



Mackenzie Valley Land and Water Board
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Phone (867) 669-0506
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Staff Report

Applicant: Rowe's Construction	
Location: Hwy #5 km 44.5	Application: MV2014Q0025
Date Prepared: December 22, 2014	Meeting Date: January 8, 2015
Subject: New Land Use Permit Application	

1. Purpose/Report Summary

The purpose of this Report is to:

- a) Present to the Mackenzie Valley Land and Water Board (MVLWB/the Board) a new Land Use Permit (LUP) Application submitted by Rowe's Construction (Rowe's) for a quarry operation located at Hwy #5, km 44.5;
- b) Confirm exemption from preliminary screening; and
- c) Consider the management plans, including the Spill Contingency Plan and Engagement Plan, submitted with this Application.

2. Background

- October 3, 2014 – Application submitted;
- October 6, 2014 – Application deemed incomplete;
- November 21, 2014 – additional information submitted;
- December 1, 2014 – Application deemed complete;
- December 18, 2014 – Comments submitted by reviewers;
- January 8, 2015 – presented to the Board for decision; and
- January 11, 2015 – 42-day time line.

3. Discussion

The quarry operation is summarized as follows:

- Total of five people on site;
- Overburden will be stripped and stockpiled for reclamation;
- Trees will be cleared from site;
- Larger trees will be salvageable;
- An existing road will be used to access the site;
- No fuel will be stored on site, equipment will be fueled by tidy tanks from the back of a pick-up truck;

- Waste will be deposited at the Hay River Facility;
- Quarry Permit 2014QP0033 was issued for this activity; and
- Equipment for the operations are as follows:
 - Cat loader
 - Cat dozer
 - Crusher
 - Pick-up trucks
 - Dump trucks.

The activity described triggers a Type A LUP in accordance with paragraph 4(a) of the *Mackenzie Valley Land Use Regulations*:

(iv) the use of a self-propelled motorized machine for moving earth or clearing land.

No water licence is expected to be required for this operation.

In their Application, Rowe's indicates that this Application is a replacement for MV2007Q0053. As such, they believe that their Application is exempt from preliminary screening as per the Exemption List Regulations, Part 1, Schedule 1, Section 2.

Section 2 states:

A development, or part thereof, for which renewal of a permit, licence or authorization is requested that

(a) has not been modified; and

(b) has fulfilled the requirements of the environmental assessment process established by the *Mackenzie Valley Resource Management Act*, the *Canadian Environmental Assessment Act* or the Environmental Assessment Review Process Guidelines Order.

Board staff has reviewed the Preliminary Screening that was completed in 2007 and has found that all activities have been screened. The area that is being applied for has also been screened.

4. Comments

n/a

5. Reviewer Comments

During the review process comments were received from the following organizations: GNWT – Environment and Natural Resources, GNWT-Department of Lands and the Inspector (GNWT).

To see all of the comments provided to the Board, please see the attached Reviewer Comment Summary Table.

No major concerns were raised during the review phase of this Permit Application that are not mitigable through permit conditions.

6. Security

Prior to the submission of their Application, Rowe's was requested to fill in and submit the Security Worksheet. This Worksheet is the same Worksheet that Board staff uses in the analysis of remediation costs. Below is a comparison of the security estimate that Rowe's submitted and the one that staff has completed, along with a column that explains the differences between the estimates.

Area of Worksheet	Rowe's Estimate	Board Staff Estimate	Difference	Explanation
Camp (C1)	\$0	\$0	\$0	n/a
Regulated/Hazardous Materials (R1)	\$0	\$3,000.00	\$3,000.00	Rowe's did not include used oil, lubes and antifreeze, which is based on the number of pieces of heavy equipment.
Hydrocarbon storage and Transfer (H1)	\$0	\$0	\$0	Rowe's will transfer fuel from tidy tanks as needed. No additional fuel will be onsite.
Land Disturbance (L1)	\$0	\$4,500.00	\$4,500.00	Rowe's did not include any of the land that will be used for the operation, also didn't include off road activities.
Equipment (E1)	\$6,250.00.00	\$6,250.00	\$0	n/a
Multipliers	Site Access -1	Site Access -1	n/a	n/a

	Performance – 0.85 Environmental Risk Factor – 0.75	Performance – 0.85 Environment al Risk Factor – 0.75		
Total	\$6,250.00	\$8,765.63	\$2,515.63	

7. Conclusion

Draft conditions have been developed and are attached for the Board's review and consideration. These conditions are largely consistent with those used in previous issuances.

Based on reviewer comments, Board staff concludes that the conditions contained within this draft Permit should mitigate potential environmental impacts.

8. Recommendation

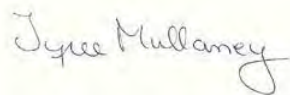
Board staff recommends the following:

- 1) The Board confirm that the Application as submitted is exempt from preliminary screening as per the Exemption List Regulations;
- 2) The Board approve the Land Use Permit as applied for by Rowe's Construction;
- 3) The Board approve the Spill Contingency Plan as submitted; and
- 4) The Board approve the Engagement Plan as submitted.

