

Review Comment Table

Board:	GLWB
Review Item:	ITI - Gwich'in Territorial Park Campsite Improvements (G16X006)
File(s):	
Proponent:	GNWT - ITI
Document(s):	LUP Application (Updated Aug 22) (2 MB) Draft Land Use Permit (462 KB)
Item For Review Distributed On:	
Reviewer Comments Due By:	Sep 9, 2016
Proponent Responses Due By:	Sep 16, 2016
Item Description:	GNWT Industry Tourism and Investment (ITI) has submitted an application for a Type "A" Land Use Permit for the purpose of excavating, removing and hauling granular material from the quarries at km 230 and 235 Dempster Highway #8, and the subsequent construction of 8 new campsites at Gwich'in Territorial Park. The applicant requests a term of 5 years, with a proposed start date in September, 2016.
General Reviewer Information:	<p>Reviewers are invited to submit questions, comments and recommendations using the Online Review System (ORS) by Friday September 9, 2016. Please provide comments and recommendations on the following:</p> <ul style="list-style-type: none"> • Application; • Draft Land Use Permit (please clearly indicate which condition you are commenting on). <p>Please note that the draft Permit has been developed using the current MVLWB's Standard Land Use Permit Conditions Template. Non Standard Conditions are shown in green. The purpose of this draft Permit is to allow parties to comment on Board staff's suggested conditions. These draft materials are not</p>

intended to limit in any way the scope of parties' 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.

Also, under the Preliminary Screening Requirement Regulations of the Mackenzie Valley Resource Management Act (MVRMA), the Board must conduct a preliminary screening for an application for a proposed development that requires a land use permit, unless it is exempt from Part 5 of the MVRMA. Reviewers are encouraged to provide comments and recommendations to assist with the completion of the preliminary screening.

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, please contact Board staff identified below.

Contact Information:

AlecSandra Macdonald 867-777-6622

Comment Summary

Environment and Climate Change Canada: Loretta Ransom				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	Comment (doc) ECCC Cover Letter and Attachments Recommendation		
2	ECCC#1 Emergency Response and Spill Contingency Plan	Comment The contact information listed for Environment and Climate Change Canada (ECCC) is listed as Environment Canada, 867-669-4710. Recommendation Environment Canada should be updated to read Environment and Climate Change Canada. In the case of a spill or emergency, the 24 Hour Northwest Territories Spill Report Line should be contacted first by the Proponent, who will then involve ECCC Emergencies when appropriate. For information relating to the environmental enforcement and reporting requirements under the Canadian Environmental Protection Act and the Fisheries Act please contact ECCC Environmental Enforcement at 867-669-4730. The ECCC National Environmental Emergencies Centre (NEEC) will		

		provide technical and scientific environmental advice and assistance to the lead agency, in the event of an environmental emergency. A lead agency is described as the governmental authority that regulates or has authority over the activity from which the emergency originated. NEEC can be contacted at 1-866-283-2333.		
3	ECCC#2 Wildlife - Incidental Take	<p>Comment Paragraph 6(a) of the Migratory Bird Regulations, pursuant to the Migratory Birds Convention Act, states that no one shall disturb or destroy the nests or eggs of migratory birds. Migratory birds, the nests of migratory birds and/or their eggs can be inadvertently harmed or disturbed as a result of many activities including but not limited to clearing trees and other vegetation, draining or flooding land, or using fishing gear. The inadvertent harming, killing, disturbance or destruction of migratory birds, nests and eggs is known as incidental take. Incidental take, in addition to harming individual birds, nests or eggs, can have long-term consequences for migratory bird populations in Canada, especially through the cumulative effects of many different incidents.</p> <p>Recommendation If active nests are encountered during project activities, the nesting area should be avoided until nesting is complete (i.e., the young have naturally left the vicinity of the nest). For further information on how to protect migratory birds and their nests and eggs when planning or carrying out project activities, consult ECCC's web page at: www.ec.gc.ca/paom-itmb/ for general guidance on avoidance of incidental take of migratory birds and the linked fact sheet "Planning Ahead to Reduce the Risk of Detrimental Effects to Migratory Birds, and their Nests and Eggs".</p>		
4	ECCC#3 Wildlife - Species at Risk	<p>Comment Subsection 79 (2) of the Species at Risk Act (SARA), states that during an assessment of the environmental 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 subsection applies to all species listed on Schedule 1 of SARA. As a matter of best practice, ECCC suggests that species on other Schedules of SARA and under consideration for listing on SARA, including those designated as "at risk" by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), be considered during an assessment of the environmental effects of a project in a manner similar to listed species. Table 1 (see attached) lists species that may be encountered in the project area that have been designated as at risk by COSEWIC as well as their current listing on Schedules 1, 2 and 3 of SARA (and designation if different from that of COSEWIC). This list may not include all species</p>		

