



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Central and Arctic Region
Fisheries Protection Program
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Région centrale et de l'Arctique
Programme de protection des pêches
876 chemin Lakeshore
Burlington, Ontario
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January 11, 2021

Your file *Votre référence*
3BM-WHA1520

Our file *Notre référence*
20-HCAA-02595

Jeani MacKenzie, Senior Administrative Officer
Hamlet of Whale Cove
PO Box 120
Whale Cove, Nunavut, X0C 0J0
Dear Mr. Dwyer:

Subject: Comment Request for the Hamlet of Whale Cove Municipal Water License - Renewal - Type B Water Licence Renewal & Amendment

The Fisheries Protection Program (the Program) of Fisheries and Oceans Canada received the Hamlet of Whale Cove project proposal for a Type B Water License Renewal on December 8, 2020.

The proposal has been reviewed to determine whether it is likely to result in:

- the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the *Fisheries Act*; and
- effects to 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*.

Fisheries and Oceans Canada does not have sufficient information to determine whether the proposed work will result in the death of fish and/or the harmful alteration, disruption or destruction of fish habitat. We recommend the proponent review the Interim Code of Practice for End-of-pipe fish screens (<https://www.dfo-mpo.gc.ca/pnw-ppe/codes/screen-ecran-eng.html>) and the Measures to Protect Fish and Fish Habitat (<http://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures-eng.html>). If the project is able to comply with the conditions and measures set out in the Interim Code of Practice, a project review by Fisheries and Oceans Canada is not required; however, we recommend that a Notification Form be submitted. If the project is unable to comply with the Interim Codes of Practice or the Measures to Protect Fish and Fish Habitat, we recommend that the proponent

submit a Request for Review (<http://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/forms-formes/request-demand-eng.pdf>) of the project.

Should the plans change or if the proponent has omitted some information in the 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 the proponent's responsibility to remain in compliance with the *Fisheries Act*, the *Species at Risk Act* and the *Aquatic Invasive Species Regulations*.

It is also the proponent's *Duty to Notify* DFO if they have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat. Such notifications should be directed to (<http://www.dfo-mpo.gc.ca/pnw-ppe/CONTACT-eng.html>).

It remains the proponent's responsibility to meet all other federal, territorial, provincial and municipal requirements that apply to their proposal.

If you have any questions please contact Sara Eddy at our Burlington office at 905-336-4535 or by email at Sara.Eddy@dfo-mpo.gc.ca.

Yours sincerely,



Sara Eddy
Team Leader Triage and Planning

COPY: Sheeva Nakhaie – Fisheries and Oceans Canada