



Environment
Canada

Environnement
Canada

Canadian Wildlife Service
5019, 52 Street
P.O. Box 2310
Yellowknife, NT X1A 2P7

December 6, 2013

File #: EA1314-01

Chuck Hubert
Senior Environmental Assessment Officer
Mackenzie Valley Review Board
Yellowknife, NT

Via email: chubert@reviewboard.ca

RE: Acknowledgement of receipt of a notification pursuant to ss. 79(1) of the *Species at Risk Act*

Dear Mr. Hubert:

This letter confirms receipt of your letter of notification pursuant to ss. 79(1) of the *Species at Risk Act* (SARA), on November 29, 2013 in the context of the Jay-Cardinal Project proposed by Dominion Diamond Ekati Corporation. Environment Canada looks forward to participating in the environmental review of this project. As a disclaimer, please note that this letter serves only to acknowledge the receipt of your letter of notification pursuant to ss. 79(1) of SARA; it should not be considered as a response from Environment Canada on any other requirement regarding this environmental assessment process.

Environment Canada is the lead federal jurisdiction for SARA notification purposes for the species Peregrine Falcon and Short-eared Owl noted in your letter. Please note that Rusty Blackbird, Horned Grebe, Barn Swallow, Common Nighthawk, and Olive-sided Flycatcher do not occur within the project area and should not be listed. The species Eskimo Curlew was not included in the notification letter, but should have been. The species Eskimo Curlew is designated as Endangered and listed on Schedule 1 of SARA. The proposed project falls within the historical range of the species, however, there have been no reliable sightings of Eskimo Curlew since 1998 and the National Recovery Team for this species has determined that recovery is not feasible at this time. It is Environment Canada's view that, in light of its current status, there is no need for further action with respect to Eskimo Curlew. An appropriate mitigation and monitoring plan should be developed with the Proponent if it is established that this species does occur in the area.

The species Peregrine Falcon and Short-eared Owl are managed by the Government of the Northwest Territories; as such, you are advised to consult the Government of the Northwest Territories – Department of Environment and Natural Resources for their information, expertise and advice on this/these species. COSEWIC assessments and respective recovery documents for these species are available on the Species at Risk Public Registry (<http://www.sararegistry.gc.ca>) and should be referred to during the environmental assessment process.

The species Grizzly Bear and Wolverine noted in your letter are not listed under SARA but have been assessed by COSEWIC. As such you are advised that it is best practice to consider them just as if they were listed under SARA. You are advised to contact the Government of the Northwest Territories – Department of Environment and Natural Resources for information, expertise and advice on Grizzly Bear and Wolverine.

Please note that under ss. 79(2) of the Species at Risk Act, the person required under an Act of Parliament to ensure that an assessment of environmental effect is conducted must identify adverse effects on all listed species, including species of special concern and the critical habitat of extirpated, endangered and threatened species; and if the project is carried out, ensure that measures are taken to avoid or lessen those effects and to monitor them. These measures must a) be consistent with best available information including any Recovery Strategy, Action Plan or Management Plan in a final or proposed version; and b) respect the terms and conditions of the Species at Risk Act regarding protection of individuals, residences, and critical habitat of extirpated, endangered, or threatened species.

The competent minister's role within environmental assessment is to provide technical advice and support to the federal authority to assist in addressing these requirements. However, it should be noted that the SARA competent minister also has certain specific obligations relative to species and critical habitat protection stemming from SARA itself, separate from the *Mackenzie Valley Resource Management Act* or the environmental assessment process.

For further information on your responsibilities regarding the consideration of wildlife species at risk in the environmental assessment process, please consult the following documents available on Environment Canada's website (<http://www.ec.gc.ca/Publications/default.asp?lang=En>):

- *Addressing Species at Risk Act Considerations Under the Canadian Environmental Assessment Act for Species Under the Responsibility of the Minister responsible for Environment Canada and Parks Canada;*
- *The Species at Risk Act Environmental Assessment Checklists for Species Under the Responsibility of the Minister Responsible for Environment Canada and Parks Canada;*
- *Environmental Assessment Best Practice Guide for Wildlife at Risk in Canada.*

While these SARA documents make specific reference to the *Canadian Environmental Assessment Act* and are currently being updated, the general principles can still be applied and much of their content may be relevant to other federal environmental assessment regimes in Canada's North such as the *Mackenzie Valley Resource Management Act*.

Sincerely,



Bruce MacDonald

Manager, Northern Conservation Section, Canadian Wildlife Service

cc: Carey Ogilvie, Head, Environmental Assessment North, Environmental Protection Operations Directorate
Sarah-Lacey McMillan, Environmental Assessment Coordinator, Environmental Protection Operations Directorate
Paula Smith, Environmental Assessment Coordinator, Northern Conservation Section, Canadian Wildlife Service