



NIRB File No.: 22YN020
NPC File No.: 149778

July 7, 2022

Jennifer Provencher
Environment and Climate Change
351 Boul Saint Joseph
Gatineau Quebec J8Y3Z5

Sent via email: jennifer.provencher@canada.ca

Re: Notice of Screening for Environment and Climate Change Canada's "Assessing Contaminates in Seabird Habitats in Eclipse Sound" Project Proposal

Dear Jennifer Provencher:

On April 11, 2022, the Nunavut Impact Review Board (NIRB) received a referral to screen Environment and Climate Change Canada's (ECCC) "Assessing Contaminates in Seabird Habitats in Eclipse Sound" project proposal from the Nunavut Planning Commission (Commission), with an accompanying positive conformity determination with the North Baffin Regional Land Use Plan. Pursuant to Article 12, Sections 12.4.1 and 12.4.4 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and s. 87 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*), the NIRB has commenced screening this project proposal and has assigned it file number **22YN020**.

INFORMATION REQUEST

On April 12, 2022, the NIRB requested that the Proponent complete the online application form through the NIRB's Public Registry system and ensure, pursuant to s. 144(1) of the *NuPPAA*, that sufficient information is provided to determine the scope of the project activities being proposed and commence screening.

On May 2, 2022, the NIRB released a formal correspondence requesting that the Proponent provide the Board with the information necessary in order to carry out the screening of the project proposal. The NIRB followed up on numerous occasions via email (June 10, 2022, June 27, 2022) requesting an update on when the information would be provided. On June 28, 2022, the Proponent provided the requested information and the NIRB commenced the screening pursuant to Part 3 of the *NuPPAA*.

PROJECT OVERVIEW

Project Scope:

All documents received and pertaining to this project proposal can be accessed from the NIRB's online public registry at www.nirb.ca/project/125687.

Project:	Assessing contaminants in Seabird Habitats		
Region:	Qikiqtani, Kivalliq		
Location:	Eclipse Sound, Arviat		
Closest Community:	Pond Inlet, Arviat	Distance (approximate)	Within the area of the communities
Summary of Project Description:	The Proponent intends to conduct research assessing contaminants in seabird habitats near Arviat and Pond Inlet. This includes examining how ship traffic contributes to oil pollution and emissions in the areas used by seabirds, as well as ship based plastic pollution, including microplastics. The project will be carried out with partners in Pond Inlet and Arviat as part of a funded project titled “Inuit Qaujisarnirmut Pilirijjutit on Arctic Shipping Risks in Inuit Nunangat” under the CINUK call for proposals led by ITK.		
Project Proposed Timeline:	August 2022 to October 2025		

According to the project proposal, the scope of the project includes the following undertakings, works or activities:

- Hiring of locals from each community and use of boats for research purposes;
- Shoreline transects - transect tape and materials will be used to mark beaches and shorelines to count plastic pollution, and will be removed when the transects are completed;
- Three (3) sampling types to be used in the project activities:
 - Use of six (6) passive air samplers that will be deployed near where migratory birds breed in areas, consisting of small dishes approximately 30cm in diameter that are left in the habitat for 60 days and retrieved;
 - An active high-volume sampler will be used to test the output from ships when they are moored close to town:
 - 10 active samples will be collected from each site per year, taken when no ships are in town, and when ships are in town; and
 - Use of a manta net to sample for microplastics in the water column:
 - sampling carried out five times a year at each site,
 - manta nets will be pulled behind a small vessel, and
 - filters are then collected and analyzed; and
- All data generated by this project will be a part of the “Inuit Qaujisarnirmut Pilirijjutit on Arctic Shipping Risks in Inuit Nunangat” team discussion. Community partners will co-collect, co-analyse and co-finalise all reports and data stewardship decisions. The results will be shared within Arviat and Pond Inlet as the project develops from 2022 to 2025.

Inclusion or Exclusion of Scoping List

At this time, the NIRB has identified no additional works or activities in relation to the project proposal. As a result, the NIRB will proceed with screening the project based on the scope as described above.

REQUEST FOR COMMENTS

All documents received can be accessed from the NIRB's online Public Registry at www.nirb.ca/project/125687 and include:

- *Commission Conformity Determination*
- *Commission Application and Questionnaire*
- *NIRB's Online Application*

The NIRB will copy you on screening process related correspondence and upload related documents to the NIRB's online registry for public access. The NIRB may request additional information at any time during the process.

