



Fisheries and Oceans
Canada

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May 3, 2006

Mr. Richard Dwyer
Nunavut Water Board
P.O. Box 119
Gjoa Haven NU X0B 1J0

Your file *Votre référence*
2BE-TRE

Our file *Notre référence*
NU-04-0020

Via electronic mail to:
licensingtrainee@nwb.nunavut.ca

Dear Mr. Dwyer:

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

Fisheries and Oceans Canada (DFO) received the proposal on April 27, 2006, concerning mineral exploration and the establishment of an exploration camp. To expedite future correspondence or inquiries, please refer to the referral title and file numbers when you contact us.

Referral File No.:	04-HCAA-CA7-000-000020
Habitat File No.:	NU-04-0020
Referral Title:	Exploration (Drilling) - Tree Lake Project, Tree River, Kitikmeot

It is our understanding that the proposal consists of:

- *A mineral exploration program between April 2006 and September 2008 contained within the general latitude 67°11'N and general longitude 112°08'W involving: geological mapping, geophysical surveying, prospecting, till sampling, diamond drilling and exploration camp establishment and operation.*

as outlined in the following plans:

- *Nunavut Water Board application for a water licence dated April 20, 2006*

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

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 the plans and the following additional measures are implemented:

- If artesian flow is encountered, drill holes should be plugged and permanently sealed upon completion of the project.
- The use of biodegradable, salt free drill additives is encouraged over non-biodegradable types.
- All disturbed areas should be stabilized and reclaimed to pre-construction conditions upon completion of work. Work associated debris should be removed immediately after completion of construction.
- Suitable erosion and sediment suppression measures should be implemented on disturbed areas before, during and after construction until vegetation or other appropriate measures are established in order to prevent sediment from entering 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.
- Appropriate measures, including an emergency contingency plan for inadvertent spills, should be applied to ensure that deleterious substances such as drill cuttings, petroleum products, sediment, debris, etc. do not enter any waterbody. The use of biodegradable, salt free drill additives is encouraged over non-biodegradable types.

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 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.

By implementing these additional measures and those already outlined in the 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.

However, failure to properly implement the measures outlined in the 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 (section 36 of the *Fisheries Act*) into waters frequented by fish nor does it release the proponent from the responsibility to obtain any federal (for example, the *Navigable Waters Protection Act*), provincial, territorial or municipal approvals that may be needed.

If you or the proponent 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 myself directly by telephone at (867) 979-8011, by fax at (867) 979-8039, or by e-mail at moggyd@dfo-mpo.gc.ca.

Yours sincerely,

Original signed by:

Derrick Moggy
Habitat Management Biologist