



Environmental Protection Operations (EPO)
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Yellowknife, NT X1A 1E2

21 January 2008

Our File: 4703 001 072

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

lpayette@nirbnunavut.ca

Attention: Leslie Payette

Re: NIRB 07RN072 – Kugluktuk to McGregor Lake Winter Trail Project 2008 – 5050 Nunavut Limited.

EPO's contribution to your request for specialist advice is based on the mandated responsibilities for the enforcement of **Section 36(3)** of the *Fisheries Act*, the *Canadian Environmental Protection Act* (CEPA), the *Migratory Birds Convention Act* (MBCA) and the *Species at Risk Act* (SARA).

On behalf of Environment Canada (EC), I have reviewed the above noted application submitted by 5050 Nunavut Limited. The proponent would like to transport equipment overland from Kugluktuk to their campsite located at McGregor Lake a distance of approximately one hundred (100) kilometres. The overland trail will be a single use, one-way winter trail to transport equipment required at the McGregor Lake campsite. The proponent will also be constructing an ice airstrip, prepare the campsite, and moving drill equipment.

Based on the information provided, EC believes that the above noted project has the potential to affect fish pursuant to the *Fisheries Act* and wildlife pursuant to the *Species at Risk Act*.

Environment Canada supports the mitigation measures outlined in the above noted application and would like to add the following comments and recommendations.

Comments and Recommendations

The proponent shall ensure that any chemicals, fuel or wastes associated with the proposed project do not enter waters frequented by fish. It is a requirement of **Section 36(3)** of the *Fisheries Act* that all effluent discharged into water frequented by fish be non-deleterious.

The proponent states on page seven (7) of their Spill Contingency Plan, 2008 the following:

“For the purposes of flammable liquids, Environment Canada defines a spill as a volume greater than 100L.”

The proponent should be aware that in the, “The Guidelines For Spill Contingency Planning, prepared by Water Resources Division, Indian and Northern Affairs Canada, Appendix B-3, under Immediately Reportable Spill Quantities, it also states the following:

“In addition, all releases of harmful substances regardless of quantity are to be reported immediately to the NWT spill line if the release is near or into a water body, is near or into a designated sensitive environment or sensitive wildlife habitat, poses imminent threat to human health or safety, poses imminent threat to a listed species at risk or its critical habitat, or is uncontrollable”.

The Canadian Wildlife Service (CWS) of Environment Canada has reviewed the above-mentioned submission and makes the following comments and recommendations pursuant to the *Migratory Birds Convention Act* (the *Act*) and *Migratory Birds Regulations* (the *Regulations*).

- Environment Canada recommends that waste (including food and petroleum waste) be made inaccessible to wildlife at all times. Such waste can attract predators of migratory birds (e.g., foxes and ravens) to an area if not disposed of properly or contained properly.
- 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.

EPO should be notified of changes in the proposed or permitted activities associated with this application.

Please do not hesitate to contact me at (867) 669-4744 or ron.bujold@ec.gc.ca with any questions or comments.

Yours truly,

Ron Bujold
Environmental Assessment Technician

cc: Stephen Harbicht (Head, Assessment & Monitoring, EPO)
Mike Fournier (Northern Environmental Assessment Coordinator, A&M, EPO)
Myra Robertson (Environmental Assessment Coordinator, CWS)