

Fisheries
and OceansPêches
et OcéansFish Habitat Management
Suite 101, 5204-50th Avenue
Yellowknife, Northwest
Territories
X1A 1E2Your file / Votre référence
EA00-005Our file / Notre référence
SC00070

19 January, 2001

Mr. Louie Azzolini
Mackenzie Valley Environmental Impact Review Board
Box 938
200 Scotia Centre, 5102-50th Ave
Yellowknife, NT X1A 2N7**RE: Draft Terms of Reference and Work Plan for the Environmental Assessment of
Patterson Forestry Development, Timber Harvesting Operation, Pine Point and
Little Buffalo River Area, NT**

Dear Mr. Azzolini:

The Department of Fisheries and Oceans, Fish Habitat Management – Western Arctic Area (DFO) received the Draft Terms of Reference and Work Plan for the Environmental Assessment of Patterson Forestry Development, Timber Harvesting Operation, Pine Point and Little Buffalo River Area, NT.

After reviewing the proposed project, the DFO provided a Letter of Advise 20 October, 2000, to the project proponent. This letter was attached to the DFO response to the MVEIRB Notice of Referral to Environmental Assessment – Patterson Forestry Development. If the proposed work is carried out as described in the plans provided to DFO and the additional mitigation measures specified in the Letter of Advise are incorporated into the project, the DFO will not have any concerns with regards to fish and fish habitat.

If you have any questions, please contact me at (867) 669-4919 or by fax at (867) 669-4940 or Pete Cott at (867) 669-4913.

Sincerely,

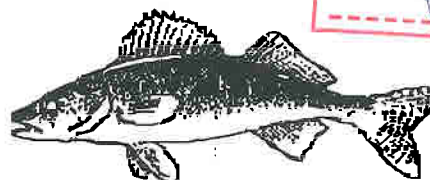
J. David Tyson
Area Habitat Biologist
Fish Habitat Management
Department of Fisheries and Oceans – Western Arctic AreaCopy: Julie Dahl, Area Chief, Habitat, DFO-FHM
Pete Cott, Area Habitat Biologist, DFO-FHM**Canada**



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TO/A:

Mr. Louie Azzolini
Mackenzie Valley Environmental Impact
Review Board
Box 938
200 Scotia Centre, 5102-50th Ave
Yellowknife, NT X1A 2N7
Fax (867) 920-4761

22 January, 2001

Page 1 of 2

MESSAGE

Enclosed please find DFO-FHM comments on the following:

DFO File No. – SC00070

EIRB File No. – EA00-005

t Terms of Reference and Work Plan for the Environmental Assessment of Patterson Forestry Development,
Timber Harvesting Operation, Pine Point and Little Buffalo River Area, NT

FROM/DE:

J. David Tyson
Area Habitat Biologist
telephone (867) 669-4919

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Suite 101, 5204-50th Avenue
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Your file *Votre référence*

Our file *Notre référence*

SC00070

October 20, 2000

Mr. Eugene Patterson
Patterson Sawmill Ltd.
60 Patterson Rd.
Hay River, NT X0E 0R4

RE: Timber Harvesting Operation, Pine Point and Little Buffalo River Area

Dear Mr. Patterson:

The Department of Fisheries and Oceans, Fish Habitat Management – Western Arctic Area (DFO-FHM) received your Timber Cutting Licence Application submitted on your behalf by the Forest Management Division of the Department of Resources, Wildlife and Economic Development (RWED).

This letter is to advise that I have reviewed the plans for the proposed work. Since the proposed work involves crossing wetland areas and/or streams and harvesting timber around waterbodies in the Pine Point and Little Buffalo River area, I have concluded that the proposed work may result in the harmful alteration, disruption or destruction of fish habitat. Based on the information provided I understand the following:

- There will be no permanent water crossings constructed; and
- All temporary crossings will be in the winter on ice roads.

If for any reason these measures cannot be followed a *Fisheries Act* Authorization may be necessary.

In addition to the measures set out in the project proposal, the following mitigation measures, if incorporated into the project, are intended to prevent any potentially harmful impacts to fish and fish habitat:

- All disturbed areas should be stabilized and re-vegetated as required upon completion of work and restored to a pre-disturbed state.
- Mechanized clearing should not occur within one hundred (100) metres of the normal high water mark of any stream or lake to protect bank stability, avoid

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body, and be sufficiently bermed or otherwise contained to ensure that these substances do not enter any water body.

- All spills of oil, fuel, or other deleterious material should be reported immediately to the 24-Hour Spill Line at (867) 920-8130.
- A spill contingency plan should be made available to all persons required to work on site and followed in the event of a spill.

If the proposed work is carried out as described in the plans provided to DFO-FHM and the additional mitigation measures specified above are implemented as required, the proposed work will not be considered as contravening subsection 35(1) of the *Fisheries Act* which reads:

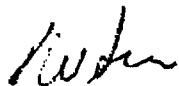
"No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat."

Therefore, an Authorization under Subsection 35(2) of the *Fisheries Act* will not be necessary at this time. If the harmful alteration, disruption or destruction of fish habitat and/or the deposition of deleterious substances into fish bearing waters occurs as a result of a change in the plans for the proposed works or failure to implement the additional mitigation measures specified above, prosecution under subsection 35(1) and/or subsection 36(3) of the *Fisheries Act* may be initiated.

Please note that this Letter of Advice does not release the proponent of the responsibility for obtaining any other permits that may be required, and will apply to this project for the period of the permit issued by the MVLWB.

This Letter of Advice should be kept on site during any work in or around water and be understood by staff working at the site.

If you have any questions concerning the mitigation measures or should there be any changes to the proposed work, please contact me at (867) 669-4916, Pete Cott at (867) 669-4913 or by fax at (867) 669-4940.



Kelly Withers
Habitat Biologist
Fish Habitat Management
Department of Fisheries and Oceans- Western Arctic Area

copy. Pete Cott, A/Area Chief Habitat - DFO
Neil Robinson, Field Supervisor, C&P, Fishery Officer - DFO
William Mawdsley, A/director, Forest Management -RWED

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