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NWB file: 3BC-ENN0409

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Via email at: licensing@nunavutwaterboard.org

Re: NWB 3BC-ENN0409- Cawker & Young- Ennadai Lake Project- Renewal- 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 Environment Canada's mandated responsibilities for the enforcement of the *Canadian Environmental Protection Act*, Section 36(3) of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

Cawker and Young Outfitting Ltd. have applied to renew their existing Water License (NWB6EN0409) for the operation of a fishing lodge, Ennadai Lake Lodge. The lodge is operational seasonally from June 1st until September 15th. Maximum capacity of the lodge is 35 people, with an average occupancy of 15-20 people.

The proponent is considering onsite incineration as another waste disposal option. EC is developing a Technical Document for Batch Waste Incinerators. The technical aspects of the document focus on appropriate incineration equipment and best management practices required to achieve the Canada-Wide Standards for dioxins/furans and mercury. To assist the board, a draft copy of the executive summary of the technical document is provided. The board and the proponent are encouraged to contact EC for further information regarding the technical document.

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 following is an updated list of species at risk located in the vicinity of the project area.

Terrestrial Species at Risk potentially within project area ¹	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility ²
Horned Grebe (Western population)	Special Concern	Pending	EC
Short-eared Owl	Special Concern	Schedule 3	Government of Nunavut
Rusty Blackbird	Special Concern	Schedule 1	Government of Nunavut
Grizzly Bear	Special Concern	Pending	Government of Nunavut
Wolverine (Western Population)	Special Concern	Pending	Government of Nunavut

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

² 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.

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 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.

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.

Based on the information presented at this time, EC has no real concerns with the renewal of the water license, provided that the proponent is in compliance with the existing water license.

Comments and recommendations submitted by Ivy Stone in the May 4, 2004 letter relating to the renewal of water license NWB6ENN- Ennadai Lake Project, would still apply (see attached letter). Terms and conditions applied to the existing water license should be carried forward in the assignment.

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 carrie.spavor@ec.gc.ca.

Yours truly,

Original signed by

Carrie Spavor
Environmental Assessment Coordinator

c.c: Carey Ogilvie (Head, Environmental Assessment-North, EPO, Yellowknife, NT)
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