



Mackenzie Valley Land and Water Board
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Staff Report

Applicant: Town of Hay River	
Location: Hay River	File Number: MV2018L7-0002
Date Prepared: January 24, 2019	Date of Board Meeting: February 7, 2019
Subject: New Type B Water Licence - Recreational Development	

1. Purpose

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board):

- a) A new Type B Water Licence (Licence) Application submitted by the Town of Hay River (Town);
- b) Consider the Preliminary Screening;
- c) Consider the Waste Management Plan;
- d) Consider the Spill Contingency Plan; and
- e) Consider the Engagement Plan.

2. Background

- June 12, 2018 – Licence Application MV2018L7-0002 submitted to the Board;
- June 27, 2018 – Application deemed complete and distributed for review;
- July 3, 2018 – Notice of Application published in *News North*;
- July 18, 2018 – Reviewer comments due and received;
- August 10, 2018 – Information Request (IR) distributed to the Government of the Northwest Territories (GNWT) Departments of Infrastructure and Lands regarding land tenure;
- August 17, 2018 – Response to IR due and received;
- September 11, 2018 – Sediment sampling completed by the Town;
- January 9, 2019 – Confirmation from the GNWT regarding deposit of dredged materials;
- January 15, 2019 – GNWT posted a letter to the Online Review System (ORS) confirming its approval; and
- **February 7, 2019 – Application presented to the Board for decision.**

3. Discussion

Description of Application

On June 12, 2018, the Town of Hay River (the Town) submitted a Type B Water Licence Application (the Application) (attached) to conduct dredging at the Porritt Landing dock in order to provide adequate water depth for recreational watercraft to safely launch and dock. As proposed, dredged materials were

to be excavated with a hydraulic excavator from shore at the Porritt Landing site, loaded into truck and hauled to stockpile locations between 500-700 m away (see Application Map attached). During Application review, Board staff identified that the stockpile location was on GNWT-Commissioner's Lands, and therefore the Town did not have eligibility to use the lands as proposed in its Application.

Prior to deeming the Application complete, Board staff received confirmation from the GNWT Department of Infrastructure (INF) via email (attached) that it had no conflict with the Town depositing dredged material on Lot 1057, Plan 977, which is under the administration and control of the Department of Lands and is deemed Commissioner's Land, so long as the dredged material was tested prior to placement.

On July 18, 2018 the GNWT Department of Lands (Lands) commented on the Application to indicate that the Town did not have tenure to use the lands identified in the Application and therefore eligibility had not been met.

To clarify, Board staff tried to confirm the GNWT position on the use of the Commissioners Lands for stockpiling of dredged materials. On August 1, 2018, GNWT-INF again confirmed via email that the GNWT had no problem with the Town's Application (attached).

On August 10, 2018, the Board issued a formal IR to GNWT-INF and GNWT-Lands requesting a coordinated response to the land tenure and eligibility issues (attached). On August 17, 2018, GNWT-Lands responded to the Board's IR (attached) to state that it "has no issue with utilization of the parcel (Lot 1057, Plan 977) for this purpose, however testing by the proponent (the Town of Hay River) for contamination of the dredged material must take place. On examination of the results by GNWT, Lands will determine if the dredged material can remain, or if results are returned that indicate the material has contamination, then it will need to be disposed of at an authorized facility."

On September 11, 2018, the Town submitted sediment sampling results (attached) to the Board and GNWT in response to the August 17, 2018 IR Response.

On September 21, 2018 Board staff asked that the Town follow-up on the analytical results of the sediment samples with GNWT-Lands to obtain authorization for depositing the dredged material. At that time, there was some indication that the Town may not proceed with the application and Board staff requested that if that were the case, that the Town withdraw its application through a formal notification. On November 16, 2018, Board staff followed up with the Town on the status of its intentions to proceed with its Application (attached).

