



105 Veterans Way,
P.O. Box 2018, Inuvik, NT X0E 0T0

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www.glwb.com

Reasons for Decision

Issued pursuant to paragraph 40(2)(c) of the *Mackenzie Valley Land Use Regulations* (MVLUR)

File Number:	G20H006	Type:	"A" Land Use Permit
Applicant:	Government of the Northwest Territories Department of Infrastructure (GNWT INF)		
Activity:	Fuel Storage and Camp		
Board Meeting:	August 6, 2020		

With respect to this application, notice was given in accordance with sections 63 and 64 of the *Mackenzie Valley Resource Management Act (MVRMA)*. There was no public hearing held in association with this application.

BACKGROUND

On July 17 2020 the Government of the Northwest Territories Department of Infrastructure (GNWT INF) applied to the Gwich'in Land and Water Board (GLWB) for a one-year renewal of its Type A Land Use Permit for the Dempster Highway Maintenance Camp at James Creek (activities include fuel storage, worker camp, and associated facilities). Existing Land Use Permit [G13H004](#) expires on August 11, 2020. The Project has not changed in scope or area since its original preliminary screening.

GNWT INF indicated that due to the COVID-19 state of emergency, it faced challenges in gathering information and conducting pre-application engagement for the project, and would be unable to fulfill the requirements of a new application prior to the expiry of its existing authorization. It has therefore requested that the GLWB extend the terms and conditions of G13H004 (with no change in scope to operations) for one year, to allow time to conduct adequate engagement and complete the necessary bio-physical assessments of the project area.

The application was distributed for comment and review on July 17, 2020, with reviewer comments due July 31, 2020. Submissions were received from the Gwich'in Tribal Council Department of Cultural Heritage will (GTC DCH) and the Gwich'in Renewable Resources Board.


DECISION

After reviewing the submission of the Applicant and the written comments and submissions received by the Board, and having due regard to the facts and circumstances, the merits of the submissions made to it, and to the purpose, scope, and intent of the MVRMA and the Regulations made thereunder, the Board has determined that: Land Use Permit G20H006 be issued, subject to the terms and conditions contained therein.

REASONS

- The Board is satisfied that adequate consultation has been conducted and that advice has been sought and considered in accordance with sections 63 and 64 of the MVRMA.
- No significant or unmitigable public concern was made known to the Board.
- The use of land proposed by the Applicant is of a nature contemplated by the MVRMA.
- Any potential adverse environmental effects are insignificant or mitigable with known technology.
- The operation will likely contribute to the socio-economic well-being and economic development of the region.
- It is the opinion of the Board that the terms and conditions attached to G20H006, pursuant to the MVRMA, will significantly reduce the potential environmental impacts resulting from the project.
- The Board has notified the Applicant, through a statement included in the scope of this Permit, that compliance with the terms and conditions of this Permit does not absolve the Permittee from responsibility for compliance with the requirements of any other legislation

SIGNATURE



Elizabeth Wright,
Chair, Gwich'in Land and Water Board

Aug 6, 2020

Date



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August 6, 2020

File: G20H006

Government of the Northwest Territories
Department of Infrastructure
Attention Jahangir Hossain
Bag Service 1
Inuvik, NT X0E 0T0

Sent via email

**Re: Issuance of Type "A" Land Use Permit G20H006
(James Creek – 1 year renewal of G13H004)**

Mr. Hossain,

The Gwich'in Land and Water Board (GLWB) met on August 6, 2020 to consider the application from Government of the Northwest Territories Department of Infrastructure (GNWT INF) for Land Use Permit G20H006 (for fuel storage and work camp at the James Creek camp, km 14 Dempster Highway # 8) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

Land Use Permit G20H006 has been approved for a term of one year effective August 6, 2020 and expiring August 5, 2021 and is supported by the Board's Reasons for Decision (attached). Copies of the Land Use Permit, all inspection reports and correspondence related thereto, will be filed to the [GLWB Online Public Registry](#), as per the Mackenzie Valley Resource Management Act. This is intended to keep all interested parties informed of the manner in which the Land Use Permit requirements are being met.

Full cooperation with the terms and conditions of this land use permit is anticipated and appreciated, should you have any questions please not hesitate to contact AlecSandra Macdonald by phone or email.

Sincerely,

Elizabeth Wright,
Chair, Gwich'in land and Water Board

Copied to: GLWB Distribution list



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LAND USE PERMIT

Permit Class	Permit No	Amendment No
A	G20H006	-

Subject to the Mackenzie Valley Resource Management Act, the Mackenzie Valley Land Use Regulations and the terms and conditions in this Permit, authority is hereby granted to:

Government of Northwest Territories Department of Infrastructure

(Permittee)

to proceed with the land use operation described in application of:

Signature Jahangir Hossain	Date July 9, 2020
Type of Land Use Operation Fuel Storage, Camp, Landfarm	
Location km 14.2, Dempster Highway #8 James Creek (67°08'30"N / 135°59'53"W)	

This permit may be assigned, extended, discontinued, suspended or cancelled pursuant to the Mackenzie Valley Land Use Regulations.

