



P.O. Box 358  
Iqaluit, Nunavut  
X0A 0H0

October 25, 2010

Your file      Votre référence  
NU-03-0190

Our file      Notre référence  
03-HCAA-CA7-000-000109

Agnico-Eagle Mines Ltd: Meadowbank Division  
Environment Department  
Attention: Ryan Van Engen  
Meadowbank, Nunavut  
X0X 0A0

Dear Mr. VanEngen:

**Subject:** Proposal not likely to result in impacts to fish and fish habitat provided that additional mitigation measures are applied.

Fisheries and Oceans Canada - Fish Habitat Management Program (DFO) received your proposal on October 14, 2010. Please refer to the file number and title below:

DFO File No.:      **NU-03-0190**  
Title:      **03-HCAA-CA7-000-000109**

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* or those prohibitions of the *Species at Risk Act* that apply to aquatic species.\*

Our review consisted of:

- Your memorandum, dated October 14, 2010, entitled “R02 (Bridge 1) Crossing culvert repair and installation”

We understand that you propose to:

- Excavate the road and remove the existing temporary culverts, adjacent to the R02 crossing,
- Place coarse material at the base of the new culverts, install two new culverts (1.82 m diameter by 27 m long) and backfill with coarse material,
- Work will be done prior to the fisheries timing window, which is: May 1<sup>st</sup> to July 15<sup>th</sup>, and

\*Those sections most relevant to the review of development proposals include 20, 22, 32 and 35 of the *Fisheries Act* and sections 32, 33 and 58 of the *Species at Risk Act*. For more information please visit [www.dfo-mpo.gc.ca](http://www.dfo-mpo.gc.ca).

- All construction activities will take place above the ordinary high water mark and under dry conditions.

To reduce potential impacts to fish and fish habitat we are recommending the following mitigation measures be included into your plans:

- Sediment and erosion control measures (e.g. check dams, turbidity curtains, silt fences, etc.) shall be installed prior to work and be maintained during the work phase, and until the site has been stabilized, to prevent entry of soil, sediment or sediment laden water into the watercourse.
  - All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or upgraded as required.
  - If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed.
  - All disturbed work areas shall be stabilized immediately as soon as conditions allow.
- All materials, construction/excavation wastes and equipment used for the purpose of site preparation, project completion works shall be operated and/or stored in a manner that prevents any deleterious substance (e.g. petroleum products, lubricants, wet concrete or concrete leachate, soil etc.) from entering the water.
  - Any stockpiled materials should be stored and stabilized away from the water. This could include covering stockpiles with biodegradable mats or tarps or planting stockpiles with grass or shrubs.
  - Only clean material free of fine particulate matter shall be placed below the high water mark.
  - Materials to be used for the project shall not be taken from the shoreline or below the high water level of any waterbody.
  - Any fill used for this project shall be inert material, free of contaminants and must be placed so that it will not gain entry into any ditch or watercourse.
- All waste materials and debris (i.e. loose rock, grout, concrete, steel and other debris etc.) shall be disposed of off site at an appropriate location in accordance with all applicable legislation and guidelines and best management practices
- Emergency spill kits shall be kept on site in case of fluid leaks or spills from machinery
- Vehicle and equipment re-fuelling and/or maintenance shall be conducted away from the water.
- Should pumps be used, the pump's intake shall be appropriately screened to prevent the entrainment of fish as per DFO's *Freshwater Intake End of Pipe Fish Screen Guideline* (1995), that can be found online at [http://www.dfo-mpo.gc.ca/canwaters-eauxcan/infocentre/guidelines-conseils/index\\_e.asp](http://www.dfo-mpo.gc.ca/canwaters-eauxcan/infocentre/guidelines-conseils/index_e.asp)

Provided that the additional mitigation measures described above are incorporated into your plans, DFO has concluded that your proposal is not likely to result in impacts to fish and fish habitat.

You will not need to obtain a formal approval from DFO in order to proceed with your proposal.

Please notify this office before starting the work. A copy of this letter should be kept on site while the work is in progress.

If the plans have changed or if the description of your proposal is incomplete you should contact this office to determine if the advice in this letter still applies

Please be advised that any impacts to fish and fish habitat which result from a failure to implement this proposal as described or incorporate the additional mitigation measures included in this letter could lead to corrective action such as enforcement.

If you have any questions please contact Derrick Moggy at our Sudbury Office at (705) 522-9909, by fax at (705) 522-6421, or by email at [derrick.moggy@dfo-mpo.gc.ca](mailto:derrick.moggy@dfo-mpo.gc.ca).

Yours sincerely,



Derrick Moggy  
Habitat Team Leader  
Eastern Arctic Area  
Fisheries and Oceans Canada

copy: Nunavut Water Board  
Nunavut Impact Review Board  
Lou-Ann Cornacchio – Indian and Northern Affairs Canada