

Fisheries  
and OceansPêches  
et OcéansFish Habitat Management  
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NWB2NAD

Your file Votre référence

01WN082

Our file Notre référence

NU00425

July 16th, 2001

Jeremy Howe  
BHP Diamonds Inc.  
1400-1111 West Georgia Street.  
Vancouver, B.C.  
V6E 4M3  
Fax: (604) 683-4125Nunavut  
Board

JUL 19 2001

Public Reg

**RE: NIRB File # 01WN082, Water Licence Application, Prospecting Camp, BHP Diamonds Inc., Nadluarjuk Lake Area, Nunavut.**

Dear Mr. Howe:

This letter is to advise that The Department of Fisheries and Oceans, Fish Habitat Management (DFO-FHM) received your Water Licence Application for a Prospecting camp, in the Nadluarjuk Lake area, submitted on your behalf by Nunavut Impact Review Board. This work is to be conducted between July 1, 2001 and August 30, 2001. I have reviewed the plans for the proposed work.

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*. 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 re-vegetated 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 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 reason these guidelines cannot be followed, please contact DFO, as 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.

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- 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.
- 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 prior review and approval by DFO-FHM.
- The use of material other than ice or snow to construct a temporary crossing over any ice-covered watercourse is prohibited by regulations under *Fisheries Act* unless authorized by a Fishery Officer.
- All winter crossings should be removed prior to spring breakup.
- No material should be left on the ice when there is the potential for that 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 entry of sand or sediment into the water.
- 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 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 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 Water Licence.

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 Pete Cott at 669-4913 or by fax at (867) 979-8039.

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

c.c. Dionne Filiatrault - Nunavut Impact Review Board  
Stephanie Briscoe - Nunavut Water Board  
Winston Fillatre - A/C&P Supervisor/Fishery Officer