



September 13, 2012

Our file *Notre référence*
12-HCAA-CA6-00061

Nikole Andres
Environmental and Regulatory Advisor
Imperial Oil Resources
Bag Service 5000
Norman Wells, NWT
X0E0V0

Dear Ms. Andres:

Subject: Sand removal from sandbars downstream of artificial islands 4, 5, and 6.
Proposal not likely to result in impacts to fish and fish habitat provided that mitigation measures are applied.

Fisheries and Oceans Canada - Fish Habitat Management Program (DFO) received your proposal on September 7, 2012. Please refer to the file number and title below:

DFO File No.: **12-HCAA-CA6-00061**
Title: **Sand Removal Downstream of Artificial Islands**

You may be aware of recent changes to the *Fisheries Act*; however these have not affected the review of your project at this time. For more information on current changes to the *Fisheries Act*, as well as changes taking effect in the coming months, please refer to the DFO website <http://www.dfo-mpo.gc.ca/habitat/habitat-eng.htm>.

Your 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 by those prohibitions of the *Species at Risk Act* that apply to aquatic species.*

Our review consisted of: Imperial Oil's Land Use and Water Licence Application to the Sahtu Land and Water Board

*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.

We understand that you propose to remove sand from sandbars downstream of Islands 4, 5, and 6 to use on site for a variety of purposes such as backfill for excavations, and berm construction. Removal may occur in open water or frozen conditions.

Mitigation measures to insure no impacts will occur to fish and fish habitat include:

- Sand removal will not occur within 10 metres of the ice/ water edge and will not be removed to a lower elevation than the Mackenzie River at the time of excavation.
- No equipment will enter the water at any time and stockpiled sand will be stored above the high water mark.

Provided that the mitigation measures outlined in your application are adhered to, DFO has concluded that your proposal is not likely to result in impacts to fish and fish habitat, and you will not need to obtain a formal approval from DFO in order to proceed with your proposal. It remains your responsibility, however, to meet the requirements of any other federal, provincial and municipal agencies.

If your plans have changed or if the description of your 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 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. In addition, under the new *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.

If you have any questions please contact me at 867-669-4931, or by email at Bruce.Hanna@dfo-mpo.gc.ca

Yours sincerely,



Bruce Hanna
Senior Habitat Biologist
DFO Western Arctic Area

Cc: Ian Brown - SLWB