



Sahtu Land and Water Board

Staff Report

Applicant: Enbridge Pipelines (NW) Inc.	
Location: Little Smith Creek, KP158, 67 km southeast of Tuliá, NWT	File Numbers: Land Use Permit S20P-003
Date Prepared: December 18, 2020	Date of Board Meeting: December 22, 2020
Subject: Line 21 Pipeline Replacement Project KP158 – Little Smith Creek – condition 69 - Environmental Protection Plan	

1. Purpose/Report Summary

The purpose of this Report is to present to the Sahtu Land and Water Board for consideration:

- a) the Environmental Protection Plan (EPP) prepared and submitted for approval under Permit S20P-003, Condition 69.

2. Background

- **September 17, 2020** – Board approval of S20P-003 and S20L1-001
- **November 24, 2020** – submission of Environmental Protection Plan version 1.0
- **November 25, 2020** – Item distributed for review on the ORS¹
- **December 9, 2020** – Reviewer comments due and received
- **December 15, 2020** – Proponent responses due and received
- **December 15, 2020** – Submission of revised EPP version 1.1²
- **December 22, 2020** – Presentation of revised EPP version 1.1 at Board meeting.

3. Discussion

3.1 Project Overview

On September 17, 2020 the SLWB issued Permit S20P-003 and Licence S20L1-001 to Enbridge for the use of horizontal direction drilling (HDD) to replace, at a deeper, safer depth, a segment of the Line 21 pipeline within the existing Enbridge ROW, southeast of kilometre post (KP) 158 near Little Smith Creek in the Northwest Territories.

Condition 69 of the Permit provides the following:

The Permittee shall prepare and submit for Board approval, an Environmental Protection Plan (EPP). The Plan shall include but not be limited to consideration of the information set out below, and the Permittee shall not commence activities in the Plan prior to Board approval of the Plan:

¹ ORS review item [S20P-003 EPP](#)

² [Revised EPP v. 1.1](#)

- a) *Schedule and conduct activities to adhere to applicable timing windows and avoid restricted activity periods, where practical;*
- b) *Develop a plan for construction to minimize potential impacts to watercourse, riparian areas, and general fish habitat;*
- c) *Provide instructions on how to install and maintain erosion and sediment control measures;*
- d) *Identify methods to isolate the work site and construction activities from adjacent natural features;*
- e) *Confirming equipment re-fueling procedures with contractors and including the spill response plan from the approved Spill Contingency Plan;*
- f) *Develop a reclamation and re-vegetation plan in the event of significant vegetation loss;*
- g) *Development of permafrost contingency measures that outline additional mitigation measures that could be implemented to remediate the shallow trench or other excavations in the event that permafrost is encountered.*

The Board required this non-standard condition for an on-site/operational Plan to be prepared based on the recommendations of the Impact Assessment for the Project. All of the mitigation measures and construction recommendations in this Plan, as well as all of the Appendices, were approved on September 17, 2020 and therefore, there is no new information being presented. This Plan is intended to be used as a field resource for all Project personnel to support environmental decision-making during all phases of the Project.

Enbridge submitted version 1.0 of its EPP to the Board for approval on November 24, 2020, pursuant to Condition 69 of the Permit and prior to commencement of Project activities in December 2020. The submission of this EPP has fulfilled the requirements of condition 69 for Board approval and Project work to commence. However, the Board distributed this item for public review and to be satisfied that the Permittee has met the requirements of the condition.

4. Public Review

The EPP was distributed to the SLWB Tulit'a District Distribution List. The Board received comments and recommendations from: Government of the Northwest Territories – Environment and Natural Resources and Environmental Assessment and Monitoring (**GNWT-ENR-EAM**) who provided additional information on mitigation measures for wildlife to be included in a revised EPP - nesting birds, wildlife encounters and abodes, disturbance and harassment of wildlife, and blank forms for reporting wildlife incidents and sightings; the Government of the Northwest Territories Department of Lands Sahtu Region (**Sahtu-Lands**) Inspector who requested Enbridge to update the contact numbers for the Inspectors; the Sahtu Renewable Resource Board (**SRRB**) who noted that the EPP is comprehensive, and sections of the Plan have been developed with the respective guidance from the MVLWB, GNWT or CIRNAC. The Mitigation Strategies listed in the EPP cover most of the components of the described construction activities, and plans are presented for unforeseen contingencies. The full set of comments and recommendations can be found in ATTACHMENT 1.

