



Fisheries
and Oceans

Pêches
et Océans

Fish Habitat Management
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Territories
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Your file *Votre référence*

Our file *Notre référence*

April 18, 2000

Cumberland Resources Ltd.
906-595 Howe Street
Vancouver, B.C.
V6C 2T5

Attention: Janice Fingler

**RE: Water License Renewal # NWB2ATU9899, Mineral Exploration,
Atulik Lake-Rankin Inlet area (Meliadene-East project), NU by Cumberland
Resources Ltd.**

Dear Ms. Fingler:

The Department of Fisheries and Oceans, Fish Habitat Management (DFO-FHM) received your water license renewal application for mineral exploration submitted on your behalf by the Nunavut Water Board.

This letter is to advise that I have reviewed the plans for the proposed work. Field operations in or near water may result in the harmful alteration, disruption or destruction of fish habitat. In addition to the measures set out in the project proposal, the following mitigation measures, if incorporated into the project, are intended to prevent 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, or better.
- If artesian flow is encountered, drill holes should be plugged and permanently sealed upon completion of the project.
- When using explosives, please follow the *Guidelines for the Use of Explosives In or Near Water* (DFO, 1998). If, for any reason these guidelines cannot be followed, please contact DFO as an Authorization may be required.
- If the drilling requires water in sufficient volume that the source waterbody may be drawn down please submit details (volume required, size of waterbody, etc.) to DFO-FHM for review. DFO-FHM does not recommend the use of streams as a water source.

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- DFO-FHM recommends that heavy equipment not operate within thirty (30) metres of the normal high water mark of any waterbody to protect bank stability, avoid soil compaction and retain a vegetated area critical for littoral and riparian habitats.
- No material should be left on the ice when there is the potential for that material to enter the water (i.e. spring break-up).
- All water intakes should be properly screened as to prevent the entrainment of fish. Refer to the *Freshwater Intake End-of-Pipe Fish Screen Guideline* (DFO 1995), available on request.
- DFO-FHM does not recommend the use of streams or small lakes 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 deposit of deleterious substances.

- Sediment and erosion control measures should be implemented prior to, and maintained during the work, to prevent entry of sediment into the water.
- All activities, including maintenance procedures and vehicular refuelling, should be controlled to prevent the entry of petroleum products, debris, slash, rubble, or other deleterious substances into the water.
- All, wastes, drill cuttings, sewage containments and fuel caches should be located a minimum of thirty (30) metres from 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.
- Drill cuttings should be disposed of in a sump such that they do not enter any water body. The use of biodegradable, salt free drill additives is encouraged over non-biodegradable types.
- All spills of oil, fuel, or other deleterious material should be reported immediately to the 24-Hour Spill Line at (867) 920-8130.
- A copy of this letter should be kept on site and should be read and understood by all staff that may be working near water.

If the proposed work is carried out as described in the plans provided to DFO-FHM and if the additional 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 deposit 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 additional 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 for obtaining any other permits that may be required and will apply for the proposed activities for the period of the land use permit, issued.

If you have any questions concerning the mitigation measures or should there be any changes to the proposed work, feel free to contact me at (867) 669-4919, or Pete Cott (867) 669-4913 or by fax at (867) 669-4940.

Christa Domchek
Fish Habitat Biologist
Fish Habitat Management
Department of Fisheries and Oceans

- c. Rita Becker – Licensing Administrator, NWB
Winston Fillatre- A/C&P Supervisor-Fishery Officer, DFO
Pete Cott – A/Arctic Habitat Co-ordinator, DFO-FHM