



November 30, 2018

AlecSandra MacDonald
Regulatory Specialist
Gwich'in Land and Water Board
Box 2018
Inuvik, NT
X0E 0T0

Dear Ms. MacDonald,

**Re: NWT Energy Corporation (03) Ltd. (NWT Energy)
Water Licence Application – G18L8-001
Land Use Permit Application – G18C005
Inuvik Wind Project
Request for Comment**

The Department of Environment and Natural Resources (ENR), Government of the Northwest Territories (GNWT) 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 *Species at Risk (NWT) Act*, the *Waters Act* and the *Wildlife Act* and provides the following comments and recommendations for the consideration of the Board and the Proponent.

Topic 1: Industrial and Solid, Liquid or Sewage Waste Disposal

Comment(s):

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(s):

- 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, and 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.

Topic 2: Hazardous Waste Management

Comment(s):

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/guidelines/general_management.pdf

<http://www.tc.gc.ca/eng/tdg/clear-menu-497.htm>

Recommendation(s):

- 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 Waste Management Specialist, Environment Division by email ([Lee Ross@gov.nt.ca](mailto:LeeRoss@gov.nt.ca)) or by phone (867) 767-9236 extension 53187.

Topic 3: Fuel Storage and Spill Contingency Planning and Reporting

Comment(s):

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.

Recommendation(s):

- 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-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.

- 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.
- 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.
- 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.
- 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.).

- 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.
- 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.

Topic 4: Wildlife: NWT Listed and Pre-listed Species at Risk

Comment(s):

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 in the NWT
- [Barren-ground Caribou](#) - Threatened in the NWT
- [Grizzly Bear](#) – Special Concern in NWT
- [Polar Bear](#) – Special Concern in the NWT

Recommendation(s):

- 1) Although the project overlaps with the range(s) of the species listed above, ENR is of the opinion that the scope, nature, 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.

Topic 5: Cumulative Effects Tracking

Comment(s):

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.

Recommendation(s):

- 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 Board's "*Standards for Geographic Information Systems (GIS) Submissions*" should be followed when submitting spatial data.

Topic 6: Wildlife Abodes

Comment(s):

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.

Recommendation(s):

- 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.
- 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.

- 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.
- 4) It is recommended that, if encountered, beaver lodges, muskrat push-ups, and hibernacula are not disturbed or damaged.

Topic 7: Wildlife Attractants and Waste Management

Comment(s):

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 fur-bearers.

Recommendation(s):

- 1) The Proponent should utilize food and garbage handling and storage procedures that will minimize the attraction of wildlife.
- 2) The Proponent should store all food, waste, washed recyclables and debris that may attract wildlife within sealed animal proof containers until final disposal.
- 3) The Proponent should ensure that sealed animal proof containers are cleaned once emptied to minimize the attraction of wildlife.
- 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.
- 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.

Water Licence Application

Topic 8: Water Sources

Comment(s):

Section 6 explains that water extraction during construction will be sourced from either Dolomite Lake or Campbell Creek. As well, the daily water withdrawal is not expected to exceed 100 m³, although may be up to 110 m³ according to section 7. Since no additional information on the source waterbodies was provided in the Water Licence application, reviewers cannot evaluate the potential impact to these source waterbodies. ENR notes it is the responsibility of the proponent to provide information required to assess potential environmental impacts to ensure its application is complete.

Recommendation(s):

- 1) ENR recommends that water sources not be approved until additional information is provided including:
 - Requested maximum annual quantities of water to be withdrawn from each source lake;
 - Bathymetric information on Dolomite Lake including depths and available water under-ice;
 - A comparison of total water volumes requested from the source against total water available under-ice; and
 - The potential impacts to the rate of flow of Campbell Creek.

If the above is not available to the applicant, the applicant should at the very least provide a table top assessment of the size, depth and volume of water available in each source.

- 2) ENR recommends the Board identify in Part C of the Water Licence each water source that may be used for water withdrawal and the maximum quantity that may be withdrawn annually from each source.

Topic 9: Rinsing Equipment

Comment(s):

Section 6 outlines the various uses of water that will occur during the project which includes rinsing construction equipment to prevent transfer of invasive plant species. ENR notes all equipment should arrive at site having already been rinsed to prevent the introduction of invasive plant species into the surrounding environment.