In response to comments and recommendations provided by Reviewers, Enbridge submitted a revised EPP version 1.1 on December 15, 2020. Board staff have reviewed the revised EPP version 1.1 and confirm that these changes have been made.

5. Recommendation

Board staff recommend the Board:

- 1) **Make a motion to approve the Environmental Protection Plan version 1.1 prepared by Dillon Consulting**

6. Reference Material Attached

- 8.1. Review Comment Summary Table and Letter from ENR
- 8.2. Draft Decision Letter from the Board

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bonnie Bergsma", with a long horizontal flourish extending to the right.

Bonnie Bergsma
Regulatory Specialist

Review Comment Table

Board:	SLWB
Review Item:	S20P-003 - Enbridge Line 21 Pipeline Replacement - Environmental Protection Plan Version 1.0
File(s):	S20P-003
Proponent:	Enbridge Pipelines (NW) Inc.
Document(s):	Enbridge EPP Cover Letter (25 KB) EnbridgeLine 21 Pipeline Replacement Environmental Protection Plan (16.5 MB)
Item For Review Distributed On:	Nov 25 at 15:45 Distribution List
Reviewer Comments Due By:	Dec 9, 2020
Proponent Responses Due By:	Dec 15, 2020
Item Description:	<p>Enbridge Pipelines (NW) Inc (Enbridge) the Permittee, has submitted its Environmental Protection Plan (EPP) on November 24, 2020. This Plan is required by Permit S20P-003 - Replacement of Line 21 at KP158, condition 69, and was required to be submitted for Board approval prior to commencement of Project activities in December 2020. The submission of this EPP has fulfilled the requirements of condition 69 for Board approval and Project work to commence. The Board is distributing this item for notification and to be satisfied that the Permittee has met the requirements of the condition.</p> <p>The Board required this non-standard condition for an on-site/operational Plan to be prepared based on the recommendations of the Impact Assessment for the Project. All of the mitigation measures and construction recommendations in this Plan, as well as all of the Appendices, were approved on September 17, 2020 and therefore, there is no new information being presented. This Plan is intended to be used as a field resource for all Project personnel to support environmental decision-making during all phases of the Project.</p> <p>Condition 69 includes a list of items for consideration:</p> <ul style="list-style-type: none"> a) applicable timing windows and restricted activity periods for fish and wildlife, where practical;

- b) construction methods to minimize impacts to watercourse, riparian areas, and fish habitat;
- c) instructions for proper installation and maintenance of erosion and sediment control measures;
- d) methods to isolate the work site and construction activities from adjacent natural features;
- e) procedures for equipment re-fueling and the spill response plan are available to contractors;
- f) methods for reclamation and re-vegetation in the event of significant vegetation loss; and
- g) permafrost contingency measures that could be implemented to remediate the shallow trench or other excavations in the event that permafrost is encountered.

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

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.
Contact Information:	Bonnie Bergsma Jenna Grandjambe

Comment Summary

GNWT - ENR - EAM (Environmental Assessment and Monitoring): Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
7	General File	Comment (doc) ENR Letter with Comments and Recommendations Recommendation		
1	Topic: Section 4.2 and 4.3 - Nesting Birds	Comment In the Environmental Protection Plan, scheduling of activity to avoid the migratory bird nesting period is discussed (May 4 - August 22nd) under Section 4.2 (Scheduling and Timing, p. 16) and Section 4.3 (Clean-Up, p. 35). It should be noted that Paragraph 51(1)(c) of the Wildlife Act prohibits the destruction of a nest of a prescribed bird species even if it is unoccupied. Prescribed birds for the purpose of paragraph 51(1)(c) and 52 of the Wildlife Act are birds of prey (raptors) as set out in Schedule B of the Wildlife General Regulations. However, while a raptor nest may not be intentionally destroyed, even if unoccupied, typically on a case-by-case basis the destruction or removal of nests may be authorized where required by General Wildlife Permit. Recommendation 1) If disturbance or destruction of an occupied nest or eggs of a non-migratory bird species (including raptors), or an unoccupied raptor nest, cannot be avoided and all other all mitigation options have been ruled out, Proponents should contact the regional ENR office to determine whether a permit to disturb or destroy the nest/eggs can be obtained.	Dec 19: This note has been added to the EPP (see Section 4.2, pp. 33, note 231)	
2	Topic: Wildlife Encounters or Sightings, Page 32 - Wildlife Abodes	Comment The Environmental Protection Plan discusses active bird nests, burrows and dens but does not discuss proper mitigation measures when a bird nest, burrow, or den is found. Recommendation 1) ENR recommends that the proponent add mitigation measures for wildlife under the Wildlife Encounters or Sightings section as appropriate: - The Proponent should contact ENR prior to start-up of project activities to determine if there are any known dens, push-ups, lodges, or beaver dams within the project	Dec 19: These measures have been added to the EPP (see Section 4.2, pp. 33, notes 226, 232-234).	

