

Review Comment Table

Board:	SLWB
Review Item:	DFO Wharf Repair Norman Wells
File(s):	S16L8-002
Proponent:	Department of Fisheries and Oceans
Document(s):	Application (4413 KB) Management Plans (17 KB) Engagement Records and Plan (256 KB) Land Use Plan Conformity Checklist (243 KB) Draft Water Licence Term and Conditions (263 KB)
Item For Review Distributed On:	Mar 6 at 12:25 Distribution List
Reviewer Comments Due By:	Mar 20, 2017
Proponent Responses Due By:	Mar 27, 2017
Item Description:	<p>Department of Fisheries and Oceans (DFO) submitted a Type B Water Licence Application for repairs to their wharf in Norman Wells NT on December 13, 2016. The application has been deemed complete on March 6, 2017.</p> <p>The Water Licence application will authorize DFO to remove over 100 m3 of sediment that has built up around the east and south perimeter of the wharf, and therefore requires a Type B Water Licence as per the Mackenzie Valley Federal Areas Waters Regulations, Schedule 8, Item 2.</p> <p>A Draft Water Licence Term and Conditions was added to the ORS on March 15, 2017.</p>
General Reviewer Information:	Board staff encourages reviewers to provide comments on all aspects of the Water Licence application. All documents that have been uploaded to this review are also available on the public registry. If you have any questions or comments about the ORS, please contact Bord staff identified below.
Contact Information:	Bonnie Bergsma

Comment Summary

Environment and Climate Change Canada: Emily Nichol			
ID	Topic	Reviewer Comment/Recommendation	Proponent Response Board Staff Response

1	General	<p>Comment ECCC has completed a review and has no comments at this time.</p> <p>Recommendation Not applicable.</p>		
Fisheries and Oceans Canada: Gary Cooper				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Fisheries Act authorization is not required	<p>Comment Based on the information provided, your proposal has been identified as a project where a Fisheries Act authorization is not required given that serious harm to fish can be avoided by following standard measures. Your project as proposed is not considered to need an authorization from the Program under the Fisheries Act in order to proceed.</p> <p>Recommendation In order to comply with the Act, it is recommended that you follow our guidance tools which can be found at the following website (http://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures/index-eng.html). It remains your responsibility to meet the other requirements of federal, provincial and municipal agencies. Should your plans change or if you have omitted some information in your proposal such that your proposal meets the criteria for a site specific review, as described on our website (http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html), you should complete and submit the</p>	<p>Mar 17: I have been working with a Fisheries Protection Biologist in Burlington Ontario for this project and will keep her informed of any changes in sope that may impact our requirements under the Fisheries Act.</p>	

		request for review form that is also available on the website. Should you have any questions or concerns about the compliance of your proposal with the Fisheries Act and/or those prohibitions of the Species at Risk Act that apply to listed aquatic species, you may wish to engage an environmental professional familiar with measures to avoid impacts to fish and fish habitat (http://www.dfo-mpo.gc.ca/pnw-ppe/env-pro-eng.html).		
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GNWT - ENR: Central Email GNWT

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
15	General File	Comment (doc) ENR Letter with Comments and Recommendations Recommendation		
1	Topic 1: Sediment Removal	Comment The Application and the CEAA Projects Effects Determination Report identify the potential need to remove accumulated sediment that has built up around the east and south perimeter of the wharf. The application does not provide information regarding how these excavated sediments will be managed (e.g. to prevent uncontrolled high TSS runoff from flowing into the Mackenzie River) or disposed (e.g. used as wharf fill, offsite, etc.). Recommendation 1) ENR recommends that DFO should provide a description regarding how excavated	Mar 24: 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 maintainence dredging with no increase in footprint of dredged area. The site it was dredged in 2014 by HRN contracting in Norman Wells. The project is still in the planning and design stage and more details will be available	

