



Sahtu Land and Water Board

Staff Report

Division: Land Program	Report No.: 1
Date Prepared: July 27, 2021	File No.: S21F-002
Meeting Date: August 3, 2021	
Subject: Renewal application for Type A Land Use Permit submitted by Great Bear Lake Lodge Ltd. for the use of an existing private road for transfer of guests and fuel, storage of fuel, and use of an existing quarry to support the seasonal operation of the fishing camp located on Dease Arm of Great Bear Lake in the Deline District.	

1. Purpose/Report Summary

The purpose of this Report is to present to the Sahtu Land and Water Board for consideration:

- a) The Land Use Permit Renewal Application submitted by Great Bear Lake Lodges Ltd. (GBLL);
- b) Confirm the eligibility of Application for preliminary screening exemption;
- c) Confirm the conformity of the Application with the Sahtu Land Use Plan;
- d) Confirm the Engagement Record;
- e) The Spill Contingency Plan Version 4.0;
- f) The Waste Management Plan Version 2.0;
- g) The Closure and Restoration Plan Version 3.0; and
- h) The terms and conditions for the new Permit S21F-001.

2. Background

- **March 17, 2021** – GBLL contacted Board staff about the upcoming renewal for their Type A Permit S16F-001 which expires on June 12, 2021. SLWB. Board staff sent an e-mail outlining the minimum requirements for the renewal (**Attachment 1 p. 3-4**).
- **May 3, 2021** – SLWB received the Land Use Permit renewal application and began the 10-day completeness check.
- **May 31, 2021** - the application was deemed complete and review packages were sent out electronically to members of the Deline District Distribution List using the Online Review System (ORS) with a request for reviewer comments by June 17, 2021. In the “item description” it was noted that GBLL was to provide the following additional items for the review:
 - the submission of an updated engagement record for this renewal application,
 - submission of annual reports documenting the previous 5 years of activity under S16F-001,
 - revisions to the three management Plans based on Board direction under the approval of the corresponding [Licence S19L3-001](#)

- **June 1, 2021** – the SLWB sent an **Application Complete - Additional Information Required** letter to GBLL with the expectation that the additional information would be submitted during the review process (**Attachment 2**).
- **June 17, 2021** – Reviewer comments received.
- **June 28, 2021** – Proponent response deadline – no comments received and no request for extension received
- **July 13, 2021** – SLWB sent an e-mail reminder to GBLL for responses to comments and added another user to the item (**Attachment 3 p. 16-17**).
- **July 23, 2021** - SLWB sent a second e-mail reminder to GBLL for responses and that the Board would be deciding on the Application on August 3, 2021(**Attachment 3 p. 15**).
- **August 3, 2021** – Board meeting to consider Land Use Permit renewal application S21F-001 for a term of 5 years.

3. Discussion

3.1 Project Overview and Scope

Great Bear Lake Lodge has been operating at its present location since 1967 with Plummer’s Arctic Lodges being the one of the longest running operators in the NWT. The lodge operates under a GNWT Tourism Operator Licence for NWT Lease 86L/12-2-5, and the airstrip under NWT Lease 86L/12-1-5. The quarry (Quarry Permit #2020QP0013) was used mostly in the 1960’s to the 1980’s to construct the road and airstrip. It receives little use except for periodic maintenance on the road that connects the two leases.

The lodge operates annually from late June to mid-September and has the capacity to serve approximately 50 guests. At peak capacity it is managed and operated by a staff of up to 30 personnel. A private road, airstrip, and quarry have been used to support the operation for over 30 years.

Since 1998, the Board has been working with the Proponent to “officially” authorize land and water uses that had been in place for over 30 years and bring all activities into compliance with the MVRMA through the Water Licence and Permitting process. The first Permit - S01F-005, was approved and issued in 2001, while the first Licence - S02L3-001, was issued in 2002

Currently, GBLL holds a Type B Municipal Water Licence S19L3-001 for use of water and deposit of waste. The Licence includes conditions for the use and storage of fuel as required by the Waters Act s. 5 (2)(g), and the approved Preliminary Screening for the Licence includes the use and storage of fuel in the scope and an assessment of the potential impacts and mitigation associated with this activity.

