

REVIEW COMMENT TABLE

Oscar Creek Bridge Relocation Geotechnical Investigation (S18X-004) (SLWB)

File(s):	S18X-004
Proponent:	GNWT - INF
Reviewer Comments Due By:	Dec 13, 2018
Proponent Responses Due By:	Dec 20, 2018
Documents:	Land Use Permit Application 869 KB Information Documents and Maps 30 MB South Tributary Alternate Crossing Location 2.22 MB South Tributary Alignment Change 1.08 MB Traditional Knowledge Study 1022.49 KB Archaeological Impact Assessment 5.74 MB Engagement Record and Plan 1.48 MB Spill Contingency Plan 3.58 MB Waste Management Plan 1.53 MB Draft Land Use Permit Conditions 827.89 KB
Item For Review Distributed On	Nov 30 at 12:36 Distribution List
Item Description	

Government of the Northwest Territories-Department of Infrastructure (GNWT-INF) has submitted a complete application for a type-A land use permit (permit). The purpose of this Application is to undertake a geotechnical study designed to support the relocation of the Oscar Creek Bridge Crossing, located along the Mackenzie Valley winter road, to a location 6 km upstream. The project will use auger and core drills to collect geotechnical data for three watercourse crossings and an excavator to complete boreholes in three material prospect sites. Access to the sites will largely use existing cut lines and trails from the winter road alignment work completed in the 1970s. The estimated land use for the project (including winter road realignment, access roads, camp(s), and bridge/culvert clearings) will be 36 ha of which 19.7 ha is expected to be new clearings. The land use permit is intended for a limited term until March 31, 2019, but the applicant has requested a term of two years from early January 2019 to March 31, 2021, in order to accommodate unexpected events. Please note that an alternate crossing location for the south tributary is being recommended by the applicant and has been included in this review as an addendum to the application.

Reviewers are invited to submit comments and recommendations using the Online Review System (ORS) by the review comment deadline specified below. If reviewers seek clarification on the submission, they are encouraged to correspond directly with the proponent prior to submitting comments and recommendations.

Reviewers may also wish to consider providing an overarching recommendation regarding whether they are in support of the submission, to provide context for comments and recommendations and to assist the Board with its decision.

Please provide comments and recommendations on the:

- Application;
- Information Documents and Maps;
- South Tributary Alternate Crossing Location;
- South Tributary Alignment Change;
- Traditional Knowledge Study;
- Archaeological Impact Assessment;
- Engagement Record and Plan;
- Spill Contingency Plan, Version 1.0;
- Waste Management Plan, Version 1.0;
- Preliminary Screening (please see below for additional information); and
- Draft Land Use Permit Conditions (please clearly indicate which condition you are commenting on).

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 possible conditions. These draft materials are not intended to limit in any way the scope of parties' comments. The Board is 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.

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 land use permit, 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.

Under the Sahtu Land Use Plan (SLUP), the Board must confirm the Application conforms to the SLUP. Reviewers are encouraged to provide comments and recommendations on conformity with the SLUP.

Please be advised that comments made by reviewers regarding impacts of this project to wildlife and wildlife habitat in this preliminary screening will inform the GNWT Minister of Environment and Natural Resources' determination regarding whether a Wildlife Management and Monitoring Plan will be required for this project as per Section 95 of the Wildlife Act.

General Reviewer Information

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.

Aswathy Mary Varghese Phone: (867) 598-2413 ext. 223; E-mail: ash.varghese@slwb.com
OR

