



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Eastern Arctic Area
P.O. Box 358
Iqaluit, Nunavut
X0A 0H0

Secteur de l'Arctique de l'est
Boîte postale 358
Iqaluit, NU
X0A 0H0

September 16, 2004

Your file

Votre référence

Our file

Notre référence

NU-04-0133

Mr. Nelson Pisco
Manager, Regional Projects
Department of Community Government & Services
Government of Nunavut
Pond Inlet, Nunavut
X0A 0S0

Dear Mr. Pisco:

Subject: Proposed works or undertakings will not likely result in negative effects to fish habitat if additional protection measures are implemented.

Fisheries and Oceans Canada (DFO) received your proposal on September 14, 2004, concerning proposed temporary repair works to the Duval River bridge in Pangnirtung. To expedite future correspondence or inquiries, please refer to your referral title and file numbers when you contact us.

Habitat File No.: **NU-04-0133**

Referral Title: **Duval River Bridge Temporary Repair, Pangnirtung**

It is our understanding that your proposal consists of:

- *Placement of assorted boulders ranging in size from 200mm to 800mm against the east gabion wall on the upstream and downstream aprons of the bridge.*
- *The layer of boulders will be extended to a height approximately 600mm above the existing gabion baskets to the elevation of the original riverbed.*
- *Boulders of selected size will be placed under the base of the gabions to provide additional protection against erosive flow events.*
- *All materials placed below the high water level will be clean of any fine particulate matter*
- *The work will be completed within 5 productive working days in the last week of September, 2004*

as outlined in the following plans:

- *Package of information submitted to Fisheries and Oceans Canada, Eastern Arctic Area by Jivko Engineering dated September 12, 2004 and signed by Jivko Jivkov.*

We have reviewed your proposal under the habitat protection provisions of the *Fisheries Act*. The measures described in your plans are not adequate to protect fish and fish habitat. Therefore, please ensure that the following additional measures are incorporated into your plans.

- *All materials and equipment used for the purpose of site preparation and project completion should be operated in a manner that prevents any deleterious substance (e.g. petroleum products, debris, etc.) from entering the water*
 - *Any stockpiled materials should be stored and stabilized away from the water*
 - *Vehicle and equipment re-fuelling and maintenance should be conducted away from the water*
 - *Any part of equipment entering the water should be free of fluid leaks and externally cleaned/degreased to prevent deleterious substances from entering the water.*
 - *Only clean material free of fine particulate matter should be placed in the water*
- *Sediment and erosion control measures should be implemented prior to work and maintained during the work phase, to prevent entry of sediment into the water.*
 - *If sediment and erosion control measures are not functioning properly, no further work should occur until the sediment and/or erosion problem is addressed.*
 - *All disturbed work areas shall be stabilized as soon as possible after project completion. All disturbed areas susceptible to erosion/ soil loss with potential for transport into the water, should be stabilized as required upon completion of work and restored to a pre-disturbed state or better.*
 - *All sediment and erosion control measures should be left in place until all disturbed areas have been stabilized.*
- *Any in-stream work should be completed in the dry by de-watering the work area and diverting flows around cofferdams placed at the limits of the work area.*
 - *Fish should be removed from the work area prior to de-watering and released alive immediately downstream*
 - *Any "sandbags" used for cofferdam construction should be filled with clean sand or pea gravel, free of fine particulates*
 - *Upon project completion, all sandbags should be removed from the water.*

By implementing these additional measures, it is our opinion that the proposed works and undertakings will not likely result in the harmful alteration, disruption or destruction (HADD) of fish habitat, which is prohibited unless authorized by DFO. These are recommendations to ensure that the proposed works will likely not result in a HADD of fish habitat. Therefore a subsection 35(2) authorization is not necessary.

You could contravene subsection 35(1) of the *Fisheries Act* if a HADD of fish habitat results from any change in your proposed plan or from failure to properly implement these additional measures. Subsection 35(1) states, “*no person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.*”

This letter of advice does not permit the deposit of a deleterious substance into waters frequented by fish nor does it release you from the responsibility to obtain any other federal (for example, the *Navigable Waters Protection Act*), territorial or municipal approvals.

If these plans have changed since the time of submission, the advice in this letter may no longer apply and you should consult with us to determine if further review is required.

We request that you notify us at least 2 working days before starting the work and that a copy of this letter be kept on site while work is in progress. If you have any questions concerning the above, or if my understanding of the proposal is either incorrect, incomplete, or if there are changes to the proposed works or undertakings, please contact me directly by telephone at 867-979-8007, or by fax at 867-979-8039.

Yours sincerely,

Original Signed By:

Tania Gordanier
Habitat Management Biologist

c.c.: Ipeelee Itorcheak, Conservation & Protection, Fisheries & Oceans Canada
Jivko Jivkov, Jivko Engineering
Jim Wall & Phyllis Beaulieu, Nunavut Water Board