

Reviewer Comments and Proponent Responses

Project: The KAP Project
Board: Sahtu Land and Water Board
Proponent: Integral Metals Corp.

File Number: S24C-004
Review Comments Due: May 27, 2024
Proponent Responses Due: June 10, 2024

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
GNWT-ECE - PWNHC (Prince of Wales Northern Heritage Centre) - Naomi Smethurst				
1	Protection of Historical, Archaeological, and Burial Sites	Proposed activities described within the application may place unrecorded archaeological sites at risk of impact.	Retain draft conditions 47 (Archaeological Overview) and 48 (AIA-High Potential). However, note that AOA reports must be received, reviewed, and approved by ECE prior to any new land disturbance. We therefore recommend changing the wording for the AOA condition to "At least 30 days prior to any new land disturbance...".	Agreed. On this note, an AOA for the project area was completed by Bison Historical Services Ltd. during the review period, and the ECE approved the report on June 4, 2024.

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
Environment and Climate Change Canada (ECCC) - Melissa Pinto				
1	Spill Contingency Plan - ECCC Contact Information	Table 3 lists contact information for parties that may provide additional information or assistance regarding spills. The ECCC 24 Hour Duty Officer is listed as a contact, along with the National Environmental Emergencies Centre (NEEC).	In the case of a spill or emergency, the 24 Hour Northwest Territories Spill Report Line should be contacted first by the Proponent, who will then involve ECCC Emergencies when appropriate. For information relating to the environmental enforcement and reporting requirements under the Canadian Environmental Protection Act, 1999 and the Fisheries Act please contact ECCC Environmental Enforcement at 867-669-4730. The ECCC NEEC will provide technical and scientific environmental advice and assistance to the lead agency, in the event of an environmental emergency. A lead agency is described as the governmental authority that regulates or has authority over the activity from which the emergency originated. NEEC can be contacted at 1-866-283-2333.	Agreed. Table 2 indicated that the 24-hour spill report line should be the first call. The Environment and Climate Change (ECCC) Environmental Enforcement has been added to Table 3 as a contact for additional information.
2	Waste Management Plan - Waste Disposal Location(s)	In the Waste Management Plan, the Proponent states that waste will be flown to Norman Wells for proper disposal and includes a letter from the Town of Norman Wells that permits the disposal of solid waste at their landfill. However, in the Closure and Reclamation Plan and the Wildlife and Archaeology Protection Plan, the Proponent states that waste will be flown to Yellowknife or Whitehorse for disposal.	ECCC recommends the Proponent clarify whether waste will be flown to and disposed of in Yellowknife and/or Whitehorse, in addition to Norman Wells.	Agreed. The Closure and Reclamation Plan and the Wildlife and Archaeology Protection Plan have been updated to specify Norman Wells instead of Yellowknife or Whitehorse.
3	Wildlife and Archaeology Protection Plan - Species at Risk	Species at risk are assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) or added to Schedule 1 of the Species at Risk Act (SARA) on a regular basis. It is important for proponents to ensure they are	As species are assessed and listed on a regular basis, ECCC recommends the Proponent: a) Consult the Species at Risk registry (https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html) to	Table 7 listed a summary of the species at risk in the project area, including their SARA Schedule 1, COSEWIC, and SARC designations. Additionally, a "Species at Risk" report was included in Appendix II. The ECCC was consulted on F

