

Review Comment Table

Board:	GLWB
Review Item:	Arctic Tire 1980 Ltd - Land Use Permit Application - Quarrying km 230 & 235 Dempster Highway #8 (G20Q003)
File(s):	G20Q003
Proponent:	Arctic Tire 1980 Ltd.
Document(s):	Land Use Permit Application (1199 KB) SPill Contingency Plan (312 KB) Draft Land Use Permit (868 KB)
Item For Review Distributed On:	
Reviewer Comments Due By:	Mar 24, 2020
Proponent Responses Due By:	Mar 28, 2020
Item Description:	<p>Arctic Tire 1980 Ltd. (the Applicant) has submitted an application for a type A land use permit (permit) for the purpose of extracting, temporary stockpiling and hauling of granular material from existing pits located at km 230 and 235, Dempster Highway #8. The Applicant requests a term of five years</p> <p>Using the Online Review System (ORS), reviewers are invited to submit comments and recommendations on the documents linked below by the review comment deadline specified. Reviewers may also wish to consider providing an overarching recommendation regarding whether the Board should approve the submission, to provide context for the comments and recommendations and assist the Board with its decision. If reviewers seek clarification on the submission, they are encouraged to correspond directly with the Applicant prior to submitting comments and recommendations.</p> <p>Under the Preliminary Screening Requirement Regulations, the Board must conduct a preliminary</p>

screening for a proposed development, unless it is exempt from preliminary screening in accordance with the Exemption List Regulations. Reviewers are encouraged to provide comments and recommendations (e.g., on impacts and mitigation measures) to assist with the Board's preliminary screening determination.

Under the Gwich'in Land Use Plan (GLUP), the Board must confirm the Application conforms with the GLUP. Reviewers are encouraged to provide comments and recommendations on conformity with the GLUP

Please note that the draft Permit has been developed using the MVLWB's current Standard Land Use Permit Conditions Template. The purpose of this draft Permit is to allow reviewers to comment on possible conditions. These draft materials are not intended to limit in any way the scope of reviewers' comments. The Board is not bound by the contents of the draft Permit and will make its decision at the close of the proceeding on the basis of all the evidence and arguments filed by all parties.

Please be advised that comments made by reviewers regarding impacts of this project to wildlife and wildlife habitat in this preliminary screening will inform the GNWT Minister of Environment and Natural Resources' determination regarding whether a Wildlife Management and Monitoring Plan will be required for this project as per section 95 of the Wildlife Act.

All documents that have been uploaded to this review are also available on our public Registry. If you have any questions or comments about the ORS or this review, please contact Board staff identified below.

Contact Information:

AlecSandra Macdonald 867-777-4954

Comment Summary

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
22	General File	Comment (doc) ENR Letters with Comments and Recommendations Recommendation		
1	Topic: Open Burning	Comment The following recommendations apply to proponents who are using open burning as a disposal option. Recommendation 1) If open burning will be utilized during project activities, only those waste streams identified in the Municipal Solid Wastes Suitable for Open Burning document located on the GNWT ENR website may be open burned without the use of an approved incinerator. The document can be found at the following site. http://www.enr.gov.nt.ca/sites/enr/files/guidelines/solid_wastes_suitable_open_burning.pdf		
2	Topic: Hazardous Waste Management	Comment All Proponents that generate hazardous wastes must be registered as a generator of hazardous waste in the NWT. The Guideline for the General Management of Hazardous Waste in the NWT defines hazardous waste and outlines the roles and responsibilities of generators, carriers, and receivers of hazardous waste in the NWT. The ENR, Environment Division (ED) registers generators, carriers, receivers, and tracks the disposal of hazardous waste generated in the NWT to registered receiving facilities on hazardous waste movement documents (manifest). The definition of hazardous waste includes all waste materials that are 'dangerous goods' according to the Transportation of Dangerous Goods Regulations, and any additional waste of special concern that the ED has determined hazardous until proven otherwise, including but not limited to: a) incinerator waste and/or residuals (including bottom ash and fly ash); b) any liquid or solid wastes contaminated with refined petroleum products; c) bilge wastes; d) vehicle or vessel servicing wastes e) drilling wastes; f) produced fluids (Glycol / Hydrocarbon / Inorganic Mixtures); g) tailings; and h) any hydrocarbon, lead, mercury or other forms of contaminated soils. The Guideline for the General Management of Hazardous Waste in the NWT and the Transportation of Dangerous Good Regulations may be found at the following sites: http://www.enr.gov.nt.ca/sites/enr/files/resources/128-hazardous_waste-interactive_web.pdf http://www.tc.gc.ca/eng/tdg/clear-menu-497.htm Recommendation 1) If the Proponent is using or generating hazardous waste, they must register as a generator of hazardous waste in the NWT and track the disposal of hazardous		

