities for the enforcement of the *Canadian Environmental Protection Act*, Section 36(3) of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

UMA Engineering Ltd. has submitted an annual report as well as a Monitoring and QA/QC Plan as per the requirements of Part B.1 of their water license #NWB5LON0308. Environment Canada has the following comments on these documents.

Meeting the requirements of the *Fisheries Act* is mandatory, irrespective of any other regulatory or permitting system. Section 36(3) of the *Fisheries Act* specifies that unless authorized by federal regulation, no person shall deposit or permit the deposit of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water. The legal definition of deleterious substance provided in subsection 34(1) of the *Fisheries Act*, in conjunction with court rulings, provides a very broad interpretation of deleterious and includes any substance with a potentially harmful chemical, physical or biological effect on fish or fish habitat.

In the Annual Report, UMA Engineering Ltd. states that the "discharge area was located more than 150 m away from the shoreline and surface watercourses". Please note that maintaining a certain distance may not always ensure compliance with Section 36(3) of the *Fisheries Act*.

Also in the Annual Report, UMA Engineering Ltd. indicate in the Table, *Results Excavation Dewatering*, levels of total mercury and PCBs in Tank #13 as <0.4 and <3 respectively. Please provide clarification as to the units that these levels are measured in. Also, in that same Table with respect to Target Discharge Criteria (mg/L), UMA Engineering Ltd. indicate levels for total mercury and PCBs as 0.0006 and 0.005 respectively. Again, please clarify whether these detection limits are expressed in micrograms/L or milligrams/L.

With respect to the Monitoring Plan submitted, the proponent is asked to confirm that wastewater meeting the stated criteria is discharged to land, and will not enter surface or marine waters directly.

If there are any changes in the proposed project, EC should be notified, as further review may be necessary. Please do not hesitate to contact me with any questions or comments with regards to the foregoing at (867) 669-4708 or by email at ivy.stone@ec.gc.ca.

Sincerely,



Ivy Stone
Environmental Assessment

cc: Steve Harbicht (Head, Assessment & Monitoring, Environment Canada, EPB, Yellowknife, NT)
Mike Fournier (Northern Environmental Assessment Coordinator, EPB, Environment Canada, Yellowknife, NT)