



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

November 19, 2009

Our file

09-HCAA-CA7-00035

Indian and Northern Affairs Canada
P.O. Box 2200
Iqaluit, Nunavut
X0A 0H0
C/O Natalie Plato

Via Email:
natalie.Plato@inac-ainc.gc.ca

Dear Mrs Plato:

Subject: Proposal not likely to result in impacts to fish and fish habitat provided that additional mitigation measures are applied.

Fisheries and Oceans Canada - Fish Habitat Management Program (DFO) received your proposal on October 19, 2009. Please refer to the file number and title below:

DFO File No.: **09-HCAA-CA7-00035**
Title: **CAM-D DEW Line Site, River Crossing, Unnamed River, Simpson Lake, Nunavut**

Your proposal has been reviewed to determine whether it is likely to result in impacts to fish and fish habitat which are prohibited by the habitat protection provisions of the *Fisheries Act* or those prohibitions of the *Species at Risk Act* that apply to aquatic species.*

Our review consisted of:

- Request for Review under the Fish Habitat Protection Provisions of the *Fisheries Act* signed by Mark Yetman, dated October 19, 2009.
- Kudlik Construction Ltd. - River Crossing Plan To Access Borrow Area #2 – CAM – D DEW Line Environmental Remediation, Simpson Lake, Nunavut, dated October 9, 2009

We understand that you propose to:

- Install a temporary river crossing approximately 25 square meters in size.

*Those sections most relevant to the review of development proposals include 20, 22, 32 and 35 of the *Fisheries Act* and sections 32, 33 and 58 of the *Species at Risk Act*. For more information please visit www.dfo-mpo.gc.ca.

- Embed culverts to maintain fish passage up stream.
- Remove temporary crossing and restore site to pre-construction condition or better.

To reduce potential impacts to fish and fish habitat we are recommending the following mitigation measures be included into your plans:

General Measures

- *Install effective sediment and erosion control measures before starting work. Inspect these measures regularly and make all necessary repairs if any damage occurs. Remove these control measures in a way that prevents the escape or re-suspension of sediments.*
- *Only clean, competent, certified non-acid generating rock and material free of fine particulate matter should be placed in the water.*
- *Operate machinery in a manner that minimizes disturbance to the water body bed and banks and prevents entry of deleterious substances into any water body.*
- *Machinery is to arrive on site in a clean condition and is to be maintained free of fluid leaks.*
- *Wash, refuel and service machinery and store fuel and other materials for the machinery away from the water.*
- *Keep an emergency spill kit on site in case of fluid leaks or spills from machinery.*
- *Stabilize and reclaim all disturbed areas upon completion of work. Immediately remove all debris or waste produced or associated with the work.*

Provided that the additional mitigation measures described above are incorporated into your plans, DFO has concluded that your proposal is not likely to result in impacts to fish and fish habitat.

You will not need to obtain a formal approval from DFO in order to proceed with your proposal.

Please notify this office at least 10 days before starting the work. A copy of this letter should be kept on site while the work is in progress.

If the plans have changed or if the description of your proposal is incomplete you should contact this office to determine if the advice in this letter still applies

Please be advised that any impacts to fish and fish habitat which result from a failure to implement this proposal as described or incorporate the additional mitigation measures included in this letter could lead to corrective action such as enforcement.

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

If you have any questions please contact Gary Cooper at our Iqaluit office at 905-639-4396, by fax at 905-639-3549, or by email at gary.cooper@dfo-mpo.gc.ca.

Yours sincerely,

A handwritten signature in cursive script that reads "Gary Cooper".

Gary Cooper
Habitat Management Biologist
Fisheries and Oceans Canada – Eastern Arctic Area

Copy: Eric Kan – Fisheries and Oceans Canada
Phyllis Beaulieu – Nunavut Water Board
Nunavut Impact Review Board
Ifraan Ali – Fisheries & Oceans Canada