



P. O. Box 1871
Inuvik, Northwest Territories
X0E 0T0

October 12, 2010

Your file Votre référence
G99L8-001/G99L8-002

Our file Notre référence
10-HCAA-CA6-00080

Ms. Helga Harlander
Gwich'in Land and Water Board
P.O. Box 2018
Inuvik, Northwest Territories
X0E0T0

Dear Ms. Harlander:

Subject: Proposal not likely to result in impacts to fish and fish habitat provided that additional mitigation measures are applied.

Fisheries and Oceans Canada - Fish Habitat Management Program (DFO) received the proposal on September 27, 2010. Please refer to the file number and title below:

DFO File No.: **10-HCAA-CA6-00080**
Title: **Peel River and MacKenzie River Ferry Crossing Water Licence Renewals**

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:

Renewal application: Water Licence G99L8-001, Peel River Ferry Landing KM 74.3 Dempster Highway #8: Fort McPherson.

Renewal application: Water Licence G99L8-002, Mackenzie River Ferry Landings KM 143.6 Dempster Highway #8; Charter Community of Tsiigehtchic.

Aquatic Effects Study for the Ferry Crossings near Tsiigehtchic and Fort McPherson, NT. 2002/2003.

Alternatives Structures Report – Department of Transportation, 2003.

We understand that the proponent plans to:

- Haul and deposit shale or pit run gravel onto the ferry landing areas of the Mackenzie River and the Peel River Crossings on Dempster Highway #8. A maximum of 500m³ per landing per year will be used.

*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 the following mitigation measures be included into the proposed plans:

1. Ensure that any substrate intended for use on the landings qualifies as gravel or as a larger substrate such as cobble. Gravel is defined as any loose *rock* that is larger than 2 mm in its smallest dimension and no more than 64 mm. Any substrate such as sand, silt, or clay should not be used on the ferry landings.
2. Any gravel or larger substrate planned for use on the ferry landings should be washed and cleaned of any silt or clay.
3. Removal or placement of the substrate can create excess turbidity and deposition downstream of the crossing. During in-water works, it is recommended that effective sediment controls are installed (i.e. silt curtain).

Provided that the additional mitigation measures described above are incorporated into the proposed plans, DFO has concluded that the proposal is not likely to result in impacts to fish and fish habitat.

DFO recommends that alternatives to the deposition of substrate into the Peel and Mackenzie River ferry landings should be sought and considered to minimize impacts to fish and fish habitat.

The proponent will not need to obtain a formal approval from DFO in order to proceed with the proposal.

If the plans have changed or if the description of the proposal is incomplete the proponent should contact this office to determine if the advice in this letter still applies.

Please be advised that any impacts to fish and fish habitat which result from a failure to implement the proposal as described or incorporate the additional mitigation measures included in this letter could lead to corrective action such as enforcement.

If you have any questions please contact the undersigned at (867) 777-7515, by fax at (867) 777-7501, or by email at Amanda.Joynt@dfo-mpo.gc.ca.

Yours sincerely,

(original signed by Amanda Joynt)

Amanda Joynt
Fish Habitat Biologist

cc:
K. Burke –DFO
L. Dow – DFO
T. Stein – DFO
J. Boxwell – GRRB
G. Jagpal - DoT