As well, should construction equipment require rinsing prior to leaving the site, ENR notes trays should be used to catch runoff and allow for proper disposal of any potentially contaminated water.

Recommendation(s):

- 1) ENR recommends NWT Energy ensure construction equipment is rinsed prior to arriving at site to prevent the introduction of invasive species to the surrounding environment.
- 2) Further, should construction equipment be rinsed prior to leaving the site, ENR recommends NWT Energy ensure trays or an equivalent are used to catch runoff and ensure any potentially contaminated water is properly disposed.

Topic 10: Unused water

Comment(s):

Section 7 explains that no water will be returned to the source or will be allowed to re-enter natural water bodies unless unused. ENR isn't clear as to the circumstances that would necessitate water uptake and would result in unused water. Additionally, it isn't clear where the water would be stored and what the maximum quantity of water is that may be unused.

Recommendation(s):

- 1) ENR recommends NWT Energy provide further information as to the circumstances that could result in unused water.
- 2) ENR recommends NWT Energy provide additional information on the location of water storage and the maximum quantity of water that may be unused.

Draft Water Licence

Topic 11: Definitions

Comment(s):

Part A, Condition 2 of the draft Water Licence lists definitions. ENR notes definitions for terms not otherwise used in the Water Licence should not be included. Terms such as analyst, drilling fluids, engineered structures, groundwater, modification, professional engineer, sump, toxic material and wastewater are currently defined in the draft Water Licence but are not used elsewhere in the Water Licence.

As well, the term "Spill Contingency Plan" is defined in the draft Water Licence. ENR notes there is a link in the middle of the definition that appears to be an error.

Recommendation(s):

- 1) ENR recommends the Water Licence only include definitions for terms that are used in the Water Licence.
- 2) ENR recommends the website link in the definition of “Spill Contingency Plan” be removed from the definition.

Topic 12: Water Use Fees

Comment(s):

Part B, Condition 2 outlines the requirement to pay water use fees annually in advance of any water use, in accordance with the Mackenzie Valley Land and Water Board’s Water Use Fee Policy. ENR notes according to section 3 of the *Waters Act*, the Government of the Northwest Territories (GNWT) is not required to pay any fees for the right to use waters or deposit waste pursuant to a Water Licence. NWT Energy Corporation (03) Ltd. is a subsidiary of the NT Hydro Corporation which is governed by the *Northwest Territories Hydro Corporations Act*. Therefore, the GNWT is a 100% owner of the NT Hydro Corporation.

Recommendation(s):

- 1) ENR recommends Part B, Condition 2 be removed from the Water Licence and the corresponding definition for water use fee should also be removed.

Topic 13: Part E, Condition 4

Comment(s):

Part E, Condition 4 requires the licensee to minimize erosion by implementing suitable erosion control measures that shall be in accordance with the Sediment and Erosion Control Plan, as described in Part E, Condition 2. ENR notes the Sediment and Erosion Control Plan is described in Part E, Condition 3, not Condition 2.

Recommendation(s):

- 1) ENR recommends Part E, Condition 4 of the Water Licence reference the appropriate condition that refers to the Sediment and Erosion Control Plan.

Supporting Information

Topic 14: Culvert Crossings

Comment(s):

Section 2.3.2 explains that it is anticipated that the access route will require some culverted crossings. Although it is identified in section 6.1 that two water features are present within the proposed road alignment and the widest appeared to be roughly two metres, it is not clearly identified that these are the watercourses that will require a culvert. ENR notes according to the Waters Regulations, training of watercourses that are greater than five metres wide at the ordinary high water mark are a trigger for a Type B Water Licence.

Recommendation(s):

- 1) ENR recommends NWT Energy clarify if any of the watercourses that may require a culvert are more than five metres wide at the ordinary high water mark.

Topic 15: Dust Suppressants

Comment(s):

Section 6.3.3 explains that to limit dust production along the project access road and during construction activities, dust suppressants will be utilized on roads as required during construction. Further, section 6 of the Water Licence application identifies that water may be used during construction for dust management. ENR notes it isn't clear in the Supporting Information document if water will be the only substance used as dust suppressant.

