

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

ECCC File: 6100 000 198/001
NWB File: 2BE-CPM



March 14, 2025

via email at: licensing@nwb-oen.ca

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

Dear Richard Dwyer:

RE: 2BE-CPM – 1501253 B.C Ltd. – Coppermine Project - Type B Water Licence

Environment and Climate Change Canada (ECCC) has reviewed the information submitted to the Nunavut Water Board (NWB) by 1501253 B.C Ltd. regarding the above-mentioned type B water licence.

ECCC provides expert information and knowledge to project assessments on subjects within the department's mandate, including climate change, air quality, water quality, biodiversity, environmental emergencies preparedness and responses. This work includes reviewing proponent characterization of environmental effects and proposed mitigation measures. We provide advice to decision-makers regarding a proponent's characterization of environmental effects, the efficacy of their proposed mitigation activities, and may suggest additional mitigation measures. Any comments received from ECCC in this context does not relieve the proponent of its obligations to respect all applicable federal legislation

The following comments are provided:

1. Species at Risk

Reference(s)

- Wildlife Management Plan 1501253 B.C Ltd.

Comment

Species at risk are assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) or added to Schedule 1 of the *Species at Risk Act* (SARA) on a regular basis. It is important for proponents to ensure they are aware of what species are present in the project area and take appropriate actions to ensure compliance with the SARA.



The killing, harming or harassing of listed species as well as the damage and destruction of their residences is prohibited under SARA. In the territories, the prohibitions apply automatically to:

- Threatened, Endangered and Extirpated species listed on Schedule 1 of SARA on lands under the authority of the federal Minister of Environment.
- Migratory Birds (as defined under the *Migratory Birds Convention Act* [MBCA]) everywhere they are found

These prohibitions can apply elsewhere if there is an order put in place.

The destruction of critical habitat of species listed under Schedule 1 of SARA is prohibited on all lands identified within the critical habitat protection order for the species.

ECCC Recommendation(s)

As species are assessed and listed on a regular basis, ECCC recommends the Proponent:

- a) Consult the Species at Risk registry to obtain the most current information for their operations.
- b) Consult the Government of Nunavut to identify appropriate mitigation and/or monitoring measures to avoid and lessen project effects to species under their management responsibility. For more information on Species at Risk in Nunavut, please refer to the booklet 'Species at Risk in Nunavut (2021 edition)'

2. Species at Risk – SAR Missing and/or Effects and Measures Missing

Reference(s)

Wildlife Management Plan 1501253 B.C Ltd.

Comment

Section 79 of SARA requires the assessor and decision body to ensure that where a project is likely to affect a listed species or its critical habitat, all adverse effects of the project are identified and considered in the assessment of the project. Appropriate measures must be taken to avoid or lessen those effects and include monitoring. Measures should be consistent with applicable recovery documents.

Section 79 applies to all listed species on Schedule 1 of SARA including those listed as Special Concern, Threatened, Endangered and Extirpated. As a matter of best practice, COSEWIC-assessed species should be assessed similarly to those listed under SARA.

The Proponent has not identified all the species at risk that are likely to be present in the Project area.

Table I in Appendix I contains a list of additional species that are likely to be encountered in the Project area that have been assessed as at risk by COSEWIC or listed on Schedule 1 of SARA.

The Proponent has not identified all the adverse effects of the Project on species at risk. The Project may have additional adverse effects on listed species including: impacts due to noise, dust or other sensory disturbances, wildlife injury or mortality, exposure to toxic or hazardous substances and wildlife attraction.

ECCC Recommendation(s)

ECCC recommends the Proponent:

- a. Identify adverse effects of the Project on the species at risk likely to be affected and their critical habitat;
- b. Ensure that measures are taken to avoid or lessen those adverse effects and monitor them to inform adaptive management.

If the Proponent encounters species at risk, the primary mitigation measure should be avoidance. ECCC recommends:

- c. Mitigation and monitoring measures be consistent with applicable species at risk Recovery Strategies and Action Plans or Management Plans.
- d. At a minimum, monitoring should include recording timing and location of observed species at risk, their behavior when encountered, and actions taken by the Proponent to avoid disturbance to the species, its habitat, and/or its residence.
- e. The Proponent submit monitoring reports to the appropriate regulators and organizations with management responsibility for that species.

3. Project Activities Within Migratory Bird Habitat – Project Activities During Nesting Season

Reference(s)

Wildlife Management Plan 1501253 B.C Ltd.

Comment

The *Migratory Birds Regulations* (MBR) prohibit the disturbance or destruction of migratory birds and their nests or eggs.

The project occurs during the nesting season for migratory birds which extends from mid-May to mid-August for this region.

Migratory birds, their nests and their eggs can be inadvertently harmed, killed, disturbed or destroyed because of many activities including, but not limited to, clearing of vegetation, draining or flooding land, or drilling associated disturbances. Harming of individual birds, nests or eggs, can have long-term consequences for migratory bird populations in Canada, especially through the cumulative effects of many different incidences.

Recommendation(s)

ECCC recommends the Proponent carry out all phases of the project in a manner that reduces risk to migratory birds and to avoid harming, killing or disturbing migratory birds or destroying, disturbing or taking their nests and eggs.

Proponents should not conduct potentially destructive or disruptive activities at key locations or during key periods to avoid negative impacts to migratory birds. In this regard, the Proponent should take into account ECCC's Guidelines to Avoid Harm to Migratory Birds and visit Fact Sheet Nest Protection Under the Migratory Birds Regulations, 2022 and Frequently Asked Question, Migratory Birds Regulations, 2022 for more information on the amended Migratory Bird Regulations and updates to nest protections.

If you need more information, please contact Maja Crawley at Maja.Crawley@ec.gc.ca.

Sincerely,

Maja Crawley
Environmental Assessment Officer

cc: Eva Walker, Head, Environmental Assessment North (NT and NU)

Appendix I

The Table below lists additional species that may be encountered in the Project area that have been designated as at risk by COSEWIC as well as their current listing on Schedule 1 of SARA (and designation if different from that of COSEWIC). This list may not include all species identified as at risk by the territorial government. As species are assessed and listed on a regular basis, consult the [Species at Risk registry](#) to maintain the most current information.

Table I: Terrestrial Species at Risk potentially interacting with project components.

Terrestrial Species at Risk ¹	Scientific Name	COSEWIC Designation	SARA Status	Primary Management Responsibility ²	Available Recovery Documents
Red Knot (islandica subspecies)	<i>Calidris canutus islandica</i>	Not at Risk (2020)	Special Concern (2012)	Environment and Climate Change Canada	Recovery Strategy Management Plan
Red Knot (rufa subspecies)	<i>Calidris canutus rufa</i>	Endangered (2020)	Endangered (2012)	Environment and Climate Change Canada	Recovery Strategy Critical Habitat Description
Rusty Blackbird	<i>Euphagus carolinus</i>	Special Concern (2017)	Special Concern (2009)	Government of Nunavut	Management Plan
Transverse Lady Beetle	<i>Coccinella transversoguttata</i>	Special Concern (2016)	Special Concern (2021)	Government of Nunavut	
Notes: ¹ Fisheries and Oceans Canada (DFO) has responsibility for aquatic species (not listed here). ² 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 MBCA. Day-to-day management of terrestrial species not covered in the MBCA is the responsibility of GN. Populations that exist in National Parks are managed under the authority of the Parks Canada Agency (PCA). * Denotes recovery documents that are in the process of being finalized but where a draft/proposed version is available for use					