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

ECCC File: 6100 000 188/002
NWB File: 2BE-EQE1926

May 22, 2026

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-EQE1926 – Baffinland Iron Mines Corporation – Eqe Bay Project – Type B Water License Renewal Application

Environment and Climate Change Canada (ECCC) has reviewed the information submitted to the Nunavut Water Board (NWB) regarding the above mentioned Type B Water License Renewal Application for the Eqe Bay Project submitted by Baffinland Iron Mines Corporation (The Proponent).

ECCC provides expert information and knowledge to project assessments on subjects within the department's mandate and within federal jurisdiction, including greenhouse gas emissions and climate change, air quality, water quality and quantity, migratory birds, species at risk, environmental emergencies preparedness and response, and climate and meteorology. This work includes reviewing proponent's characterization of environmental effects and proposed mitigation measures, and providing information and knowledge to decision-makers on activities needed to mitigate these environmental effects within federal jurisdiction. 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. **Active Nest Searches and Project Activities (potential clearing) within Migratory Bird Habitat during Nesting Season**

   Reference(s)

   - Environmental Protection Plan: Section 2.13: Bird Protection Measures; Appendix C: Active Migratory Bird Nest Survey Protocol

Comment

The Proponent indicates that vegetation clearing, brushing, habitat alteration and/or disturbance may be required during the general nesting period as part of project activities.

The Proponent is also proposing “on-ground inspections for bird nests and eggs … prior to equipment placement or Program activities” to identify “active nest sites” and puts forward species-specific setbacks to buffer impacts to bird nests.

The Project is located in Nesting Zone N10. In this area, migratory birds may be found nesting from late May to mid-August.

During this period, clearing or brushing of vegetation or activities that may disturb or alter nesting habitat may increase the risk of destruction of the nests and eggs of migratory birds. It is important to note that nesting periods may vary from year to year due to climatic conditions and some species may nest outside the dates provided if conditions are favourable.

If there are occupied migratory bird nests where work is planned, activities that could disturb or destroy nests should be avoided, adapted, rescheduled or relocated. The best way to avoid disturbing or destroying active nests is to avoid conducting harmful activities during the breeding season.

Determining the presence of nesting migratory birds may help reduce risks, but active nest searches are not recommended as the ability to detect nests is very low while the risk of disturbing and/or damaging active nests is high.

As detailed in ECCC’s Guidelines to Avoid Harm to Migratory Birds, nest surveys to determine nest occupancy may only be appropriate when all these conditions are met:

- Conducted by skilled and experienced observers;
- Using appropriate methodology;
- Only a few nesting spots or a small community of migratory birds is expected; and
- The activities will take place in simple habitats.

Proponents are reminded that migratory bird species may nest on the ground, in ground cavities, in grasses, shrubs, cliffs, trees, tree cavities and other sites and that nest sites are often cryptic or camouflaged, making them difficult to locate.

ECCC Recommendation(s)

ECCC recommends the Proponent avoid vegetation clearing, brushing, and/or habitat disturbance during the general nesting period, which extends from late May to mid August for this region.

The Proponent must consider options such as avoiding, adapting, rescheduling or relocating activities. If a nest containing a migratory bird or egg is discovered/disturbed, the Proponent must:

a) Halt all disruptive activities in the nesting area until nesting is complete and the young have fledged; and

b) Establish a protective buffer zone around the nests. The buffer zone must be determined by a setback distance appropriate for the species, the intensity of the disturbance, and the surrounding habitat until the young have naturally and permanently left the vicinity of the nest. Proponents are encouraged to follow the guidance on ECCC's Guidelines to Avoid Harm to Migratory Birds.

For further questions or technical information, please contact ECCC (cwsnorth-scfnord@ec.gc.ca).

2. **Contact Information for the Canadian Wildlife Service is outdated**

Reference(s)

- Environmental Protection Plan – Appendix C: Active Migratory Bird Nest Survey Protocol – Mary River Active Migratory Bird Nest Survey (AMBNS) Protocol

Comment

The Proponent has provided an Environmental Protection Plan but has provided outdated contact information for ECCC's Canadian Wildlife Service (CWS). ECCC-CWS has an updated email address where staff can be contacted for migratory bird-related concerns.

ECCC has management responsibilities for migratory birds under the *Migratory Birds Convention Act, 1994* (MBCA). ECCC should be contacted in instances involving:

- Interactions and incidents involving the potential disturbance of individuals or nests and any mortality events of these species;
- Wildlife monitoring reports and annual reports that pertain to these species; and
- Updates to wildlife management and monitoring plans, or their equivalents, in relation to these species

ECCC Recommendation(s)

ECCC recommends the Proponent update the contact information for ECCC's CWS in the Environmental Protection Plan with the following address: cwsnorth-scfnord@ec.gc.ca.

