

503A-008  
503L1-016

**Joan Gordey - SLWB**

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**From:** Joynt, Amanda A [Amanda.Joynt@dfo-mpo.gc.ca]  
**Sent:** January-28-09 3:08 PM  
**To:** sahtuwat@allstream.net  
**Cc:** Dow, Larry; Fillatre, Gerald; Hanna, Bruce; ken.brink@apachecorp.com  
**Subject:** DFO Letter of advice for Land Use Permit S03A-008 and Water Licence S03L1-016  
**Attachments:** DFO LoA S03A-008 and S03L1-016 for Nogha and Tunago Lake Drilling Project.pdf

Dear Ms. Gordey,

Please find attached the letter of advice from Fisheries and Oceans Canada regarding Land Use Permit S03A-008 and Water Licence S03L1-016. An original will not be sent unless requested.

Kind regards,  
Amanda Joynt

Amanda Joynt  
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Fisheries and Oceans Canada Pêches et Océans Canada

P. O. Box 1871  
Inuvik, Northwest Territories  
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January 28, 2009

Your file / Votre référence  
S03A-008/S03L1-016

Our file / Notre référence  
09-HCAA-CA6-00010

Ms. Joan Gordey  
Sahtu Land & Water Board  
P.O. Box 1  
Fort Good Hope, Northwest Territories  
X0E0H0

Dear Ms. Gordey:

**Subject:** Proposal not likely to result in impacts to fish and fish habitat.

Fisheries and Oceans Canada - Fish Habitat Management Program (DFO) received the proposal on January 23, 2009. Please refer to the file number and title below:

DFO File No.: **09-HCAA-CA6-00010**

Title: **Land Use Permit Extension Request and Water Licence Renewal Application, Nogha and Tunago Lake Drilling Project**

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:

*Land Use Permit Extension Request S03A-008 and Water Licence Renewal Application S03L1-016, Nogha and Tunago Lake Drilling Project, Colville Lake, Sahtu Settlement Area* as submitted to the Sahtu Land and Water Board on January 9, 2009.

We understand that the proponent plans to:

- Complete some reclamation work under the existing Land Use Permit and Water Licence.
- Possibly conduct additional assessments under the existing Land Use Permit and Water Licence.

\*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](http://www.dfo-mpo.gc.ca).

Provided that the plans are implemented as described DFO has concluded that the proposal is not likely to result in impacts to fish and fish habitat. However, if plans for the additional assessments result in changes to the plans in the original land use permit and water licence as approved on December 9, 2003, the proponent should contact this office to determine if the advice in the letter from DFO dated December 4, 2003 still applies. The advice from the letter has been attached to this document.

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 this proposal as described 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](mailto:Amanda.Joynt@dfo-mpo.gc.ca).

Yours sincerely,

(original signed by Amanda Joynt)

Amanda Joynt  
Fish Habitat Biologist

Copy: Ken Brink  
L. Dow – DFO  
G. Fillatre – DFO  
B. Hanna – DFO

Attachment: DFO Advice from letter dated Dec.4, 2003.

## LETTER OF ADVICE FROM DFO TO APACHE

THE DEPARTMENT OF FISHERIES AND OCEANS, FISH HABITAT MANAGEMENT - WESTERN ARCTIC AREA (DFO) HAS RECEIVED THE ABOVE MENTIONED LAND USE PERMIT AND WATER LICENCE APPLICATIONS. I HAVE REVIEWED THE PROPOSAL AS PART OF THE MVRMA PRELIMINARY SCREENING OF THE PROJECT AND AM PROVIDING THE FOLLOWING LETTER OF ADVICE ON BEHALF OF DFO.

IT IS MY UNDERSTANDING FROM THE INFORMATION PROVIDED THAT:

" THE PROPOSED PROJECT INCLUDES THE DRILLING OF THREE WELLS (NOHGA B-23, WEST NOGHA K-14, AND NORTH TUNAGO E-44), THE CONSTRUCTION OF THREE SUMPS, A CAMPSITE, AND 131 KILOMETRES OF ACCESS USING EXISTING CUTLINES. THE DURATION OF THE PROJECT IS EXPECTED TO BE FOUR MONTHS, DECEMBER 2003-APRIL 2004. THE THREE WELLSITES ARE LOCATED BETWEEN 54 KM AND 73 KM SOUTH OF COLVILLE LAKE.

