



501 Towerhill Road
Unit 102
Peterborough, Ontario
K9H 7S3

2013–October-03

Your file *Votre référence*

Our file *Notre référence*
13-HCAA-CA6-00062

NWT Water Board
PO Box 2531
Inuvik, Northwest Territories
X0E 0T0

To whom it may concern:

Subject: Proposal for the renewal of the Tuktoyktuk Water License is not likely to result in impacts to fish and fish habitat provided that standard mitigation measures are applied.

Fisheries and Oceans Canada – Fisheries Protection Program (DFO) received the proposal on 2013–September-25. Please refer to the file number and title below:

DFO File No.: **13-HCAA-CA6-00062**

Title: **Tuktoyaktuk Application for Water Licence Renewal, Kudlak Lake, Tuktoyaktuk**

You may be aware of changes to the *Fisheries Act*, however these have not affected the review of this project at this time. For more information on current changes to the *Fisheries Act* please refer to the DFO website at www.dfo-mpo.gc.ca/media/infocus-alaune/2012/habitat-eng.htm.

The proposal has been reviewed to determine whether it is likely to result in impacts to fish and fish habitat which are prohibited by the habitat protection provisions of the *Fisheries Act* or those prohibitions of the *Species at Risk Act* that apply to aquatic species.*

Our review consisted of:

- Schedule III application and the Project Description

We understand that the proponent plans to:

- Take no more than 100,000 m³/year of water from Kudlak Lake

*Those sections most relevant to the review of development proposals include 20, 22, 32 and 35 of the *Fisheries Act* and sections 32, 33 and 58 of the *Species at Risk Act*. For more information please visit www.dfo-mpo.gc.ca.

To reduce potential impacts to fish and fish habitat we are recommending that the following mitigation measures be included into the proponent's plan:

- The DFO Protocol for Winter Water Withdrawal in the Northwest Territories states that withdrawal from a single waterbody in one ice-covered season is not to exceed 10% of the available water volume. The total volume of water in Kudlak Lake should be estimated and provided to DFO to ensure conformity with the Protocol.
- Water intakes should be properly screened with fine mesh of 2.54 mm (1/10") and have moderate intake velocities to prevent the entrainment of fish. Please refer to the Freshwater Intake End-of-Pipe Fish Screen Guideline (DFO, 1995).

Provided that the mitigation measures described in the attached are incorporated into the plans, DFO has concluded that this proposal is not likely to result in impacts to fish and fish habitat and the proponent will not need to obtain a formal approval from DFO in order to proceed with the proposal. It remains the proponent's responsibility, however, to meet the requirements of any other federal, provincial and municipal agencies.

If the plans have changed or if the description of the proposal is incomplete you should consult our website to determine if a DFO review is required, and if so contact this office to determine if the advice in this letter still applies.

Please be advised that any unauthorized impacts to fish and fish habitat which result from a failure to implement this proposal as described or incorporate the additional mitigation measures included in this letter could lead to corrective action such as enforcement. In addition, under the *Fisheries Act*, there is a requirement to notify DFO of any harmful alteration or disruption, or any destruction of fish habitat that has not been authorized. Such notifications should be directed to .

If you have any questions please contact the undersigned at (705) 750-4010, by fax at (705) 750-4016, or by email at tracy.allison@dfo-mpo.gc.ca.

Yours sincerely,

Tracy Allison
Fish Habitat Biologist