

Reviewer Comments and Proponent Responses

Project: Porritt Landing Dredging Project – Application and Draft Conditions Review
 Board: Mackenzie Valley Land and Water Board
 Proponent: Town of Hay River

File Number: MV2024L7-0010
 Review Comments Due: January 16, 2025
 Proponent Responses Due: February 6, 2025

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
Environment and Climate Change Canada (ECCC) - Jennifer Sabourin					
1	Topic: Errors Reference: - Erosion and Sediment Control Plan - Section 1.5 and 1.6	Sections 1.5 and 1.6 of the Erosion and Sediment Control Plan erroneously refer to the plan as the Waste Management Plan. These sections should be updated to include relevant details and references for the Erosion and Sediment Control Plan.	ECCC recommends the Proponent review the Erosion and Sediment Control Plan for errors, and update accordingly.	The Town of Hay River (THR) accepts this recommendation.	Noted.
2	Topic: Monitoring Reference: - Erosion and Sediment Control Plan - Section 4.0	The Erosion and Sediment Control plan states that a detailed water monitoring program is not required since the Hay River is naturally high in turbidity and total suspended solids (TSS) and the working area is in a dead-end channel with no flow. To ensure the erosion and sediment control measures are functioning as intended, only visual monitoring is proposed. However, ECCC notes that in-situ turbidity measurements are an easy and efficient way to provide water quality readings to track changes to water quality and to confirm that the silt curtain is performing as expected and there are no unexpected effects to aquatic life.	ECCC recommends that consideration is given to using in-situ turbidity measurements to confirm that the silt curtain is performing as intended and that there are no unexpected effects to aquatic life.	The THR is agreeable to using in-situ turbidity measurements to confirm that the silt curtain is performing as intended during periods of operation.	Noted. The Board requires the Town to implement in-situ turbidity measurements to confirm that the silt curtain is performing as intended during periods of operation and include this revision in the next version of the Plan.
3	Topic: Duration of in-water works Reference:	The renewal application does not include any details on the expected duration of the in-water works. Having an understanding of the duration of work informs the assessment of potential effects and whether proposed mitigations are appropriate.\	ECCC recommends the Proponent provide details on the expected duration of the in-water works.	The purpose of this Licence is to allow the THR to conduct routine maintenance on Porritt Landing. The proposed activities will occur on an as needed basis and will be intermittent in nature. Part B,	Acceptable response.

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	- Type B Water Licence Renewal Application			Condition 23 of the draft Licence requires the THR to provide a minimum to ten days' notice to the Board and the Inspector when Project activities are scheduled to commence. In addition to maintaining compliance with Part B, Condition 23 of the draft Licence, the THR notifies DFO when Project activities are commencing and the expected duration.	
4	Cover Letter	Cover Letter	N/A	N/A	Noted.
MVLWB - Erica Janes					
1	Engagement Plan, PDF pg 5; Sedimentation and Erosion Control Plan, PDF pg 10; Waste Management Plan, PDF pg 9	Board staff note the inclusion of this figure, which is blurry and includes very faint captions; this figure was previously included in submissions under Licence MV2018L7-0002.	Please revise this figure so that it is more clear and includes legible labels that are clearly linked to mapped features.	The THR accepts this recommendation.	Noted. The Board requires the Town to include clearer figures and labels more legibly linked to mapped features in the next revision of the Plan.
2	Erosion and Sedimentation Control Plan	This Plan includes erroneous references to the Waste Management Plan (for example, section 1.6).	Please review the Plan and ensure cut-and-paste errors are corrected.	The THR accepts this recommendation.	Noted. The Board directs capturing the Proponent's response/commitment through Plan revisions subject to Staff conformity.
Fisheries and Oceans Canada (DFO) - Ms. Anna-Maija LaFlamme					
1		Impacts to fish and fish habitat can occur during in-water activities through loss of fish habitat, erosion and sedimentation, release of deleterious substances into aquatic environments, and disturbance to fish and fish habitat during sensitive life stages.	Based on the information that was submitted, DFO recommends the proponent to provide more information on the projects duration and include potential mitigation measures in the	The purpose of this Licence is to allow the THR to conduct routine maintenance of Porritt Landing. The proposed activities will happen on an as needed basis and will be intermittent in nature. Part B,	Acceptable response.

