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NWB File: 2BE-TAH0611

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Via email: [licensingadmin@nunavutwaterboard.org](mailto:licensingadmin@nunavutwaterboard.org)

**RE: 2BE-TAH0611 Water License Renewal Application**

Environment Canada (EC) has reviewed the information submitted with the above-mentioned renewal application to the Nunavut Water Board (NWB). The following specialist advice has been provided pursuant to the *Canadian Environmental Protection Act*, Section 36(3) of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

Diamonds North Resources Ltd. (Diamonds North) is applying for a renewal of water license 2BE-TAH0611 to support decommissioning of their Victoria Island Project. Two camps are associated with this water license, the Tuktu/Northern Camp and Skinny/Southern Camp. Project activities include demobilization of fuel, salt, equipment and the decommissioning of the camps under Diamonds North's original Abandonment and Restoration Plan. The planned 2011 program will last approximately three weeks, with removal of equipment to Cambridge Bay via cat train occurring in April and camp demobilization occurring between late June and early August.

Based on the renewal application, EC provides the following comments for the NWB's consideration:

**General**

- The proponent shall not deposit, nor permit the deposit of chemicals, sediment, wastes, or fuels associated with the project 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 deleterious substance that results from the deposit of the deleterious substance, may enter any such water, is prohibited.

**Fuel Spill Contingency Plan**

- On page 10 of the Diamonds North Fuel Spill Contingency Plan, the Environment Canada emergency pager number should be removed as it is no longer in service.
- 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.
- EC recommends the use of secondary containment, such as self-supporting insta-berms,

- for storage of all barrelled fuel rather than relying on natural depressions to contain spills.
- A spill kit, including shovels, barrels, absorbents, etc. should be readily available at all locations where fuel is being stored or transferred in order to provide immediate response in the event of a spill and should accommodate 110% of the capacity of the largest fuel storage container.
- Drip pans, or other similar preventative measures, should be used when refuelling equipment on site and along the transportation route.
- Spills are to be documented and report to the NWT/NU 24 hour Spill Line at (867) 920-8130. All releases of harmful substances, regardless of quantity, are immediately reportable where the release:
  - is near or into a water body;
  - is near or into a designated sensitive environment or sensitive wildlife habitat;
  - poses an imminent threat to human health or safety; or,
  - poses an imminent threat to a listed species at risk or its critical habitat.

### **Waste Disposal**

- The proponent states that hazardous waste will be removed from the camp for disposal at an approved facility in Cambridge Bay, Yellowknife, or Edmonton. Under the *Canadian Environmental Protection Act* (CEPA 1999) and the Interprovincial Movement of Hazardous Wastes Regulations, the transportation of hazardous waste between territories requires that the proponent completes movement documents. The Government of Nunavut only regulates waste in Nunavut and has no authority in the Northwest Territories. An approved movement document should be completed prior to shipment.
- In the renewal application it states that the proponent plans to burn camp waste in a burn barrel. This is amended in an email from the proponent to the NWB providing additional information where it states that they will burn combustible waste in an approved incinerator. The Abandonment and Reclamation Plan has also been revised to reflect this change. EC notes this change and suggests that the proponent provide information to the NWB which demonstrates that the incinerator selected is capable of meeting the CCME Canada-wide Standards for Dioxins and Furans.

### **Wildlife and Species at Risk**

- Section 6 (a) of the *Migratory Birds Regulations* states that no one shall disturb or destroy the nests or eggs of migratory birds. If active nests are encountered during project activities, the nesting area should be avoided until nesting is complete (i.e., the young have left the vicinity of the nest).
- EC recommends that food, domestic wastes, and petroleum-based chemicals (e.g., greases, gasoline, glycol-based antifreeze) be made inaccessible to wildlife at all times. Such items can attract predators of migratory birds such as foxes, ravens, gulls, and bears. Although these animals may initially be attracted to the novel food sources, they often will also eat eggs and young birds in the area. These predators can have significant negative effects on the local bird populations.
- 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. The table below lists species that may be encountered in the project area that have been assessed by COSEWIC as well as their current listing on Schedules 1-3 of SARA (and designation if different from that of COSEWIC). Project impacts could include species disturbance, attraction to operations, and destruction of habitat.

