



Environmental Protection Operations Directorate
Prairie & Northern Region
933 Mivvik Street, 3rd Floor
P.O. Box 1870
Iqaluit, NU X0A 0H0

ECCC File: 6100 000 172/004
NIRB File: 19EN027

June 11, 2019

Via email at: info@nirb.ca

Talia Maksagak
Junior Technical Advisor
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU X0B 0C0

Dear Talia Maksagak:

RE: 19EN027 – Agnico Eagle Mines Ltd. – Snow Exploration Project Expansion – NIRB Screening Application

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

1. Species at Risk

Reference(s)

- Agnico Eagle Ltd. Snow Exploration Project Property Expansion, Main Application Document and Project Description, Application to Obtain Land Use Authorization. Section C. Caribou Protection. March 2019.

Comment

In Section C of the Project Description, the Proponent states that “to limit the impact on the caribou, Agnico Eagle will apply the protection measures that are described in the Keewatin Regional Land Use Plan and also in the Agnico Eagle Wildlife Protection and Response Plan developed for its exploration projects” (Page 6).

ECCC notes that there is no other mention of mitigation or monitoring measures for other Species at Risk that may be encountered in the Project area.

Subsection 79(2) of the *Species at Risk Act* states that during an assessment of a project, the adverse effects of the project on listed wildlife species and their critical habitat must be identified, that measures are taken to avoid or lessen those effects, and that the effects need to be monitored.

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. Monitoring should be undertaken by the Proponent to determine the effectiveness of mitigation and/or identify where further mitigation is required.

A table of species at risk potentially occurring within the Project area has been provided below.

Table 1: List of Species at Risk Potentially Occurring in 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
Peregrine Falcon (<i>anatum-tundrius</i> complex)	Not at Risk	Schedule 1, Special Concern	GN	Management Plan – Final
Polar Bear	Special Concern	Schedule 1, Special Concern	GN	
Short-eared Owl	Special Concern	Schedule 1, Special Concern	GN	Management Plan - Proposed
Caribou (Barren-ground population)	Threatened	No Status	GN	
Harris’s Sparrow	Special Concern	No Status	ECCC	
Red-necked Phalarope	Special Concern	No Status	ECCC	
Grizzly Bear (Western population)	Special Concern	Schedule 1, Special Concern	GN	
Transverse Lady Beetle	Special Concern	No Status	GN	
Wolverine	Special Concern	Schedule 1, Special Concern	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.				

ECCC Recommendation(s)

ECCC recommends that the Proponent:

- Identify any potential Project effects and provide mitigation for any Species at Risk that may be encountered and affected by the Project.
- Undertake monitoring of Species at Risk mitigation. This should include recording the locations and dates of any observations of Species at Risk, behavior or actions taken by animals when Project activities were encountered, and any actions taken by the Proponent to avoid contact or disturbance to the species and its habitat.

2. Migratory Birds

Reference(s)

- Agnico Eagle Ltd. NIRB Application for Screening #125460, Whale Cove area Exploration Projects. April 2019.
- Agnico Eagle Ltd. Snow Exploration Project Property Expansion, Main Application Document and Project Description, Application to Obtain Land Use Authorization. March 2019.

Comment

ECCC notes that there is no mention of Migratory Birds in the NIRB Screening Application documents.

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 may be found in the Project area from the middle of May until the middle of 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>.

ECCC Recommendation(s)

If active nests are encountered during Project activities, ECCC recommends that the Proponent avoid the nesting area 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.

3. Incineration of Sewage

Reference(s)

- Agnico Eagle Ltd. NIRB Application for Screening #125460, Whale Cove area Exploration Projects. Waste Management Table. April 2019.

Comment

In the NIRB Screening Application documents, the Proponent indicates that sewage will either be disposed by incineration, or transportation to a southern facility.

Incineration of sewage is discouraged unless the incinerator is specifically designed to handle this waste and the manufacturer's operating instructions are strictly followed to achieve appropriate combustion. It is unclear from the Waste Management Plan if the incinerator that will be used is specifically designed to handle the incineration of sewage.

Should the Proponent require additional information ECCC has developed a technical document for batch waste incineration that is available at the following link: www.ec.gc.ca/gdd-mw/default.asp?lang=En&n=F53EDE13-1.

ECCC Recommendation(s)

ECCC recommends that the Proponent clarify if the incineration equipment chosen is specifically designed to handle sewage.

4. Spill Contingency Plan

Reference(s)

- Agnico Eagle Ltd. Snow Exploration Project Property Expansion, Main Application Document and Project Description, Application to Obtain Land Use Authorization. Section 5.d. Spill Contingency Plan. March 2019.

Comment

In the Project Description, the Proponent states that "a Spill Contingency Plan is available for this exploration project" (Page 6). No Spill Contingency Plan is included with the NIRB Screening documents.

Recommendation(s)

ECCC recommends that the Proponent provide the Spill Contingency Plan mentioned in the Project Description.

Should you require further information, please do not hesitate to contact me at (867) 975-4981 or Richard.Bingley@canada.ca.

Sincerely,

[original signed by]

Richard Bingley
Environmental Assessment Coordinator

cc: Margaret Fairbairn, Manager, Environmental Assessment Prairie and Northern Region