On January 9, 2019, the Town followed up with the GNWT-Lands and GNWT-INF regarding the sediment sample results, stating its intention to proceed with the Application. In response, both GNWT-Lands and GNWT-INF responded by email to indicate that there were no concerns with the stockpiling of dredged material on the identified GNWT-Commissioner's Lands (attached). On January 15, 2019, GNWT-Lands uploaded a letter to the ORS stating that the Town "may temporarily store the waste material on site, contingent on the update of the Waste Management Plan to reflect the final parcel of land the material is to be placed" (attached).

Management Plans

A Waste Management Plan, Spill Contingency Plan, and Engagement Plan were included with the Application. In response to several reviewer comments, Board staff recommend that an updated Waste

Management Plan and Spill Contingency Plan be submitted for conformity check prior to Board approval.

Updates to the Waste Management Plan should address the following items:

- a) Details on sediment and erosion control methods during dredging activities that would contain suspended sediments to the area of disturbance;
- b) Details on sediment and erosion control methods to prevent surface water run-off from the stockpiled materials into surrounding waterbodies; and
- c) Final disposal plans for dredged materials, including associated approval documentation.

Updates to the Spill Contingency Plan should address the following items:

- a) Preventative measures to contain sediment during dredging activities;
- b) Measures to avoid sediment loading from the stockpiles to the receiving environment; and
- c) Detailed response plans for potential sediment loading into the Hay River.

Engagement

An Engagement Record and Engagement Plan (attached) were included in the Application. The Town noted they engaged with the following parties:

- Hay River West Point First Nation via email and fax in April 2018;
- Hay River Metis Council via email and fax in April 2018;
- Katlodeeche First Nation via email and fax in April 2018, and a meeting on May 23, 2018; and
- Dehcho First Nation via email and fax with a follow-up phone call in April 2018.

No concerns were identified.

Eligibility

The Porritt Landing Site is on Municipal lands and based on emails provided by GNWT-INF and GNWT-Lands, the Town has been granted approval to stockpile dredged materials on Commissioner's Land. During the public review, the GNWT indicated that the stockpile location should be temporary and that the Town should identify an alternate location for final disposal (GNWT-Lands Comment ID 4).

Type of Area

This Project is located in a non-federal area.

Fees

The required Application Fee of \$30.00 was included with the Application (attached).

Term

The Town has not specified a term for the Licence. Board staff suggest a five-year term be used to capture any operational delays and/or determinations for final disposal of dredged materials. If the Town completes all activities sooner, it can apply for a cancellation of the Licence.

Section 26(2) of the *Waters Act* allows for license to be issued for a term not exceeding 25 years.

4. Comments

Triggers

A Type B water licence is triggered because the proposed activities included meet the criteria listed in Schedule H of the Waters Regulations, specifically, (2)(2) Watercourse training and (3) Deposit of waste.

5. Public Review

By July 18, 2018, comments and recommendations on the Application were received from six reviewers:

- Environment and Climate Change Canada (ECCC);
- Fisheries and Oceans Canada;
- GNWT-ENR;
- GNWT-Lands;
- Katlodeeche First Nation (KFN); and
- Board Staff

The Town of Hay River responded by August 17, 2018. The Review Summary and Attachments (attached) presents the concerns identified through this review.

Main Issues Raised during the Review

The following summarizes the main issues raised during the review:

- Land tenure and eligibility;
- implementation of sediment and erosion control measures while dredging and for runoff from the stockpiled material;
- Selection of a long-term, final disposal location for dredged materials; and
- The reporting of sediment quality prior to stockpiling and final disposal.

Board staff suggest that reviewer concerns may be best addressed through revisions and updates to the existing Waste Management Plan and Spill Contingency Plan. These Plans could be submitted for Board staff conformity prior to Board approval.

Preliminary Screening

The draft Preliminary Screening (attached) contains information from the Application and public review regarding environmental and socio-economic concerns, along with mitigations, and is for the Board's consideration.

Draft Licence

The draft Licence (attached) contains recommended conditions based standard Licence conditions and reflects concerns and recommendations raised during the public review.

6. Security

Security is not typically applied by the Board to projects run by Municipalities.

7. Conclusion

The draft Licence conditions are based upon the standard condition list, public review, and Board staff recommendations. Board staff conclude that the conditions contained within this draft Licence should mitigate the potential environmental impacts this development may have on the land and water.

