

Environmental Protection Operations Directorate
Prairie & Northern Region
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Yellowknife, NT X1A 2P7

ECCC File: 6300 000 045/001
NIRB File: 25XN036



August 20, 2025

via email at: info@nirb.ca

Robby Qammaniq
Impact Assessment Officer
Nunavut Impact Review Board
29 Mitik Street
P.O. Box 1360
Cambridge Bay, NU X0B 0C0

Dear Robby Qammaniq:

**RE: 25XN036 – Hamlet of Baker Lake – Hamlet of Baker Lake Sealift Infrastructure Project
– Notice of Screening**

Environment and Climate Change Canada (ECCC) has reviewed the information submitted to the Nunavut Impact Review Board (NIRB) by Hamlet of Baker Lake (“the Proponent”) regarding the above-mentioned notice of screening.

ECCC provides expert information and knowledge to project assessments on subjects within the department’s mandate, including climate change, air quality, water quality, biodiversity, environmental emergencies preparedness and responses. This work includes reviewing proponent characterization of environmental effects and proposed mitigation measures. We provide advice to decision-makers regarding a proponent’s characterization of environmental effects, the efficacy of their proposed mitigation activities, and may suggest additional mitigation measures. Any comments received from ECCC in this context does not relieve the proponent of its obligations to respect all applicable federal legislation.

The following comments are provided:

1. Species at Risk

Reference(s)

- Baker Lake Sealift and Laydown Area - Construction Environmental Management Plan

Comment

Species at risk are assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) or added to Schedule 1 of the Species at Risk Act (SARA) on a regular



basis. It is important for proponents to ensure they are aware of what species are present in the project area and take appropriate actions to ensure compliance with the SARA.

The killing, harming or harassing of listed species as well as the damage and destruction of their residences is prohibited under SARA. In the territories, the prohibitions apply automatically to:

- Threatened, Endangered and Extirpated species listed on Schedule 1 of SARA on lands under the authority of the federal Minister of Environment.
- Migratory Birds (as defined under the Migratory Birds Convention Act [MBCA]) everywhere they are found.

These prohibitions can apply elsewhere if there is an order put in place.

The destruction of critical habitat of species listed under Schedule 1 of SARA is prohibited on all lands identified within the critical habitat protection order for the species.

ECCC Recommendation(s)

As species are assessed and listed on a regular basis, ECCC recommends the Proponent:

- a. Consult the Species at Risk registry (<https://www.registrelep-sararegistry.gc.ca/default.asp?lang=En&n=24F7211B-1>) to obtain the most current information for their operations.

Consult the Government of Nunavut to identify appropriate mitigation and/or monitoring measures to avoid and lessen project effects to species under their management responsibility.

2. Species at Risk – SAR Missing and/or Effects and Measures Missing

Reference(s)

- Baker Lake Sealift and Laydown Area - Construction Environmental Management Plan

Comment

Section 79 of SARA requires the assessor and decision body to ensure that where a project is likely to affect a listed species or its critical habitat, all adverse effects of the project are identified and considered in the assessment of the project. Appropriate measures must be taken to avoid or lessen those effects and include monitoring. Measures should be consistent with applicable recovery documents.

Section 79 applies to all listed species on Schedule 1 of SARA including those listed as Special Concern, Threatened, Endangered and Extirpated. As a matter of best practice, COSEWIC-assessed species should be assessed similarly to those listed under SARA.

The Proponent has not identified any species at risk that are likely to be present in the Project area, nor has the Proponent identified adverse effects of the Project on species at risk.

Table I in Appendix I (attached) contains a list of the species that are likely to be encountered in the Project area that have been assessed as at risk by COSEWIC or listed on Schedule 1 of SARA.

The Project may have adverse effects on listed species including direct habitat loss, impacts due to noise, dust or other sensory disturbances, wildlife injury or mortality and wildlife attraction.

ECCC Recommendation(s)

ECCC recommends the Proponent:

- a. Identify adverse effects of the Project on the species at risk likely to be affected and their critical habitat;
- b. Ensure that measures are taken to avoid or lessen those adverse effects and monitor them to inform adaptive management.

If the Proponent encounters species at risk, the primary mitigation measure should be avoidance. ECCC recommends:

- c. Mitigation and monitoring measures be consistent with applicable species at risk Recovery Strategies and Action Plans or Management Plans.
- d. At a minimum, monitoring should include recording timing and location of observed species at risk, their behavior when encountered, and actions taken by the Proponent to avoid disturbance to the species, its habitat, and/or its residence.
- e. The Proponent submit monitoring reports to the appropriate regulators and organizations with management responsibility for that species.

3. Project Activities Within Migratory Bird Habitat - Project Activities During Nesting Season

Reference(s)

- Baker Lake Sealift Laydown NIRB Application-0002-25.R4
- Baker Lake Sealift and Laydown Area - Construction Environmental Management Plan

Comment

The *Migratory Birds Regulations* (MBR) prohibit the disturbance or destruction of migratory birds and their nests or eggs.

The project occurs during the nesting season for migratory birds which extends from late May to mid-August for this region (nesting period N10).

Migratory birds, their nests and their eggs can be inadvertently harmed, killed, disturbed or destroyed because of many activities including, but not limited to, clearing of trees and other vegetation, draining or flooding land, or using fishing gear. Harming of individual birds, nests or eggs, can have long-term consequences for migratory bird populations in Canada, especially through the cumulative effects of many different incidences.