The NIRB is copying parties and municipalities potentially affected by ECCC project proposal with this letter, and we invite interested parties to comment directly to the NIRB by **July 18, 2022**.

The NIRB would like parties to provide comments regarding:

- Whether the project proposal is likely to arouse significant public concern; and if so, why;
- Whether the project proposal is likely to cause significant adverse eco-systemic or socio-economic effects; and if so, why;
- Whether the project proposal is likely to cause significant adverse impacts on wildlife habitat or Inuit harvest activities; and if so, why;
- Whether the project proposal is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (and providing any recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

Please note that *proposed* project-specific terms and conditions, should the project proceed, have been attached for consideration and comment ([Appendix A](#)).

CONTACT INFORMATION

Please send your comments to the NIRB via email at info@nirb.ca, via fax at (867) 983-2594 or via the individual project dashboard for this assessment on the NIRB's online Public Registry at www.nirb.ca/project/125687.

If you have any questions or require clarification, feel free to contact the undersigned at (867) 983-4616 or femingak@nirb.ca.

Sincerely,



Francis Emingak
Junior Technical Advisor
Nunavut Impact Review Board

Attachments: Appendix A: *Proposed* Project Specific Terms and Conditions

Enclosures (4): Public Notice of Screening (English and Inuktitut)
Comment Forms (English and Inuktitut)

cc: Distribution List
Richard Dwyer, Nunavut Water Board
Carson Gillis, Nunavut Tunngavik Inc
Stephen Williamson Bathory, Qikiqtani Inuit Association
Luis Manzo, Kivalliq Inuit Association
Maria Serra, Kivalliq Inuit Association
Jared Ottenhof, Qikiqtani Inuit Association
Joel Fortier, Qikiqtani Inuit Association
Michele LeBlanc-Harvard, Government of Nunavut-Department of Environment
Mosha Cote, Nunavut Research Institute
Tracey McCaie, Crown Indigenous Relations and Northern Affairs Canada
Lisa Pirie-Dominix, Canadian Wildlife Services
Veronique D'Amours-Gauthier, Fisheries and Oceans Canada

Appendix A: Proposed Project Specific Terms and Conditions

The following is a list of project-specific terms and conditions which, should the project proceed, may be recommended to be attached to any approval.

General

1. Environment and Climate Change Canada (the Proponent) shall maintain a copy of the Project Terms and Conditions at the site of operation at all times and make it accessible to enforcement officers upon request.
2. The Proponent shall operate in accordance with all commitments stated in correspondence provided to the Nunavut Planning Commission (NPC File No.: 149739) and the NIRB (Online Application Form, June 28, 2022). This information should be accessible to enforcement officers upon request.
3. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.
4. The Proponent shall ensure that it meets the standards and/or limits as set out in the authorizing agencies' permits or licences as required for this project.
5. The Proponent shall ensure that all personnel, staff and contractors are adequately trained prior to commencement of all project activities, and shall be made aware of all operational plans, management plans, guidelines and Proponent commitments relating to the project.

Water courses/Water bodies (including fresh and marine waters)

6. The Proponent shall ensure that no disturbance of the stream bed, lakebed or the banks of any definable watercourse be permitted, except where deemed necessary for maintaining project-specific operational commitments or approved by a responsible authority in cases of spill management.
7. The Proponent shall not deposit, nor permit the deposit of any fuel, chemicals, wastes (including wastewater) or sediment into any water body. The Proponent should have in place an Emergency Spill Response Plan that is approved by the appropriate authorizing agency(ies).

Waste Management

8. The Proponent shall manage all hazardous and non-hazardous waste including food, domestic wastes, debris and petroleum-based chemicals (e.g., greases, gasoline, glycol-based antifreeze) in such a manner to avoid release into the environment and access to wildlife at all times until disposed of appropriately or at an approved facility.

Fuel and Chemical Storage

9. The Proponent shall use adequate secondary containment or a surface liner (e.g., self-supporting insta-berms and fold-a-tanks) when storing barreled fuel and chemicals at all locations.

