



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Eastern Arctic Area
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Iqaluit, NU X0A 0H0

September 7, 2004

Your file Votre référence
NWB2ROC0305

Our file Notre référence
NU-02-0152

Ms. Phyllis Beaulieu
Manager of Licensing
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU X0B 1J0

Via Electronic Mail
licensing@nwb.nunavut.ca

Dear Ms. Beaulieu:

Subject: Proposed works or undertakings will likely avoid negative effects to fish habitat.

Fisheries and Oceans Canada (DFO) received the proposal on July 15, 2004, concerning the assignment of Water License NWB2ROC0305 from DeBeers Canada Exploration to Tahera Diamond Corporation as outlined in the Nunavut Water Board application. To expedite future correspondence or inquiries, please refer to your referral title and file numbers when you contact us.

Referral File No.:	02-HCAA-CA7-000-000152
Habitat File No.:	NU-02-0152
Referral Title:	WATER RENEWAL FOR ROCKINGHORSE

If the above plans have changed at all, the advice in this letter may no longer apply and you should consult with us to determine if further review is needed.

It is our opinion that a harmful alteration, disruption or destruction (HADD) of fish habitat is not likely to occur if you implement your plans as proposed. A subsection 35(2) *Fisheries Act* authorization is not necessary. However, failure to properly implement the measures outlined in your plans may result in contravention of subsection 35(1) of the *Fisheries Act*, which 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 allow the deposit of deleterious substance into waters frequented by fish nor does it release you from the responsibility to obtain any federal (for example, the *Navigable Waters Protection Act*), provincial or municipal approvals that may be needed.

If you have any questions concerning the above, or if my understanding of the proposal is either incorrect, incomplete, or if there are changes, please contact me directly by telephone at (867) 979-8011, or by fax at (867) 979-8039.

Yours sincerely,

Original signed by:

Derrick Moggy
Habitat Management Biologist
Fisheries and Oceans Canada – Eastern Arctic Area