



November 23, 2020

Jen Potten
Regulatory Coordinator
Mackenzie Valley Land and Water Board
7th Floor – 4910 50th Avenue
PO Box 2130
Yellowknife, NT X1A 2P6

Dear Ms. Potten,

**Re: Jean Marie River First Nation (JMRFN)
Land Use Permit Amendment Application – MV2020W0002**

I would like to provide comments on the amendment request submitted by the Jean Marie River First Nation dated September 22, 2020 in regards to the terms and conditions of Land Use Permit MV2020W0002.

Topic: Condition 4 – PARALLEL WATERCOURSE SETBACK

To ensure consistency with GNWT-ENR's Annual Operating Plan (AOP), the Inspector recommends that condition be modified to state:

The Permittee shall locate all lines, trails, and rights-of-way to be constructed parallel to any Watercourse a minimum of:

- a) Lakes larger than 16ha; 100m buffer.*
- b) Lakes 1ha to 16ha area: 30 m buffer.*
- c) Ponds less than 1ha in area: 10m buffer.*
- d) Large permanent rivers: 100m buffer.*
- e) Medium permanent rivers: 60 m buffer.*
- f) Small permanent rivers and streams: 10m buffer.*

These buffers are noted to be sufficient in preventing erosion of soil into watercourses which is the intent of this condition.



Topic: Condition 6 – MARK AREA

Inspector recommends that this condition be removed from the land use permit. The intent of this condition is to ensure there is no conflict when multiple Permittee's are operating in the same area; specifically in quarry operations. The inspector notes in this case that there are no conflicting operations and in addition, the GNWT-ENR requires that the boundaries of all timber harvest blocks are marked (flagged) in accordance with the Annual Operating Plan (AOP).

The Inspector further notes that a pre-inspection is required (Condition 8) where the Permittee is required to accompany an Inspector prior to the commencement of the operation. The pre-inspection is completed to ensure that operation will be conducted on the lands applied for and to address specific environmental concerns.

Topic: Condition 7 – CORNER POSTS

Inspector recommends that this condition be removed – same reason as Condition 6.

Topic: Condition 15 – FIRE-FIGHTING EQUIPMENT

Inspector recommends that the condition be amended as requested to state:

The Permittee shall maintain fire-fighting equipment at the site in accordance with the Government of the Northwest Territories' Forest Fire Prevention and Suppression Guidelines for Industrial Activities.

Topic: Condition 16 – DOGLEG APPROACHES

Inspector recommends that Condition 16 be left in the permit. The intent of the condition is to ensure that all new access roads, lines and trails constructed which approach the Jean Marie River Road are doglegged for aesthetic value. The Inspector notes that this condition would not apply when existing cut lines or trails are utilized during the course of this operation (Block D).



To clarify, the condition could be modified to state:

*The Permittee shall Dogleg any **new** lines, trails and right-of-ways that approach Watercourses or public roads.*

Topic: Condition 34 – EQUIPMENT WATERCOURSE BUFFER

To ensure consistency with GNWT-ENR’s Annual Operating Plan (AOP), the Inspector recommends that condition be modified to state:

The Permittee shall setback the removal of vegetation and operation of heavy equipment from any Watercourse as follows:

- a) Lakes larger than 16ha; 100m buffer.*
- b) Lakes 1ha to 16ha area: 30 m buffer.*
- c) Ponds less than 1ha in area: 10m buffer.*
- d) Large permanent rivers: 100m buffer.*
- e) Medium permanent rivers: 60 m buffer.*
- f) Small permanent rivers and streams: 10m buffer.*

These buffers are noted to be sufficient in preventing erosion of soil into watercourses which is the intent of this condition.

Topic: Condition 47 – ARCHAEOLOGICAL OVERVIEW

The Inspector notes that the requirement for the Permittee to conduct an Archaeological Overview to identify areas of high and low potential for archaeological or burial sites falls outside of his authorization as this is regulated by a different department.

Conditions 44, 45, 46 of the land use permit and Section 12 of the Mackenzie Valley Land Use Regulations require the Permittee stay a minimum of 150 meters away from known or suspected archeological site and to immediately suspend operations if an archeological site is encountered. The existing permit conditions and regulations are in place to prevent disturbances to known or suspected archeological sites.



Topic: Condition 48 – AIA

The Inspector notes that the requirement for the Permittee to conduct an Archaeological Impact Assessment falls outside of his authorization as this is regulated by a different department.

