

Review Comment Table

Board:	GLWB
Review Item:	GNWT Department of Infrastructure - Stockpile km 66 (G17Q007)
File(s):	G17Q007
Proponent:	GNWT - INF
Document(s):	Application Form (170 KB) Emergency Response and Spill Contingency Plan (843 kB) Wildlife Management Plan (1.5 MB) Draft Land Use Permit (656 KB) Location Map (580 KB)
Item For Review Distributed On:	
Reviewer Comments Due By:	Aug 28, 2017
Item Description:	<p>GNWT Department of Infrastructure has submitted an application for a type "A" Land Use Permit, for the purpose of hauling, crushing and stockpiling pit run granular material at km 66, Dempster Highway #8. The applicant requests a term of 5 years, with a proposed start date in August, 2017. The Gwich'in Land and Water Board is considering this application, and appreciates any comments or recommendations from reviewers.</p> <p>Please note that a draft Permit has been developed. The purpose of this draft is to allow parties to comment on Board staff's suggested conditions. These draft materials are not 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 evidence filed by all parties.</p>
General Reviewer Information:	The Board encourages reviewers to submit questions and/or recommendations on the application and Draft Land Use Permit through the Online Review System, no later than Monday August 28th. Note that all documents that have been uploaded to this review are also available on our public registry. If you have questions or require assistance with the ORS, please contact Board staff identified below.
Contact Information:	AlecSandra Macdonald 867-777-4954

Comment Summary

Environment and Climate Change Canada: Emily Nichol				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
5	General File	Comment (doc) ECCC Cover Letter Recommendation		
1	Species at Risk Wildlife Management Plan	<p>Comment Subsection 79(2) of the Species at Risk Act states that during an assessment of a project, the adverse effects of the project on listed wildlife species and their critical habitat must be identified, that measures are taken to avoid or lesson those effects, and that the effects need to be monitored. If species at risk are 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. The Wildlife Management Plan provided is out of date. A Table of terrestrial species at risk potentially occurring within the Project area has been provided as an appendix in the ECCC cover letter.</p> <p>Recommendation ECCC recommends that the Proponent identify any potential Project effects and provide mitigation for any species at risk that could be encountered and affected by the Project. ECCC recommends that the Proponent undertake monitoring of Species at Risk mitigation. This 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 and its habitat.</p>		

2	Migratory Birds Wildlife Management Plan	<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. The Project is located in Nesting Zone B9, and migratory birds may be found nesting from mid-May until mid-August. This nesting period is provided as guidance and may vary from year to year with some species nesting outside of these dates, and is not identified in Section 4.3 - Critical Wildlife Periods in the Wildlife Management Plan. Any Project work that occurs during this time could have potential impacts to migratory birds, nests, or eggs. It is the Proponent's responsibility to take appropriate measures to ensure they comply with the legislation and regulations. Safeguarding guidance and information on how to protect migratory birds and their nests and eggs when carrying out project activities can be found on ECCC's web page available at: http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=C51C415F-1.</p> <p>Recommendation If active nests are encountered during Project activities, ECCC recommends that the nesting area be avoided until nesting is complete (i.e., the young have naturally left the vicinity of the nest). It is recommended that all disruptive activities in the area be halted until nesting is completed, and the nest should be protected with a buffer zone appropriate for the species and the surrounding habitat.</p>		
3	Bank Swallow and Common Nighthawk Wildlife	<p>Comment The location of the Project falls within the range of the Bank Swallow and the Common Nighthawk; however, these species are not included in the Wildlife Management Plan. Bank swallows, assessed by COSEWIC as Threatened, nest in burrows dug in exposed sand or soil banks near water bodies and at some</p>		

	Management Plan	<p>construction sites with similar features. Evacuation or construction activities conducted during the nesting season can inadvertently kill individuals or negatively impact their nesting success. Common Nighthawk, listed as Threatened under SARA, may nest in disturbed areas with little vegetation. Construction activities conducted during nesting season can inadvertently kill individuals or negatively impact their nesting success.</p> <p>Recommendation ECCC recommends that staff and contractors be made aware of potential presence and conservation status of Bank Swallows and Common Nighthawks. To avoid creating nesting habitat for Bank Swallow, ECCC recommends that sites be managed so that vertical faces composed of sand/silt/gravel are not being created in areas prone to further disturbance during operation and reclamation activities. ECCC recommends that pit run borrow and stockpiles be inspected prior to commencing disruptive activities during the general nesting period. If Bank Swallows and/or Common Nighthawks are found nesting, ECCC recommends that the Proponent take precautions to avoid any disturbance to them or their habitat during project activities. Proponents are encouraged to consult ECCC (ec.eenordrpntnoeanorthpnrnwt.ec@canada.ca) for further mitigation measures and advice.</p>		
4	Environment and Climate Change Contact Number Emergency Response and Spill	<p>Comment The Proponent has listed the contact number "Environment Canada (867)669-4710" (pg. 12). In the case of a spill or emergency, the 24 Hour NWT/NU Spill Report Line should be contacted first by the Proponent. The NWT/NU Spill Report Line will then involve ECCC Emergencies when appropriate. For information relating to the environmental enforcement and reporting requirements under the Canadian Environmental</p>		

