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May 9, 2022

File: **G22Q001**

Mr. Mark Cliffe-Phillips
Mackenzie Valley Environmental Impact Review Board
200 Scotia Center
Box 938, 5102 - 50th Avenue
Yellowknife NT X1A 2N7

Sent via Email

Dear Mr. Cliffe-Phillips,

**Re: Notice of Preliminary Screening Determination – Application for Land Use Permit
Quarrying, Dempster Highway #8, km 251 Expansion**

The Gwich'in Land and Water Board (Board) met on May 9, 2022 and considered the Application from GNWT department of Infrastructure for a Type A Land Use Permit (Permit) G22Q001 for quarrying near Inuvik, NT in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board conducted a preliminary screening based on the Application and the public record for the proceeding. Based on the evidence provided, the Board is satisfied the screening has been completed according to section 125 of the MVRMA and has decided **not to refer** the project to environmental assessment. The Preliminary Screening Report includes the Board's reasons for decision, as required by section 121 of the MVRMA (attached).

If the Board does not receive notice of referral to environmental assessment, it will proceed with the Regulatory Process for G22Q001 on Friday May 20, 2022.

Our Board and staff look forward to continued communications throughout the pause period. If you have any questions or concerns regarding this letter, please contact Executive Director Leonard DeBastien at (867) 777-4954.

Yours sincerely,

Elizabeth Wright
Chair, Gwich'in Land and Water Board

Copied to: Gwich'in Distribution List

Attached: Preliminary Screening Report



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Preliminary Screening Determination and Reasons for Decision

Land Use Permit Application	
File Number	G22Q001
Company	GNWT Department of Infrastructure
Project	Quarry Expansion, Km 251 Dempster Highway #8
Location	Inuvik, NT
Activity	Quarrying
Date of Decision	May 9, 2022

1.0 Decision

In accordance with subsection 124(1) of the *Mackenzie Valley Resource Management Act* (MVRMA), the Gwich'in Land and Water Board (GLWB or Board) met on May 9, 2022 to make a preliminary screening determination on the Application from the Government of the Northwest Territories, Department of Infrastructure (GNWT INF or Applicant) for Land Use Permit G22Q001 (Permit)¹ for the Km 251 Quarry Expansion (Project).²

The Board has decided not to refer the proposed Project to the Mackenzie Valley Environmental Impact Review Board (the Review Board) for Environmental Assessment because, based on the evidence, it is the Board's opinion that the proposed Project will not have a significant adverse impact on the environment or be a cause of public concern.

¹See GLWB Online Registry www.glwb.com for GNWT INF - km 251 Quarry - Application Form and Maps - Mar28_22

² The Project is the Km 251 Quarry Expansion Project which is the proposed development, where "development" is defined in Part 5 of the MVRMA as:

"any undertaking, or any part or extension of an undertaking, that is carried out on land or water and includes an acquisition of lands pursuant to the *Historic Sites and Monuments Act* and measures carried out by a department or agency of government leading to the establishment of a park subject to the *Canada National Parks Act* or the establishment of a park under a territorial law."

The Board's determination, including reasons for its decision, are detailed in sections [3.0](#) and [4.0](#).

2.0 Background and Scope of Screening

On March 28, 2022 GNWT INF applied for a Type A Land Use permit for quarrying at km 251, Dempster Highway #8. GNWT INF is currently authorized to extract granular material at the existing km 251 quarry, under permit G21E001; however, a new permit is required because GNWT INF is proposing to expand the quarry to the northwest of the existing disturbance.

In accordance with paragraph 125(1)(a) of the MVRMA, the Board must conduct a preliminary screening of the proposed Project to determine and report to the Review Board whether, in its opinion, the proposed Project might have a significant adverse impact on the environment or might be a cause of public concern. The details of the Board's analysis are set out in section [4.0](#) below.

