

Reviewer Comments and Proponent Responses

Project: Mackenzie River/Arctic Red River Ferry Landings
Board: Gwich'in Land and Water Board
Organization: GNWT - INF (Infrastructure)

| No. | Topic | Reviewer Comment | Reviewer Recommendation | Proponent Response |
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| Fisheries and Oceans Canada (DFO) - Triage Group Fisheries Protection Program | | | | |
| 1 | Mackenzie River/Arctic Red River Ferry Landings - Type B Licence Renewal (G2 2L8-003) | The proposal has been reviewed to determine whether it is likely to result in the death of fish by means other than fishing or the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the Fisheries Act; and, effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the Species at Risk Act. | Fisheries and Oceans Canada recommends the proponent review the Measures to Protect Fish and Fish Habitat (https://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures-eng.html) for applicable avoidance and mitigation measures, as well as the Zone 1 Northwest Territories Restricted Activity Timing Windows for the Protection of Fish and Fish Habitat (https://www.dfo-mpo.gc.ca/pnw-ppe/timing-periodes/nwt-eng.html) to ensure any in-water works comply with the timing restrictions for the species present in the subject watercourse. Provided that the plans are implemented in the manner, and during the timeframe, described, the Fish and Fish Habitat Protection Program (the Program) is of the view that your proposal will not require an authorization under the Fisheries Act or the Species at Risk Act. Should your plans change or if you have omitted some information in your proposal, further review by the Program may be required. It remains your responsibility to remain in compliance with the Fisheries Act, avoid prohibited effects on listed aquatic species at risk, any part of their critical habitat or the residences of their individuals, and prevent the introduction of non-indigenous species. It is also your Duty to Notify DFO if you have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat. | INF has reviewed the measures to protect fish and fish habitat as well as the species at risk in the area and determined no aquatic species in the project area were identified. INF will remain in compliance with the Fisheries Act, and will notify DFO if any plans change or if there is any disruption to fish and fish habitat. |

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| Environment and Climate Change Canada (ECCC) - Mrs. Stephinie Mallon | | | | |
| 1 | ECCC Cover Letter | ECCC Cover Letter | N/A | |
| 2 | Topic: Section 10. Potential Environmental Impacts of the Project and Proposed Mitigations Impact-Mitigation Table References: Application for Licence, Amendment of Licence, or Renewal of Licence in Federal Areas | The Proponent has not identified any terrestrial Species at Risk that may be present in the project area and interact with project activities (p.8). Species at risk are assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) or added to Schedule 1 of Species at Risk Act (SARA) on a regular basis. It is important for the Proponent to ensure they are aware of what species are present in the project area and take appropriate actions to ensure compliance with the SARA. | ECCC recommends the Proponent: <ul style="list-style-type: none"> · Add a species at risk section, including Table 1, to the Application · Consult the Species at Risk Public Registry (https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html) to maintain the most current information for their operations. · Ensure that measures are taken to avoid or lessen adverse effects to species at risk and to monitor those effects. · Ensure mitigation and monitoring measures are consistent with applicable species at risk Recovery Strategies or Management Plans. · At a minimum, record timing and location of observations. | INF has done an assessment of Species at Risk in the region, and species most likely to be in the project area include: Barren-ground Caribou (threatened), Boreal Caribou (threatened), Grizzly Bear (special concern), Rusty Blackbird (Canada special concern, NWT not assessed), Short-eared Owl (Canada special concern, NWT not assessed), Gypsy Cuckoo Bumble Bee (Canada endangered, NWT data deficient), Suckley's Cuckoo Bumble Bee (Canada threatened, NWT not assessed), Transverse Lady Beetle (Canada special concern, NWT not assessed). |