Bonnie Bergsma Phone: (867) 496-2778; E-mail: bonnie.bergsma@slwb.com

Comment Summary Table

Environment and Climate Change Canada: Richard Bingley				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
2	General File	Comment: See ECCC comments cover letter attached Recommendation		
1	Migratory Bird; Potential expansion for Licence over 2years, inclusive of the nesting season	<p>Comment ECCC notes the proponent is proposing work during the winter months, however is requesting the license extend 2 years to ensure activities fit within the license period. This may inadvertently bring the possibility of work during the migratory bird nesting season. Paragraph 6(a) of the Migratory Bird Regulations states that no one shall disturb or destroy the nests or eggs of migratory birds. Migratory birds, the nests of migratory birds and/or their eggs can be inadvertently harmed or disturbed as a result of many activities including but not limited to clearing trees and other vegetation, draining or flooding land, or using fishing gear. The inadvertent harming, killing, disturbance or destruction of migratory birds, nests and eggs is known as incidental take. Incidental take, in addition to harming individual birds, nests or eggs, can have long-term consequences for migratory bird populations in Canada, especially through the cumulative effects of many different incidents. Currently the regulations do not provide for authorizations or permits for the incidental take of migratory birds or their nests or eggs in the course of industrial or other activities. As such, to minimize the possibility of contravening the law, taking reasonable care, and avoidance are the best approaches to take when contemplating any activity or decision that has the potential to impact migratory birds, nests or eggs. Project proponents are responsible for taking appropriate measures to ensure that they comply with the legislation and regulations</p> <p>Recommendation To prevent detrimental effects on migratory birds, nests and eggs and help maintain sustainable populations of migratory birds, ECCC recommends that</p>	Dec 14: Noted and agreed.	A standard LUP condition (84) for migratory birds was added to the permit conditions.

		<p>proponents know their legal obligations; avoid engaging in potential destructive or disruptive activities in key sensitive periods and locations; and develop and implement appropriate preventative and mitigation measures to minimize the risk of incidental take. If nests containing eggs or young of migratory birds are located or discovered, all disruptive activities in the nesting area should be halted until nesting is completed. Any nest found should be protected with a buffer zone appropriate for the species and the surrounding habitat until the young have naturally left the vicinity of the nest. Moreover, if there are migratory bird nests where work is proposed, options like avoiding, adapting, rescheduling or relocating activities that could disturb or destroy the nests should be considered. For further information on how to protect migratory birds and their nests and eggs when planning or carrying out project activities, consult Environment and Climate Change Canada's web page at:</p> <p>www.ec.gc.ca/paom-itmb/ for general guidance on avoidance of incidental take of migratory birds and the linked fact sheet "Guidelines to reduce risk to migratory birds".</p>		
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GNWT - ENR: Central Email GNWT

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
10	General File	Comment: see ENR cover letter with comments and recommendations attached		
1	Topic 1: Spatial Data and/or Landscape Disturbance	<p>Comment To better understand cumulative effects in the NWT, ENR-NWT Cumulative Impact Monitoring Program has developed the 'Inventory of Landscape Change' (ILC). One of the layers incorporated in the ILC is derived from public registry documents and validated through satellite imagery. Submission of standardized spatial data to public registries facilitates data acquisition for this layer.</p> <p>Recommendation 1) ENR recommends that the INF-GNWT provide geospatial data for the project footprint at the commencement of the land use operation and at the end of the land use operation for posting on the Board public registry. The "MVLWB Standards</p>	Dec 14: Agreed. INF will provide shapefile data to support CIMP's data requirements.	Response acceptable

		for Geographic Information Systems (GIS) Submissions” should be followed when submitting spatial data.		
2	Topic 2: 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>	Dec 14: INF has prepared a comprehensive Spill Contingency Plan, which will ensure that both regulations and best practices are met. The contractor will adhere to any additional requirements set out in the Land Use Permit.	All standard LUP conditions related to fuel storage and spill containment are include in the Permit (57-72).
3	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>	Dec 14: INF has noted this information and it is included in the SCP Spill Response Organizational Communication Flowchart (Figure 3-1).	Response acceptable. A standard condition (45) is included in the LUP for reporting of spills.
4	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>	Dec 14: INF has received and noted this comment.	Response acceptable. A standard condition (72) is included in the LUP for cleanup of spills.
5	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>	Dec 14: Noted and agreed.	Response acceptable. A standard condition (58) is included in the LUP for

				location of fuel storage areas.
6	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>	Dec 14: Noted and agreed.	Response acceptable. A Standard condition (59) is included in the LUP for secondary containment.
7	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>	Dec 14: Agreed. Section 4.3 of the SCP details that an emergency spill response kit will be kept in vehicles and wherever fuel is stored. Section 4.4.3 outlines the best practice procedures in the event that a contaminant enters a waterway.	Response acceptable. A standard condition (70) is included in the LUP for the provision of spill kits.
8	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>	Dec 14: Noted and agreed.	Response acceptable.
9	Topic 3: 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</p>	Dec 14: Noted and agreed.	Response acceptable.

