



Fish Habitat Management
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Yellowknife, Northwest Territories
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Gestion de l'Habitat du Poisson
Suite 101 5204, 50e Avenue
Yellowknife (Territoires du Nord-Ouest)
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Your file *Votre référence*
S07C-005 & S07C-006
Our file *Notre référence*
YK070045

May 10, 2007

Mr. Rick Walbourne
Hydrologist
SAHTU Land & Water Board
P.O. Box 1
Fort Good Hope, NT X0E 0H0

**RE: Land Use Permit Applications- Mineral Exploration – Eagle Plains
Resources Ltd. Tulita District, Sahtu Settlement Area, S07C-005 Zinc Recce Project
and S07C-006 Bronco Project**

Dear Mr. Walbourne:

As requested in correspondence dated 7 May, 2007, the Department of Fisheries and Oceans, Fish Habitat Management – Western Arctic Area (DFO) has reviewed the five year Land Use Permit applications submitted by Eagle Plains Resources Ltd.:

- S07C-005 - to conduct geological exploration on Prospecting Permit Numbers 7336, 5478, 7325, 5477, 7322, 7321, 7324, 7323, 7031, 7032, 5472, 7034, 5475, 5474, 5473, 5476, 7033, 7035, 7328, 7329, 7334, 7335, 7332.
- S07C-006 - to conduct diamond drill testing on Prospecting Permit Number 7030 and geological exploration on the adjoining permits (7331, 7330, 7327, 7326, 7316, 7317, 7318, 7320, 7319, 7315 and 7314); and

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. Our review was limited to potential impacts of the project, as defined in SAHTU Land and Water Board Land Use Permit Applications submitted by Eagle Plains Resources Ltd. (dated May 2, 2007), on fish and fish habitat pursuant to the responsibilities of DFO under the habitat protection provisions of the *Fisheries Act*.

It is our understanding that the proposed projects involve mineral exploration activities within the Backbone Range, Mackenzie Mountains of the Tulita District in the Sahtu Settlement Area, Northwest Territories and consists of the following components:

- Diamond drill testing on Prospecting Permit Number 7030 at two locations (Bronco and Golf Ball).
- Three drill sites at Bronco and one drill site at Golf Ball (as per Figure 3 of the Bronco Land Use Permit Application) up to two holes may be drilled per drill site.
- Geological exploration activities will occur on the adjacent permits (as listed above).
- Transportation of crew and materials (including drill equipment) to site via helicopter. No roads will be constructed.
- Construction of a camp at Willowhandle Lake.
- Timing of operations will be between July 01 and August 30 of each year.
- **All drilling is to occur above the high water level of any waterbody.**

- Construction of sumps where necessary.
- Reclamation of disturbed areas.
- Summer water withdrawal may be required for drill operation and will be required for camp operations.

Carrying out any project that could harmfully alter, disrupt or destroy fish habitat (HADD) by chemical, physical or biological means may constitute an offence under the federal Fisheries Act. The areas encompassed by the Prospecting Permits listed above contain various creeks, rivers and lakes. Any body of water or watercourse, should be considered fish bearing unless it can be demonstrated otherwise.

DFO's review of the above-noted proposal indicates that without mitigation it is likely the works will cause a HADD of fish habitat. However, provided that Eagle Plains Resources Ltd. implements the following mitigative measures, in addition to the mitigation measures proposed in the Land Use Permit Application, DFO concludes that the proposed project will not likely result in the HADD of fish habitat. These additional measures are intended to prevent any potentially harmful impacts to fish and fish habitat, and may be used to assist the SAHTU Land and Water Board with their responsibilities under the *MVRMA*:

1. If clearing or shrubbing out is required for drill site preparation or for camp construction, every effort should be made to retain the integrity of the 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.
2. All wastes, sewage containments, sumps, camps and fuel caches should be located 30 meters back from the 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.
3. The Freshwater Intake End-of-Pipe Fish Screen Guideline (DFO 1995) is applied to **all** water intakes. To prevent the entrainment of fish, the mesh size should not exceed 2.54 mm. The intake should not disturb the substrate and the screen should be cleaned regularly. These guidelines can be found at <http://www.dfo-mpo.gc.ca/Library/223669.pdf>.
4. If artesian flow is encountered, drill holes should be plugged and permanently sealed upon completion of the project.
5. When withdrawing water during the open water season please ensure that adequate water remains in the waterbody to allow for summer survival fish (as defined in the *Fisheries Act*).
6. Sediment and erosion control measures should be implemented and maintained prior to, during and after construction to prevent the entry of sediment into any water body. Control measures must be applied as required in order to achieve this at the work site.
7. **All** drill cuttings should be disposed of on land and suitably contained/stabilized to prevent them from being a potential source of sediment for any water body.
8. Equipment operating near any waterbody should be free of external fluid leaks, grease, oil and mud. 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 any water body.

9. Spills of oil, fuel or other deleterious material should be reported immediately, as per existing reporting protocols, to the NWT/Nunavut 24-hour Spill Report Line at (867) 920-8130, including all spills near or into a water body.

The above mitigation measures may be amended, or additional mitigation measures may be required, if there are changes to the project's scope or plans. Please note, any harmful alteration, disruption or destruction of fish habitat and/or the deposition of deleterious substances into fish bearing waters occurring as a result of a change in plans or failing to implement the necessary mitigation measures may result in contravention of the *Fisheries Act*.

Please note this letter does not constitute authorization of these undertakings pursuant to the *Fisheries Act*. It is the proponent's responsibility to obtain any approvals that may be required under any other legislation.

If you have any questions, please contact me at (867) 669-4937.

Sincerely,



Shelley Jepps
Area Habitat Biologist
Fish Habitat Management
Department of Fisheries and Oceans - Western Arctic Area

c.c: E. Watson, DFO
G. Fillatre, DFO
Chuck Downie, Eagle Plains Resources Ltd.
Armin Johnson, Land Use Inspector, INAC
Carey Ogilvie, Head Assessment & Monitoring – Environment Canada