

Review Comment Table

Board:	GLWB
Review Item:	Bob's Welding Ltd. - Quarrying km 230 Dempster Highway #8 (G19Q007)
File(s):	G19Q007
Proponent:	Bobs Welding & Heavy Equipment Repairs Ltd.
Document(s):	LUP Application (279 KB) DRAFT Land Use Permit (186 KB)
Item For Review Distributed On:	
Reviewer Comments Due By:	June 17, 2019
Proponent Responses Due By:	June 24, 2019
Item Description:	<p>Bob's Welding Ltd. has submitted to the to the Gwich'in Land and Water Board an application for a Land Use Permit for the purpose of blasting, extracting, crushing, stockpiling and hauling granular material at km 230 Dempster Highway #8. The applicant requests a term of 5 years, with proposed activities beginning in August 2019.</p> <p>Reviewers are invited to submit questions, comments, and recommendations using the Online Review System (ORS) by the review comment deadline specified below. Please provide comments and recommendations on the:</p> <ul style="list-style-type: none"> • Application; • Draft Land Use Permit (please clearly indicate which condition you are commenting on). <p>Please note that the draft Permit has been developed using the MVLWB's current Standard Land Use Permit Conditions Template. The purpose of this draft Permit is to allow parties to comment on Board staff's suggested conditions. These draft materials are not intended to limit in any way the scope of parties' comments. The Board is not bound by the contents of the draft Permit and will make its decision at the close of the proceeding on the basis of all the evidence and arguments filed by all parties</p>

General Reviewer Information:	The Board encourages reviewers to submit questions and/or recommendations through the Online Review System, no later than Monday June 17, 2019. Note that all documents that have been uploaded to this review are also available on our public registry. If you have questions or require assistance with the ORS, please contact Board staff identified below.
Contact Information:	AlecSandra Macdonald 867-777-4954

Comment Summary

GNWT - ENR: Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
22	General File	Comment (doc) ENR Letter with Comments and Recommendations Recommendation		
1	Topic 1: Industrial and Solid, Liquid or Sewage Waste Disposal	Comment If the Proponents Waste Management Plan or methods of waste disposal indicate that project waste, or industrial waste, will be transported to community infrastructure for disposal, the Proponent should not assume they may deposit industrial wastes, generated outside of community boundaries, in Northwest Territories community Solid and Liquid Waste Disposal Facilities. Recommendation 1) Should the Proponent intend to deposit waste in an NWT community Solid and Liquid Waste Disposal Facility, ENR requests that the Proponent demonstrate in the Waste Management Plan, or to the Board, that the receiving communities Solid and Liquid Waste Disposal Facility holds a Water Licence that authorizes the disposal of any industrial waste streams originating from outside municipal boundaries. The Proponent should also demonstrate to the Board that the community has been consulted, and has consented in writing, regarding the use of its infrastructure for disposal of the waste streams and quantities in question, and the disposal of such wastes will not contravene the Waters Act or the Environmental Protection Act and related Regulations and Guidelines.		
2	Topic 2: Open Burning	Comment The following recommendations apply to proponents who are using open burning as a disposal option. Recommendation 1) If open burning will be utilized during project activities, only those waste streams identified in the Municipal Solid Wastes Suitable for Open Burning document located on the GNWT ENR website may be open burned without the use of an approved incinerator.		

		The document can be found at the following site. http://www.enr.gov.nt.ca/sites/enr/files/guidelines/solid_wastes_suitable_open_burning.pdf		
3	Topic 3: Hazardous Waste Management	<p>Comment All Proponents that generate hazardous wastes must be registered as a generator of hazardous waste in the NWT. The Guideline for the General Management of Hazardous Waste in the NWT defines hazardous waste and outlines the roles and responsibilities of generators, carriers, and receivers of hazardous waste in the NWT. The ENR, Environment Division (ED) registers generators, carriers, receivers, and tracks the disposal of hazardous waste generated in the NWT to registered receiving facilities on hazardous waste movement documents (manifest). The definition of hazardous waste includes all waste materials that are 'dangerous goods' according to the Transportation of Dangerous Goods Regulations, and any additional waste of special concern that the ED has determined hazardous until proven otherwise, including but not limited to: a) incinerator waste and/or residuals (including bottom ash and fly ash); b) any liquid or solid wastes contaminated with refined petroleum products; c) bilge wastes; d) vehicle or vessel servicing wastes e) drilling wastes; f) produced fluids (Glycol / Hydrocarbon / Inorganic Mixtures); g) tailings; and h) any hydrocarbon, lead, mercury or other forms of contaminated soils. The Guideline for the General Management of Hazardous Waste in the NWT and the Transportation of Dangerous Good Regulations may be found at the following sites: http://www.enr.gov.nt.ca/sites/enr/files/resources/128-hazardous_waste-interactive_web.pdf http://www.tc.gc.ca/eng/tdg/clear-menu-497.htm</p> <p>Recommendation 1) If the Proponent is using or generating hazardous waste, they must register as a generator of hazardous waste in the NWT and track the disposal of hazardous waste from the site activities to registered receivers on hazardous waste movement documents provided by ENR. Please contact the Environment Division, ENR to register or for more information contact Mr. Lee Ross, Hazardous Materials Management Specialist, Environment Division by email (Lee.Ross@gov.nt.ca) or by phone (867) 767-9236 extension 53187.</p>		
4	Topic 4: Fuel Storage and Spill Contingency Planning and Reporting	<p>Comment ENR acknowledges the proponent's Spill Contingency Plan. In addition, the Proponent should also follow best practices for fuel storage and spill containment during project activities which may include the following recommendations.</p> <p>Recommendation 1) To assist in spill contingency planning, information is provided in EPA Spill Contingency Planning and Reporting Regulations found here: https://www.justice.gov.nt.ca/en/files/legislation/environmental-protection/environmental-</p>		

