



Environment
Canada

Environnement
Canada

Environmental Protection Operations Directorate (EPOD)
Prairie and Northern Region (PNR)
Qimugjuk Building
P. O. Box 1870
Iqaluit, NU X0A 0H0

August 26, 2014

EC file: 6100 000 161 /001
NIRB File: 14EN033

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

via: info@nirb.ca

RE: Part 4 Screening – 14EN033 WPC Resources Inc.'s "Hood River" Project Proposal

Environment Canada (EC) has reviewed the information submitted to the Nunavut Impact Review Board (NIRB) regarding the above-mentioned project proposal and is submitting comments (attached) on mitigation measures as well as other matters of importance to the project proposal as requested by the NIRB. EC's specialist advice is provided pursuant to the *Canadian Environmental Protection Act 1999*, the pollution prevention provisions of the *Fisheries Act*, the *Migratory Birds Convention Act* (MBCA), and the *Species at Risk Act* (SARA).

The proposed project is located in the Kitikmeot region, approximately 125 kilometres (km) northwest of Bathurst Inlet, and 210 km southeast of Kugluktuk. The Proponent intends to conduct a 5-year base metals and diamonds exploration program in the Hood River area which is proposed to take place seasonally from 2014 to 2019.

For further clarification on any aspect of the submission, please contact me at (867) 975-4983 or Sean.NobleNowdluk@ec.gc.ca.

Sincerely,

Sean Noble-Nowdluk
Environmental Technician

Attached – EC's Comments

cc: Loretta Ransom, A/Head, Environmental Assessment North (NT & NU), EPOD-PNR, EC
Michael Mohammed, Senior Environmental Assessment Coordinator, EPOD-PNR, EC
John Price, Environmental Assessment Officer, EPOD-PNR, EC
Paula Smith, Environmental Assessment Coordinator, Canadian Wildlife Service (CWS), EC



General

1. Subsection 36(3) of the *Fisheries Act* specifies that, unless authorized by federal regulation, no person shall deposit or permit the deposit of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water. In the definition of deleterious substance Subsection 34(1) of the *Fisheries Act* includes “any water that contains a substance in such quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to any other water, degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by man of fish that frequent that water.” Subsection 36(3) makes no allowance for a mixing or dilution zone at the point of deposit.

Incineration

2. EC has developed a *Technical Document for Batch Waste Incineration* which provides guidance on the incineration of combustibles and burnable debris. The document provides information on appropriate incineration technologies, best management and operational practices, monitoring and reporting and can be found at the following web link: <http://www.ec.gc.ca/gdd-mw/default.asp?lang=En&n=5F6E5596-1>

Wildlife

3. Paragraph 6 (a) of the *Migratory Birds Regulations* states that no one shall disturb or destroy the nests or eggs of migratory birds. The best mitigation measure to ensure compliance is to conduct activities with a risk of disturbing or destroying nests or eggs outside of the migratory bird nesting season. High risk activities include disturbance of large amounts of habitat during the nesting season or conducting activities in areas with large concentrations of nesting birds. If an active nest is found, the area should be avoided until nesting is completed (i.e. the young have left the vicinity of the nest).

In the southern Arctic region of the Northwest Territories and Nunavut (Figure 1), migratory birds may be found incubating eggs from May 14 until July 30, and young birds can be present in the nest until September 12.

The Proponent should consult the fact sheet “Planning Ahead to Reduce Risks to Migratory Bird Nests” available at: <http://www.ec.gc.ca/paom-itmb/> for further guidance.



Figure 1. Boreal, Northern and Southern Arctic Ecozones within the Northwest Territories and Nunavut.

4. Environment Canada recommends that food, domestic wastes, and petroleum-based chemicals (e.g., greases, gasoline, glycol-based antifreeze) be made inaccessible to wildlife at all times. Such items can attract predators of migratory birds such as foxes, ravens, gulls, and bears. Although these animals may initially be attracted to the novel food sources, they often will also eat eggs and young birds in the area. These predators can have significant negative effects on the local bird populations.
5. In order to reduce aircraft disturbance to migratory birds, Environment Canada recommends the following, safety permitting:
 - Fly at times when few birds are present (e.g., early spring, late fall, winter)
 - If flights cannot be scheduled when few birds are present, plan flight paths that minimize flights over habitat likely to have birds and maintain a minimum flight altitude of 650 m (2100 feet).
 - Minimize flights during periods when birds are particularly sensitive to disturbance such as migration, nesting, and moulting.
 - Plan flight paths to avoid known concentrations of birds (e.g., bird colonies, moulting areas) by a lateral distance of at least 1.5 km. If avoidance is not possible, maintain a minimum flight altitude of 1100 m (3500 feet) over areas where birds are known to concentrate.
 - Avoid the seaward side of seabird colonies and areas used by flocks of migrating waterfowl by 3 km.
 - Avoid excessive hovering or circling over areas likely to have birds.



