

Fisheries
and OceansPêches
et OcéansFish Habitat Management
P.O. Box 358
Iqaluit, Nunavut
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NWB300R

Your file: *Votre référence*

01RN085

Our file: *Notre référence*

NUJ00362

July 17th, 2001

Ronnie Ningeongan
Hamlet of Coral Harbour
P.O. Box 30
Coral Harbour, Nunavut.
X0C 0C0
Fax: (867) 925-8233

RE: NIRB File # 01RN085, Land Use Application, Road Construction, Hamlet of Coral Harbour, Coral Harbour area, Nunavut.

Dear Mr. Ningeongan:

This letter is to advise that The Department of Fisheries and Oceans, Fish Habitat Management (DFO-FHM) received your Land Use Application for road construction, in the Coral Harbour area, submitted on your behalf by Nunavut Impact Review Board. This work is to be conducted between August 1, 2001 and September 30, 2001. I have reviewed the plans for the proposed work.

Field 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*. In addition to the measures set out in the project proposal, the following mitigation measures, if incorporated into the project, are intended to prevent any potentially harmful impacts to fish and fish habitat:

- All disturbed areas should be stabilized and re-vegetated as required, upon completion of work, and restored to a pre-disturbed state.
- Cutting or filling of crossing approaches below the normal high water mark will require prior review and approval by DFO-FHM.

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 entry of sand or sediment into the water.
- A minimum of thirty (30) metres should be maintained between the normal high water mark of any water body and gravel pit, to ensure sediment does not enter any water body.

- All activities, including maintenance procedures and vehicular refuelling, should be controlled to prevent the entry of petroleum products, debris, rubble, or other deleterious substances into the water.
- 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-FHM 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 does not release the proponent of the responsibility for obtaining any other permits that may be required and will apply for the proposed activities for the period of the Water Licence.

If you have any questions concerning the mitigation measures or should there be any changes to the proposed work, please contact me at (867) 979-8007 or Pete Cott at 669-4913 or by fax at (867) 979-8039.

Jordan DeGroot
Area Habitat Biologist
Department of Fisheries and Oceans - Eastern Arctic Region

c.c. Dionne Filiatrault - Nunavut Impact Review Board
Stephanie Briscoe - Nunavut Water Board
Winston Fillatre - A/C&P Supervisor/Fishery Officer