Board staff suggest that the Spill Contingency and Waste Management Plans require revision, for Board approval, to reflect reviewer comments prior to commencement of activities. Board staff suggest that these updates do not require a full review and could be confirmed by Board staff prior to presentation to the Board for approval.

Board staff suggest that the Engagement Plan is in conformity with the Board's guidelines and reflects the scope of the project.

Board staff conclude there are no outstanding issues or concerns with this Application.

8. Recommendation

Board staff recommend the Board:

- a) **Make a motion to approve the Preliminary Screening** of the Application for Water Licence MV2018L7-0002 from the Town of Hay River.
- b) **Make a motion to approve Type B Water Licence MV2018L7-0002** for a term of five years **and associated Reasons for Decisions**.
- c) **Make a motion to deny the Waste Management Plan** as required by Water Licence MV2018L7-0002. The Town of Hay River is required to submit a revised Waste Management Plan in accordance with comments and commitments made during this review and to address deficiencies as directed by the Board by **April 8, 2019**, for Board decision.
- d) **Make a motion to deny the Spill Contingency Plan**, as required by Water Licence MV2018L7-0002. The Town of Hay River is required to submit a revised Spill Contingency Plan in accordance with comments and commitments made during this review and to address deficiencies as directed by the Board by **April 8, 2019**, for Board decision.
- e) **Make a motion to approve the Engagement Plan**.

A draft decision letter is attached. Board staff recommend including the following text in the decision letter:

The Board hereby directs the Town of Hay River to resubmit the Waste Management Plan and Spill Contingency Plan as required under Part G, condition 3 and Part H, condition 1 of MV2018L7-0002. Updates to the Waste Management Plan will be confirmed by Board staff prior to Board approval.

Updates to the Waste Management Plan should address the following items:

- a) Details on sediment and erosion control methods during dredging activities that would contain suspended sediments to the area of disturbance;
- b) Details on sediment and erosion control methods to prevent surface water run-off from the stockpiled materials into surrounding waterbodies; and
- c) Final disposal plans for dredged materials, including associated approval documentation.

Updates to the Spill Contingency Plan should address the following items:

- a) Preventative measures to contain sediment during dredging activities;
- b) Measures to avoid sediment loading from the stockpiles to the receiving environment; and
- c) Detailed response plans for potential sediment loading into the Hay River.

9. Attachments

- [Application](#)
 - [Map](#)
 - [Fee Receipt](#)
 - [Waste Management Plan](#)
 - [Spill Contingency Plan](#)
 - Engagement Plan
- [June 26, 2018 Email Exchange with GNWT-INF](#)
- [August 1, 2018 Email Exchange with GNWT-INF](#)
- [August 10, 2018 – Board IR to GNWT-INF and GNWT-Lands](#)
- [August 17, 2018 – GNWT-Lands Response to Board IR](#)
- Sediment Sample Results:
 - [Set 1](#)
 - [Set 2](#)
 - Board Staff summary of results
- [November 16, 2018 Email to the Town from Board Staff](#)
- [January 9, 2019 Email from GNWT to confirm approval for sediment stockpiles](#)
- January 15, GNWT-Lands Letter posted to the ORS
- Review Summary and Attachments
- Draft Preliminary Screening
- Draft Water Licence Cover Page
- Draft Water Licence Conditions
- General Procedures (Water Licence)
- Draft Reasons for Decision
- Draft Decision Letter from the Board

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'SA', with a long horizontal line extending to the right.