(g) if the undertaking involves the handling or storage of petroleum products or hazardous materials, the application must include:

(i) a plan for their safe handling, storage, and disposal, and

(ii) a contingency plan for the containment and clean-up of those products and materials in the event of a spill.

The initial scope of Permit S01F-005 for purposes of preliminary screening was use of the private road to transport fuel and passengers from the airstrip to the lodge. This Permit was renewed in 2008 with no change to the scope (S08F-001). In 2016, the Board approved a new Permit S16F-001, with an expanded scope that included use of the existing quarry to excavate and use materials to maintain the road and airstrip. A preliminary screening for this use was approved by the Board.

The scope of the current Permit S16F-001, for renewal, includes the use of heavy equipment and transfer of fuel along an existing private road, use of an existing quarry, and use of fuel storage containers. Board staff have identified that the use of fuel storage containers has not been screened (for the permit). However, since the use and storage of fuel is a trigger for a Permit, Board staff recommend that this activity continue to be included in the Permit scope.

Board staff also note that since 2016, the Proponent has made best efforts to relocate 85% of the fuel stored in large containers, from locations a minimum of 30 meters from the edge of Great Bear Lake to the airstrip. This is a positive mitigation measure to reduce the potential environmental impact of a major fuel spill and to bring the operation into compliance with the Board's standard condition that requires a minimum 100-meter setback of any fuel storage containers or tanks from a waterbody.

Board staff also note that one of the triggers for a Permit is use of a campsite. The Lodge meets the definition of a campsite and therefore should seasonal operation and use of a permanent campsite should also be added to the scope of the permit.

The Proponent requested a new or renewal Permit rather than a 2-year extension to the existing S16F-001, as they would like to obtain a 3-year quarry permit from the GNWT-Lands for future extraction to support airstrip and road maintenance.

3.2 Program Components

3.2.1 Management Plans

A Waste Management Plan (March 2019, Version 2.0), Spill Contingency and Emergency Response Plan (April 2019, Version 4.0) and Closure and Reclamation Plan (March 2021, Version 3.0) were included with the renewal Application. Board staff note that the Waste and Spill Plans are the same as those that were submitted and approved with revisions required, under the Licence Renewal Application S19L3-001. The Closure Plan was updated from version 2.0 submitted and approved with revisions required, for the Licence.

Board staff have been working with GBLL to remove the redundancy of needing to produce separate management plans for Board review and approval for what is essentially one operation. GBLL was requested to submit the three management Plans with the revisions as requested by the Board for the corresponding licence. One Plan was updated.

An updated Engagement Record was requested but not received during the review period. The Lodge has not been operational since Public Health restrictions due to Covid-19 were put in place in March 2020. Face-to-face engagement has not been possible and there is a history of poor response from Délı̄nę Got'ine Government (DGG) to e-mail or telephone communications from GBLL.

Recommendation 1: The requirement for an Engagement Record for this renewal will be waived by the Board due to pandemic restrictions.

3.2.2 Fuel Storage

Fuel storage is a large component of the Lodge operation and while it is accounted for in the Water Licence through conditions, the scope of the Licence does not include fuel storage as it is not a trigger in

the Waters Regulations for Municipal undertakings. Fuel storage is a trigger under the Mackenzie Valley Land Use Regulations (MVLUR).

The lodge has fuel storage capacity of 316,350 liters of gasoline, diesel, and jet fuel. The largest single storage tank will hold 67,000 liters. The MVLUR triggers for Type A Permits include both the fuel storage container capacity (> 4,000 L - 4(a)(iii)) and total fuel stored on site (>80,000 L – 4(b)(iii)).