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		<p>The Porritt Landing Dredging Project, Type B Water Licence Renewal, file number: MV2018L7-0002 briefly discusses the projects installation, operation, and maintenance of the existing marina but does not provide details of the anticipated in-water works timing, duration, or potential mitigation measures related to fish and fish habitat.</p>	<p>application for fish and fish habitat.</p> <p>In order to comply with the Fisheries Act, DFO recommends the proponent follow any relevant Measures to protect fish and fish habitat (dfo-mpo.gc.ca) and Standards and codes of practice.</p> <p>By doing so, any works, undertaking or activities where impacts to fish and fish habitat can be avoided.</p> <p>In addition, Proponents are also asked to respect the NWT in-water works restricted activity timing windows (Projects Near Water - Northwest Territories Restricted Activity Timing Windows for the Protection of Fish and Fish Habitat (dfo-mpo.gc.ca)).</p> <p>If the proposal meets the criteria for a site-specific review (e.g., in-water works conducted during the Restricted Activity Period) as described on DFO's website (https://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-003-eng.html), they should complete and submit the request for review form available on the website (https://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-004-eng.html).</p> <p>It is also the proponent's Duty to</p>	<p>Condition 23 of the draft Licence requires the THR to provide a minimum to ten days' notice to the Board and the Inspector when Project activities are scheduled to commence. In addition to maintaining compliance with Part B, Condition 23 of the draft Licence, the THR notifies DFO when Project activities are commencing. In general, the THR conducts activities outside of spawning season, uses mitigation measures to prevent impacts on fish and fish habitat (silt curtain), and invites input from DFO prior to conducting activities. The THR intends to be compliant with all applicable legislation and work with DFO throughout the duration of the Project to avoid impacts to fish and fish habitat.</p>	

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			Notify DFO if they 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. Such notifications should be directed to (DFO.ARCENTriage-TriageGEARC.MPO@df-mpo.gc.ca)		
Town of Hay River - Meaghan Newell					
1	Draft Licence - Part A, Condition 1 (Scope)	In the Application Form, the Town of Hay River (THR) has described project activities as: (i) installation, operation, and maintenance of marina including the boat launch, gabion retaining structure, sheet pile retaining wall, and other structures; (ii) dredging; (iii) shoreline remediation to address riverbed erosion; and, (iv) installation and maintenance of a floating dock. The Scope in the draft Licence is consistent with the Scope in MV2018L7-0002. It is unclear if the Scope in the draft Licence would allow for the execution of all project activities outlined in the Application Form.	THR is requesting that the Board clarify if the Scope in the draft Licence would allow for all project activities, as outlined in the Application Form, to be executed. If the Scope does not allow all project activities to be completed, THR is requesting the Scope be updated to include all project activities.	The scope being proposed by the THR is: "This Licence entitles the Licensee to use Water and deposit Waste for recreational undertakings at Porritt Landing in Hay River, Northwest Territories. The scope of this Licence includes the following: a) installation, operation, and maintenance of the Porritt Landing boat launch, gabion retaining structure, and sheet pile retaining wall; b) dredging and sediment removal; c) site grading; and, d) deposit of waste at Lot 1057, Plan 977 Hay River, NT.	Noted. Board staff consider the Proponent's response new information regarding Scope, which warranted further Public Review.
2	Draft Licence - Part B, Conditions 15 (Updates to Schedules and Compliance Dates) & 17 (Post Surveillance Network Program Signs)	These conditions reference compliance with a Surveillance Network Program (SNP). An SNP was not part of the previous Licence and was not included in Board staff's draft Licence.	THR requests that reference to an SNP are removed from the Licence to avoid confusion.	N/A	Noted.