Conditions 44, 45, 46 of the land use permit and Section 12 of the Mackenzie Valley Land Use Regulations require the Permittee stay a minimum of 150 meters away from known or suspected archeological site and to immediately suspend operations if an archeological site is encountered.

Topic: Condition 49 – SECURITY DEPOSIT

As stated in the October 23, 2020 letter from the Department of Lands, the department strongly recommends a condition requiring the Permittee to post security be included in the land use permit.

The Inspector has reviewed the application and map showing the land use permit area and has calculated the security amount as follows:

CAMP (C1)	No Camp	\$0
HAZARDOUS MATERIAL (R1)	None	\$0
HYDROCARBON (H1)	No Fuel	\$0
LAND DISTURBANCE (L1)		
New Disturbance	9.28 ha	\$9,280
New Access	2.2 km x 4 m wide = 0.88 ha	
Block A - 440m		
Block B – 200m		
Block C – 700m		
Block D – 0m	<i>Block D – existing cutline</i>	
Block F – 860m		



Landings (65m x 65m)	Total 20 x 0.42 ha = 8.4 ha	
Off-Road Activities	Other Land Disturbance	\$500
EQUIPMENT (E1)		
(1) Front End Loader	Heavy Equipment x \$1,000	\$6000
(1) D6 Dozer		
(1) Feller Buncher		
(1) Log Skidder		
(1) Logging Truck		
(1) Back hoe		
(3) Light Vehicles etc.	Light Vehicles x \$250	<u>\$750</u>
SUB-TOTAL		\$16,530
Performance Multiplier		0.85
RECOMMENDED SECURITY		\$14,050.50

The Inspector notes that the new land disturbance over the proposed five year logging operation is 9.88 ha. Permit condition #70 requires the Permittee to complete progressive reclamation which ensures every year the disturbed land will be restored at the end of the operating season. The Board may wish to consider this when calculating the security as the new land disturbance will be spread out over the five years and no more than 2ha will be disturbed each year.

Topic: Condition 52 – SECONDARY CONTAINMENT REFUELING

The Inspector recommends that this condition remain in the permit. The intent of this condition is to protect the land from any fuel spills, leaks and drips that may occur when refueling equipment. The Inspector notes that a drip tray placed under the refueling point would satisfy this condition.



Topic: Condition 65 – CLEARING SENSITIVE AREAS

Inspector recommends that the condition be changed from a minimum distance of 100 meters to 10 meters. The Inspector notes that 10 meters is a sufficient distance to prevent heavy equipment from disturbing creek banks during access road construction.

Topic: Condition 66 – PRE-CONSTRUCTION PROFILES

Inspector recommends that this condition be removed from the permit. The intent of this condition is to restore the land use area in order to prevent erosion. This concern is already addressed by Conditions 26, 27 and 67.

Topic: Condition 67 - FINAL CLEANUP AND RESTORATION

Inspector recommends that this condition be left in the permit. The intent of this condition is to ensure that all clean up and restoration is completed at the end of each operating season and within the term of the permit.

Topic: Condition 68 – NATURAL VEGETATION

Inspector recommends that this condition be left in the permit. The intent of this condition is to ensure that all areas cleared to mineral soil are reclaimed where natural vegetation of the disturbed area is promoted (ie. Roll back on access road). The Inspector notes that the reforestation of cut blocks is under the jurisdiction of GNWT-ENR.

Topic: Condition 69 – ACTIVE REVEGETATION

Inspector recommends that this condition be removed from the permit as revegetation is covered by Condition 67 and 68.



Topic: Condition 70 – PROGRESSIVE RECLAMATION

Inspector recommends that this condition be left unchanged. The intent of this condition is to ensure the Permittee completes reclamation as the operation progresses (ie. Restoring access roads when timber harvest block is completed; completing landing restoration when the timber harvest block is completed).

Topic: Condition 71 – TRAIL RESTORATION

Inspector recommends that the condition be amended to ensure that any trapper trails or recreational trails are not impacted by this operation. The condition should state:

The Permittee shall immediately restore any trails impacted by the land-use operation by removing fallen trees and any other obstructions from the trails.

Sincerely,

Norm McCowan
Resource Management Officer III (Inspector)
Department of Lands/South Slave Region

CC: Melinda Lenoir, Superintendent, Deh Cho Region, Department of Lands
Danielle Rogers, Manager, Resource Management, Department of Lands