Recommendation(s):

- 1) ENR recommends NWT Energy clarify if any substances other than water will be used as dust suppressant during construction.
- 2) If substances other than water are being proposed for dust suppressant, ENR recommends that additional information is provided including the MSDS for the chemical.

Waste Management Plan

Topic 16: Recycling

Comment(s):

At the end of section 4.3.2, section 3.4 is referenced. ENR notes section 3.4 does not exist in the Waste Management Plan.

Recommendation(s):

- 1) ENR recommends NWT Energy update the Waste Management Plan to reference the appropriate section.

Spill Contingency Plan

Topic 17: MSDS

Comment(s):

Section 1.8 identifies propane as the only hazardous materials that will be stored on site. As well, section 3.2 identifies diesel fuel, gasoline and waste oil and miscellaneous oil/grease as potential sources of spills. ENR notes Material Safety Data Sheets (MSDS) for hazardous materials should be included in an appendix to the Spill Contingency Plan.

Recommendation(s):

- 1) ENR recommends NWT Energy include all necessary MSDS as an appendix to the Spill Contingency Plan.

Topic 18: Potential Spill Sizes and Sources

Comment(s):

Section 3.1 identifies potential spill sizes and sources for hazardous material on-site. The listed sources include diesel fuel and gasoline. ENR notes according to Section 1.8, up to 5,000 litres of propane may be stored on site.

Recommendation(s):

- 1) ENR recommends NWT Energy update section 3 of the Spill Contingency Plan to identify all sizes and sources of hazardous material on-site, including propane and include potential environmental impacts of a spill.

Topic 19: Map

Comment(s):

Although there are maps of the site included as part of the supporting documents package for the Land Use Permit and Water Licence applications, there is not a map included in the Spill Contingency Plan. Since the Spill Contingency Plan will be a standalone document used during construction and operations, a map should also be included in the plan.

Recommendation(s):

- 1) ENR recommends NWT Energy include a map of the site in the Spill Contingency Plan that shows buildings, roads, culverts, water bodies with direction of flow, storage locations of hazardous material, storage locations of spill response equipment and, environmentally sensitive areas.

Comments and Recommendations Directed to the Proponent

The following comments are directed to the applicant of the Land Use Permit and are provided based on ENR's mandated responsibilities under the *Environmental Protection Act*, the *Forest Management Act*, the *Forest Protection Act*, the *Species at Risk (NWT) Act*, the *Waters Act* and the *Wildlife Act*. The following comments and recommendations are for the information, consideration, and appropriate action of the Proponent and as they are applicable to project activities.

Legislative and Regulatory Requirements

Topic 1: Forest Management

Recommendation(s):

- 1) In order to comply with the *Forest Protection Act* (Sections 10 and 19(1)), the Proponent should adhere to the *Forest Fire Prevention and Suppression Guidelines*. The intent of the Guidelines is threefold. First, industrial operations must be conducted so that they do not contribute to the fire load. Second, industrial operations must be able to control and extinguish any fires that occur as a result of their operations. Finally, industrial operations must be able to respond to wildfires that may affect human life and other property as a result of their operations. The guidelines may be accessed at the following website:

http://www.enr.gov.nt.ca/sites/enr/files/industrial_guidelines_forest_fire_prevention_suppression.pdf

- 2) The *Forest Management Act* and Regulations prohibits anyone from cutting, using or transporting timber, or damaging standing timber unless:
 - Authorized with a Timber Permit;
 - Authorized by license; or
 - Exempted from holding a Permit or license.

The Proponent is requested to contact the local/regional ENR office for further information on obtaining a Forest Management Authorization, if required.

- 3) If the Proponent plans to burn brush or other materials during the official fire season (May 01 – September 30), they will require a Permit to Burn from ENR, as per the *Forest Protection Act* (Section 10(1) and 21).
- 4) The Proponent should be aware of Part 1 Clause 18 of the *Exemption List Regulations* under the *Mackenzie Valley Resource Management Act* in which a burn authorized under a Permit to Burn is exempt from Preliminary Screening if it is not greater than an area of 25 m².
- 5) If the site brush and tree cover is not merchantable then it should be piled up accordingly (and not mixed with soil) so that it can be burned or spread out at a later date. If merchantable wood is involved, either merchantable firewood or saw timber, it should be cleanly set to one side of the operation and made available for recovery. The Proponent should contact the local ENR office to determine what forest management authorization will be required, if any.

