September 19, 2024

Attention: Nunavut Water Board

To: Karén Kharatyan (karen.kharatyan@nwb-oen.ca), Richard Dwyer (richard.dwyer@nwb-oen.ca), and Robert Hunter (Robert.Hunter @nwb-oen.ca)

VIA EMAIL

Subject: The Fish and Fish Habitat Protection Program of Fisheries and Oceans Canada's Review of the Amendment to the Updated Remedial Action Plan and Risk Assessment (RAPRA) including the Site Specific Target Levels (SSTLs) for Eureka High Arctic Weather Station, Type A Water Licence No. 8AC-EUR2331

Dear Richard Dwyer,

On September 6, 2024, The Fish and Fish Habitat Protection Program of Fisheries and Oceans Canada (FFHPP) submitted comments regarding the Nunavut Water Board (NWB) Type A Water Licence Request for Approval of the RAP/SSTLs for the Eureka High Arctic Weather Station (Water Licence No. 8AC-EUR2331). Please find below Environment and Climate Change Canada's response.

1. DFO Comment:

The Eureka Weather Station, Type A Water Licence No: 8AC-EUR2331 documents outline the water withdrawal activities for the duration of the project which have the potential to impact fish and fish habitat. Direct fish mortalities can occur as a result of pumping activities either through dewatering or entrainment/impingement. In addition, excessive amounts of water withdrawn from ice-covered waterbodies can impact fish through oxygen depletion, loss of over-wintering habitat and/or reductions in littoral habitat.

In order to comply with the Fisheries Act, it is recommended that the Proponent follow DFO's protective measures for fish and fish habitat and standard codes of practice which can be found on DFO's website (https://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures-eng.html and https://www.dfo-mpo.gc.ca/pnw-ppe/practice-practique-eng.html).

Proponents are also asked to respect the NU in-water works restricted activity timing windows (Projects Near Water - Nunavut Restricted Activity Timing Windows for the Protection of Fish and Fish Habitat

(dfo-mpo.gc.ca) to protect fish during spawning and incubation periods when spawning fish, eggs and fry are vulnerable to disturbance or sediment.

The proponent should refer to DFO's Interim code of practice: End-of-pipe fish protection screens for small water intakes in freshwater available at https://www.dfo-mpo.gc.ca/pnw-ppe/codes/screen-ecran-eng.html when using fish screens and if the water intake flow is up to 0.150 m3/s, or 150 liters per second (L/s).

For water withdrawal from watercourses, DFO recommends the proponent follow the Framework for Assessing the Ecological Flow Requirements to Support Fisheries In Canada (https://waves-vagues.dfo-mpo.gc.ca/Library/348881.pdf) and demonstrates that water withdrawal rate remains <10% of actual (instantaneous) flow and does not result in flows <30% of mean annual discharge (MAD).

If the proposal meets the criteria for a site specific review (e.g., withdrawing water during the Restricted Activity Period), as described on DFO's website (https://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-003-eng.html), they should complete and submit the request for review form available on the website(https://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-004-eng.html).

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 the destruction of fish habitat. Such notification should be directed to DFO.ARCEMTriage-TriageGEARC.MPO@dfo-mpo.gc.ca

2. ECCC Response

ECCC appreciates the recommendations from DFO and will comply with them where applicable. Generally, flow within all watercourses (Station Creek, West Remus Creek, and Remus Creek) at the Site begins in mid June (around June 15) and ends in late August or early September and any remaining water freezes. There is no evidence of anadromous fish, such as arctic char, that move into streams for fall spawning period, as expected due to the ephemeral, temporary nature of the water bodies. Despite lack of fish species, mitigation measures for construction activity are to be implemented as a precaution to prevent physical disturbance to the stream beds or margins. For instance, should any fish be detected, ensure that all in-water activities, or associated in-water structures, do not interfere with fish passage, constrict the channel width, or reduce flows, or result in the stranding or death of fish.

Sincerely,

CloutierDussault, JeanPhilippe

Signature numérique de CloutierDussault, JeanPhilippe
Date : 2024.09.20 09:08:39 -04'00'

Jean-Philippe Cloutier-Dussault
Property Manager, Assets, Real Property and Security Directorate
Environment and Climate Change Canada / Government of Canada
Jean-Philippe.Cloutier-dussault@ec.gc.ca / Tel : 514-641-8753