

May 16, 2011

Johnny Edwards
Land and Water Technician
Gwich'in Land and Water Board
P.O.Box 2018
Inuvik, NT
X0E 0T0

Dear Mr. Edwards:

**Re: Bob's Welding Ltd.
 Land Use Permit Application – G11Q001
 Quarrying Activities – Km 251 of Dempster Highway
 Request for Comment**

The Department of Environment and Natural Resources (ENR) has reviewed the above application based on its mandated responsibilities under the *Environmental Protection Act*, the *Forest Management Act*, the *Forest Protection Act* and the *Wildlife Act* and provides the following comments and recommendations for consideration.

Topic: Wildlife and Wildlife Habitat and Safety

Comment(s)

Desired End Result:

To increase the protection of wildlife and wildlife habitat, maximize safety of field personnel and acquire wildlife distribution data in the project area.

Project Specific Concerns and Context:

The *Species at Risk Act (SARA)* states that adverse effects on listed species must be identified and assessed, and regardless of significance, mitigated and monitored (Section 79). It is ENR's view that the treatment of those species assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) but not yet listed under the Act should be treated in a manner consistent with listed species.

The following SARA-listed species have the potential to occur in the project area:

- Peregrine Falcon *anatum subspecies*, (Threatened)

The following COSEWIC-assessed species have the potential to occur in the project area:

- Grizzly Bear *Ursus arctos*, (Special Concern)
- NWT Wolverine (*Gulo gulo*) - Western population (Special Concern)

Barren-ground caribou herds in the area have declined significantly since 2000 and harvest management actions have been taken to protect the herds. ENR suggest that caribou be avoided during operations.

ENR reminds the proponent that wildlife is protected under NWT law. Section 38 of the *NWT Wildlife Act* protects wildlife by making it illegal to disturb or harass wildlife. ENR also considers the chasing or stalking of wildlife for photography or during eco-tourism to be harassment. No wildlife should be disturbed, chased, or harassed by human beings on foot, in a motorized vehicle, or by aircraft. Flying close enough to an animal that it runs away is flying too close.

Recommendation(s) T

The proponent should adhere to the following:

1. Follow ENR's Bear Encounter Checklist (attached).
2. Avoid raptors including observed Peregrine Falcon nesting sites by a minimum distance of 1000 meters horizontally and 760 meters vertically from April 15th to September 15th.
3. Avoid any Species at Risk that are encountered during the course of field operations and minimize all activity so as to not disturb these animals.

Bear Encounter Checklist

The proponent is requested to report bear occurrences ASAP using the attached checklist. The proponent is reminded that in the event that they encounter bears and kill a bear in defence of life and property, they will be required to:

1. Report the kill to Department of Environment and Natural Resources, as soon as possible.
2. Skin the bear, leaving the claws and penis attached (if applicable), and preserve the hide by freezing or treatment with salt and storing it in a cool place. Ensure that sufficient salt is utilized to ensure preservation of the hide.
3. Turn in the hide, the skull, and any other biological samples requested to a Department of Environment and Natural Resources Renewable Resource Officer.

As per section 54.(4) of the NWT Wildlife Act, no person may retain any part of a bear killed in defence of life or property.

Comments and recommendations were provided by ENR technical experts in the Inuvik Region and were coordinated and collated by the Environmental Assessment and Monitoring Section (EAM).

If you have any questions or concerns, please do not hesitate to contact me at 920-6591 or email at patrick.clancy@gov.nt.ca.

Sincerely,



Environmental Regulatory Analyst
Environmental Assessment and Monitoring
Department of Environment and Natural Resources
Government of the Northwest Territories

Attached: Bear Encounter Guidelines