Dated at Inuvik this 6 day of August, 2020

Witness - Leonard DeBastien

Chair - Elizabeth Wright

Commencement Date

August 6 2020

Expiry Date

August 5, 2021

Note: It is a condition of this Permit that the Permittee comply with the provisions of the *Mackenzie Valley Resource Management Act* and Regulations and the terms and conditions set out herein. A failure to comply may result in suspension or cancellation of this Permit.

Conditions Annexed to and Forming Part of Land Use Permit # G20H006

Part A: Scope of Permit

1. This Permit entitles GNWT Department of Transportation to conduct the following land-use operation:
 - a) Fuel Storage
 - b) Highway maintenance camp and associated facilities

located at Dempster Highway km 14.2, James Creek (67°08'30"N / 135°59'53"W)
2. This Permit is issued subject to the conditions contained herein with respect to the use of land for the activities and area identified in Part A, item 1 of this Permit.
3. Compliance with the terms and conditions of this Permit does not absolve the Permittee from the responsibility for compliance with the requirements of all applicable federal, territorial, and municipal legislation.

Part B: Definitions (defined terms are capitalized throughout the permit)

Act - the *Mackenzie Valley Resource Management Act*.

Board - the Gwich'in Land and Water Board established under Part 3 of the *Mackenzie Valley Resource Management Act*.

Borehole - a hole that is made in the surface of the ground by drilling or boring.

Durable Land - land that is able to withstand repeated use, such as gravel or sand with minimal vegetative cover.

Fuel Storage Container - a container for the storage of **petroleum** or **allied petroleum products** with a capacity of less than 230 litres.

Fuel Storage Tank - a closed container for the storage of **petroleum** or **allied petroleum products** with a capacity of more than 230 litres.

Greywater - all liquid wastes from showers, baths, sinks, kitchens, and domestic washing facilities but not including toilet wastes.

Habitat - the area or type of site where a species or an individual of a species of wildlife naturally occurs or on which it depends, directly or indirectly, to carry out its life processes.

Inspector - an Inspector designated by the Minister under the *Mackenzie Valley Resource Management Act*.

Minister - the Minister of Indian Affairs and Northern Development Canada.

Ordinary High Water Mark - the usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the "active channel/bank-full level" which is often the 1:2 year flood flow return level. In inland lakes, wetlands, or marine environments, it refers to those parts of the Watercourse bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

Permafrost - ground (soil or rock) that remains at or below 0°C for at least two consecutive years.

Secondary Containment - containment that prevents liquids that leak from Fuel Storage Tanks or Containers from reaching outside the containment area and includes double-walled tanks, piping, liners, and impermeable barriers.

Sewage - all toilet wastes and Greywater.

Spill Contingency Plan - a document, developed in accordance with Aboriginal Affairs and Northern Development Canada's *Guidelines for Spill Contingency Planning* (April 2007), that describes the set of procedures to be implemented to minimize the effects of a spill.

Toxic - a substance that enters or may enter the environment in a quantity or concentration or under conditions such that it:

- a) Has or may have an immediate or long-term harmful effect on the environment or its biological diversity;
- b) Constitutes or may constitute a danger to the environment on which life depends; or
- c) Constitutes or may constitute a danger in Canada to human life or health.

Waste Management Plan (WMP) - a document, developed in accordance with the Board's *Guidelines for Developing a Waste Management Plan*, that describes the methods of waste management from waste generation to final disposal.

Watercourse - a natural body of flowing or standing water or an area occupied by water during part of the year, and includes streams, springs, swamps and gulches but does not include groundwater.

Part C: Conditions Applying to All Activities (headings correspond to subsection 26(1) of the Mackenzie Valley Land Use Regulations)

26(1)(a) Location and Area

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|----|--|-------------------------------|
| 1. | The Permittee shall not conduct this land-use operation on any lands not designated in the accepted application. | Location of Activities |
|----|--|-------------------------------|

26(1)(b) Time

- | | | |
|----|---|-------------------------------|
| 2. | At least 48 hours prior to commencement of this land-use operation, the Permittee shall provide the following information, in writing, to the Board <u>and</u> an Inspector: (a) the name(s) of the person(s) in charge of the field operation; (b) alternates; and (c) all methods for contacting the above person(s). | Identify Agent |
| 3. | At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of: (a) the plan for removal or storage of equipment and materials; and (b) when final cleanup and reclamation of the land used will be completed. | Reports Before Removal |

