



Telephone: 867-872-2954 Ext 25

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July 25, 2023

Rowe's Construction
25 Studney Drive
Hay River, NT X0E 0R6

Attention: Trudy Walsh

| | |
|--------------------------|---------------------------------|
| File Number | MV2021Q0020 |
| Type of Operation | QUARRY SITE - Existing |
| Location | Sand Quarry Hwy 6 km 7.8 |

Dear Trudy,

An inspection of the above noted operation was conducted on July 20, 2023, by Manager, Resource Management Katie White and Resource Management Officer II, Jarod Tuckey.

Enclosed is a copy of the Environmental Inspection Report. Please refer to the unacceptable and noted conditions in the general comments section of this report. Your attention to this matter is appreciated.

If you have any questions, please contact me at 867-872-2954 Ext 25.

Sincerely,

Katie White
Manager, Resource Management
Department of Environment & Climate
Change
South Slave

CC: Leslie Wiltzen, Regional Superintendent, Land & Water, South Slave Region
Mackenzie Valley Land & Water Board



ENVIRONMENTAL INSPECTION REPORT

| | | | |
|---------------------------------|--------------------------|----------------------|-------------------|
| Permittee: | Rowe's Construction | Permit Expiry Date: | November 11, 2026 |
| Land Use Permit No. | MV2021Q0020 | Previous Inspection: | May 25, 2023 |
| Quarrying Permit No. | 2021QP0015 | Inspection Date: | July 20, 2023 |
| Contractor: | N/A | Subcontractor: | N/A |
| Location(s) Inspected: | Sand Quarry Hwy 6 km 7.8 | | |
| Current Stage of Operation: | Active | | |
| Program Modifications Approved: | N/A | | |

Condition of Operation “A” - Acceptable “U” - Unacceptable “N/A” - Not Applicable “N/I” - Not Inspected

| Operating Condition | Aspect Inspected | | | | |
|---|------------------|--|--|--|--|
| | Quarry | | | | |
| Location as Permitted | A | | | | |
| Time as Permitted | A | | | | |
| Equipment as Approved (Type & Size) | A | | | | |
| Methods & Techniques | A | | | | |
| Facilities | A | | | | |
| Erosion (Control or Prevention) | U | | | | |
| Chemicals | A | | | | |
| Wildlife and Fisheries Habitat (Protection) | A* #20, #46 | | | | |
| Wastes | A | | | | |
| Historical / Archaeological Sites | A | | | | |
| Ecological Resources | A | | | | |
| Fuel Storage | A | | | | |
| Brush Disposal | A | | | | |
| Restoration of Lands | A | | | | |
| Permits | A | | | | |
| Matters not Inconsistent | A | | | | |
| Sections 12 to 19 T.L.U.R. | A | | | | |
| Sections 8 to 12 / 14 to 16 M.V.L.U.R. | A | | | | |

Explanatory Remarks -

Quarry:

No individuals or equipment were on site at the time of inspection.

Nesting birds (swallows) are still present in the western face of the quarry (Figures 2-3). Additional nests were observed on the northern face of the quarry (Figures 4-5).

Material cannot be removed from these areas of the pit. Bank swallows are a protected species under the Migratory Birds Convention Act and cannot be disturbed during their nesting season (April – August).

To discourage birds from nesting and to prevent erosion active faces must be sloped to a 2:1



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ratio as per condition #14 of the land use permit:

“The permittee shall slope the sides of waste piles, excavations, and embankments – except in solid rock – to a minimum of 2:1 vertical, unless otherwise authorized in writing by an inspector.”

Please take note of permit conditions #20 and #46 regarding wildlife protection:

#20: “The permittee shall take all reasonable measures to prevent damage to wildlife and fish habitat damage during this land use operation.”

#46: “If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them.”

An info sheet on Bank Swallows nesting in quarries has been attached to this report.

No other environmental concerns were noted at the time of the inspection.

Some fill has been recently stockpiled in the southwestern area of the quarry (Figure 6). Felled timber has been stacked adjacent to the access road to the north (Figures 7-8).

