



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

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November 7, 2005

Your file      Votre référence  
NIRB05RN026

Our file      Notre référence  
NU-05-0072

Mr. Graham Gill  
Diamonds North Resources Ltd.  
510-510 Burrard Street  
Vancouver BC, V6C 3A8

Via electronic mail to:

Fax#: (604) 484-7143

Dear Mr. Gill:

**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 a proposal from the Nunavut Impact Review Board (NIRB) on April 7, 2005 concerning the use of a winter road in central Victoria Island, NU. To expedite future correspondence or inquiries, please refer to the referral title and file numbers when you contact us.

Referral File No.:	<b>05-HCAA-CA7-000-000072</b>
Habitat File No.:	<b>NU-05-0072</b>
Referral Title:	<b>Winter Road, Victoria Island, Kitikmeot Region</b>

It is our understanding that the proposal consists of:

- *Mobilizing and demobilizing drilling and exploration equipment by cat train on a previously utilized winter access route in central Victoria Island, Nunavut during April-May, 2005 and 2006.*
- *Traversing frozen and snow covered tundra, lakes and streams with a D-6 cat, sleds, tracked Spryte and snowmobiles.*

as outlined in the following plans:

- *An application to the Kitikmeot Inuit Association in February, 2005.*

We have concluded that the proposed works and undertakings are adequate to protect fish and fish habitat provided that the work is carried out as described in your plans and the following additional measures are implemented:

- All disturbed areas should be stabilized 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).
- Ice or snow free of sediment should be the only materials used to construct temporary crossings over any ice-covered watercourse.

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- All ice and snow used to construct temporary crossings that may cause jams, flooding or impede fish passage and or water flow should be removed prior to spring break-up.
- Winter lake and stream crossings should be constructed in a location to minimize approach grades. Cutting or filling of crossing approaches below the high water mark will require prior review and approval by DFO-FHM.
- 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. This includes ensuring that a sufficient amount of snow and ice is present on the winter road to prevent unnecessary erosion of the underlying ground surface.
- If ice bridges are constructed, mitigation measures outlined in DFO's Operational Statement for Ice Bridges, available at the following internet address: [http://www.dfo-mpo.gc.ca/canwaters-eauxcan/epmp-pmpe/operational\\_e.asp](http://www.dfo-mpo.gc.ca/canwaters-eauxcan/epmp-pmpe/operational_e.asp), should be followed.

By implementing these additional measures and those already outlined in your plans, 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.

You could contravene subsection 35(1) of the *Fisheries Act* if a HADD of fish habitat results from any change in your 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 which is prohibited under Subsection 36(3) of the *Fisheries Act*. As a result, the following additional mitigation measures should be implemented:

- All contaminated snow and ice resulting from construction/use of this winter road should be removed immediately to avoid water contamination during spring thaw.
- Appropriate measures, including an emergency contingency plan for inadvertent spills, should be applied to ensure that deleterious substances such as petroleum products, sediment, debris, etc. do not enter any waterbody.
- The cleaning, fuelling and servicing of equipment should be conducted away from any waterbody. Equipment operating near any watercourse should be free of external grease, oil, mud, or fluid leaks.
- All spills of oil, fuel, or other deleterious substances should be reported immediately to the 24-Hour Spill Line at (867) 920-8130.

The extraction of water via intake from any fish-bearing water body is prohibited under Section 30 of the *Fisheries Act* unless the intake is screened to prevent fish entrainment. As a result, the following additional mitigation measure should be implemented:

- The *Freshwater Intake End-of-Pipe Fish Screen Guideline* (DFO, 1995) which is available upon request or at the following internet address: [www.dfo-mpo.gc.ca/Library/223669.pdf](http://www.dfo-mpo.gc.ca/Library/223669.pdf) should be followed. Small lakes and streams should not be used for water withdrawal.

If works and or undertakings require water in sufficient volume that the source water body may be drawn down, details should be submitted (volume required, size of waterbody, fish species etc.) to DFO for review.

This letter of advice does not release you from the responsibility to obtain any other federal (for example, the *Navigable Waters Protection Act*), territorial or municipal approvals.

We request that we be notified us at least 10 working days before the start of work and that a copy of this letter be kept on site while work is in progress. If you have 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) 979-8016 or by fax at (867) 979-8039.

Yours sincerely,

***Original Signed By:***

Rob Smith  
Habitat Biologist  
Fisheries and Oceans Canada – Eastern Arctic Area

cc: Sylvia Novoligak, Nunavut Impact Review Board ([snovoligak@nirb.nunavut.ca](mailto:snovoligak@nirb.nunavut.ca))  
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