		sediments will be managed and disposed. This should be provided in an updated project description.	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.	
2	None	Comment None Recommendation 2) 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, Waste Management Plan, Excavated Material Management Plan, etc.).	Mar 24: The project is still in the planning and design stage and details of mitigation and management plans will be available when the design and project specifications are completed. It is expected that the project will be tender ready by the end of May, 2017.	
3	Topic 2: Silt Curtain Deployment and Monitoring	Comment The application identifies that silt curtains will be installed to control sediment releases to the Mackenzie River while the wharf is being repaired. The application does not include information regarding where the curtains will be located, how they will be installed or what monitoring will be completed to confirm that the silt curtains are working as intended (e.g. monitoring outside of the curtains to assess their performance and to ensure their integrity). Recommendation 1) ENR recommends that additional information regarding the location, installation, anchoring and performance monitoring of the silt curtains should be provided in an	Mar 24: 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.	

		updated management plan and that the plan should be a requirement of the Water Licence (e.g. Construction Environmental Management Plan).		
4	Topic 3: Waste Management Plan - General	<p>Comment The application includes a Waste Management Plan. The Plan is brief, consisting of four bullet points and includes generic phrases such as "Collect all rubbish and waste material and dispose of in accordance with applicable governing authorities." The Boards have developed a Guideline for Developing a Waste Management Plan (2011) that is available online. ENR acknowledges that some of the requirements described in this guideline will not be applicable to the size of operation proposed by DFO. However, the Guidelines are intended to be scalable to operations of different sizes, and it should be possible for DFO to follow the Guidelines when developing a plan that is appropriate for the proposed project.</p> <p>Recommendation 1) ENR recommends that the Waste Management Plan (WMP) should be updated to align with the Board's Guidelines for Developing a Waste Management Plan.</p>	<p>Mar 24: The project specifications are not yet complete but are expected to be tender ready by the end of May, 2017. The waste management plan will be included in the project specifications and will address any site specific concerns. The contractor will be required to submit a detailed site specific waste management plan prior to starting construction on the site.</p>	
5	None	<p>Comment None</p> <p>Recommendation 2) ENR recommends that the WMP be a requirement of the Water Licence.</p>	<p>Mar 24: The details of the requirement for a waste management plan will be included in the project specifications</p>	

			which are not expected to be completed until the end of May, 2017. The general contractor will be required to submit a detailed site specific waste management plan prior to starting construction.	
6	Topic 4: Spill Contingency Plan (SCP)	<p>Comment A SCP has not been provided for the project. ENR notes that a SCP should be provided with the Water Licence application. ENR understands that there is some information applicable to spills contained within the Environmental Management Plan such as stating that "All required equipment should be supplied with appropriate spill containment kits.", but there is no information provided that is specific to the proposed project. ENR notes that the project includes heavy equipment working adjacent to the Mackenzie River, and there is a legitimate potential that any spills occurring on the work site could relatively quickly enter the receiving water. Information applicable to spill contingency planning is available on the Board website, including the INAC 2007 "Spill Contingency Planning"</p> <p>Recommendation 1) ENR recommends that a SCP should be developed for the project.</p>	<p>Mar 24: The requirement for a SCP will be included in the the project specifications which are not expected to be completed until the end of May, 2017. The general contractor will be required to submit a detailed SCP prior to starting construction.</p>	
7	None	<p>Comment None</p> <p>Recommendation 2) ENR recommends that this SCP</p>	<p>Mar 24: The requirement for an SCP will be included in the project</p>	

