



Fisheries and Oceans Pêches et Océans
Canada Canada

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

Your file
NB 102-181/10-A.01
Our file
NU-06-0084

NIRB File 07EN012
NWB File 2BB-MRY

September 21, 2009

Vice President, Sustainable Development
Baffinland Iron Mines Corporation
Suite 1016, 120 Adelaide Street West
Toronto, ON M5H 1T1

via email: derek.chubb@baffinland.com

Attention: Derek Chubb

Subject: Proposed works or undertakings will not likely result in negative effects to fish habitat if additional protection measures are implemented.

Fisheries and Oceans Canada (DFO) received your proposal to remove the perched condition of culverts at two crossings: BG27 and CV112. Advice for the installation of these culverts was originally provided on June 25, 2007. This Letter of Advice focuses on the work to be undertaken to construct rocky ramps at these two locations. To expedite future correspondence or inquiries, please refer to your referral title and file numbers when you contact us.

Referral File No.: **06-HCAA-CA7-000-000084**
Habitat File No.: **NU-06-0084**
Referral Title: **Mary River Bulk Sampling Program, Raven River and
Phillips Creek, North Baffin Island**

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*.

It is our understanding that your proposal consists of:

- *Placing rock in the scour holes to create a rock ramp to eliminate the perched condition at crossings BG27 and CV112.*
 - *It is likely that, due to weather conditions, this work will be conducted in two phases, the first to take place in September, 2009 and the second following spring freshet in 2010.*
- *Monitoring water velocities and fish movement in the spring (during and following the freshet) and fall of 2010, to ensure the effectiveness of the rocky ramps.*

as outlined in the following plans:

Canada

- *Letter from Baffinland Iron Mines Corporation to DFO, Request for Letter of Advice, Milne Tote Road, Mary River Project Habitat Reconstruction Plan for Milne Inlet Tote Road Perched Culverts BG01, CV225, BG27, CV112, prepared by Jim Millard, Baffinland Iron Mines Corporation, dated September 10, 2009.*
- *E-mail to DFO from Baffinland Iron Mines Corporation, prepared by Jim Millard, dated September 18, 2009.*

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

- Following the mitigation measures provided below as well as the mitigation measures provided in the Plan, the in-water work is allowed to occur within the restricted timing window from **September 1, 2009 to June 30, 2010.**
- Materials to be used for the project should not be taken from below the high water level of any waterbody.
- Work should be conducted during low flow conditions and should be avoided during large precipitation/runoff events.
- All materials and equipment used for the purpose of site preparation and project completion should be operated and stored in a manner that prevents any deleterious substance (e.g. petroleum products, silt, etc.) from entering the water.
 - Any stockpiled materials should be stored and stabilized away from the water.
 - Vehicle and equipment re-fuelling and maintenance should be conducted away from the water.
- Any part of equipment entering the water should be free of fluid leaks and externally cleaned/degreased to prevent any deleterious substance from entering the water.
 - Only clean material free of fine particulate matter should be placed in the water.
- Sediment and erosion control measures should be implemented prior to work and maintained during the work phase, to mitigate entry of sediment into the water.
 - All sediment and erosion control measures should be inspected regularly to ensure that they are functioning properly and are maintained and/or upgraded as required.
 - All disturbed areas of the work site should be stabilized immediately

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 at least 10 days before starting the work. A copy of this letter should be kept on site while the work is in progress.

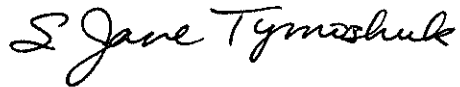
If the plans have changed or if the description of your proposal is incomplete you should contact this office to determine if the advice in this letter still applies.

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.

This letter of advice does not release you from the responsibility to obtain any other federal, territorial or municipal approvals.

If you have any questions concerning the above, or if my understanding of the proposal is either incorrect, incomplete, or if there are changes to the proposed works or undertakings, please contact myself directly by telephone at (705) 750-4054 or by e-mail at jane.tymoshuk@dfo-mpo.gc.ca or Gary Cooper at gary.cooper@dfo-mpo.gc.ca or (867) 979-8027.

Sincerely,

A handwritten signature in black ink that reads "S Jane Tymoshuk". The signature is written in a cursive style with a large, stylized "S" at the beginning.

S. Jane Tymoshuk
A/Habitat Management Biologist
Fisheries and Oceans Canada
Eastern Arctic Area

Copy: Leslie Payette, NIRB
Phyllis Beaulieu, NWB
Eric Kan - DFO
Gary Cooper - DFO