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Staff Report

Applicant: Government of the Northwest Territories – Department of Infrastructure	
Location: Public Road – Mackenzie Highway #1 (km 278 – km 800)	File Number: MV2016E0006
Date Prepared: March 3, 2020	Date of Board Meeting: April 2, 2020
Subject: Spill Contingency Plan V2	

1. Purpose

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board) an updated Spill Contingency Plan (Plan) submitted by the Government of the Northwest Territories – Department of Infrastructure to satisfy condition 70 of Land Use Permit (Permit) MV2016E0006

2. Background

- June 9, 2016 – Issuance of Permit MV2016E0006;
- February 3, 2020 – Spill Contingency Plan V2 received;
- February 11, 2020 – Plan deemed complete and review commenced;
- March 2, 2020 – Reviewer comments and recommendations due and received;
- March 9, 2020 – Responses due and received;
- **April 2, 2020 – Plan presented to the Board for decision, and**
- June 8, 2021– Expiration of Permit MV2016E0006

3. Discussion

On February 3, 2020, GNWT – INF submitted an updated Spill Contingency Plan as the planned activities (already permitted under MV2016E0006) include geotechnical investigations near the communities of Wrigley and Jean Marie River. The Plan was updated to include site specific procedures as well as site specific conditions.

Engagement

An Engagement Record was included with the Spill Contingency Plan. GNWT-INF noted they engaged with the following parties:

- Community Government of Jean Maire River;
- Dehcho First Nations;
- Fort Simpson Metis Local;
- Jean Marie River First Nation;
- Liidli Kue First Nation;
- North Slave Metis Alliance; and
- NWT Metis Nation.

Notification of the change to the Plan was initially distributed on November 22, 2019 with follow up on January 14, 2020.

Regulatory Requirements

The Plan is required to fulfill condition 70 of Permit MV2016E0006.

Condition 70 states, the Permittee shall adhere to the Spill Contingency Plan, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revision to the plan shall be submitted to the Board for approval.

4. Comments

n/a

5. Public Review

By March 2, 2020, the Board received comments from GNWT – Environment and Natural Resources indicating that they have no concerns with the updated Spill Contingency Plan. As there were no comments and recommendations, GNWT – INF did not respond.

6. Security

Security is not applicable to this Project as per section 94 of the *Mackenzie Valley Resource Management Act* (MVRMA) because the territorial government is not required to post security pursuant to section 71 of the MVRMA.

7. Conclusion

Board staff conclude that the Plan, as submitted, is in conformity with applicable guidelines and the requirements of Permit MV2016E0006 and can be approved.

Board staff conclude there are no outstanding issues or concerns with this Plan

8. Recommendation

Board staff recommend the Board **make a motion to approve the Spill Contingency Plan** version 2, as required by Land Use Permit MV2016E0006, condition 70.

A draft decision letter is attached.

9. Attachments

- [Spill Contingency Plan V2](#)
- Review Summary and Attachments
- Draft Decision Letter from the Board

Respectfully submitted,

A handwritten signature in blue ink that reads "Tyree Mullaney". The signature is written in a cursive style and is set against a light yellow rectangular background.

Tyree Mullaney
Regulatory Specialist

Review Comment Table

Board:	MVLWB
Review Item:	GNWT - INF - Spill Contingency Plan V2 - MV2016E0006
File(s):	MV2016E0006
Proponent:	GNWT - INF (Infrastructure)
Document(s):	Spill Contingency Plan - V2 (3.45 MB)
Item For Review Distributed On:	Feb 11 at 09:02 Distribution List
Reviewer Comments Due By:	Mar 2, 2020
Proponent Responses Due By:	Mar 9, 2020
Item Description:	<p>The Government of the Northwest Territories – Department of Infrastructure (GNWT-INF) has submitted Version 2 of its Spill Contingency Plan on February 3, 2020. This Plan is required by Permit MV2016E0006, condition #70. The Plan has been updated to reflect updated practices and specific site-conditions.</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. If reviewers seek clarification on the submission, they are encouraged to correspond directly with the Applicant prior to submitting comments and recommendations.</p> <p>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.</p>
General Reviewer Information:	<p>This review has also been faxed to the following organizations:</p> <p>Fort Simpson Métis Local #52 Marie Lafferty President (867)695-2040;</p> <p>Northwest Territory Métis Nation Garry Bailey c/o Tim Heron NWTMN IMA Coordinator (867)872-3586; tim.heron@nwtmetis.ca or (alternatively) lands.resources@nwtmetis.ca;</p>
Contact Information:	<p>Jen Potten 867-766-7468 Tyree Mullaney 867-766-7464</p>

Comment Summary

GNWT - ENR - EAM (Environmental Assessment and Monitoring): Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	General File	Comment (doc) ENR Letter - No Comments or Recommendations at this time. Recommendation	-	-



March 2, 2020

Tyree Mullaney
Regulatory Officer
Mackenzie Valley Land and Water Board
7th Floor – 4910 50th Avenue
P.O. Box 2130
Yellowknife, NT
X1A 2P6

Dear Ms. Mullaney,

**Re: Department of Infrastructure, GNWT
Land Use Permit – MV2016E0006
Spill Contingency Plan Version 2
Waste Management Plan Version 2
Request for Comments**

The Department of Environment and Natural Resources, Government of the Northwest Territories has reviewed plans 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