



Environmental Protection Operations Directorate
Prairie & Northern Region
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ECCC File: 5100 000 057 /002

Kate Mansfield
Environmental Assessment Officer
Mackenzie Valley Review Board
Box 938
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E-mail: kmansfield@reviewboard.ca

Dear Ms. Mansfield:

RE: ACKNOWLEDGEMENT OF RECEIPT OF A NOTIFICATION PURSUANT TO SS. 79(1) OF THE SPECIES AT RISK ACT

This letter confirms receipt of your letter of notification pursuant to ss. 79(1) of the *Species at Risk Act* (SARA), on July 13, 2015 in the context of the Howard's Pass Access Road Upgrade Project proposed by Selwyn Chihong Mining Ltd.

Environment and Climate Change Canada (ECCC) looks forward to participating in the environmental assessment 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 ECCC on any other requirement regarding this assessment of environmental effect process.

The Parks Canada Agency is the lead jurisdiction under SARA for species on lands administered by the Agency noted in your letter. As such, you are advised to send a letter of notification to the Parks Canada Agency.

ECCC is the lead jurisdiction under SARA for notification purposes (on lands outside the administration of the Parks Canada Agency) for Common Nighthawk and the Olive-sided Flycatcher and advises that you must consider, during the environmental assessment process, best available information regarding these species such as: final or draft federal Recovery Strategies/Action Plans/Management Plans, COSEWIC status reports all available on *Species at Risk Act* Public Registry (<http://www.sararegistry.gc.ca>).

Little Brown Myotis, Northern Myotis, Peregrine Falcon (*anatum/tundrius* complex), Rusty Blackbird, Short-eared Owl and Woodland Caribou (Northern Mountain population) are managed by the Government of the Northwest Territories (GNWT); as such, you are advised to consult the GNWT – Environment and Natural Resources for their information, expertise and advice on these species.

Collared Pika, Grizzly Bear (Western population), Horned Grebe (Western population), Red-necked Phalarope, Wolverine noted in your letter are not listed under SARA but have been designated by COSEWIC. The species Bank Swallow, Barn Swallow, Gypsy Cuckoo Bumble Bee, and Western Bumble

Bee have been designated by COSEWIC, but were not included in the notification letter. As such you are advised that it is best practice to consider them just as they were listed under SARA.

You are advised to contact the GNWT – Environment and Natural Resources for information, expertise and advice on Collared Pika, Grizzly Bear, Wolverine, Gypsy Cuckoo Bumble Bee and Western Bumble Bee.

ECCC can provide information, expertise and advice on Common Nighthawk, Olive-sided Flycatcher, Horned Grebe, Red-necked Phalarope, Bank Swallow and Barn Swallow.

The species Rocky Mountain Goat and Trumpeter Swan noted in your letter are not listed under SARA and have not been designated by COSEWIC.

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, which includes 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 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 ECCC'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, 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* (MVRMA).

Yours sincerely,



Wade Romanko
Head, Environmental Assessment North (NT and NU)

cc. David Ingstrup, Regional Director | Canadian Wildlife Service | Prairie & Northern Region
Susan Tiege, A/Manager, Environmental Assessment Programs | Prairie & Northern Region