



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

Eastern Arctic Area  
P.O. Box 358  
Iqaluit, Nunavut  
X0A 0H0

February 23, 2009

DFO File: 08-HCAA-CA7-00002

Diane Martens  
Areva Resources Canada Inc.  
P.O. Box 9204  
817-45<sup>th</sup> Street West  
Saskatoon, SK S7K 3X5

via email:  
Diane.Martens@areva.ca

Dear Ms. Martens:

**Subject:** Proposal likely to result in impacts to fish and fish habitat. DFO authorization required.

Fisheries and Oceans Canada - Habitat Management Program (DFO) received your proposal on November 17, 2008. Please refer to the file number and title below:

DFO File No.: 08-HCAA-CA7-00002  
Title: Kiggavik Uranium Mine, Kivalliq Region, Nunavut

Your proposal has been reviewed to determine whether it is likely to result in impacts to fish and fish habitat which are prohibited by the habitat protection provisions of the *Fisheries Act*.

Our review consisted of "The Kiggavik Project – Project Proposal", submitted by Areva Resources Canada Inc., dated November 2008.

We understand that the project involves the following *main proposed* works or undertakings:

- Dewatering a portion of Andrew Lake to facilitate the development of an open pit mine;
- Construction of stream diversions in the proposed location of the Centre Pit, temporary special waste pile and clean waste rock pile;
- Construction of a dam across the outlet of Sik Sik Lake;
- Construction of a dock in Baker Lake;
- Construction of watercrossing structures along site haul road and the access road from Baker Lake to the Kiggavik Mine site;
- Construction of berms to collect site drainage; and,
- Installation of water intake structures.

Canada

DFO has concluded that your proposal is likely to result in impacts to fish and fish habitat based on the above general list.

Of particular concern is the potential for your proposal to result in:

- The harmful alteration, disruption or destruction of fish habitat, which is prohibited under Section 35 of the *Fisheries Act*.
- The destruction of fish by means other than fishing, which is prohibited under Section 32 of the *Fisheries Act*.
- The entrainment or impingement of fish through water intakes, which is to be prevented through the installation of fish guards or screens as described in section 30 of the *Fisheries Act*.
- The deposit of deleterious substances in fish-frequented water body, which is prohibited under Section 36 of the *Fisheries Act*.

In order to be in compliance with sections 35 and 32 of the *Fisheries Act*, you must obtain an authorization from DFO. In most cases the issuance of a *Fisheries Act* authorization is conditional on developing habitat compensation and monitoring plans to ensure there will be no net loss in the productive capacity of fish habitat.

Often times relocating or redesigning elements of a proposal can reduce impacts to fish and fish habitat to a level where a *Fisheries Act* authorization is no longer required.

Before a *Fisheries Act* authorization can be issued, an environmental assessment must be conducted which meets the requirements of the *Nunavut Land Claims Agreement (NLCA)*. The Nunavut Impact Review Board administers the environmental assessment (EA) process in which DFO will participate. It is understood that the proposed works are at a conceptual stage and that project alternatives will be assessed in the EA. There may be additional works that may be determined to result in residual impacts to fish and fish habitat which will then be subsequently assessed.

In order for us to continue review of the project components, please complete the attached application form. For the preferred project alternatives, DFO requests that the Proponent provide conceptual fish habitat compensation plans for works and/or undertakings resulting in residual impacts to fish and fish habitat such as stream diversions, water withdrawal, and infilling.

Please be advised that any impacts to fish and fish habitat which result from proceeding with your proposal without first obtaining a *Fisheries Act* authorization could lead to corrective action such as enforcement.

If you have any questions please contact myself at (905) 639-8236, by fax at (905) 639-3549, or by email at amy.liu@dfo-mpo.gc.ca.

Yours sincerely,



Amy Liu  
Habitat Management Biologist  
Fisheries and Oceans Canada

Attachment: Application for Authorization for Works or Undertakings Affecting Fish  
Habitat

Copy: Eric Kan – Fisheries and Oceans Canada  
Julie Dahl – Fisheries and Oceans Canada  
Sarah Olivier – Fisheries and Oceans Canada  
Leslie Payette – Nunavut Impact Review Board  
Phyllis Beaulieu – Nunavut Water Board

SCHEDULE VI/ANNEXE V1  
(Subsection 58(1)/paragraphe 58(1))



Fisheries and Oceans  
Pêche et Océans

Page 1

Habitat File No./N° de fichier

**APPLICATION FOR AUTHORIZATION FOR WORKS OR UNDERTAKINGS AFFECTING FISH HABITAT  
DEMANDE D'AUTORISATION POUR DES OUVRAGES OU ENTREPRISES MODIFIANT L'HABITAT DU POISSON**

I, the undersigned, hereby request authorization to carry out the works or undertakings described on this application form. I understand that the approval of this application, if granted, is from the Minister of Fisheries and Oceans standpoint only and does not release me from my obligation to obtain permission from other concerned regulatory agencies.

