



Environment and
Climate Change Canada

Environnement et
Changement climatique Canada

Environmental Protection Operations Directorate
Prairie & Northern Region
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March 7, 2017

ECCC File: 6100 000 008/007
NIRB File: 11EN010

Sophia Granchinho
Manager, Impact Assessment
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU X0B 0C0

Via email: info@nirb.ca

**RE: 11EN010 – Agnico Eagle Mines Ltd. – Amaruq Exploration Access – NIRB
Screening for Hovercraft Pilot Study**

Attention: Sophia Granchinho

Environment and Climate Change Canada (ECCC) has reviewed the information submitted to the Nunavut Impact Review Board regarding the above-mentioned screening. ECCC's specialist advice is provided based on our mandate, in the context of the *Canadian Environmental Protection Act*, the pollution prevention provisions of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

The following comment is provided:

In the screening level assessment document, it was noted that there was potential for destruction of nests by hovercraft on portages. ECCC notes there is also potential for disturbing/stressing broods and molting waterfowl using large waterbodies. No local information is provided on bird use or abundance along the proposed routes. It is difficult to assess the impacts without understanding how many nests and birds may be impacted based on existing on-site monitoring.

Paragraph 6(a) of the *Migratory Bird Regulations*, pursuant to the *Migratory Birds Convention Act*, states that no one shall disturb or destroy the nests or eggs of migratory birds. The inadvertent harming, killing, disturbance or destruction of migratory birds, nests and eggs is known as incidental take. Incidental take, in addition to harming individual birds, nests or eggs, can have long-term consequences for migratory bird

populations in Canada, especially through the cumulative effects of many different incidents.

Currently the regulations do not provide for authorizations or permits for the incidental take of migratory birds or their nests or eggs in the course of industrial or other activities. Reasonable care and avoidance are the best approaches to take when contemplating any activity or decision that has the potential to impact migratory birds, nests or eggs. Proponents are responsible for taking appropriate measures and should not conduct potential destructive or disruptive activities at key locations or during key periods to avoid detrimental effects to migratory birds.

Migratory birds may be found nesting from the end of May until mid-August. This general nesting period is provided as guidance to support Agnico Eagle Mines Ltd. (Proponent) in planning their activities. It is important to note that breeding periods may vary from year to year due to climatic conditions and some species may nest outside the dates provided if conditions are favourable.

If nests containing eggs or young of migratory birds are located or discovered during operations, all disruptive activities in the nesting area should be halted until nesting is completed. Any nest found should be protected with a buffer zone determined by a setback distance appropriate for the species, the intensity of disturbance and the surrounding habitat until the young have naturally and permanently left the vicinity of the nest. Moreover, if there are migratory bird nests where work is planned, options like avoiding, adapting, rescheduling or relocating activities that could disturb or destroy the nests should be considered.

For further information on how to protect migratory birds and their nests and eggs when planning or carrying out project activities, including further information on the general nesting periods of migratory birds in Canada, the Proponent should consult the Safeguarding guidance on ECCC's web page available at: <http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=C51C415F-1>.

Should you require further information, please do not hesitate to contact me at (867) 669-4733 or Melissa.Pinto@canada.ca.

Sincerely,



Melissa Pinto
Senior Environmental Assessment Coordinator

cc: Georgina Williston, Head, Environmental Assessment North (NT and NU)
ECCC Review Team