Licence S19L3-001 – Part G, Condition 8 states: *The Licensee shall ensure all fuel storage facilities, refueling stations, and storage of chemical or deleterious substances are located greater than 30 metres from the Ordinary High Water Mark (OHWM) of any Watercourse, and shall make best efforts to relocate fuel storage facilities to greater than 100 metres from the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector*

The lodge has now relocated the largest fuel storage containers (A to E), with a total capacity of 277, 000 L, or 88% of the total fuel stored, to a bulk fuel storage area established at the airport at a distance > 100 m from the OHWM of Great Bear Lake. A site location map, originally prepared by Board staff for the 2016 renewal (S16F-001) has been updated by Board staff to show the previous and current locations of fuel storage containers (**Attachment 4 p. 1-3**). The remaining Fuel Storage Tanks close to the lodge are smaller capacity to supply the day-to-day fuel requirements for boats, trucks, airplane, and lodge heating. Diesel fuel for generators is stored in three (3) containers near the Guide Camp.

In the Application section 14, fuel transfer will be conducted under direct supervision of trained individuals using the fuel truck travelling on the private access road between the two leases. Actual transfer will be facilitated by the fuel truck using hoses with drip trays, absorbent pads, and with spill kits located nearby.

3.2.3 Access

The camp/lodge is in a sheltered bay on a heart shaped island that is connected to the mainland by a bridge. The land use permit authorizes the operation and maintenance of a private road that runs three kilometers around the bay to a 5500' gravel airstrip and use of a quarry to supply material for road maintenance, and the use and storage of fuel.

3.2.4 Camp

The lodge can accommodate a maximum of 50 guests and 30 staff in any given week during its operating season which runs from late June to mid-September (approximately 90 days). Assuming a 50% average capacity over a season, the number of person-days would still exceed 400 person-days triggering the requirement for a Permit under MVLUR 4(b)(ii).

Camp	Number of Buildings
Island	15 ; 1 main lodge, 9 guest cabins, 2 manager cabins, 1 laundry facility, 1 small store, and 1 fish house (storage)
Mainland	8 ; 4 guide houses, 1 laundry /showers, and 3 generator shacks

3.2.5 Equipment

The following list of equipment was included in the Application section 12.

Number	Type/Description	Weight (tonnes)	Proposed use
1	977L Cat	23.82	Airstrip/Road Maintenance
1	D-600 Champion	14.77	Airstrip/Road Maintenance
1	International Dump Truck	21.5	Airstrip/Road Maintenance
1	1978 Fuel Truck	>10 Tonnes	Fuel Transport
1	1963 GM Stake Truck	< 10 Tonnes	Personnel and Freight
2	School Bus	< 10 Tonnes	Personnel and Freight
3	Pickup Trucks	< 10 Tonnes	Personnel and Freight

For security estimates, this would be considered 4 pieces of large equipment and 6 pieces of light equipment.

3.3 Regulatory Requirements

3.3.1 Type of Area

The GBLL exists wholly within the Edaiila (Caribou Point) Conservation Zone (27) of the Sahtu Land Use Plan in the north-eastern part of the Great Bear Lake Watershed. Edaiila is also an extremely important cultural and ecological area for the people of Deline. The land is administered by the territorial government. More discussion follows in section 3.3.5.

3.3.2 Application Fee

The required Application Fee of \$150.00 has been submitted with the renewal application. Land Use Fees are not applicable as per Schedule 1 of the MVLUR as the requested permitted activities are on lands outside of federal areas.

3.3.3 Term

The Applicant has requested a term of 5 years. They would like to apply for a three-year quarry permit with the GNWT.

Board staff review of previous documents for S16F-001 noted that the Proponent had requested that *“the Land Use Permit for the road and the quarry permit, should be tied into the other leases so they can operate as one¹”*.

To reduce the redundancy and effort required by all parties and improve efficiency for regulatory management of separate Licence and Permit authorizations related to a single Project, Board staff recommend that the expiry dates for the licence and permit be aligned. The expiry date for Licence S19L3-001 is May 16, 2024. If the Board grants a three-year Permit, this would allow the Proponent to apply for the three-year quarry permit, and the Licence and Permit renewals could be processed together.

