

7th Floor - 4922 48th Street
PO Box 2130, Yellowknife NT X1A 2P6

Tel: 867-669-0506 Fax: 867-873-6610
www.mvlwb.com

March 24, 2025

File: MV2024X0036

Dawn Keim
Crown-Indigenous Relations and Northern Affairs Canada
Box 1500
Yellowknife NT X1A 2R3

Sent by email

Dear Dawn Keim,

Re: Pine Point Railbed Remediation Project – Issuance Package – Land Use Permit MV2024X0036 – Miscellaneous – Pine Point, NT

The Mackenzie Valley Land and Water Board (Board) met on March 7, 2025, and considered the Application Package from Crown-Indigenous Relations and Northern Affairs Canada, Contaminants and Remediation Division (CIRNAC-CARD) for Land Use Permit (Permit) MV2024X0036 for the Pine Point Railbed Remediation Project (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board has approved Land Use Permit MV2024X0036 (attached) for a term of five years, effective March 24, 2025, and expiring March 23, 2030. The Permit is supported by the Board's Reasons for Decision. These documents are posted to the Board's Public Registry.¹

Submission Requirements

Please refer to Attachment A of the Permit for a complete summary and timetable of submissions required for the Permit. The Board's decisions on submissions that were considered in conjunction with the Application Package are set out below.

Management Plans – Approved

The Board has approved the following Plan:

Condition Number and Title	Title of Plan (Version)
59, ENGAGEMENT PLAN	Engagement Plan (V1.0) ²

¹ See MVLWB Online Registry www.mvlwb.com for [MV2024X0036](#)

² See MVLWB Online Registry for [CIRNAC-CARD – Pine Point Railbed – Updated Engagement Plan and Log – Jan24 25](#).

Management Plans – Revisions Required

The Board requires that the following Plans be revised to include all changes detailed in the Reasons for Decision and submitted by the dates outlined in the following table. The revised Plans will be considered approved when the Permittee receives written confirmation of conformity from Board staff. The Permittee may not commence Project activities until the Plans is/are approved.

Condition Number and Title	Title of Plan (Version)	Version and Date Revision Due
26, WASTE MANAGEMENT PLAN	Waste Management Plan (V1.0) ³	V1.1; 90 days post issuance
43, SPILL CONTINGENCY PLAN	Spill Contingency Plan (V1.0) ⁴	V1.1; 90 days post issuance

Management Plans – Not Approved

The Board requires that the following Plans be revised to include all changes detailed in the Reasons for Decision and submitted by the dates outlined in the following table. The revised Plans will be considered approved when the Permittee receives written confirmation of conformity from the Board. The Permittee may not commence Project activities until the Plans are approved.

Condition Number and Title	Title of Plan (Version)	Version and Date Revision Due
49, CLOSURE AND RECLAMATION PLAN	Closure and Reclamation Plan (V1.0) ⁵	V2.0; 90 days post issuance
11, SUBMIT EROSION AND SEDIMENTATION MANAGEMENT PLAN	Erosion and Sediment Control Plan (V1.0) ⁶	V2.0; 90 days prior to commencement of activities

Annex A below, lists the items which have been committed to being updated and addressed as per Board Direction.

Inspectors

The Inspectors referred to in the Permit can be contacted at the following office:

Crown-Indigenous Relations and Northern Affairs
P.O. Box 1500
4923 – 52nd Street
Yellowknife NT X1A 2R3
Phone: 867-669-2442 or 867-669-2466
Fax: 867-669-2702

³ See MVLWB Online Registry for [CIRNAC-CARD – Pine Point Railbed – Updated Waste Management Plan – Jan10 25.](#)

⁴ See MVLWB Online Registry for [CIRNAC-CARD – Pine Point Railbed – Spill Contingency Plan – Nov26 24.](#)

⁵ See MVLWB Online Registry for [CIRNAC-CARD – Pine Point Railbed – Closure and Reclamation Plan – Nov26 24.](#)

⁶ See MVLWB Online Registry for [CIRNAC-CARD – Pine Point Railbed – Erosion and Sediment Control Plan – Nov26 24.](#)

Permit Processes and Additional Information

Sections 5 and 6 of the Land and Water Board (LWB) *Guide to the Land Use Permitting Process*⁷ (Guide) contain detailed information on permit enforcement and potential post-issuance processes, such as amendments to conditions, and assignment to another company. Please be familiar with these sections of the Guide and reach out to Board staff with any questions about LWB processes related to the Permit.

The Board notes that revised management plans and other application documents were submitted to the Online Review System on the final day of the public review period for Permit Application MV2024X0036. To ensure procedural fairness, the Board cannot accept updated plans or documents submitted in this manner as reviewers do not have adequate time to review new information. In addition, any revisions to application documentation are to be made following the Board's decision with specific guidance regarding what revisions need to be made (if any). This guidance is provided in a Decision Letter from the Board.

