



Fisheries and
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October 5, 2021

NIRB File No: 21YN032

NPC File No: 149484

Nunavut Impact Review Board (NIRB)
Attn: Mia Otokiak
P.O. Box 1360
Cambridge Bay, NU X0B 0C0

Re: Opportunity to address comments received regarding Fisheries and Oceans Canada – Small Craft Harbours’ “Clyde River Small Craft Harbour Development” project proposal

Dear Mia Otokiak:

On September 28, 2021, Fisheries and Oceans Canada – Small Craft Harbours (DFO-SCH) received a summary of comments from parties interested in the Clyde River Harbour project (the Project) currently under a public screening process completed by NIRB. Parties including, regulators, non-government organizations (NGO's), stakeholders, and the public were provided an opportunity to comment on the Project. The comment period closed on September 24, 2021 and subsequently the comments were collated and summarized by NIRB for DFO-SCH to address. DFO-SCH was provided an opportunity to respond to the comments by October 12, 2021.

DFO-SCH are pleased to address the comments collected through the NIRB screening process. Attached is a summary table of DFO-SCH's responses to the screening comments provided by NIRB.

If you have any questions with the content of this letter, please contact Chris McDermid at (431) 335-7530 or by email at Chris.McDermid@dfo-mpo.gc.ca.

Yours sincerely,

Eleanor McEwan, P. Eng.
Senior Project Engineer
Small Craft Harbours Branch
Fisheries and Oceans Canada

cc. Kenton Thiessen (Public Services and Procurement Canada)
Loretta Hardwick (CBCL)

Attachments:
Clyde River Harbour NIRB Comment Response Table

DFO- SCH Clyde River Harbour NIRB Comment Response Table

<u>Commenter</u>	<u>Comment</u>	<u>Response</u>
Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)	<ul style="list-style-type: none"> i) Recommends that refuelling of all equipment should occur a minimum of thirty-one metres away from the high-water mark of any water body; ii) Recommends that the proponent prioritize the employment and training of local Inuit, as well as procurement with Inuit-owned businesses when implementing project activities; and iii) Recommends that the Proponent continue to consult with the Hamlet of Clyde River, community members, the Nangmautaq Hunters and Trappers Association, and any other organizations which may have an interest in the project's activities. 	<ul style="list-style-type: none"> i. Where possible, Fisheries and Oceans Canada (DFO) – Small Craft Harbours (SCH) contractors (the contractors) will fuel in accordance to guidance material identified in Chapter 5 of the Construction Environmental Management Plan (CEMP) for the project. It is required that the Contractor will develop and implement a spill response plan as identified in section 6.1 of the CEMP. Mitigation measures have been included in the project including: 5.2.5.11, 5.2.6.4, 5.2.8.8, 5.2.8.9, 5.2.11.13 have been included in the project with consideration around fueling near water. Due to the nature of the project some pieces of marine equipment, such as barges, scows or other types of large vessels will have to refuel on the water. Because of this, some exceptions need to be made for equipment that cannot meet the requirement to be refueled at a distance of >31 metres away from the water. ii. The project will be publicly tendered by Public Services and Procurement Canada (PSPC) in accordance with Article 24 of the Nunavut Agreement. Procurement will be restricted to firms registered on the Nunavut Tunngavik Incorporated (NTI) Inuit Firm Registry and the process will consider the employment of Inuit labour, engagement of Inuit professional services, or use of suppliers that are Inuit and Inuit firms carrying out the contracts. The process will also consider the undertaking of commitments under the contract with respect to on-the-job training or skills development for Inuit. iii. DFO-SCH expects to continue building a strong relationship with the Hamlet of Clyde River, community members, the Nangmuataq HTA, and other interested parties. During the planning and design phase of the project DFO-SCH has held 8 engagement/consultation sessions on the project both in community and remotely (see consultation records). Apart from the permitting and approval requirements that the contractor has to obtain through the Hamlet of Clyde River, DFO-SCH expects an open flow of information between the contractor and the hamlet and any other concerned

		<p>stakeholders. Section 7.3 of the CEMP outlines a communication protocol to be used during construction of the harbour. This is a mechanism that will be utilized to address any complaints by the hamlet or stakeholders as well. Following the construction of the harbour, DFO-SCH will begin working with a harbour authority composed of a local group, who will complete operational task required to maintain the harbour.</p>
<p>Fisheries and Oceans Canada – Fish and Fish Habitat Protection Program (DFO-FFHPP)</p>	<p>i) Notes that the project will result in impacts to fish and fish habitat, and possibly marine mammals from the construction of the breakwaters, laydown area, as well as the crossing of the Clyde River to access the quarry site, and</p> <p>ii) Notes that it is likely that the Proponent will have to submit an application for authorization under the Fisheries Act.</p>	<p>i. On May 12, 2020, DFO-SCH submitted a request for review package to DFO-FFHPP to identify potential impacts from the project on fish or fish habitat. Upon review of the project by FFHPP it is determined that the project is likely to result in a prohibition of the <i>Fisheries Act</i>, a Fisheries Act Authorization would be required to complete the work, undertaking, or activity (the Project). DFO-SCH has maintained early communication with DFO-FFHPP and are aware of the likelihood of the project leading to a harmful alteration, disruption, or destruction (HADD) of fish or fish habitat.</p> <p>ii. DFO-SCH has not yet received any formal communication from DFO-FFHPP regarding the results/determination of the Request for Review process for the Clyde River harbour file. In anticipation of requiring a Fisheries Act Authorization, DFO-SCH has been preparing material for an Application for a <i>Fisheries Act</i> Authorization. A formal submission of the application is expected in the near future.</p>
<p>Hamlet of Clyde River</p>	<p>The Hamlet of Clyde River notes that the Federal or Territorial government will need to provide funding to replace the bridge so the dump trucks can haul from the quarry and not endanger Arctic char.</p>	<p>Funding for a new permanent bridge is not part of the scope of the Small Craft Harbour construction project. DFO-SCH will continue to work with the community to explore other possible funding sources within the Federal or Territorial governments.</p>
<p>Member of the Public</p>	<p>A member of the public is concerned with the river crossing upgrades and potential damage to fishing grounds</p>	<p>DFO-SCH will ensure a commitment to follow the most appropriate mitigation measures and best management practices when conducting work in or around water. Section 5.2.8 of the CEMP identifies some of the mitigation measures that will be applied to the river crossing design. Note that this project is to use a temporary bridge or temporary culvert crossing for rock transport from the quarry to the harbour site; no ford crossing will be used. Design of the temporary crossing to facilitate the construction work will have the requirement for fish passage as its main functional consideration. Options that do not allow for fish passage upstream will not be considered. DFO-SCH will be including the proposed temporary crossing design as a component of our project in our Application for <i>Fisheries Act</i> Authorization. The regulator, DFO's Fish and Fish Habitat Protection</p>

		<p>Program (FFHPP), will include specific conditions within the Authorization to insure fish passage through the temporary crossing and the most appropriate mitigations are applied to ensure the best protection of fish and fish habitat. Upon completion of the harbour project, the temporary river crossing will be removed and the area will be restored.</p>
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