		<p>area;</p> <ul style="list-style-type: none"> - The Proponent should conduct pre-activity surveys within 800m of the project footprint to identify active bear dens between September 30 and March 30. Surveys should be conducted in the fall shortly after the first snow fall to detect freshly dug dens; - If an active bear den is detected, or suspected, implement and maintain an 800 m buffer zone until the bear emerges in spring; and - If the bear den and exclusion zone would result in the halt of part or the entire program, the Proponent should contact ENR to discuss alternative mitigation options. The location of active bear dens should be kept confidential between the developer and ENR until after emergence in the spring. 		
3	<p>Topic: Section 4.0 Protection Measures, Page 27 - Disturbance and Harassment of Wildlife</p>	<p>Comment The Environmental Protection Plan discusses air, noise and light emissions, but does not discuss proper mitigation measures for disturbance or harassment of wildlife.</p> <p>Recommendation 1) ENR recommends that the proponent add mitigation measures for wildlife under the air, noise and light emissions, or under another section as appropriate:</p> <ul style="list-style-type: none"> - If big game species are observed within 500 m prior to starting up activities that could lead to sensory disturbance or startling the animal(s), delay starting up until they have moved at least 500 m away from the site of project activities; - If they do not leave the area within 15 minutes, they may be gently encouraged to move away from the site. This should involve the slow approach by vehicle towards the animal or making your presence known by calling out and waving your arms to encourage them to move. This should be done from behind a vehicle or piece of equipment to prevent personnel from going too close to the animal; - It is possible that females may be unwilling to leave the area if they have a calf hiding nearby; and - If big game species approach the project within 500 m once activities have already started, monitor and document their behaviour, and suspend activities if there is an imminent threat of injury or mortality to the animal(s). 	<p>Dec 19: These measures have been added to the EPP (see Section 4.2, pp. 33, notes 235-236).</p>	
4	None	<p>Comment None</p> <p>Recommendation 2) An Incident Report should be</p>	<p>Dec 19: This note</p>	

		completed for all wildlife deterrent actions taken and submitted to ENR. Blank incident report forms can be downloaded from the following link: https://www.enr.gov.nt.ca/sites/enr/files/resources/sample_procedural_manual_and_reporting_templates_june_2019.pdf	has been added to the EPP (see Section 4.2 Construction Measures, pp. 34, notes 240, 242)	
5	Topic: Wildlife and Wildlife Habitat, Page 26, Reporting Wildlife Sightings	Comment The Environmental Protection Plan discusses reporting any wildlife incidents to the Environmental Inspector or Enbridge designate (Wildlife Encounters or Sightings, page 26). However, proponents are also encouraged to record wildlife sightings and to submit these records to ENR's Wildlife Management Information System (WMIS). Wildlife sightings data provides useful information for assessing changes in species distribution and the timing and location of different life history events such as migration, denning, nesting, calving, etc. Recommendation 1) Please update the Environmental Protection Plan to include submissions for information about wildlife sightings (species, date, time, location, number of individuals, sex, behavior, etc.) to ENR's Wildlife Management Information System (WMIS) at WMISTeam@gov.nt.ca . For further information on the WMIS consult: https://www.enr.gov.nt.ca/en/services/recherche-et-donnees/wildlife-management-information-system	Dec 19: This note has been added to the EPP (see Section 4.2 Construction Measures, pp. 34, notes 241-242)	
6	None	Comment None Recommendation 2) Blank wildlife sighting report forms can be downloaded from the following link: https://www.enr.gov.nt.ca/sites/enr/files/resources/sample_procedural_manual_and_reporting_templates_june_2019.pdf	Dec 19: This note has been added to the EPP (see Section 4.2 Construction Measures, pp. 34, note 242)	
GNWT - Lands - Sahtu Region: Jonathan Gillingham				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Lands Inspector	Comment On page 317, The contact number for the Inspector is 867-587-7200. This number should be	Dec 19: This change	