" THE BLADES OF BULLDOZERS USED TO CLEAR THE ACCESS WILL BE EQUIPPED WITH SHOES TO REDUCE THE POTENTIAL FOR DAMAGE TO THE UNDERLYING VEGETATIVE MAT.

" FUEL CACHES, AND SITES FOR THE SLEIGH CAMP AND THE RIG CAMP WILL BE LOCATED AT LEAST 100 METRES FROM THE HIGH WATER MARK OF ANY WATER BODY.

" NO MATERIAL WILL BE STORED ON THE ICE OF ANY WATERBODY OR WITHIN 100 METRES OF THE NORMAL HIGH WATER MARK (INCLUDING THE AIRSTRIP).

" DRILLING FLUIDS TO BE USED WILL BE FRESHWATER GEL-CHEM AND EITHER MINERAL OIL-BASED FLUID OR SALT BASED DRILLING FLUID. DFO RECOMMENDS THAT THE MINERAL OIL-BASED FLUID BE USED SINCE THE POTENTIAL IMPACTS TO GROUND WATER ARE MINIMIZED IN COMPARISON TO USING A SALT BASED DRILLING FLUID (BASED ON THE INFORMATION SUBMITTED BY THE PROPONENT).

" SEVEN STREAM CROSSINGS WERE NOTED ON THE PROPOSED ACCESS ROUTE, TWO OF WHICH MAY REQUIRE TEMPORARY CULVERT INSTALLATION TO REDUCE THE POTENTIAL FOR OVERFLOW. PRIOR TO CULVERT PLACEMENT DFO WILL BE CONSULTED. PLEASE NOTE: CONTACTING DFO IS A REQUIREMENT AS THE USE OF MATERIAL OTHER THAN ICE OR SNOW TO CONSTRUCT A TEMPORARY CROSSING-OVER OF ANY ICE-COVERED STREAM IS PROHIBITED UNDER SECTION 11 OF THE NORTHWEST TERRITORIES FISHERY REGULATIONS, UNLESS AUTHORIZED BY A FISHERY OFFICER.

" PLEASE PROVIDE CO-ORDINATES FOR ALL CONSTRUCTED CROSSINGS TO DFO, NOT JUST THOSE THAT REQUIRE CULVERT INSTALLATION (REFER TO THE DFO PROTOCOL FOR TEMPORARY WINTER ACCESS WATER CROSSINGS FOR OIL & GAS ACTIVITIES IN THE NORTHWEST TERRITORIES)

" THE TOTAL ESTIMATED WATER REQUIREMENTS FOR THE PROGRAM ARE AS FOLLOWS: 13,100 M3 FOR ACCESS CONSTRUCTION, 1,500 M3 FOR DRILLING, AND A POTABLE WATER SUPPLY OF 5 M3 PER DAY FOR CAMP USE. LAC BELOT, TWEED LAKE, TUNAGO LAKE, AND FOUR UNNAMED LAKES (LAKES 13 TO 16) HAVE BEEN IDENTIFIED AS THE WATER SOURCES FOR THIS PROGRAM.

" WATER VOLUMES WILL BE CAREFULLY TRACKED TO ENSURE THE 5% MAXIMUM WITHDRAWAL IS NOT EXCEEDED. AT THE CONCLUSION OF THE WINTER DRILLING PROGRAM, PLEASE SUBMIT A PROPERLY CORROBORATED RECORD OF WATER WITHDRAWAL FOR EACH WATER SOURCE TO DFO.

" APACHE CANADA LTD. IS SUBJECT TO SPILL REPORTING REQUIREMENTS AND THEREFORE WILL NOTIFY THE NWT/NUNAVUT 24-HOUR SPILL REPORT LINE AT (867) 920-8130 IN THE EVENT OF A REPORTABLE SPILL.