		should be developed in accordance with guidance documents available on the Board website and that the SCP be a requirement of the Water Licence.	specifications which are not expected to be completed until the end of May, 2017. The general contractor will be required to submit a detailed site specific SPC prior to starting construction.	
8	Topic 5: Environmental Protection Plan	<p>Comment The Environmental Management Plan (EMP) provided with the application is brief (3 pages) and is not specific to the project. It includes general statements such as: "Control disposal or runoff of water containing suspended materials or other harmful substances in accordance with local authority requirements." as well as environmental mitigation measures that would be applicable to a winter project (protecting shorelines with a build-up of snow). However, ENR understands from information provided in the application that this project would be completed during a summer.</p> <p>Recommendation 1) ENR recommends that the EMP should be updated to include information specific to the proposed project.</p>	<p>Mar 24: The Environmental Management Plan submitted with the application is a typical plan used by DFO. A site specific EMP will be included in the project specifications which are expected to be completed by the end of May, 2017.</p>	
9	None	<p>Comment None</p> <p>Recommendation 2) ENR recommends that the EMP be a requirement of the Water Licence.</p>	<p>Mar 24: The requirement for a site specific EMP will be included in the project specifications.</p>	
10	Topic 6: Waste Management Plan - Disposal of Wastes	<p>Comment . Do not bury rubbish and waste materials on site unless approved by Engineer.</p>	<p>Mar 24: All waste materials will be disposed of an approved site as directed by local</p>	

		<p>Recommendation 1) No waste materials should be buried on site. The Town of Norman Wells has a landfill and it should be used for wastes generated from this project. Please update the Environmental Management Plan to reflect the same details in application.</p>	<p>authorities. The project specifications will include the requirement for a site specific EMP.</p>	
11	None	<p>Comment None</p> <p>Recommendation 2) It is recommended the proponent 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.</p>	<p>Mar 24: The project specifications will stipulate that the contractor shall obtain permits from local authorities for disposal of waste materials.</p>	
12	Topic 7: Environment Management Plan - Pollution Control	<p>Comment . Locate temporary fuel storage 100 metres from shore and comply with Provincial or Territorial Environmental Legislation.</p> <p>Recommendation 1) Ensure adequate spill response materials/spill response kits are located at temporary fuel storage site.</p>	<p>Mar 24: The requirement for spill response materials will be included in the environmental section of the project specifications.</p>	
13	Topic 8: Environmental Management Plan - Work Adjacent to Waterways	<p>Comment Construction equipment may not enter the river unless the river is frozen. If construction equipment will be located on frozen surface of the river, it will be removed from the river each night if the on-ice component of the project spans more than one day. . Construction equipment will enter and leave the river at such a location and in such a manner that no disturbance to the river shore occurs. . Every effort will be made to</p>	<p>Mar 24: 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 the EMP.</p>	

		<p>minimize the introduction of sediment to the river during ice work activities.</p> <p>Recommendation 1) As per the proposed work schedule in project application, the work will be taking place from June – October and there will be no ice on the Mackenzie River during this period. Please ensure the work adjacent to waterways section reflects the proposed work schedule.</p>		
14	Topic 9: Erosion Control Methods	<p>Comment Supply, install, and maintain approved erosion control blankets to unprotected slopes until re-vegetation is established.</p> <p>Recommendation It is recommended that a timeline for follow-up inspection of this activity be submitted to ensure effectiveness of erosion control methods.</p>	<p>Mar 24: The requirement for any necessary follow up will be included in the project specifications. This will be dependant on whether there is any vegetation in the area that might be disturbed or need to be re-established. The project specifications for this site are not yet complete for this project but we expect they will be tender ready by the end of May, 2017.</p>	
GNWT - Lands: Katherine Ades				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Application - 3. Location of Undertaking	<p>Comment The GPS coordinates (65.278293 N, -126.842487E) in this section are for the wharf on the west side of town off of Raven Road. This corresponds with the first 'Site Plan' document at the end of the WL Application as well as the 'Structure Condition Report' (65°17'N, 126° 51'W). However, both 'Appendix C Survey Drawings' (page 25)</p>	<p>Mar 17: The error in the coordinates for the location has been identified and corrected. The wharf that is being repaired is located on Lot 1, Plan 343 L.T.O, UTM Coordinates: N 7240484.723, E 604059.342 Refer to attached file for details.</p>	

