



Environment
Canada

Environnement
Canada

Environmental Protection Operations (EPO)
Prairie and Northern Region
5019 52nd Street, 4th Floor
P.O. Box 2310
Yellowknife, NT X1A 2P7

EC File No.: 4706 002 023
SLWB File: No.: S12L3-006

June 28, 2013

Tony Morris
Regulatory Specialist
Sahtu Land and Water Board
Box 1
Fort Good Hope, NT X0E 0H0

Via Email: tony.morris@slwb.com

Dear Mr. Morris,

RE: S12L3-006 – Charter Community of Deline – Municipal Water Licence Amendment

Environment Canada (EC) has reviewed the information submitted to the Sahtu Land and Water Board (SLWB) regarding the above-mentioned water licence. EC's advice is provided pursuant to the *Canadian Environmental Protection Act 1999*, the pollution prevention provisions of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

It is EC's understanding the water licence amendment is for a new sewage lagoon in the Charter Community of Deline. EC provides the following comments and recommendations for consideration.

Sewage Lagoon Specifics

It is unclear how this new uncommissioned lagoon will be amended into in the existing licence. It is essential that the current lagoon remain in the licence while it continues to be used.

EC recommends the amended licence contain sections specific to the uncommissioned lagoon where operation or regulation differs between systems.

The lagoon appears to be designed to continuously discharge effluent through the summer months. The current licence is written for a lagoon which has a discreet decant event. For example, under the Surveillance Network Program, B.

Canada

www.ec.gc.ca

1., Station Number 0555-2 is required to be sampled every 3 days during decant.

EC recommends the licence conditions for the uncommissioned lagoon reflect the continuous discharge operation of the lagoon.

Compliance point SP-1 and SP-2 have not been specifically identified. The position of these sampling points must be carefully selected to represent the effluent before it has entered the environment (SP-1) and effluent after it has received some flow through some portion of the wetland (SP-2).

EC recommends a condition be added to require the community to submit a rationale and specific GPS positioning points for the SNP points of the uncommissioned lagoon for review and authorization by the water board.

The documents submitted with the amendment application lack design details. For example, the lagoon is said to be large enough for the 20 year design period for 10 months of wastewater storage. However, these calculations and volumes have not been provided for review or for saving on file. The design drawings were very helpful, however.

EC recommends design details and as-built drawings be submitted to the board.

Migratory Birds and Species at Risk

EC would like to remind the Proponent of the following Species at Risk and Migratory Birds regulatory requirements, which should be adhered to during the lagoon construction.

Paragraph 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). The Proponent should consult the fact sheet "Planning Ahead to Reduce Risks to Migratory Bird Nests" available at: <http://www.ec.gc.ca/paom-itmb/>

The Charter Community of Deline is located in the boreal region of the Northwest Territories where migratory birds may be found incubating eggs from May 7 until July 21, and young birds can be present in the nest until August 10.

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). Subsection 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, EC 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 destruction of habitat.

Terrestrial Species at Risk potentially within project area ¹	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility ²
Olive-sided Flycatcher	Threatened	Schedule 1	EC
Horned Grebe (Western population)	Special Concern	Pending	EC
Woodland Caribou (Boreal population)	Threatened	Schedule 1	GNWT
Peregrine Falcon	Special Concern (<i>anatum-tundrius</i> complex ³)	Schedule 1	GNWT
Rusty Blackbird	Special Concern	Schedule 1	GNWT
Short-eared Owl	Special Concern	Schedule 1	GNWT
Wolverine (Western population)	Special Concern	Pending	GNWT
Grizzly Bear	Special Concern	Pending	GNWT

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

² 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. 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.

- 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 as well as the booklet "Species at Risk in the Northwest Territories" (2012 Edition) available at

http://nwt-species-at-risk.ca/pdf/Species-at-risk-in-the-NWT_English.pdf

- 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 species at risk recovery strategies and action/management plans.

Please do not hesitate to contact me at (867) 669-4744 or loretta.ransom@ec.gc.ca with any questions concerning the above comments and recommendations.

Sincerely,



Loretta Ransom
Senior Environmental Assessment Coordinator, EPO

cc: Dave Fox (Head, Environmental Assessment North, EPO, EC)
Mary Kelly (Water Project Officer, EC)