		<p>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 • Little Brown Myotis (bat) – Special Concern • 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>		
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GNWT - Lands - Sahtu Region: Jonathan Gillingham				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Sewage and Waste water	<p>Comment In the application, it talks about using a sump to store the sewage, but in the Waste Management Plan, it talks about using heated tanks and trucking out the wastewater.</p> <p>Recommendation The Department of Lands in the Sahtu Region does not approve a sump to dispose of sewage for this project. We require all sewage and</p>	Dec 14: INF accepts the recommendation and will be trucking out sewage to a proper disposal facility.	Agreed. The SLWB has received a copy of a letter from the Town of Norman Wells accepting the

		greywater to be stored in heated tanks and trucked out to a proper disposal facility.		wastewater.
2	Sediment and Erosion Plan	<p>Comment There is no sediment and erosion plan in the application</p> <p>Recommendation The Department of Lands in the Sahtu Region requires a sediment and erosion plan with mitigating measures, proper steps to stop and correct erosion and sedimentation.</p>	<p>Dec 14: INF does not agree with this assessment. The mitigation against erosion for this project is to conduct the works during the winter when the subsurface, surface, and watercourses will all be frozen. This is the standard practice and has been used for geotechnical investigations on numerous INF projects including the Tli? cho? All Season Road as well as the ITH Highway. However, INF is willing to incorporate any mitigation the board sees fit to provide further protection from erosion. An erosion plan will be submitted as part of the permit applications for the bridge relocation and associated work as per the DOT ESC manual and best management practices. Finally, a monitoring component will be added into the RFP and contract</p>	

			requiring the contractor to confirm in the Spring no ESC issues and to resolve any issues found using best management practices.	
3	Salvagable Timber	<p>Comment The application talks on pg. 4 paragraph 2, "With this method all timber over 125mm in diameter will be salvaged and placed along the edge of the clearing."</p> <p>Recommendation Due to Safety concerns, we believe all salvageable timber should be collected and placed in an area approved by the Lands Inspector. This also will grant easier public access to the wood, which is why we have a salvageable timber condition.</p>	Dec 14: INF accepts this and will cooperate with the Lands Inspector to use a suitable location for placing salvageable timber.	Response acceptable.
4	Permafrost Plan	<p>Comment In the application on page 9 under section 6.4, it talks about permafrost. They claim that this project will have little to no effects on permafrost and soils. When test pitting, excavation can cause disruption to permafrost when encountered. Therefore, a permafrost protection plan is a requirement.</p> <p>Recommendation The requirement from the Department of Lands, Sahtu Region, is a permafrost protection plan. The plan may not be needed but, if permafrost is compromised and starts to become problematic, there are known mitigation measure to follow and correct the problem. It also holds the permittee accountable for any damage that can occur to the permafrost. Without such a plan or condition, responsibility to rectify the problem is not clear.</p>	Dec 14: INF does not agree with this assessment. As described in the Project Description Report, the project is located on an area of discontinuous permafrost. It is unlikely that permafrost will be found at the Oscar Creek or tributary crossings as these are typically talik in nature. In the original Traditional Knowledge Study, Wilfred McDonald commented: "There is permafrost in pockets all across	Response acceptable. A Standard LUP condition (24) for protection of permafrost is included in the permit. It is unlikely that there will be impacts to permafrost and Traditional Knowledge holders agree that permafrost is unlikely to be encountered at the creek crossings.

			<p>the area, but not right at the creek crossings because it's too wet there." At the test pit and borehole locations, the earth will be backfilled. Boreholes will be sealed using bentonite clay or an equivalent plug, and test pits will be backfilled and mounded to account for any subsidence. INF is open to incorporating any further mitigations deemed necessary to protect potential permafrost.</p>	
5	Spill Contingency Plan	<p>Comment Page 2 has the wrong number for the inspector. Recommendation The correct contact numbers are 867-587- 7206 (Trevor Bremner) or 867-587-7205 (Jonathan Gillingham)</p>	Dec 14: INF has noted this correction	Response acceptable
6	Locations of Fuel, Camp, and Trails	<p>Comment Page 7, section 5.2 discusses camp location(s). "The Department of Infrastructure and/or the contractor will discuss and seek approval of these camp locations from the land use inspector prior to clearing land for the camps." Recommendation The Department of Lands in the Sahtu Region believes not only the camp locations need to be pre-approved but fuel locations and trails as well. The inspector's approval is essential in these cases to elude from any significant environmental threats.</p>	Dec 14: INF accepts this recommendation and will coordinate with the Inspector to locate the camp, fuel, and trail locations.	Response acceptable. A Standard Condition (8) is included to inspect locations to the satisfaction of an inspector.
7	Check logs for fuel tank	<p>Comment In the draft LUP # 55 states "The Permittee shall: (a) examine all Fuel</p>	Dec 14: Accepted.	Response acceptable. A

