



Fisheries and Oceans
Canada

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May 3, 2006

Ms. Phyllis Beaulieu
Manager of Licensing
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU X0B 1J0

Your file *Votre référence*
3BC-BUR0305

Our file *Notre référence*
NU-03-0056

Via electronic mail to:
licensing@nwb.nunavut.ca

Dear Ms. Beaulieu:

Subject: Proposed works or undertakings will likely avoid negative effects to fish habitat.

Fisheries and Oceans Canada (DFO) received the proposal on April 20, 2006, concerning the establishment of a camp for mineral prospecting. To expedite future correspondence or inquiries, please refer to the referral title and file numbers when you contact us.

Referral File No.:	03-HCAA-CA7-000-000056
Habitat File No.:	NU-03-0056
Referral Title:	Exploration (Camp) - Burnt Creek Project, Burnt Creek, Kitikmeot

It is our understanding that the proposal consists of:

- *An exploration program between 2006 and 2009 involving mineral prospecting and the use of small exploration camp.*

as outlined in the following plans:

- *Nunavut Water Board application for a water licence dated April 7, 2006*

If the above plans have changed since the time of submission, the advice in this letter may no longer apply and you should consult with us to determine if further review is needed.

We have concluded that the proposed works and undertakings are adequate to protect fish and fish habitat provided that the work is carried out as described in the plans and the following additional measures are implemented:

The extraction of water via intake from any fish-bearing water body is prohibited under Section 30 of the *Fisheries Act* unless the intake is screened to prevent fish entrainment. As a result, the following additional mitigation measure should be implemented:

- The *Freshwater Intake End-of-Pipe Fish Screen Guideline* (DFO, 1995) which is available upon request or at the following internet address: www.dfo-mpo.gc.ca/Library/223669.pdf should be followed. Small lakes and streams should not be used for water withdrawal.

If works and or undertakings require water in sufficient volume that the source water body may be drawn down, details should be submitted (volume required, size of waterbody, fish species etc.) to DFO for review.

By implementing these additional measures and those already outlined in the plans, 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.

However, failure to properly implement the measures outlined in the plans may result in contravention of subsection 35(1) of the *Fisheries Act*, which 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 allow the deposit of deleterious substance (section 36 of the *Fisheries Act*) into waters frequented by fish nor does it release the proponent from the responsibility to obtain any federal (for example, the *Navigable Waters Protection Act*), provincial, territorial or municipal approvals that may be needed.

If you or the proponent have 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 myself directly by telephone at (867) 979-8011, by fax at (867) 979-8039, or by e-mail at moggyd@dfo-mpo.gc.ca.

Yours sincerely,

Original signed by:

Derrick Moggy
Habitat Management Biologist