		<p>be aware of what species are present in the project area and take appropriate actions to ensure compliance with the SARA. The killing, harming or harassing of listed species as well as the damage and destruction of their residences is prohibited under SARA. In the territories, the prohibitions apply automatically to:</p> <ul style="list-style-type: none"> Threatened, Endangered and Extirpated species listed on Schedule 1 of SARA on lands under the authority of the federal Minister of Environment. Migratory Birds (as defined under the Migratory Birds Convention Act [MBCA]) everywhere they are found. These prohibitions can apply elsewhere if there is an order put in place. The destruction of critical habitat of species listed under Schedule 1 of SARA is prohibited on all lands identified within the critical habitat protection order for the species. 	<p>obtain the most current information for their operations. b) Consult the Government of the Northwest Territories to identify appropriate mitigation and/or monitoring measures to avoid and lessen project effects to species under their management responsibility. For more information on Species at Risk in the Northwest Territories, please refer to the booklet 'Species at Risk in the Northwest Territories (2020 edition)' (https://www.nwtspeciesatrisk.ca/sites/species/files/species_at_risk_in_the_nwt_2020.pdf)</p>	<p>February 14, 2024, and a Screening Questionnaire was submitted to the ECC on February 20, 2024. The general feedback was as follows: The project location isn't within Important Wildlife Areas for Dall's Sheep or Mountain Goat, although might still encounter them. Recommend to submit a basic Tier 1 Wildlife Management and Monitoring Plan (WMMP) with an application, specifically referencing distances and minimum flight altitudes from the Sahtú Land Use Plan and GNWT's "Flying Low?...Think Again" guidelines due to use of helicopter-supported drilling and drone-based surveys. These were addressed in Table 6 of the wildlife management plan.</p>
4	Wildlife and Archaeology Protection Plan - Project Activities Within Migratory Bird Habitat and During Nesting Season	<p>The Migratory Birds Regulations (MBR) prohibit the disturbance or destruction of migratory birds and their nests or eggs. The project occurs during the nesting season for migratory birds which extends from early May to late August for this region. Migratory birds, their nests and their eggs can be inadvertently harmed, killed, disturbed or destroyed because of many activities including, but not limited to, clearing of trees and other vegetation, draining or flooding land, or using fishing gear. Harming of individual birds, nests or eggs, can have long-term consequences for migratory bird populations in Canada, especially through the cumulative effects of many different incidences.</p>	<p>ECCC recommends the Proponent carry out all phases of the project in a manner that reduces risk to migratory birds and to avoid harming, killing or disturbing migratory birds or destroying, disturbing or taking their nests and eggs. Proponents should not conduct potentially destructive or disruptive activities at key locations or during key periods to avoid negative impacts to migratory birds. In this regard, the Proponent should take into account ECCC's Guidelines to Avoid Harm to Migratory Birds (https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html) and visit Fact Sheet Nest Protection Under the Migratory Birds Regulations, 2022 (https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/fact-sheet-nest-protection-under-mbr-2022.html) and Frequently Asked Question, Migratory Birds Regulations, 2022 (https://www.canada.ca/en/environment-climate-change/services/migratory-bird-permits/faq-migratory-birds-regulations-2022.html) for more information on the amended Migratory Bird Regulations and updates to nest protections.</p>	<p>Agreed. The minimum setback distances for habitats and time periods are identified in Table 6; and, in the event of a nest discovery, the Wildlife Plan has been updated to state: "If nests containing eggs or young are found, all disruptive activities should stop and a buffer zone established until nesting is completed and the young have naturally left the nest. If the nests belong to a migratory bird population, the ECCC's 'Guidelines to Avoid Harm to Migratory Birds' and the 'Fact Sheet: Nest Protection Under the Migratory Birds Regulations, 2022' will be followed, including leaving the nests for a 12-month waiting period".</p>
5	Wildlife and Archaeology Protection Plan - Project activities in Bank Swallow habitat within its range	<p>The Project falls within the breeding range of the Bank Swallow and may affect important habitat features for the species. The Bank Swallow, listed as Threatened under SARA, is a colonial species that nests in burrows dug into near vertical faces of exposed sand or soil. They also nest in aggregate pits, construction and/or mine sites on stockpiles of quarry materials, overburden, and exposed soil banks. The Bank Swallow exhibits high nest site fidelity and will reuse nesting sites and burrows. The residence description for the Bank Swallow is available on</p>	<p>ECCC recommends the Proponent:</p> <ol style="list-style-type: none"> Take precautions to avoid disturbance to nesting Bank Swallows; Ensure staff and contractors are made aware of potential presence and conservation status of the Bank Swallow; Prevent Bank Swallows from nesting in areas where operations will be carried out during the breeding season by contouring piles to have slopes of less than 70 degrees prior to their arrival in the spring and by creating suitable nesting habitat in inactive areas with vertical faces of at least 70 degrees; and Take particular care in sel 	<p>Agreed. A paragraph has been added to the wildlife plan: Notably, the Project falls within the breeding range of Bank and Barn Swallows, and may affect important habitat features for the species. The Bank Swallow (Appendix IV), listed as Threatened under SARA, is a colonial species that nests in burrows dug into near vertical faces of exposed sand or soil. They also nest in aggregate pits, construction and/or mine sites on stockpiles of quarry materials, overburden, and exposed soil banks. The Barn Swallow, listed as Threatened under SARA, nests on v</p>