9. Attachments

- Reviewer Comment Summary Table
- [Application](#)
- [Additional Information](#)
- [Additional Information - Town of Hay River](#)
- [January 24, 2008 – Preliminary Screening for MV2007Q0053](#)
- Security Estimate
- Draft Land Use Permit Cover Page and Conditions
- Draft Reasons for Decision
- Draft Issuance Letter

Respectfully Submitted,



Tyree Mullaney
Regulatory Officer

Review Comment Table

Board:	MVLWB
Review Item:	Rowe's Construction - New Land Use Permit Application - MV2014Q0025
File(s):	MV2014Q0025
Proponent:	Rowe's Construction
Document(s):	New Land Use Permit Application (1 MB) Additional Information (1 MB) Additional Information (Town of Hay River) (128 KB) Additional Information - Letter of Support - Town of HR (19 kb) Draft Conditions (201 KB)
Item For Review Distributed On:	Dec 3 at 12:14 Distribution List
Reviewer Comments Due By:	Dec 18, 2014
Proponent Responses Due By:	Dec 23, 2014
General Reviewer Information:	<p>Good afternoon,</p> <p>As noted above you will find a new Land Use Permit application submitted by Rowe's Construction. Comments on this application are due December 18, 2014. If you have any questions please feel free to contact me</p> <p>Regards,</p> <p>Tyree</p>
Contact Information:	Angela Plautz 867-766-7459 Tyree Mullaney 867-766-7464

Comment Summary

GNWT - Environment and Natural Resources: Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	General File	Comment (doc) ENR No Comments or Recommendations at this time. Recommendation	n/a	Noted.

GNWT - Lands: Erin Anderson

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	General File	Comment (doc) Department of Lands, GNWT, letter recommending that permit be granted. Recommendation	n/a	Noted.

GNWT - Lands: Jayda Robillard

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	None	Comment GNWT Department of Lands - The Inspector recommend the permit be issued as applied for with the following changes to the Permit Conditions. Recommendation None	n/a	Noted.
2	26(1)(b) Time	Comment Inspector's Phone number should be added Recommendation Add (867) 874-6995	n/a	The condition has been updated.
3	26(1)(d) Methods and Techniques	Comment Test Pits are a standard part of a quarry operation. Pits left open pose a hazard to people and wildlife therefore they must be backfilled. Recommendation Add Condition: Prior to the expiry of this Permit, the Permittee shall replace all excavated material, unless otherwise authorized in writing by an Inspector. Change Condition Name to "Test Pits" to make it applicable to a quarry operation.	n/a	This condition has been included as per the recommendation from the Inspector.
4	26(1)(i) Storage, Handling, and Disposal	Comment A condition is required to address any garbage, scrap metal, parts, tires, etc that may be left	n/a	As all waste will be hauled to the Hay River Garbage Facility there is no need for the

	of Refuse or Sewage	behind in the pit. Recommendation Add Condition: (Remove Garbage)The Permittee shall dispose of all garbage, waste, and debris as described in the approved Waste Management Plan, unless otherwise authorized in writing by an Inspector.		submission of a Waste Management Plan. The conditions have been updated to ensure that all waste is disposed of as in the accepted application.
5	26(1)(l) Security Deposit	Comment Responsibility for remediation costs is covered by Condition 21. Recommendation Remove Condition 20.	n/a	



December 16, 2014

Tyree Mullaney
MVLWB
7th Floor, 4922 - 48 Street
Yellowknife, NT X1A 2P6

Dear Ms. Mullaney:

Land Use Permit Application: MV2014Q0025 – Rowe's Construction
Type of Operation: Quarrying
Location: Km. 44.5, Highway #5

The Government of the Northwest Territories (GNWT) reviewed Land Use Permit Application MV2014Q0025 and recommends that the permit be granted.

On December 16, 2014, our Inspector Jayda Robillard, provided her comments and recommendations for your consideration, via the LWB Online review System.

Comments received from the Lands Administration Division and the Mining Recorders Office indicate no concerns.

Thank you for the opportunity to comment on this application. Should you have any questions or concerns regarding our comments, please contact our Inspector, Jayda Robillard, at (867) 874-6994.

Sincerely,

Scott Stewart
Regional Superintendent
North Slave Region

c. South Slave Region - Hay River

SS/eka



Northwest Territories Environment and Natural Resources

December 18, 2014

Angela Plautz
Regulatory Officer
Mackenzie Valley Land and Water Board
7th Floor – 4910 50th Avenue
P.O. Box 2130
Yellowknife, NT
X1A 2P6

Dear Ms. Plautz,

**Re: Rowe's Construction
Land Use Permit – MV2014Q0025
Quarry Highway 5 - KM 44.5
Request for Comment**

The Department of Environment and Natural Resources has reviewed the application at reference based on its mandated responsibilities under the *Environmental Protection Act*, the *Forest Management Act*, the *Forest Protection Act*, the *Waters Act* and the *Wildlife Act* and has no comments or recommendations for the consideration of the Board at this time.

