

Fisheries
and OceansPêches
et Océans

Fish Habitat Management
P.O. Box 368
Iqaluit, Nunavut
X0A 0H0

FAXED
07.02.03
Your file: *None* reference

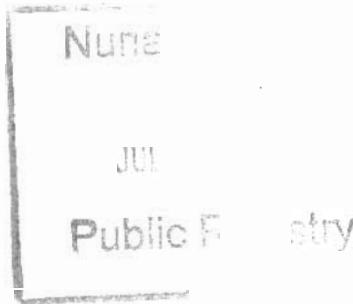
NWB2KIG

Our file: *None* reference

NU00624

July 17, 2002

Dave Willis
Ashton Mining Ltd.
Unit 123-930 West 1st Street
North Vancouver, B.C.
V7P 3N4
Fax: (604) 987-7107



INTERNAL	
PC	<i>✓</i>
LA	
OM	
TA	
BS	
ST	
ED	
CEO	
BRD	
EXT.	

RE: NWB File # NWB2KIG, Exploratory Drilling near Kiglikavik Lake, Nunavut.

Dear Mr. Willis:

This letter is to advise that The Department of Fisheries and Oceans, Fish Habitat Management (DFO-FHM) received the project proposal, submitted by the Nunavut Water Board for exploratory drilling in the Kiglikavik lake area. The proposed project length is July 2002 through to the end of 2002. During this time, exploration for diamonds will be conducted using a helicopter portable drill rig. DFO-FHM's assessment takes into consideration primarily fish and fish habitat related concerns. I have reviewed the plans for the proposed work.

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 measures, along with mitigation measures indicated in the project proposal, are intended to prevent any potentially harmful impacts to fish and fish habitat:

- If artesian flow is encountered, drill holes should be plugged and permanently sealed upon completion of the project.
- All disturbed areas should be stabilized and re-vegetated as required, upon completion of work, and restored to a pre-disturbed state.
- No material should be left on the ice when there is potential for that material to enter the water (i.e. spring break-up).
- 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.

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 deposition of deleterious substances.

- Sediment and erosion control measures should be implemented prior to, and maintained during the work to prevent sediment entry into the water during a spring thaw.
- 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 activities, including maintenance procedures and refuelling, should be controlled to prevent the entry of petroleum products or other deleterious substances into the water.
- 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-FIIM 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.

If you have any questions concerning the mitigation measures or should there be any changes to the proposed work, please contact me at (867) 979-8007 or by fax at (867) 979-8039.

Jordan DeGroot
Area Habitat Biologist

Canada

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

c.c. Gladys Joudrey-Nunavut Impact Review Board
Rita Becker-Licensing Administrator, NWB
Ipeelee Itorcheak- A/C&P Field Supervisor

Canada