Je soussigné, demande par les présentes l'autorisation d'exploiter les ouvrages ou entreprises décrits dans la formule. Je comprends que l'approbation de cette demande, le cas échéant, porte sur ce qui relève du ministre des Pêches et des Océans et ne me dispense pas d'obtenir la permission d'autres organismes réglementaires concernés.

If an authorization is granted as a result of this application, I hereby agree to carry out all activities relating to the project within the designated time frames and conditions specified in the authorization.

Si la demande est approuvée, je consens par les présentes à exécuter tous les travaux relatifs à ce projet selon les modalités et dans le laps de temps prescrits dans l'autorisation.

Applicant's Name (Please Print) \_\_\_\_\_ Nom du requérant (lettres moulées)

Applicant's Business Address \_\_\_\_\_ Adresse d'affaires du requérant

\_\_\_\_\_  
\_\_\_\_\_

Applicant's Telephone No./N° de téléphone du requérant \_\_\_\_\_ Date \_\_\_\_\_

I solemnly declare that the information provided and facts set out in this application are true, complete and correct, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath. This declaration applies to all material submitted as part of this application.

Je déclare solennellement que les renseignements fournis et les faits énoncés dans cette demande sont véridiques, complets et exacts, et je fais cette déclaration solennelle, la croyant consciencieusement vraie et sachant qu'elle a la même force et le même effet que si elle était faite sous serment. Cette déclaration s'applique à tout document qui est présenté dans le cadre de cette demande.

\_\_\_\_\_  
Applicant's Signature (and corporate seal)

\_\_\_\_\_  
Signature du requérant (et sceau de la société)

Name of watercourse or waterbody (give coordinates)  
Cours d'eau ou plan d'eau (donner les coordonnées)

\_\_\_\_\_

This watercourse is a tributary of (where applicable)  
Cours d'eau tributaire de (le cas échéant)

\_\_\_\_\_

Nearest Community  
Localité la plus proche

County  
Comté

Province  
Province

\_\_\_\_\_

SCHEDULE VI---Continued/ANNEXE V1 (suite)  
(Subsection 58(1)/paragraphe 58(1))



Fisheries and Oceans  
Pêche et Océans

Page 2

Habitat File No./N° de fichier

**APPLICATION FOR AUTHORIZATION FOR WORKS OR UNDERTAKINGS AFFECTING FISH HABITAT  
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Type of Activity/Genre d'activité

- |                                                                        |                                                                          |                                                                                                    |                                                                      |
|------------------------------------------------------------------------|--------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| <input type="checkbox"/> Bridge<br>Pont                                | <input type="checkbox"/> Stream Realignment<br>Alignement de cours d'eau | <input type="checkbox"/> Gravel Removal<br>Enlèvement du gravier                                   | <input type="checkbox"/> Stream Traverse<br>Traversée de cours d'eau |
| <input type="checkbox"/> Culvert<br>Ponceau                            | <input type="checkbox"/> Channelization<br>Canalisation                  | <input type="checkbox"/> Obstruction Removal - Bypass<br>Enlèvement ou contournement<br>d'obstacle | <input type="checkbox"/> Seismic Survey<br>Levé sismique             |
| <input type="checkbox"/> Dam<br>Barrage                                | <input type="checkbox"/> Wharf - Break water<br>Quai - Brise-lames       | <input type="checkbox"/> Stream Utilization - Recreation<br>Utilisation récréative du cours d'eau  | <input type="checkbox"/> Agriculture                                 |
| <input type="checkbox"/> Stream Diversion<br>Dérivation de cours d'eau | <input type="checkbox"/> Dewatering<br>Assèchement                       | <input type="checkbox"/> Erosion Control<br>Lutte contre l'érosion                                 | <input type="checkbox"/> Other (Specify)<br>Autres (préciser)        |
| <input type="checkbox"/> Mining<br>Activité minière                    | <input type="checkbox"/> Aquaculture                                     | <input type="checkbox"/> Flood Protection<br>Protection contre les inondations                     |                                                                      |

**List of Agencies (Federal, Provincial or Municipal) contacted or notified, or who have initiated contact with the applicant.  
Liste des organismes (fédéraux, provinciaux ou municipaux) contactés ou qui ont pris contact avec le requérant.**

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**PROVIDE DETAILS OF PROPOSED ACTIVITY INCLUDING REASONS FOR THE PROJECT AND TYPES OF EQUIPMENT TO BE USED  
DONNER DES PRÉCISIONS SUR LES TRAVAUX PROJETÉS, Y COMPRIS LA JUSTIFICATION DU PROJET ET  
LE TYPE D'ÉQUIPEMENT À UTILISER**

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SCHEDULE VI---Continued /ANNEXE V1 (suite)  
(Subsection 58(1)/paragraphe 58(1))



