



Environment
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NWB File: 1BW-DUV1214

Phyllis Beaulieu
Manager of Licensing
Nunavut Water Board
PO Box 119
Gjoa Haven, NU X0B 1J0

Via email: licensing@nunavutwaterboard.org

Attention: Ms. Beaulieu

RE: 121003 2BE-DUV1214 Spill Contingency Plan

Environment Canada (EC) has reviewed the above-mentioned plan as submitted to the Nunavut Water Board (NWB). The following specialist advice has been provided pursuant to the *Canadian Environmental Protection Act 1999*, the pollution prevention provisions of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

Fisheries and Oceans Canada has submitted a Spill Contingency Plan for their Harbour Development Project to the NWB, as a requirement of Part F, Item 1 of water license 1BW-DUV1214. Based on a review of the plan, EC provides the following comments and recommendations for the NWB's consideration:

- All mitigation measures identified by the proponent, and the additional measures suggested herein, should be strictly adhered to. This will require awareness on the part of the proponent's representatives (including contractors) conducting operations in the field. EC recommends that all field operations staff be made aware of the proponent's commitments to these mitigation measures and provided with appropriate advice / training on how to implement these measures.
- Subsection 36(3) of the *Fisheries Act* specifies that, unless authorized by federal regulation, no person shall deposit or permit the deposit of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water. In the definition of deleterious substance (Section 34(1), the *Fisheries Act* includes "any water that contains a substance in such quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to any other water, degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is

rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by man of fish that frequent that water.” Subsection 36(3) makes no allowance for a mixing or dilution zone at the point of deposit.

- Please note that according to the Aboriginal Affairs and Northern Development Canada's (AANDC) *Guidelines for Spill Contingency Planning* (April 2007), all releases of harmful substances, **regardless of quantity** are to be reported to the NWT / NU 24-hour Spill Line, (867) 920-8130 if the release is near or into a waterbody, is near or into a designated sensitive environment or sensitive wildlife habitat, poses imminent threat to human health or safety, poses imminent threat to a listed species at risk or its critical habitat, or is uncontrollable.
- Refuelling shall not take place below the high water mark of any water body and shall be done in such a manner as to prevent any hydrocarbons from entering any water body frequented by fish. Secondary containment or a surface liner (drip pans, etc.) should be used when refuelling any equipment on site and should also be used at all fuel drum locations. Secondary containment should be of adequate size and volume to contain and hold fluids for the purpose of preventing spills (the worst-case scenario).

If there are any changes in the project or the plan, EC should be notified as further review may be necessary. Please do not hesitate to contact the undersigned with any questions or comments with regards to the foregoing at (867) 975-4631 or by email at Paula.C.Smith@ec.gc.ca

Regards,



Paula C. Smith
A/Senior Environmental Assessment Coordinator

cc: Carey Ogilvie, Head EA-North, EA and Marine Programs Division, EC