2.1 Scope of Screening:

The proposed expansion area totals 5.6 ha, with access from an existing haul trail following the north shoulder of the existing disturbance. The applicant proposes to remove up to 300,000 m³ of granular materials from a limestone bedrock outcrop. Materials will be used for ongoing highway operations and maintenance, as well as for the construction of the Inuvik Wind Project. Proposed activities include:

- Clearing of trees and vegetation;
- Removal and storage of organics and overburden;
- Extension of access road;
- Drilling and blasting;
- Extraction of granular material;
- Crushing and temporary stockpiling of granular material; and
- Hauling.

2.2 Public Record and Regulatory Proceeding

To assist the Board in its preliminary screening determination for the Project, the Board distributed the Application and a draft permit for public review on March 30, 2022 inviting reviewers to provide comments and recommendations on the Applications and the preliminary screening (e.g., on impacts and mitigation measures) using the Online Review System (ORS). Comments were due April 20 with responses from the Applicant due April 27, 2022. The Board received comments and recommendations from The Gwich'in Tribal Council Department of Cultural Heritage and Environment and Climate Change Canada.³

Since there were no requests to extend the reviewer comment deadline, the Board is satisfied that a reasonable period of notice was given to affected communities and First Nations, as required by subsection 63(2) of the MVRMA.

³ See GLWB Online Registry for [GNWT INF - km 251 Quarry - Reviewer Comments and Applicant Responses - Apr27 22](#)

3.0 Potential Impacts and Proposed Mitigations

Table 1 below summarizes:

- the potential impacts of the proposed Project;
- the concerns that were identified during the regulatory proceeding and how the Applicant addressed those concerns;
- the proposed and potential mitigations for the potential impacts; and
- the Board's analysis of the potential impacts and proposed mitigations.

Table 1: Potential Impacts and Proposed Mitigations for the to the Project

Potential Impact	Activity	Proposed Mitigations <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	Board Analysis and Determination
Soil Contamination	Fuel Storage and Equipment Leaks	<p>The Applicant proposed the following mitigations in the Application: Adhering to the Spill Contingency Plan for spill prevention and response measures</p> <p>The draft Permit included the following standard conditions that are typically used to mitigate the described impacts:²⁵</p> <ul style="list-style-type: none"> • CHEMICALS • SPILL CONTINGENCY PLAN • SPILL RESPONSE • DRIP TRAYS • CLEAN UP SPILLS • REPORT SPILLS 	Based on the described mitigations and lack of concern raised by Parties, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.

Soil destabilization/erosion	Quarrying activities	<p>The Applicant proposed the following mitigations in the Application: Adhering to the Erosion and Sediment Control Plan;</p> <p>The draft Permit included the following standard conditions that are typically used to mitigate the described impacts:</p> <ul style="list-style-type: none"> • USE APPROVED EQUIPMENT • PROGRESSIVE EROSION CONTROL • REPAIR EROSION 	Based on the described mitigations and, it is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.
Change in soil structure	Quarrying activities	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> • Potential soil structure change will be limited to quarried locations 	Based on the described mitigations and lack of concern raised by Parties, it is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.

Changes in water quality	Quarrying activities	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> • Adhere to the Spill Management Plan, Erosion and Sediment Control Plan, • Maintaining a 30-60 meter setback from waterbodies <p>The draft Permit included the following standard conditions that are typically used to mitigate the described impacts:</p> <ul style="list-style-type: none"> • QUARRY SETBACK • CHEMICALS • SPILL CONTINGENCY PLAN • SPILL RESPONSE • DRIP TRAYS • CLEAN UP SPILLS • REPORT SPILLS 	Based on the described mitigations and lack of concern raised by Parties, it is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.
Loss or Change in Permafrost Extent	Quarrying activities	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> • Adhere to the Spill Management Plan, Erosion and Sediment Control Plan, • Use established access routes, maintaining a buffer zone, progressive reclamation, avoiding ponding water, 	Based on the described mitigations and lack of concern raised by Parties, it is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.

