



Environmental Protection Operations Directorate (EPOD)
Prairie & Northern Region (PNR)
5019 52nd Street, 4th Floor
P.O. Box 2310
Yellowknife, NT X1A 2P7

August 4, 2017

ECCC File: 6100 000 186/001
NIRB File: 17QN056

Keith Morrison
Technical Advisor II
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU X0B 0C0

via email: info@nirb.com

RE: 17QN056 – Nunavut Excavting 2007 Inc. – Cambridge Bay Material Extraction and Quarrying – NIRB Screening

Attention: Keith Morrison

Environment and Climate Change Canada (ECCC) has reviewed the information submitted to the Nunavut Impact Review Board regarding the above-mentioned screening and is submitting comments via email. 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 comments are provided:

1. In the Project Application the period of operation is listed as "from 2017-05-24 to 2017-05-24" (page 1). Under the Project General Information the Proponent states that "extracting activities will start the first week of September to mid-October" (page 5). It is unclear if the Project activities have already begun or if they will be multi-year. ECCC recommends that the Proponent clarify the period of operation for the Project.
2. 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 Project is located in Nesting Zone N10, and migratory birds may be found nesting from the end of May until mid-August. This nesting period

is provided as guidance and may vary from year to year with some species nesting outside of these dates. Any Project work that occurs during this time could have potential impacts to migratory birds, nests, or eggs. It is the Proponent's responsibility to take appropriate measures to ensure they comply with the legislation and regulations. Safeguarding guidance and information on how to protect migratory birds and their nests and eggs when carrying out Project activities can be found on ECCC's web page at: <http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=C51C415F-1>. If active nests are encountered during Project activities, ECCC recommends that the nesting area be avoided until nesting is complete (i.e., the young have naturally left the vicinity of the nest). It is recommended that all disruptive activities in the area be halted until nesting is completed, and the nest should be protected with a buffer zone appropriate for the species and the surrounding habitat.

3. If species at risk are encountered or affected by the Project the primary mitigation measure should be avoidance. The Proponent should avoid contact with or disturbance to each species, its habitat and/or its residence. A table of terrestrial species at risk potentially occurring within the Project area has been provided as an appendix. ECCC recommends that the Proponent undertake monitoring of species at risk mitigation during Project activities if species at risk are encountered. This should include recording the locations and dates of any observations of species at risk, behaviour or actions taken by the animals when Project activities were encountered, and any actions taken by the Proponent to avoid contact or disturbance to the species and its habitat.
4. In the Project Application Fuel section the Proponent states that appropriate spill response equipment will be available for all phases of the Project and reference is made to a Spill Contingency Plan (page 5). The Spill Contingency Plan did not appear to be included with the Project Application. ECCC recommends that the Proponent provide the Spill Contingency Plan that is referenced in the Project Application.

Should you require further information, please do not hesitate to contact me at (867)669-4732 or Emily.Nichol@canada.ca

Sincerely,



Emily Nichol
Environmental Assessment Coordinator

Attachment: Table 1. Terrestrial Species at Risk Potentially Occurring within the Project Area

cc: Bradley Summerfield, Senior Environmental Assessment Coordinator
Loretta Ransom, A/Head, Environmental Assessment North (NT and NU),
PNR-EPOD

Table 1. Terrestrial Species at Risk Potentially Occurring within the Project Area

Terrestrial Species at Risk ¹	COSEWIC Designation	SARA Status	Government Organization with Primary Management Responsibility ²	Recovery Strategy, Action Plan or Management Plan posted on the Species at Risk Public Registry
Buff-breasted Sandpiper	Special Concern	Schedule 1, Special Concern	ECCC	
Caribou (Barren-ground population)	Threatened	No Status	GN	
Grizzly Bear (Western population)	Special Concern	No Status	GN	
Peregrine Falcon (<i>anatum/tundrius</i> complex)	Special Concern	Schedule 1, Special Concern	GN	Management Plan – Proposed
Polar Bear	Special Concern	Schedule 1, Special Concern	GN	
Red Knot (<i>rufa</i> subspecies)	Endangered	Schedule 1, Endangered	ECCC	Recovery Strategy – Proposed
Red-necked Phalarope	Special Concern	No Status	ECCC	
Short-eared Owl	Special Concern	Schedule 1, Special Concern	GN	Management Plan - Proposed
Wolverine	Special Concern	No Status	GN	
<p>Notes:</p> <p>¹ Fisheries and Oceans Canada has responsibility for aquatic species.</p> <p>² Environment and Climate Change Canada (ECCC) has a national role to play in the conservation and recovery of Species at Risk in Canada, as well as responsibility for management of birds described in the <i>Migratory Birds Convention Act</i> (MBCA). Day-to-day management of terrestrial species not covered in the MBCA is the responsibility of the Government of Nunavut (GN). Populations that exist in National Parks are managed under the authority of the Parks Canada Agency.</p>				