¹ SLWB registry for S16F-001 – [Supplementary Information](#) – May 4, 2016

Recommendation 2: To better align the Project regulatory requirements, the expiry date of the Permit S21F-002 should be set as August 3, 2024, to be more consistent with the expiry date of Licence S19L3-001 and still allow the Proponent to apply for a three-year quarry permit.

3.3.4 Triggers

The applicable permitting criteria from the MVLUR are as follows for lands located outside the boundaries of a local government:

4. (a) (iii) *the use of a single container for the storage of petroleum fuel that has a capacity equal to or exceeding 4 000 L,*
(iv) *the use of a self-propelled motorized machine for moving earth or clearing land,*
(b) (ii) *the use of a campsite outside a territorial park for a duration of or exceeding 400 person-days,*
(iii) *the establishment of a petroleum fuel storage facility with a capacity equal to or exceeding 80,000 L.*

The Application document correctly checked 4(a)(iii) and (iv); however also checked 5(a) (iii) and (iv). In previous authorizations, the trigger 4(a)(ii) was checked; however, this applies to the use of a vehicle or machine of a weight equal to or exceeding 10 t, other than on a road or on a community landfill, quarry site or airport. The use of the heavy equipment is restricted to the road, airport, and quarry. Board staff have identified that the other applicable triggers for the permit are the use of a campsite 4(b)(ii) and the use of earth-moving equipment, like a bulldozer or caterpillar for grading roads 4(b)(iii).

3.3.5 Land Use Plan Conformity

The GBL exists wholly within the Edaiila (Caribou Point) Conservation Zone (27) of the Sahtu Land Use Plan in the north-eastern part of the Great Bear Lake Watershed. The SLUP² describes this Dene Zone:

- Edaiila provides important habitat for several wildlife species but the primary reason for its conservation status is to protect the Bluenose-East barren-ground caribou herd which regularly aggregates on and close to the zone from mid-July to mid-October.
- Edaiila is important to the Sahtugot'ine for hunting, fishing, trapping and plant and berry gathering.
- Edaiila is a spiritual place with many stories and a place of very strong medicine power.
- Edaiila has archaeological and burial sites.

The Sahtu Land Use Plan (SLUP) was approved in August 2013, making the requirement for conformity with the SLUP a legislative requirement. However, because the lodge site and associated uses (road, airstrip, quarry) were established long before the SLUP was approved in August 2013, it is considered a “legacy” land use³. This means that the Project does not have to meet the Conformity Requirement (CR) #1 for Zoning, for which this Project would not be considered an acceptable land use today. The Project must meet all other applicable conformity requirements of the Plan.

² SLWB registry – [Sahtu Land Use Plan](#) – Zone 27 p. 116-117.

³ Sahtu Land Use Plan Section 2.5. Plan Exemptions, D. Legacy Decisions 1. Definition 1.2.16. prior lease, quarry permit 1.5. application for renewal was submitted (May 3, 2021) prior to the expiry date of the permit (June 12, 2021), 3. Exemptions A) from CR1 (zoning), 4. Conformity Requirements – CR 2 -13, 14, 15 apply.

A conformity determination, as set out in Section 47 of the MVRMA, was completed and confirmed by the Board in 2016 for S16F-001. This previous determination is still applicable for this renewal application and the Board did not receive any reviewer comments regarding conformity to the SLUP for this review. The SLWB has met the requirements as per Section 46 of the MVRMA.

Board staff are of the opinion that the project conforms to the SLUP; however, have identified some additional background information regarding the Traditional Knowledge component of Conformity Requirement #2, (see below), that, if implemented, would strengthen how this conformity requirement is met and demonstrate how the Project respects key values of Edaiila.

Traditional Knowledge

The SLWB now requires applications to describe community consultation activities, including actions taken because of consultation, and to include traditional knowledge with the application as required by section 60.1 of the Mackenzie Valley Resource Management Act (MVRMA):

In exercising its powers, a board shall consider

(a) the importance of conservation to the well-being and way of life of the aboriginal peoples of Canada to whom section 35 of the Constitution Act, 1982 applies and who use an area of the Mackenzie Valley; and

(b) any traditional knowledge and scientific information that is made available to it.

