



Sahtu Land and Water Board

Staff Report

Division: Water Program	Report No. 1
Date Prepared: April 11, 2017	File No. S16L8-002
Meeting Date: April 19, 2017	
Subject: Type B Water Licence Application submitted by the Department of Fisheries and Oceans Canada	

1. Purpose/Report Summary

To inform the Board about an [application](#) made by the Department of Fisheries and Oceans Canada for a Type B Water Licence to complete repairs to the Canadian Coast Guard Wharf located within the Town of Norman Wells, NT.

2. Background

Project Overview

The structure is located on the north bank of the Mackenzie River in Norman Wells. The structure consists of a steel sheet pile retaining wall which retains a rock filled area used as a wharf for storage and loading Canadian Coast Guard crews and materials. Access to the site is from a public road off the intersection of Mackenzie Drive and Quarry Road (see [location map](#)). There is also an access ramp located on the west side of the wharf. The facility was originally constructed in 1975. The wharf is subjected to excessive ice loads, and damage has occurred which needs to be repaired. The work is proposed to take place between June to October 2017. While it is expected that the work will be completed during the open water season there is always a risk of delays that may extend the work into the winter months. As such, it is best to address these items in the Environmental Management Plan. The project is still in the planning and design stage and more details will be available when the project specifications and construction drawings are complete. It is expected that the project will be tender ready by the end of May, 2017.

Program Components

There are two main components of work for repairs:

- 1) The demolition and removal of the top two metres of existing Steel Sheet Pile (SSP), and;
 - 2) Backfill and the installation of new SSP above the water line and new, full length SSP installed where required.
- The area behind the SSP will be infilled with rock and surfaced. New capping channel, steel curb, will be installed on the wharf. There may also be a requirement to excavate more than 100 m³ of silt built up around the east and south face of the wharf. The removal of sediment is the trigger for the Water Licence. This material will be removed using an excavator that will be stationed at the wharf dock. At no time will the excavation equipment be entering the water. The dredged materials will

be disposed at an approved local land fill site and silt curtains will be placed around the perimeter of the dredge site to prevent deleterious materials from escaping into the river. The dredging at this location is considered maintenance dredging with no increase in footprint of dredged area. The site was dredged in 2014 by HRN contracting in Norman Wells.

Fuel Storage

- Any temporary fuel storage will be located more than 100 m away from the Ordinary High Water Mark of the Mackenzie River.

Water Management

- Water is not required for this project

Equipment Used

- Tracked excavator – will be refueled on site above the Ordinary High Water Mark using drip trays and spill kits.

Emergency Response and Spill Contingency Planning

- A specific plan was not submitted with the application; however, elements of emergency response and spill contingency were included in the Environmental Management Plan.

Waste Management

- A short [Waste Management Plan](#) was submitted with the application. All waste materials will be disposed of an approved site as directed by local authorities. The project specifications will include the requirement for a site specific Environmental Management Plan. The project specifications will stipulate that the contractor shall obtain permits from local authorities for disposal of waste materials

Environmental Management

- An [Environmental Management Plan](#) was submitted with the application. It included recommendations on fires, drainage, work adjacent to waterways, pollution control, plant protection and vertical silt curtain.
- The use of silt curtains is standard practice when dredging operations are undertaken by DFO. The curtains will be located in such a manner as to minimize the risk of deleterious materials escaping into the river channel. All Fisheries and Oceans guidelines will be followed as well as well as requirements under the Canadian Environmental Assessment Agency and territorial agencies. Specific details of the silt curtain requirements will be included in the project specifications.
- The project specifications for this project have not yet been finalized and when they are the environmental procedures will include site specific conditions relevant to the Norman Wells location.

2.1 Process Requirements

Application Received: December 13, 2016

Application Deemed Complete: March 6, 2017

Application Forwarded for Review: March 6, 2017

Number of Review Agencies: 30

Review Period End Date: March 20, 2017

A Miscellaneous Type B Water Licence is required for the following: removal of more than 100 m³ sediment. No application fee was required for this Water Licence as the applicant is the Federal Government.

3. Comments

3.1 Permission of Land Owner

The location of the wharf is on Territorial Commissioner's land. Access to the site is from a public road at the intersection of Mackenzie Drive and Quarry Road. The DFO contacted the Norman Wells Land Corporation and were told that no agreements were required under the Comprehensive Land Claim Agreement.