ECCC also recommends the Proponent notify ECCC's CWS (cwsnorth-scfnord@ec.gc.ca) for instances involving:

a) Interactions and incidents involving the potential disturbance of individuals or nests and any mortality events of these species;

b) Wildlife monitoring reports and annual reports that pertain to these species; and

c) Updates to wildlife management and monitoring plans, or their equivalents, in relation to these species.

3. **Incineration of plastic waste**

Reference(s)

- Waste Management Plan, Section 5: Incineration

Comment

ECCC appreciates that Baffinland plans to have stack testing performed for the incinerator, and that Baffinland is disclosing that incineration of some plastic waste is planned. It would be useful to have an upper estimate of the quantity of plastics incinerated, especially those which contain chlorine molecules which can generate dioxins and furans, to enable assessment of the environmental impact.

ECCC Recommendation(s)

ECCC recommends an estimate of the quantity of plastics per batch that may be incinerated, especially plastics that contain chlorine molecules be included in the Waste Management Plan.

4. Spill Contingency Plan – Additional Mitigations

Reference(s)

- Spill Contingency Plan; Section 6.1.2 Potential Fuel Spill Scenario 2: Seal Broken on Engine Fuel Filter
- Spill Contingency Plan; Section 6.1.3 Potential Fuel Spill Scenario 3: Overfill of Fuel Tank (pg. 22/26)
- Spill Contingency Plan; Section 6.3 Lubricants, Oils and Glycol

Comment

ECCC recommends additional mitigation measures that could implemented to reduce impacts to the environment.

ECCC Recommendation(s)

ECCC recommends the following additional mitigation measures that the Proponent could implement to reduce impacts:

- In Section 6.1.2, to reduce impacts to the environment from leaks (e.g., due to broken engine fuel filter):
    - Place spill mats / drip pans / drip trays under vehicles when they are parked or idle for a period of two hours or more.
    - Park vehicles and place stationary equipment at least 31 m from the normal high-water mark of any water body.
- In Section 6.1.3, to reduce the likelihood of a fuel tank overfill situation occurring:
    - Use fuel nozzles equipped with automatic shutoffs.
    - Station operators at both ends of hoses during refueling operations, unless both ends of the hose are visible and readily accessible by one operator.
    - Provide adequate lighting at refueling areas (enabling fuel levels to be adequately judged, and any overflow to be observed).
- In Section 6.3, to minimize the impacts of hydraulic oil spills to the environment:
    - Use biodegradable hydraulic oils (when appropriate) for equipment that is working near or in water.

5. **Waste Management Plan – Additional Mitigations**

Reference(s)

- Waste Management Plan; Table 3-2 Waste Handling and Disposal by Waste Type

Comment

ECCC recommends an additional mitigation measure that could be implemented to reduce impacts to the environment.

ECCC Recommendation(s)

ECCC recommends that crushed empty drums ("Drums – empty" in Table 3-2) and drum residuals ("Drums – residuals") are stored within the hazardous waste storage area, with secondary containment present.

6. **Environmental Protection Plan – Additional Mitigations**

Reference(s)

- Environmental Protection Plan; Section 2.7.2 Fuel Storage and Handling / Environmental Protection Measures
- Environmental Protection Plan; Section 2.14.4 Solid Waste Management / Environmental Protection Measures
- Environmental Protection Plan; Section 2.18.2 Watercourse Crossing Installation / Environmental Protection Measures

Comment

ECCC recommends additional mitigation measures could implement to reduce impacts to the environment.

ECCC Recommendation(s)

ECCC recommends the following additional mitigation measures that the Proponent could implement to reduce impacts:

- In Section 2.7.2, to the list to help reduce the possibility of fuel spills:
    - Use fuel nozzles equipped with automatic shutoffs.
    - Station operators at both ends of hoses during refueling operations, unless both ends of the hose are visible and readily accessible by one operator.
    - Provide adequate lighting at refueling areas (enabling fuel levels to be adequately judged, and any overflow to be observed).
    - Use a drip tray under the fuel nozzle / filling point when fueling mobile equipment and vehicles.
- In Section 2.18.2, to minimize the impacts of hydraulic oil spills to the environment, use biodegradable hydraulic oils (when appropriate) for equipment that is working near or in water.

If you need more information, please contact Jennifer Sabourin at Jennifer.Sabourin@ec.gc.ca.

Sincerely,

Sabourin, Jennifer M

Digitally signed by: Sabourin, Jennifer M
DN: CN = Sabourin, Jennifer M C = CA O = GC OU = EC-EC
Date: 2026.05.22 15:30:58 -06'00'

Jennifer Sabourin
Acting Senior Environmental Assessment Officer

cc: Cari-Lyn Epp, Acting Head, Environmental Assessment North (NT and NU)