

Review Comment Table

Board:	GLWB
Review Item:	GNWT Department of Infrastructure - LUP Application - Geotechnical Drilling - km 36.7 Dempster Highway #8 (G19S004)
File(s):	G19S004
Proponent:	GNWT - INF
Document(s):	LUP Application (3622 KB) Draft Land Use Permit (276 KB)
Item For Review Distributed On:	
Reviewer Comments Due By:	Mar 12, 2019
Proponent Responses Due By:	Mar 15, 2019
Item Description:	<p>The Government of the Northwest Territories (GNWT), Department of Infrastructure (INF) has submitted to the Gwich'in Land and Water Board an application for a Type "A" Land Use Permit, for the purpose of geotechnical drilling at km 36.7, Dempster Highway #8. The applicant requests a term of five years, with work to begin in April 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 • Spill Contingency Plan; • Engagement Plan; • 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</p>

	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.
General Reviewer Information:	The Board encourages reviewers to submit questions and/or recommendations through the Online Review System, no later than Tuesday, March 12, 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

Environment and Climate Change Canada: Junotta Wilson				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	Comment (doc) ECCC Cover Letter Recommendation		
2	ECCC 1 - Migratory Bird and Clearing Activities	Comment It is not clear if vegetation will be removed for the purpose of this project. If the project activity includes vegetation clearing it may occur during the migratory bird season which extends from Mid-May to mid-August in the project area. This could result in the incidental take of migratory birds, their eggs or nests. The inadvertent harming, killing, disturbance or destruction of migratory birds, nests and eggs is known as incidental take. The general nesting period is provided as guidance to support the Government of Northwest Territories, Department of infrastructure (the Proponent) in planning their activities, but it is important to note that breeding periods may vary from year to year due to climatic conditions and some species may nest outside the dates provided if conditions are favourable. Recommendation ECCC recommends that the Proponent not conduct vegetation clearing activities during the migratory bird season to mitigate possible adverse effects on migratory birds.		
GNWT - ENR: Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response

21	General File	<p>Comment (doc) ENR Letter with Comments and Recommendations</p> <p>Recommendation</p>		
1	Topic 1: Industrial and Solid, Liquid or Sewage Waste Disposal	<p>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.</p> <p>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, 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.</p>		
2	Topic 2: 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/guidelines/general_management.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</p>		

		Environment Division, ENR to register or for more information contact Mr. Lee Ross, Hazardous Materials Management Specialist, Waste Management and Monitoring Division by email (Lee_Ross@gov.nt.ca) or by phone (867) 767-9236 extension 53187.		
3	Topic 3: 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-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</p>		
4	None	<p>Comment None</p> <p>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.</p>		
5	None	<p>Comment None</p> <p>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.</p>		
6	None	<p>Comment None</p> <p>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.</p>		
7	None	<p>Comment None</p> <p>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.).</p>		
8	None	<p>Comment None</p> <p>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.</p>		

9	None	<p>Comment None</p> <p>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.</p>		
10	Topic 4: 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: . Grizzly Bear - Listed as Threatened . Boreal Caribou - Listed as Threatened . Barren-ground Caribou - Listed as Threatened</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 significant negative impacts to NWT-listed or pre-listed species at risk is minimal.</p>		
11	Topic 5: 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.</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 Board 's Standards for Geographic Information Systems (GIS) Submissions should be followed when submitting spatial data.</p>		
12	Topic 6: 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</p>		