10. The Proponent shall have a Spill Contingency Plan in place at all fuel storage or transfer locations and shall ensure that appropriate spill response equipment and clean-up materials (e.g., shovels, pumps, barrels, drip pans, and absorbents) are readily available.
11. The Proponent shall follow the authorizing agencies' direction for management and removal of hazardous materials and wastes (e.g., contaminated soils, sediment and waste oil).
12. The Proponent shall ensure that wildlife deterrent systems are utilized at the time of a spill incident in order to avoid wildlife (terrestrial or marine) and migratory birds from being contaminated.
13. The Proponent shall ensure that all spills of fuel or other deleterious materials of 100 litres or more must be reported immediately to the 24-hour Spill Line at (867) 920-8130.

Migratory Birds and Raptors Disturbance

14. The Proponent shall carry out all phases of the project in a manner that protects migratory birds and avoids harming, killing or disturbing migratory birds or destroying, disturbing or taking their nests or eggs. In this regard, the Proponent shall take into account Environment and Climate Change Canada's *Avoidance Guidelines*. The Proponent's actions in applying the *Avoidance Guidelines* shall be in compliance with the *Migratory Birds Convention Act, 1994* and with the *Species at Risk Act*.
15. The Proponent shall not disturb or destroy the nests or eggs of any birds. If active nests of any birds are discovered or located (i.e., with eggs or young), the Proponent shall avoid these areas until nesting is complete and the young have naturally left the vicinity of the nest by establishing a protection buffer zone¹ appropriate for the species and the surrounding habitat.
16. The Proponent shall avoid the seaward site of seabird colonies and areas used by flocks of migrating waterfowl, a minimum distance away on the recommendation of the appropriate authorizing agencies.
17. The Proponent shall not pursue seabirds or waterbirds swimming on the water surface and shall avoid concentrations of these birds if encountered on the water.

Marine-Based Activities

18. The Proponent shall, where practicable, coordinate with other vessels to minimize simultaneous vessel traffic in critical wildlife habitat areas allowing the wildlife to continue to use the habitat undisturbed (e.g. Navy Board Inlet, Lancaster Sound, Milne Inlet, Bellot Strait).
19. The Proponent shall ensure that noise be kept to a minimum and shall refrain from making sharp or loud noises, blowing horns or whistles and shall maintain constant engine noise levels.
20. The Proponent shall not visit cliffs used by nesting and breeding birds during the late afternoon or early evening hours during the months of August and September.
21. The Proponent shall not attempt to intersect or interfere with the movements of marine mammals. This includes ensuring that there are no wake zones within 250 metres and a minimum of 100 metre no go zone around marine mammals. Strategic positioning of vessels

¹ Recommended setback distances to define buffer zones have been established by Environment and Climate Change Canada for different bird groups nesting in tundra habitat and can be found at www.ec.gc.ca/paom-itmb.

ahead of the path being traveled by mobile mammals and waiting for the mammals to pass is also prohibited.

22. When marine mammals appear to be trapped or disturbed by vessel movements, the Proponent shall implement appropriate measures to mitigate disturbance, including stoppage of movement until wildlife have moved away from the immediate area.
23. The Proponent shall maintain a distance of 100 metres if a Polar Bear is encountered on land or ice while conducting activities from a zodiac or other small craft; all interaction with Polar Bears should be avoided if possible.
24. The Proponent shall maintain a distance of 500 metres of a walrus haul out while conducting activities from a zodiac or other small craft.
25. The Proponent shall suspend all project activities should any dead fish or wildlife (both marine and terrestrial), or any injured wildlife be observed during any works or activities in and around the marine waters. Activities may only be resumed on the recommendation of the authorizing agencies.
26. The Proponent shall report all incidents, injuries or sightings of marine mammals to the appropriate authorizing agencies.
27. The Proponent shall implement measures designed to minimize disturbance to seabed sediments and benthic communities and marine wildlife when carrying out project activities within the marine environment.

Other

28. The Proponent should engage with local residents regarding planned activities in the area and should solicit available Inuit Qaujimaningit and information regarding current recreational and traditional usage of the project area which may inform project activities. Posting of translated public notices and direct engagement with potentially interested groups and individuals prior to undertaking project activities is strongly encouraged.
29. The Proponent shall ensure that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities.
30. The Proponent should, to the extent possible, hire local people and access local services where possible.