Contingency Plan	<p>Protection Act and the Fisheries Act the Proponent can contact ECCC Environmental Enforcement at (867)669-4730.</p> <p>Recommendation ECCC recommends that the Proponent remove the Environment Canada phone number listed on page 12 of the Emergency Response and Spill Contingency Plan.</p>		
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GNWT - ENR: Central Email GNWT

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	<p>Comment (doc) ENR Letter - No Comments or Recommendations at this time.</p> <p>Recommendation</p>		

GTC Department of Cultural Heritage : Sharon Snowshoe

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	<p>Comment (doc) GTC Department of Cultural Heritage Letter</p> <p>Recommendation</p>		
2	Comments	<p>Comment</p> <p>If work will be on-going during seasons of traditional harvest {berry picking and hunting caribou and moose), then care must be taken by the contractors to ensure that developments do not impact harvest. For example, the site is within a known berry picking zone for summer and fall use; berry harvesters may be affected by dust and traffic when they are parking or picking berries.</p> <p>The area is within a traditionally named place, Tt'oo Geeghanh (Grassy-ridge). This name refers to a hill that</p>		

		<p>runs along the Dempster Highway between the Vittrekwa River and Stony Creek.</p> <p>Recommendation</p> <p>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.</p>		
Gwich'in Renewable Resources Board: Janet Boxwell				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
6	General File	<p>Comment (doc) GRRB Letter</p> <p>Recommendation</p>		
7	General File	<p>Comment (doc) Bank Swallows Law</p> <p>Recommendation</p>		
8	General File	<p>Comment (doc) Bank Swallows info</p> <p>Recommendation</p>		
1	Regulations	<p>Comment Proponent is reminded to adhere to the regulations concerning fish and wildlife according to the following Acts and legal documents: o Migratory Birds Convention Act o NWT Wildlife Act o Species at Risk Acts (federal and NWT) o Gwich'in Land Use Plan o Fisheries Act</p> <p>Recommendation None</p>		
2	Spills	<p>Comment The proponent shall ensure that any chemicals, fuel or wastes associated with the proposed project do not enter waters frequented by fish and to report all spills regardless of product and amount.</p> <p>Recommendation None</p>		

3	Suspend Activities	<p>Comment The proponent shall suspend activities temporarily if caribou, moose, sheep, grizzly bear and/or muskoxen are spotted within 500m of any work site and to resume once the animal(s) have left the area.</p> <p>Recommendation None</p>		
4	Species at Risk	<p>Comment Species at Risk that may be encountered in these areas include the Peregrine Falcon (<i>Falco peregrines anatum</i>), Woodland Caribou (Boreal population <i>Rangifer tarandus caribou</i>) and Bank Swallow (<i>Riparia riparia</i>). o Bank swallows, their nests, populations and individuals are protected under the Migratory Birds Convention Act, 1994: o Bank swallows have been assessed as 'Threatened' by COSEWIC, are being considered under the federal Species at Risk Act and the GRRB has approved this listing. They will likely be listed within the next 5 years, within the length of this application. Thus, the proponent should, at minimum, incorporate recommendations made within the Migratory Birds Conventions Act guidance document for aggregate producers available on-line: https://www.ossaga.com/multimedia/38/fs_bank_swallows-ossaga.pdf o Bank swallows are known to nest in quarries and associated operations, including stockpiles. Therefore, GRRB staff recommend that aggregate pits should be examined for Bank Swallow colonies, stockpiling of materials prior to breeding season should be done (as recommended by the guidance document) and a Bank Swallow Contingency plan also be submitted.</p> <p>Recommendation None</p>		
5	Closure and reclamation	<p>Comment GRRB staff recommend that a closure and reclamation plan for the quarry and stockpile site be submitted as a condition of the land use permit. For more information check this link:</p>		

	https://mvlwb.com/resources/policy-and-guidelines		
	Recommendation None		