SINCE THE PROPOSED WORK WILL OCCUR ON AND/OR NEAR WATERBODIES, I HAVE CONCLUDED THAT THE PROPOSED WORK MAY RESULT IN THE HARMFUL ALTERATION, DISRUPTION OR DESTRUCTION OF FISH HABITAT. THE FOLLOWING MITIGATION MEASURES, IF IMPLEMENTED, SHOULD PREVENT ANY POTENTIALLY HARMFUL IMPACTS TO FISH AND FISH HABITAT. THIS LIST INCLUDES MEASURES OUTLINED IN THE PROPOSAL.

" EVERY EFFORT SHOULD BE MADE TO RETAIN RIPARIAN VEGETATION, AS IT IS CRITICAL FOR THE PROTECTION OF LITTORAL AND RIPARIAN FISH HABITATS AS WELL AS FOR PROVIDING COVER AND ENHANCING BANK STABILITY.

" WATER INTAKES SHOULD BE PROPERLY SCREENED WITH FINE MESH OF 2.54 MM (1/10") TO PREVENT THE ENTRAINMENT OF FISH. PLEASE REFER TO THE DFO PROTOCOL FOR WATER WITHDRAWAL FOR OIL & GAS ACTIVITIES IN THE NWT AND THE FRESHWATER INTAKE END-OF-PIPE FISH SCREEN GUIDELINE (DFO, 1995) WHICH IS AVAILABLE UPON REQUEST.

" CUTTING OF CROSSING APPROACHES IS NOT PERMITTED UNLESS APPROVED IN WRITING BY DFO. THE PREFERRED METHOD FOR CROSSINGS TO AVOID THE CUTTING OF BANKS IS WITH THE CONSTRUCTION OF SNOW RAMPS. PLEASE REFER TO THE DFO PROTOCOL FOR TEMPORARY WINTER ACCESS WATER CROSSINGS FOR OIL & GAS ACTIVITIES IN THE NORTHWEST TERRITORIES.

" THE NUMBER OF WINTER CROSSINGS SHOULD BE REDUCED AS MUCH AS POSSIBLE. CROSSING LOCATIONS SHOULD BE SELECTED THAT WOULD REQUIRE THE LEAST AMOUNT OF SNOWFILL AND WATER TO CONSTRUCT.

" WINTER CROSSINGS SHOULD NOT IMPEDE WATER FLOW AND SHOULD BE V-NOTCHED OR OTHERWISE REMOVED PRIOR TO SPRING BREAK-UP. IF WINTER CROSSINGS ARE NOT REMOVED THEY HAVE THE POTENTIAL TO BLOCK FISH PASSAGE OFTEN NECESSARY TO ACCESS SPAWNING GROUNDS.

" RECLAMATION ACTIVITIES SHOULD INCLUDE BANK STABILIZATION AND RE-VEGETATION AS REQUIRED. THIS WORK SHOULD BE COMPLETED PRIOR TO SPRING THAW.

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:

" ALL ACTIVITIES INCLUDING MAINTENANCE PROCEDURES AND VEHICULAR (INCLUDING AIRCRAFT) REFUELLING SHOULD BE CONTROLLED TO PREVENT THE ENTRY OF PETROLEUM PRODUCTS, DEBRIS, SLASH, RUBBLE, OR OTHER DELETERIOUS SUBSTANCES INTO THE WATER.

" A 100 METRE BUFFER SHOULD BE MAINTAINED BETWEEN WELLSITES AND ANY WATERBODY IF POSSIBLE.

" ALL WASTES, DRILL CUTTINGS, SUMPS, SEWAGE AND WASTEWATER CONTAINMENTS, SHOULD BE LOCATED A MINIMUM OF 100 METRES FROM ANY WATER BODY INCLUDING EPHEMERAL DRAINAGES IF POSSIBLE, AND BE SUFFICIENTLY BERMED OR OTHERWISE CONTAINED TO ENSURE THAT THESE SUBSTANCES DO NOT ENTER ANY WATERBODY.

" FUEL STORAGE SHOULD HAVE SECONDARY CONTAINMENT (SUCH AS DOUBLED WALLED TANKS, BERMS ETC.) THAT IS SUFFICIENT TO ENSURE THAT FUEL WILL NOT BE ABLE TO ENTER ANY WATERBODY.

" A SPILL CONTINGENCY PLAN SHOULD BE MADE AVAILABLE TO ALL PERSONS REQUIRED TO WORK ON SITE AND FOLLOWED IN THE EVENT OF A SPILL.