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Fish Habitat Management
Suite 101, 5204-50th Avenue
Yellowknife, Northwest
Territories
X1A 1E2

Your file / Votre référence

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00-HCAA-CA6 000-
000003

January 17, 2000

NUNAVUT WATER BOARD

JAN 19 2000

PUBLIC REGISTRY

Rita Becker
Licensing Administrator
Nunavut Water Board
P. O. Box 119
Gjoa Haven, NU
X0E 1J0

INTERNAL	
PC	<input checked="" type="checkbox"/>
LA	<input checked="" type="checkbox"/>
OM	<input checked="" type="checkbox"/>
TA	<input type="checkbox"/>
BS	<input type="checkbox"/>
ED	<input type="checkbox"/>
EO	<input type="checkbox"/>
LD	<input type="checkbox"/>

**RE: NWB File # NWB2PHE00- Mineral Exploration Nowyak Lake Area,
Nunavut**

Dear Ms. Becker:

The Department of Fisheries and Oceans, Fish Habitat Management - NWT Area (DFO-FHM) received the Water Permit Application, Nunavut Water Board (NWB) File # NWB2PHE00-, Mineral Exploration, Nowyak Lake, Phelps Dodge Corp. of Canada Ltd.

Under the *Nunavut Land Claims Agreement*, DFO-FHM is participating in a Nunavut Impact Review Board (NIRB) screening by providing specialist information and/or advice. DFO-FHM's assessment takes into consideration fish and fish habitat related concerns only.

Any concerns, comments or mitigation measures that DFO-FHM feels are pertinent to the above mentioned project are outlined in the following letter of advice, addressed to the proponent, and should also be considered specialist information and/or advice for the purposes of a NIRB screening.

If you have any questions, feel free to contact me at (867) 669-4744 or Pete Cott 669-4913 or by fax at (867) 669-4941.

Lyndon Kivi
Habitat Biologist
Fish Habitat Management
Department of Fisheries and Oceans- NWT Area

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17 January, 2000

Ryan Cooke
223-530 Century St.
Winnipeg, MB
R3H 0Y4

**RE: Land Use Application NIRB# 00EN061, Water Permit Application NWB2PHE00,
Mineral Exploration, Nowyak Lake Area.**

Dear Mr. Cooke:

This letter is to advise that The Department of Fisheries and Oceans, Fish Habitat Management - NWT Area (DFO-FHM) received your Land Use Application for mineral exploration in the Nowyak Lake area submitted on your behalf by the Nunavut Impact Review Board and the Nunavut Water Board. 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, which is prohibited under Section 35 of the *Fisheries Act*. In addition to the measures set out in the project proposal, the following mitigation measures, if incorporated into the project, are 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, 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) available on request. 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.
- All water intakes should be properly screened to prevent the entrainment of fish. Refer to the *Freshwater Intake End-of-Pipe Fish Screen Guideline* (DFO 1995), available on request.

- Winter lake/stream crossings should be located to minimize approach grades. Cutting or filling of crossing approaches below the normal high water mark will not be permitted unless approved by DFO-FHM.
- The use of material other than ice or snow to construct a temporary crossing over any ice-covered watercourse is prohibited by regulations under *Fisheries Act* unless authorized by a Fishery Officer.
- All winter crossings should be removed prior to spring breakup.
- 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).

Depositing deleterious substances into fish bearing waters is prohibited as stated under Section 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 construction phase, 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, concrete 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.

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 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 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.

This Letter of Advice will apply for the proposed activities for the period of the Land Use Permit and water licence, if issued.

If you have any questions concerning the mitigation measures or should there be any changes to the proposed work, please contact me at (867) 669-4744 or Pete Cott at 669-4913 or by fax at (867) 669-4941.



Lyndon Kivi
Habitat Biologist
Fish Habitat Management
Department of Fisheries and Oceans- NWT Area

c.c. Gladys Joudrey, Nunavut Impact Review Board
Rita Becker, Nunavut Water Board
Julie Dahl – Arctic Habitat Co-ordinator, DFO-FHM
Pete Cott – Area Habitat Biologist, DFO-FHM

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