

Fisheries and Oceans
CanadaPêches et Océans
Canada

1

Box 358
Iqaluit, N.T.
X0A 0H0

Ph: (867) 979-8007
Fax: (867) 979-8039

May 25, 1998

Dionne Filiatrault
Technical Advisor
Nunavut Water Board
Box 119
Goa Haven, NT
X0E 1J0

NUNAVUT WATER BOARD

MAY 25 1998

PUBLIC REGISTRY

**Re: Bridge Construction near Baker Lake
Letter of Advice**

On behalf of the Department of Fisheries and Oceans (DFO) I have reviewed the information submitted with the above application.

DFO's assessment takes into consideration fish and fish habitat related concerns only. On the basis of the information provided, it has been determined that the above project has the potential to affect fish or fish habitat pursuant to the Fisheries Act. It has also been concluded that the potentially adverse environmental effects that may be caused by the proposal are mitigable with known technology. Factors to consider when developing measures to mitigate any potentially adverse effects on fish and fish habitat may include, but are not limited to, the following:

1. Construction of bridge crossings can result in the disruption of the stream bed and bank, and increased sediment loads during the construction and bank stabilization stages. The harmful alteration, disruption or destruction of fish habitat is prohibited under Section 35 of the Fisheries Act.
 - No disturbance of any stream/lake bed or banks of any definable watercourse is permitted unless authorized by DFO.
 - DFO recommends that mechanized clearing not be permitted within 30 metres of the normal high water mark of a watercourse in order to maintain a vegetative mat for bank stabilization.
 - Debris from clearing activities should not be dragged or skidded across watercourses, and all slash and debris is to be disposed of above the high water mark so that it does not enter the water.
2. The deposition of deleterious substances into water bodies frequented by fish is prohibited under Section 36 of the Fisheries Act unless authorized by regulation. The proponent shall, therefore, ensure that any deleterious chemicals, fuel or wastes associated with the proposed project do not enter any such waters.
 - All spills of oil, fuel or other deleterious materials shall be reported immediately to the 24 hour Spill Line at (867) 920-8130.

If the proposed work is carried out as described in the information provided to the Department of Fisheries and Oceans and appropriate mitigation measures are implemented, the proposed work will not be considered as contravening Section 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."

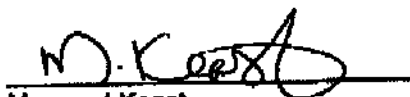
Accordingly, an authorization under Section 35(2) of the Fisheries Act will not be necessary. Failure to comply with any of the above conditions and failure to implement measures to mitigate adverse impacts may result in the harmful alteration, disruption, or destruction of fish habitat in contravention of the Fisheries Act subject to prosecution under Section 35(1) of the Fisheries Act.

DFO should be notified of any changes in plans or operating conditions associated with this land use activity which may adversely affect fish or fish habitat.

Please note that none of the foregoing should be taken as authorization of the undertaking in accordance with the Fisheries Act or any other applicable legislation.

If you have any questions, concerns or comments with respect to the above, please contact me at the number above.

Regards,



Margaret Keast
Area Habitat Management Biologist, Iqaluit

cc. Gary Weber (Area Manager, DFO Nunavut Area)
cc. Robert Luke (Fishery Officer, DFO Nunavut Area)