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3	Draft Licence - Part B, Condition 19 (Annual Water Licence Report)	The Board has requested reviewer input of the due date for the Annual Report.	THR is agreeable to the deadline for the Annual Report being March 31.	N/A	Noted.
GNWT-ECC (Environment and Climate Change) - Environmental Regulatory Analyst					
1	General	<p>The Department of Environment and Climate Change, Government of the Northwest Territories has reviewed the application at reference based on its mandated responsibilities under the Waters Act and has provided comments and recommendations for consideration of the Mackenzie Valley Land and Water Board.</p> <p>For any technical questions, please contact Lee Ross, Regulatory and Science Advisor at Lee_Ross@gov.nt.ca with the Regulatory and Permitting Division.</p> <p>Should you have any general questions or concerns, please do not hesitate to contact gnwt_ea@gov.nt.ca.</p>		N/A	Noted.
2	Waste Management Plan Version 4 – MTS Letter of Acceptance for Excavated Materials	The Town of Hay River submitted Waste Management Plan (WMP) Version 4 with their renewal application for their Type B Water Licence. The Government of the Northwest Territories, Department of Environment and Climate Change (GNWT-ECC) notes that in Section 2.3 of the revised WMP there is a reference to a letter from Marine Transportation Services (MTS) to accept the excavated dredge materials from the project to be used as common fill. The Town of Hay River states the approval letter is attached to	<p>GNWT-ECC recommends that the Town of Hay River provide the letter referenced in Section 2.3 of the WMP to confirm MTS acceptance of the dredged material.</p> <p>GNWT-ECC recommends that the Town of Hay River include the soil criteria that the excavated material will be required to meet for use as common fill by MTS.</p>	The letter referenced in Section 2.3 of the Waste Management Plan can be found here: https://registry.mvlwb.ca/Documents/MV2018L7-0002/MV2018L7-0002%20-%20Town%20of%20Hay%20River%20-%20GNWT%20Response%20to%20Information%20Request%20-%20Aug20-18.pdf .	Acceptable response.

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		<p>the WMP, however GNWT-ECC did not find the letter within the WMP or within the Type B Water Licence application package. GNWT-ECC further notes that the WMP is unclear on what soil criteria the excavated material will be required to meet for use as common fill by MTS.</p>		<p>When dredging occurs, sample results are sent to the GNWT-ECC for approval prior to disposal. The draft Licence indicates that analytical results must also be submitted to the Board and the Inspector (Part F, Condition 10) and dredge material must meet the Government of the Northwest Territories' Environmental Guideline for Contaminated Site Remediation prior to disposal (Part F, Condition 12).</p>	
3	Board Staff draft Licence Conditions, Part F, Condition 10	<p>GNWT-ECC notes that in the Draft Licence provided with the review package (MV2024L7-0010) that Part F, Condition 10 is listed as a non-standard condition brought forward from the previous Licence. This condition states that:</p> <p>“Prior to disposing dredged material as described in the Waste Management Plan, the Licensee shall submit analytical results to the Board and the Inspector.”</p> <p>Given the potential for possible industrial contamination in the project area and that the excavated material is proposed for use as common fill, GNWT-ECC supports retaining this condition in the issued Licence to prevent the potential scenario of contaminated material being used as common fill and to provide a record of soil quality for future reference.</p>	<p>GNWT-ECC recommends that if the Board approves the Water Licence renewal that Part F, Condition 10 of the draft Licence be included in the issued Licence to ensure soil quality is confirmed and recorded prior to use as common fill.</p>	<p>The THR accepts Part F, Condition 10 as part of the Licence.</p>	<p>Noted.</p>

Ts'ueh Nda First Nation (West Point) - John Sexsmith

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1		<p>- West Point First Nation (WPFN) Lands Office has reviewed the Porritt Landing Dredging Project Type B Water Licence Renewal application (MV2018L7-0002) at reference and based on the information made available. WPFN understand from the initial details from Megan Newell that the Town of Hay River has been planning on dredging Porritt Landing area WPFN is wondering if this dredging work was completed and was it completed when the Government of the Northwest Territories was conducting emergency dredging of Hay River Harbour and portions of the Porritt Landing.</p> <p>If the Porritt Landing dredging has not been completed when does the Town of Hay River plan on completing this dredging?</p> <p>Should you have any general questions or concerns, please do not hesitate to contact West Point First Nation Lands Office at land@wpfn.ca.</p>	<p>West Point First Nation would like to be kept updated on the plans regarding dredging for the Porritt Landing Dredging Project work, including water monitoring quality results particularly whether there are observed exceedances of water quality as a result of the dredging, spills etc. The monitoring results can be emailed to West Point First Nation lands office at land@wpfn.ca.</p>	<p>The THR has completed some work under the previous Licence, however, the purpose of this Licence is to allow the THR to conduct routine maintenance on Porritt Landing. The proposed activities will occur on an as needed basis and will be intermittent in nature. Part B, Condition 23 of the draft Licence requires the THR to provide a minimum to ten days' notice to the Board and the Inspector when Project activities are scheduled to commence. In addition to maintaining compliance with Part B, Condition 23 of the draft Licence, the THR notifies DFO when Project activities are commencing and the expected duration. THR will maintain compliance with the required notifications in the Licence and engage with stakeholders as outlined in the Engagement Plan.</p>	<p>Acceptable response.</p>
2		<p>West Point First Nation (WPFN) Lands Office has reviewed the application at reference and based on the information made available. WPFN can confirm that it does not have any comments at this time as WPFN recognizes the importance of the ongoing water monitoring at the regarding the Post-Fire Monitoring Study at the Town of Hay River Solid Waste Disposal Facilities.</p> <p>West Point First Nation would like to be kept updated on the details of the water monitoring work being done and the water monitoring quality results, particularly whether there are observed exceedances of leachate materials or if there are naturally</p>	<p>West Point First Nation would like to be kept updated on the details of the water monitoring work being done and the water monitoring quality results, particularly whether there are observed exceedances of leachate materials or if there are naturally caused exceedances. The monitoring results can be emailed to West Point First Nation lands office at land@wpfn.ca.</p>		<p>As noted above, the Board is satisfied with the Proponent's commitment to keep affected parties informed about Project works through continuous engagement.</p>