Direct loss of vegetation	Vegetation Clearing	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> Vegetation clearing will be required in quarry sites but area will be limited to reduce the loss of vegetation. 	
Direct loss or removal of habitat, dens, or nests	Vegetation Clearing	<p>The Applicant proposed the following mitigations in the Application: if there is the potential of loss or removal, appropriate regulatory authorities (ex. ENR, DFO, ECCC) will be contacted and mitigation measures approved prior to any work taking place</p> <ul style="list-style-type: none"> The draft Permit included the following standard conditions that are typically used to mitigate the described impacts: <ul style="list-style-type: none"> HABITAT DAMAGE MINIMIZE AREA CLEARED MIGRATORY NEST 	Based on the described mitigations and lack of concern raised by Parties, it is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.
Terrestrial Wildlife Impacts,	Quarrying Activities	<p>The Applicant proposed the following mitigations in the Application: All impacts to terrestrial wildlife habitat will be limited as the some of the quarry site is pre-disturbed. Other typical mitigation measures to protect wildlife and wildlife habitat include suspending operations if caribou, moose, sheep, bears or muskox are observed within 500m of quarry sites. Workers will not approach, harass, or feed wildlife.</p>	Based on the described mitigations and lack of concern raised by Parties, it is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.

		<p>Workers will not attempt to move wildlife away from site</p> <p>The draft Permit included the following standard conditions that are typically used to mitigate the described impacts:</p> <ul style="list-style-type: none"> • HABITAT DAMAGE • MINIMIZE AREA CLEARED • MIGRATORY NEST DISTURBANCE <p>During the Public Review period, GNWT comitted to following ECC guidance and best pracitces to prevent impacts to migratory birds, wildlife and associated habitat.</p>	
<p>Impacts to Cultural Integrity and Heritage Resources</p>	<p>Quarrying Activites</p>	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> • AIA was completed in advance of application, Acceptance Letter from POWNHC indicates no further work is required. <p>The draft Permit included the following standard conditions that are typically used to mitigate the described impacts:</p> <ul style="list-style-type: none"> • ARCHAEOLOGICAL BUFFER • SITE DISTURBANCE • SITE DISCOVERY AND NOTIFICATION 	<p>Based on the described mitigations and lack of concern raised by Parties, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.</p>

3.1 Consideration of Potential Impacts

Based on the potential impacts and proposed mitigations identified above in Table 1, the Board considered whether the Project might have a significant adverse impact on the environment. In general, impacts of the Project on the environment can be mitigated through the use of standard permit conditions and/or project-specific conditions established by the Board as per the MVLWB [Standard Process for Creating New Conditions](#). These conditions may include requirements for management and monitoring plans that provide detailed information regarding the implementation of mitigation measures and the evaluation of their effectiveness.

A draft Permit was circulated for review during the regulatory proceeding, and all Parties were given the opportunity to provide comments and recommendations on the draft conditions. In finalizing the conditions, the Board will consider all of the evidence provided through the regulatory proceeding.

3.2 Consideration of Public Concern

In addition to considering the potential impacts of the Project, the Board considered whether the Project might be a cause of public concern. Based on the evidence provided during the regulatory proceeding the Board did not identify any comments or issues that indicate that the Project is a cause of public concern.

4.0 Conclusion

The Board has reviewed all the evidence received during the regulatory process with respect to the Preliminary Screening of the proposed Project. Based on the evidence, it is the Board's opinion that the proposed Project will not have a significant adverse impact on the environment or be a cause of public concern as set out in paragraph 125(1)(a) of the MVRMA. The Board has therefore decided not to refer the proposed Project to Environmental Assessment.

If the Board does not receive a notice of referral to environmental assessment by May 19, 2022, the Board can issue the Permit on May 20, 2022

SIGNATURE



May 9, 2022

Elizabeth Wright, Chair
Gwich'in Land and Water Board

Date