3.2 Community Engagement

Pre-submission engagement records were provided with the application. The DFO contacted the GNWT – Water Resources Division, Norman Wells Land Corporation, Norman Wells Renewable Resources Council, the Sahtu Land and Water Board and the Town of Norman Wells.

For their engagement plan, Real Property, Safety and Security (RPSS) have been in contact with Chelsea Maclean, the development officer with the town of Norman Wells since late August, 2016 keeping her informed of the project and various stages of the tendering process. RPSS will remain in contact with the town as the tendering and construction processes continues and notify them of the construction schedule and other critical items as soon as it is available. DFO intends to minimize disruption to services as much as practically possible while keeping the project on schedule for a late fall 2017 completion. The Town of Norman wells has agreed to post notification of tenders, informing local contractors and suppliers of the upcoming work. They will also post notifications for the public informing them of the project schedule and times when the wharf will not be accessible due to construction activities.

It is recommended that the Board approve the [Engagement Plan](#).

3.3 Traditional Environmental Knowledge

The Norman Wells Renewable Resources Council was asked about information regarding TEK around the wharf. They responded that people fish by net and hooks around the dock. No other documentation for TEK was provided by them.

3.4 Potential for Environmental Impacts and Mitigation Measures

The following sections of the Preliminary Environmental Screening Report form provide specific and important information that may be of interest to the Board:

Physical/Chemical Effects

- Surface Water - Water Quality Changes
- Noise – noise in or near water
- Land – destabilization/erosion

Biological Environment

- Vegetation – species introductions
- Wildlife and Fish – fish population changes
- Wildlife and Fish – habitat changes

All relevant environmental impacts and mitigation measures are addressed in the Preliminary Environmental Screening.

3.5 Preliminary Environmental Screening

Subsection 124(1) of the Mackenzie Valley Resource Management Act requires the Sahtu Land and Water Board to undertake a Preliminary Screening of any proposed development prior to the issuance of a Licence, Permit, or Authorization. Based on the information provided in the application and by review agencies (see below), a Preliminary Environmental Screening (PES) was performed. The report concludes that the environmental impact of the proposed project can be mitigated with known technologies and no significant public concerns have been raised. **The Draft Preliminary Environmental Screening Report and a Draft Staff Report will be forwarded to the MVEIRB one week prior to the Board Meeting.** If the Draft PES is approved by the Board, it will be forwarded to MVEIRB as an approved copy

3.6 Conformity with Land Use Plan

The location of the wharf falls within Special Management Zone #63, the Deh Cho or Mackenzie River of the Sahtu Land Use Plan. The activity is taking place within the municipal boundaries of the Town of Norman Wells and is therefore exempt from land use plan conformity requirements. Compliance with section 47 of the MVRMA has been met.

3.7 Draft Licence

A draft Water Licence with Terms and Conditions has been prepared.

3.8 Security Deposit

In accordance with section 94 of the MVRMA, security is not required for applications made by the Federal government.

4. Other Agency Comments

The application was circulated to 30 organizations requesting a reply by March 20, 2017. To date four written responses have been received. The following organizations offered comments on the application (see Review Comment Summary Table):

- Environment and Climate Change Canada (ECCC);
- Fisheries and Oceans Canada (DFO);
- GNWT-ENR; and
- GNWT-Lands.

There were no major comments or recommendations received from ECCC and DFO.

GNWT – ENR –

- 1) **Management Plans** - ENR recommends that the specifics behind the mitigation measures associated with the excavated material be included in the appropriate management plans and that these plans should be a requirement of the Water Licence (e.g. Sediment Control Plan, updated Waste Management Plan, updated Environmental Management Plan, Excavated Material Management Plan, Construction Environmental Management Plan, Spill Contingency Plan, etc.). The Waste Management Plan and the Spill Contingency Plans should align with the Board's Guidelines for developing these specific plans.

Applicant Response: The applicant will be submitting a revised Waste Management Plan and Environmental Management Plan after a contractor is hired and prior to commencement of activity.

Board Staff Response: Board Staff recommends including a condition in the Water Licence requiring submission of a revised Waste Management Plan, a revised Environmental Management Plan, a Spill Contingency Plan and an Erosion and Sediment Control Plan prior to the commencement of activities.

