



Fisheries and Oceans

Pêches et Océans

Fish Habitat Management
Suite 101, 5204-50th Avenue
Yellowknife, Northwest
Territories
X1A 1E2

Your file *Votre référence*

MV2004C0021

Our file *Notre référence*

SC04010

Mackenzie Valley Land & Water Board

9 June, 2004

File _____

JUN 10 2004

Mackenzie Valley Land and Water Board
7th Floor, 4910 - 50th Avenue
P.O. Box 2130
Yellowknife, NT X1A 2P6

Application # MV2004C0021
Copied To PLM/GSI/Reg

Attention: Greg Smith

RE: Fortune Minerals Limited, Mineral Exploration, Meridian Lake, NT

Dear Mr. Smith:

The Department of Fisheries and Oceans, Fish Habitat Management - Western Arctic Area (DFO) received the Land Use Permit application # MV2004C0021 by a Fortune Minerals Limited to establish a camp and conduct mineral exploration activities in the Meridian Lake area, NT.

Under Sections 124 and 125 of the *Mackenzie Valley Resource Management Act* (MVRMA), DFO is participating in a preliminary screening by providing specialist information and/or advice. DFO's assessment takes into consideration primarily fish and fish habitat related concerns.

Any concerns, or comments that DFO feels are pertinent to the above mentioned project are outlined in the following letter, addressed to the proponent, and should also be considered specialist information and/or advice for the purposes of a MVRMA screening.

If you have any questions, please contact me at (867) 669-4919, or by fax at (867) 669-4940.

J. David Tyson
Area Habitat Biologist
Fish Habitat Management
Department of Fisheries and Oceans - Western Arctic Area

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9 June, 2004

Fortune Minerals Limited
1508 - 148 Fullarton Street
London, ON N6A 5P3Attention: Kathy Neale/Derek Mulligan**RE: Fortune Minerals Limited, Mineral Exploration, Meridian Lake, NT**

The Department of Fisheries and Oceans, Fish Habitat Management - Western Arctic Area (DFO) received your Land Use Permit application to establish a camp and conduct mineral exploration activities near between Meridian Lake and Great Slave Lake, NT, submitted on your behalf by the Mackenzie Valley Land and Water Board.

From your application, I understand that:

- A camp will be established on Meridian Lake or Great Slave Lake.
- No roads will be constructed but access trails and seismic lines will be cut.

This letter is to advise that I have reviewed the plans for the proposed work. Because you will be working near fish-bearing waters, I have concluded that the proposed work may result in the harmful alteration, disruption or destruction of fish habitat. In addition to the measures set out in the project proposal, the following mitigation measures, if incorporated into the project, are intended to prevent any potentially harmful impacts to fish and fish habitat:

- All disturbed areas should be stabilized and re-vegetated as required upon completion of work and restored to a pre-disturbed state.
- If artesian flow is encountered, drill holes should be plugged and permanently sealed upon completion of the project.
- In order to protect stream or lake bank stability, avoid soil compaction and retain a vegetated area critical for protection of littoral and riparian habitats.

Canada

- No material should be left on the ice when there is the potential for that material to enter the water (i.e. spring breakup).
- If the drilling requires water in sufficient volume that the source waterbody may be drawn down, please submit details (volume required, size of waterbody, etc.) to DFO for review. DFO does not recommend the use of streams as a water source.
- Water intakes should be properly screened to prevent the entrainment of fish. Refer to the *Freshwater Intake End-of-Pipe Fish Screen Guideline* (DFO, 1995) available upon request.
- Winter lake/stream crossings should be located to minimize approach grades. Cutting or filling of crossing approaches below the normal high water mark will require prior review and approval by DFO.
- The use of material other than ice or snow to construct a temporary crossing over any ice-covered watercourse is prohibited by regulations under *Fisheries Act* unless authorized by a Fishery Officer.
- Winter crossings should not impede water flow and should be v-notched or removed prior to spring breakup.

Depositing deleterious substances into fish bearing waters is prohibited as stated under Subsection 36(3) of the *Fisheries Act*. The following additional mitigation measures are intended to prevent the deposition of deleterious substances and possible habitat disturbance or loss:

- Sediment and erosion control measures should be implemented prior to, and maintained during the construction phase to prevent entry of sediment into the water.
- All activities including maintenance procedures and vehicular refuelling should be controlled to prevent the entry of petroleum products, debris, slash, rubble, or other deleterious substances into the water.
- All, wastes, drill cuttings, sewage containments and fuel caches should be located a minimum of one hundred (100) metres from the normal high water mark of any water body and be sufficiently bermed or otherwise contained to ensure that these substances do not enter any water body.
- Drill cuttings should be disposed of in a sump such that they do not enter any water body. The use of biodegradable, salt free drill additives is encouraged over non-biodegradable types.

- All spills of oil, fuel, or other deleterious material should be reported immediately to the 24-Hour Spill Line at (867) 920-8130.

If the proposed work is carried out as described in the plans provided to DFO and the mitigation measures are implemented as required, the proposed work will not be considered as contravening Subsection 35(1) of the *Fisheries Act* which reads:

"No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat."

Therefore, an Authorization under Subsection 35(2) of the *Fisheries Act* will not be necessary. If the harmful alteration, disruption or destruction of fish habitat and/or the deposition of deleterious substances into fish bearing waters occurs as a result of an unapproved change in the plans for the proposed works or failure to implement the necessary mitigation measures, prosecution under Subsection 35(1) and/or Subsection 36(3) of the *Fisheries Act* may be initiated.

This Letter of Advice does not release the proponent of the responsibility for obtaining any other permits that may be required, and will apply to this project for the period of the Land Use Permit issued by the MVLWB.

This Letter of Advice should be kept on site during any work in or around water and be understood by staff working at the site.

If you have any questions concerning the mitigation measures or should there be any changes to the proposed work, please contact me at (867) 669-4919 or by fax at (867) 669-4940.



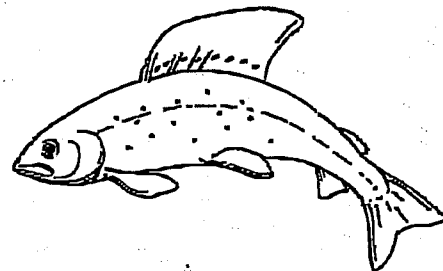
J. David Tyson
Area Habitat Biologist
Fish Habitat Management
Department of Fisheries and Oceans - Western Arctic Area

copy. Julie Dahl, Area Chief, Habitat, DFO-FHM
Warren Parsons, Chief, DFO-C&P
Greg Smith, Regulatory Officer, MVLWB



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TO/A:

Greg Smith
Regulatory Officer
Mackenzie Valley Land and Water Board
7th Floor, 4910 - 50th Avenue
Yellowknife, NT
X1A 2P6
Fax (867) 873-6610

9 June, 2004

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MESSAGE

Enclosed please find DFO-FHM comments on the following:

DFO File No. SC04010
MVLWB File No. MV2004C0021

Fortune Minerals Limited, Mineral Exploration, Meridian Lake, NT

FROM/DE:

J. David Tyson
Area Habitat Biologist
Western Arctic Area

Telephone: (867) 669-4919
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