



Environment Environnement  
Canada Canada

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Our file: 4703 001 101

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**Re: NWB 2BE-CRO---- – True North Gems Inc. – Crooks Inlet Project**

On behalf of Environment Canada (EC), I have reviewed the information submitted with the above-mentioned application. 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*.

Based on the information provided, EC does not have any concerns with the proposed activities as described. It is the opinion of EC that the water use in this application does constitute domestic use pursuant to section 13.7.1 of the *Nunavut Land Claims Agreement*, assuming that there is no change in the project over the time frame indicated in the application. However, EC does recommend that the following general conditions be applied throughout all phases of the project:

1. The proponent shall not deposit, nor permit the deposit of any fuel, chemicals, wastes, drill cuttings or sediment into any water body. According to the *Fisheries Act*, Section 36(3), the deposition 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, is prohibited.
2. Both sumps for greywater and sewage shall be located above the high water mark of any water body and in such a manner as to prevent the contents from entering any water body frequented by fish.
3. The Proponent shall ensure that any waste is disposed of appropriately at an approved facility.
4. Any fuel caches shall be located above the high water mark of any water body. Further, EC recommends the use of secondary containment, such as self-supporting insta-berms, when storing fuel on location rather than relying on natural depressions.
5. The proponent should be aware that any spill of fuel or hazardous materials, adjacent to or into a water body, **regardless of quantity**, shall be reported immediately to the NWT 24-hour Spill Line, (867) 920-8130.
6. The contact numbers in the Spill Contingency Plan for Environment Canada should be update to the following:
  - NWT/Nunavut 24-hour Duty Officer:
    - Phone: 867-766-3737
    - Fax: 867-873-8185
7. Drip pans, or other similar preventative measures, should be used when refueling equipment on site.

8. Section 6 (a) of the Migratory Birds Regulations states that no one shall disturb or destroy the nests or eggs of migratory birds. Therefore, Environment Canada recommends that all activities in which there is a risk of disturbing or destroying nests or eggs be conducted outside the migratory bird breeding season, which extends from approximately May 15 to July 31. These dates are approximate, and if active nests (i.e. nests containing eggs or young) are encountered outside of these dates the proponent should avoid the area until nesting is complete (i.e. the young have left the vicinity of the nest).
9. For activities permitted to occur during the breeding season, Environment Canada recommends that the proponent confirm there are no active nests (i.e. nests containing eggs or young) in the vicinity of their operations before activities commence. If active nests of migratory birds are discovered, the proponent should halt all activities in the nesting area until nesting is completed (i.e. the young have left the vicinity of the nest).
10. Environment Canada recommends that camp waste be made inaccessible to wildlife at all times. Camp waste can attract predators of migratory birds (e.g., foxes and ravens) to an area if not disposed of properly.
11. Section 5.1 of the *Migratory Birds Convention Act* prohibits persons from depositing substances harmful to migratory birds in waters or areas frequented by migratory birds or in a place from which the substance may enter such waters or such an area.
12. All mitigation measures identified by the proponent, and the additional measures suggested herein, should be strictly adhered to in conducting project activities. This will require awareness on the part of the proponents' representatives (including contractors) conducting operations in the field. Environment Canada recommends that all field operations staff be made aware of the proponents' commitments to these mitigation measures and provided with appropriate advice / training on how to implement these measures.
13. Implementation of these measures may help to reduce or eliminate some effects of the project on migratory birds, but will not necessarily ensure that the proponent remains in compliance with the *Migratory Birds Convention Act* (the *Act*) and *Migratory Birds Regulations* (the *Regulations*). The proponent must ensure they remain in compliance with the *Act* and *Regulations* during all phases and in all undertakings related to the project.
14. The following comments are pursuant to the Species at Risk Act (SARA), which came into full effect on June 1, 2004. Section 79 (2) of SARA, states that during an assessment of effects of a project, the adverse effects of the project on listed wildlife species and its critical habitat must be identified, that measures are taken to avoid or lessen those effects, and that the effects need to be monitored. This section applies to all species listed on Schedule 1 of SARA. However, as a matter of best practice, Environment Canada suggests that species on other Schedules of SARA and under consideration for listing on SARA, including those designated as at risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), be considered during an environmental assessment in a similar manner.

Species at Risk that may be encountered	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility <sup>1</sup>
Harlequin Duck (Eastern population)	Special Concern	Schedule 1	EC
Peregrine Falcon ( <i>anatum-tundrius subspecies</i> )	Special Concern	Pending	Government of Nunavut
Polar Bear	Special Concern	Pending	Government of Nunavut
Wolverine (Western Population)	Special Concern	Pending	Government of Nunavut

<sup>1</sup>Environment Canada 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 *Migratory Birds Convention Act* (MBCA). Day-to-day management of terrestrial species not covered in the MBCA is the responsibility of the Territorial Government. Thus, for species within their responsibility, the Territorial Government is best suited to provide detailed advice and information on potential adverse effects, mitigation measures, and monitoring.

Impacts could be disturbance and attraction to operations.

Environment Canada recommends:

- Species at Risk that could be encountered or affected by the project should be identified and any potential adverse effects of the project to the species, its habitat, and/or its residence noted. All direct, indirect, and cumulative effects should be considered. Refer to species status reports and other information on the Species at Risk registry at [www.sararegistry.gc.ca](http://www.sararegistry.gc.ca) for information on specific species.
- If Species at Risk are encountered or affected, 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. As a minimum, this monitoring should include recording the locations and dates of any observations of Species at Risk, behaviour or actions taken by the animals when project activities were encountered, and any actions taken by the proponent to avoid contact or disturbance to the species, its habitat, and/or its residence. This information should be submitted to the appropriate regulators and organizations with management responsibility for that species, as requested.
- For species primarily managed by the Territorial Government, the Territorial Government should be consulted to identify other appropriate mitigation and/or monitoring measures to minimize effects to these species from the project.
- Mitigation and monitoring measures must be taken in a way that is consistent with applicable recovery strategies and action/management plans.

15. Harlequin Ducks spend most of the year in coastal marine environments, but they move inland each spring to breed along fast-flowing turbulent streams. Their nests are usually built on the ground along the stream banks. Harlequin Ducks are tolerant of moderate levels of disturbance, but they will abandon a site when the disturbance becomes chronic. Disturbance events can include boating and chronic human presence. If a Harlequin Duck nest or a hen with ducklings is encountered, the proponent should avoid activities in the area until nesting is complete and the brood has moved beyond the range of disturbance.

16. Observations of Harlequin Ducks should be reported to the Canadian Wildlife Service of Environment Canada through the NWT/NU Bird Checklist program.

NWT/NU Bird Checklist Survey  
Canadian Wildlife Service, Environment Canada  
301-5204 50<sup>th</sup> Ave  
Yellowknife NT, X1A 1E2  
Phone: 867.669.4773  
Email: [NWTChecklist@ec.gc.ca](mailto:NWTChecklist@ec.gc.ca)

17. Environmental Protection Operations (EPO) should be notified of changes in the proposed or permitted activities associated with this application.

Please do not hesitate to contact me at (867) 669-4744 or [ron.bujold@ec.gc.ca](mailto:ron.bujold@ec.gc.ca) with any questions or comments.

Yours truly,

Ron Bujold  
Environmental Assessment Technician

cc: Carey Ogilvie (Head, Assessment & Monitoring, EPO)  
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