

Review Comment Table

Board:	WLWB
Review Item:	GNWT-INF - NWT Hwy 3 Repair Works - Water Licence Application (W2020L8-0002)
File(s):	W2020L8-0002
Proponent:	GNWT - INF (Infrastructure)
Document(s):	Water Licence Application (2458 KB) Water Licence Application - Figures and Maps (5988 KB) Water Licence Application - Engagement Record (750 KB) Water Licence Application - Draft Water Licence - Type B (312 KB) Engagement Plan - Version 1.0 (298 KB) Erosion and Sediment Control Manual April 2013 (3059 KB) Spill Contingency Plan - Version 1.0 (339 KB) Waste Management Plan - Version 1.0 (314 KB) Preliminary Screening - August 9, 2019 (454.73 KB)
Item For Review Distributed On:	Oct 5 at 16:12 Distribution List
Reviewer Comments Due By:	Nov 2, 2020
Proponent Responses Due By:	Nov 16, 2020
Item Description:	<p>The Government of the Northwest Territories Department of Infrastructure (GNWT-INF or the Applicant) submitted a complete application for a type B water licence (licence). The purpose of this Application is to rehabilitate NWT Highway #3 from Km 240 to 243. Works will include construction of embankment by placing fill into the water to bring the road grade to design height. GNWT-INF is requesting a type B water licence for a period of two years; project activities are planned to occur from April 1, 2021, to October 31, 2021.</p> <p>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. Reviewers may also wish to consider providing an overarching recommendation regarding whether the Board should approve the submission, to provide context for the comments and recommendations and assist the Board with its decision. Notices of intent to file a claim for water compensation must also be submitted by the review comment deadline. If reviewers seek clarification on the submission, they are encouraged to correspond directly with the Applicant prior to submitting comments and recommendations.</p> <p>Under the Preliminary Screening Requirement Regulations of the Mackenzie Valley Resource Management Act (MVRMA), the Board must conduct a preliminary screening for an application for a proposed development that requires a water licence,</p>

unless it is exempt from preliminary screening in accordance with the [Exemption List Regulations](#). GNWT-INF has indicated in its cover letter that the application is believed to be exempt from preliminary screening. Reviewers are encouraged to provide comments and recommendations (e.g., on impacts and mitigation measures) to assist with the Board's preliminary screening determination. The most recent preliminary screening that was approved by the Board is located under Document(s) below.

A draft licence has been developed by Board staff to allow reviewers to comment on possible conditions. These draft materials are not intended to limit in any way the scope of reviewers' comments. The Board is not bound by the contents of the draft Licence and will make its decision at the close of the proceeding on the basis of all the evidence and arguments filed by all parties.

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*.

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:

Anneli Jokela 867-765-4588
Roberta Judas 867-713-2500

Comment Summary

Fisheries and Oceans Canada: Olivia Sroka			
ID	Topic	Reviewer Comment/Recommendation	Proponent Response
1	General File	Comment (doc) DFO Cover Letter Recommendation	
GNWT - ENR - EAM (Environmental Assessment and Monitoring): Central Email GNWT			
ID	Topic	Reviewer Comment/Recommendation	Proponent Response
1	General File	Comment (doc) ENR Letter - No Comments or Recommendations at this time. Recommendation	
Tlicho Government: LONGINUS EKWE			
ID	Topic	Reviewer Comment/Recommendation	Proponent Response
1	General	Comment No comments at this time Recommendation No recommendations at this time	
Wek' eezhii Renewable Resources Board: Laura Meinert			
ID	Topic	Reviewer Comment/Recommendation	Proponent Response
1	GNWT-INF - NWT Hwy 3 Repair Works - Water Licence Application	Comment The WRRB has no comments at this time. Recommendation The WRRB has no recommendations at this time.	
WLWB: Roberta Judas			
ID	Topic	Reviewer Comment/Recommendation	Proponent Response
1	Potential Impacts and Mitigations of Placing Infill	Comment GNWT-INF has stated that the project will consist of placing infill into the water along the road to bring the road grade to design height (see section 4 and the table at the end of the Water Licence Application). It is not clear from the August 9, 2019, preliminary screening for Land Use Permit MV2017X0008 that potential impacts of this activity have been considered. Recommendation Please describe potential impacts, if any, of placing infill into water. Please also describe the measures that will be used to mitigate any potential impacts.	Nov 16: The planned work is part of Department's routine maintenance to bring the road to its original grade to improve the safety of the commuters. GNWT-INF believes that there will be no impact to the water or environment due to this fill. Silt curtains and silt fences will be installed around the area before placing infill to prevent any potential erosion or sediment from entering the waterbody.