		<p>the SARA registry here: https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/residence-descriptions/bank-swallow.html. Excavation, construction activities and application of erosion control measures in these areas during the nesting period can inadvertently kill or disturb Bank Swallows, destroy their residence or critical habitat, and may also affect other migratory bird species.</p>	<p>ecting erosion prevention and control measures and implement those measures prior to the nesting season. Proponents are encouraged to consult the attached pamphlet and contact ECCC (cwsnorth-scfncord@ec.gc.ca) for further advice.</p>	<p>ertical surfaces beneath overhangs on buildings, bridges, culverts and other structures. They nest in close proximity to open habitats such as farmlands, wetlands, roads and/or large forest clearings. These species exhibit high nest site fidelity and dependence on existing sites, burrows, and structures for nesting. Any staff and contractors working on the project will be made aware of potential presence and conservation status of the Swallows. Furthermore, to prevent Bank Swallows from nesting in areas where operations will be carried out during the breeding season, any piles will be contoured to have slopes of less than 70 degrees prior to their arrival in the spring and by creating suitable nesting habitat in inactive areas with vertical faces of at least 70 degrees. Particular care will be taken in selecting erosion prevention and control measures, and implementing those measures prior to the nesting season.</p>
6	<p>Wildlife and Archaeology Protection Plan - Project activities in Barn Swallow habitat within its range</p>	<p>The Project falls within the breeding range of the Barn Swallow and may affect important habitat features for the species. The Barn Swallow, listed as Threatened under SARA, nests on vertical surfaces beneath overhangs on buildings, bridges, culverts and other structures. They nest in close proximity to open habitats such as farmlands, wetlands, roads and/or large forest clearings. The Barn Swallow exhibits high nest site fidelity and dependence on existing structures for nesting. The residence description for the Barn Swallow is available on the SARA registry here: https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/residence-descriptions/barn-swallow.html.</p>	<p>ECCC recommends the Proponent: a) Take precautions to avoid disturbance to nesting Barn Swallows; and b) Ensure staff and contractors are made aware of potential presence and conservation status of the Barn Swallow. Proponents are encouraged to contact ECCC (cwsnorth-scfncord@ec.gc.ca) for further advice.</p>	<p>Agreed. The above paragraph has been included, covering the topic of Bank Swallows and Barn Swallows.</p>
7	<p>Wildlife and Archaeology Protection Plan - Storage of Attractants</p>	<p>The Proponent indicates that food, domestic waste and/or petroleum-based chemicals may be kept on site.</p> <p>Food, domestic wastes and petroleum-based chemicals (e.g. greases, gasoline, glycol-based antifreeze) can attract predators of migratory birds such as foxes, ravens, gulls and bears. Although these animals may initially be attracted to the novel food sources, they often will also eat eggs and young birds in the area. These predators can have significant negative effects on the local bird populations.</p>	<p>ECCC recommends the Proponent make food, domestic wastes and petroleum-based chemicals (e.g. greases, gasoline, glycol-based antifreeze) inaccessible to wildlife at all times.</p>	<p>Table 8 covers general procedures for waste management and the importance of preventing wildlife attractants, and refers to the Waste Management Plan for further information. In the Waste Management Plan, Table 4 provides details on how all various types of waste (i.e., solid, hazardous, sewage, grey water, and construction materials) are to be treated and disposed.</p>
8	<p>Wildlife and Archaeology Protection Plan - Contamination of water bodies</p>	<p>Fuel and/or other hazardous materials may be stored, handled or transported near a water body that may be used by birds.</p> <p>ECCC advises the Proponent that section 5.1 of the MBCA prohibits persons from depositing substances harmful to migratory birds in waters or areas frequented by</p>	<p>ECCC recommends the Proponent ensure their employees and contractors are made aware of plans and commitments related to storing, handling and transporting of petroleum products and other hazardous substances and take all necessary precautions to prevent spills.</p>	<p>This is covered in the Spill Contingency Plan: "All contract personnel will be briefed and given a copy of the Fuel Spill Contingency Plan before field operations begin. Mock spill-response exercises will be conducted early in the program to ensure that response criteria, communication and reporting</p>

