



ATTACHMENT 4

DFO Advice Letter



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Ontario and Prairie Region
Fish and Fish Habitat Protection Program
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March 25, 2024

Your file – Votre référence

Apex River Water Withdrawal, Iqaluit

Our file – Notre référence

23-HCAA-02636

City of Iqaluit

ATTENTION: Rod Mugford, Chief Administrative Officer

Building 901, City of Iqaluit

Box 460

Subject: Apex River Water Withdrawal – Request for Water Withdrawal to Exceed 10% of Instantaneous Discharge – Implementation of Measures to Avoid and Mitigate the Potential for Prohibited Effects to Fish and Fish Habitat

Dear Rod Mugford:

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your original proposal on April 1, 2023. The Program understands that the City of Iqaluit relies on Lake Geraldine for potable water, which is supplemented through water withdrawal from the Apex River, and that an increase to the maximum water withdrawal rate to 20% of instantaneous discharge is being proposed. We understand that the project will:

- operate the Apex River water intake under water license 3AM-IQA1626;
- withdraw water only when flow of the Apex River exceeds 30% of Mean Average Discharge (MAD);
- withdraw water at a rate of 10% of instantaneous discharge when flow of the Apex River is between 0.143 m³/s and 0.156 m³/s; and
- withdraw water at a rate of 20% of instantaneous discharge when flow of the Apex River is greater than 0.156 m³/s.

Our review considered the following information:

- Project Summary Report: Iqaluit 2022 Lake Geraldine Resupply (Apex River Supplementary Pumping Program): Report of Activities 3AM-IQA1626 and 22-HCAA-02043 dated March 15, 2023
- Analysis of Fisheries and Hydrologic Information of Apex River Prepared by Nunami Stantec Limited submitted April 21, 2023; and
- Virtual meetings between Stantec (David Luiz, Matthew Follett, Erin Kelly) and DFO (Nathan Entz, Carsten Slama) to discuss Apex River hydraulic modelling on February 12 and March 15, 2024.

Your proposal has been reviewed to determine whether it is likely to result in:

- the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the *Fisheries Act*;
- effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the *Species at Risk Act*; and
- the introduction of aquatic species into regions or bodies of water frequented by fish where they are not indigenous, which is prohibited under section 10 of the *Aquatic Invasive Species Regulations*.

The aforementioned outcomes are prohibited unless authorized under their respective legislation and regulations.

To avoid and mitigate the potential for prohibited effects to fish and fish habitat (as listed above), we recommend implementing the measures outlined in your plan, including but not limited to those listed below:

- Avoid killing fish by means other than fishing.
 - Monitor for fish stranding caused by reduced water level and conduct fish rescues as needed.
- Limit the duration of in-water works, undertakings, and activities so as to not diminish the ability of fish to carry out one or more of their life processes (e.g., spawning, rearing, feeding, migrating).
- Ensure intake pipes are screened and sized appropriately to prevent entrainment or impingement of fish.
 - Adhere to the [Interim code of practice: End-of-pipe fish protection screens for small water intakes in freshwater](#).
- Maintain an appropriate depth and flow (i.e., base flow and seasonal flow of water) for the protection of fish and fish habitat.
- Monitor the Apex River discharge using WSC stations 10UH015 and 10UH002 to ensure water is not withdrawn when flow is below 30% of MAD.
- Develop and immediately implement a spill response plan that minimizes risk of deleterious substances from entering a watercourse or water body and ensure containment kits are available during all phases of the pumping.

Provided that you incorporate these measures into your plans, the Program is of the opinion that your proposal is not likely to result in the contravention of the above mentioned prohibitions and requirements.

Should your plans change or if you have omitted some information in your proposal, further review by the Program may be required. Visit our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) or consult with a qualified environmental consultant to determine if further review may be necessary. It remains your responsibility to be in compliance with the *Fisheries Act*, the *Species at Risk Act*, and the *Aquatic Invasive Species Regulations*.

It is also your *Duty to Notify* DFO if you have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption, or destruction of fish habitat. Such notifications should be directed to FisheriesProtection@dfo-mpo.gc.ca.

Please notify this office at least 10 days before starting any in-water works. Send your notification to the DFO assessor (contact information below) and the DFO 10-day notification mailbox: DFO.OP.10DayNotification-Notification10Jours.OP.MPO@dfo-mpo.gc.ca. We recommend that a copy of this letter be kept on site while the work is in progress. It remains your responsibility to meet all other federal, territorial, provincial, and municipal requirements that apply to your proposal.

Please note that the advice provided in this letter will remain valid for a period of 10 years from the date of issuance. If you plan to execute your proposal after the expiry of this letter, we recommend that you contact the Program to ensure that the advice remains up-to-date and accurate. Furthermore, the validity of the advice is also subject to there being no change in the relevant aquatic environment, including any legal protection orders or designations, during the ten-year period.

If you have any questions regarding the content of this letter, please contact Nathan Entz at (431) 293-2418, or by email at Nathan.Entz@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,



Carsten Slama
A/Senior Biologist, Hydro and Flows Regulatory Review
Fish and Fish Habitat Protection Program

cc: David Luzi, Stantec
Matthew Follett, Stantec
Simon Doiron, City of Iqaluit
Tamilore Adeleke, City of Iqaluit
Nathan Entz, DFO