In terms of Traditional Knowledge (TK), GBL submitted with their 2012 application a personal account and a two background documents on the history of the Caribou Point area obtained from the Prince of Wales Natural Heritage Centre (**Attachment 5**). This includes:

- A personal account of the camp history and use of the site for fishing dating back to 1959 (**p. 1**)
- A Site report from Rakekée Gok'é Godı̄: Places We Take Care Of - Report of the Sahtu Heritage Places and Sites Joint Working Group that was prepared as background information for the SLUP (**p. 2-4**), and
- A chapter from a history book written by Lionel Johnson titled "The Great Bear Lake: Its Place in History" (**p. 5-25**). This chapter is written from a non-indigenous settler colonizer perspective and would not be considered TK.

Members of the Deline Renewable Resource Council (DRRC) and Deline Land Corporation (DLC) submitted comments and recommendations that the DRRC be contracted to prepare a TEK study.

SLWB registry records indicate that Plummer's Lodges tried to commission a TEK study with the DRRC in 2012, but an agreement was never reached, and the Board did not require a TEK study when they issued the Licence in 2012⁴.

The SLUP Implementation Plan describes the requirements for TK conformity:

- TK rests with the RRC and applicants should work through them to coordinate TK collection.
- TK is always owned by the Sahtu Dene and Metis.
- TK must be specific to the project.

⁴ June 15, 2012, staff report for Licence S12L3-003

- TK should be collected from the right people (those with direct knowledge of the area in question).
- TK studies should be open to broader community involvement.
- The purpose in collecting TK is to protect the area in which the activity will be carried out.
- TK should include place names, the history of the area, and who lives and traps there.
- If the community and proponent determine that engagement or the collection of TK is not necessary, then either a letter or some other indication from the community indicating this.

Recommendation 3: The SLWB strongly encourages GBL to support Déliņ Renewable Resources Council in completing a Traditional Knowledge Study of Edaiila (Caribou Point) area.

3.3.6 Preliminary Screening Exemption

The Proponent submitted a letter with the renewal application requesting exemption from Preliminary Screening noting that the location and activities described for S21F-002 are the same as S16F-001. To be exempt from a preliminary screening, a development must meet the requirements outlined in Schedule 1, Part 1, section 2 of the Exemption List Regulations annexed to subsection 143(1) of the *Mackenzie Valley Resource Management Act*.

When the item was circulated for public review, Board staff indicated they agreed that the application may be exempt from the preliminary screening provisions of the MVRMA. No reviewer comments or concerns were submitted.

Board staff reviewed the previous Preliminary Screening (PS) for S01F-005 (for use of the road to transport people and fuel) and the updated PS that was approved for S16F-001 (for use of the quarry). Neither PS Reports check fuel storage as an activity, even though impacts and mitigation from fuel spills have been addressed in these reports. However, fuel storage is an activity that has been adequately screened in the PS Report for the Licence S19L3-001. The preliminary screening requirements have been met for the Project as a whole, but not for the permit separately. It is the decision of the Board whether to exempt this project from PS.

Recommendation 4: A new consolidated Preliminary Screening should be completed for the Licence and the Permit to consider the full scope of activities for this Project.

4. Public Review

Of the 22 organizations to which the application was distributed, nine (9) of which are represented within the Sahtu Settlement Area, review comments were received from:

- GNWT – Department of Environment and Natural Resources (ENR); and
- GNWT – Lands – Sahtu Region.

Attachment 3 includes the Review Comment Table (p. 1-7), submitted letter from ENR (p. 8-12), GNWT Lands Security Estimate (p. 13-14) and SLWB requests for proponent responses (p. 15-17).

4.1 Issues Raised During the Review

The main issues raised during the review were related to:

- Waste Management Plan (4.1.2)

- Closure and Reclamation Plan (4.1.3)
- Security (4.1.5)

4.1.1 Spill Contingency Plan v. 4.0

GNWT-ENR requested update on the contact information for the Sahtu GNWT-ENR Water Resources Inspector.

