



Environmental Protection Operations Directorate (EPOD)
Prairie & Northern Region (PNR)
5019 52nd Street, 4th Floor
P.O. Box 2310
Yellowknife, NT X1A 2P7

August 8, 2017

ECCC File: 6300 000 038/001
NIRB File: 17XN030

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

via email: info@nirb.com

**RE: 17XN030 – Government of Nunavut, Community and Government Services –
Pond Inlet Marine Infrastructure Project Title – NIRB Screening**

Attention: Sophia Granchinho

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

Disposal at Sea

As stated in the May 31, 2017 letter sent to Jamiann Questa of Advisian (attached), ECCC accepts that dredge material for the Pond Inlet Marine Infrastructure Project is being placed for a purpose other than disposal. As such, a Disposal at Sea Permit will not be required for the material used in Project-related construction. ECCC should be contacted to verify that this determination remains valid should Project activities change.

Sediment and Erosion Control

ECCC notes that "downstream water quality in potentially impacted water bodies shall be monitored" (page 20, Construction and Environmental Management Plan). ECCC recommends that the Proponent develop a Sediment and Erosion Control Monitoring Plan that includes details about where and when monitoring will occur, as well as contingency and adaptive management plans should monitoring indicate sediment run-off which may have a negative impact on marine water quality.

Subsection 36(3) of the *Fisheries Act* states that, unless authorized by federal regulation, no person shall deposit or permit the deposit of any deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance may enter any such water. The legal definition of deleterious substance, as outlined in Section 34(1) of the *Fisheries Act*, includes any substance with a potentially harmful chemical, physical or biological effect on fish or fish habitat. It is the Proponent's responsibility to remain in compliance with the pollution provisions of the *Fisheries Act*.

Migratory Birds

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 could be inadvertently harmed or disturbed as a result of Project activities.

The Project is located in Nesting Zone N10, and migratory birds may be found from late May until mid-August. This nesting period is provided as guidance and may vary from year to year with some species nesting outside of these dates. Project activities that occur during this time could have potential impacts to migratory birds, nests, or eggs.

It is the Proponent's responsibility to take appropriate measures to ensure they comply with the legislation and regulations. Safeguarding guidance and information on how to protect migratory birds and their nests and eggs when carrying out Project activities can be found on ECCC's web page available at: <http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=C51C415F-1>.

If active nests are encountered during Project activities, ECCC recommends that the nesting area be avoided until nesting is complete (i.e., the young have naturally left the vicinity of the nest). It is recommended that all disruptive activities in the area be halted until nesting is completed, and the nest should be protected with a buffer zone appropriate for the species and the surrounding habitat.

The Project will include transport, storage and use of more than 2,000,000 litres fuel for heavy equipment and boats. Migratory birds are particularly vulnerable to pollution incidents (e.g., oil spills) of their feeding areas. ECCC recommends that the Proponent determine what steps would be taken to protect wildlife (including migratory birds) in the event of a pollution incident and incorporate this information into an Emergency Response Plan. This should include specific measures to keep wildlife out of a contaminated area, location and specifics of equipment available to do this, what measures would be taken if animals do come in contact and when such procedures should be used.

Species at Risk

If species at risk are encountered or affected by the Project the primary mitigation measure should be avoidance. The Proponent should avoid contact with or disturbance to each species, its habitat and/or its residence. A table of terrestrial species at risk potentially occurring within the Project area has been provided as Appendix A.

ECCC recommends that the Proponent undertake monitoring of species at risk mitigation during Project activities if species at risk are encountered. This 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 and its habitat.

Should you require further information, please do not hesitate to contact me at (867)669-4732 or Emily.Nichol@canada.ca

Sincerely,



Emily Nichol
Environmental Assessment Coordinator

Attachments: Table 1. Terrestrial Species at Risk Potentially Occurring within the Project Area

ECCC letter to Jamiann Questa of Advisian regarding Disposal at Sea for Iqaluit and Pond Inlet Marine Infrastructure – May 31, 2017

cc: Bradley Summerfield, Senior Environmental Assessment Coordinator
Loretta Ransom, A/Head, Environmental Assessment North (NT and NU),
PNR-EPOD

Table 1. Terrestrial Species at Risk Potentially Occurring within the Project Area

Terrestrial Species at Risk ¹	COSEWIC Designation	SARA Status	Government Organization with Primary Management Responsibility ²	Recovery Strategy, Action Plan or Management Plan posted on the Species at Risk Public Registry
Ivory Gull	Endangered	Schedule 1, Endangered	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	
Red Knot (<i>rufa</i> subspecies)	Endangered	Schedule 1, Endangered	ECCC	Recovery Strategy – Proposed
Red-necked Phalarope	Special Concern	No Status	ECCC	
Ross's Gull	Threatened	Schedule 1, Threatened	ECCC	Recovery Strategy – Final
Short-eared Owl	Special Concern	Schedule 1, Special Concern	GN	Management Plan - Proposed
Wolverine	Special Concern	No Status	GN	
Notes: ¹ Fisheries and Oceans Canada has responsibility for aquatic species. ² Environment and Climate Change Canada (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 <i>Migratory Birds Convention Act</i> (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.				



Environment and
Climate Change Canada

Environnement et
Changement climatique Canada

Environmental Protection Operations Directorate
Pacific and Yukon Region
201 - 401 Burrard Street
Vancouver, BC
V6C 3S5

May 31, 2017

Jamiann Questa
Senior Environmental Consultant, Advisian
Suite 500, Willingdon Park Phase 6,
4321 Still Creek Dr.,
Burnaby BC V5C 6S7

Dear Ms. Questa:

**Re: Applicability of Disposal at Sea Permitting to Dredged Sediment
used as Fill Material in Iqaluit and Pond Inlet Marine Infrastructure**

Environment and Climate Change Canada (ECCC) has reviewed the technical note (May 23, 2017) titled *Use of Dredge Material as Construction Fill for Breakwaters* provided by Advisian in support of the Nunavut Marine Infrastructure Projects. ECCC accepts that the dredged material is being placed for a purpose other than disposal and, as such, a Disposal at Sea permit will not be required for the material used in project related construction as described.

This determination is based on the information provided in the technical note and assumes that the project will proceed as described. ECCC should be contacted to verify that the above determination remains valid if the project is changed.

Please do not hesitate to contact me at 204 983 4815 should you require more information.

Sincerely,

Mark Dahl
Sr. Disposal at Sea Officer
Environment and Climate Change Canada