	Contact	changed to reflect the current Inspector's number. Recommendation Update to reflect: Manager, Resource Management - Jonathan Gillingham - 867-587-7205 and Resource Management Officer II - Chris Ondris - 867-587-7202	has been made to the EPP (see Appendix F, pp F-2)	
Sahtu Renewable Resource Board: Colin Macdonald				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	EPP Report	<p>Comment The SRRB has reviewed the EPP and attached appendices and has no comments. The Environmental Protection Plan is comprehensive, and sections of the Plan (see below) have been developed with the respective guidance from the MVLWB, GNWT or CIRNAC. The Mitigation Strategies listed in the EPP cover most of the components of the described construction activities, and plans are presented for unforeseen contingencies. The Type A Land Use Permit and a Type B Water License have been previously approved by the SLWB. The supporting documents by Dillon were not reviewed as part of this EPP review. The Waste Management Plan has been developed in accordance with Enbridge's Waste Management Plan and the GNWT's Northern Land Use Guidelines for Camp and Support Facilities and the MVLWB's Guidelines for Developing a Waste Management Plan. The Spill Contingency Plan was developed in accordance with CIRNAC's Guidelines for Spill Contingency Planning. The Closure and Reclamation Plan was developed in accordance with the MVLWB and CIRNAC's Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories.</p> <p>Recommendation None.</p>	<p>Dec 19: Thank you for your review.</p>	



December 9, 2020

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

Dear Ms. Bergsma,

**Re: Enbridge Pipelines (NW) Inc.
Land Use Permit - S20P-003
Environmental Protection Plan Version 1.0 - Line 21 Pipeline
Request for Comment**

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

Topic 1: Section 4.2 and 4.3 - Nesting Birds

Comment(s):

In the Environmental Protection Plan, scheduling of activity to avoid the migratory bird nesting period is discussed (May 4 – August 22nd) under Section 4.2 (Scheduling and Timing, p. 16) and Section 4.3 (Clean-Up, p. 35). It should be noted that Paragraph 51(1)(c) of the *Wildlife Act* prohibits the destruction of a nest of a prescribed bird species even if it is unoccupied. Prescribed birds for the purpose of paragraph 51(1)(c) and 52 of the *Wildlife Act* are birds of prey (raptors) as set out in Schedule B of the *Wildlife General Regulations*. However while a raptor nest may not be intentionally destroyed, even if unoccupied, typically on a case-by-case basis the destruction or removal of nests may be authorized where required by General Wildlife Permit.

Recommendation(s):

- 1) If disturbance or destruction of an occupied nest or eggs of a non-migratory bird species (including raptors), or an unoccupied raptor nest, cannot be avoided and all other all mitigation options have been ruled out, Proponents should contact the regional ENR office to determine whether a permit to disturb or destroy the nest/eggs can be obtained.

Topic 2: Wildlife Encounters or Sightings, Page 32 - Wildlife Abodes**Comment(s):**

The Environmental Protection Plan discusses active bird nests, burrows and dens but does not discuss proper mitigation measures when a bird nest, burrow, or den is found.

Recommendation(s):

- 1) ENR recommends that the proponent add mitigation measures for wildlife under the Wildlife Encounters or Sightings section as appropriate:
 - The Proponent should contact ENR prior to start-up of project activities to determine if there are any known dens, push-ups, lodges, or beaver dams within the project area;
 - The Proponent should conduct pre-activity surveys within 800m of the project footprint to identify active bear dens between September 30 and March 30. Surveys should be conducted in the fall shortly after the first snow fall to detect freshly dug dens;
 - If an active bear den is detected, or suspected, implement and maintain an 800 m buffer zone until the bear emerges in spring; and
 - If the bear den and exclusion zone would result in the halt of part or the entire program, the Proponent should contact ENR to discuss alternative mitigation options. The location of active bear dens should be kept confidential between the developer and ENR until after emergence in the spring.