Shannon Allerston
Regulatory Specialist

Review Comment Table

Board:	MVLWB
Review Item:	Town of Hay River - New Water Licence Application (MV2018L7-0002) (Porritt Landing)
File(s):	MV2018L7-0002
Proponent:	Town of Hay River
Document(s):	Water Licence Application (54 KB) Waste Management Plan (879 KB) Spill Contingency Plan (4394 KB) Engagement Plan (974 KB) Application Map (846 KB) draft Licence conditions (210 kb)
Item For Review Distributed On:	June 27 at 15:43 Distribution List June 28 at 08:50 Distribution List
Reviewer Comments Due By:	July 18, 2018
Proponent Responses Due By:	Aug 16, 2018
Item Description:	<p>October 23, 2018 update: completion of this review is pending information from the Town of Hay River regarding whether they wish to proceed with the application as submitted.</p> <hr/> <p>August 20, 2018: GNWT Response to Information Request submitted Friday August 17, 2018</p> <hr/> <p>August 10, 2018 update: an Information Request has been sent to GNWT. Reponse to the Information Request is due on August 17, 2018.</p> <hr/> <p>July 31, 2018 update: the response due date has been extended till August 16, 2018.</p> <hr/> <p>July 4, 2018 update: the draft Licence conditions has been distributed for review.</p> <hr/> <p>The Town of Hay River (Town) submitted an application for a type B water licence (licence). The purpose of this Application is to conduct dredging at the Porritt landing dock in order to provide adequate water depth for recreational watercrafts to safely launch and dock. The Town is proposing to stockpile the dredged material on Lot 1057 (Plan 977) (see Application Map).</p> <p>Reviewers are invited to submit questions, comments, and recommendations using the Online Review System (ORS) by the review comment deadline specified below. Notices of application for water compensation must also be submitted by review comment deadline. Please provide comments and recommendations on the:</p> <p>â— Application; â— Engagement Plan and Record;</p>

Contact Information:	<p>â— Waste Management Plan; â— Spill Contingency Plan; â— Any additional information that requires review; and â— Preliminary Screening (please see below for additional information).</p> <p>Under the Preliminary Screening Requirement Regulations of the Mackenzie Valley Resource Management Act (MVRMA), the Board must conduct a preliminary screening for an application for a proposed development that requires a licence, unless it is exempt from Part 5 of the MVRMA. Reviewers are encouraged to provide comments and recommendations (e.g., on impacts and mitigation measures) to assist with the completion of the preliminary screening.</p> <p>All documents that have been uploaded to this review are also available on our public registry. If you have any questions or comments about the ORS or this review, please contact Board staff identified below.</p>
Contact Information:	Erica Janes 867-766-7466

Comment Summary

Environment and Climate Change Canada: Eva Walker				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	Comment (doc) ECCC Cover Letter Recommendation		
2	Water Management Plan Town of Hay River - General comment	<p>Comment Environment and Climate Change Canada (ECCC) notes that there is no mention of sediment and erosion control measures that will be taken to stabilize the dredged materials and prevent surface water run-off from the stockpiled materials into surrounding waterbodies. Sediment and erosion control measures are an important element to mitigate sedimentation effects on the aquatic environment. Additionally, there is no mention of the use of a silt curtain during dredging activities that would contain suspended sediments to the area of disturbance.</p> <p>Recommendation ECCC recommends that the Proponent include erosion and sediment control measures in their construction planning documentation. Measures, such as</p>	<p>Aug 17: Various sediment control measures are being investigated and may be implemented. Silt fencing and clay berms will be used at stock pile locations to contain any type of run off.</p>	<p>Jan 25: Updates to the Waste Management Plan and Spill Contingency Plan to address sediment and erosion control required by Draft Licence Conditions.</p>

		sediment curtains, silt fencing and using straw to cover exposed dredged materials until piles become vegetated, should reduce the risk of sediment laden water entering waterbodies, either from dredging activities or from run-off during rain events or snow melts.		
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Fisheries and Oceans Canada: Triage Group Fisheries Protection Program

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Water Licence Application	<p>Comment Dredging projects are reviewed by Fisheries and Oceans Canada for their impacts to fish and fish habitat. The dimension of the area to be dredged and the in-water sediment control measures should be specified.</p> <p>Recommendation The Fisheries Act requires that projects avoid causing serious harm to fish unless authorized by the Minister of Fisheries and Oceans Canada. This applies to work being conducted in or near waterbodies that support fish that are part of, or that support a commercial, recreational or Aboriginal fishery. It is recommended that the proponent send in a Request for Review form (http://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/index-eng.html) for the proposed activity.</p>	<p>Aug 17: The Town of Hay River will complete a Request for Review Application before any excavation begins.</p>	<p>Jan 25: Adequate response.</p>