There is a new GNWT-Lands Resource Management Officer (RMO – Inspector) for the Sahtu – Christopher Wasylyshyn, who needs to be added to the list of contacts.

Recommendation 5: As the Spill Contingency Plan v. 4.0 is the same one approved by the Board with revisions required within 90 days for the Licence S19L3-001, the Board’s letter of direction from May 21, 2019, still applies:

The Board requires that the Spill Contingency Plan be revised, primarily to reformat the Plan to be in accordance with the 2007 INAC Guidelines and to resubmit the Plan to the Board for approval within 9 months of this decision letter. Additional changes required include:

- Add back into the Plan, the relevant references such as standards, guidelines, acts or regulations that were used in the creation of the plan. These were included in section 4.2 of this [SCP version for S17L3-001](#). Most importantly the SCP is supposed to be prepared in accordance with the [INAC Spill Contingency Guidelines](#).
- Add another column in Table 5 to indicate the amount of fuel normally stored, not just the capacity of the tanks.
- Add the following contacts and information to Table 1: Coast Guard, Fire Emergency, Deline Got’ine Government, GNWT-ENR Sahtu Water Resources Officer, new RMO II for GNWT-Lands-Sahtu Region.

4.1.2 Waste Management Plan v. 2.0

GNWT-ENR (ID 1) requested that the Proponent’s Hazardous Waste Registration Number (NTG650) be included in the WMP, and **(ID6)** that the Proponent register any existing or future hazardous waste storage facility on the site.

GNWT-ENR (ID 5) requested that the Proponent remove the reference to “painted wood” for incineration as it is not a permitted material for this use.

Recommendation 6: As the Waste Management Plan v. 2.0 is the same one approved by the Board with revisions required within 90 days for the Licence S19L3-001, the Board’s letter of direction from May 21, 2019, still applies.

The Board requires that the Waste Management Plan be revised and to resubmit the Plan to the Board for approval within 9 months of this decision letter. Additional changes required that have not yet been met include:

- More detail about the Incineration Management Strategy including the incineration technology being used (make and model); operational and maintenance procedures (see

- GNWT-ENR (ID3 and 4)** recommending including sections 4.2, 4.3 and 4.5 of the Guidelines for Hazardous Waste Management; and operator training and qualifications.
- b) Confirm the use of 3 septic tanks at the lodge to collect sewage and greywater plus one additional tank located at the staff /guide cabin area. The Plan does not mention the 4th septic tank.
 - c) Include the water supply figure from [S17L3-001](#) that shows the locations of the 4 septic tanks. This will satisfy **GNWT-ENR (ID 2)** for more detailed information about the waste management system layout.

4.1.3 Closure and Reclamation Plan v. 3.0

GNWT-ENR (ID8) recommended that the Proponent apply for annual permits to burn. **GNWT-Lands Sahtu (ID1)** recommended no open-pit burning.

GNWT-ENR (ID9) recommended that the Proponent discuss potential temporary storage needs during closure with DGG. A statement to this effect could be added to the Plan as GBL has no plans for closure.

GNWT-ENR (ID10 and 11) recommended that the Proponent plan for a post-closure monitoring program to identify any long-term impacts of the fishing lodge, and to complete annual monitoring of the site to identify any environmental impacts that may require mitigation.

Board staff reviewed the PS for S16F-001 and noted there were proposed mitigation measures for a “legacy use” (the quarry) in a conservation zone. The mitigation requires annual site-specific monitoring and reporting of significant encounters and sightings of species of interest and species at risk and disturbances to wildlife habitat.

Board staff support an annual monitoring program for relevant indicators. Board staff also support including a statement in the Plan for a post-closure monitoring program to be developed from annual monitoring reports and implemented. Board staff also recommend that any annual or post-closure monitoring plans be developed in consultation with the DGG and accommodates Traditional Knowledge.

