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

**RE: 3BC-JFE--- – John Franklin Expedition New – Type “B” Water License**

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 the *Canadian Environmental Protection Act*, Section 36(3) of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

Mr. Tom Gross has applied for a Water License from the Nunavut Water Board for the operation of a temporary tent camp. This camp is to be located 90 km southeast of Gjoa Haven, on the northwest shore of Collinson Inlet, near Cape Jane Franklin. The camp will be operated with a maximum capacity of 4 people seasonally between August 1<sup>st</sup> and August 30<sup>th</sup>, 2010, for recreational archeological purposes. Activities will continue annually through 2015.

Environment Canada provides the following comments and recommendations for the Nunavut Water Board's consideration:

**Camp**

- The proponent shall not deposit, nor permit the deposit of any fuel, chemicals, wastes 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.
- EC requests that the proponent provide additional information on the intended methods for the treatment and disposal of greywater and camp sewage.

**Fuel storage/Spill Contingency Plan**

- All sumps, spill basins, and fuel caches should be located in such a manner as to ensure that their contents do not enter any water body, and are to be backfilled and re-contoured to match the surrounding landscape when they are no longer required.
- Refueling shall not take place below the high water mark of any waterbody and shall be done in such a manner as to prevent any hydrocarbons from entering any waterbody frequented by fish.
- A spill kit including shovels, barrels, absorbents, etc. should be readily available at all locations where fuel is being stored or transferred.

- Drip pans, or other similar preventative measures, should be used when refueling equipment on site.
- EC recommends the use of secondary containment, such as self-supporting installments, for storage of all barreled fuel rather than relying on natural depressions to contain spills.

### 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).
- Environment Canada 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.
- 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.
- 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.

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
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 *tundris* 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.

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

[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
- 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 Bird 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.

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 me 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,

***Original signed by***

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