Topic 2: Wildlife Abodes

Comment(s):

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.

Recommendation(s):

- 1) Contact ENR prior to start-up of project activities to determine if there are any known dens, push-ups, lodges, beaver dams or hibernacula within the project area.
- 2) Prior to start-up of project activities, conduct surveys of lakes or other water bodies proposed to be used for water withdrawal or winter access roads to determine the presence of muskrat push-ups, beaver lodges or beaver dams. If one or more of these features is found contact ENR to discuss mitigation options.
- 3) Further guidance on different setback distances and timing windows for wildlife abodes are provided in Table 6 of the Northern Land Use Guidelines: Northwest Territories Seismic Operations Vol.9 (a) at:

http://www.lands.gov.nt.ca/sites/lands/files/resources/nlug_seismic_2015_english_-_16_sept_2015.pdf

Proponents should also check whether there are setback distances and timing restrictions for wildlife abodes within the regional land use plan for their project area.

Topic 3: Advice for NWT Listed and Pre-listed Species at Risk

Comment(s):

Sections 76 and 77 of the *Species at Risk (NWT) Act* requires 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 in the NWT
- [Barren-ground Caribou](#) - Threatened in the NWT
- [Grizzly Bear](#) – Special Concern in NWT
- [Polar Bear](#) – Special Concern in the NWT

Recommendation(s):

1) For information on NWT species at risk in the project area please consult:

- <http://www.nwtspeciesatrisk.ca/SpeciesAtRisk>
- <http://www.nwtspeciesatrisk.ca/ToolsForDevelopers>
- [Species at Risk in the NWT - 2016 Edition](#)

The Proponent should be aware of the prohibitions that may apply to the species that occur in your area. Check the *Species at Risk (NWT) Act* regulations webpage (<http://www.nwt-species-at-risk.ca/ToolsForDevelopers>) to see if there are any applicable regulations or agreements with land owners that must be followed for NWT-listed or pre-listed species at risk.

- 2) For information and legislative requirements related to federally-listed species at risk, consult the Species at Risk Public Registry (www.sararegistry.gc.ca) or contact Environment and Climate Change Canada or the Department of Fisheries and Oceans.
- 3) Ensure that employees and contractors are aware of the species at risk that might occur in the project area. This includes species that are pre-listed or listed under the *Species at Risk (NWT) Act*, species listed under the federal *Species at Risk Act*, and species designated as at risk by COSEWIC.
- 4) If species at risk are encountered during project undertakings, the primary mitigation measure should be avoidance. The Proponent should avoid contact with or disturbance to each species, its habitat and/or its residence.
- 5) Monitoring should be undertaken by the Proponent to determine the effectiveness of mitigation and/or identify where further mitigation is required. As a minimum, monitoring should include recording the locations and dates of any observations of species at risk, behaviour or actions taken by the animals when project activities were encountered, and any actions taken by the Proponent to avoid contact with or disturbance to the species, its habitat, and/or its residence.
- 6) Submit sightings of species at risk and monitoring information to ENR's Wildlife Management Information System (WMIS) and to other appropriate regulators and organizations with management responsibility for the species as may be necessary at:

<http://www.enr.gov.nt.ca/programs/wildlife-research/wildlife-management-information-services>

Further information on the WMIS can be found at:

<http://www.enr.gov.nt.ca/programs/wildlife-research/wildlife-management-information-services>

Topic 4: Cumulative Effects Tracking

Comment(s):

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.

Recommendation(s):

- 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 MVLWB's "Standards for Geographic Information Systems (GIS) Submissions" should be followed when submitting spatial data.