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		<p>caused exceedances. The monitoring results can be emailed to West Point First Nation lands office at land@wpfn.ca.</p> <p>Should you have any questions or concerns, please do not hesitate to contact West Point First Nation Lands Office at land@wpfn.ca.</p>			
Transport Canada - Mr. Scott Kidd					
1	Water License Application Boxes 4 and 6	<p>For the information of the Mackenzie Valley Land and Water Board (MVLWB) and the Proponent, works, such as dredging, docks, and gabions, in, on, over, under, through or across navigable waters are regulated under the Canadian Navigable Waters Act (CNWA). A work's possible impacts to navigation and corresponding requirements under the CNWA are dependent upon the type of waterway and the type of work being undertaken. Great Slave Lake is listed in the CNWA Schedule of Navigable Waters.</p> <p>Given the limited details about the project in the license application for renewal, Transport Canada cannot comment definitively on the Project's impacts on navigation. However, as Great Slave Lake is a CNWA scheduled waterway, any works, such as those above, would require an approval under the CNWA. The exception to this would be if the work meets the criteria to be considered a 'minor work' under the CNWA Minor Works Order. For clarity, all CNWA minor works, regardless of their location, do not require a CNWA approval as these structures are not considered to have a significant impact on navigation.</p>	<p>It is recommended the Proponent review the Works on navigable waters in Canada (https://tc.canada.ca/en/programs/navigation-protection-program/works-navigable-waters-canada) webpage and Transport Canada's Navigation Protection Program on-line Project Review Tool (https://npp-submissions-demandes-ppn.tc.canada.ca/projectreview-outildexamenduprojet) to better understand the applicability of the CNWA to the Project. Should the Proponent have questions, they can contact Transport Canada's Navigation Protection Program at: 1-844-425-7787 or NPPNR-PPNRPN@tc.gc.ca.</p>	<p>The THR will review Transport Canada documents and ensure compliance. If clarification is required, the THR will work with Transport Canada.</p>	<p>The Board is satisfied with the Proponent's response on this issue.</p>

Environmental Protection Operations Directorate
Prairie & Northern Region
5019 52nd Street, 4th Floor
P.O. Box 2310
Yellowknife, NT X1A 2P7

ECCC File: 5100 000 002/021
MVLWB File: MV2024L7-0010



January 13, 2025

via online review system

Erica Janes
Regulatory Specialist
Mackenzie Valley Land and Water Board
7th Floor, 4922 48th Street
P.O. Box 2130
Yellowknife, NT X1A 2P6

Dear Erica Janes:

RE: MV2024L7-0010 – Town of Hay River – Porrit Landing Dredging Project – Type B Water License Renewal

Environment and Climate Change Canada (ECCC) has reviewed the information submitted to the Mackenzie Valley Land and Water Board (MVLWB) by The Town of Hay River (“the Proponent”) regarding the above mentioned Type B Water License Renewal application.

ECCC provides expert information and knowledge to project assessments on subjects within the department’s mandate, including climate change, air quality, water quality, biodiversity, environmental emergencies preparedness and responses. This work includes reviewing proponent characterization of environmental effects and proposed mitigation measures. We provide advice to decision-makers regarding a proponent’s characterization of environmental effects, the efficacy of their proposed mitigation activities, and may suggest additional mitigation measures. Any comments received from ECCC in this context does not relieve the proponent of its obligations to respect all applicable federal legislation.

If you need more information, please contact Jennifer Sabourin at Jennifer.Sabourin@ec.gc.ca.

Sincerely,

Jennifer Sabourin
Environmental Assessment Officer

cc: Eva Walker, Head, Environmental Assessment North (NT and NU)