ECCC Recommendation(s)

ECCC recommends the Proponent carry out all phases of the project in a manner that reduces risk to migratory birds and to avoid harming, killing or disturbing migratory birds or destroying, disturbing or taking their nests and eggs.

Proponents should not conduct potentially destructive or disruptive activities at key locations or during key periods to avoid negative impacts to migratory birds. In this regard, the Proponent should take into account ECCC's Guidelines to Avoid Harm to Migratory Birds (<https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html>) and visit Fact Sheet Nest Protection Under the Migratory Birds Regulations, 2022 (<https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/fact-sheet-nest-protection-under-mbr-2022.html>) and Frequently Asked Question, Migratory Birds Regulations, 2022 (<https://www.canada.ca/en/environment-climate-change/services/migratory-bird-permits/faq-migratory-birds-regulations-2022.html>) for more information on the amended Migratory Bird Regulations and updates to nest protections.

4. Contamination of Water Bodies

Reference(s)

- Baker Lake Sealift and Laydown Area - Construction Environmental Management Plan

Comment

Fuel may be stored, handled or transported near a water body that may be used by birds.

ECCC advises the Proponent that section 5.1 of the *Migratory Birds Convention Act* prohibits persons from depositing substances harmful to migratory birds in waters or areas frequented by migratory birds or in a place from which the substance may enter such waters or such an area.

ECCC Recommendation(s)

ECCC recommends the Proponent ensure their employees and contractors are made aware of plans and commitments related to storing, handling and transporting of petroleum products and other hazardous substances and take all necessary precautions to prevent spills.

5. Transmission Lines

Reference(s)

- Baker Lake Sealift Laydown NIRB Application-0002-25.R4

Comment

The Project involves the construction of new power lines.

Transmission lines are a known source of bird mortality due to collisions and electrocution. The most vulnerable bird species for collisions are those with larger wingspans and body mass. Birds with larger body mass, such as waterfowl, may have increased difficulty navigating quickly to avoid difficult to see obstructions such as power lines.

ECCC Recommendation(s)

ECCC recommends the Proponent identify measures for avoiding bird collisions and electrocution. Mitigations could include line placement and orientation, marking of lines (e.g. bird flight diverters) to provide visual cues and design of structures.

6. ECCC Contact Information

Reference(s)

- Baker Lake Sealift and Laydown Area - Construction Environmental Management Plan

Comment

The Proponent has provided an Environmental Monitoring Plan but has not included the correct ECCC email/contact information for instances involving migratory birds.

ECCC has management responsibilities for migratory birds under the *Migratory Birds Convention Act* (MBCA). ECCC should be contacted in instances involving:

- Interactions and incidents involving the potential disturbance of individuals or nests and any mortality events of these species;
- Wildlife monitoring reports and annual reports that pertain to these species; and
- Updates to wildlife management and monitoring plans, or their equivalents, in relation to these species

ECCC Recommendation(s)

ECCC recommends the Proponent notify ECCC's Canadian Wildlife Service (cwsnorth-scfnorth@ec.gc.ca) for instances involving:

- a. Interactions and incidents involving the potential disturbance of individuals or nests and any mortality events of these species;
- b. Wildlife monitoring reports and annual reports that pertain to these species; and
- c. Updates to wildlife management and monitoring plans, or their equivalents, in relation to these species.

7. Pre-Construction Nest Sweeps

Reference(s)

- Baker Lake Sealift and Laydown Area - Construction Environmental Management Plan

Comment

- The proponent states that “a pre-construction sweep for terrestrial wildlife (including migratory and marine birds) will be conducted within seven days of initiating work at the Project site”.
- Pre-construction surveys or active nest searches are not typically recommended, as the ability to detect nests is very low, while the risks of disturbing and/or damaging active nests is high.

ECCC Recommendation(s)

ECCC recommends that the proponent commence construction and complete "pre-construction sweeps" prior to the migratory bird nesting season (late May to mid-August) to avoid damaging active nests; or, if "pre-construction sweeps" must occur during the nesting period, that they:

- Are conducted by skilled and experienced observers;
- Use appropriate methodology;
- Take place in simple habitats where only a few nesting spots or a small community of migratory birds are expected; and
- The time elapsed between the nest search and construction is kept as short as possible.

Proponents are encouraged to follow the guidance on ECCC's Guidelines to Avoid Harm to Migratory Birds (<https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html>).

8. Engine Emission Standards for Heavy Equipment

Reference(s)

- Hamlet of Baker Lake Oceans Protection Plan Funded Sealift Infrastructure Project Description, Section 6.2.3 Equipment Use

Comment

Section 6.2.3 lists the heavy equipment to be used for this Project in Table 6-3. It is not evident what equipment will be sourced externally, nor the engine emission standards for the equipment being used.

ECCC Recommendation

ECCC recommends that any heavy equipment sourced externally for the Project be equipped with engines meeting Tier 4 emission standards.

If you need more information, please contact Kelvin Mok at 647-951-8836 or Kelvin.Mok@ec.gc.ca.

Sincerely,

Kelvin Mok
Environmental Assessment Officer

Attachment(s): Appendix I Species at Risk Table

cc: Eva Walker, Head, Environmental Assessment North (NT and NU)