	inspections	<p>Storage Containers and Tank for leaks a minimum once per day; and (b) repair all leaks immediately. What measures are being put into place to enforce such a condition?</p> <p>Recommendation The Department of Lands in the Sahtu Region requires there be a log system per each storage container. The permittee or contractor responsible for checking for leaks has to sign, date, and record the time for their minimum requirement. These records will be inspected during environmental inspections for this permit.</p>		non-standard condition (57) has been added to the Permit to ensure records are kept.
8	Draft Permit Conditions	<p>Comment Draft Permit Concerns</p> <p>Recommendation Draft Permit Concerns</p>	Dec 14: Accepted.	
9	Width of Right of way	<p>Comment This condition is absent from the draft permit.</p> <p>Recommendation In order for the Proponent to be compliant with section 10(c) of the Mackenzie Valley Regulations, the scope of the issued land use permit must authorize the construction, use and maintenance of road right-of-ways up to 12 metres</p>	Dec 14: Accepted. Please note the Project Description Report speaks to a 30 metre right of way required for the winter road realignment.	Response acceptable. Condition (9) has been added to the Permit.
10	Progressive erosion	<p>Comment Condition # 24 (now 26) will need to be more specific</p> <p>Recommendation The Department of Lands in the Sahtu Region requires adding maintain. "The Permittee shall minimize erosion by installing and maintaining erosion control structures as the land-use operation progresses."</p>	Dec 14: INF does not agree with this assessment; please see response to comment 2.	Suggest adding "where and when required" to the condition (26).
11	Sewage Disposal	<p>Comment Condition # 50 will need to be changed to reflect their waste management plan.</p> <p>Recommendation The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan. (heated tanks, trucked out)</p>	Dec 14: INF will accept the conditions deemed appropriate by the Sahtu Land and Water Board. This response applies to comments 11 through 14	Condition to permit sumps has been removed and replaced with condition (51) to dispose of sewage and greywater as per the WMP.
12	Clearing of sensitive area	<p>Comment This condition should be reflected in the permit because they are dealing with riparian zones. Riparian zones can be susceptible to disturbance and result in many detrimental environmental issues such as habitat</p>		This condition (75) has been added to the Permit.

		degradation, water quality issues, sediment and erosion issues, etc. Recommendation Due to the application lacking an erosion and sedimentation plan, The Department of Lands in the Sahtu Region requires measures put in place to protect the integrity of the stream embankment. Measures that mitigate sedimentation and erosion (Silt fence if required, etc).		
13	Salvage Timber	Comment This condition is absent from the draft permit. Recommendation Please review previous comment on salvage timber		This condition (76) has been added to the Permit.
14	Inspect Locations	Comment This condition should be added to the permit because it reflects on the earlier comments about site locations (camps, trails, and fuel). Recommendation Locations to be disturbed should be inspected to determine the condition of the land use area prior to disturbance [e.g. the locations for any new well sites, Sumps, campsites, quarries, and access road locations as described in the complete application]. This will help determine the appropriate level of cleanup and reclamation work that is necessary when the land-use operation is completed. This condition is only used after consultation with an Inspector.		This condition (8) has been added to the Permit.
INAC - NWT Inspectors: Tim Morton				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Federal Lands	Comment This land use operation is mainly located on Government of the NWT lands. However, CA3 and CA4 are located on or just adjacent to federal lands. The following contact information should be added to the land use permit and associated plans. Contact Federal Inspector - (867) 669- 2442 or (867) 669-2468 Recommendation Add the above to the plans and land use permit.	Dec 14: INF is of the understanding that the entirety of the project is located on private Sahtu Lands owned by the Tulita District Land Corporation (see attached map). INF seeks any clarification if there has been a misunderstanding . Contact info will	The locations of CA3 and CA4 are along the Mackenzie Winter Road to Deline and not in the vicinity of the Oscar Creek Bridge Relocation. The Project is located on Sahtu Lands.

