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RE: NWB 8BW-DIA – Hamlet of Rankin Inlet – Diana River Access Trail Project

On behalf of Environment Canada (EC), I have reviewed the information submitted with the above-mentioned application. The following specialist advice has been provided pursuant to Environment Canada's mandated responsibilities for the enforcement of the *Canadian Environmental Protection Act*, Section 36(3) of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

The Hamlet of Rankin Inlet is proposing to construct / upgrade the existing 30 km ATV trail from Rankin Inlet to the narrows on the Diana River, a traditional fishing location for the hamlet. Improvements to the existing route will include creating as smooth and dry a base as possible and installing culverts to promote drainage and maintain trail conditions. The application documents also make reference to the need for additional quarry material to construct the trail.

In order to facilitate the review of this application, EC recommends that the following information be submitted for review:

- The application indicates that the establishment of small, granular quarry areas in the vicinity of the new trail will be required for construction. Environment Canada requests that the number of quarries to be constructed, the amount of material be to extracted, and the location of the quarries be submitted for review.
- The application documents make reference on a number of occasions to potential induced impacts stemming from the proposed ATV trail. Such impacts include increased litter, increased hunting and fishing pressure, and increased disturbance to peregrine falcon nesting in the area due to noise increases. The "Dianne River Access Trail" report states that the Hamlet should give consideration to these concerns and implement appropriate management mechanisms. Environment Canada requests that the details of these mechanisms be submitted for review.

Environment Canada recommends that the following conditions be applied throughout all stages of the project:

- The proponent shall not deposit, nor permit the deposit of any fuel, chemicals, wastes, or sediment into any water body. According to the *Fisheries Act*, Section 36(3), the deposition of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water, is prohibited.
- All spills shall be documented and reported to the 24 hour Spill Line at (867) 920-8130.
- Drip pans, or other similar preventative measures, shall be used when refueling equipment on site.
- Stream crossings shall be located to minimize approach grades. Bank disturbance is to be avoided, and mechanized clearing should not be done immediately adjacent to any watercourse.

- The proponent shall not deposit, nor permit the deposit of sediment into any water body. It is recommended that an undisturbed buffer zone of at least 100 metres be maintained between the proposed quarry operation and the normal high water mark of any water body.
- Section 2.1 of the NWB Application Questionnaire and Section 2.8.1 of the “Dianne River Access Trail” report indicate that monitoring of TSS will occur downstream of each water crossing during construction of the trail. It is stated that samples will be taken and sent to a certified laboratory by air for analysis. If the results of the monitoring reveal elevated levels of suspended sediment, additional mitigation measures, such as the use of silt fences, etc... will be employed. Environment Canada recommends that sedimentation prevention measures, such as the use of silt fences/curtains be employed when constructing each stream crossing. Samples should be taken downstream of the mitigation measure and analyzed for TSS. If the results of the sampling indicates that suspended solids levels are elevated despite the preventative measures, than mitigation measures should be reevaluated and additional measures implemented. This revised strategy should help prevent the release of sediment that may occur in the interim period between the collection of samples and when the results are obtained back from the lab that would have occurred with the strategy outlined in the application documents.

The Canadian Wildlife Service (CWS) of Environment Canada has reviewed the above-mentioned submission and makes the following comments and recommendations pursuant to the *Migratory Birds Convention Act* (the *Act*) and *Migratory Birds Regulations* (the *Regulations*).

1. Section 6 (a) of the *Migratory Birds Regulations* states that no one shall disturb or destroy the nests or eggs of migratory birds. If active nests are encountered during project activities, the nesting area should be avoided until nesting is complete (i.e. the young have left the vicinity of the nest).
2. Section 35 of the *Migratory Birds Regulations* states that no person shall deposit or permit to be deposited, oil, oil wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds.
3. All mitigation measures identified by the proponent, and the additional measures suggested herein, should be strictly adhered to in conducting project activities. This will require awareness on the part of the proponents’ representatives (including contractors) conducting operations in the field. Environment Canada recommends that all field operations staff be made aware of the proponents’ commitments to these mitigation measures and provided with appropriate advice / training on how to implement these measures.
4. Implementation of these measures may help to reduce or eliminate some effects of the project on migratory birds, but will not necessarily ensure that the proponent remains in compliance with the *Migratory Birds Convention Act* (the *Act*) and *Migratory Birds Regulations* (the *Regulations*). The proponent must ensure they remain in compliance with the *Act* and *Regulations* during all phases and in all undertakings related to the project.

The following comments are pursuant to the Species at Risk Act (SARA), which came into full effect on June 1, 2004. Section 79 (2) of SARA, states that during an assessment of effects of a project, the adverse effects of the project on listed wildlife species and its critical habitat must be identified, that measures are taken to avoid or lessen those effects, and that the effects need to be monitored. This section applies to all species listed on Schedule 1 of SARA. However, as a matter of best practice, EC asks that species listed on other Schedules of SARA and under consideration for listing also be included in this type of assessment.

| Species at Risk that may be encountered | Category of Concern | Schedule of SARA | Government Organization with Expertise on Species |
|--|----------------------------|-------------------------|--|
| Short-eared Owl | Special Concern | Schedule 3 | Government of Nunavut |
| Peregrine Falcon (subspecies <i>tundrius</i>) | Special Concern | Schedule 3 | Government of Nunavut |
| Grizzly Bear | Special Concern | Pending | Government of Nunavut |
| Wolverine (Western Population) | Special Concern | Pending | Government of Nunavut |

Impacts to these species could be disturbance and attraction to operations.

Environment Canada recommends:

- Species at Risk that could be encountered should be identified and any potential adverse effects noted. Refer to the Species at Risk registry at www.sararegistry.gc.ca for information on specific species.
- If Species at Risk are encountered, the primary mitigation measure should be avoidance. The proponent should avoid contact with or disturbance to each species.
- The proponent should consult with the Government of Nunavut and appropriate status reports, recovery strategies, action plans, and management plans to identify other appropriate mitigation measures to minimize effects to these species from the project.
- The project report indicates that the Government of Nunavut was consulted in regards to minimizing impacts to peregrine falcon nests near the proposed trail. Environment Canada encourages the proponent to continue to work with the Government of Nunavut on the suggested mitigation measures of re-routing the trail so that it avoids the nests and prohibiting construction activities in the nesting areas when the nests are occupied.
- The proponent should record the locations and frequency of any observations of Species at Risk and note any actions taken to avoid contact or disturbance to the species.

If there are any changes in the proposed project, EC should be notified, as further review may be necessary. Please do not hesitate to contact me with any questions or comments with regards to the foregoing at (867) 975-4639 or by email at colette.spagnuolo@ec.gc.ca.

Yours truly,

Original signed by

Colette Spagnuolo
Environmental Assessment / Contaminated Sites Specialist

cc: (Stephen Harbicht, Head, EA North, Environment Canada, Yellowknife)