



Gwich'in Land and Water Board

Box 2018 Inuvik NT X0E 0T0
PH 867 777 7960 FX 867 777 7970

STAFF REPORT

Prepared by Helga Harlander - April 15, 2012

Application #	G12Q002, dated March 30, 2012	Type	'A' Land Use Permit
Activity	Quarrying – excavate and remove 5,000 m ³ of pit run		
Location	Frog Creek, km 126 Dempster Highway		
Proponent	Charter Community of Tsiigehtchic		

Application Summary

The Charter Community of Tsiigehtchic has applied for a land use permit for the purpose of quarrying 5,000 m³ of pit run at Frog Creek. The applicant has an Authorization for quarrying of the material from GTC Lands and Resources, which expires December 31, 2012.

Background

- Application received April 3, 2012
- Application distributed for review April 4, 2012 June 2, 2010 to Environment Canada, AANDC, PWNHC, GNWT/ENR, GTC/GLA, GRRB, GSCI, GLUPB, Gwichya Gwich'in RRC, Gwichya Gwich'in DGO
- Deadline for comments from reviewers April 13, 2012
- Comments received by AANDC, GNWT/ENR, GTC/GLA, GSCI

Discussion

- The timeline for comments was quite short in order to accommodate the applicant. The application is routine; the GLWB issues permits for quarrying at Frog Creek regularly, and staff did not expect any unusual comments or concerns from reviewers.
- Aboriginal Affairs and Northern Development Canada (AANDC), GNWT Environment and Natural Resources, GTC Lands and Resources, and the Gwich'in Social and Cultural Institute submitted comments on the application, which are listed in the summary table below. All comments have been addressed through land use permit conditions.
- There was a concerted effort by AANDC and GLWB staff to incorporate conditions to address requirements under the GTC Quarry Authorization. GTC Lands and Resources requested that we do this since there are some issues with compliance with the GTC Authorizations by the holders. We will have to see if including additional conditions (standard as well as non-standard) in the Permit will help. It will be important to maintain good communication between AANDC, GTC and GLWB to achieve success.
- The Charter Community of Tsiigehtchic applied for the permit to cover the period from April 16, 2012 to May 18, 2012. A longer term for the permit (term of approx. one year) appears appropriate for two reasons:
 1. The GTC Quarry permit is valid until December 31, 2012. Should there be any delays with the operation this Spring, the Charter Community has the opportunity to carry out the work at a later time without applying for a new land use permit.

2. The AANDC inspector has additional time to inspect the land use operation, and potential residuals issues can be addressed under a valid permit.

- The typical ‘pause period’ of three working days between making the preliminary screening decision and the issuance of the land use permit, if approved, won’t be observed since the commencement date is April 16, 2012.

Recommendation

- Grant LUP G12Q002, subject to the proposed terms and condition, to the Charter Community of Tsiigehtchic, with an expiry date of April 30, 2013.

Summary table of review comments

Organization (Date comments received)	Comments	Disposition of comments
Environment Canada	no submission	n/a
AANDC (April 13, 2012)	List of suggested standard conditions	included all suggested conditions in the permit
MVEIRB	no submission	n/a
Prince of Wales Northern Heritage Centre	no submission	n/a
GNWT ENR (April 13, 2012)	The Department of Environment and Natural Resources has reviewed the applications at reference based on its mandated responsibilities under the Environmental Protection Act, the Forest Management Act, the Forest Protection Act and the Wildlife Act and has no comments or recommendations at this time. ENR notes that the GLWB often forwards applications with shortened review periods. Consistency of process is an important consideration for the Land and Water Boards in the Mackenzie Valley. In the future it would be much appreciated if the a minimum review period of two weeks is used for future applications. Our reviewers are often unable to respond to such short timelines.	n/a noted
GTC / GLA (April 5, 2012)	The GTC provide the following comments: <ol style="list-style-type: none"> 1. Work to be in designated area only as directed by GTC L & R; 2. Notification must be provided to land owner prior to accessing the pit and upon completion of the quarrying; 3. No garbage or debris to be left on site; 4. Access road to be kept accessible to landowner for inspection purposes; 5. Access road to be graded upon completion of project; 6. Work area to be re contoured and left with ditching to ensure no pooling of water; 	conditions C1 & C2 condition C3 condition C22 condition C29 condition C31 condition C30
GRRB	no submission	n/a
GSCI (April 9, 2012)	We have reviewed the above applications against our heritage databases. At present the GSCI does not have any heritage concerns with this application. As with any application, if archeological or heritage materials are encountered during the development within the Gwich'in Settlement Area, all work must cease immediately as required by law, and the GSCI and the Prince of Wales Northern Heritage Centre in Yellowknife must then be contacted.	condition C29
GLUPB	no submission	n/a
Gwichya Gwich'in RRC	no submission	n/a
Gwichya Gwich'in Council	no submission	n/a