

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

ECCC File: 6100 000 200/001
NIRB File: 25EN077



February 3, 2026

via email at: info@nirb.ca

Tracy Okhina
Nunavut Impact Review Board
29 Mitik Street
P.O. Box 1360
Cambridge Bay, NU X0B 0C0

Dear Tracy Okhina:

RE: 25EN077 – Aston Bay Holdings – Aston Bay Property or Storm Project – Notice of Screening Review

Environment and Climate Change Canada (ECCC) has reviewed the information submitted to the Nunavut Impact Review Board (NIRB) regarding the above mentioned Review.

ECCC provides expert information and knowledge to project assessments on subjects within the department's mandate and within federal jurisdiction, including greenhouse gas emissions and climate change, air quality, water quality and quantity, migratory birds, species at risk, environmental emergencies preparedness and response, and climate and meteorology. This work includes reviewing proponent's characterization of environmental effects and proposed mitigation measures, and providing information and knowledge to decision-makers on activities needed to mitigate these environmental effects within federal jurisdiction. 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. Marine Landing Area

Reference(s)

- Aston Bay Storm Project Non-Technical Summary – English

Comment

The Non-technical project summary outlines the proposed changes to the project, including the development of a marine landing area to be used by a barge to unload the annual sealift and stage equipment, drilling materials, and fuel prior to mobilization to camp via helicopter.



No additional environmental protection mitigation measures are discussed or proposed for the development of a marine landing area. The development of a marine landing area may cause effects to aquatic life through increased sedimentation and turbidity during construction activities and may lead to chemical and hydrocarbon contamination through operational surface runoff, leaks, and spills.

ECCC Recommendation(s)

ECCC recommends the Proponent:

1. Discuss pathways of effects to water quality from development of a marine landing area
2. Outline mitigation measures that will be implemented to prevent effects to aquatic life during construction and operation of the marine landing area
3. Update management plans to include mitigation and management measures related to the marine landing area

2. Creswell Bay Important Bird Area, Creswell Bay Marine and Terrestrial Key Habitat

Reference(s)

- Environmental Management Plan (pg. 8)

Comment

ECCC notes there are several key habitat areas for waterfowl and migratory birds which overlap or are adjacent to the proposed project area, including Creswell Bay, which the proponent notes in their Environmental Management Plan.

1) **Creswell Bay Important Bird Area (IBA) (NU062)** contains important habitat features for migratory birds and shorebirds, including 20km of lowlands and low tides with extensive mud flats.

Global populations of shorebirds use the lowlands around Creswell Bay, including White-rumped Sandpiper, Red Phalarope, Black-bellied Plover and Sanderling. During late summer, migratory breeding shorebirds gather to feed on pelagic amphipods in the Creswell River and surrounding mudflats, and tens of thousands of geese stage along the coast of the Creswell Bay after the breeding season.

2) **Creswell Marine and Terrestrial Key Habitats** overlap with the project area.

Waterfowl, including Eiders and Long-tailed Ducks, use the Creswell Bay Marine Key Habitat during spring break up when leads and polynyas appear, and during fall for waterfowl moult.

Breeding shorebirds, and geese that moult in late summer, use, and depend on, the Creswell Terrestrial Key Habitat.

ECCC Recommendation(s)

ECCC recommends Proponents take extra precautions around IBAs and KHSs, particularly during the periods of high use for staging in spring and fall, as well as during late summer moult.

As noted in comment (ECCC-04), 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.

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

Reference(s)

- Environmental Management Plan;
- Revised Application IR1E

Comment

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.

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.

Table I in Appendix I 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.

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.

4. Project Activities Within Migratory Bird Habitat and Project Activities During Nesting Season

Reference(s)

- Environmental Management Plan;
- Revised Application IR1E

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). The Proponent incorrectly stated the nesting zone as C8.

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.

5. Project Activities (Clearing) Within Migratory Bird Habitat During Nesting Season

Reference(s)

- Environmental Management Plan;
- Revised Application IR1E

Comment

The Proponent indicates that habitat alteration and/or disturbance may be required during the general nesting period as part of project activities.

The Project is located in Nesting Zone N10. In this area, migratory birds may be found nesting late May to mid August.

During this period, clearing or brushing of vegetation or activities that may disturb or alter nesting habitat may increase the risk of destruction of the nests and eggs of migratory birds. It is important to note that nesting 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 there are occupied migratory bird nests where work is planned, activities that could disturb or destroy nests should be avoided, adapted, rescheduled or relocated. The best way to avoid disturbing or destroying active nests is to avoid conducting harmful activities during the breeding season.

Determining the presence of nesting migratory birds may help reduce risks, but active nest searches are not recommended as the ability to detect nests is very low while the risk of disturbing and/or damaging active nests is high.

As detailed in 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) (<https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html>), nest surveys to determine nest occupancy may only be appropriate when all these conditions are met:

- Conducted by skilled and experienced observers;
- Using appropriate methodology;
- Only a few nesting spots or a small community of migratory birds is expected; and
- The activities will take place in simple habitats.

Proponents are reminded that migratory bird species may nest on the ground, in ground cavities, in grasses, shrubs, cliffs, trees, tree cavities and other sites and that nest sites are often cryptic or camouflaged, making them difficult to locate.

ECCC Recommendation(s)

ECCC recommends the Proponent avoid habitat disturbance during the general nesting period, which extends from late May to mid August for this region.

The Proponent must consider options such as avoiding, adapting, rescheduling or relocating activities. If a nest containing a migratory bird or egg is discovered/disturbed, the Proponent must:

- a) Halt all disruptive activities in the nesting area until nesting is complete and the young have fledged; and
- b) Establish a protective buffer zone around the nests. The buffer zone must be determined by a setback distance appropriate for the species, the intensity of the disturbance, and the surrounding habitat until the young have naturally and permanently left the vicinity of the nest. 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>).

For further questions or technical information, please contact ECCC (cwsnorth-scfnorth@ec.gc.ca).

6. Contamination of water bodies

Reference(s)

- Environmental Management Plan

Comment

Fuel and/or other hazardous materials 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.

7. Oil Spills

Reference(s)

- Environmental Management Plan

Comment

There is a potential for large release of pollutants into marine environments and/or freshwater lakes and rivers where birds may congregate.

Migratory birds are particularly vulnerable to pollution incidents (e.g. oil spills, etc.) in their feeding areas. Proponents should determine what steps would be taken to mitigate the impacts of pollution incidents on migratory birds and their important habitats.

Having this information outlined and available not only benefits wildlife, but also gives clear direction to staff and contractors on what to do during a pollution incident if wildlife is nearby.

ECCC Recommendation(s)

ECCC recommends the Proponent incorporate into existing emergency response plans:

- a) Steps to protect wildlife (including migratory birds) in the event of a pollution incident and keep wildlife out of contaminated areas;
- b) Equipment and resources available for incident response; and
- c) Measures to take if wildlife does come in contact with the spill.

8. ECCC Contact Information

Reference(s)

- Environmental Management Plan

Comment

The Proponent has provided an environmental management plan but has not identified ECCC as a contact 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;

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-scfnord@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.

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)