



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Eastern Arctic Area
P.O. Box 358
Iqaluit, NU X0A 0H0

Secteur de l'Arctique de l'est
Boîte postale 358
Iqaluit, NU X0A 0H0

October 15, 2004

Your file *Votre référence*
NWB5SHE

Our file *Notre référence*
NU-04-0134

Julian Lim
Indian and Northern Affairs Canada
P.O. Box 100, Bldg 918
Iqaluit, NU X0A 0H0

Via electronic mail:
limju@inac-ainc.gc.ca

Dear Mr. Lim:

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 your proposal on September 14, 2004, concerning the Clean up of CAM-3, Shepherd Bay, DEW line site as proposed by Defence Construction Canada. To expedite future correspondence or inquiries, please refer to the referral title and file numbers when you contact us.

Referral File No.:	04-HCAA-CA7-000-000134
Habitat File No.:	NU-04-0134
Referral Title:	CAM-3 DEW LINE CLEANUP, SHEPHERD BAY

It is our understanding that your proposal consists of:

- Clean-up activities proposed to take place during the summer months starting in July of 2005 and finishing in October of 2008,
- The demolition and removal of existing facilities that are not required for the operation of the North Warning System, the removal of contaminated soils, the remediation of existing landfills and the clean up surface debris,
- Approximately 50, 000 L/day of water to be drawn from existing water intakes from the summer and winter supply lakes,

as outlined in the following plans:

- Project Description/Environmental Screening for the Clean Up of CAM-3, Shepherd Bay DEW Line Site, prepared by UMA Engineering Ltd, dated July 2004.
- Nunavut Water Board Water Licence Application Form, prepared by UMA Engineering Ltd, dated August 2004.

We have reviewed the proposal under the habitat protection provisions of the *Fisheries Act*. The measures described in the plans are not adequate to protect fish and fish habitat. Therefore, please ensure that the following additional measures are incorporated into the plans.

- A minimum of thirty (30) metres should be maintained between the normal high water mark of any water body and proposed construction, to ensure sediment does not enter any water body.
- 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).
- All plans for proposed stream crossings or work conducted below the high water mark adjacent to the banks of streams and lakes require prior approval by DFO.

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. In addition, no harm should come to fish during water removal as long as the following mitigation measures are implemented:

- The rate of water withdrawal should be such that fish do not become impinged on the screen.
- If water is required in sufficient volume that the source waterbody may be drawn down, please submit details (volume required, size of waterbody, etc.) to DFO for review. DFO does not recommend the use of streams as a water source.

Depositing deleterious substances into fish bearing waters is prohibited as stated under Subsection 36(3) of the *Fisheries Act*. The following are additional measures to mitigate habitat disturbance or loss as well as the deposition of deleterious substances.

- Sediment and erosion control measures should be implemented prior to, and maintained during the work to prevent sediment entry into the water during a spring thaw. Care should be exercised during the removal of these sediment and erosion control measures to prevent the accidental release of trapped sediments.
- All wastes, sewage containments and fuel caches should be located at an appropriate distance above 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.
- Ensure that refuelling activities are conducted at least thirty (30) metres away from the normal high water mark of any water body. Impermeable spill mats, drip pans or other measures to prevent ground or ice contamination should also be used when refuelling equipment on site.
- All spills of oil, fuel, or other deleterious material should be reported immediately to the 24-Hour Spill Line at (867) 920-8130.

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.

The proponent 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.*"

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.

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

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 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

c.c.: Phyllis Beaulieu – Nunavut Water Board (licensing@nwb.nunavut.ca)
Jorgen Komak – Nunavut Impact Review Board (jkomak@nirb.nunavut.ca)
Eva Schulz – UMA Engineering Ltd. (eschulz@UMAGroup.com)
Beth Guptill – DFO Conservation and Protection (guptillb@dfo-mpo.gc.ca)