Topic 5: Nesting Birds

Comment(s):

- Conducting activities involving vegetation clearing, ground disturbance or demolition of buildings and other structures during the nesting season increases the risk of contravening paragraph 51(1)(a) of the *Wildlife Act* which prohibits destroying, disturbing, or taking the eggs of a bird or a nest when it is occupied by a bird or its eggs, or destroying, disturbing, or taking the nest of a prescribed bird at any time.
- Protection of nests is essential to ensuring reproductive success and survival of both adults and young.
- The Canadian Wildlife Service of Environment and Climate Change Canada (ECCC) is the responsible management authority for migratory birds protected under the Migratory Birds Convention Act, 1994.

<https://ec.gc.ca/nature/default.asp?lang=En&n=496E2702-1>

- GNWT is responsible for the management of non-migratory birds including raptors.
- Critical breeding periods for NWT raptors can start as early as the 1st week of April and last up until 3rd week of September, depending on the species and location.

Recommendation(s):

- 1) Follow ECCC's Avoidance Guidelines related to incidental take of migratory birds in Canada available at:

<http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=AB36A082-1>)

- 2) Consult ECCC's *General Nesting Periods of Migratory Birds in Canada* for current information on general nesting periods of federally protected migratory birds that occur within the NWT. Available at:

<http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=4F39A78F-1>

- 3) Contact ENR, Wildlife Division for information on critical breeding periods for raptors and/or known raptor nest sites in the project area.

- 4) Conduct vegetation clearing and any new ground disturbance outside of the nesting season for birds in the project area.

- 5) If active nests are encountered during project activities implement protective buffer zones described in the regional land use plan, Table 6 of the Northern Land Use Guidelines – Seismic) or ECCC's Recommended *Buffer Zones and Setback Distance* available at:

http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=8D910CAC-1#_03_1_1

Topic 6: Wildlife Disturbance and Harassment

Comment(s):

Unless authorized by a Licence or Permit, paragraphs 52(a) and (b) of the *Wildlife Act* prohibit engaging in an activity that is likely to result in significant disturbance to big game or other prescribed wildlife, or to unnecessarily chase, fatigue, disturb, torment or otherwise harass game or other prescribed wildlife.

Schedule A – Part 1 of the *Wildlife General Regulations*, sets out the species prescribed as big game, and Schedule B sets out prescribed wildlife for the purpose of paragraphs 52(a) and (b) of the *Wildlife Act*.

Disturbance to wildlife from sources such as noise, light, vibrations, and human presence can result in energetic stress, avoidance of key habitat, loss of reproductive fitness, injury or mortality of wildlife. Activities that may cause sensory disturbance to wildlife include vehicle traffic, stationary machinery, noise from blasting, excavation, crushing, seismic testing, vegetation clearing, and lighting or flaring.

Recommendation(s):

- 1) The Proponent should be aware that no wildlife should be disturbed, chased, or harassed by human beings on foot, in a motorized vehicle, or by aircraft. Unless authorized by a Licence or Permit, paragraphs 52(a) and (b) of the *Wildlife Act* prohibit engaging in an activity that is likely to result in significant disturbance to big game or other prescribed wildlife, or to unnecessarily chase, fatigue, disturb, torment or otherwise harass game or other prescribed wildlife. However, subject to section 55 of the *Wildlife Act* a person may chase wildlife away from a camp or work site if doing so is necessary to prevent injury or death to a person or damage to property.
- 2) Consult the setback distances, flight altitude guidelines and timing windows for wildlife provided in Tables 6 and 7 of the Northern Land Use Guidelines: Northwest Territories Seismic Operations Vol.9 (a) as they are applicable to variety of land use activities:

http://www.lands.gov.nt.ca/sites/lands/files/resources/nlug_seismic_2015_english_-_16_sept_2015.pdf
- 3) Consult the approved Land Use Plan, if applicable, that applies to the project area for further guidance on setback distances and timing windows to minimize disturbance to wildlife.
- 4) Wildlife shall be given the right of way at all times.
- 5) Suspend activities temporarily if one or more individuals of a big game species are spotted within five hundred (500) metres of the work site.

Topic 7: Reporting Wildlife Sighting

Comment(s):

Proponents are encouraged to record wildlife sightings and to submit these records to ENR's WMIS. Wildlife sightings data provides useful information for assessing changes in species distribution and the timing and location of different life history events such as migration, denning, nesting, calving, etc.