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| | | | <p>erved species at risk, their behavior when encountered, and actions taken by the Proponent to avoid disturbance to the species, its habitat, and/or its residence.</p> <ul style="list-style-type: none"> · Submit monitoring reports to the appropriate regulators and organizations with management responsibility for those species, including ECCC. | <p>Mitigation measures for species at risk will be followed and some mitigation measures could include stopping work, recording the observation, contacting appropriate regulators, etc.</p> |
| 3 | <p>Topic: Section 14. Additional Supporting Information References: Application for Licence, Amendment of Licence, or Renewal of Licence in Federal Areas</p> | <p>ECCC is not identified in the Application as a contact for issues or reporting related to migratory birds protected under the Migratory Birds Convention Act (p. 13).</p> | <p>ECCC recommends the Proponent add ECCC to the Application as a contact for reporting wildlife incidents related to migratory birds. ECCC's Canadian Wildlife Service and Wildlife Enforcement Division can be reached at cwsnorth-scfnord@ec.gc.ca and alfnord-wednorth@ec.gc.ca.</p> | <p>Noted</p> |
| 4 | <p>Topic: Section 10. Potential Environmental Impacts of the Project and Proposed Mitigations References: Application for Licence, Amendment of Licence, or Renewal of Licence in Federal Areas</p> | <p>The Application does not contain any references to applicable federal or territorial legislation protecting wildlife in the Northwest Territories (p. 8). It is important for staff to understand what their legal obligations are with respect to protecting wildlife in the Northwest Territories.</p> | <p>ECCC recommends that a section be added to the Application describing federal and territorial legislation protecting wildlife in the Northwest Territories.</p> | <p>Noted</p> |
| 5 | <p>Topic: Table 7.3 Erosion Control Measures - Source Control, and Section 8.3 Construction Phase Activities References: Government of the Northwest Territories, Department of Transportation - Erosion and Sediment Control Manual</p> | <p>In Section 8.3, the Proponent notes there will be clearing and grubbing in the construction phase activities (p. 97), and notes on Table 7.3 (p.76) that the project will schedule construction events to minimize unfavorable seasonal climatic conditions and fish sensitive periods. However, there is no specific mention of migratory birds or their sensitive nesting period throughout the rest of the application. The project will occur during the B9 nesting season for migratory birds, which extends from mid-May to mid-August for this region. Migratory birds, their nests and their eggs can be inadvertently harmed by many activities. Harm includes killing, disturbing or destroying individual birds, nests or eggs and can have long-term consequences for migratory bird populations in Canada, especially through the cumulative effects of many different incidences.</p> | <p>ECCC recommends the Proponent:</p> <ul style="list-style-type: none"> · Carry out all phases of the project in a manner that protects migratory birds and avoids harm. · Consider ECCC's Guidelines to Reduce Risk to Migratory Birds (https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html). · Train all project staff during orientation on potential presence of migratory birds and how to recognize signs that a bird might be nesting in an area. · Establish appropriate protective buffer zones around any nests found, determined by a setback distance appropriate for the species, the intensity of the disturbance, and the surrounding habitat until the young have naturally and permanently left the vicinity of the nest. · Consult ECCC to determine appropriate setback distances and for general advice related to migratory birds at: cwsnorth-scfnord@ec.gc.ca | <p>INF DTS-EA provides a course on Migratory Birds Awareness Training with a quiz and certificate, a Beneficial Management Practices Manual, and all required site signage.</p> <p>Contactors are required to provide training and measures to ensure migratory birds are protected</p> |
| 6 | <p>Topic: Section 8.0 Selection of BMP For Erosion and Sediment Control References: Government of the Northwest Territories, Department of Transport</p> | <p>The project falls within the breeding range of the Bank Swallow. Bank Swallows may be present along the riverbanks where activities are to occur. Certain proposed project activities during the nesting period could inadvertently disturb or harm Swallows and other migratory birds. Specifically, "borrow excavations", cut and fill slope construction and creation of stock piles (p.98) could affect these species and their nesting habitat.</p> | <p>ECCC recommends:</p> <ol style="list-style-type: none"> a. The Proponent take precautions to avoid disturbance to nesting Bank swallows. b. The Proponent assess riverbanks for the presence of Bank Swallow nests prior to construction. c. Deterrent and exclusion measures be taken prior to nesting season to ensure that Bank Swallows do not nest along the banks or in construction zones during the construction period. | <p>INF DTS-EA provides a course on Migratory Birds Awareness Training with a quiz and certificate, a Beneficial Management Practices Manual, and all required site signage.</p> <p>Contactors are required to provide training and measures to ensure migratory birds are protected</p> |

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| | ation - Erosion and Sediment Control Manual | | d. Staff and contractors be made aware of potential presence and conservation status of the Bank Swallow. | |
| 7 | Topic: Section 7.0 Off-Site Resources References: Department of Infrastructure Inuvik Region, Spill Contingency Plan 2022 | Section 7.0 is missing the contact information for ECCC in the event of a spill. | ECCC recommends the Proponent add the following contact information to the document, for reporting spills: In the case of a spill or emergency, the 24 Hour Northwest Territories Spill Report Line should be contacted first by the Proponent, who will then involve Environment Canada Emergencies when appropriate. For information relating to the environmental enforcement and reporting requirements under the Canadian Environmental Protection Act, 1999 and the Fisheries Act please contact the Environment and Climate Change Canada Environmental Enforcement at 867-669-4730. The Environment Canada National Environmental Emergencies Centre (NEEC) will provide technical and scientific environmental advice and assistance to the lead agency, in the event of an environmental emergency. A lead agency is described as the governmental authority that regulates or has authority over the activity from which the emergency originated. NEEC can be contacted at 1-866-283-2333. | The Spill Reporting Hotline has protocols for notification is addressed in the Spill Contingency Plan. |