			be added.	
INAC - Yellowknife (General): Dinah Elliott				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	S18X-004	Comment CIRNAC - Environment has reviewed and does not have any comments at this time. Recommendation N/A		
NWT Legislative Assembly: Daniel McNeely				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	Comment: Please see attached letter of support for the Project.		
SLWB: Bonnie Bergsma				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Total Water Use per Day	Comment Section 5.1.2 (p.4) of the Project Description Report states that "water use per source will be less than 100 cu. m. per day to remain below the threshold for requiring a water Licence". Recommendation Please provide more detail on the volumes and sources of water required for this project. Will the total amount of water that will be used per day from all sources exceed 100 cu. m.?	The sources for the water will be either Oscar creek or one of its tributaries. The volume will remain below 100 cu. m. per day for the project to ensure no regulatory threshold is surpassed.	To ensure that water use per day does not exceed 100 m3, a Board Directive will be added to the Decision Letter to maintain logs of all water withdrawn.



Environmental Protection Operations Directorate
Prairie & Northern Region
5019 52nd Street, 4th Floor
P.O. Box 2310
Yellowknife, NT X1A 2P7

ECCC File: 5300 000 066/001
SLWB File: S18X-004

December 13, 2018

Via online submission

Aswathy Varghese
Sahtu Land and Water Board
Box 1
Fort Good Hope, NT X0E 0H0

Dear Aswathy Varghese:

RE: S18X-004 – Government of the Northwest Territories – Oscar Creek Bridge Relocation Geotechnical Investigation – Application

Environment and Climate Change Canada (ECCC) has reviewed the information submitted to the Sahtu Land and Water Board (SLWB) regarding the above-mentioned Oscar Creek Bridge Relocation Geotechnical Investigation 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 *Migratory Birds Convention Act*.

Should you require further information, please do not hesitate to contact me at (867) 975-4981 or Richard.Bingley@canada.ca.

Sincerely,


[original signed by]

Richard Bingley
Environmental Assessment Coordinator

Attachment(s): ECCC Comments Excel Sheet

cc: Georgina Williston, Head, Environmental Assessment North (NT and NU)



December 13, 2018

Bonnie Bergsma
Regulatory Specialist
Sahtu Land and Water Board
Box 1, Fort Good Hope
Northwest Territories
X0E 0H0

Dear Ms. Bergsma,

**Re: INF GNWT
Land Use Permit Application – S2018X-004
Oscar Creek Bridge Relocation - Geotechnical Investigation
Request for Comments**

The Department of Environment and Natural Resources (ENR), Government of the Northwest Territories has reviewed the application at reference based on its mandated responsibilities under the *Environmental Protection Act*, the *Forest Management Act*, the *Forest Protection Act*, the *Species at Risk (NWT) Act*, the *Waters Act* and the *Wildlife Act* and provides the following comments and recommendations for the consideration of the Board.

Topic 1: Spatial Data and/or Landscape Disturbance

To better understand cumulative effects in the NWT, ENR-NWT Cumulative Impact Monitoring Program has developed the 'Inventory of Landscape Change' (ILC). One of the layers incorporated in the ILC is derived from public registry documents and validated through satellite imagery. Submission of standardized spatial data to public registries facilitates data acquisition for this layer.

Recommendation(s):

- 1) ENR recommends that the INF-GNWT provide geospatial data for the project footprint at the commencement of the land use operation and at the end of the land use operation for posting on the Board public registry. The "[MVLWB Standards for Geographic Information Systems \(GIS\) Submissions](#)" should be followed when submitting spatial data.

Topic 2: Fuel Storage and Spill Contingency Planning and Reporting

Comment(s):

ENR acknowledges the proponent's Spill Contingency Plan.

In addition, the Proponent should also follow best practices for fuel storage and spill containment during project activities which may include the following recommendations.