		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.		
13	None	Comment None 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.		
14	None	Comment None 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.		
15	None	Comment None Recommendation 4) It is recommended that, if encountered, beaver lodges, muskrat push-ups, and hibernacula are not disturbed or damaged.		
16	Topic 7: Wildlife Attractants and Waste Management	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 fur-bearers. Recommendation 1) The Proponent should utilize food and garbage handling and storage procedures that will minimize the attraction of wildlife.		
17	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.		
18	None	Comment None Recommendation 3) The Proponent should ensure that sealed animal proof containers are cleaned once emptied to minimize the attraction of wildlife.		
19	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.		
20	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.		
GNWT - Lands - Beaufort Delta Region: Donald Arey				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
8	General File	Comment (doc) GNWT Department of Lands Comments (via email) Recommendation GENERALFILE		
1	Part 1 Geotechnical Investigation	Comment INF has shown the location of the shop and resident area of which is close to the NW slope, also further indicated that from the scope of work that twelve bore holes will be drilled for the garage and two bore holes for the fuel and indicated to see attachment for the locations. Recommendation Please note that the diagrams provided does not indicate where the location of the bore holes are. It is requested that coordinates of each hole be provided and a small mound of fill be done when bore holes are completed to avoid any subsidence as result of buildup of water in holes.		
2	Part 1 Geotechnical Investigation	Comment None Recommendation From past geotech work done by INF it was previously identified that ice content is in the area, However it is not known as to what percentage of the area has ice content.		
3	Settling Pond	Comment None Recommendation It should be also reminded that the settling pond at the location is to be removed, this will likely require approval from DFO if this is fish bearing.		
4	Part 2 Survey services	Comment None Recommendation It is requested that all surveyed data be provided in an electronic format to the department of Lands when completed.		
5	APPENDIX • Spill Contingency Plan	Comment Item 1.0 - Introduction states the following Paragraph 1: "This Spill Contingency Plan (SCP) has been developed by the Government of the Northwest Territories (GNWT), Department of Infrastructure (INF) for use by INF Personnel and its Contractor during operations and maintenance activities at the Dempster Highway Maintenance Compound (HMC). This waste management plan will be implemented for all activities undertaken for the life of the land use activity and will be revised as required." Recommendation Reviewer believes that the above" WASTE MANAGEMENT PLAN" maybe a typo error, please indicate if this is a Spill Contingency Plan or a Waste Management Plan?		

6	APPENDIX • Spill Contingency Plan	<p>Comment Introduction states the following paragraph 3: "This SCP has been developed for land reserve and regulatory approvals in accordance with the Guidelines for Spill Contingency Planning prepared by Indian and Northern Affairs Canada (INAC) (2007). Contractors are required to submit a Spill Contingency Plan which will meet or exceed the features of this SCP and can be provided to the appropriate regulatory authorities once complete."</p> <p>Recommendation The SCP does not indicate where the locations of spill equipment are deployed should there be an unlikely volume spill. Please note that spill kits/containments are to be 10 percent greater than the volume on site, also spill equipment shall be onsite. The SCP should also reflect current state of art containment and clean up procedures. Should a reportable spill be made the department of Lands is the lead agency as a Land Use Permit is issued.</p>		
7	Project Description	<p>Comment Applicant has indicated the following from paragraph 3; "A geotechnical investigation is required to determine the depth to bedrock in order to allow for the design of the new Long Term Care Centre's pile foundation system. This will involve the drilling of between 12 - 20 boreholes on the new site.</p> <p>Recommendation Reviewer believes that this is a typo "Long Term Care Centre" highlighted in yellow, however more clarity is required?</p>		
GTC Department of Cultural Heritage : Sharon Snowshoe				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
6	General File	<p>Comment (doc) GTC Department of Cultural Heritage Letter (via email)</p> <p>Recommendation GENERALFILE</p>		
1	Intro	<p>Comment We have reviewed the above-noted application against our heritage databases and reviewed the negative archaeological assessment conducted by GSCI in 2009.</p> <p>Recommendation 1 We have the following issues and concerns at this time.</p>		
2	Porcupine Caribou	<p>Comment This area is within the range of the Porcupine Caribou herd. This herd is an extremely important herd for Gwich'in subsistence and lifestyle. The herd may be at risk due to cumulative effects of development and climate change, including from far away from the development location.</p> <p>Recommendation If this area is one used by hunters, then accommodations must be made to ensure traditional activities such as hunting do not interact with development activities, and that the development will not affect the caribou.</p>		
3	Berry Harvest	<p>Comment This camp is within berry harvest areas.</p> <p>Recommendation If development will happen during berry harvest seasons, there should not be interactions</p>		

