

Environmental Protection Operations
Qimugjuk Building 969
P.O. Box 1870
Iqaluit, NU X0A 0H0
Tel: (867) 975-4639
Fax: (867) 975-4645

Sept 10, 2007

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

via e-mail

RE: Baffinland Iron Mines – Bulk Sampling Program Spill Contingency Plan - NWB 2BB-MRY0710/TR/G1

On behalf of Environment Canada, I have reviewed Baffinland Iron Mine Corporation's Spill Contingency Plan submitted as a requirement of Part G, Item 1 of water license 2BB-MRY0710. The following specialist advice has been provided pursuant to Environment Canada's mandated responsibilities for the enforcement of the *Canadian Environmental Protection Act*, Section 36(3) of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

Environment Canada recommends that the following conditions be included to the Spill Contingency Plan before final approval by the Board:

- The proponent has identified that ship traffic for the provision of materials and transport of the ore sample could have an impact on marine wildlife. The proponent notes that the ships must pass within close proximity of the seabird colony at Cape Graham Moore, on Bylot Island. Part of Bylot Island is a Migratory Bird Sanctuary and the southeastern tip and surrounding marine area has also been identified as a Key Migratory Bird Marine Area (Mallory, M. L. and A. J. Fontaine. 2004. Key marine habitat sites for migratory birds in Nunavut and the Northwest Territories. CWS Occasional Paper No. 109). Marine birds in the area are vulnerable to oil spills and to pollution of their feeding areas. The proponent should plan its shipping route to avoid the key bird areas, as much as possible. Also, the proponent should ensure that wildlife protection measures are identified as part of its Spill Contingency Plan for marine areas. This should include specific mitigation measures to keep birds out of any contaminated area and what measures would be taken if birds do come in contact with the spill.
- Appendix C: *Spill Kits Contents* of the Spill Contingency Plan fails to include a skimmer as part of the contents. Since spills on water may require the use of a skimmer the Proponent should ensure that a skimmer be included as part of the spill kit and available to personnel at all times. EC recommends that Spill kits be located along all transportation routes and vehicles used in transporting fuel and chemicals should be equipped with portable spill kits.

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

Yours truly,

Original signed by

Cindy Parker
Environmental Assessment Specialist

Cc: Carey Ogilvie (Head- EA North, Environment Canada, Yellowknife, NWT)
Myra Robertson (Environmental Assessment Coordinator, CWS, Yellowknife, NWT)