- Inform pilots of these recommendations and areas known to have birds.

6. The following comments are pursuant to the *Species at Risk Act* (SARA). Subsection 79 (2) of SARA, states that during an assessment of effects of a project, the adverse effects of the project on listed wildlife species and its critical habitat must be identified, that measures are taken to avoid or lessen those effects, and that the effects need to be monitored. This section applies to all species listed on Schedule 1 of SARA. However, as a matter of best practice, Environment Canada suggests that species on other Schedules of SARA and under consideration for listing on SARA, including those designated as at risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), be considered during an environmental assessment in a similar manner. The Table below lists species that may be encountered in the project area that have been assessed by COSEWIC as well as their current listing on Schedules 1-3 of SARA (and designation if different from that of COSEWIC). Project impacts could include species disturbance, attraction to operations, and destruction of habitat.

Terrestrial Species at Risk potentially within project area ¹	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility ²
Barren Ground Caribou	Special Concern	Schedule 1	Government of Nunavut
Grizzly Bear	Special Concern	Pending	Government of Nunavut
Peregrine Falcon	Special Concern (<i>anatum-tundrius</i> complex ³)	Schedule 1	Government of Nunavut
Short-eared Owl	Special Concern	Schedule 1	Government of Nunavut
Wolverine	Special Concern	Pending	Government of Nunavut

¹ The Department of Fisheries and Oceans has responsibility for aquatic species.

² Environment Canada 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 *Migratory Birds Convention Act* (MBCA). Day-to-day management of terrestrial species not covered in the MBCA is the responsibility of the Territorial Government. Thus, for species within their responsibility, the Territorial Government is best suited to provide detailed advice and information on potential adverse effects, mitigation measures, and monitoring.

³ The *anatum* and *tundrius* subspecies of Peregrine Falcon were reassessed by COSEWIC in 2007 and combined into one subpopulation complex. This subpopulation complex was assessed by COSEWIC as Special Concern, and was added to Schedule 1 of SARA in July 2012.

- For any Species at Risk that could be encountered or affected by the project, the proponent should note any potential adverse effects of the project to the species, its habitat, and/or its residence. All direct, indirect, and cumulative effects should be considered. Refer to species status reports and other information on the Species at Risk registry at www.sararegistry.gc.ca for information on specific species as well as the booklet "Species at Risk in the Northwest Territories" (2012 Edition) available at http://nwt-species-at-risk.ca/pdf/Species-at-risk-in-the-NWT_English.pdf



- If Species at Risk are encountered or affected, the primary mitigation measure should be avoidance. The proponent should avoid contact with or disturbance to each species, its habitat and/or its residence.
 - Monitoring should be undertaken by the proponent to determine the effectiveness of mitigation and/or identify where further mitigation is required. As a minimum, this monitoring 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, its habitat, and/or its residence. This information should be submitted to the appropriate regulators and organizations with management responsibility for that species, as requested.
 - For species primarily managed by the Territorial Government, the Territorial Government should be consulted to identify other appropriate mitigation and/or monitoring measures to minimize effects to these species from the project.
 - Mitigation and monitoring measures must be taken in a way that is consistent with applicable species at risk recovery strategies and action/management plans.
7. All mitigation measures identified by the proponent, and the additional measures suggested herein, should be strictly adhered to in conducting project activities. This will require awareness on the part of the proponents' representatives (including contractors) conducting operations in the field. Environment Canada recommends that all field operations staff be made aware of the proponents' commitments to these mitigation measures and provided with appropriate advice / training on how to implement these measures.
8. Implementation of these measures may help to reduce or eliminate some effects of the project on migratory birds and Species at Risk, but will not necessarily ensure that the proponent remains in compliance with the Migratory Birds Convention Act, Migratory Birds Regulations, and the Species at Risk Act. The proponent must ensure they remain in compliance during all phases and in all undertakings related to the project.