Recommendation(s):

- 1) Submit information about wildlife sightings (species, date, time, location, number of individuals, sex, behaviour, etc.) to WMIS at WMISTeam@gov.nt.ca. For further information on the WMIS consult:

<http://www.enr.gov.nt.ca/programs/wildlife-research/wildlife-management-information-services>

2) Contact the regional ENR office to obtain blank wildlife sightings forms.

Topic 8: Reporting Wildlife Defence/Property Kills and Wildlife Incidents

Comment(s):

Subject to paragraph 57(a) of the *Wildlife Act*, any big game or other prescribed wildlife that is killed to prevent injury or death to a person or damage to property must be reported to ENR as soon as is practicable. Section 7 of the *Wildlife General Regulations* describes what information must be included in the report.

Subject to section 58 of the *Wildlife Act* and sub-section 8(1) of the *Wildlife General Regulations*, any person who accidentally kills or seriously wounds big game or other prescribed wildlife with a motorized vehicle on a highway must report the event to an officer within 24 hours after the incident.

Recommendation(s):

1) Report all sightings of bears in and around the project location to your local ENR office. Any defence of life and property kills must be reported to the appropriate ENR office immediately. Please contact the following Regional Office as required:

- North Slave Region Wildlife Emergency Line at (867) 873-7181

2) Ensure all field personnel have completed a bear safety training course to decrease the risk of attracting bears to work sites and threats to human safety, learn how to respond to bear encounters, and decrease the risk of wildlife mortality resulting from kills in defence of life and property.

3) Consult the “Safety in Grizzly Bear and Black Bear Country” brochure, available at:

http://www.enr.gov.nt.ca/sites/enr/files/resources/safety_in_grizzly_and_black_bear_country_english.pdf

4) Report to an ENR officer as soon as is practicable any wildlife that is killed to prevent injury or death to a person or damage to property.

5) Report to an ENR officer any big game or other prescribed wildlife that is killed or seriously wounded by a motorized vehicle on a highway within 24 hours after the incident.

- 6) Reports must include at minimum the name of the person who killed or injured the wildlife, an explanation of the incident, the time, date and location of the incident, the species or quantity involved, and any other information requested by the wildlife officer.
- 7) Contact the regional ENR office to obtain blank wildlife incident forms.

Topic 9: Wildlife Attractants and Waste Management

Comment(s):

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 fur-bearers.

Recommendation(s):

- 1) Waste being stored on site prior to being transported to a municipal landfill site, or disposed by other methods, must be stored in a manner that minimizes the attraction of wildlife, as it is a violation of *Section 66(1) of the Wildlife Act*. An animal proof, sealed container must be used for storing waste onsite to minimize wildlife being attracted to odours. For reference please refer to the following guidance document “Safety in Grizzly and Black Bear Country”

http://www.enr.gov.nt.ca/sites/enr/files/resources/safety_in_grizzly_and_black_bear_country_english.pdf

- 2) Project personnel should not intentionally feed wildlife or purposefully encourage wildlife to habituate to human presence.

Topic 10: Spill Contingency Planning

Recommendation(s):

- 1) 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.
- 2) 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, and as per *Section 5(1c)* all reasonable efforts must be made to notify any parties affected or potentially affected by the spill.

- 3) ENR recommends, for 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.

ENR reminds the Proponent that references to applicable statutes and regulations are to be considered as advice only, and should not be construed as permission to contravene any other applicable statutes and regulations not mentioned in this letter.

Comments and recommendations were provided by ENR technical experts in the Conservation Assessment and Monitoring Division, the Wildlife Division and the North Slave Region and were coordinated and collated by the Environmental Impact Assessment Section, Conservation, Assessment and Monitoring (CAM).

Should you have any questions or concerns, please do not hesitate to contact Patrick Clancy, Environmental Regulatory Analyst at (867) 767-9233 Ext: 53096 or email patrick.clancy@gov.nt.ca.

Sincerely,



Patrick Clancy
Environmental Regulatory Analyst
Environmental Assessment and Monitoring
Department of Environment and Natural Resources
Government of the Northwest Territories

Att: Safety in Grizzly Bear and Black Bear Country Brochure