Recommendation 7: Board staff recommend a new non-standard condition be included in the Permit:

ANNUAL MONITORING – The Permittee shall conduct an annual monitoring report that documents:

- a) Wildlife encounters and sightings of caribou, bears, moose, muskoxen, furbearers,
- b) Migratory birds and waterfowl sightings, breeding evidence,
- c) Indicators of disturbance

GNWT-Lands Sahtu (ID2,4,5) recommended against the end-use of the landfill for disposal of waste and infrastructure removed during closure and to update the Plan to reflect this.

Recommendation 8: In keeping with the Guidelines for Closure and Reclamation, Board staff recommend that the CRP must present an evaluation or assessment of the alternative options for final waste disposal for review prior to Board approval.

GNWT-Lands Sahtu (ID3) provided a security estimate that recommended an additional security of \$27,500.00 for fuel storage, heavy equipment, and hazardous waste. Security will be discussed further in section 5.5.

Recommendation 9: The Closure and Reclamation Plan v. 3.0 is an update to the version approved by the Board with revisions required, and while some of the requested revisions were addressed, a few revisions remain:

- a) Change Cover page Numbers to:
 - Water Licence No. S19L3-001
 - Land Use Permit No. S21F-002
- b) Include on Appendix A Map the location of the Incinerator site, Landfill site, Greywater Treatment Area
- c) Prepare a consolidated Final CRP for the current Licence S19L3-001 and the Permit renewal S21F-002. Include the following Sections from the approved version on the [registry for S19L3-001](#):
 - Some of the detailed considerations under section 3 Sewage and Solid Waste Sections 6, 7, 8 and 9.
- d) Include an evaluation or assessment of the alternative options for final waste disposal
- e) Include a section regarding potential temporary storage needs during closure.
- f) Include a section for a post-closure monitoring program to be developed from annual monitoring reports and implemented following closure.

4.1.4 Potential for Environmental Impacts and Mitigation Measures

The most significant potential impact of this project is related to contamination of groundwater, surface water, or soils from fuel storage locations and accidental spills. This has been largely addressed by moving 85% of the fuel storage containers to the airstrip. A Spill Contingency Plan has been prepared to address and respond to any spills using appropriate mitigation measures.

The rest of the Project activities are relatively low impact, of a seasonal duration, and using catch and release best practices for fishing.

4.1.5 Security

The MVLUR section 32 (1) states that the Board may require security to be posted in an amount not exceeding the aggregate of the costs of

- (a) abandonment of the land-use operation;
- (b) restoration of the site of the land-use operation; and
- (c) any measures that may be necessary after the abandonment of the land-use operation.

MVLUR section 32 (2) provides the Board with flexibility in setting the amount of security through consideration of the Applicants ability to pay the costs, past performance, other securities held (e.g., for the Licence), and the potential for significant environmental damage.

The current Licence S19L3-001 is secured for \$20,000, held by the GNWT-ENR. The estimate includes costs for:

- mobilization/demobilization
- environmental site assessment for soil contamination recontouring
- treating and capping the landfill and septic field.

The current Permit is secured for \$15,000, held by GNWT-Lands. It is not certain what the estimate covers. The registry records only include a cover letter response from GNWT-Lands on June 1, 2016 requesting a security of \$31,875 for the permit.

GNWT-Lands Sahtu submitted a security estimate prepared on the 2004 Land Use Permit Security Worksheet (**Attachment 3 p. 13-14**), which is in process of being updated (the ESTIMATOR). The GNWT estimate included costs for:

- Solid waste (burnable and non-burnable)
- Hazardous waste
- Fuel Storage
- Equipment
- Area of Land Disturbed

The total security required was calculated as \$62,500 Accounting for the current \$35,000 securities held for the licence and permit, an additional security of \$27,500 was recommended.

Board staff are of the opinion that the current securities are adequate for this Project and meet the SLUP conformity requirement #12 for Financial Security. The Proponent has no plans for abandoning the operation. Board staff agree that the security for the whole Project should be revisited once the updated MVLWB Land Use Permit ESTIMATOR tool is approved. This could be done at the next Licence renewal. Board staff note that neither of the estimates account for the cost for demolition of the buildings, nor do they provide assumptions for the costs (do you assume that the site is abandoned with all fuel tanks full?).

