



Environment Environnement
Canada Canada

Environmental Protection Branch
Suite 301, 5204 - 50th Avenue
Yellowknife, NT
X1A 1E2

May 13, 2005

Phyllis Beaulieu
Manager of Licensing
Nunavut Water Board
P. O. Box 119
Gjoa Haven, NU
X0B 1J0

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Nunavut Water
Board

MAY 13 2005

Public Registry

Via facsimile : (867) 360-6369

Re: NWB6EKK B&J Fly Fishing Adventures – Lodge at Ekaluk River – Water Licence Application

On behalf of Environment Canada (EC), I have reviewed the information submitted with the above-mentioned application. The following comments are provided pursuant to Environment Canada's mandated responsibilities for the enforcement of the *Canadian Environmental Protection Act*, Section 36(3) of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act* (SARA).

Environment Canada recommends that the following conditions be applied throughout all stages of the project:

1. Meeting the requirements of the *Fisheries Act* is mandatory, irrespective of any other regulatory or permitting system. Section 36(3) of the *Fisheries Act* specifies that unless authorized by federal regulation, no person shall deposit or permit the deposit of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water. The legal definition of deleterious substance provided in subsection 34(1) of the *Fisheries Act*, in conjunction with court rulings, provides a very broad interpretation of deleterious and includes any substance with a potentially harmful chemical, physical or biological effect on fish or fish habitat.
2. All sumps, pits, spill basins and fuel caches shall be located above the high water mark of any waterbody and in such a manner as to prevent the contents from entering any waterbody frequented by fish.
3. All sumps shall be backfilled upon completion of the project and recontoured to match the surrounding landscape.
4. Environment Canada recommends the use of secondary containment with an impervious liner, such as self-supporting insta-berms, for storage of all barreled fuel rather than relying on natural depressions to contain spills.
5. The proponent shall have a Spill Contingency Plan in place prior to establishing any fuel caches.
6. Fuel caches shall be inspected on a regular basis.
7. A spill kit including shovels, barrels, sorbents, pumps, etc. shall be consistently maintained and readily available onsite.
8. Environment Canada recommends the use of drip pans, or other similar preventative measures, when refueling equipment on site.
9. The proponent shall ensure that all hazardous wastes, including waste oil, receive proper treatment and disposal at an approved facility.
10. Please note that any spill of fuel or hazardous materials, adjacent to or into a water body, **regardless of quantity**, shall be reported immediately to the NWT 24-hour Spill Line, (867) 920-8130.
11. Environment Canada's contact number is (867) 920-5131, a 24-hour emergency pager monitored by Emergency and Enforcement Officers.

Camp Waste Disposal

12. For disposal of small amounts of combustible material that cannot be shipped out, Environment Canada recommends the use of an approved incinerator.
13. All non-combustible solid wastes (e.g., potable water bottles) shall be disposed of at an appropriate facility.
14. Environment Canada recommends that camp waste be made inaccessible to wildlife at all times. Regular incineration of camp waste is a recommended option.
15. All mitigation measures identified by the proponent, and the additional measures suggested herein, should be strictly adhered to in conducting project activities. This will require awareness on the part of the proponents' representatives (including contractors) conducting operations in the field. Environment Canada recommends that all field operations staff be made aware of the proponents' commitments to these mitigation measures and provided with appropriate advice / training on how to implement these measures.

If there are any changes in the proposed project, EC should be notified, as further review may be necessary. Please do not hesitate to contact me with any questions or comments with regards to the foregoing at (867) 669-4743 or by email at mike.fournier@ec.gc.ca.

Sincerely,



Mike Fournier
Environmental Assessment Coordinator
Environmental Protection Branch

cc: Steve Harbicht (Head, Assessment & Monitoring, EPB, Environment Canada, Yellowknife, NT)