26(1)(c) Type and Size of Equipment

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|----|--|--------------------------------|
| 4. | The Permittee shall not use any equipment except of a similar type, size, and number to that listed in the accepted application. | Only Approved Equipment |
|----|--|--------------------------------|

26(1)(d) Methods and Techniques

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|----|--|-----------------------|
| 5. | The Permittee shall not store material other than that required for immediate use on the ice surface of a Watercourse. | Storage on Ice |
|----|--|-----------------------|

26(1)(e) Type, Location, Capacity, and Operation of All Facilities

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|----|---|------------------------|
| 6. | The Permittee shall ensure that the land use area is kept clean at all times. | Clean Work Area |
|----|---|------------------------|

26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land

- | | | |
|----|---|----------------------------------|
| 7. | The Permittee shall not excavate land within 100 metres of the high water mark of any Watercourse, unless otherwise authorized in writing by an Inspector or the Board. | Excavate Near Watercourse |
|----|---|----------------------------------|

26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or

Toxic Material

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|-----|--|---|
| 8. | The Permittee shall maintain a record of all spills. For all reportable spills, as defined in the <i>NT-NU Spill Report Form</i> , the Permittee shall: (a) immediately report each spill to the 24-hour Spill Report Line (867) 920-8130; (b) report each spill to an Inspector within 24 hours; and (c) submit, to the Board and an Inspector, a detailed report on each spill within 30 days. | Report Spills |
| 9. | The Permittee shall dispose of all Toxic substances by removal to an approved facility. | Waste
Chemical
Disposal |
| 10. | The Permittee shall dispose of all combustible waste petroleum products by removal to an approved disposal facility. | Waste
Petroleum
Disposal |

26(1)(h) Wildlife and Fish Habitat

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|-----|---|---------------------------|
| 11. | The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation. | Habitat
Damage |
|-----|---|---------------------------|

26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage

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|-----|---|------------------------------|
| 12. | The Permittee shall keep all garbage and debris in a secure container until disposal. | Garbage
Container |
| 13. | The Permittee shall dispose of all garbage, waste, and debris as described in the approved application, unless otherwise authorized in writing by an Inspector. | Remove
Garbage |
| 14. | The Permittee shall dispose of all Sewage and Greywater as described in the approved application. | Sewage
Disposal |

26(1)(j) Protection of Historical, Archaeological, and Burial Sites

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|-----|--|--|
| 15. | The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. | Site
Disturbance |
| 16. | The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered: (a) immediately suspend operations on the site; and (b) notify the Board at (867) 777-2954 or an Inspector at (867) 777-8900, the Gwich'in Social and Cultural Institute at (867) 952-2524 and the Prince of Wales Northern Heritage Centre at (867) 920-6182 or 873-7688. | Site Discovery
and
Notification |

26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value

This section intentionally left blank

26(1)(l) Security Deposit

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|-----|--|---|
| 17. | Prior to commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$ 0. | Security Deposit |
| 18. | All costs to remediate the area under this Permit are the responsibility of the Permittee. | Responsibility for Remediation Costs |

26(1)(m) Fuel Storage

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| 19. | The Permittee shall: (a) examine all Fuel Storage Tanks and Containers for leaks a minimum once per day; and (b) repair all leaks immediately. | Check for Leaks |
| 20. | The Permittee shall ensure that all Fuel Storage Tanks with a capacity exceeding 4,000 litres are double-walled tanks. | Double-walled Tanks |
| 21. | The Permittee shall not place any Fuel Storage Containers within 50 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. | Fuel Near Water |
| 22. | The Permittee shall set up all refueling points with secondary containment. | Secondary Containment - Refueling |
| 23. | The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses. | Fuel Containment |
| 24. | The Permittee shall adhere to the approved Spill Contingency Plan and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. | Spill Contingency Plan |
| 25. | Prior to commencement of operations, the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills. | Spill Response |
| 26. | All equipment that may be parked for two hours or more, should have a haz-mat/drip tray under it or be sufficiently diapered. (Leaky equipment should be repaired immediately.) | Drip Trays |
| 27. | The Permittee shall clean up all leaks, spills, and contaminated material. | Clean Up Spills |

26(1)(n) Methods and Techniques for Debris and Brush Disposal

This section intentionally left blank

26(1)(o) Restoration of the Lands

28. Prior to the expiry date of this Permit, the Permittee shall complete all cleanup and restoration of the lands used.

**Final Cleanup
and
Restoration**

26(1)(p) Display of Permits and Permit Numbers

29. The Permittee shall keep a copy of this permit on hand at all times during this land-use operation.

**Copy of
Permit**

26(1)(q) Biological and Physical Protection of the Land

This section intentionally left blank