Fisheries and Oceans  
Pêche et Océans

Page 3

Habitat File No./N° de fichier

**APPLICATION FOR AUTHORIZATION FOR WORKS OR UNDERTAKINGS AFFECTING FISH HABITAT  
DEMANDE D'AUTORISATION POUR DES OUVRAGES OU ENTREPRISES MODIFIANT L'HABITAT DU POISSON**

**SCHEDULE/CALENDRIER**

|                                                                     | D/J   | M/M   | Y/A   |
|---------------------------------------------------------------------|-------|-------|-------|
| Proposed Starting Date<br>Date prévue du début des travaux          | _____ | _____ | _____ |
| Proposed Completion Date<br>Date prévue de l'achèvement des travaux | _____ | _____ | _____ |

Approximate Timing of Work in shoreline, foreshore, tidal zone, or underwater areas.  
Période approximative des travaux sur le rivage et les estrans ainsi que dans les zones à marées et les zones sous-marines.

|         | D/J   | M/M   | Y/A   |      | D/J   | M/M   | Y/A   |
|---------|-------|-------|-------|------|-------|-------|-------|
| From/De | _____ | _____ | _____ | To/À | _____ | _____ | _____ |

**The following documents will assist in assessing your application and help expedite its approval. Please check which documents you have attached.**

**Les documents suivants faciliteront l'évaluation de votre demande et permettront d'accélérer son approbation. Veuillez cochez les documents vous avez joints à votre demande.**

|                                                              |     |                                                                                |
|--------------------------------------------------------------|-----|--------------------------------------------------------------------------------|
| Map indicating location of project                           | [ ] | Carte indiquant l'emplacement du projet                                        |
| Engineering Specifications                                   | [ ] | Spécifications techniques                                                      |
| Scale Drawings                                               | [ ] | Dessins à l'échelle                                                            |
| Dimensional Drawings                                         | [ ] | Plans cotés                                                                    |
| Assessment of Existing Fish Habitat Characteristics          | [ ] | Évaluation des caractéristiques existantes de l'habitat du poisson             |
| Assessment of Potential Effects of Project on Fish Habitat   | [ ] | Évaluation des répercussions possibles sur l'habitat du poisson                |
| Measures Proposed to Offset Potential Damage to Fish Habitat | [ ] | Mesures proposées pour compenser les éventuels dommages à l'habitat du poisson |
| Other                                                        | [ ] | Autres                                                                         |

**ENVIRONMENTAL ASSESSMENT AND REVIEW PROCESS  
CONSIDERATIONS**

**NOTE:** All applications pursuant to section 35 of the Fisheries Act will be assessed in accordance with applicable federal environmental assessment requirements.

**CONSIDÉRATIONS CONCERNANT LE PROCESSUS  
D'ÉVALUATION ET D'EXAMEN EN MATIÈRE D'ENVIRONNEMENT**

**REMARQUE:** Toute demande en vertu l'article 35 de la Loi sur les pêches sera soumise aux exigences fédérales applicables à l'évaluation environnementale.

SCHEDULE VI---*Concluded*/ANNEXE V1 (*fin*)  
(Subsection 58(1)/paragraphe 58(1))



Fisheries and Oceans  
Pêche et Océans

Page 4

Habitat File No./N° de fichier

**APPLICATION FOR AUTHORIZATION FOR WORKS OR UNDERTAKINGS AFFECTING FISH HABITAT  
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COMPLETE ONLY IF USE OF EXPLOSIVES IS INTENDED  
À REMPLIR SEULEMENT EN CAS D'UTILISATION D'EXPLOSIFS

EXPLOSIVES CONTRACTOR (IF DIFFERENT FROM APPLICANT)/RESPONSABLE DES EXPLOSIFS (SI AUTRE QUE LE REQUÉRANT)

Name/Nom: \_\_\_\_\_

Address/Adresse: \_\_\_\_\_  
\_\_\_\_\_

Telephone No./N° de téléphone: \_\_\_\_\_

|                                  | D/J   | M/M   | Y/A   |                   | D/J   | M/M   | Y/A   |
|----------------------------------|-------|-------|-------|-------------------|-------|-------|-------|
| Anticipated Starting Date        |       |       |       | Completion Date   |       |       |       |
| Date prévue du début des travaux | _____ | _____ | _____ | Date d'achèvement | _____ | _____ | _____ |

**DETAILS OF EXPLOSIVES/PRÉCISIONS SUR LES EXPLOSIFS**

Type (including trade name)

Genre (y compris la marque) \_\_\_\_\_  
\_\_\_\_\_

Weight and configuration (where applicable)

Poids et forme (le cas échéant) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Weight of individual shots and shot pattern where multiple charges are used

Poids des coups individuels et déploiement des coups, en cas de charges multiples

Detonation depth (In the rock; note also the depth of water, if applicable)

Profondeur de détonation (dans le roc; indiquer aussi la profondeur de l'eau, s'il ya lieu)

Method of detonation

Méthode de détonation \_\_\_\_\_  
\_\_\_\_\_