		waste from the site activities to registered receivers on hazardous waste movement documents provided by ENR. Please contact the Environment Division, ENR to register or for more information contact Mr. Lee Ross, Hazardous Materials Management Specialist, Environment Division by email (Lee.Ross@gov.nt.ca) or by phone (867) 767-9236 extension 53187.		
3	Topic: Fuel Storage and Spill Contingency Planning and Reporting	<p>Comment ENR acknowledges the proponent's Spill Contingency Plan. In addition, the Proponent should also follow best practices for fuel storage and spill containment during project activities which may include the following recommendations.</p> <p>Recommendation 1) To assist in spill contingency planning, information is provided in EPA Spill Contingency Planning and Reporting Regulations found here: https://www.justice.gov.nt.ca/en/files/legislation/environmental-protection/environmental-protection.r2.pdf If clarification or further information is needed please contact the Environment Division, ENR directly to aid in the development of the Plan</p>		
4	None	<p>Comment None</p> <p>Recommendation 2) In accordance with the Spill Contingency Planning and Reporting Regulations Section 10, all spills in accordance with Schedule B must be reported immediately to the 24-hour Spill Report Line (867) 920-8130.</p>		
5	None	<p>Comment None</p> <p>Recommendation 3) With respect to the Environmental Protection Act Section 5 (1b) all spills, regardless of amount, must be cleaned up, and contaminated materials disposed of at an approved facility, or in an approved manner. Additionally, as indicated in Section 5(1c) all reasonable efforts must be made to notify any parties affected or potentially affected by the spill.</p>		
6	None	<p>Comment None</p> <p>Recommendation 4) Fuel storage areas should be greater than 100m distance from the ordinary high water mark of a water body and not located in a drainage channel.</p>		
7	None	<p>Comment None</p> <p>Recommendation 5) All fuel or storage vessels containing hazardous substances left for extended periods of time (including overnight in vehicles), should be stationed in an area that contains sufficient secondary containment (i.e. Drip pans, lined bermed areas, double walled enviro-tanks etc.).</p>		

8	None	<p>Comment None</p> <p>Recommendation 6) It is recommended spill kits be provided. Personnel should be trained to ensure that in the event of a spill it is contained and remediated appropriately to industry-accepted best practices and regulatory approval. In case refuelling takes place near water, in water spill planning should be considered to prevent inadvertent releases.</p>		
9	None	<p>Comment None</p> <p>Recommendation 7) ENR recommends, for the operator's convenience and increased environmental protection, that all heavy equipment and refuelling vehicles carry portable spill kits that include items such as absorbent pads, containment booms, and spill pool catchment receptacles. Readily available and fully stocked spill kits can effectively mitigate potential spills.</p>		
10	None	<p>Comment None</p> <p>Recommendation 8) ENR recommends that the proponent include the ENR, GNWT, Inuvik Regional Office phone number, in the Spill Response Plan. The phone number is 867-678- 6696.</p>		
11	None	<p>Comment None</p> <p>Recommendation 9) In the event of a spill the Inuvik Region Environmental Assessment Coordinator, Alicia McRae should also be contacted at (867) 678-6653.</p>		
12	Topic 4: Wildlife: NWT Listed and Pre-listed Species at Risk	<p>Comment Sections 76 and 77 of the Species at Risk (NWT) Act require the Minister of Environment and Natural Resources to make a submission to the body responsible for assessing the potential impacts of a proposed development, or for considering a Land Use Permit or Water Licence application, respecting the potential impacts of the proposed development, Permit or Licence application on a NWT-listed or pre-listed species or its habitat. NWT-listed species are those that are on the NWT List of Species at Risk. Pre-listed species are those that have been assessed by the NWT Species at Risk Committee (SARC) but have not yet been added to the NWT List of Species at Risk. The Proponent should be aware that NWT-listed or pre-listed species at risk and their habitat may also be subject to protection under existing sections of the NWT Wildlife Act. As a best practice, ENR encourages the Proponent to consider potential impacts, mitigation measures and monitoring requirements for species at risk listed under the federal Species at Risk Act, as well as those designated as at risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) that may occur in the project area, and the prohibitions that may</p>		

