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NWB file: 3BC-PVD----

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Via email: licensing@nunavutwaterboard.org

RE: 110706 3BC-PVD---- New Application – Kitikmeot Region – Neil Shubin

Environment Canada (EC) has reviewed the information regarding the above-mentioned new Type B water license application, as submitted to the Nunavut Water Board (NWB). The following specialist advice has been provided pursuant to the *Canadian Environmental Protection Act 1999*, Section 36(3) of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

Neil Shubin, of the University of Chicago, is applying for a Type B water license for a remote field camp to support a research project on Devon Island. The 4-person temporary camp will be located somewhere along the Tucker River, at a suitable campsite location, and will be occupied for three weeks. Project activities include inspection of surrounding surface rocks for fossils and are proposed to occur between 7-30 July 2011 and 2012. Transport of crew and equipment to the camp and research sites will be from Resolute.

Based on the information provided, 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.

Waste Management

- The proponent states that non-combustible waste will be removed to community disposal facilities. EC suggests that confirmation and authorization be obtained from the intended community landfill (i.e. Resolute) prior to shipment.
- EC recommends that camp sewage be treated as outlined in the Polar Continental Shelf Project Operation Manual protocols, which calls for the use of a "latrine" area for handling sewage waste.

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 nest). In the northern Arctic region of the Northwest Territories and Nunavut migratory birds may be found incubating eggs from May 31 until August 4, and young birds can be present in the nest until August 28.
- In order to reduce aircraft disturbance to migratory birds, Environment Canada recommends the following:
 - Fly at times when few birds are present (e.g., early spring, late fall, winter)
 - If flights cannot be scheduled when few birds are present, plan flight paths that minimize flights over habitat likely to have birds and maintain a minimum flight altitude of 650 m (2100 feet).
 - Minimize flights during periods when birds are particularly sensitive to disturbance such as migration, nesting, and moulting.
 - Plan flight paths to avoid known concentrations of birds (e.g., bird colonies, moulting areas) by a lateral distance of at least 1.5 km. If avoidance is not possible, maintain a minimum flight altitude of 1100 m (3500 feet) over areas where birds are known to concentrate.
 - Avoid the seaward side of seabird colonies and areas used by flocks of migrating waterfowl by 3 km.
 - Avoid excessive hovering or circling over areas likely to have birds.
 - Inform pilots of these recommendations and areas known to have birds.
- 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 and attraction to operations.

Terrestrial Species at Risk potentially within project area ¹	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility ²
Red Knot (<i>islandica</i> subspecies)	Special Concern	Pending	EC
Ivory Gull	Endangered	Schedule 1	EC
Peary Caribou	Endangered	Pending	Government of Nunavut
Polar Bear	Special Concern	Pending	Government of Nunavut

¹ The Department of Fisheries and Oceans has responsibility for aquatic species.

² Environment Canada (EC) 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. Populations that exist in National Parks are also managed under the authority of the Parks Canada Agency.

- 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 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.
- Ivory Gulls are medium-sized gulls that can be identified by their pure white plumage and black legs. Ivory Gulls nest in colonies on windswept plateaus, ice-choked islands, or on steep cliffs of mountains protruding from glaciers. Ivory Gulls nest on Ellesmere Island, although the proposed project is not near any known Ivory Gull nesting colonies. It is possible that Ivory Gull colonies exist in the High Arctic that have not been noted. If inland groups of gulls are encountered that could be nesting Ivory Gulls, these areas should be avoided to prevent disturbance and observations reported to the Canadian Wildlife Service of Environment Canada.
 - EC notes that the Red Knot (*islandica* subspecies) (a shorebird) was designated as a species of Special Concern by COSEWIC in April 2007. The Red Knot (*islandica* 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.; Ivory Gulls, Red Knots, and Peregrine Falcons). Observations can be reported through the NWT/NU Bird Checklist program.

NWT/NU Bird Checklist Survey
 Canadian Wildlife Service, Environment Canada
 P.O. Box 2310, 5019 – 52nd Street, 4th floor
 Yellowknife NT, X1A 2P7

Blank checklist survey forms are available at:
<http://www.ec.gc.ca/reom-mbs/default.asp?lang=En&n=D19D8726-1>

- 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 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.

If there are any additional 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 and I look forward to reading about the project's fossil finds.

Yours truly,



Paula C. Smith
Environmental Assessment Coordinator

cc: Carey Ogilvie (Head, Environmental Assessment-North, EPO, EC, Yellowknife, NT)
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