		<p>identified as at risk by the Territorial Government. Project effects could include species disturbance, attraction to operations, and destruction of habitat.</p> <p>Recommendation ¶ If species at risk are or could be encountered or affected by the project, the primary mitigation measure should be avoidance. The Proponent should avoid contact with or disturbance to each species, its habitat and/or its residence. All direct, indirect, and cumulative effects should be considered. ¶ For any species at risk that could be encountered or affected by the project, the Proponent should note any potential adverse effects of the project to the species, its habitat, and/or its residence. All direct, indirect, and cumulative effects should be considered. Refer to species status reports and other information on the Species at Risk registry at https://www.registrelep-sararegistry.gc.ca/default.asp?lang=En&n=24F7211B-1 for information on specific species as well as the booklet ¶ Species at Risk in the Northwest Territories¶ (2014 Edition) available at http://www.nwtspeciesatrisk.ca/sites/default/files/pdf/SpeciesatRiskintheNWT_English.pdf. As new species may have been assessed by COSEWIC or added to Schedule 1 of SARA since the booklet was last published, proponents should always check the Species at Risk registry to obtain the most current information. ¶ Monitoring should be undertaken by the Proponent to determine the effectiveness of mitigation and/or identify where further mitigation is required. At a minimum, this monitoring should include recording the locations and dates of any observations of Species at Risk, behaviour or actions taken by the animals when project activities were encountered, and any actions taken by the Proponent to avoid contact or disturbance to the species, its habitat, and/or its residence. This information should be submitted to the appropriate regulators and organizations with management responsibility for that species, as requested. ¶ The Territorial Government should be consulted to identify other appropriate mitigation and/or monitoring measures to minimize project effects to species under their management responsibility. ¶ Mitigation and monitoring measures must be taken in a way that is consistent with applicable species at risk recovery strategies and action/management plans.</p>		
5	ECCC#4 Wildlife - Bank Swallows	<p>Comment The proposed project is located within the range of the Bank Swallow. Bank Swallows, their nests and eggs are protected under the Migratory Birds Convention Act. Further, in 2013, COSEWIC assessed Bank Swallows as "Threatened". Bank Swallows nest in burrows dug into exposed sand or soil banks near water bodies and at some construction sites with similar features (e.g. quarries). Excavation and or construction</p>		

		<p>activities conducted during the nesting season can inadvertently kill individuals or negatively impact their nesting success.</p> <p>Recommendation See general recommendations above (ECCC#2) to avoid incidental take of migratory birds. The Proponent should increase site awareness of staff and contractors to potential presence and conservation status of Bank Swallows, as well as monitor for the presence of Bank Swallows on site. Please see the attached document on Bank Swallows in pits and quarries for reference. This document specifically mentions Quebec, however it is applicable to all areas where Bank Swallows are found. If Bank Swallows are encountered or affected by the project, the primary mitigation measure should be avoidance. The Proponent should avoid contact with or disturbance to Bank Swallows, its habitat and/or its residence. If further mitigation measures are required, consult ECCC at ec.dalfnord-wednorth.ec@canada.ca.</p>		
GNWT - ENR: Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
2	General File	<p>Comment (doc) ENR Cover Letter</p> <p>Recommendation</p>		
1	Topic 1: Hazardous Waste	<p>Comment ITI Parks has been registered as a generator of hazardous waste in the NWT as “NTG582” according to the Guideline for the General Management 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. ENR, Environment Division registers generators, carriers, receivers, and tracks the disposal of hazardous waste generated in the NWT to authorized receiving facilities on hazardous waste movement documents (manifest). The application indicates a Waste Management Plan will be provided once the contract has been awarded, however ITI is ultimately responsible for ensuring that the contaminated soils or other hazardous waste generated on-site is disposed of at authorized receiving facilities.</p> <p>Recommendation 1) Specify in the Hazardous Waste Management Plan that the ultimate disposal of hazardous waste generated on-site as a result of the park expansion will be documented on hazardous waste movement documents from ITI-Parks (NTG582) to</p>		

		suitably authorized receiving facilities according to the Guideline for the General Management of Hazardous Waste in the NWT.		
GNWT - Lands: Donald Arey				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	GNWT Lands Comments on Application (via email)	<p>Comment I have looked at the application and would like to add the following Conditions to what you have drafted. 26 (1) (e) –Type, Location, Capacity And Operation Of Facilities MITIGATION MEASURES - The Permittee shall adhere to all mitigation measures in the accepted application. 26 (1) (i) – Storage. Handling And Disposal Of Refuse Or Sewage REMOVE DEPOSIT WASTE MATERIAL - The Permittee shall remove from all lands used in this land use operation, all scrap metal, discarded machinery and parts, barrels and kegs, buildings and building material and deposit as specified in the accepted application, or as authorized in writing by a Land Use Inspector. 26 (1) (q) – Biological and Physical Protection of the Land ENGAGEMENT PLAN - The Permittee shall adhere to the Engagement Plan, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.</p> <p>Recommendation none</p>		
Gwich'in Tribal Council: Helga Harlander				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
4	General File	<p>Comment (doc) GTC Lands and Resources Cover Letter</p> <p>Recommendation</p>		
1	GTC Lands and Resources - Comments	<p>Comment Gwich'in Participants have the right to carry out traditional activities in the project area. Due consideration must be given to these rights.</p> <p>Recommendation Project activities should be communicated in a timely and meaningful manner to traditional users; this might include radio announcements, installation of signage, personal communication etc.</p>		

	on Application			
2	GTC Lands and Resources - Comments on Application	<p>Comment The Emergency Response and Spill Contingency Plan is not clear and provides at times contradictory information, for example: a. Page 6 – 4. Wildlife encounters only addresses preventive measures, but not emergency response measures as the heading ‘2. Immediate Response to Emergency Situation’ would suggest. b. Page 7 – 2. Initial Response Procedures lists two different initial spill response procedures the first person on the scene is to follow. c. The document contains outdated references to government departments or regulators (RWED on page 10, Department of Indian Affairs and Northern Development page 11, AANDC & RWED page 13)</p> <p>Recommendation The Emergency Response and Spill Contingency Plan should be revised to provide clear and accurate information for project personnel to follow in case of an emergency or spill event.</p>		
3	GTC Lands and Resources - Comments on Application	<p>Comment As a general observation, the application documents were short on detail and left much open to interpretation and/or inference, which makes it difficult for reviewers to provide meaningful comments.</p> <p>Recommendation n/a</p>		