- 2) **Waste Materials** – ENR recommended the applicant submit to the Board a document from the Town of Norman Wells indicating they have permission to use the community landfill for project waste streams.

Applicant Response: DFO will obtain permission from local authorities for disposal of waste materials.

Board Staff Response: It is recommended that the Water Licence include a condition that requires the Licensee obtain permission from the Town of Norman Wells to dispose of waste materials at the landfill. The Water Licence also include a condition to obtain Inspector's written verification of the facility's Water Licence compliance and capacity to accept the waste.

- 3) **Post-construction Inspections** – ENR recommend a follow-up inspection to ensure effectiveness of erosion control methods.

Applicant Response - The applicant will determine the erosion control methods when the contractor is hired.

GNWT – Lands

- 1) **Requirement for a Land Use Permit** – Lands recommends the applicant to apply for a Land Use Permit for the following reasons:
 - a) To cover Section 6.b. of the MVLUR which states: "Unless expressly authorized by a permit or in writing by an inspector, no permittee shall excavate land within 100m of a watercourse at a point that is below its ordinary high water mark."
 - b) To cover Section 6.c. of the MVLUR which states: "Unless expressly authorized by a permit or in writing by an inspector, no permittee shall deposit excavated material on the bed of a watercourse."

Lands recommends this because installing a rock berm is considered a new construction, not a wharf maintenance.

Applicant Response: The applicant will not be constructing the rock berm.

Board Staff Response: It is recommended that the issuance letter include a requirement to obtain Inspector permission to undertake the proposed activity without a Land Use Permit. The conditions in the Water Licence adequately cover all potential impacts and mitigation measures required to undertake the proposed activity.

- 2) **Need for a Closure and Reclamation Plan** – Lands considers installation of a rock berm to be new construction, not a repair, and therefore, a Closure and Reclamation Plan should be submitted.

Applicant Response: A rock berm will not be installed and no new assets will be created as a result of this work.

- 3) **Equipment and Fuel Storage** – Lands requested list or information on the equipment and fuel storage to be used during this project.

Applicant Response: Applicant will provide the list when contractor is hired.

Board Staff Response: Board Staff recommendeds requiring applicant to submit revised application form that details equipment to be used.

5. Conclusion

The Preliminary Environmental Screening Report did not identify any Significant Adverse Environmental Impacts or Public Concerns with the proposed project. All potential environmental impacts identified by review agencies can be mitigated with known technology and have been addressed in the Term and Conditions of the Water Licence.

A Draft Preliminary Environmental Screening Report and Draft Staff Report have been provided to the Mackenzie Valley Environmental Impact Review Board (MVEIRB) for review. The draft Preliminary Environmental Screening Report and draft Water Licence with Terms and Conditions, has been submitted to the Board for approval. Should the Board grant approval, the Licence could be issued on April 19, 2017, pending no objections from MVEIRB.

6. Recommendation

The Preliminary Environmental Screening Report determined that the proposed project would have no Significant Adverse Environmental Impact or Public Concern. It is recommended that the SLWB proceed with the regulatory process and implementation by issuing the Water Licence with Term and Conditions, conditional on the Preliminary Environmental Screening Report being accepted by MVEIRB.

It is recommended that the Board:

- 1) Approve the Preliminary Environmental Screening Report;
- 2) Approve the Engagement Plan;
- 3) Not approve the Waste Management Plan;
- 4) Not approve the Environmental Management Plan;
- 5) Require submission of a Spill Contingency Plan;
- 6) Require submission of an Erosion and Sediment Control Plan; and
- 7) Issue a Water Licence for a term of 2 years.

7. Reference Material Attached

- 7.1. Location Map
- 7.2. Revised Application
- 7.3. Review Comment Summary Table
- 7.4. Preliminary Environmental Screening Report
- 7.5. Draft Reasons for Decision
- 7.6. Draft Water Licence Term and Conditions
- 7.7. Draft Issuance Letter
- 7.8. Draft Licence Cover Page

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bonnie Bergsma". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Bonnie Bergsma
Regulatory Specialist

Executive Director Comments:

A handwritten signature in black ink, appearing to read "Paul Dixon". The signature is bold and cursive, with a large initial "P" and a long horizontal stroke.

Paul Dixon
Executive Director