		between berry harvest and the development, including dust contamination, prevention of access of traditional harvest areas, and so on.		
4	Gwich'in named place	Comment This site is with the Gwich'in named place, "Tloo Geeghanh", which translates as grassy-ridge . Recommendation Pending approval from Fort McPherson, this may be a good name for the camp.		
5	Grizzly Bears	Comment None Recommendation Grizzlies use this area and safety precautions should be taken to ensure the safety of the workers and the bears.		
Gwich'in Renewable Resources Board: Janet Boxwell				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
7	General File	Comment (doc) GRRB Letter (via email) Recommendation		
1	Relevant Legislation	Comment Relevant legislation includes: o Migratory Birds Convention Act http://laws.justice.gc.ca/eng/acts/M-7.01/ o NWT Wildlife Act https://www.justice.gov.nt.ca/en/files/legislation/wildlife/wildlife.a.pdf o NWT Wildlife Act Plain language Summary http://www.enr.gov.nt.ca/sites/enr/files/resources/wildlife_act_plain_language_summary_january_2018.pdf o NWT Species at Risk Act http://www.nwt-speciesatrisk.ca/sites/default/files/SpeciesatRisk.pdf o Federal Species at Risk Act http://laws-lois.justice.gc.ca/eng/acts/S-15.3/index.html o Fisheries Act https://www.canlii.org/en/ca/laws/stat/rsc-1985-c-f-14/latest/rsc-1985-c-f-14.html o Gwich'in Land Use Plan http://www.gwichinplanning.nt.ca/landUsePlan.html Recommendation None		
2	Species at Risk	Comment Species at Risk that may be present in the area, or that may be present seasonally, as well as species being considered for SAR assessment are included below. This list is not necessarily complete, as species may be assessed, added or removed at any time. Please consult the following websites for an up to date list o Federal http://www.registrelep-sararegistry.gc.ca/sar/index/default_e.cfm o Territorial http://www.nwt-speciesatrisk.ca/CMA/SarList Recommendation None		
3	Species at Risk	Comment Federally listed species in the GSA include Bank swallow (<i>Riparia riparia</i>), Barn swallow (<i>Hirundo rustica</i>), Barren-ground caribou (<i>Rangifer tarandus groenlandicus</i>), Boreal caribou (<i>Rangifer tarandus</i>		

		caribou), Collared pika (<i>Ochotona pika</i>), Grizzly bear (<i>Ursus arctos</i>), Gypsy cuckoo bumble bee (<i>Bombus bohemicus</i>), Little brown myotis (a bat which may be in the GSA) (<i>Myotis lucifugus</i>), Olive-sided flycatcher (<i>Contopus cooperi</i>), Peregrine falcon (<i>Falco peregrinus tundris</i>), Rusty blackbird (<i>Euphagus carolinus</i>), Short-eared owl (<i>Asio flammeus</i>), Wolverine (<i>Gulo gulo</i>), Recommendation None		
4	Species at Risk	Comment Federally assessed species (not yet listed) include; Harris's sparrow (<i>Zonotrichia querula</i>), Transverse lady beetle (<i>Coccinella transversoguttata</i>), Recommendation None		
5	Species at Risk	Comment Territorially listed species include Barren-ground caribou excluding Porcupine caribou (<i>Rangifer tarandus groenlandicus</i>), Boreal caribou (<i>Rangifer tarandus caribou</i>), Little brown myotis (a bat which may be in the GSA) (<i>Myotis lucifugus</i>), Recommendation None		
6	Wildlife	Comment Staff recommend the proponent suspend activities temporarily, or move to another location if caribou, moose, sheep, grizzly bear and/or muskoxen are spotted within 500m of any work site. Do not attempt to harass or 'encourage' wildlife to move away from the site. Resume activities once the animal(s) have left the area. Give wildlife right of way whenever possible and avoid large congregations. Recommendation None		