		migratory birds or in a place from which the substance may enter such waters or such an area.		requirements are met and fully understood."
9	Wildlife and Archaeology Protection Plan - ECCC Contact Information	<p>The Proponent has provided a wildlife management or monitoring plan but has not identified ECCC as a contact for instances involving migratory birds.</p> <p>ECCC has management responsibilities for migratory birds under the MBCA. ECCC should be contacted in instances involving:</p> <ul style="list-style-type: none"> · Interactions and incidents involving the potential disturbance of individuals or nests and any mortality events of these species; · Wildlife monitoring reports and annual reports that pertain to these species; and · Updates to wildlife management and monitoring plans, or their equivalents, in relation to these species. 	ECCC recommends the Proponent notify ECCC's Canadian Wildlife Service (cwsnorth-scfnorth@ec.gc.ca) for instances involving: a) Interactions and incidents involving the potential disturbance of individuals or nests and any mortality events of these species; b) Wildlife monitoring reports and annual reports that pertain to these species; and c) Updates to wildlife management and monitoring plans, or their equivalents, in relation to these species.	Agreed. Table 3 has been updated to capture the involvement of the ECCC.

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
GNWT - Environment and Climate Change - Environmental Regulatory Analyst				
1	GNWT-ECC No Comment Cover Letter	<p>The Department of Environment and Climate Change, Government of the Northwest Territories has no comments or recommendations for consideration of the Sahtu Land and Water Board regarding Integral Metals Corp. application for a land use permit.</p> <p>Should you have any questions or concerns, please do not hesitate to contact gnwt_ea@gov.nt.ca.</p>	N/A	N/A

Environmental Protection Operations Directorate
Prairie & Northern Region
5019 52nd Street, 4th Floor
P.O. Box 2310
Yellowknife, NT X1A 2P7

ECCC File: 5100 000 112/001
SLWB File: S24C-004



May 24, 2024

via online review system

Natalie Lippa
Regulatory Specialist
Sahtu Land and Water Board
Box 1
Fort Good Hope, NT X0E 0H0

Dear Natalie Lippa:

RE: S24C-004 – Integral Metals Corp. – KAP Project – Type A Land Use Permit Application

Environment and Climate Change Canada (ECCC) has reviewed the information submitted to the Sahtu Land and Water Board (SLWB) regarding the above mentioned application.

ECCC provides expert information and knowledge to project assessments on subjects within the department's mandate, including climate change, air quality, water quality, biodiversity, environmental preparedness and emergencies. This work includes reviewing proponent characterization of environmental effects and proposed mitigation measures. We provide advice to decision-makers regarding a proponent's characterization of environmental effects, the efficacy of their proposed mitigation activities, and may suggest additional mitigation measures. Any comments received from ECCC in this context does not relieve the proponent of its obligations to respect all applicable federal legislation.