		protection.r2.pdf If clarification or further information is needed please contact the Environment Division, ENR directly to aid in the development of the Plan		
5	None	Comment None Recommendation 2) In accordance with the Spill Contingency Planning and Reporting Regulations Section 10, all spills in accordance with Schedule B must be reported immediately to the 24-hour Spill Report Line (867) 920-8130.		
6	None	Comment None Recommendation 3) With respect to the Environmental Protection Act Section 5 (1b) all spills, regardless of amount, must be cleaned up, and contaminated materials disposed of at an approved facility, or in an approved manner. Additionally, as indicated in Section 5(1c) all reasonable efforts must be made to notify any parties affected or potentially affected by the spill.		
7	None	Comment None Recommendation 4) Fuel storage areas should be greater than 100m distance from the ordinary high water mark of a water body and not located in a drainage channel.		
8	None	Comment None Recommendation 5) All fuel or storage vessels containing hazardous substances left for extended periods of time (including overnight in vehicles), should be stationed in an area that contains sufficient secondary containment (i.e. Drip pans, lined bermed areas, double walled enviro-tanks etc.).		
9	None	Comment None Recommendation 6) It is recommended spill kits be provided. Personnel should be trained to ensure that in the event of a spill it is contained and remediated appropriately to industry-accepted best practices and regulatory approval. In case refuelling takes place near water, in water spill planning should be considered to prevent inadvertent releases.		
10	None	Comment None Recommendation 7) ENR recommends, for the operator's convenience and increased environmental protection, that all heavy equipment and refuelling vehicles carry portable spill kits that include items such as absorbent pads, containment booms, and spill pool catchment receptacles. Readily available and fully stocked spill kits can effectively mitigate potential spills.		

11	Topic 5: Wildlife: NWT Listed and Pre- listed Species at Risk	<p>Comment Sections 76 and 77 of the Species at Risk (NWT) Act require the Minister of Environment and Natural Resources to make a submission to the body responsible for assessing the potential impacts of a proposed development, or for considering a Land Use Permit or Water Licence application, respecting the potential impacts of the proposed development, Permit or Licence application on a NWT-listed or pre-listed species or its habitat. NWT-listed species are those that are on the NWT List of Species at Risk. Pre-listed species are those that have been assessed by the NWT Species at Risk Committee (SARC) but have not yet been added to the NWT List of Species at Risk. The Proponent should be aware that NWT-listed or pre-listed species at risk and their habitat may also be subject to protection under existing sections of the NWT Wildlife Act. As a best practice, ENR encourages the Proponent to consider potential impacts, mitigation measures and monitoring requirements for species at risk listed under the federal Species at Risk Act, as well as those designated as at risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) that may occur in the project area, and the prohibitions that may apply to these species under federal legislation. The project area overlaps with the ranges of the following NWT-listed and/or pre-listed species: . Boreal Caribou - Threatened . Grizzly Bear - Special Concern . Barren-ground Caribou - Threatened . Polar Bear - Special Concern</p> <p>Recommendation 1) Although the project overlaps with the range(s) of the species listed above, ENR is of the opinion that the scope, areal extent, scale and/or timing of the proposed project are such that the likelihood of impacts to NWT-listed or pre-listed species at risk is minimal if appropriate mitigation measures are applied.</p>		
12	Topic 6: Cumulative Effects Tracking	<p>Comment Keeping track of the disturbance footprint of development activities is an important component of tracking and informing the management of cumulative effects on wildlife and wildlife habitat. The consistent collection and posting of spatial data by Land and Water Boards from project proponents would assist greatly in the mapping of land and water disturbances in the territory. This is a key piece in the understanding of cumulative effects. ENR-NWT Cumulative Impact Monitoring Program currently populates a human disturbance data layer, available as part of the 'Inventory of Landscape Change', that is derived from satellite imagery and interpretation of public registry documents. It is a cumbersome process that could be improved by submission to the public registry of standardized spatial data from all permit holders that create a physical footprint on the land.</p> <p>Recommendation 1) The Proponent should submit the bounding coordinates or geospatial data for the proposed project footprint and for the completed project footprint to the Land and Water Board for placement on the public registry. The Mackenzie Valley Land and Water</p>		

