



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

Tel: 867-777-4954 Fax: 867-777-2304
www.glwb.com

June 29, 2021

File: **G21Q002**

Arctic Tire 1980 (Ltd.)
Attention Brian McCarthy
PO 3190
Inuvik, NT X0E 0T0

Sent via email

**Re: Issuance of Type "A" Land Use Permit G21Q002
(Quarrying at km 251 Dempster Highway #8)**

Mr. McCarthy,

The Gwich'in Land and Water Board (GLWB) met on June 28, 2021 to consider the application from Arctic Tire Ltd for Land Use Permit G21Q002 for Quarrying at km 251, Dempster Highway #8, in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

Land Use Permit G21Q002 has been approved for a term of five years effective June 28 2021 and expiring June 27 2026 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 the Land Use Permit is anticipated and appreciated. Should you have questions regarding this file, please contact AlecSandra Macdonald by email or phone.

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	G21Q002	-

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:

Arctic Tire 1980 Ltd.

(Permittee)

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

Signature Brian McCarthy	Date May 21, 2021
Type of Land Use Operation Quarrying	
Location km 251 Dempster Highway #8 (68.173524, -133.424321)	

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

Dated at Inuvik this 28 day of June , 2021

Witness - Leonard DeBastien

Chair - Elizabeth Wright

Commencement Date

 June 28, 2021

Expiry Date

 June 27, 2026

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 # G20Q002

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Drilling, blasting, crushing, temporary stockpiling and hauling of granular material from the quarry located at km 251, Dempster Highway #8.
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 excuse the Permittee from its obligation to comply with the requirements of any applicable Federal, Territorial or Municipal laws.
4. This Permit is only valid in conjunction with a valid Quarry Permit from the GNWT Department of Lands

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 Act.

Closure and Reclamation - the process and activities that facilitate the return of areas affected by the Project to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment, human activities, and the surrounding environment.

Flowing Artesian Well - a well in which water:

- a) Naturally rises above the ground surface or the top of any casing; and
- b) Flows naturally, either intermittently or continuously.

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 Act.

Minister - the Minister of Indian Affairs and Northern Development Canada or the Minister of the Government of the Northwest Territories – Department of Lands, as the case may be.

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).

Permittee - the holder of this permit.

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

Progressive Reclamation - Closure and Reclamation activities conducted during the operating phase of the project.

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* that describes the set of procedures to be implemented to minimize the effects of a spill.

Toxic Material - any 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 - any garbage, debris, chemical, or Toxic Material to be used, stored, disposed of, or handled on land, and also as defined in section 51 of the Act.

Waste Management Plan - 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 only conduct this land-use operation on lands designated in the application. | LOCATION OF ACTIVITIES |
| 2. | The Permittee shall not conduct any part of the land-use operation within 300 metres of any privately owned or leased land or structures, including cabins used for traditional activities, unless otherwise approved by the Board. | PRIVATE PROPERTY SETBACK |
| 3. | The Permittee shall not conduct a quarry operation within 100 metres of the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. | QUARRY SETBACK |
| 4. | Prior to the commencement of the land-use operation, the Permittee shall mark each corner of the land-use area. | MARK AREA |
| 5. | The Permittee shall maintain the corner markings until the area is reclaimed. | CORNER POSTS |

26(1)(b) Time

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| 6. | At least 48 hours prior to the initial commencement of the land-use operation, the Permittee's Field Supervisor shall notify the Board and contact an Inspector at (867)777-8900 | INITIAL CONTACT INSPECTOR |
| 7. | At least 48 hours prior to returning to the worksite following a seasonal Shut Down Period, the Permittee's Field Supervisor shall notify the Board and contact an Inspector at (867) 777-8900. | SEASONAL CONTACT INSPECTOR |
| 8. | At least 48 hours prior to commencement of the land-use operation, the Permittee shall provide the following information, in writing, to the Board and an Inspector:
<ul style="list-style-type: none"> 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 |
| 9. | At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of:
<ul style="list-style-type: none"> a) the plan for removal or storage of equipment and materials; b) when final cleanup and reclamation of the land used will be completed; and c) when the Final Plan will be submitted. | REPORTS BEFORE FINAL REMOVAL |

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

10. The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application. **USE APPROVED EQUIPMENT**

26(1)(d) Methods and Techniques

11. The Permittee shall not quarry to a depth below that of the water table. Do not quarry below existing pit floor. **QUARRY DEPTH**

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

12. 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

13. The land-use operation shall not cause obstruction to any natural drainage. **NATURAL DRAINAGE**

14. The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses. **PROGRESSIVE EROSION CONTROL**

15. The Permittee shall apply appropriate mitigation at the first sign of erosion. **REPAIR EROSION**

16. The Permittee shall slope the sides of Waste material piles, excavations, and embankments — except in solid rock — to a minimum ratio of 2:1 vertical, unless otherwise authorized in writing by an Inspector. **EXCAVATION AND EMBANKMENTS**