		<p>apply to these species under federal legislation. The project area overlaps with the ranges of the following NWT-listed and/or pre-listed species: . Boreal Caribou - Threatened . Grizzly Bear - Special Concern . Barren-ground Caribou - Threatened . Polar Bear - Special Concern</p> <p>Recommendation 1) Although the project overlaps with the range(s) of the species listed above, ENR is of the opinion that the nature, scope, scale and timing of the proposed project are such that the likelihood of impacts to NWT-listed or pre-listed species listed above can be avoided or minimized if ENR's wildlife recommendations in this letter are implemented as necessary, including the application of any wildlife mitigation and monitoring measures imposed by the Board, and the application of any wildlife mitigation and monitoring measures outlined in the Proponent's Land Use Permit application and supporting documents.</p>		
13	Topic: Cumulative Effects Tracking	<p>Comment Keeping track of the disturbance footprint of development activities is an important component of tracking and informing the management of cumulative effects on wildlife and wildlife habitat.</p> <p>Recommendation 1) The Proponent should submit the bounding coordinates or geospatial data for the proposed project footprint and for the completed project footprint to the Land and Water Board for placement on the public registry. The Mackenzie Valley Land and Water Board's Standards for Geographic Information Systems (GIS) Submissions should be followed when submitting spatial data.</p>		
14	Topic: Wildlife Abodes	<p>Comment Subject to sub-section 51(2) of the Wildlife Act, it is illegal to break into, destroy, or damage a den, beaver dam or lodge, muskrat push-up or hibernaculum unless you have an Aboriginal or treaty right or a Permit to do so. Protection of dens, beaver lodges, muskrat push-ups, and hibernacula is essential to ensuring reproductive success and survival of both adults and young.</p> <p>Recommendation 1) The Proponent should conduct pre-activity surveys within 800m of the project footprint to identify active bear dens if project activities will occur between September 30 and March 30. Surveys should be conducted in the fall to detect freshly dug dens.</p>		
15	None	<p>Comment None</p> <p>Recommendation 2) If an active bear den is detected, or suspected, the Proponent should implement and maintain an 800 m exclusion zone until the bear emerges in spring.</p>		

16	None	<p>Comment None</p> <p>Recommendation 3) If a bear den and exclusion zone would result in the halt of part or the entire program, the Proponent should contact ENR to discuss alternative mitigation options. The location of active bear dens should be kept confidential between the developer and ENR until after emergence in the spring.</p>		
17	None	<p>Comment None</p> <p>Recommendation 4) It is recommended that, if encountered, beaver lodges, muskrat push-ups, and hibernacula are not disturbed or damaged.</p>		
18	Topic: Wildlife Attractants and Waste Management	<p>Comment Subject to sub-section 66(1) of the Wildlife Act no person shall store food, waste, or other substances in a manner that may attract big game or other prescribed wildlife and put people, domestic animals, or wildlife in danger. Subject to sub-section 65(1) of the Wildlife Act, it is illegal to intentionally feed big game, furbearers or other prescribed wildlife. Schedule A - Part 2 of the Wildlife General Regulations sets out the species prescribed as fur-bearers.</p> <p>Recommendation 1) The Proponent should utilize food and garbage handling and storage procedures that will minimize the attraction of wildlife.</p>		
19	None	<p>Comment None</p> <p>Recommendation 2) The Proponent should store all food, waste, washed recyclables and debris that may attract wildlife within sealed animal proof containers until final disposal.</p>		
20	None	<p>Comment None</p> <p>Recommendation 3) The Proponent should ensure that sealed animal proof containers are cleaned once emptied to minimize the attraction of wildlife.</p>		
21	None	<p>Comment None</p> <p>Recommendation 4) The Proponent should remove all waste petroleum products including used oil filters, rags, scrap metal, discarded machinery, parts, drums, barrels, or plastics to an approved waste disposal facility.</p>		
Gwich'in Renewable Resources Board: Staff Gwichin Renewable Resource Board				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response

