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Staff Report

Applicant: Government of Yukon – Department of Highways and Public Works (GY – DHPW)	
Location: Hwy #8 – Yukon Border to Inuvik	File Number: MV2019X0027 MV2019L8-0013
Date Prepared: February 2, 2021	Date of Board Meeting: February 25, 2021
Subject: Dempster Highway Fibre Project – Management Plans for Board Approval	

1. Purpose

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board), the following revised management plans pertaining to the Government of Yukon – Department of Highways and Public Works (GY-DHPW) Dempster Fibre Project.

- a) Spill Contingency Plan Version 1.1;
- b) Waste Management Plan Version 1.1; and
- c) Engagement Plan Version 1.1

2. Background

On August 31, 2020 GY-DHPW was issued Land Use Permit MV2019X0027 and Water Licence MV2019L8-0013 for the Dempster Fibre Project. At time of issuance, the Board did not approve the Waste Management Plan, the Spill Contingency Plan or the Engagement Plan that were submitted as part of the application. The Board required that revisions to each of the plans be made, in accordance with reviewer recommendations and developer commitments, and as summarized below.

Spill Contingency Plan (SCP) – The SCP was developed using Indian and Northern Affairs Canada *Guidelines for Spill Contingency Planning (2007)*, however during the public review, GNWT recommended that updates be made to contact information, Safety Data Sheets and maps. In its response GY-DHPW indicated that the SCP would be updated by the contractor prior to commencement of Project activities.

Waste Management Plan (WMP) – During the public review the GNWT recommended that the following details should be included in the Plan prior to approval.

- The volume of waste that could be generated by the Project;
- The size of waste storage containers that will be available on site; and
- Details regarding secondary containment for the temporary storage of hazardous waste.

In response to concerns, GY – DHPW committed to updating the Waste Management Plan

Engagement Plan (EP) – The engagement plan was developed in accordance with the MVLWB Engagement Guidelines, however during the public review, GNWT noted that records were missing for the engagement conducted with the Hamlet of Fort McPherson. In its response, GY-DHPW committed to updating the record and plan with this information, as well as records from ongoing engagement activities.

3. Discussion

On December 15, 2020, GY-DHPW submitted to the Board revisions to the Spill Contingency Plan, Waste Management Plan, and Engagement Plan.

Board staff circulated the documents for Public Review on January 4, 2021. By the close of the public review period on January 25, 2021, comments had been received from:

- Gwich'in Renewable Resources Board (No concerns, except to recommend care when depositing drilling waste into natural depressions that might be used by migratory birds)
- GNWT Environment and Natural Resources (No comments or recommendations)

By the close of the proponent response period on February 1, 2021, GY-DHWP had not responded to comments.

Board staff have reviewed the revised plans and suggest that GY-DHPW has captured the recommendations and commitments made during the public review. Staff believe the plans conform with applicable guidelines and contain mitigation measures that are appropriate to the scope and scale of the proposed development.

4. Comments

N/A

5. Public Review

By January 25, 2021, comments and recommendations on the Plans were received from 2 Parties:

- Government of the Northwest Territories – Environment and Natural Resources; and
- Gwich'in Renewable Resources Board.

GY-DHPW did not provide a response. The Review Summary and Attachments (attached) presents the concerns identified through this review.

6. Security

The status of security for this Project will not be affected by the Board's decisions related to the Plans.

7. Conclusion

Board staff conclude there are no outstanding issues or concerns with these Plans.

8. Recommendation

Board staff recommend the Board:

- a) **Make a motion to approve Spill Contingency Plan V 1.1** as required for land use permit MV2019X0027 and water licence MV2019L8-0013.
- b) **Make a motion to approve Waste Management Plan V 1.1** as required for land use permit MV2019X0027 and water licence MV2019L8-0013.
- c) **Make a motion to approve Engagement Plan V 1.1** as required for land use permit MV2019X0027 and water licence MV2019L8-0013.