17. The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High-Water Mark of any Watercourse. **EQUIPMENT: WATERCOURSE BUFFER**

18. The Permittee shall not excavate land within 100 metres of the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. **EXCAVATION SETBACK**

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

19. 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

20. 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

21. The Permittee shall keep all garbage and debris in a secure container until disposal. **GARBAGE CONTAINER**

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

22. The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground. **ARCHAEOLOGICAL BUFFER**

23. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. **SITE DISTURBANCE**

24. The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered: **SITE DISCOVERY AND NOTIFICATION**

- a) immediately suspend operations on the site; and
- b) notify the Board at (867) 777-4954 and an Inspector at (867) 777-8900, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255.

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

The Permittee shall take all reasonable precautions to prevent impacts to traditional harvesting activities. **TRADITIONAL USE**

26(1)(l) Security Deposit

25. All costs to remediate the area under this Permit are the responsibility of the Permittee. **RESPONSIBILITY FOR REMEDIATION COSTS**

26(1)(m) Fuel Storage

26. The Permittee shall set up all refueling points with Secondary Containment. **SECONDARY CONTAINMENT - REFUELING**

27. The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses. **FUEL CONTAINMENT**

28. The Permittee shall comply with the **Spill Contingency Plan**, once approved, 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**

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| 29. | Prior to commencement of the land-use operation the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills. | SPILL RESPONSE |
| 30. | All equipment that may be parked for two hours or more, shall have a hazmat/drip tray under it or be sufficiently diapered. Leaky equipment shall be repaired immediately. | DRIP TRAYS |
| 31. | The Permittee shall clean up all leaks, spills, and contaminated material immediately | CLEAN UP SPILLS |
| 32. | During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall: <ul style="list-style-type: none"> a) implement the approved Spill Contingency Plan; b) report it-immediately using the NU-NT Spill Report Form by one of the following methods: <ul style="list-style-type: none"> • Telephone: (867) 920-8130 • Fax: (867) 873-6924 • E-mail: spills@gov.nt.ca • Online: Spill Reporting and Tracking Database c) within 24 hours, notify the Board and an Inspector; and d) within 30 days of initially reporting the incident, submit a detailed report to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur. | REPORT SPILLS |

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

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| 33. | The Permittee shall not clear areas larger than identified in the complete application. | MINIMIZE AREA
CLEARED |
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26(1)(o) Restoration of the Lands

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| 34. | All outstanding liabilities and obligations of the Permittee in relation to work performed or required to be performed under Land Use Permit G14Q003 are fully incorporated into and subsumed under this Permit, and the Permittee must therefore complete the restoration and other obligations set out in or incurred under Permit G14Q003 as well as such further obligations as may be set out in or incurred under this Permit. | TRANSFER OF
LIABILITIES |
| 35. | Prior to the end of the land-use operation, the Permittee shall level all stockpiles of granular material located within the land use area. | LEVEL STOCKPILES |
| 36. | Prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used. | FINAL CLEANUP
AND RESTORATION |

37. The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so. **PROGRESSIVE RECLAMATION**

38. Prior to the end of the land-use operation, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation. **NATURAL REVEGETATION**
26(1)(p) Display of Permits and Permit Numbers

39. 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

40. If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them. **MIGRATORY BIRD NEST DISTURBANCE**

41. The permittee shall not commence blasting or move any equipment within 500 meters of one or more caribou. **CARIBOU DISTURBANCE**



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Reason for Decision

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

File Number:	G21Q002	Type:	"A" Land Use Permit
Applicant:	Arctic Tire 1980 Ltd.		
Activity:	Extraction, stockpiling and hauling of granular material at km 251, Dempster Highway #8		
Board Meeting:	June 28, 2021		

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 May 21, 2021 Arctic Tire 1980 Ltd. submitted an application for a Type "A" Land Use Permit the purpose of extracting, stockpiling and hauling granular material from existing quarry located at km 251, Dempster Highway #8. The applicant requests a term of 5 years, beginning in June 2021, and carrying on activities currently authorized under permits G14Q003 (and previously under G07Q007). Board Staff deemed the application complete on May 28, 2021, and was circulated for public review on the same day. By June 15, 2021 the following reviewers had submitted comments:

- Gwich'in Tribal Council Department of Cultural Heritage
- Gwich'in Renewable Resources Board
- GNWT Environment and Natural Resources

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 G21Q002 be issued, subject to the terms and conditions contained therein.

The Board's reasons for this decision are set out below:

- 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 proposed activities were screened on June 15, 2007. The Board has reviewed the preliminary screening report, and confirms that the scope and scale of the proposed activities remain the same. The Board has determined that this application is exempt from further preliminary screening, in accordance with Part 1 section 2 of the Exemption List Regulations.
- 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 G21Q002, 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

June 28, 2021

Date