



Fisheries  
and Oceans

Pêches  
et Océans

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

**FAXED**  
01-33-02

Your file / Votre référence

02EA110

Our file / Notre référence

NU00623

July 12, 2002

Cumberland Resources Ltd.  
Suite 906-595 Howe Street  
Vancouver, B.C.  
V6C 3T5  
Fax: (604) 608-2559



**RE: NIRB File # 02EA110, Exploration Amendment, Construction of Starter Airstrip, Cumberland Resources Ltd., Baker Lake area, Nunavut.**

Dear Proponent:

This letter is to advise that The Department of Fisheries and Oceans, Fish Habitat Management (DFO-FHM) received your application for the construction of a starter airstrip, in the Baker Lake area, submitted on your behalf by Nunavut Impact Review Board. The project proposes an airstrip 600m long and 30m wide, using a combination of cut and fill methods during construction. The project is to take place during the months of July and August, 2002. I have reviewed the plans for the proposed work.

Construction near water can result in the disruption of the stream bed and bank, and increased sediment loads during the construction and bank stabilization stages. The harmful alteration, disruption or destruction of fish habitat 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 as required, upon completion of work, and restored to a pre-disturbed state.
- Cutting or filling of crossing approaches below the normal high water mark will require prior review and approval by DFO-FHM.

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 entry of sand or sediment into the water.

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**Canada**

- A minimum of thirty (30) metres should be maintained between the normal high water mark of any water body and proposed construction, to ensure sediment does not enter any water body.
- All activities, including maintenance procedures and vehicular refuelling, should be controlled to prevent the entry of petroleum products, debris, rubble, 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-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 and will apply for the proposed activities for the period of the project.

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

c.c.  
Gladys Joudrey- Nunavut Impact Review Board  
Dionne Filiatrault- Nunavut Water Board