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Department of Environment

Ministère de l'Environnement

June 9, 2008

Phyllis Beaulieu
Manager of Licensing
Nunavut Water Board

via Email to: licensingadmin@nunavutwaterboard.org

RE: NWB FILE # 3BC-NAP – Henik Lake Adventures Ltd. – Napajut Lake Tourism Camp

Dear Ms. Beaulieu:

The Government of Nunavut, Department of Environment (DOE) has reviewed the water license application from Henik Lake Adventures Ltd.'s Napajut Lake Tourism Camp which is also available for rental to exploration companies as indicated by the proponent, and has the following comments and recommendations to make based on the *Environmental Protection Act* and the *Wildlife Act* regarding spill contingency, abandonment & restoration, and wildlife.

1. Spill Contingency Plan

The subsequent recommendations and comments are based on the DOE *Spill Contingency Planning and Reporting Regulations*, *Contingency Planning and Spill Reporting in Nunavut: a Guide to the New Regulations*, and *Guideline for the General Management of Hazardous Waste in Nunavut*. Consequently; DOE recommends the following be included in the Spill Contingency Plan (SCP):

- The date the contingency plan was prepared.
- The name and address of the person in charge, management or control. This is an on-site person responsible for managing the facility. This person would be initially responsible for clean up activities.
- The name and address of the owner if different from the person in charge. This is the person ultimately responsible for the facility, usually the owner.
- The name, job title and 24 hour telephone number for the persons responsible for activating the contingency plan. This ensures the employee discovering the spill can activate a response and provides a 24 hour point of contact for the authority investigating the spill.
- A description of the facility including the location, size and storage capacity. This is important if persons are unfamiliar with the facility or area. The description could include a map and/or diagrams.
- A site map that is intended to illustrate the facilities relationship to other areas that may be affected by the spill, and should be provided once a camp is set up. The map should be to scale and be large enough to include the location of your facility, nearby buildings or facilities, roads, culverts, drainage patters, and any nearby bodies of water.
- An inventory of response and clean up equipment available to implement the plan should be included in the spill plan. This includes your equipment as well as any to be used by another person responding to the spill on your behalf.

- The DOE monitors the movement of hazardous wastes from generators, carriers to receivers, through a tracking document (Waste Manifest). A Waste Manifest must accompany all movements, and all parties must register at DOE with Robert Eno at reno@gov.nu.ca or (867) 975-7748.
- The NWT-Nunavut spill report form has been updated, and can be obtained from the Spill Line. The proponent is advised to enter spill information electronically in the form so the information is legible to regulators inspecting spills.

2. Abandonment & Restoration Plan

Based on the DOE's *Guideline for Contaminated Site Remediation*, we recommend the following:

Contaminated Soil

Soil contaminated by fuel (e.g., soils under an old storage tank) should be treated on site or removed to an approved disposal site, and replaced with new soil. Soils in the vicinity of fuel and/or chemical storage should be tested and disposed off if necessary.

Incineration

The Government of Nunavut is a signatory to the *Canada-Wide Standards for Dioxins and Furans*, and *Canada-Wide Standards for Mercury Emissions*. For incineration of wastes, DOE therefore has the following comments to make regarding emissions from incineration.

The proponent indicated that the camp will be sized for 12 people. For camps of greater than 10 but less than 50 people, the proponent shall apply appropriate technologies to ensure complete combustion of wastes, and the use of a dual chamber, forced-air incinerator is recommended. The proponent shall make determined efforts to achieve compliance with the Canada-wide Standards for dioxins and furans and the Canada-wide Standard for Mercury. Efforts should include the implementation of a comprehensive waste management strategy (especially waste segregation) that is designed to reduce and control the volumes of wastes produced, transported, and disposed of. The Waste Management Strategy should consider and include:

- Purchasing policies that focus on reduced packaging,
- On-site diversion and segregation programs (i.e. the separation of non-food waste items suitable for storage and subsequent transport and disposal or recycling).
- If incineration is required, ensure diligent operation and maintenance of the incineration device and provide appropriate training to the personnel operating and maintaining the incinerator.

Waste wood treated with preservatives such as creosote, pentachlorophenol or heavy metal solutions should not be burned. Additionally, plastics, electrical wire, asbestos and building demolition wastes (except clean wood) are wastes likely to produce dioxins and furans when burned and should be excluded from incineration. Under no circumstance should hazardous wastes be managed through burning or incineration. The efforts made to achieve compliance shall be reported as part of the annual report.