		<p>and 'Appendix D AECOM Report' (page 30) of the Application document indicate the wharf on the East side of town off of Quarry Road (GPS 65.270N, -126.779E). This distinction is important as the Quarry off of Raven Road is within Federally retained lands while the wharf off of Quarry Road is on Territorial land.</p> <p>Recommendation Recommend the Applicant identify which wharf (i.e., Raven Road [65.278293N, -126.842487E] or Quarry Road [65.270N, -126.779E]) they are referring to in their application and update their documents and plans accordingly.</p>		
2	<p>Application, 6. Water Use – To modify the bed or bank of a watercourse.</p>	<p>Comment Application states "There may also be a requirement to excavate silt build up around the east and south face of the wharf." Section 6.b. of the Mackenzie Valley Land Use Regulations (MVLUR) states that "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."</p> <p>Recommendation Recommend the Applicant apply for a Land Use Permit to cover Section 6.b. of the MVLUR.</p>	<p>Mar 17: The build up around the east and south face of the wharf is the result of sediment deposited by the river. This occurs on a regular basis and the area is subject to routine dredging. We have applied for a water licence through the SAHTU Land and Water Board to allow for this work. To my knowledge this area was last dredged in 2014 by HRN Contracting in Norman Wells.</p>	
3	<p>Application. Conclusions and Recommendations.</p>	<p>Comment This section of the Application states that a rock berm may need to be installed upstream of the</p>	<p>Mar 17: The rock berm was recommended by the consultant that completed a structure</p>	

		<p>wharf to deflect ice impact on the wharf. This does not fall under wharf maintenance and would constitute a new construction. In addition, this falls under Section 6.c. of the Mackenzie Valley Land Use Regulations (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."</p> <p>Recommendation Recommend the Applicant apply for a Land Use Permit to cover Section 6.c. of the MVLUR.</p>	<p>condition report in 2015/16. After careful consideration it has been decided that the rock berm will not be constructed and will not be included in the scope of work for the project. A copy of the consultant report is attached.</p>	
4	<p>Conformity Requirement # 13 Closure and Reclamation</p>	<p>Comment Rationale given for not needing a Closure and Reclamation Plan was "Will not be required as this is a repair project only". However in the Application document it said that there may be a rock berm installed upstream of the wharf. This is not considered a repair, but rather a new construction.</p> <p>Recommendation New construction is not covered under the current Reserve held for the Quarry Road Wharf or the Raven Road Wharf. Recommend the Applicant apply for a Land Use Permit to cover the new construction and other aspects of their project (see other comments).</p>	<p>Mar 17: A rock berm will not be installed and no new assets will be created as a result of this work.</p>	
5	<p>S16L8-002 - Management Plans - Feb 23_17. Section 'Work Adjacent to</p>	<p>Comment Numbers 1-3, 6, 7, & 11 in this section all make reference to ice, ice crossings, snow and snow fill. The WL Application</p>	<p>Mar 17: The included environmental procedures include any environmental conditions that the contractor may</p>	

	Waterways'	<p>document however states that this project will be occurring in June 2017 - October 2017. There will not be any ice or snow during the beginning of this timeframe and only just beginning to form at the end of it. This may cause issues if a portion of the project is stated as only being permitted if there is ice or snow present. Example; Condition #1 states "Construction equipment may not enter the river unless the river is frozen.". If there is no ice, then no construction equipment can enter the water to do work.</p> <p>Recommendation Modify or add conditions to address the same issues/portions of work without the use or presence of snow and/or ice.</p>	<p>experience on a typical site for this type of work. It is our intention to have all work completed by the end of October 2017 or shortly thereafter. So there should be no requirement for the contractor to work from the ice unless there is an unforeseen delay that extends the project work into the winter months. 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.</p>	
6	No document to reference. Topic: Equipment List and Fuel Storage	<p>Comment There is no list or information on the equipment and fuel storage to be used during this project.</p> <p>Recommendation Please provide a list of both stating the quantities and model of each item (e.g., double-walled, 1000L fuel tank - diesel) and where they will be stored (in the case of fuel).</p>	<p>Mar 17: The tender for construction has not yet been issued or awarded. As such, we won't have that information until that time and will be able to provide details as soon as its available. Our environmental procedures require that any temporary storage of fuels be 100m from shore and comply with provincial/territorial legislation.</p>	