



Environmental Protection Operations Directorate  
Prairie & Northern Region  
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Via email: [info@nirb.ca](mailto:info@nirb.ca)

**RE: 16DN031 – Canadian Armed Forces – Operation Nanook 2016 – NIRB Screening**

Attention: Kelli Gillard

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

**Migratory Birds**

1. Paragraph 6(a) of the *Migratory Bird Regulations*, pursuant to the *Migratory Birds Convention Act* (MBCA), states that no one shall disturb or destroy the nests or eggs of migratory birds. Migratory birds, the nests of migratory birds and/or their eggs can be inadvertently harmed or disturbed as a result of many activities including but not limited to clearing trees and other vegetation, draining or flooding land, or using fishing gear. The inadvertent harming, killing, disturbance or destruction of migratory birds, nests and eggs is known as incidental take. Incidental take, in addition to harming individual birds, nests or eggs, can have long-term consequences for migratory bird populations in Canada, especially through the cumulative effects of many different incidents.

If active nests are encountered during Operation Nanook 2016 (the Project) activities, the nesting area should be avoided until nesting is complete (i.e., the young have naturally left the vicinity of the nest). For further information on how to protect migratory birds and their nests and eggs when planning or carrying out project activities, consult ECCC's web page at: [www.ec.gc.ca/paom-itmb/](http://www.ec.gc.ca/paom-itmb/) for general guidance on avoidance of incidental take of migratory birds and the linked fact sheet "Planning Ahead to Reduce the Risk of Detrimental Effects to Migratory Birds, and their Nests and Eggs".

2. In order to reduce aircraft disturbance to migratory birds, the following are recommended, subject to pilot discretion regarding safety:
  - Fly at times when few birds are present (e.g., early spring, late fall, winter) and minimize flights during particularly sensitive periods (i.e. during migration, nesting, and moulting).
  - If flights cannot be scheduled when few birds are present, plan flight paths that minimize flights over habitat known or likely to have birds and maintain a minimum flight altitude of 650 metres (2,100 feet).
  - Avoid known concentrations of birds (e.g., bird colonies, moulting areas) by a lateral distance of at least 1.5 kilometres. If avoidance is not possible, maintain a minimum flight altitude of 1,100 metres (3,500 feet) over these areas.
  - Avoid the seaward side of seabird colonies and areas used by flocks of migrating waterfowl by 3 kilometres.
  - Avoid excessive hovering or circling over areas known or likely to have birds.
  - Inform pilots of these recommendations and of areas known to have birds.

### **Species At Risk**

3. Subsection 79 (2) of the *Species at Risk Act* (SARA), states that during an assessment 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 subsection applies to all species listed on Schedule 1 of SARA. As a matter of best practice, ECCC 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 assessment of a project in a manner similar to listed species.

Table 1 below lists species that may be encountered in the Project area that have been designated as at risk by COSEWIC as well as their current listing on



Schedules 1, 2 and 3 of SARA (and designation if different from that of COSEWIC). This list may not include all species identified as at risk by the Territorial Government. Project effects could include species disturbance, attraction to operations, and destruction of habitat.

Table 1. Terrestrial species at risk potentially occurring within the project area.

Terrestrial Species at Risk potentially within project area <sup>1</sup>	COSEWIC Designation	SARA Status	Government Organization with Primary Management Responsibility <sup>2</sup>	Recovery Strategy, Action Plan or Management Plan posted on the Species at Risk Public Registry
Ross's Gull	Threatened	Schedule 1, Threatened	ECCC	Recovery Strategy – Final
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	
Short-eared Owl	Special Concern	Schedule 1, Special Concern	GN	
Red-necked Phalarope	Special Concern	No Status	ECCC	
Grizzly Bear (Western population)	Special Concern	No Status	GN	
Wolverine	Special Concern	No Status	GN	

Notes:

<sup>1</sup> Fisheries and Oceans Canada has responsibility for aquatic species.

<sup>2</sup> 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 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.

Project impacts could include species disturbance, attraction to operations, and destruction of habitat.

- If species at risk are or could be encountered or affected by the Project, the primary mitigation measure should be avoidance. The Canadian Armed Forces (the Proponent) should avoid contact with or disturbance to each species, its habitat and/or its residence. All direct, indirect, and cumulative effects should be considered
- 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 <https://www.registrelep-sararegistry.gc.ca/default.asp?lang=En&n=24F7211B-1> for information on specific species.
- Monitoring should be undertaken by the Proponent to determine the effectiveness of mitigation and/or identify where further mitigation is required. At 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.
- The Territorial Government should be consulted to identify other appropriate mitigation and/or monitoring measures to minimize project effects to species under their management responsibility.
- Mitigation and monitoring measures must be taken in a way that is consistent with applicable species at risk recovery strategies and action/management plans

Should you require further information, please do not hesitate to contact me at (867) 669-4733 or [Melissa.Pinto@canada.ca](mailto:Melissa.Pinto@canada.ca).

Sincerely,

*Melissa Pinto*

Melissa Pinto  
Environmental Assessment Coordinator

cc: Wade Romanko, Head, Environmental Assessment North (NT and NU)  
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