GNWT - ENR: Central Email GNWT

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
6	General File	<p>Comment (doc) ENR Letter with Comments and Recommendations</p> <p>Recommendation</p>		
1	Topic 1: Waste Management Plan	<p>Comment ENR notes that the Waste Plan submitted with the application omits the final destination of the dredged material for disposal. The plan only states that "all excavated</p>	<p>Aug 17: This will be updated to include this information.</p>	<p>Jan 25: Updates to the Waste Management Plan to include final long-term disposal plans</p>

		<p>materials will be hauled to the stock pile site approximately 500-700 meters away from the project. These sites have been historically used for stock pile sites of dredged materials." ENR has concern with lack of details on the long term storage of materials that could be potentially contaminated from historical industrial activities. Further details should be provided in consultation with the Inspector on temporary and long term storage of all dredged materials.</p> <p>Recommendation 1) ENR recommends that the Town of Hay River (the Town) submit an updated Waste Management Plan that provides details on the ultimate disposal plan for the materials (e.g. to be disposed at the municipal landfill).</p>		<p>required by Draft Licence Conditions.</p>
2	<p>Topic 2: Water Licence Disposal Requirements</p>	<p>Comment In the Draft Water Licence, the Board has requested input on the parameters and requirements for the dredged material that will be disposed. Without knowing the ultimate disposal plan by the Town for the dredged material, ENR cannot comment on what criteria should be applied, as the requirements for long-term storage at the site compared to disposal at a landfill differ significantly. Furthermore, the plan does not provide sufficient detail on the historical use or impacts to the materials that are expected to be dredged. For example, has this area ever been used for industrial activities, or have there ever been materials stored at the site that could have contaminated the sediment in the channel that will be dredged? However, to provide an efficient review process ENR is of the opinion, that at minimum, the sediment analysis should meet criteria for</p>	<p>Aug 17: The Town of Hay River will be taking preliminary samples of the river bottom for items mentioned in these comments. All results will be shared with the Dept. of E&R.</p>	<p>Jan 25: The Town provided sediment sample results indicating that the dredged materials will meet NWT Guidelines for Contaminated Sites Residential/Parkland Criteria. Part G of the Draft Licence lays out the criteria and the need for the Town to demonstrate soil quality to the Inspector and the Board.</p>

		<p>Industrial Use including: ICP-MS Metal Scan (including leachable heavy metals), Benzene, Toluene, Ethylbenzene, and Xylene, total petroleum hydrocarbons, nutrients, and pH. The Environmental Guidelines for Contaminated Site Remediation may be the most applicable for this project. ENR can provide further comments on the requirements to the Board once the Town has presented additional information on the disposal options and potential historical impacts at the site.</p> <p>Recommendation 1) ENR recommends that upon receiving additional information on the disposal options for dredged material and historical information on the site that the Board request further input on parameters and requirements for the dredged materials.</p>		
3	<p>Topic 3: Update Spill Contingency Plan to Include Contingencies for Sediment Loading</p>	<p>Comment The Spill Contingency Plan should be updated to include contingencies in order to respond to potential sediment loading to the Hay River. Use of silt curtains or berms to contain dredge spoils to avoid sediment loading to the receiving environment is recommended.</p> <p>Recommendation 1) ENR recommends that the Spill Contingency Plan be updated to include contingencies for response to potential sediment loading to receiving environment.</p>	<p>Aug 17: The Town of Hay River will update the Plan</p>	<p>Jan 25: Updates to the Waste Management Plan and Spill Contingency Plan to address sediment and erosion control required by Draft Licence Conditions.</p>
4	<p>Topic 4: Update Schedule 2 of Draft Licence (Disposal Requirements) Sample Collection and Analysis Requirements.</p>	<p>Comment In Schedule 2 (Disposal Requirements) of the draft Water Licence, Part G, Item 1 states that 'all dredged material disposed of the designated stockpile area shall meet the following criteria'. ENR agrees that the material should be adequately characterized, but suggests that the use of "all" should be clarified. ENR is of the opinion</p>	<p>Aug 17: The Town of Hay River will do pre sampling before any work begins, should the samples be found clean then we feel there is no use in re sampling.</p>	<p>Jan 25: The Town provided sediment sample results indicating that the dredged materials will meet NWT Guidelines for Contaminated Sites Residential/Parkland Criteria. Part G of</p>

