

Fisheries
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Fish Habitat Management
P.O. Box 358
Iqaluit, Nunavut
X0A 0H0

July 23rd, 2001

Dionne Filiatrault
Nunavut Water Board
Fax: (867) 360-6369

RE: NIRB File # 01WA065, Fisheries Act Authorization, Aliaruhik Second River Crossing, Community Government and Transportation, Kugaaruk (Pelly Bay), Nunavut.

Dear Ms. Filiatrault:

This letter is to inform you on the status on the above application for Fisheries Act Authorization. At this time we are waiting for the proponent to provide an environmental assessment study (requested in June 2001), and a fish habitat compensation plan (requested in January.) We require this information in order to properly assess potential impacts of the project on fish habitat, and provide advice to the Nunavut Impact Review Board. Also please find attached, as information, a DFO Inspector's Directive outlining habitat concerns on a recent bridge construction project implemented by Jivko Engineering on the Aliaruhik River.

Sincerely,

Jordan DeGroot
Habitat Management Biologist
Fish Habitat Management
Department of Fisheries and Oceans- Eastern Arctic Area

c.c. Stephanie Briscoe - Nunavut Impact Review Board
 Quinn Taggart- SAO Kugaaruk (Pelly Bay)
 David Crockett- Community Government and Transportation
 Jivko Jivkov - Jivko Engineering
 Keith Pelley -- Conservation and Protection Officer



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Conservation and Protection
PO Box 145
Rankin Inlet Nunavut
X0C 0G0

July 18, 2001

Jivko Jivkov
Jivko Engineering
5610 50A Ave.
Yellowknife, NT.
X1A 1G3
Fax: (867) 873-6090

RE: Inspector's Direction Pursuant to Section 38(6) of the *Fisheries Act*

Mr. Jivkov:

On June 20th, 2001 The Department of Fisheries and Oceans personnel conducted an inspection of work, (river crossing) being carried on at Aliaruhiq Lake near Pelly Bay (Kugaaruk), Nunavut. The inspection revealed that the Rip Rap at the abutments of the bridge was very poorly placed and there was loose gravel deposited on the Rip Rap, as well as on the ice, which could be washed into the river. Also the approaches to the bridge require stabilisation to prevent erosion.

Section 35 (1) of the Fisheries Act states that it is an offence to carry out any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.

ALSO

Section 36 (3) of the Fisheries Act states that no person shall deposit or permit the deposit of a deleterious substance of any type in waters frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water.

As a result of the inspection the Department of Fisheries and Oceans is directing you, under the authority of Section 38(6) of the Fisheries Act, to take on the following reasonable measures which will lessen the chance of harmful habitat alteration or destruction now or in the future at this site.

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1. Remove all loose gravel from areas of Rip Rap.
2. Implement proper erosion control measures to prevent sediment from entering the water during and after construction. These measures will include:
 - a. Reconstruct the Rip Rap at the abutments of the bridge.
 - b. Rip Rap the approaches to the bridge.

It is also recommended that all workers be briefed on impacts to fish habitat associated with bridge construction activities, and implementation of mitigation measures to prevent harmful alteration, disruption, or destruction of fish habitat.

*Name of Inspector Designated under
Section 38 of the Fisheries Act:*



Keith Pelley
Department of Fisheries and Oceans
P.O. BOX 145, Rankin Inlet, Nunavut
X0C 0G0

cc: David Crockett - CG&T
Dionne Filiatral - NWB
Stephanie Briscoe - NIRB
Quinn Taggart - SAO Pelly Bay (Kugaaruk)

NOTES:

- 1) Compliance with this order does not preclude any legal action this department may take with respect to this matter.
- 2) Failure to comply with the whole or part of the direction of an Inspector is a violation of Section 40(3)(f) of the Fisheries Act.
- 3) This directive is a follow up to the verbal instructions that were given on the date of the inspection on June 20th 2001

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