



Fish Habitat Management  
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Your file *Votre référence*

Our file *Notre référence*

NU03323

March 13, 2003

Ronald Suluk  
Planning & Lands Administrator  
Hamlet of Arviat  
Arviat, Nunavut  
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**RE: Pond Drainage for Development of New Lands in Arviat, Nunavut.**

Dear Mr. Suluk:

This letter is to advise that The Department of Fisheries and Oceans, Fish Habitat Management (DFO-FHM) received your sketch illustrating the location of several ponds in Arviat that are proposed to be drained. You mentioned in our telephone conversation today that there are no known contaminants in these ponds. These shallow water bodies, which are often dry in the summer, are said to not contain any fish species. The construction of drainage ditches is proposed to allow pond water to drain towards the local dumpsite. It is understood that there may also be construction of at least one culvert within this proposed drainage system. DFO-FHM's assessment takes into consideration primarily fish and fish habitat related concerns. I have reviewed your comments for the proposed work.

Field operations in or near water may result in the harmful alteration, disruption or destruction of fish habitat, which is prohibited under Section 35 of the *Fisheries Act*. The following mitigation measure is intended to prevent any potentially harmful impacts to fish and fish habitat.

- All disturbed areas should be stabilized and re-vegetated as required, upon completion of work, and restored to a pre-disturbed state. Ensure proper disposal of all garbage and waste to an approved dumpsite.
- If culverts are placed within existing water bodies, any possible cutting or filling of crossing approaches below the normal high water mark will require prior review and approval by DFO-FHM

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

- Ensure that sediments from the drainage ponds do not enter nearby water bodies during drainage activities.
- All activities, including maintenance procedures and vehicular refuelling, should be controlled to prevent the entry of petroleum products, sediment, debris, rubble, or other deleterious substances into the water. Impermeable spill mats, drip pans or other measures to prevent ground or ice contamination should also be used when refuelling equipment on site. Ensure that refuelling activities are conducted at least thirty (30) metres away from the normal high water mark of any water body.
- All 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 our telephone conversation 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 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 the proponent of the responsibility of obtaining any other permits that may be required.

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.

Jeff Wilson  
Habitat Management Coordinator  
Department of Fisheries and Oceans- Eastern Arctic Area

c.c. Phyllis Beaulieu, Nunavut Water Board, fax (867) 360-6369