



Fisheries and Oceans
Canada

Pêches et Océans
Canada

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August 8, 2017

Our file *Notre référence*
17-HCAA-00551

Nunavut Impact Review Board (NIRB)
PO Box 1360
Cambridge Bay, NU
X0B 0C0

Dear NIRB:

Subject: Notice of Screening for Government of Nunavut's "Pond Inlet Marine Infrastructure" Project Proposal (NIRB file no. 17XN030)

As directed by the NIRB in their letter dated July 18, 2017, Fisheries and Oceans Canada (DFO) is providing the following comments with respect to the "Pond Inlet Marine Infrastructure" Project NIRB Screening.

DFO understands that the NIRB would like parties to provide comments regarding:

1. Whether the project proposal is likely to arouse significant public concern; and if so, why;

DFO is not aware of any significant public concern at this stage of the review. If the proponent applies for a *Fisheries Act* Authorization, before an authorization can be issued, DFO may be required to address Section 35 *Constitution Act, 1982* duty to consult obligations and possibly accommodate with respect to potential adverse impacts on Aboriginal or Treaty rights. This may require DFO to consult with potentially affected Aboriginal groups to discuss potential impacts and means to address (accommodate) them.

2. Whether the project proposal is likely to cause significant adverse eco-systemic or socio-economic effects; and if so, why;

Fisheries and Oceans has identified several potential eco-systemic impacts associated with this Project proposal, but not limited to, the following :

- Construction of breakwaters/wharves, ramps and laydown areas
- Dredging

DFO is currently working with the proponent on avoidance, mitigation and offset plans to reduce potential adverse eco-systemic impacts related to our mandate.

3. Whether the project proposal is likely to cause significant adverse impacts on wildlife habitat or Inuit harvest activities; if so, why;

The Project will likely result in serious harm to fish and fish habitat and has the potential to impact Inuit harvesting activity in the Eclipse Sound.

4. Whether the project proposal is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (please provide any recommended mitigation measures); and

Proponent are responsible for avoiding and mitigating serious harm to fish that are part of or support commercial, recreational or Aboriginal fisheries. When proponents are unable to completely avoid or mitigate serious harm to fish, their projects will normally require authorization under Subsection 35 (2) of the Fisheries Act in order for the project to proceed without contravening the Act. DFO will work with the Proponent in the regulatory review processes to identify appropriate mitigation measures.

5. Any matter of importance to the Party related to the project proposal.

DFO will be a responsible minister with respect to this Project, and will continue to work with the proponent to ensure that they met all aspect of the *Fisheries Act* should the proponent apply for a *Fisheries Act* authorization. DFO recommends that the project processed at the screening level with the terms and conditions.

If you have any questions, please contact Jenie Cooper at (905) 336-4886 or by email at Jenie.Cooper@dfo-mpo.gc.ca.

Sincerely,



Jennifer Thomas
A/Regulatory Review Manager
Fisheries Protection Program
Fisheries and Oceans Canada

Cc: Jenie Cooper – DFO