1	GRRB comments	<p>Comment Thank you for allowing us the opportunity to comment on this application. Our technical staff have reviewed the material and our Species at Risk Biologist has the following comments: No records of bank swallow were found at gravel pits at Km 228 and 233 (assuming these are the ones in the application, slight changes in km marking could be where the GPS was taken on site eg access road or actual pit) in 2016 surveys, but this may have changed. Bank swallows were seen at other nearby gravel pits.</p> <p>Bank swallows are protected by the Migratory Birds Convention Act (1994) and have been listed as Threatened on the Species At Risk Act, Schedule 1. Their preferred habitat is sand and silt banks, including overburden in gravel quarries.</p> <p>Recommendation Attached are some guidelines for aggregate producers developed by the Ontario Stone, Sand and Gravel Association for your reference. See GRRB Comment 2 for an additional attachment. GRRB also recommends halting work if there are bears in the area.</p>		
2	GRRB comments 2	<p>Comment (doc) Further recommendations re: Bank swallows</p> <p>Recommendation Attached is an information sheet concerning legal obligations of developers to protect migratory birds produced by Environment Canada</p>		
3	GRRB comments cont'd	<p>Comment (doc) Bank swallow attachment</p> <p>Recommendation Attached are some guidelines for aggregate producers developed by the Ontario Stone, Sand and Gravel Association for your reference.</p>		
Gwich'in Tribal Council - Department of Cultural Heritage : Sharon Snowshoe				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	<p>Comment (doc) GTC DCH comments</p> <p>Recommendation</p>		



AlecSandra Macdonald
 Regulatory Specialist
 Gwich'in Land and Water Board
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March 10, 2020

Dear AlecSandra,

Re: G20Q003 Quarrying Dempster Highway KM230 and KM235

We have reviewed the above applications against our heritage databases, and have the following information and concerns. Our assessment is based on the information that there will be no new overburden-altering impacts at any of these quarries, which appears to be the case from the provided maps. If that changes, our assessments will change as well.

The table below summarizes current concerns the Department of Cultural Heritage has with the quarrying in question.

Quarry	Issues: ground-altering impacts at site	Issues: trucks, dust, noise and other disturbances relating to traditional use around the site
KM230-2		Tentframe camp in this location. If active, owner/user should be engaged about mitigation. Within berry-picking area. Dust and traffic may impact the ability to use berry harvesting sites. Within habitat/hunting areas for black bear, caribou, moose.
KM 235	Within major trail corridor, increases likelihood of unrecorded archaeological materials at site. Numerous archaeological sites nearby. (Note: Arch assessment done)	Within fishing area Within habitat/hunting areas for black bear, caribou, moose.

Gwich'inat Eenjit
Gàdatr'igwijiłcheii Gidilii

Gwich'in nan, nakhwek'yùu ts'àt gwitr'it
tthak nakhwidavee gwiheezàa eenjit



Gwich'in Tribal Council

Gwich'in land, culture & economy for a better future

As with any application, if archaeological 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 DCH and the Prince of Wales Northern Heritage Centre in Yellowknife must then be contacted.

Sincerely,

A handwritten signature in black ink that reads "Sharon Snowshoe".

Sharon Snowshoe
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