N/A

Representative Signature

K White

Inspector’s Signature



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Inspection Images:

Figure 1

Site map of land use area.



Figure 2

Overview image of the western active face.





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Figure 3
Close up image of the western active face showing bird nests.



Figure 4
Overview image of the northern active face.





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Figure 5
Close up image of the nests on the northern active face.



Figure 6
Image showing fill recently stockpiled in the southwestern area of the quarry.





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Figure 7
Overview image of the access road into the quarry.



Figure 8
Image showing recently felled brush on the northern side of the access road into the quarry.





BANK SWALLOW

RIPARIA RIPARIA

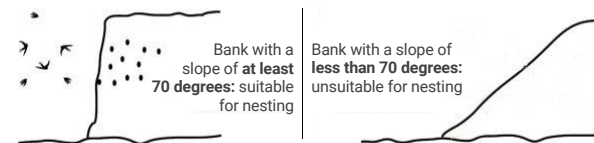
IN SANDPITS AND QUARRIES

A PROTECTED SPECIES

The Bank Swallow is a migratory bird species at risk that has lost 93% of its Canadian population over the last 50 years.

This insectivorous bird is particularly drawn to sand and gravel pits, stockpiles of sand and soil, and sandy banks along water bodies and roads. Bank Swallows generally dig their burrows in near-vertical banks (slopes of at least 70 degrees) that are more than 2 m high. Bank Swallows typically use their nesting sites from mid-April to late August. This is the sensitive period during which the risk of harming the birds is especially high. The absence of the birds in August is a good indicator that the breeding season is over.

FIGURE 1. SUITABILITY OF SLOPES FOR NESTING



The best way to minimize the possibility of contravening the *Species At Risk Act* and the *Migratory Birds Convention Act, 1994* is to fully understand the impact that your activities could have on migratory birds and their nests and eggs, and to take reasonable precautions and appropriate avoidance measures. In fact, under the acts and associated regulations, it is an offence for anyone to kill, hunt, capture, injure or harass a migratory bird or to damage, destroy, remove or disturb its nest, eggs or residence (burrow) without a permit. The sand and gravel industry can play a major role in Bank Swallow conservation by adopting operating practices that do not harm the species.

For more information, visit the [Species at Risk Public Registry](#) or the [“Avoiding harm to migratory birds” web page](#) on the Government of Canada website (www.canada.ca)

WHAT YOU CAN DO

Before the swallows arrive and begin nesting (generally before mid-April)

- ▶ In areas where operations will be carried out during the breeding season, contour cliffs and dirt/aggregate piles to have a slope of less than 70 degrees.
- ▶ Install scaring devices to deter Bank Swallows from establishing colonies in active work areas.
- ▶ In areas where operations will not be carried out during the breeding season, create suitable nesting habitat with vertical faces of at least 70 degrees that will remain available for the Bank Swallow throughout the breeding season.

During the breeding season (generally from mid-April to late August)

- ▶ Avoid activity near the colony that could disturb the birds or nests, and mark off a protective buffer zone around it.
- ▶ A minimum buffer zone of 50 metres should be maintained around the colony to protect it from noise or vibrations generated by operations.
- ▶ During periods of more intense activity (e.g., blasting), a larger protective buffer may be needed to minimize the risk of disturbance.
- ▶ Spend a few minutes flattening newly created vertical faces at the end of each day to prevent Bank Swallows from digging burrows in them overnight or on weekends.
- ▶ Stop excavation work if Bank Swallows colonize a bank in an active work area, and do not resume operations until the birds leave at the end of the breeding season.
- ▶ Do not use scaring devices once the colony is established as they may interfere with ongoing Bank Swallow breeding activities.

After the swallows leave at the end of the breeding season (generally after late August)

- ▶ If a nesting site needs to be excavated after the birds leave, provide an alternate site that can support nesting in the following year. To be suitable for Bank Swallow nesting, the bank must have a slope of at least 70 degrees.

Notify your employees of the prohibitions that apply to the Bank Swallow and the techniques that can be implemented to avoid harming the species.
QUESTIONS? enviroinfo@ec.gc.ca