



Environment Environnement
Canada Canada

Environmental Protection Operations
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25 May 2007

Our File: 4706 001 012

SAHTU Land & Water Board
P.O. Box 1
Fort Good Hope, NT X0E 0H0

Fax: (867) 598-2325

Attention: Rick Walbourne

Re: **S07C-005 – Land Use Permit Application - Mineral Exploration – Zinc Recce Project – Tulita District – Sahtu Settlement Area – Bootleg Exploration Inc.**

S07C-006 – Land Use Permit Application - Mineral Exploration – Bronco Project – Tulita District – Sahtu Settlement Area – Bootleg Exploration Inc.

EPO's contribution to your request for specialist advice is based on our mandated responsibilities for the enforcement of Section 36(3) of the *Fisheries Act*, the *Canadian Environmental Protection Act (CEPA)*, the *Migratory Birds Convention Act (MBCA)* 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*, migratory birds pursuant to the *Migratory Birds Convention Act* and wildlife pursuant to the *Species at Risk Act*.

Environment Canada supports the mitigation measures proposed by Bootleg Exploration Inc. for their activities on their Zinc Recce and Bronco projects and would like to add the following comments and recommendations.

Comments and Recommendations

- The proponent shall insure that any chemicals, fuel or wastes associated with the proposed project 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
- The proponent should ensure that combustible waste is burned in a device that promotes efficient combustion and reduction of emissions and is capable of meeting the emissions limits established under the Canada-wide Standards (CWS) for Dioxins and Furans and the CWS for Mercury Emissions. Both the Government of Canada and the Government of Nunavut are signatories to these standards and are required to implement them according to their respective jurisdictional responsibility
- Under the proponents Spill Response Plan for Contaminants, Appendix B, Reportable Spills, the proponent should also state the following: "that any spill of fuel or hazardous materials, adjacent to or into a water body, regardless of quantity, shall be reported immediately to the NWT 24-hour Spill Line at (867) 920-8130"
- Provide a list and the location of equipment, both on and off site to be used in the event of a spill
- Operational practices for the handling of fuels and hazardous fluids should be posted and made available to all personnel required to work on site and should outline a clear path of response
- A dedicated area should be used for refuelling equipment with measures taken to ensure capture and containment of drips and spills. Drip pans should be used when refuelling any equipment on site. An appropriate spill kit with absorbent material should be located at all fuel transfer sites and drill sites
- Spill contingency plans should also include the locations of disposal sites which are approved to accept wastes and the proponent should have a means of proper storage of wastes prior to disposal

- All fuel containers must be properly sealed and stacked in an upright position to prevent the possibility of spills and leaks. EC encourages the use of self supporting insta-berms, which are available from various suppliers within Canada
- All sumps and spill basins 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
- All fuel caches should be inspected and documented on a regular basis
- Drilling wastes from land-based drilling should be disposed of in a sump such that they do not enter any body of water
- Drill holes shall be plugged and permanently sealed upon completion
- The proponent should be aware 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
- The Canadian Wildlife Service (CWS) advises that any activities that occur during summer months have the potential to affect breeding migratory birds. Effects could include disturbance and/or destruction of eggs or nests of migratory birds due to camp establishment or other project related activities. Section 6(a) of the *Migratory Birds Regulations* states that no person shall disturb or destroy nests or eggs of migratory birds. CWS recommends that the proponent confirm there are no active nests (i.e. nests containing eggs or young) in the vicinity before exploration activities commence. If active nests of migratory birds are discovered, the proponent should choose a new location and generally avoid the area 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
- Species at risk that may be encountered in this area include the Peregrine Falcon (anatum subspecies) and the Woodland Caribou (Boreal population), which are listed as Threatened on Schedule 1 and the Woodland Caribou (Northern Mountain population) which is listed as Special Concern on Schedule 3 of SARA. In addition, the Grizzly Bear and Wolverine (Western Population) are both listed as species of Special Concern by COSEWIC. The proponent should be aware of their special status, and minimize disturbance to, or contact with these species
- The proponent should identify potential Species at Risk that could be encountered. Refer to the Species at Risk registry at www.sararegistry.gc.ca for information on specific species
- The proponent should also record the locations and frequencies of any observations of species at risk encountered 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.

If you have any further questions or comments, please do not hesitate to contact me at (867) 669-4744 or ron.bujold@ec.gc.ca.

Yours truly,



Ron Bujold
Environmental Assessment Technician

cc: Carey Ogilvie (Head, Assessment & Monitoring, EPO)
Mike Fournier (Northern Environmental Assessment Coordinator, A&M, EPO)