Terrestrial Species at Risk <sup>1</sup>	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility <sup>2</sup>
Red Knot ( <i>rufa</i> subspecies)	Endangered	Pending	EC
Peregrine Falcon ( <i>anatum-tundrius</i> complex <sup>3</sup> )	Special Concern	Schedule 1 ( <i>anatum</i> ) Schedule 3 ( <i>tundrius</i> )	Government of Nunavut
Wolverine (Western population)	Special Concern	Pending	Government of Nunavut
Barren-ground Caribou (Dolphin and Union population)	Special Concern	Pending	Government of Nunavut
Grizzly Bear	Special Concern	Pending	Government of Nunavut
Polar Bear	Special Concern	Pending	Government of Nunavut

<sup>1</sup> The Department of Fisheries and Oceans has responsibility for aquatic species.

<sup>2</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.

<sup>3</sup> The *anatum* subspecies of Peregrine Falcon is listed on Schedule 1 of SARA as threatened. The *anatum* and *tundrius* subspecies of Peregrine Falcon were reassessed by COSEWIC in 2007 and combined into one subpopulation complex. This subpopulation complex was listed by COSEWIC as Special Concern.

- For any Species at Risk that could be encountered or affected by the project, the proponent should note any potential adverse effects of the project to the species, its habitat, and/or its residence. 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
- EC notes that the Red Knot (a shorebird) was designated as a species of Special Concern by COSEWIC in April 2007. The Red Knot (*rufa* subspecies) breeding range overlaps with the location of the proposed project area. Although the major threats to Red Knot relate to habitat degradation in the wintering areas and decreases in food resources during spring migration, the proponent should ensure that extra precautions are taken to avoid any disturbance to the Red Knot or its habitat during the breeding season. Red Knots nest on barren habitats (often less than 5% vegetation) such as windswept ridges, slopes or plateaus. Nest sites are usually in dry, south-facing locations, and may be located near wetlands or lake edges, where the young are led after hatching. Nests are simple scrapes on the ground in small patches of vegetation. Nesting will occur in June with hatching in early July. If an active Red Knot nest is encountered during project activities, or observations of Red Knot in the area suggest that a nest could be nearby, the proponent should avoid all activities in the area until nesting is complete (i.e., likely only resume activities in the area until after mid-July).
- The Canadian Wildlife Service of Environment Canada is interested in observations of birds, especially observations of birds identified as Species at Risk (e.g. Red Knot). Observations can be reported through the NWT/NU Bird Checklist program.  
 NWT/NU Bird Checklist Survey  
 Canadian Wildlife Service, Environment Canada  
 5019 - 52 Street, 4th Floor  
 P.O. Box 2310  
 Yellowknife NT, X1A 2P7  
 Phone: 867.669.4773  
 Email: [NWTChecklist@ec.gc.ca](mailto:NWTChecklist@ec.gc.ca)
- 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 staff be made aware of the proponents' commitments to these mitigation measures and provided with appropriate advice/training on how to implement these measures.
- Implementation of these measures may help to reduce or eliminate some effects of the project on migratory birds and Species at Risk, but will not necessarily ensure that the proponent remains in compliance with the *Migratory Birds Convention Act*, *Migratory Birds Regulations*, and the *Species at Risk Act*. The proponent must ensure they remain in compliance during all phases and in all undertakings related to the project.

The proponent should continue to use modern technology to support their Abandonment & Restoration Plan. Comments previously submitted on behalf of EC regarding water license 2BE-TAH would still apply to this project. 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 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](mailto:Paula.C.Smith@ec.gc.ca).

Yours truly,



Paula C. Smith  
 Environmental Assessment Coordinator

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