		<p>that adequate characterization could be achieved using representative samples. Once the Town has determined what the ultimate use/disposal of the dredged materials will be and the material is ready for use, the stockpiles should be sampled and analyzed for parameters of concern in the Water Licence EQC prior to final disposal. Results should also be compared to criteria for re-use in ENR's Environmental Guidelines for Contaminated Site Remediation for parameters not included in the Water Licence EQC.</p> <p>Recommendation 1) ENR recommends that Schedule 2 (Disposal Requirements) of the draft Water Licence be updated to include a requirement for the Town of Hay River to accurately characterize the dredged material stockpile. This plan should be submitted to the Inspector for approval prior to re-use of the dredged material. The stockpiles should be sampled and analyzed for parameters of concern in the licence EQC and re-use criteria in the aforementioned guidelines.</p>		<p>the Draft Licence lays out the criteria and the need for the Town to demonstrate soil quality to the Inspector and the Board.</p>
5	None	<p>Comment None</p> <p>Recommendation 2) ENR recommends that that sampling results also be provided to the Inspector prior to approving the material for re-use.</p>	<p>Aug 17: This will be done.</p>	<p>Jan 25: The Town provided sediment sample results indicating that the dredged materials will meet NWT Guidelines for Contaminated Sites Residential/Parkland Criteria. Part G of the Draft Licence lays out the criteria and the need for the Town to demonstrate soil quality to the Inspector and the Board.</p>

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
5	General File	Comment (doc) (Submitted after Due Date) Response Letter Recommendation		
2	Eligibility not met	Comment The application states the waste will be disposed on Lot 1057, Plan 977 of which the applicant does not currently have land tenure. Recommendation -	Aug 17: Awaiting GNWT information	Jan 25: Approval provided by GNWT
3	Waste Management Plan	Comment The waste management plan does not explain how the waste material will be disposed. Recommendation Please provide additional information. 	Aug 17: Awaiting GNWT information	Jan 25: Updates to the Waste Management Plan to include final long-term disposal plans required by Draft Licence Conditions.
4	Waste Disposal	Comment We are requesting the applicant provide a plan for the disposal of the waste material. The waste material should be properly disposed of depending on if it is contaminated. Testing should be conducted to confirm. If the material is not contaminated then they can dispose of the material on a parcel of land that they have tenure for. If the waste material is contaminated then it should be disposed of at an authorized facility. Recommendation Please provide additional information. 	Aug 17: Awaiting GNWT information.	Jan 25: Updates to the Waste Management Plan to include final long-term disposal plans required by Draft Licence Conditions.

Katlojeeche First Nation: Peter Redvers

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	Comment (doc) KFN Letter Recommendation		

MVLWB: Jacqueline Ho

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Licence Term	Comment The Licence Application indicated that that the Town of Hay River anticipates the proposed operation to be done in Spring of	Aug 17: The Town of Hay River would like to have the work completed late fall 2018 pending	Jan 25: Most recent estimate for work is "after river break up when the river is

	<p>2018. What is the Town of Hay River's new proposed time schedule?</p> <p>Recommendation In order for the Board to consider the term of the Licence, please provide a new proposed time schedule including the start date and completion date.</p>	<p>approval and syncing with fish spawning activities through DFO.</p>	<p>most turbid, likely second or third week in May."</p>
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Kátł'odeeche First Nation

P.O Box 3060, Hay River Dene Reserve, NT X0E 1G4
Phone: (867) 874-6701, Fax: (867) 874-3229, Email: hrrdb@katlodeeche.com

