



Fisheries and Oceans Canada  
Pêches et Océans Canada

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Fisheries Protection Program  
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Programme de protection des pêches  
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May 8, 2018

*Our file*      *Notre référence*

17-HCAA-01797

Government of Nunavut  
Bhabesh Roy  
Community Government Services  
P.O. Box 379  
Pond Inlet, Nunavut  
Z0A0S0

**Subject: Water Licence Amendment, Infilling, Char Lake, Resolute (17-HCAA-01797) – Implementation of Measures to Avoid and Mitigate Serious Harm to Fish and Prohibited Effects on Listed Aquatic Species at Risk**

Dear Mr. Roy,

The Fisheries Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on December 6, 2017. We understand that you propose to:

- Construct a berm within Char Lake, to facilitate the installation of three water intake pipes, infilling approximately 300 square meters of fish habitat.

Our review considered the following information:

- Application Acknowledgment for the Resolute Bay Utilidor (3BM-RUT1520) and associated documents, received December 6, 2018;
- Drawings for the Char Lake Pumphouse, received February 13, 2018;
- DFO Request for Review form submitted by Bhabesh Roy on April 12, 2018; and
- Local knowledge relating to fish species present, submitted by Greg Holtzki (Resolute Bay Hamlet) on April 20, 2018.

Your proposal has been reviewed to determine whether it is likely to result in serious harm to fish which is prohibited under subsection 35(1) of the *Fisheries Act* unless authorized. Your proposal has also been reviewed to determine whether it is likely to affect 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*, unless authorized.

To avoid and mitigate the potential for serious harm to fish, we recommend implementing the measures listed below:

- Install effective erosion and sediment control measures before starting work to prevent sediment from entering the water body. Specifically, the work zone will be surrounded with a sediment curtain;
- Machinery will arrive on site in a clean condition and will be maintained free of fluid leaks, invasive species, and noxious weeds;
- Whenever possible, machinery will be operated on land above the high water mark, on ice, or from a floating barge in a manner that minimizes disturbance to the banks and bed of the waterbody;
- Wash, refuel, and service machinery and store fuel and other materials for the machinery in such a way as to prevent any deleterious substances from entering the water;
- All in-water activities or associated in-water structures, do not interfere with fish passage, constrict the channel width, or reduce flows, or result in the stranding or death of fish;
- Screen any water intakes or outlet pipes to prevent entrainment or impingement of fish;
- Minimize duration of in-water work;
- Schedule work to avoid wet, windy and rainy periods that may increase erosion and sedimentation;
- Plan activities near water such that materials such as paint, primers, blasting abrasives, rust solvents, degreasers, grout, poured concrete or other chemicals do not enter the watercourse.

Provided that you incorporate these measures into your plans, the Program is of the view that your proposal will not result in serious harm to fish or prohibited effects on listed aquatic species at risk. As such, an authorization under the *Fisheries Act* or a permit under the *Species at Risk Act* is not required.

Should your plans change or if you have omitted some information in your proposal, further review by the Program may be required. Consult 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 avoid causing serious harm to fish and avoid prohibited effects on listed aquatic species at risk, any part of their critical habitat or the residences of their individuals.

It is also your *Duty to Notify* DFO if you have caused, or are about to cause, serious harm to fish that are part of or support a commercial, recreational or Aboriginal fishery. Such notifications should be directed to <http://www.dfo-mpo.gc.ca/pnw-ppe/violation-infraction/index-eng.html>.

Please notify this office at least 10 days before starting your project. A copy of this letter should 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.

If you have any questions with the content of this letter, please contact Madeline Becker at 905-336-6235, or by email at [Madeline.Becker@dfo-mpo.gc.ca](mailto:Madeline.Becker@dfo-mpo.gc.ca). Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,



Dave Gibson  
A/Senior Fish Protection Biologist