		Boards' Standards for Geographic Information Systems (GIS) Submissions should be followed when submitting spatial data.		
13	Topic 7: Wildlife Abodes	<p>Comment Subject to sub-section 51(2) of the Wildlife Act, it is illegal to break into, destroy, or damage a den, beaver dam or lodge, muskrat push-up or hibernaculum unless you have an Aboriginal or treaty right or a Permit to do so. Protection of dens, beaver lodges, muskrat push-ups, and hibernacula is essential to ensuring reproductive success and survival of both adults and young.</p> <p>Recommendation 1) The Proponent should conduct pre-activity surveys within 800m of the project footprint to identify active bear dens if project activities will occur between September 30 and March 30. Surveys should be conducted in the fall to detect freshly dug dens.</p>		
14	None	<p>Comment None</p> <p>Recommendation 2) If an active bear den is detected, or suspected, the Proponent should implement and maintain an 800 m exclusion zone until the bear emerges in spring.</p>		
15	None	<p>Comment None</p> <p>Recommendation 3) If a bear den and exclusion zone would result in the halt of part or the entire program, the Proponent should contact ENR to discuss alternative mitigation options. The location of active bear dens should be kept confidential between the developer and ENR until after emergence in the spring.</p>		
16	None	<p>Comment None</p> <p>Recommendation 4) It is recommended that, if encountered, beaver lodges, muskrat push-ups, and hibernacula are not disturbed or damaged.</p>		
17	Topic 8: Wildlife Attractants and Waste Management	<p>Comment Subject to sub-section 66(1) of the Wildlife Act no person shall store food, waste, or other substances in a manner that may attract big game or other prescribed wildlife and put people, domestic animals, or wildlife in danger. Subject to sub-section 65(1) of the Wildlife Act, it is illegal to intentionally feed big game, furbearers or other prescribed wildlife. Schedule A - Part 2 of the Wildlife General Regulations sets out the species prescribed as furbearers.</p> <p>Recommendation 1) The Proponent should utilize food and garbage handling and storage procedures that will minimize the attraction of wildlife.</p>		

18	None	Comment None Recommendation 2) The Proponent should store all food, waste, washed recyclables and debris that may attract wildlife within sealed animal proof containers until final disposal.		
19	None	Comment None Recommendation 3) The Proponent should ensure that sealed animal proof containers are cleaned once emptied to minimize the attraction of wildlife.		
20	None	Comment None Recommendation 4) The Proponent should ensure that all grey water (dishwater, showers, laundry, etc.) and black water (sewage) are treated and disposed of in a manner that will minimize the attraction of wildlife.		
21	None	Comment None Recommendation 5) The Proponent should remove all waste petroleum products including used oil filters, rags, scrap metal, discarded machinery, parts, drums, barrels, or plastics to an approved waste disposal facility.		

GTC Department of Cultural Heritage : Sharon Snowshoe

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	Comment (doc) GTC DCH Letter Recommendation		
2	GTC DCH Comments	Comment We have reviewed the above applications against our heritage databases, and have the following information and concerns. Our assessment is based on the information that there will be no new overburden-altering impacts at any of these quarries. If that changes, our assessments will change as well. Recommendation The table below summarizes some concerns the Department of Cultural Heritage has with the quarries in question. The DCH recommends that an archaeological assessment of all quarries in the Gwich'in area be undertaken, to guide future reviews. This assessment could include an assessment of impacts to ongoing traditional use as well.		
3	GTC DCH Comments	Comment Tentframe camp in this location. If active, owner /user should be engaged about mitigation. Within berry-picking area. Dust and traffic may impact the ability to use berry harvesting sites. Within habitat/hunting areas for black bear, caribou, moose. Recommendation As with any application, if archaeological or heritage materials are		

		encountered during the development within the Gwich'in Settlement Area, all work must cease immediately as required by law, and the DCH and the Prince of Wales Northern Heritage Centre in Yellowknife must then be contacted.		
Gwich'in Renewable Resources Board: Staff Gwichin Renewable Resource Board				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Bank swallows - Species at Risk	Comment (doc) Bank swallows are protected by the Migratory Birds Convention Act(1994) and are a candidate species for being listed as Threatened on the Species At Risk Act Schedule 1. Their preferred habitat is sand and silt banks, including overburden in gravel quarries. Recommendation Attached are some guidelines for aggregate producers developed by the Ontario Stone, Sand and Gravel Association for your reference.		
2	Bank swallows - Species at Risk (2)	Comment (doc) Bank swallows are protected by the Migratory Birds Convention Act(1994)and are a candidate species for being listed as Threatened on the Species At Risk Act Schedule 1. Their preferred habitat is sand and silt banks, including overburden in gravel quarries. Recommendation Attached is an information sheet concerning legal obligations of developers to protect migratory birds produced by Environment Canada.		
Teetl'it Renewable Resource Council: Georgina Neyando				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	Comment (doc) Tetlit RRC comments Recommendation		
2	TGRRC Comments	Comment The Tetlit Gwich'in Renewable Resources Council has reviewed the applications for quarrying at km 230 and 235 for Bob's Welding Ltd, and approval with the following conditions: Recommendation - The applicant adheres to all regulations pertaining to this application- The INAC guidelines should be updated from 2007 to reflect the current date - Safety of human life and environment is priority		