



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Central and Arctic Region
Fisheries Protection Program
867 Lakeshore Road
Burlington, Ontario
L7S 1A1

Région centrale et de l'Arctique
Programme de protection des pêches
876 chemin Lakeshore
Burlington, Ontario
L7S 1A1

June 11, 2019

Your file *Votre référence*
3BM-PEL1419

Our file *Notre référence*
19-HCAA-00682

Assol Kubeisinova
Nunavut Water Board
PO Box 119
Gjoa Haven, NT

Dear Ms. Kubeisinova:

Subject: Comments for 3BM-PEL1419 Hamlet of Kugaaruk Renewal Application

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada received the Hamlet of Kugaaruk proposal for a Type B water license renewal for municipal water use on May 9, 2019.

Fisheries and Oceans Canada (DFO), through the Fish and Fish Habitat Protection Program, is mandated to manage physical threats to fish and fish habitat. Under the *Fisheries Act*, a proponent that is proposing to physically alter a waterbody is responsible to ensure that projects conform to all statutory requirements. A proponent of these activities is required to take the following steps:

- to understand the types of impacts its projects are likely to cause;
- to take measures to avoid and mitigate impacts to the extent possible; and,
- to request a *Fisheries Act* authorization from the Minister of Fisheries and Oceans, and abide by the conditions of any such authorization, when it is not possible to avoid or mitigate impacts of projects that are likely to cause serious harm to fish.

As well, proponents are required to ensure that proposed projects do not contravene one of the *Species at Risk Act* prohibitions with respect to aquatic species. DFO has confirmed that there are no aquatic species at risk at or near this site that would be impacted.

As per your email request on May 9, 2019, DFO has reviewed the available project information. The information provided does not state whether the water withdrawal will adhere to the *DFO Protocol for Winter Water Withdrawal from Ice-covered Waterbodies in*

the Northwest Territories and Nunavut. In order to complete our review, DFO is looking for clarification on the following:

- The Hydrology Report prepared by Williams Engineering Canada Inc. provides the estimated useable depth (m) and volume (m³) for each pond area along the river, however, ponds with less than 1.5m depth below the assumed 2m of ice cover should not be used for water withdrawal due to possible impacts of low dissolved oxygen. Please advise if water withdrawal is proposed in the ponds with an estimated useable depth of less than 1.5m
- In addition, in one ice-covered season, total water withdrawal from a single waterbody should not exceed 10% of the available water volume calculated using the appropriate maximum expected ice thickness (2m). Please advise if water withdrawal is proposed at any time that would exceed 10% of the available water volume.

DFO will be able to evaluate potential implications to our mandate with these additional details clarified.

If you have any questions, please contact Lisa Wren at our Burlington office at 905-973-8392, or by email at Lisa.Wren@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,



Lisa Wren
A/Team Leader Triage and Planning