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| Gwich'in Tribal Council - Lands and Resources - Christina Martin | | | | |
| 1 | | The volume of granular materials going into the river to develop the ferry ramps interferes with fishing activities. This includes in-filling of eddies that used to be good for fishing. | INF should continue its efforts to extract as much material each year as they put in. Doing so will help alleviate the build-up of materials in prime fishing areas. | INF will continue its program that is in place to minimize use of new granular material and to use suitable equipment to adjust landings to help control any sedimentary issues. If left-over granular materials is placed, it is removed as soon as conditions permit. Recovered granular material is assessed and if deemed unusable, it is stockpiled and dried out. In the past, Marine Operations have gifted the material to the affected communities. |
| 2 | | The ferry landings are moving farther and farther into the rivers, ruining the fishing eddies. | INF should attempt to minimize the reach / length of the ferry ramps at all locations. | INF has noted this concern, however the ferry landings are built for the safety of the ferry and the public. INF has a program in place to minimize the amount of material used on the landings. Additionally, two studies concluded that the ferry operations landings have not negatively affected the water quality and the health of the fisheries – the studies have also noted that the construction of the landings have created eddies on both side of the landings allowing local fishers easier access to the harvesting of fish. |
| 3 | | In recent years, the ferries and landing activities have severely impacted the traditional activities of the Nazon family whose fish camp is located just east of the Inuvik-side ferry landing at the Mackenzie River crossing. This concern has been ongoing and been brought up many times over the years but has not been adequately addressed. | GLR and DCH strongly recommend that the permit includes a requirement that INF work with Margaret Nazon and family to learn how to avoid disrupting the family's important traditional activities at this fish camp. For example, keeping the ferry's movements out of their fishing net areas during July and August, and accommodating their family's vehicles being parked | Marine Operations met with the local user in Tsiigehtchic on a matter related to the proximity of the ferry landing to a fishing location. Marine Operations will do what is necessary to reduce the impact of the operations to the harvesting of fish. |

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| | | | as required near the landing area, will help alleviate ongoing issues. The family's fish camp has been in active use long before the ferry landings were developed. The family members have been appealing to have their harvesting and traditional rights protected and respected since at least 2009; these concerns need to be addressed immediately. | |
| 4 | | There are no garbage cans at the ferry landings for the public to use. | INF should install and regularly empty garbage cans at all ferry landings for the public to use. | There are garbage bins on the ferry that are accessible for the public. INF has noted this concern and will take it into consideration |
| 5 | | Fuel for the Mackenzie River ferries is brought in all the way from Inuvik. | INF should consider purchasing fuel from the community of Tsiigehtchic. | INF has noted this concern and will take it into consideration |
| 6 | | There should be separate contracts for operating the Peel versus the Mackenzie ferries, allowing each community the opportunity to bid on the contracts. | INF should consider separate bidding processes to provide economic opportunities for both Tsiigehtchic and Fort McPherson businesses and residents. | INF has noted this concern and will take it into consideration |
| 7 | | Materials that are put into the rivers should be minimized, and then brought back out at the end of the season and re-used. | INF should continue to re-use the materials for as long as possible, then donate the remaining gravel for community uses after. | INF plans to continue donating remaining gravel for community use, as per the Fort MacPherson engagement meeting |
| 8 | | INF should use rig mats at the ferry landings. | INF / contractors should keep this option in mind for potential uses at the landings. | Marine Operations had placed rig mats on the landings as an alternative to the use of granular material. INF found that when adjusting the landings during high and low water conditions, the rig mats trapped water on the underside of the mats, causing the landings to be soft and unstable. The weight of the rig mats also caused them to sink into the granular base when it rained. |
| 9 | | Communities need to know what the plans are for the ferries; who's involved, how long the seasons are, when they're going to open / close. Need to let know well ahead of time when INF is planning to come to communities for meetings. | INF should provide ample notice of community engagement meetings, and provide detailed, transparent plans during all stages of licensing and operations. Fueling schedules should be shared with communities. Consider combining ferry maintenance and fueling schedules and notify community members. | INF has noted this concern and will take it into consideration for future communication |
| 10 | | Washing the ferry decks can lead to contaminants in the waterways. | INF should take all precautionary measures to ensure that contaminants from vessel decks are never released into the rivers. | INF has noted this concern and where possible will limit the washing of the ferry decks and take any other precautionary measures into consideration. |
| 11 | | Hazardous materials spills associated with ferry operations are not handled in an appropriate nor timely manner. | INF should strictly adhere to all spill contingency response plans and let the communities know immediately if there are any spills so the residents can plan any fishing / harvesting activities accordingly. In particular, residents and those conducting traditional activities at camps adjacent to the ferry landings must be notified immediately after a spill. | INF has noted this concern and can update the Spill Contingency Plan to reflect this |
| 12 | | Communities need long-term permanent job opportunities. | INF should continue its plans for apprenticeship / hiring of community members for engineering and other job opportunities with the ferries. | INF uses 80% local labour and plans are in place to train and hire additional local staff, as per the Fort MacPherson engagement meeting. |
| 13 | | Community members need to understand how development of the Dempster Fiber Project will impact the ferry landings / river crossings. | INF should keep community members and councils informed on exactly how the fiber project will approach and cross the rivers, for example, how the laying of the cable will interfere with traffic and ferry operations at the landing sites. | The Fibre Optic Project should have no impact to the Ferry Landings. The Department of Infrastructure is not undertaking this project, and the owners of the project must undergo the same process/scrutiny that the GLWB expects in order to be awarded a Water License for their project. Community engagement will be part of the pre-application process, as with all Land Use Permits and Water Licences. |