July 10, 2018

Mackenzie Valley Land and Water Board
4922 - 48th Street
7th Floor YK Centre Mall
P.O Box 2130, Yellowknife, NT. X1A 2P6

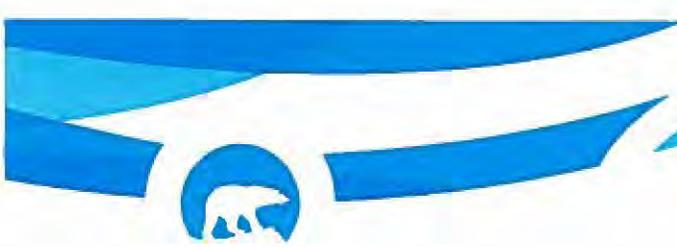
RE: New Water Licence Application (MV2018L7-0002) – (Porritt Landing) (MVLWB)

Dear Erica Janes

After reviewing the Water Licence Application, Engagement Plan, Spill Contingency and Waste Management Plan and Map, the Kátł'odeeche First Nation (KFN) has no issues with the application or plans. We do request that complete transparency be allowed with respect to the sediment sampling and testing data as defined in bullets 5 and 6 on page 9 of the draft Licence conditions, in that a copy of the results be sent to KFN on completion of the testing.

Respectfully,

Patrick Riley, Environmental Program Manager
On behalf of the Kátł'odeeche First Nation



January 15, 2019

Mackenzie Valley Land and Water Board
7th Floor – 4922 48th Street
P.O. Box 2130
Yellowknife, NT X1A 2P6

File No: MV2018L7-0002

Lot 1057, Plan 977 - Hay River, NT

The Department of Lands has reviewed the [Sediment Sampling Results](#) and has determined that the waste material is safe to dispose on a parcel of land that the Town of Hay River has tenure for.

Although the Town of Hay River does not have tenure for Lot 1057, Plan 977 they may temporarily store the waste material on site, contingent on the update of the Waste Management Plan to reflect the final parcel of land the material is to be placed.

Sincerely,

Derise Rehm-Lepine
Regional Superintendent
Department of Lands
South Slave Region



July 18, 2018

Erica Janes
Regulatory Officer
Mackenzie Valley Land and Water Board
7th Floor – 4910 50th Avenue
P.O. Box 2130
Yellowknife, NT
X1A 2P6

Dear Ms. Janes,

**Re: Town of Hay River
Type B Water Licence Application – MV2018L7-0002
Dredging Activities at the Porritt Landing Dock
Request for Review and Comments**

The Department of Environment and Natural Resources (ENR), Government of the Northwest Territories (GNWT) has reviewed the reports 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.

Topic 1: Waste Management Plan

Comment(s):

ENR notes that the Waste Plan submitted with the application omits the final destination of the dredged material for disposal. The plan only states that “all excavated materials will be hauled to the stock pile site approximately 500-700 meters away from the project. These sites have been historically used for stock pile sites of dredged materials.”

ENR has concern with lack of details on the long term storage of materials that could be potentially contaminated from historical industrial activities. Further details should be provided in consultation with the Inspector on temporary and long term storage of all dredged materials.

Recommendation(s):

- 1) ENR recommends that the Town of Hay River (the Town) submit an updated Waste Management Plan that provides details on the ultimate disposal plan for the materials (e.g. to be disposed at the municipal landfill).

Topic 2: Water Licence Disposal Requirements

Comment(s):

In the Draft Water Licence, the Board has requested input on the parameters and requirements for the dredged material that will be disposed. Without knowing the ultimate disposal plan by the Town for the dredged material, ENR cannot comment on what criteria should be applied, as the requirements for long-term storage at the site compared to disposal at a landfill differ significantly. Furthermore, the plan does not provide sufficient detail on the historical use or impacts to the materials that are expected to be dredged. For example, has this area ever been used for industrial activities, or have there ever been materials stored at the site that could have contaminated the sediment in the channel that will be dredged?

