

From: CritchS@DFO-MPO.GC.CA

Sent: Wednesday, June 18, 2003 5:50 AM

Cc: nwblic@polarnet.ca; gladys@polarnet.ca; ItorcheakI@DFO-MPO.GC.CA

Subject: NIRB File # 03QN074, Quarry for Sewage Lagoon upgrade in Pond Inlet



Fisheries
and
Oceans

Pêches
et Océans

Fish Habitat Management
P.O. Box 358
Iqaluit, Nunavut
X0A 0H0

Your file *Votre référence*

NIRB:
03QN074

NU03410

Our file *Notre référence*

June 18,
2003

Dave Mosher
Mosher Engineering Ltd.
71 Wright Ave.
Dartmouth, NS B3B 1N4
Fax: (902) 468-8524

RE: NIRB File # 03QN074, Quarry for Sewage Lagoon upgrade in Pond Inlet, Nunavut

Dear Mr. Mosher:

This letter is to advise that The Department of Fisheries and Oceans, Fish Habitat Management (DFO-FHM) received the above-mentioned project proposal, submitted on your behalf by the Nunavut Impact Review Board. The project proposes to process approximately 60,000 cubic meters of pit run gravel and is expected to be completed by October 2003. DFO-FHM's assessment takes into consideration primarily fish and fish habitat related concerns. 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*. The following mitigation measures 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 to prevent sedimentation.

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 sediment entry into the water during a spring thaw.
- An appropriate distance should be maintained between the normal high water mark of any water body and the gravel pit, to ensure sediment does not enter any water body.
- All activities, including maintenance procedures and refuelling, should be controlled to prevent the entry of petroleum products 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 of obtaining any other permits that may be required and will apply for the proposed activities for the period of the Land Use Permit.

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 by fax at (867) 979-8039.

Stephanie Critch
Habitat Biologist
Fish Habitat Management
Department of Fisheries and Oceans- Eastern Arctic Area

c.c. Gladys Joudrey - Environmental Assessment Officer, NIRB
Phyllis Beaulieu -Licensing Administrator, NWB
Ipeelee Itorcheak - Field Supervisor, DFO