



Environmental Protection Operations Directorate

Prairie & Northern Region

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April 7, 2017

ECCC File: 6100 000 181 /001

NIRB File: 17EN020

Natasha Lear

Environmental Administrator

Nunavut Impact Review Board

P.O. Box 1360

Cambridge Bay, NU X0B 0C0

Via email: info@nirb.ca

RE: 17EN020 – 5530 Nunavut Inc. – Meadowbank Precious Metal Project – NIRB Screening

Attention: Natasha Lear

Environment and Climate Change Canada (ECCC) has reviewed the information submitted to the Nunavut Impact Review Board (NIRB) 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:

Legislation

1. On p.3 of their Environmental Management Plan (EMP), Section 2.1, 5530 Nunavut Inc. (the Proponent) lists applicable federal legislation and guidelines that could apply to the Meadowbank Precious Metal Exploration Project (the Project). ECCC notes that the *Migratory Birds Convention Act* (MBCA) is absent from the list.

ECCC Recommends that the MBCA be added to the list of Federal legislation and guidelines provided on p.3 of the EMP.

Species at Risk

2. On p.8 of their EMP, Section 5.2.3 *Species at Risk*, the Proponent states that "Raptor, Red-necked Phalarope and Owl nests, as well as all birds and their nests will always be avoided during exploration activities". ECCC appreciates that avoidance will be used as a mitigation measure for these bird species, but would prefer that the statement include eggs in addition to birds and their nests. Moreover, in this statement and throughout the EMP, the Proponent used "Red-necked Phalarope" when it should be Red-necked Phalarope.

ECCC recommends that the Proponent update the statement cited above to include eggs (i.e. "as well as all birds and their nests and eggs") and correct all instances of "Red-necked Phalarope".

3. On p.8 of their EMP, Section 5.2.3 *Species at Risk*, the Proponent proposes mitigation for two species that are listed as Special Concern by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC): Grizzly Bear and Wolverine. ECCC notes that two Species at Risk are missing from the COSEWIC list: Barren-ground Caribou (Threatened) and Transverse Lady Beetle (Special Concern). ECCC acknowledges that mitigation measures for Caribou are proposed elsewhere but suggests that Transverse Lady Beetle be added to the list of COSEWIC listed species.

ECCC recommends that the Proponent include the Transverse Lady Beetle in the list of species that are of Special concern to COSEWIC.

Migratory Birds

4. On p.9 of their EMP, Section 5.2.3 *Migratory Birds*, the Proponent provides a list of mitigation measures to prevent potential impacts to migratory birds. ECCC would like to remind the Proponent that the Migratory Bird Regulations do not provide for authorizations or permits for the incidental take of migratory birds or their nests or eggs in the course of industrial or other activities. Paragraph 6(a) of the Migratory Bird Regulations, pursuant to the *Migratory Birds Convention Act*, 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.

Spill Contingency

5. On p.6 of their Spill Prevention and Response Plan, Table 2.1 Spill Reporting and Response Contact list, the Proponent has listed a 24-hr pager number for ECCC

in addition to the Enforcement Officer's number. The pager number should be removed, as it is no longer in use.

ECCC recommends that the Proponent update Table 2.1 so that the pager number is removed.

Should you require further information, please do not hesitate to contact me at (867) 669-4746 or Gabriel.Bernard-Lacaille@canada.ca.

Sincerely,



Gabriel Bernard-Lacaille
Environmental Assessment Coordinator

cc: Melissa Pinto, Senior Environmental Assessment Coordinator
Georgina Williston, Head, Environmental Assessment North (NT and NU)