



Fisheries and Oceans
Canada

Pêches et Océans
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July 30, 2004

Your file *Votre référence*
NWB2REG

Our file *Notre référence*
NU-04-0089

Ms. Susie Ikkutisluk
Licensing Trainee
Nunavut Water Board
P.O. Box 119
Gjoa Haven, Nunavut
X0B 1J0

Dear Ms. Ikkutisluk

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 referral of a proposal on May 28, 2004, concerning exploration at the Regan Lake property in the West Kitikmeot Region by Strongbow Resources Inc. To expedite future correspondence or inquiries, please refer to the following referral title and file number when you contact us.

Habitat File No.: **NU-04-0089**
Referral Title: **Regan Lake Project, West Kitikmeot – Strongbow Exploration Ltd.**

It is our understanding that your proposal consists of:

- *Two phases of exploration activities in the Regan Lake Area*
- *Phase I of the project is to be conducted in 2004 and will consist of exploratory drilling, mapping, prospecting, sampling and possible ground geophysical surveys.*
- *Phase II is planned for summer 2005 and would involve additional drilling depending on the results of the phase I survey*
- *A small temporary camp consisting of six or seven tents will be set up to support the exploration program*
- *Water intakes will be required for both camp use and for the drilling program*

as outlined in the following plans:

- *Application for Water Licence submitted to the Nunavut Water Board, dated May 13, 2004.*
- *Strongbow Resources Spill Response Plan submitted to the Nunavut Water Board*
- *Project Description submitted to the Nunavut Water Board*
- *Abandonment and Restoration Plan submitted to the Nunavut Water Board*

We have reviewed the proposal under the habitat protection provisions of the *Fisheries Act*. The measures described in the plans are not adequate to protect fish and fish habitat. Therefore, please ensure that the following additional measures are incorporated into the plans.

- If artesian flow is encountered, drill holes should be plugged and permanently sealed upon completion of the project.
- All disturbed areas should be stabilized and re-vegetated as required, upon completion of work, and restored to a pre-disturbed state.
- 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 the operations requires water in sufficient volume that the source water body may be drawn down, please submit details (volume required, size of water body, fish species etc.) to DFO for review. DFO strongly discourages the use of streams as a water source.

Extraction of water via intake from any water body is prohibited under Section 30 of the *Fisheries Act* unless the entrance of the intake is properly screened to prevent the entrainment of fish. Refer to the *Freshwater Intake End-of-Pipe Fish Screen Guideline* (DFO 1995), which is available upon request. No harm should come to fish during water removal as long as the following mitigation measures are implemented:

- Ensure that the holes in the screen are small enough that no fish of any size can pass through the screen and into the intake.
- The rate of water withdrawal should be such that fish do not become impinged on the screen.
- Make certain that the fish guard or screen is properly maintained, in a good state of repair, and is not removable except for renewal or repair.
- During the time in which a renewal or repair is being conducted, the entrance of the water intake should be closed in order to prevent the passage of fish into the intake.

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 commencement of, and maintained during, the work to prevent sediment entry into the water.
- 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.
- For any drilling activities, the proponent should ensure that the contractor undertaking the drill is prepared with a contingency plan covering the detection, control and handling of any inadvertent drilling fluid migration that may enter a water body.
- Sediments from water used in the drilling process should be filtered out before the water is discharged onto the surrounding landscape.
- All wastes, drill cuttings, sewage containments and fuel caches should be located well away from the normal high water mark of any water body. Impermeable spill mats or plastic sheets as well as efficient containment berms should be incorporated into these caches to ensure that contaminants do not enter water bodies.
- All activities, including maintenance procedures and vehicular refuelling, should be controlled to prevent the entry of petroleum products, sediment, debris, rubble, or other deleterious substances into the water. Impermeable spill mats, drip pans or other measures to prevent ground or ice contamination should also be used when refuelling equipment on site. Ensure that refuelling activities are conducted well away from the normal high water mark of any water body.
- Have available an extra fuel storage container equal to or bigger than the size of the largest fuel container. This container can be used to replace any existing container showing signs of leakage. Check for container leaks on a daily basis and prepare any visible leaks immediately. Ensure that spill kits are readily available at all times.
- All spills of oil, fuel, or other deleterious material should be reported immediately to the 24-Hour Spill Line at (867) 920-8130.

By implementing these additional measures, it is our opinion that the proposed works and undertakings will not likely result in the harmful alteration, disruption or destruction (HADD) of fish habitat, which is prohibited unless authorized by DFO. These are recommendations to ensure that the proposed works will likely not result in a HADD of fish habitat. Therefore a subsection 35(2) authorization is not necessary.

The proponent could contravene subsection 35(1) of the *Fisheries Act* if a HADD of fish habitat results from any change in the proposed plan or from failure to properly

implement these additional measures. Subsection 35(1) states, “*no person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.*”

This letter of advice does not permit the deposit of a deleterious substance into waters frequented by fish nor does it release the proponent from the responsibility to obtain any other federal (for example, the *Navigable Waters Protection Act*), territorial or municipal approvals.

If these plans have changed since the time of submission, the advice in this letter may no longer apply and we should be consulted to determine if further review is required.

We request that the proponent notify us at least 10 working days before starting the work and that a copy of this letter be kept on site while work is in progress. If there are 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 me directly by telephone at 867-979-8007, or by fax at 867-979-8039.

Yours sincerely,

Original Signed By:

Tania Gordanier
Habitat Management Biologist

c.c.: Felicia Chang, Strongbow Resources Inc.
Beth Guptill, Conservation & Protection – Fishery Officer