

From: CritchS@DFO-MPO.GC.CA

Sent: Thursday, June 19, 2003 12:12 PM

Cc: nwblic@polarnet.ca; PelleyK@arctic.ca; gladys@polarnet.ca

Subject: Water use application for exploratory drilling & base camps for the Ashton Mining Kitikmeot Region exploration areas



Fisheries
and
Oceans

Pêches
et Océans

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

Your file *Votre référence*

NWB:
NWB2ASH

NU03417

Our file *Notre référence*

June 19, 2003

David Willis
Land Administrator
Ashton Mining (Northwest Territories) Ltd.
Unit 123 - 930 West 1st Street
North Vancouver, British Columbia V7P 3N4
Fax: 604-987-7107

RE: Water use application for exploratory drilling & base camps for the Ashton Mining Kitikmeot Region exploration areas

Dear Mr. Willis:

This letter is to advise that The Department of Fisheries and Oceans, Fish Habitat Management (DFO-FHM) received the above-mentioned water use application for a camp and exploratory drilling. DFO-FHM's assessment takes into consideration primarily fish and fish habitat related concerns. I have reviewed the plans for the proposed work.

As I understand it from the application, this is a multi-year exploration program that runs from September 2003 to September 2006. The exploration property is located near Kugluktuk, Nunavut, and includes four temporary 6 -12 person tent camps. Geological mapping, prospecting, and both land-based and ice diamond drilling will be conducted.

Field 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, in addition to the measures set out 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 immediately plugged and permanently sealed.
- All disturbed areas should be stabilized and re-vegetated, as required, upon completion of work to prevent sedimentation.
- 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 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. DFO recommends a maximum screen opening of 2mm.

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 plans for proposed stream crossings or work conducted below the high water mark adjacent to the banks of streams

and lakes require prior approval by DFO-HM.

- All wastes, drill cuttings, sewage containments, and fuel caches should be located at an appropriate distance 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-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.

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.

Sincerely,

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

c.c. Phyllis Beaulieu - A/Licensing Administrator, NWB
Gladys Joudrey - Environmental Assessment Officer, NIRB
Keith Pelly - Field Supervisor, DFO