Recommendation(s):

- 1) To assist in spill contingency planning, information is provided in EPA *Spill Contingency Planning and Reporting Regulations* found here:

<https://www.justice.gov.nt.ca/en/files/legislation/environmental-protection/environmental-protection.r2.pdf>

If clarification or further information is needed please contact the Environment Division, ENR directly to aid in the development of the Plan

- 2) In accordance with the *Spill Contingency Planning and Reporting Regulations Section 10*, all spills in accordance with Schedule B must be reported immediately to the 24-hour Spill Report Line (867) 920-8130.
- 3) With respect to the *Environmental Protection Act Section 5 (1b)* all spills, regardless of amount, must be cleaned up, and contaminated materials disposed of at an approved facility, or in an approved manner. Additionally, as indicated in *Section 5(1c)* all reasonable efforts must be made to notify any parties affected or potentially affected by the spill.
- 4) Fuel storage areas should be greater than 100m distance from the ordinary high water mark of a water body and not located in a drainage channel.
- 5) All fuel or storage vessels containing hazardous substances left for extended periods of time (including overnight in vehicles), should be stationed in an area that contains sufficient secondary containment (i.e. Drip pans, lined bermed areas, double walled enviro-tanks etc.).
- 6) It is recommended spill kits be provided. Personnel should be trained to ensure that in the event of a spill it is contained and remediated appropriately to industry-accepted best practices and regulatory approval. In case refuelling takes place near water, in water spill planning should be considered to prevent inadvertent releases.

- 7) ENR recommends, for the operator's convenience and increased environmental protection, that all heavy equipment and refuelling vehicles carry portable spill kits that include items such as absorbent pads, containment booms, and spill pool catchment receptacles. Readily available and fully stocked spill kits can effectively mitigate potential spills.

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

Comment(s):

Sections 76 and 77 of the Species at Risk (NWT) Act require the Minister of Environment and Natural Resources to make a submission to the body responsible for assessing the potential impacts of a proposed development, or for considering a Land Use Permit or Water Licence application, respecting the potential impacts of the proposed development, Permit or Licence application on a NWT-listed or pre-listed species or its habitat. NWT-listed species are those that are on the NWT List of Species at Risk. Pre-listed species are those that have been assessed by the NWT Species at Risk Committee (SARC) but have not yet been added to the NWT List of Species at Risk.

The Proponent should be aware that NWT-listed or pre-listed species at risk and their habitat may also be subject to protection under existing sections of the NWT *Wildlife Act*.

As a best practice, ENR encourages the Proponent to consider potential impacts, mitigation measures and monitoring requirements for species at risk listed under the federal *Species at Risk Act*, as well as those designated as at risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) that may occur in the project area, and the prohibitions that may apply to these species under federal legislation.

The project area overlaps with the ranges of the following NWT-listed and/or pre-listed species:

- [Grizzly Bear](#) – Listed as Threatened
- [Boreal Caribou](#) - Listed as Threatened
- [Little Brown Myotis](#) (bat) – Special Concern
- [Barren-ground Caribou](#) – Listed as Threatened

Recommendation(s):

- 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.

Comments and recommendations were provided by ENR technical experts in the Environmental Assessment and Monitoring Section and the Sahtu Region and were coordinated and collated by the Environmental Assessment and Monitoring Section (EAM), Environmental Stewardship and Climate Change 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
Environmental Stewardship and Climate Change Division
Department of Environment and Natural Resources
Government of the Northwest Territories

December 13, 2018

Sahtu Land and Water Board
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Fort Good hope, NT
X0E 0H0

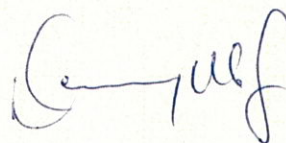
Attention: Ms. Bonnie Bergsma:

**LAND USE PERMIT APPLICATION S18X-004, OSCAR CREEK BRIDGE
RELOCATION, GEOTECHNICAL INVESTIGATION and ROW CLEARING**

The Sahtu regional Leadership continues to support the Mackenzie Valley Transportation Corridor. Substantial progress has been achieved on funding sources for the above and other segments along the Mackenzie Valley Highway (MVH) systems.

Having knowledge on this bridge structure relocation and crossing north of Norman Wells, I foresee this project as enhancing the opportunities and climate change safety for the winter road systems. Given these principles, please acknowledge this written letter for my full support to the application. I also have full confidence the proponent has covered all compliances for permits and construction conditions.

Regards,



Daniel McNeely
MLA, Sahtu

c. Mr. Charles McNeely, Chairman
Sahtu Secretariat Incorporated

Mr. Dave Hodgson, Acting President
Norman Wells Chamber of Commerce