Topic 3: Section 4.0 Protection Measures, Page 27 - Disturbance and Harassment of Wildlife**Comment(s):**

The Environmental Protection Plan discusses air, noise and light emissions, but does not discuss proper mitigation measures for disturbance or harassment of wildlife.

Recommendation(s):

- 1) ENR recommends that the proponent add mitigation measures for wildlife under the air, noise and light emissions, or under another section as appropriate:
 - If big game species are observed within 500 m prior to starting up activities that could lead to sensory disturbance or startling the animal(s), delay starting up until they have moved at least 500 m away from the site of project activities;
 - If they do not leave the area within 15 minutes, they may be gently encouraged to move away from the site. This should involve the slow approach by vehicle towards the animal or making your presence known by calling out and waving your arms to encourage them to move. This should be done from behind a vehicle or piece of equipment to prevent personnel from going too close to the animal;
 - It is possible that females may be unwilling to leave the area if they have a calf hiding nearby; and
 - If big game species approach the project within 500 m once activities have already started, monitor and document their behaviour, and suspend activities if there is an imminent threat of injury or mortality to the animal(s).

- 2) An Incident Report should be completed for all wildlife deterrent actions taken and submitted to ENR. Blank incident report forms can be downloaded from the following link:

https://www.enr.gov.nt.ca/sites/enr/files/resources/sample_procedural_manual_and_reporting_templates_june_2019.pdf

Topic 4: Wildlife and Wildlife Habitat, Page 26, Reporting Wildlife Sightings

Comment(s):

The Environmental Protection Plan discusses reporting any wildlife incidents to the Environmental Inspector or Enbridge designate (Wildlife Encounters or Sightings, page 26). However, proponents are also encouraged to record wildlife sightings and to submit these records to ENR's Wildlife Management Information System (WMIS). Wildlife sightings data provides useful information for assessing changes in species distribution and the timing and location of different life history events such as migration, denning, nesting, calving, etc.

Recommendation(s):

- 1) Please update the Environmental Protection Plan to include submissions for information about wildlife sightings (species, date, time, location, number of

individuals, sex, behavior, etc.) to ENR's Wildlife Management Information System (WMIS) at WMISTeam@gov.nt.ca. For further information on the WMIS consult:

<https://www.enr.gov.nt.ca/en/services/recherche-et-donnees/wildlife-management-information-system>

2) Blank wildlife sighting report forms can be downloaded from the following link:

https://www.enr.gov.nt.ca/sites/enr/files/resources/sample_procedural_manual_and_reporting_templates_june_2019.pdf

Comments and recommendations were provided by ENR technical experts in the the Wildlife and Fish Division 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,



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



Sahtu Land and Water Board

P.O Box 1
Fort Good Hope, NT
X0E 0H0

Phone: 867-598-2413

Fax: 867-598-2325

www.slwb.com

December 23, 2020

File : S20P-003

Sarah Mckenzie,
Enbridge Pipelines (NW) Inc.
10175 – 101 Street N.W.
Edmonton, Alberta T5J 0H3

Sent by Email

Dear Ms. Mckenzie,

**Enbridge Line 21 pipeline replacement near KP158 - Little Smith Creek
Environmental Protection Plan version 1.1 - Approved**

The Board met on December 22, 2020 to review the Environmental Protection Plan version 1.1 that was revised and resubmitted on December 15, 2020 following public review and comment. The Board is satisfied that Enbridge has addressed all reviewer recommendations and that the EPP version 1.1 meets the requirements of Permit S20P-003 Condition 69. The Board hereby approves EPP version 1.1.

If you have any questions or concerns please contact Bonnie Bergsma at (867) 496-2778 or email bonnie.bergsma@slwb.com.

Yours Sincerely,

Larry Wallace
Chair

Copied to: Tulit'a District Distribution List