However, to provide an efficient review process ENR is of the opinion, that at minimum, the sediment analysis should meet criteria for Industrial Use including: ICP-MS Metal Scan (including leachable heavy metals), Benzene, Toluene, Ethylbenzene, and Xylene, total petroleum hydrocarbons, nutrients, and pH. The Environmental Guidelines for Contaminated Site Remediation may be the most applicable for this project. ENR can provide further comments on the requirements to the Board once the Town has presented additional information on the disposal options and potential historical impacts at the site.

Recommendation(s):

- 1) ENR recommends that upon receiving additional information on the disposal options for dredged material and historical information on the site that the Board request further input on parameters and requirements for the dredged materials.

Topic 3: Update Spill Contingency Plan to Include Contingencies for Sediment Loading

Comment(s):

The Spill Contingency Plan should be updated to include contingencies in order to respond to potential sediment loading to the Hay River. Use of silt curtains or berms to contain dredge spoils to avoid sediment loading to the receiving environment is recommended.

Recommendation(s):

- 1) ENR recommends that the Spill Contingency Plan be updated to include contingencies for response to potential sediment loading to receiving environment.

Topic 4: Update Schedule 2 of Draft Licence (Disposal Requirements) Sample Collection and Analysis Requirements.

Comment(s):

In Schedule 2 (Disposal Requirements) of the draft Water Licence, Part G, Item 1 states that ‘*all* dredged material disposed of the designated stockpile area shall meet the following criteria’. ENR agrees that the material should be adequately characterized, but suggests that the use of “*all*” should be clarified. ENR is of the opinion that adequate characterization could be achieved using representative samples.

Once the Town has determined what the ultimate use/disposal of the dredged materials will be and the material is ready for use, the stockpiles should be sampled and analyzed for parameters of concern in the Water Licence EQC prior to final disposal. Results should also be compared to criteria for re-use in ENR’s Environmental Guidelines for Contaminated Site Remediation for parameters not included in the Water Licence EQC.

Recommendation(s):

- 1) ENR recommends that Schedule 2 (Disposal Requirements) of the draft Water Licence be updated to include a requirement for the Town of Hay River to accurately characterize the dredged material stockpile. This plan should be submitted to the Inspector for approval prior to re-use of the dredged material. The stockpiles should be sampled and analyzed for parameters of concern in the licence EQC and re-use criteria in the aforementioned guidelines.
- 2) ENR recommends that that sampling results also be provided to the Inspector prior to approving the material for re-use.

Comments and recommendations were provided by ENR technical experts in the Water Resources Division and the South Slave Region and were coordinated and collated by the Environmental Assessment and Monitoring Section (EAM), Conservation, Assessment and Monitoring Division.

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,

A handwritten signature in black ink, appearing to read 'P. Clancy', written in a cursive style.

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



Environmental Protection Operations Directorate
Prairie & Northern Region
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Yellowknife, NT X1A 2P7

ECCC File: 5300 000 063/001
MVLWB File: MV2018L7-0002

July 18, 2018

Via online submission

Erica Janes
Regulatory Specialist
Mackenzie Valley Land and Water Board
7th Floor, 4922 48th Street
P.O. Box 2130
Yellowknife, NT X1A 2P6

Dear Ms. Janes:

RE: MV2018L7-0002 – Town of Hay River – Porritt Landing Dock Dredging - Type B Water Licence Application

Environment and Climate Change Canada (ECCC) has reviewed the information submitted to the Mackenzie Valley Land and Water Board (MVLWB) regarding the above-mentioned Type B Water Licence application, and is submitting comments via the online review system. ECCC's specialist advice is provided based on our mandate, in the context of the *Canadian Environmental Protection Act*, the pollution prevention provisions of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

Should you require further information, please do not hesitate to contact me at (867) 669-4744 or eva.walker@canada.ca.

Sincerely,

[original signed by]

Eva Walker
Environmental Assessment Coordinator

Attachment(s): ECCC Comments Excel Sheet

cc: Melissa Pinto Senior Environmental Assessment Coordinator
Georgina Williston, Head, Environmental Assessment North (NT and NU)