



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Central & Arctic Region
Fisheries Protection Program
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Programme de protection des pêches
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May 4, 2018

Your file *Votre référence*
(NIRB) 17XN011

Our file *Notre référence*
17-HCAA-00885

Nunavut Impact Review Board
c/o Natasha Lear
Environmental Administrator
P.O Box 1360
29 Mitik Street
Cambridge Bay, Nunavut
X0B 0C0

Dear Ms. Lear:

Subject: Fisheries and Oceans Canada Comments on Draft Guidelines for the Preparation of an Environmental Impact Assessment Pursuant to the Grays Bay Road and Port Project.

Fisheries and Oceans Canada (DFO) understands the Nunavut Impact Review Board (NIRB) is requesting a review and to provide comments on the Draft Scope List, the Draft Environmental Impact Statement (EIS) Guidelines, and the Summary of the Draft EIS Guidelines pursuant to the Grays Bay Road and Port by May 4, 2018.

DFO has reviewed all documents and has comments on the Draft EIS Guidelines and under Section 10.4.15 No Net Loss Plan of the guidelines references *Policy for the Management of Fish Habitat (DFO 1986)*. This policy relates to the *Fisheries Act* prior to the changes to the Act in 2013.

In 2013 changes to the *Fisheries Act* were implemented and DFO's Habitat Program was changed. Following the 2013 changes to the *Fisheries Act* the Fisheries Protection Program was created and the *Fisheries Protection Policy, 2013* was developed. The goal of this policy is to ensure sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries.

Under DFO's current Fisheries Protection Program, proponents are encouraged to visit DFO's website at <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html> to determine if their project needs a review. The website also provides information for proponents on ways to avoid, mitigate and offset serious harm to fish and fish habitat (<http://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures/offset-harm-dommages-comp-eng.html>). Guidance documents are available for proponents to help them navigate through the process. The *Fisheries Protection Policy Statement, 2013* (<http://www.dfo-mpo.gc.ca/pnw-ppe/fpp->

ppp/guide-eng.html) provides guidance to ensure the proper application of the fisheries protection provisions of the *Fisheries Act*. The goal of the *Fisheries Protection Policy* is to ensure sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries. This policy should be consulted to help proponents determine if any proposed works, activities or undertakings have the potential to cause impacts to fish and fish habitat.

It is not clear from the proponent's proposal if any geotechnical and/or seismic work will be done in advance of designing the marine facility and road, or if these are included as part of the environmental impact assessment.

If you have any questions, please contact Megan Lay at 905-336-6445, or by email at Megan.Lay@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 that reads "Jennifer Thomas". The signature is written in a cursive style with a large, sweeping initial "J".

Jennifer Thomas
Regional Manager, Regulatory Reviews
Fisheries Protection Program

Copy:
Megan Lay, Fisheries and Oceans Canada
Dave Gibson, Fisheries and Oceans Canada