If you need more information, please contact Melissa Pinto at (867) 445-5384 or Melissa.Pinto@ec.gc.ca.

Sincerely,

[original signed by]

Melissa Pinto
Senior Environmental Assessment Officer

cc: Eva Walker, Head, Environmental Assessment North (NT and NU)



Did you know?

What you can do

BANK SWALLOW (*Riparia riparia*)

in sandpits
and quarries

The Bank Swallow is a declining migratory bird species that has lost 98% of its Canadian population over the last 40 years.

This insectivorous bird is particularly drawn to sandpits, quarries, stock piles of sand and soil, and sandy banks along water bodies and roads. Bank Swallows generally dig their burrows in near-vertical banks (slopes of at least 70 degrees) that are more than 2 metres high. Bank Swallows typically use their nesting sites from mid-April to late August. This is the sensitive period during which the risk of harming the birds is especially high. The absence of the birds in August is a good indicator that the breeding season is over.



The best way to minimize the possibility of contravening the *Migratory Birds Convention Act, 1994* and its regulations is to fully understand the impact that your activities could have on migratory birds and their nests and eggs and to take reasonable precautions and appropriate avoidance measures. In fact, under the Act and its regulations, it is an offence for anyone to kill, hunt, capture, injure or harass a migratory bird or to damage, destroy, remove or disturb its nest or eggs without a permit.

The sand and gravel industry can play a major role in the conservation of Bank Swallows by adopting operating practices that do not harm the species.

www.ec.gc.ca/paom-itmb

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Before the breeding season (generally before mid-April)

- Prevent Bank Swallows from nesting in areas where operations will be carried out during the breeding season by contouring your piles to have a slope of less than 70 degrees and by creating suitable nesting habitat in inactive areas with vertical faces of at least 70 degrees.
- Install scaring devices to deter Bank Swallows from establishing colonies in active areas.

During the breeding season (generally from mid-April to late August)

- Avoid intense activity near the colony. You can prevent disturbance by marking off a protective buffer zone around the colony and notifying all employees of its existence.
- Generally speaking, there is a particularly high risk of disturbing nesting when noisy activities or vibrations occur within 50 metres of the bird colony. This protective radius is only a rough guideline and must be adjusted after an assessment of the risk factors. In some cases, where operating activities are intense, a larger protective radius may be needed to minimize the risk of disturbance.
- Spend a few minutes flattening vertical faces in active areas at the end of the day to prevent Bank Swallows from digging burrows in them overnight or on weekends.
- Stop excavation work if Bank Swallows colonize a bank in an active area. Activities cannot resume until the birds leave at the end of the breeding period.
- Do not use scaring devices once the colony is established as they may interfere with ongoing Bank Swallow breeding activities.

After the breeding season (generally after late August)

- If a nesting site needs to be excavated after the birds leave, compensate by providing an alternate site that can support nesting in the following year. To be suitable for nesting, the bank must have a slope of at least 70 degrees.

Notify your employees of the restrictions and techniques that can be implemented to prevent detrimental effects on the species.

Thank you for participating in the conservation of Bank Swallows.



May 27th, 2024

Natalie Lippa
Regulatory Specialist
Sahtu Land and Water Board
Box 1
Fort Good Hope NT, X0E 0H0

Dear Natalie Lippa,

RE: The KAP Project Type A Land Use Permit Application (S24C-004)

The Department of Environment and Climate Change, Government of the Northwest Territories has no comments or recommendations for consideration of the Sahtu Land and Water Board regarding Integral Metals Corp. application for a land use permit.

Should you have any questions or concerns, please do not hesitate to contact gnwt_ea@gov.nt.ca.

Sincerely,

Shakita Jensen
Environmental Regulatory Analyst
Environment Impact Assessment
Department of Environment and Climate Change