From: CritchS@DFO-MPO.GC.CA
Sent: Friday, June 13, 2003 7:27 AM
Cc: nwblic@polarnet.ca; gladys@polarnet.ca
Subject: Application for Water Licence and Waste Disposal , Hamlet of Sanikiluaq

Fisheries and Oceans | Pêches et Océans
Fish Habitat Management
P.O. Box 358
Iqaluit, Nunavut
X0A 0H0

Your file *Votre référence* NWB3SAN NU03080

Our file *Notre référence*

June 13, 2003

Brian Flemming
Senior Administrative Officer
Hamlet of Sanikiluaq
General Delivery
Sanikiluaq, Nunavut
X0A 0W0
Fax: 867-360-6369

RE: Application for Water Licence and Waste Disposal , Hamlet of Sanikiluaq

Dear Mr. Flemming:

This letter is to advise that The Department of Fisheries and Oceans, Fish Habitat Management (DFO-FHM) received the project proposal information and water licence application, submitted by the Nunavut Water Board, for the use of water and disposal of waste requested by the Hamlet of Sanikiluaq, Nunavut. This is a five-year licence expiring in 2008. DFO-FHM's assessment takes into consideration primarily fish and fish habitat related concerns. I have reviewed the plans for the proposed work.

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, along with mitigation measures indicated in the project proposal, 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.

- If the water withdrawal is of sufficient volume that the source water body may be drawn down please submit details (volume required, size of water body, fish species etc.) to DFO-FHM for review.

Extraction of water via intake from any water body is prohibited under Section 30 of the *Fisheries Act* unless the entrance of the intake is properly screened to prevent the entrainment of fish. Refer to the *Freshwater Intake End-of-Pipe Fish Screen Guideline* (DFO 1995), available upon request.

- Ensure that screen mesh size is small enough to prevent the passage of fish of any size into the intake. DFO recommends a maximum screen opening of 2mm.

- Make certain that the fish guard or screen is properly maintained in a good and efficient state of repair, and do not permit its removal except for renewal or repair.

- During the time in which a renewal or repair is being conducted, the entrance of the water intake must be closed in order to prevent the passage of fish into the intake.

The 2002 water inspection by Indian and Northern Affairs Canada observed a hamlet sewage truck dumping sewage outside of the sewage lagoon. 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.

- All wastes, sewage containments and fuel caches must be located a minimum of thirty (30) metres from the normal high water mark of any water body. Impermeable spill mats or plastic sheets as well as efficient containment berms should be incorporated into these caches to ensure that contaminants do not enter water bodies.

- All activities, including maintenance procedures and vehicular refuelling, should be controlled to prevent the entry of petroleum products, sediment, debris, rubble, or other deleterious substances into the water. Impermeable spill mats, drip pans or other measures to prevent ground or ice contamination should also be used when refuelling equipment on site. Ensure that refuelling activities are conducted at least thirty (30) metres away from the normal high water mark of any water body.

- Have available an extra fuel storage container equal to or bigger than the size of the largest fuel container. This container can be used to replace any existing container showing signs of leakage. Check for container leaks on a daily basis and prepare any visible leaks immediately. Ensure that spill kits are readily available at all times.

- 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 will apply for the period of the proposed lease. If you have any questions concerning the mitigation measures or should there be any changes to the proposed work, please contact me at (867) 979-8011 or by fax at (867) 979-8039.

Sincerely,

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

c.c. Phyllis Beaulieu, Nunavut Water Board, fax (867) 360-6369

Gladys Joudrey, Nunavut Impact Review Board, fax (867) 983-2574