



Fisheries
and Oceans

Pêches
et Océans

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

March 5, 2003

Jeremy Howe
BHP Billiton Diamonds Inc.
1400-1111 West Georgia St.
Vancouver, BC V6E 4M3
Fax (604) 683-4125

INTERNAL	
PC	IP
LA	PB
OM	
TA	
BS	
ST	
ED	
CEO	
BRD	
EXT.	

Your file / Votre référence

NIRB QMNU17

Our file / Notre référence

NU03283

Nunavut Wildlife
Board

05,2003

Public Rep

RE: Exploratory Diamond Drilling in the Repulse Bay Area, Nunavut.

Dear Mr. Howe:

This letter is to advise that The Department of Fisheries and Oceans, Fish Habitat Management (DFO-FHM) received the project proposal information, submitted by the Nunavut Impact Review Board, for exploratory diamond drilling in the Repulse Bay area, Nunavut. The proposed drilling program is April 15, 2003 to April 15, 2004. It is understood that operations include a geophysical survey and both land-based and ice-based diamond drilling. 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.

- 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 drilling 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-FHM for review. It has been stated in your exploration/ remote camp supplementary questionnaire that streams may occasionally be used as a drill water source. DFO-FHM 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), available upon request. No harm will come to fish during water removal as long as the following mitigation measures are pursued.

- 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.
- Make certain that the fish guard or screen is properly maintained in a good and efficient state of repair, and do not permit its removal except for renewal or repair.
- During the time in which a renewal or repair is being conducted, the entrance of the water intake must 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, and maintained during the work to prevent sediment entry into the water during a spring thaw.
- 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 wastes, drill cuttings, sewage containments and fuel caches must be located a minimum of thirty (30) metres 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 at least thirty (30) metres away from the normal high water mark of any water body.
- If any fuel is to be brought to the drill sites, 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.

If the proposed work is carried out as described in the plans provided to DFO-EIIM 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 will apply for the period of the current lease. 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 by fax at (867) 979-8039.



Jeff Wilson
Habitat Management Coordinator
Department of Fisheries and Oceans – Eastern Arctic Area

c.c. Gladys Joudrey, NRB, fax (867) 983-2574
Phyllis Beaulieu, NWB (NWB2REP), fax (867) 360-6369