



Central & Arctic Region
Fisheries Protection Program
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Région centrale et de l'Arctique
Programme de protection des pêches
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July 28, 2016

Your file Votre référence
16YN046

Our file Notre référence
16-HCAA-00895

Nunavut Impact Review Board
29 Mitik Street
Cambridge Bay, NU
X0B 0C0

Dear Ms. Lear:

Subject: Implementation of mitigation measures to avoid and mitigate impacts to fish and fish habitat and listed aquatic Species at Risk – Geotechnical & Environmental Baseline, Pond Inlet Development, Qikiqtani Region, SCH

Fisheries Protection Program (the Program) of Fisheries and Oceans Canada (DFO) – would like to thank the Nunavut Impact Review Board for the opportunity to provide comments on Geotechnical and Environmental Baseline Studies – Pond Inlet Small Craft Harbour Development provided by Advisian.

As outlined in your request dated July 13, 2016, reviewers are invited to submit comments and recommendations to the Nunavut Impact Review Board by August 3, 2016. Advisian's proposal has been reviewed to determine whether it is likely to result in serious harm to fish which is prohibited under subsection 35(1) of the *Fisheries Act*. Advisian proposal has also been reviewed to determine whether it will adversely impact listed aquatic species at risk and contravene sections 32, 33 or 58 of the *Species at Risk Act* (SARA).

The following aquatic species which are currently listed under COSEWIC may be able to use the area:

- Beluga Whale (Eastern High Arctic) –Special Concern
- Bowhead Whale (Eastern Canada- West Greenland population) –Special Concern
- Killer Whale (Northwest Atlantic/Eastern Arctic population) –Special Concern
- Narwhal (Baffin Bay population) –Special Concern
- Atlantic Walrus (Baffin Bay population) –Special Concern

Our review consisted of the following:

- Notice of Screening submitted by email from the Nunavut Impact Review Board on July 13, 2016; and

- Geotechnical and Environmental Baseline Studies for Pond Inlet Small Craft Harbour Development Wildlife Mitigation and Monitoring Plan by Advisian, dated June 21, 2016.

The Program understands that Advisian proposes to:

- Collect geotechnical baseline data between July 2016 and September 2017;
- Sampling for marine based studies, including towed video surveys, collection of benthic invertebrates using a grab sampler, water and sediment quality samples and surface drogues;
- Geotechnical drilling and/or cone penetration testing in approximately eight locations with borehole tests 0.1 metre diameter up to 20 metres below seabed in the small craft harbour study area;
- Geotechnical drilling and/or cone penetration testing in two locations with borehole tests 0.1 metre diameter up to 15 metres below grade in the potential quarry area;
- Reduce vessel speed if marine wildlife are observed nearby;
- Follow government recommended setback distances for marine wildlife;
- Limit time spent near sensitive wildlife features to less than three minutes;
- Have a qualified wildlife monitor on site; and
- Use noise reduction technologies on rigs if possible.

To avoid affecting the above-identified aquatic Species at Risk and to avoid the potential of serious harm to fish, the mitigation measures listed below, in addition to those set out in Advisian's project plans, are to be followed:

- The work area should be monitored for marine mammal presence prior to the commencement of in-water works. All activities should cease if marine mammals are observed within or approaching the work location and only recommence when the marine mammals have left the area.

Provided that these mitigation measures are incorporated into your plans, the Program is of the view that Advisian proposal should not result in serious harm to fish. The Program is also of the view that Advisian's proposal should not contravene sections 32, 33 or 58 of the *Species at Risk Act*. No formal approval is required from the Program under the *Fisheries Act* or the *Species at Risk Act* in order for Advisian to proceed with its proposal.

It remains Advisian's responsibility to ensure they avoid causing serious harm to fish in compliance with the *Fisheries Act*, and that they meet the requirements under the *Species at Risk Act* as it may apply to their project. If Advisian's plans have changed or if the description of their proposal is incomplete, or changes in the future, they should 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 is required by the Program.

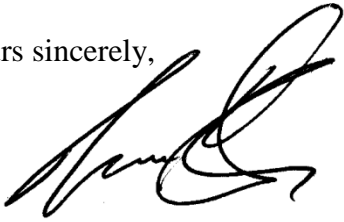
Please be advised that it is Advisian's *Duty to Notify* DFO if it has caused, or is about to cause, serious harm to fish that are part of or support a commercial, recreational or

Aboriginal fishery. Such notifications should be directed to <http://www.dfo-mpo.gc.ca/pnw-ppe/violation-infraction/index-eng.html>.

A copy of this letter should be kept on site while the work is in progress. It remains Advisian's responsibility to meet all other federal, territorial, provincial and municipal requirements that apply to its project.

If you have any questions, please contact Jessica Epp-Martindale at (905) 336-4977 or by email at Jessica.Epp-Martindale@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C. Thomas Hoggarth', with a stylized, cursive script.

C. Thomas Hoggarth
A\Regional Manager, Regulatory Reviews
Fisheries Protection Program

ATTACHMENT: Comment Form for NIRB Screenings

CC: Jessica Epp-Martindale, DFO