Recommendation 10: The Board shall request a revised security estimate for the whole Project at the next renewal for the Licence and/or Permit.

4.1.6 Annual Reports

The submission of annual reports is not a standard condition for land use permits. A non-standard condition (#12) was added to the previous permit renewal for S16F-001, requiring the submission of an annual report. Annual reports are also a requirement of the Licence. The Board has received Annual Water Licence Reports for the years 2012 to 2017. The Board has not received any annual reports for the permit or licence since 2018.

Board staff note that the annual reporting requirements for the permit and licence overlap, and some of the requirements are reported to GNWT (volume of quarry materials removed) and are therefore redundant.

Recommendation 11: Remove the Annual Report condition from the Permit and ensure that all requirements for reporting are included in the annual water licence report at the next renewal.

4.1.7 Draft Permit

A draft Permit with term and conditions was prepared by Board staff and distributed for review on the Online Review System. There were no specific reviewer recommendations for changes; based on comments received, Board staff made some changes and additions to the draft conditions. The draft Permit conditions as posted on the ORS with track changes are in **Attachment 7**. A draft Permit cover page is in **Attachment 6**.

5. Conclusion

Great Bear Lake Lodge (Plummer's Artic Lodges) is the longest running tourism operator in the NWT. Their business is to offer clients an opportunity to experience a pristine environment that is not seen in many other places in the world with catch and release fishing. In over 30 years of operation, there are no records of reportable spills or any other damage to cultural or ecological values.

Since 2000, the Proponent has been working with the SLWB to bring their operation into compliance with the MVRMA through issuance of a municipal water licence and a permit. These two authorizations were initially issued separately and have improved with each renewal to incorporate all activities and revise management plans to current standards. Board staff have made recommendations in this report that will accomplish the alignment of these related authorizations for improved regulatory efficiency.

The Proponent should be commended for efforts taken to relocate the bulk of the fuel storage from the heart shaped peninsula, where a minimum 30 m fuel setback from the water was difficult to achieve, to the airport, where it now meets the standard condition setback of 100 m from the water.

6. Recommendation

Board staff recommend that the Board proceed with the regulatory process by:

- 1) Approving the renewal of the **Land Use Permit S21F-002** with a term of three years to better align with the expiry date of Licence S19L3-001;
- 2) Approving the **exemption from Preliminary Screening**;
- 3) Confirming the conformity with the Sahtu Land Use Plan and recommending a TK study be commissioned and submitted to the Board by the next renewal;
- 4) Approve the **Spill Contingency Plan v. 4.0**; with the requirement to reformat the SCP in accordance with the 2007 INAC Guidelines and make minor changes as documented in this staff report and resubmit to the Board for review and approval by the next renewal;
- 5) Approve the **Waste Management Plan v. 2.0**; with the requirement to revise the WMP by making changes as documented in this staff report and resubmit to the Board for review and approval by the next renewal;
- 6) Approve the **Closure and Reclamation Plan v. 3.0** with minor revisions as documented in this staff report and resubmit to the Board for review and approval by the next renewal;
- 7) Recommend a revised security estimate for the whole Project be prepared and submitted at the next renewal for the Licence and/or Permit.

Should the Board decide to proceed with the regulatory process for the Water Licence, Board staff also recommend that the Board:

- 8) Approve the draft **Reasons for Decision (Attachment 8)** and draft **Decision Letter (Attachment 9)** prepared for the Board.

Should the Board grant approval, the Permit could be issued on August 4, 2021 with an expiry date August 3, 2024.

7. Reference Material Attachments

1. Pre-submission Permit application requirements
2. Application Complete - Additional Information Required Letter from the Board
3. Review Comment Table and associated correspondence
4. Site location maps showing fuel storage locations in 2016 and 2021
5. Traditional Knowledge information
6. Draft Permit cover page
7. Draft Permit conditions with track changes
8. Draft Reasons for Decision
9. Draft Decision Letter

Respectfully submitted,



Bonnie Bergsma
Regulatory Specialist

Executive Director Comments:



Paul Dixon
Executive Director