

From: [Anne Umpleby](#)
To: permits@mvlwb.com
Cc: "[Angela Plautz - MVLWB](#)"
Subject: FW: Town of Hay River Municipal Water Licence Renewal
Date: Wednesday, September 02, 2009 8:51:59 AM
Attachments: [SC01021 -2009 WL Renewal.pdf](#)

From: Walbourne, Rick [mailto:Rick.Walbourne@DFO-MPO.GC.CA]
Sent: Tuesday, September 01, 2009 4:19 PM
To: Anne Umpleby
Cc: Hanna, Bruce; Sawdon, Lorraine J; Anne Wilson; Ron Kent; molenkamp@hayriver.com
Subject: Town of Hay River Municipal Water Licence Renewal

Good afternoon Anne,

Please find attached DFO comments regarding the Water Licence Renewal Application from the Town of Hay River. Should you have any questions please contact me at your convenience.

Regards,

Rick

<<SC01021 -2009 WL Renewal.pdf>>

Rick Walbourne
Habitat Biologist | Biologiste, Habitat
(867) 669-4926 | facsimile/ télécopieur (867) 669-4940
Rick.Walbourne@dfo-mpo.gc.ca
Fish Habitat Management, Western Arctic Area | Gestion de l'Habitat du Poisson, Secteur de l'Arctique de l'Ouest
Central and Arctic Region | Région Centrale et de l'Arctique
Fisheries and Oceans Canada | 301-5204 50th Ave, Yellowknife, NT, X1A 1E2
Pêches et Océans Canada | 301-5204 50^e Ave, Yellowknife, T.N.-O, X1A 1E2
Government of Canada | Gouvernement du Canada



Fisheries
and Oceans

Pêches
et Océans

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

Your file *Votre référence*

MV09L3-005

Our file *Notre référence*

SC01021

September 1, 2009

Mackenzie Valley Land and Water Board
7th Floor, 4910 – 50th Avenue
Yellowknife, NT X1A 2P6

Attention: Anne Umpleby

**RE: Water License MV09L3-0005; Renewal of N1L3-0053
Town of Hay River Municipal Water Licence**

Fisheries and Oceans Canada - Fish Habitat Management Program (DFO) received the above mentioned proposal on July 27, 2009, put forth by the Town of Hay River. 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.

From the proposal and existing Water Licence N1L3-0053, we understand that the proponent plans to pump a maximum of 750 000 m³ of water from Great Slave Lake annually. The proponent is requesting that the Water Licence be valid from 2010 to 2020.

To reduce potential impacts to fish and fish habitat we are recommending the following mitigation measures be included into the proposed plans:

1. Water intakes should be properly screened and be equipped with fine mesh of 2.54 mm (1/10") to prevent the entrainment and/or impingement of fish. Please refer to the Freshwater Intake End -of-Pipe Fish Screen Guideline (DFO, 1995) attached.

Provided that the additional mitigation measures described above continued to be incorporated into the proposed activity, DFO can conclude that the proposal is not likely to result in impacts to fish and fish habitat.

Regarding the application for the renewal of the Water Licence, DFO has one additional comment. It is stated on Page 19, under Section 8.3 of the "Mackenzie Valley Land and Water Body Questionnaire" that *approval has been gained or sought from the Department of Fisheries and Oceans for using any fish-bearing water bodies for containment or disposal of wastes*. This statement implies that

Canada

approval has been sought and received for the proposed activities. However, it is our understanding that this question pertains to Tailings Impoundment Areas under the *Metal Mining Effluent Regulations*, for which DFO and Environment Canada would have joint responsibilities. This would be applicable for a Water Licence relating to the containment of mine-related waste and not that of a municipal Water Licence. From discussions with Land and Water Board personnel, we understand that the Land and Water Board working groups on “Standard Procedures and Consistency” will review the inclusion of this statement in the questionnaire.

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.

Regarding the question of exemption of this application from preliminary screening, we feel that this decision is under the jurisdiction of the MVLWB based on applicable legislation. We have no comment in this regard.

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 me at (867) 669-4926, by fax at (867) 669-4940, or by email at Rick.Walbourne@dfo-mpo.gc.ca.

Yours sincerely,



Rick Walbourne
Habitat Biologist
Fish Habitat Management
Department of Fisheries and Oceans - Western Arctic Area

Cc: Bruce Hanna, DFO
Lorraine Sawdon, DFO
Anne Wilson, EC
Ron Kent, FSC
Terry Molenkamp, Town of Hay River