3. Wildlife

The project is located in an area where caribou, carnivores (i.e., grizzly bears) and raptors may be encountered. To prevent and minimize project related impacts on wildlife, it is important that the proponent is aware of the types of wildlife species, their distribution and their abundance in the project area, prior to the start of the project. DOE therefore asks the proponent records all wildlife observations in a 'wildlife log', and maps the location of any sensitive wildlife sites such as denning sites, calving areas, caribou crossing sites, and raptor nests. The timing of critical life history events (i.e., calving, mating, denning and nesting) should also be identified. Additionally,

the proponent should indicate potential impacts from the project, and ensure that operational activities are managed and modified to avoid impacts on wildlife and sensitive sites; the log and maps will be a useful tool to achieve this. Below are wildlife specific recommendations that DOE advises the proponent to implement.

Human-carnivores conflicts

It is likely that during operations the proponent will encounter grizzly bears, polar bears, wolves, foxes and wolverines. The proponent is advised to minimize odors that potentially attract carnivores through timely camp housekeeping and bearproof storage of food and food waste. Should the proponent experiences any interaction with carnivores, they are advised to contact the local Conservation Officer. All camp members should be fully aware and trained in the human - bear/wolf/fox/wolverine encounter avoidance plans especially in avoidance of any feeding (advertently or inadvertently by leaving food out) of these species. The proponent must discourage food conditioning of all wildlife species, negative reinforcement is encouraged.

The proponent should take all possible measures to avoid wildlife encounters, specifically bears. These measures include use of an alarmed trip wire around the site perimeter and wildlife monitors. DOE requests that wildlife monitors working for the proponent carry shot guns and have cracker shells, rubber bullets, and bean bag rounds available to use as deterrents. The proponent should follow procedures outlined in the "Safety in Bear Country Manual", and should contact the Regional Biologist or the Wildlife Manager indicated below for information and advice on measures which should be taken to minimize the possibility of bear-people conflicts.

Raptor Nesting Areas

Raptor nests occur throughout Nunavut, and most of the prospecting areas likely contain at least a few nest sites. The proponent should not to disturb nesting raptors from 15 April to 1 September by staying at least 1.5 km away from them when in transit by aircraft and by avoiding approaching them closely while on foot.

The following is a list of general precautions that must be considered when conducting prospecting activities near Peregrine Falcon, Gyrfalcon, and other raptor nests (most of these precautions will also apply to all nesting bird species):

- Disturbance is most harmful early in the nesting period (May and June for Peregrine Falcon and Gyrfalcon, similar for Rough-legged Hawk): raptors will attempt to maximize their chances of successfully raising young. If they decide early in the breeding period that their nest is at risk, they may abandon it. If nests are disturbed at this stage of nesting, there may not be sufficient time to renest. All disturbances to nests during the early part of the nesting cycle must be avoided (avoid nest sites from late May through to mid-July).
- Individuals show variability in their response to disturbance: Different birds will show different responses to varying levels of disturbance. This may result from the general health of the bird, weather conditions, previous life experiences, and adaptability. Therefore, treat all nest sites with equal precaution, regardless of the response of the bird. Do not disturb raptor nests during conditions of poor weather (rain, snow, high winds).

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Approaching the nest site near the time of fledgling (where chicks fly away from the nest) often leads to premature nest departure: During the last few weeks of nesting, severe disturbance at the nest often causes young raptors to jump out of the nest. This can cause death from exposure, predation, starvation, or trauma from the fall itself. All activity within 100m of a nest site during the latter part of the nest stage (10-20 August for peregrine falcons in this region) must be avoided.

Recording Wildlife Observations and Critical Habitat

DOE requests the proponent records and reports wildlife observations near the project area annually to a Regional Wildlife Biologist at the end of the operational season. This information will inform workers the kinds of wildlife present on site, prepare them for wildlife encounter, and allow them to modify activities accordingly to avoid wildlife. Additionally, this will assist the government and the applicant with collection of wildlife data. The reports should include location (i.e., latitude and longitude), species, number of animals, a description of the animal activity, and a description of the gender and age of animals if possible. It is important to record the presence and number of animals as well as any young observed. For example, observations of wolves and their young during the summer will be an indicator of denning in the proximity.

DOE Contact (Wildlife Division)

Manager, Wildlife

-Dan Shewchuk, (867) 857-2828, dshevwchuk@gov.nu.ca

Biologist, Kivalliq Region

-Mitch Campbell, (867) 857-2828, mcampbell@gov.nu.ca

The GN thanks NWB for the opportunity to provide comments on Henik Lake Adventures Ltd.'s water license application. Please contact us if you have further questions.

Yours sincerely,

Original signed by

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