9. Attachments

- [MV2019L8-0013 MV2019X0027](#)
 - [Waste Management Plan](#)
 - [Spill Contingency Plan](#)
 - [Engagement Plan](#)
- Comment Summary Table
- Draft Decision Letter from the Board

Respectfully submitted,



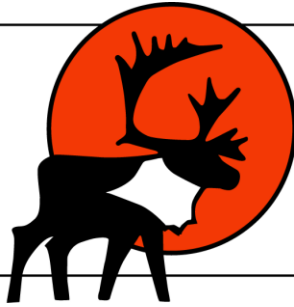
Alec Sandra Macdonald
Regulatory Specialist

Review Comment Table

Board:	MVLWB
Review Item:	Government of Yukon - Department of Highways and Public Works - Revised Spill Contingency Plan, Waste Management Plan and Engagement Plan
File(s):	MV2019L8-0013 MV2019X0027
Proponent:	Government of Yukon - Department of Highways and Public Works
Document(s):	Waste Management Plan V 1.1 (325 KB) Spill Contingency Plan V 1.1 (1254 KB) Engagement Plan V 1.1 (7340 KB)
Item For Review Distributed On:	Jan 4 at 14:32 Distribution List
Reviewer Comments Due By:	Jan 25, 2021
Proponent Responses Due By:	Feb 1, 2021
Item Description:	<p>In accordance with the submission requirements of Land Use Permt MV2019X0027 and Water Licence MV2019L8-001, the Government of Yukon - Department of Highways and Public Works (GY-DHPW) submitted Version 1.1 of its Spill Contingency Plan, Waste Management Plan and Engagement Plan on December 18, 2020.</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>
Contact Information:	AlecSandra Macdonald please email Tyree Mullaney 867-766-7464

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	<p>Comment (doc) ENR Letter - No Comments or Recommendations at this time.</p> <p>Recommendation</p>		Noted
Gwich'in Renewable Resources Board: Staff Gwichin Renewable Resource Board				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	GRRB Response	<p>Comment (doc) Thank you for giving the GRRB the opportunity to provide feedback on this application. Our response is attached.</p> <p>Recommendation Please see the attached document.</p>		Noted



Gwich'in Renewable Resources Board

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Phone: (867) 777-6600 Fax: (867) 777-6601
<http://www.grrb.nt.ca>

January 25, 2021

Attention: AlecSandra Macdonald, Mackenzie Valley Land and Water Board

Re: MV2019L8-0013 & MV2019X0027 – Revised Spill Contingency Plan, Waste Management Plan and Engagement Plan – Government of Yukon, Department of Highways and Public Works

Thank you for giving the GRRB the opportunity to provide feedback on this application. Our technical staff have reviewed it and no major conservation concerns were identified. Based on the information provided, we support this project but would like to offer the following comments:

- Section 4.4.6 of the Dempster Fibre Project Waste Management Plan states that one option for disposing of drilling mud will be to leave it in “nearby natural depressions.” However, the characteristics which will be used to choose these sites are unclear. We are concerned because during the spring, natural depressions often fill with water, providing habitat for migratory birds and the invertebrates on which they feed. These low-lying areas can also be good sites for berries, particularly cloudberries. We recommend against this method of disposal.
- If the proponent plans to go ahead with disposing of drilling mud in natural depressions, we recommend that the Waste Management Plan include specific criteria to be used in determining whether a site is suitable. We also encourage consulting with the local Renewable Resources Council on the appropriateness of the specific locations that will be used.

If you have any questions about these comments, please feel free to contact me.

Steve Andersen
Stakeholder Liaison
reviews@grrb.nt.ca
867-777-6600 ext 5



January 25, 2021

Tyree Mullaney
Regulatory Coordinator
Mackenzie Valley Land and Water Board
7th Floor – 4922 48th Street
P.O. Box 2130
Yellowknife, NT
X1A 2P6

Dear Ms. Mullaney,

**Re: Government of Yukon - Department of Highways and Public Works
Land Use Permit – MV2019X0027
Water Licence – MV2019L8-0013
Revised Spill Contingency Plan, Waste Management Plan and
Engagement Plan
Request for Comment**

The Department of Environment and Natural Resources, Government of the Northwest Territories has reviewed the documents at reference based on its mandated responsibilities under the *Environmental Protection Act*, *Wildlife Act* and the *Species at Risk (NWT) 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 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