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May 21, 2020

File: MV2020P0006

Sarah McKenzie
Enbridge Pipelines (NW) Inc.
10175 101 Street NW Suite 200
Edmonton AB T5J 0H3

Sent by email

Dear Sarah McKenzie:

**Land Use Permit Application – Incomplete
Off Right-of-Way activities for the operation and maintenance of the Norman Wells (Line 21)
pipeline from Norman Wells to the Alberta/Northwest Territories border**

On May 11, 2020 the Mackenzie Valley Land and Water Board (Board) staff received the Application for Land Use Permit (Permit) MV2020P0006 from Enbridge Pipelines (NW) Inc. (Enbridge). The Application has been reviewed by Board staff and found to be lacking sufficient information. For the Application to be considered complete and forwarded for review, the following information must be submitted to the Board's office:

1. Proof of Eligibility (Section 6 of the Application Form)

- a) The Eligibility section titled 'Appendix II – Eligibility' includes a table which identifies land use areas that are subject to the Sahtu Land Claim Agreement. In this table, there are three areas that do not appear to be in the Sahtu Land Claim Agreement (Appendix E – Schedule XXIII). These include:

May Sheet	Feature Name	KP	Type
SHT-01	TR-01-SHT-01	2.2	Access
SHT-10	TR-01-SHT-10	121.4	Access
SHT-10	TR-03-SHT-10	122.3	Access

Please clarify which parcel of Sahtu land these land use areas are captured under as per the Sahtu Land Claim Agreement (Appendix E – Schedule XXIII).

- b) A summary of the various types of land use areas were provided in the section titled 'Appendix III – Land Use Area Summary'. The land use features included fire guards, workspaces, access and shoo flies, borrow sites, campsites, airstrip, and herbicide. Under each of these land use features was a table outlining the specific location of these sites. Under this appendix, in Section 3 Accesses and Shoo flies, there are five areas that were previously identified in 2013 as being located on Sahtu private lands. These include:

May Sheet	Feature Name	KP	Type
SHT-07	TR-01-SHT-07	54.1	Access
SHT-07	TR-02-SHT-07	84.4	Access
SHT-07	TR-03-SHT-07	84.5	Access
SHT-15	TR-07-SHT-15	197.6	Access
SHT-17	TR-04-SHT-17	224.6	Access

On [July 18, 2013](#), Enbridge confirmed that these locations were all located on Sahtu private lands and that they were in the process of discussing access to these areas with the Tulita District Land Corporation. At that time, as there was no approved access agreement, Enbridge withdrew these sites from the scope of that application.

Please clarify, and submit proof, if an access agreement has been reached with the Tulita District Land Corporation for these Sahtu private lands.

2. Waste Management Plan – Disposal of Waste (Section 11 of the Application Form)

- a) In the section titled ‘Appendix IV – Campsite Information’ of the Application, it states that ‘Potable water for camp use is hauled from Wrigley or Fort Simpson; sewage is pumped and hauled periodically to Fort Simpson. Enbridge maintains agreements with local facilities for water use and waste disposal.’. In the Waste Management Plan, it states that ‘All domestic landfill and sewage treatment use requires a written agreement between Enbridge and the appropriate authority prior to use, unless an existing agreement is already in place.’ The list of municipals provided includes the Town of Norman Wells, the Hamlet of Tulita, the Village of Fort Simpson, and the Town of Hay River.

Please submit a letter, should it exist, from the Town of Norman Wells, the Hamlet of Tulita, the Village of Fort Simpson, and the Town of Hay River confirming they will accept wastes, either domestic or sewage, from your activities for off-site disposal as described in your Waste Management Plan. If the letter is not forthcoming, please provide evidence that attempts were made to obtain the letter.

3. Fuel (Section 13 of the Application Form)

- a) The amount of fuel, either per land use area or for the full operation, has not been provided, only that it may be occasionally stored on the land use permitted areas temporarily.

Please provide additional information on the type of fuel to be stored and the maximum quantities to be stored at each of the various land use features.