2	Working in Water - Guidance Manual	<p>Comment Part J, Condition 1 of the Draft Licence states that "The Licensee shall comply with the environmental considerations and mitigation measures provided in the "The Government of the Northwest Territories, Department of Transportation - Erosion and Sediment Control Manual April 2013".</p> <p>Recommendation Please confirm whether GNWT-INF will be using the GNWT-ENR's April 2013 Erosion and Sediment Control Manual. If not, can GNWT-INF indicate whether different guidance should be included and propose different wording for this condition?</p>	<p>Nov 16: The GNWT-INF will be using our April 2013 Erosion and Sediment Control Manual as provided in the application.</p>
3	Working in Water - Heavy Equipment in Water	<p>Comment Part J, Condition 2 of the Draft Licence states that "The Licensee shall not enter open water with Heavy Equipment at any time."</p> <p>Recommendation Does GNWT-INF plan to use Heavy Equipment in a Watercourse during its operation? If yes, describe what measures will be used to mitigate potential impacts.</p>	<p>Nov 16: No. The contractor will use heavy machinery but will not enter into the watercourse.</p>
4	Clean Infill Material	<p>Comment Part E, Condition 2 of the Draft Licence states that "The Licensee shall only use material that is clean and free of contaminants and is from a source that has been authorized in writing by an Inspector."</p> <p>Recommendation Please confirm whether the material to be used for infill will be from a source that is clean and free from contaminants prior to use. If not, please describe the material and its source, along with potential impacts and mitigations associated with use of the material.</p>	<p>Nov 16: The contractor will be hauling blast rock from quarry at km 246.2 - Highway 3 or from quarry at km 5.0 - Rae Access Road. These are approved quarries from Department of Lands and free of any contaminants.</p>
5	Spill Contingency Plan	<p>Comment A table listing all heavy equipment that will be used during the operation is located on PDF pg 10 of the Spill Contingency Plan. A description of the purpose of this equipment is included in the table. Four of the 10 listed heavy equipment (i.e., tracked hydraulic excavator; tandem/tridum/end dump and belly dump/side dump trucks; steel drum rollers/plate packers; and water trucks) indicate that they will be used for 'installation of culverts'. The Water Licence Application did not include installation of culverts.</p> <p>Recommendation Please confirm whether GNWT-INF plans to install culverts as part of its operation.</p>	<p>Nov 16: The contractor will be installing one culvert at km 242+260. This is a 0.8 mm diameter culvert, this location is almost dry, there is no running water and there will be no infill placed into the water.</p>

Distribution List

GNWT-INF - NWT Hwy 3 Repair Works - Water Licence Application (W2020L8-0002)

File(s): W2020L8-0002

Proponent: GNWT - INF (Infrastructure)

Reviewer Comments Due By: Nov 2, 2020

Proponent Comments Due By: Nov 16, 2020

Document(s)

Water Licence Application

Water Licence Application - Figures and Maps

Water Licence Application - Engagement Record

Water Licence Application - Draft Water Licence - Type B

Engagement Plan - Version 1.0

Erosion and Sediment Control Manual April 2013

Spill Contingency Plan - Version 1.0

Waste Management Plan - Version 1.0

Preliminary Screening - August 9, 2019

Contact Information

Anneli Jokela 867-765-4588(ajokela@wlwb.ca)

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Fisheries and Oceans
Canada

Pêches et Océans
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Suite 301, 5204 50th Avenue
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October 28, 2020

Your files Votre référence
W2020L8-0002

Our file Notre référence
20-HCAA-00852

Wek'èezhii Land and Water Board
Attention: Anneli Jokela & Roberta Judas
4905 48th St.
Yellowknife, NT X1A 3S3

Dear Anneli Jokela & Roberta Judas,

Subject: GWNT-INF – NWT Hwy 3 Repair Works – Water Licence Application

The Fish and Fish Habitat Protection Program of Fisheries and Oceans Canada (DFO-FFHPP) would like to thank the Wek'èezhii Land and Water Board for the opportunity to provide comments on GWNT-INF (the Proponent) – NWT Hwy 3 Repair Works – Water Licence Application.

As outlined in your request, reviewers are invited to submit comments and recommendations to the WLWB by November 2, 2020.

DFO-FFHPP has reviewed the NWT Hwy 3 Repair Works – Water Licence Application in regards to its mandate, i.e. the management, protection and conservation of fish and their habitats. DFO-FFHPP's has liaised with the Proponent and has no concerns about the proposed work.

If you or any other parties have any questions, please contact Olivia Sroka at 867-445-3782, or by email at Olivia.Sroka@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

Gabriel Bernard-Lacaille
Senior Fisheries Protection Biologist
Fish and Fish Habitat Protection Program

Copy: Olivia Sroka, DFO



November 2, 2020

Joseph Mackenzie
Chair
Wekeezhii Land and Water Board
#1-4905 48th Street
Yellowknife, NT
X1A 3S3

Dear Mr. Mackenzie:

**Re: INF GNWT
Water Licence Application – W2020L8-0002
Highway 3 Repair Works
Request for Comment**

The Department of Environment and Natural Resources, 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 has no comments or recommendations for the consideration of the Board at this time.

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