



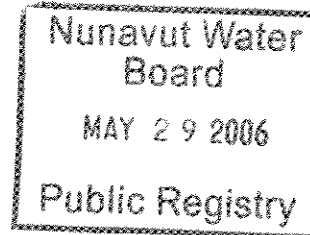
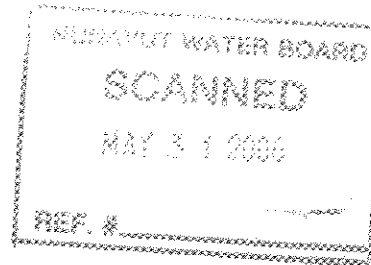
Environment Environnement  
Canada Canada

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29 May 2006

Richard Dwyer  
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P.O. Box 119  
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Attention: Richard Dwyer



Our File: 4704 004 002

Fax: (867) 360-6369

Re: NWB-2BE-TRE - Renewal Application - Tree River Area - Strongbow Exploration Inc.

EPO's contribution to your request for specialist advice is based on the mandated responsibilities for the enforcement of Section 36(3) of the *Fisheries Act*, the *Canadian Environmental Protection Act* (CEPA), and the *Migratory Birds Convention Act* (MBCA) and *Regulations* and the *Species at Risk Act* (SARA). On the basis of the information provided, EC believes that the above noted project has the potential to affect fish pursuant to the *Fisheries Act* and migratory birds pursuant to the *Migratory Birds Convention Act* and the *Species at Risk Act* (SARA).

Environment Canada supports the mitigation measures proposed by Strongbow Resources Inc. and would like to add the following comments and recommendations.

#### Comments and Recommendations

- The proponent shall ensure that any chemicals, fuel or wastes associated with the proposed land use permit application do not enter waters frequented by fish. It is a requirement of Section 36(3) of the *Fisheries Act* that all effluent discharged into water frequented by fish, be non-deleterious
- No disturbance of the stream bed or banks of any definable watercourse is permitted; clearing adjacent to streams/lakes should be done without disturbing the organic layer. Suitable erosion control measures shall be implemented at all stream/lake crossings
- Drip pans should be used when refuelling any equipment on site and at all tent heating fuel locations. An appropriate spill kit with absorbent material should be located at all fuel transfer sites
- All fuel containers must be properly sealed and stacked in an upright position to prevent the possibility of spills and leaks. When storing barrelled fuel at a location, EC encourages the use of a secondary containment rather than relying on "natural depressions". Self supporting insta-berms are available from various suppliers within Canada
- Regardless of the type of drilling conducted, the following conditions will apply:
  - \* Drilling wastes from land-based drilling should be disposed of in a sump such that they do not enter any body of water
  - \* For lake-based winter drilling the proponent may refer to the Interim Guidelines for On-Ice drilling. Return water released to the lake must be non-toxic. Return water release must not result in an increase in total suspended solids in the waters of the lake that exceeds Canadian Council of Ministers of the Environment (CCME) Guidelines for the Protection of Freshwater Aquatic Life (i.e. 10 mg/L for lakes with background levels under 100 mg/L, or 10% for those above 100 mg/L)
  - \* Drilling additives or mud shall not be used in connection with holes drilled through lake ice unless they are re-circulated, contained such that they do not enter the water, or are demonstrated to be non-toxic

- \* EC would like to inform the proponent that the *Canadian Environmental Protection Act* lists CaCl as a toxic substance. The proponent shall therefore ensure that if CaCl is used as a drill additive, all sumps containing CaCl are properly constructed and located in such a manner as to ensure that the contents will not enter any water body
- \* If artesian flow is encountered, drill holes shall be plugged and permanently sealed upon completion
- All sumps, including those for camp sewage, grey water, and drill cuttings, 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 frequented by fish. All sumps shall be backfilled at the end of each field season, and contoured to match the existing landscape
- Provide to my attention the co-ordinates for all diamond drill holes and final camp locations when known

The Canadian Wildlife Service (CWS) of Environment Canada has reviewed the above-mentioned submission and makes the following comments and recommendations pursuant to the *Migratory Birds Convention Act* (the *Act*) and *Migratory Birds Regulations* (the *Regulations*), and the *Species at Risk Act* (SARA).

#### *Migratory Birds Convention Act (MBCA) and Regulations*

- Section 6 (a) of the *Migratory Birds Regulations* states that no one shall disturb or destroy the nests or eggs of migratory birds. Therefore, CWS recommends that all activities 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).
- If activities are permitted to occur during the breeding season, CWS 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 until nesting is completed (i.e. the young have left the vicinity of the nest).
- In order to reduce disturbance to nesting birds, CWS recommends that aircraft used in conducting project activities maintain a flight altitude of at least 610 m during horizontal (point to point) flight.
- In order to reduce disturbance to resting, feeding, or moulting birds, CWS recommends that aircraft used in conducting project activities maintain a vertical distance of 1000 m and minimum horizontal distance of 1500 m from any observed concentrations (flocks / groups) of birds.
- CWS 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. Incineration of camp waste is a recommended option.
- Section 35 of the *Migratory Birds Regulations* states that no person shall deposit or permit to be deposited, oil, oil wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds.
- 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.
- 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.

#### *Species at Risk Act (SARA)*

- 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, EC asks that species listed on other Schedules of SARA and under consideration for listing also be included in this type of assessment.

Species at Risk that may be encountered	Category of Concern	Schedule of SARA	Government Organization with Expertise on Species
Short-eared Owl	Special Concern	Schedule 3	Government of Nunavut
Peregrine Falcon (subspecies tundrius)	Special Concern	Schedule 3	Government of Nunavut
Grizzly Bear	Special Concern	Pending	Government of Nunavut
Wolverine (Western Population)	Special Concern	Pending	Government of Nunavut

- Impacts could be disturbance and attraction to operations.

Environment Canada recommends:

- The proponent should identify potential Species at Risk that could be encountered. Refer to 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, the primary mitigation measure should be avoidance. The proponent should avoid contact with or disturbance to each species.
- The proponent should consult with the Government of the Nunavut and appropriate status reports, recovery strategies, action plans, and management plans to identify other appropriate mitigation measures to minimize effects to these species from the project.
- The proponent should record the locations and frequency of any observations of Species at Risk and note any actions taken to avoid contact or disturbance to the species.

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,



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Environmental Assessment Technician

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Colette Spagnuolo (Environmental Assessment/Contaminated Sites Specialist, A&M, EPO)