4. Additional Supporting Information (Section 19 of the Application Form)

- a) Land Use Planning:

The Sahtu Land Use Plan (SLUP) received approval and came into effect on August 8, 2013. The previous Permit MV2013P0011 was approved prior to approval of the SLUP and is therefore considered a legacy land use under sections 2.5 D (1.1) and (1.5) of the SLUP:

- 1.1 Ongoing or proposed land uses for which one or more applicable authorizations have been issued under federal or territorial law prior to the Plan coming into effect;
- 1.5 Land uses identified in 1.1-1.4 for which renewals or extensions of authorizations have been granted or are pending, provided that the application for renewal or extension was submitted prior to the expiry date.

Subject to subsections 4.1 and 4.2 of the SLUP, any authorizations or the renewal or extension of authorizations for legacy land uses that are issued after the SLUP comes into effect shall require conformity of these land uses with all of the Conformity Requirements (CRs) in the SLUP, except for those listed in section 3 of the SLUP:

4.0 Subject to 3.1, legacy land uses are exempt from:

- A) the application of CRs 1, 16, and 18
- B) and from CR 17 if it would prohibit the issuance of the interest or entitlement (or the exercise of the associated right).

The following table is required to be completed except those Conformity Requirements indicated by N/A.

Table 1: SLUP Conformity Requirements

Conformity Requirement	Application Section(s)	Supporting Evidence
CR#1 – Land Use Zoning	N/A	Legacy land uses are exempt from CR#1
CR#2 – Community Engagement and Traditional Knowledge		
CR#3 – Community Benefits		
CR#4 – Archaeological Sites and Burial Sites		
CR#5 – Watershed Management		
CR#6 – Drinking Water		
CR#7 – Fish and Wildlife		
CR#8 – Species Introductions		
CR#9 – Sensitive Species and Features		
CR#10 – Permafrost		
CR#11 – Project-Specific Monitoring		
CR#12 – Financial Security		
CR#13 – Closure and Remediation		
CR#14 – Protection of Special Values		
CR#15 – The Great Bear Lake Watershed	N/A	
CR#16 Fish Farming and Aquaculture	N/A	
CR#17 – Disturbance of Lakebed	N/A	
CR#18 – Uses of Du K’ets’Edi Conservation Zone (Sentinel Islands)	N/A	
CR#19 – Water Withdrawal	N/A	

b) Traditional (Environmental) Knowledge (TEK/TK):

In 2013, Enbridge supported a Traditional Ecological Knowledge (TEK) Study for land use areas associated with the previous Permit MV2013P0011 and submitted a summary report (all original studies were deemed confidential and not included on the public registry).

The submitted Engagement document states that ‘the information provided from the TEK report continues to inform and guide Enbridge’s continuing operations in the region’ but no details were provided as to how any of the concerns and recommendations, that were identified in the 2013 TEK Study, were addressed in this Application.

Enbridge is to prepare a summary document that identifies how the specific concerns and recommendations, based on the Traditional Knowledge received and noted in the 2013 TEK Study, have been considered in conducting their operational and maintenance activities at the specific locations of concern, or how they have been addressed through the previous permit conditions, within operational manuals, plans, or programs, or provide justification for any recommendation not adopted.

Upon receipt of this information, the Application will be reviewed in accordance with the *Mackenzie Valley Resource Management Act*. For further assistance, please refer to “Guide To Completing Land Use Permit Applications to the Mackenzie Valley Land and Water Board” available on our website at www.mvlwb.com under “Apply for Permit/Licence” and “Forms and Guides”.

If this supplementary information is not provided within ninety (90) days, then it shall be assumed that you do not wish to continue with the processing of this Application, and the Application will be returned to you as per Section 25 of the MVLUR.

If you have any questions or concerns, please contact me at (867) 766-7456 or email angela.love@mvlwb.com.

Yours sincerely,



Angela Love
Regulatory Specialist

Copied to: Jonathan Gillingham, GNWT-Lands, Resource Management Officer II, Sahtu Region
Danielle Rogers, GNWT-Lands, Resource Management Officer III, Dehcho Region