

EA03-008
EC Comments ToR

FAX MESSAGE



**Prairie and Northern Region
NWT Division
5204 - 50th Avenue, Suite 301
Yellowknife, NT X1A 1E2**

DATE: Feb. 25/04

TO: Kimberley Cliffe-Phillips FROM: Mike Fournier
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Number of pages including cover: 4

Subject:

MESSAGE:

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FEB 25 2004
MACKENZIE VALLEY
ENVIRONMENTAL IMPACT
REVIEW BOARD

Please contact (867) 669-4711 if this facsimile is not complete.



**Environment Environnement
Canada Canada**

Environmental Protection Branch
Environment Canada
5204-50th Avenue, Suite 301
Yellowknife, NT
X1A 1E2

February 18, 2004

Mackenzie Valley Land and Water Board
4910-50th Avenue, 7th Floor
P.O. Box 2130
Yellowknife, NT
X1A 2P6

Attention: Kimberley Cliffe-Phillips

Re: EA03-008 - Deh Cho Bridge Corporation - Mackenzie River Bridge - Draft Terms of Reference and Work Plan.

Environment Canada (EC) has reviewed the above noted Draft Terms of Reference and Workplan and offers the following advice for your consideration. Environment Canada's contribution to your request for comments is based primarily on the 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 *Migratory Birds Regulations*, and the *Species at Risk Act (SARA)*.

Comments and Recommendations:

Section 2 - Scope of Development

EC recommends that the development and abandonment of quarries should be included in the scope of development.

EC (CWS) recommends that reclamation of the temporary ferry landings be included in the scope of development.

Section 4 - Terms of Reference

4.2 Specific Items - B. Developer

Since this is a newly formed company it may be difficult to obtain comprehensive answers to all the questions asked of the developer in this section of the document. However, Environment Canada believes there is another question that must be asked and answered regarding the "Operational Structure" that the proponent will use in conducting this development. Specifically, what will be the relationship between the parent company, its' contractors, and subcontractors? Further, how will the company ensure that their contractors and subcontractors are responsible for and honour commitments made by the parent company?

4.2 Specific Items - C. Development Description

Environment Canada believes it would be appropriate for the proponent to describe the projected maintenance requirements for the bridge, both in the short and long term. This description should include the physical nature of predicted maintenance activities, their frequency, and potential environmental impacts. Maintenance activities have the potential to result in negative environmental impacts both similar to and differing from, those occurring during construction. For example, will icing on the bridge in spring and early winter result in the requirement for chemical control measures? If the bridge attracts nesting migratory birds (a virtual certainty), how will maintenance activities be scheduled and conducted to avoid disturbing or destroying nests and eggs of these species?

C-7 Abandonment and Restoration

EC (CWS) recommends that the proponent be required to describe their plans for abandonment and restoration of ferry landings and the river bottom also.

4.2 Specific Items - J. Physical and Biological Environment

J-4 Water Quality and Quantity

In addition to downstream effects, the proponent should discuss any potential upstream effects on water quality and quantity. For example, what is the potential for ice jams in spring, and perhaps early winter, to produce damming effects and subsequent increased water levels upstream?

J-6 Wildlife and Wildlife Habitat

In addition to examining the effects of the development on wildlife movement along the river banks, the proponent must investigate the effects on wildlife movements up and down the river itself. The Mackenzie River is a very important migration corridor for highly significant numbers of migratory waterfowl and waterbirds that breed throughout the Mackenzie River Valley. What is the likelihood for collisions of migratory birds with the bridge structure under conditions of low visibility, and what are the proposed mitigation measures?

The proponent should investigate "state of the art" mitigation measures for avoidance and reduction of potential bird collisions. For example, this may have been a consideration in the construction of the "fixed link" bridge between PEI and the mainland. The lessons learned in design and construction of the fixed link or other bridge construction projects may provide relevant information.

Another important consideration is the creation of new nesting habitat for migratory birds via construction of the bridge, and subsequent attraction of birds to the bridge structure. The presence of nesting migratory birds on the bridge structure will have implications for maintenance activities, and vice versa.

There is no mention of species at risk in the Terms of Reference. The *Species at Risk Act* (SARA) requires that, for any project that may affect species at risk listed in the Act or its critical habitat, the agency conducting the review for that project (MVEIRB in this case) must ensure possible effects to that species are identified, avoided / minimized, mitigated, and monitored (s. 79 of SARA). Therefore, EC (CWS) recommends that the proponent be required, via the Terms of Reference, to conduct an assessment of the potential effects of the project on species at risk. This assessment should include; identification of species at risk that may be affected by the project, identification of measures to avoid, minimize, and mitigate potential effects on these species or their habitat, and a proposed approach to monitoring these effects. Mitigation measures proposed must be consistent with any applicable recovery strategy or action plan for the species.

MVEIRB may want to refer to s. 79 of SARA to examine their responsibility with respect to conducting environmental assessments and to craft suitable wording for these Terms of Reference and for future projects.

5.1 Responsibilities - Review Board

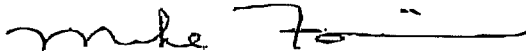
I assume the identification of the NEB as the designated regulatory agency in bullet # 7 is an error.

5.2 Milestones - Table 1

Table 1 does not indicate "Public Hearings" as a potential milestone.

If you have any questions or comments regarding these recommendations you may contact me at (867) 669-4743 or by e-mail: mike.fournier@ec.gc.ca. For information regarding wildlife, wildlife habitat, or species at risk you may contact Vanessa Charlwood at (867) 669-4765 or by e-mail: vanessa.charlwood@ec.gc.ca.

Sincerely,



Mike Fournier
Environmental Assessment Coordinator
Environmental Protection Branch
Environment Canada

cc: Steve Harbicht (Head, Environmental Assessment and Monitoring, EPB)
Vanessa Charlwood (Environmental Assessment Coordinator, ECB)