

Fisheries
and OceansPêches
et OcéansFish Habitat Management
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Our file / Notre référence

NU00476

February 14, 2002

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RE: NWB File #NWB2BRO0101

Dear Ms. Gregory,

This letter is to advise that The Department of Fisheries and Oceans, Fish Habitat Management (DFO-FHM) received the water licence amendment application submitted by Kennecott Canada Exploration Inc. for core drilling on the Brodeur Peninsula. The application was submitted on your behalf by the Nunavut Water Board. Specific project times were not indicated in the report although drilling is proposed to commence during 2002. The DFO-FHM's assessment takes into consideration primarily fish and fish habitat related concerns. I have reviewed the plans for the proposed work.

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, along with mitigation measures indicated in the project proposal, are intended to prevent any potentially harmful impacts to fish and fish habitat:

- All disturbed areas should be stabilized as required, upon completion of work, and restored to a pre-disturbed state.
- If artesian flow is encountered, drill holes should be plugged and permanently sealed upon the completion of the project.
- When using explosives, please follow the Guidelines for the use of explosives in or near water (DFO, 1998) available on request. If, for any reasons these guidelines cannot be followed, please contact DFO, an Authorization may be required.
- If the 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 proposed work on land must take place thirty (30) metres from the normal high water mark of any water body to minimize potential impacts on fish habitat due to fuel oil spills and erosion.
- Winter lake/stream crossings should be located to minimize approach grades. Cutting or filling of crossing approaches below the normal high water mark will require review and approval by DFO-FHM.
- The use of material, other than clean ice or snow to construct a temporary crossing over any ice-covered watercourse is prohibited by regulations under the *Fisheries Act*.
- All winter crossings should be removed prior to spring break up.
- No material should be left on the ice when there is the potential for material to enter the water (i.e. spring break up).

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 wastes, drill cuttings, sewage containments, and fuel caches should be located a minimum of thirty (30) metres 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 vehicular refuelling, should be controlled to prevent the entry of petroleum products, debris, slash, 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.

If you have any questions concerning the mitigation measures or should there be any changes to the proposed work, please contact me at (867) 979-8011 or Jordan DeGroot (867) 979-8007 or by fax at (867) 979-8039.

Sincerely,



Stephanie Thompson
Area Habitat Biologist
Fish Habitat Management
Eastern Arctic Area

c.c. Jordan DeGroot-Habitat Management Biologist
Rita Becker-Nunavut Water Board
Gladys Joudrey -Nunavut Impact Review Board
Winston Fillatre-A/C&P Supervisor/Fishery Officer