Should you have any questions or concerns, please do not hesitate to contact Patrick Clancy, Environmental Regulatory Analyst at 920-6118 or patrick_clancy@gov.nt.ca.

Sincerely,

Patrick Clancy
Environmental Regulatory Analyst
Environmental Impact Assessment Section
Conservation, Assessment and Monitoring Division
Department of Environment and Natural Resources
Government of the Northwest Territories

Land Use Permit Security Worksheet

Application Number: MV2014Q0025

Input
Amount Multiplier

Camp (C1)			
DRAFT			
Temporary Structures			
Input number of tent frames or weatherhaven (3.5m x 4.2m)	0	\$200.00	\$0.00
Input number of trailers (3.5m x 15.2m)	0	\$300.00	\$0.00
Input total square metres of other temporary structures (i.e. core shacks)	0	\$2.50	\$0.00
Fixed Structures			
Input total square metres of fixed structures	0	\$25.00	\$0.00
Solid Waste			
COPY			
For non-burnable material, input # of person days per season	0	\$1.00	\$0.00
For burnable material, input # of person days per season	0	\$0.50	\$0.00
Total C1			\$0.00

Regulated / Hazardous Materials (R1)			
Based upon on site volume			
Explosives; up to 500 kg (~pallet) dry explosives input 1, if none, input 0	0	\$500.00	\$0.00
Additional Explosives; input total kg >500	0	\$0.50	\$0.00
Drilling Muds (oil based); enter number of 63 m ³ (or equivalent) containers	0	\$1,000.00	\$0.00
Used Oil, Lubes and Antifreeze: enter number of pieces of heavy equipment	6	\$500.00	\$3,000.00
Other;			

Total R1			\$3,000.00

Hydrocarbon Storage and Transfer (H1)			
Based upon on site volume			
Gasoline and Diesel			
Enter total volume of gasoline&diesel <25,000 L	0	\$0.50	\$0.00
Enter total volume of gasoline&fuel > 25,000 L	0	\$0.25	\$0.00
Total Gasoline and Diesel			\$0.00
When fuel is within bermed site or has other safety feature, enter 1, otherwise enter 0	0	25%	\$0.00
Aviation Fuel			
Enter total volume of aviation fuel < 25,000 L	0	\$0.50	\$0.00
Enter total volume of aviation fuel > 25,000 L	0	\$0.25	\$0.00
Total Aviation Fuel			\$0.00
When fuel is within bermed site or has other safety feature, enter 1, otherwise enter 0	0	25%	\$0.00
Total H1			\$0.00

Land Disturbance (L1)			
Disturbed Surface Area			
<i>(Developed surface area that may require restoration through the use of scarification, reseeding, fertilizing or other similar techniques)</i>			
Enter number of hectares disturbed	4	\$1,000.00	\$4,000.00
Other Land Disturbances			
Creek Crossings; enter number of creek crossings	0	\$500.00	\$0.00
Off-Road Activities; if any activities are likely, enter 1	1	\$500.00	\$500.00
Sump Factor; enter total area occupied by sumps in m ²	0	\$10.00	\$0.00
Well Factor; enter number of wells.	0	\$25,000.00	\$0.00
Total L1			\$4,500.00

Land Use Permit Security Worksheet (continued)

Application Number: MV2014Q0025

**Input
Amount Multiplier**

Equipment (E1)			
Based upon type of equipment			
Enter number of pieces of heavy equipment (i.e. dozer, forklift, large gensets)	6	\$1,000.00	\$6,000.00
Enter number of drills	0	\$1,000.00	\$0.00
Enter number of light vehicles (trucks, atvs, snowmobiles, boats)	1	\$250.00	\$250.00
Enter number of small generators or pumps	0	\$100.00	\$0.00
Enter number of empty fuel storage tanks	0	\$500.00	\$0.00
Total E1			\$6,250.00

Security Calculation			
Preliminary Calculation			
Enter amount from C1			\$0.00
Enter amount from R1			\$3,000.00
Enter amount from H1			\$0.00
Enter amount from L1			\$4,500.00
Enter amount from E1			\$6,250.00
Preliminary Calculation, total of above		A	\$13,750.00
Multipliers			
Site Access Multiplier. If the project has all weather road access enter 1, if ice road access enter 1.5, if air access enter 2		B	1
Performance Multiplier. If applicant has successfully completed the terms of a LUP enter 0.85, otherwise enter 1		C	0.85
Environmental Risk Factor. If location has high environmental value or unusual environmental risk enter 2. If location is previously disturbed enter 0.75. Otherwise enter 1.		D	0.75
Calculated Security			
Multiply preliminary calculation (A) by performance multipliers (B, C and D)		E	\$8,765.63
Existing Securities			
List existing associated permits and amount of overlapping security			
Permit: _____			
Permit: _____			
Permit: _____			
Permit: _____			
Overlapping Securities, total of above		F	\$0.00
Final Security Determination			
Subtract overlapping securities (F) from calculated security (E)			\$8,765.63

**DRAFT
COPY**

Comments