



Gwich'in Renewable Resources Board

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<http://www.grrb.nt.ca>

July 16, 2018

Re: GRRB comment_ G18Q003 - quarrying at Frog Creek

The staff of the GRRB have reviewed the applications for quarry operations above and offer the following comments and recommendations:

- Relevant legislation includes:
 - Migratory Birds Convention Act <http://laws.justice.gc.ca/eng/acts/M-7.01/>
 - NWT Wildlife Act <https://www.justice.gov.nt.ca/en/files/legislation/wildlife/wildlife.a.pdf>
 - NWT Wildlife Act Plain language Summary
http://www.enr.gov.nt.ca/sites/enr/files/resources/wildlife_act_plain_language_summary_january_2018.pdf
 - NWT Species at Risk Act <http://www.nwt-species-at-risk.ca/sites/default/files/SpeciesatRisk.pdf>
 - Federal Species at Risk Act <http://laws-lois.justice.gc.ca/eng/acts/S-15.3/index.html>
 - Fisheries Act <https://www.canlii.org/en/ca/laws/stat/rsc-1985-c-f-14/latest/rsc-1985-c-f-14.html>
 - Gwich'in Land Use Plan <http://www.gwichinplanning.nt.ca/landUsePlan.html>
- The proponent shall ensure that any chemicals, fuel or wastes associated with the proposed project do not enter waters frequented by fish and to report all spills regardless of product and amount.
- The proponent shall suspend activities temporarily if caribou, moose, sheep, grizzly bear and/or muskoxen are spotted within 500m of any work site and to resume once the animal(s) have left the area.
 - Caribou are expected to be moving through the Northern Richardson Mountains from mid-July to late August.
 - Consult with the GNWT Dept of Environment & Natural Resources (ph: 867-678-6670) for advice on seasonal caribou movements to ensure fieldwork does not interfere with migration.
 - If caribou are encountered on the highway, stop the vehicle and let them pass.
- Federally listed Species at Risk that may be present in the area include, Bank swallow (*Riparia riparia*), Barn swallow (*Hirundo rustica*), Boreal caribou (*Rangifer tarandus caribou*), Grizzly bear (*Ursus arctos*), Gypsy cuckoo bumble bee (*Bombus bohemicus*), Little brown myotis (a bat which may be in the GSA) (*Myotis lucifugus*), Northern mountain caribou (*Rangifer tarandus caribou*), Olive-sided flycatcher (*Contopus cooperi*), Peregrine falcon (*Falco peregrinus tundris*), Rusty blackbird (*Euphagus carolinus*), Short-eared owl (*Asio flammeus*), Wolverine (*Gulo gulo*),
- All migratory birds, their nest, and their eggs are protected under the Migratory Birds Convention Act, a list of protected species can be found at <https://www.canada.ca/en/environment-climate-change/services/migratory-birds-legal-protection/convention-act.html>
- Bank swallows are protected by the *Migratory Birds Convention Act (1994)* and have now been added to Schedule 1 of the federal *Species At Risk Act* as a Threatened Species (Nov 2017). Their preferred habitat is sand and silt banks, including overburden in gravel quarries. Attached, are some guidelines

for aggregate producers developed by the Ontario Stone, Sand and Gravel Association for your reference. Also attached, is an information sheet concerning legal obligations of developers to protect migratory birds produced by Environment Canada.

- Recommendations made within the Migratory Birds Conventions Act guidance document for aggregate producers are available on-line:

https://www.ossqa.com/multimedia/38/fs_bank_swallows-ossqa.pdf

- GRRB staff recommend that an erosion and sediment control plan be submitted as a condition of the land use permit in order to mitigate sedimentation into waterways that may potentially negatively impact fish.
http://reviewboard.ca/upload/project_document/EA141501_Northern_Land_Use_Guideline_pits_and_quarries.PDF
- GRRB staff recommend that a closure and reclamation plan for the quarry and stockpile site be submitted as a condition of the land use permit. For more information check this link:
<https://mvlwb.com/resources/policy-and-guidelines>

If you have further questions concerning this application, do not hesitate to contact me.

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