Full cooperation of CIRNAC-CARD is anticipated and appreciated. Please contact Ryan Pierce via [email](#) or at (867) 766-7470 with any questions or concerns regarding this letter.

Yours sincerely,

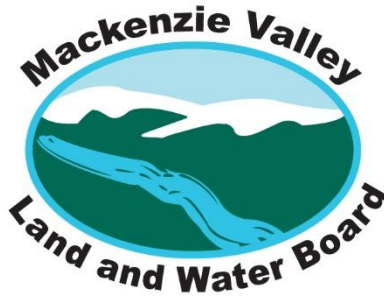


Tanya MacIntosh
Chair, Mackenzie Valley Land and Water Board

BCC'd to: Akaitcho Distribution List
Orla Tobin – CIRNAC – CARD
Amy Allen – CIRNAC CARD
Dawn Keim – CIRNAC CARD
Sam Kennedy – CIRNAC CARD
Megan Larose – Inspector, CIRNAC
Mike Roesch – CIRNAC

Attached: Land Use Permit MV2024X0036
Reasons for Decision
Comment Summary Table
Annex A - Directive Table for Management Plans

⁷ See MVLWB Policies and Guidelines webpage for LWB [Guide to the Land Use Permitting Process](#).



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**Crown-Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation
Division**

Land Use Permit MV2024X0036

Pursuant to the *Mackenzie Valley Resource Management Act* and Mackenzie Valley Land Use Regulations, the Mackenzie Valley, Land and Water Board grants this Land Use Permit to:

Crown-Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation Division
(Permittee)

of Crown-Indigenous Relations and Northern Affairs Canada
Box 1500
Yellowknife, NT X1A 2R3
(Mailing Address)

hereinafter called the Permittee, to proceed with the following land-use operation, subject to the annexed definitions and conditions contained therein:

Location:	Pine Point Railbed Remediation Project, Pine Point, NT
Purpose:	Miscellaneous – Remediation
Type:	Type A
Effective Date:	March 24, 2025
Expiry Date:	March 23, 2030

Handwritten signature of Tanya MacIntosh in blue ink.

Tanya MacIntosh, Chair
Mackenzie Valley Land and Water Board

Handwritten signature of Amanda Gauthier in blue ink.

Amanda Gauthier, Witness

Conditions Annexed to and Forming Part of Land Use Permit # MV2024X0036

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Use and storage of fuel and lubricants;
 - b) Use of equipment, vehicles, and machines;
 - c) Clearing; and
 - d) Closure and Reclamation and associated activities;
2. This Permit is issued subject to the conditions contained herein with respect to the use of land for the activities and area identified in Part A, item 1 of this Permit.
3. Compliance with the terms and conditions of this Permit does not excuse the Permittee from its obligation to comply with the requirements of any applicable Federal, Territorial, Deline, Tłı̨chǫ, or Municipal laws.

Part B: Definitions (defined terms are capitalized throughout the Permit)

Act - the *Mackenzie Valley Resource Management Act*.

Archaeological Impact Assessment - archaeological research as defined by the Prince of Wales Northern Heritage Centre *Guidelines for Developers for the Protection of Archaeological Sites in the Northwest Territories*.

Archaeological Overview - a study of archaeological sites as defined by the Prince of Wales Northern Heritage Centre *Guidelines for Developers for the Protection of Archaeological Sites in the Northwest Territories*.

Board - the Mackenzie Valley Land and Water Board established under Part 4 of the Act.

Closure and Reclamation - the process and activities that facilitate the return of areas affected by the Project to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment, human activities, and the surrounding environment.

Closure and Reclamation Plan (CRP) – a document that clearly describes the Closure and Reclamation for the Project.

Dogleg - the clearing of a line, trail, or right-of-way that is curved sufficiently so that no part of the clearing beyond the curve is visible when approached from either direction.

Engagement Plan - a document, developed in accordance with the Board's *Engagement and Consultation Policy* and the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*, that clearly describes how, when, and which engagement activities will occur with an affected party during the life of the project.

Fuel Storage Container - a container for the storage of petroleum or allied petroleum products with a capacity of less than 230 litres.

Fuel Storage Tank - a closed container for the storage of petroleum or allied petroleum products with a capacity of more than 230 litres.

Greywater - all liquid wastes from showers, baths, sinks, kitchens, and domestic washing facilities but not including toilet wastes.

Habitat - the area or type of site where a species or an individual of a species of wildlife naturally occurs or on which it depends, directly or indirectly, to carry out its life processes.

Inspector - an Inspector designated by the Minister under the Act.

Minister - the Minister of Crown-Indigenous and Northern Affairs Canada or the Minister of the Government of the Northwest Territories – Department of Environment and Climate Change, as the case may be.

Ordinary High-Water Mark (OHWM) - the usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the “active channel/bank-full level” which is often the 1:2 year flood flow return level. In inland lakes, wetlands, or marine environments, it refers to those parts of the Watercourse bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

Permittee - the holder of this permit.

Permafrost - ground (soil or rock) that remains at or below 0°C for at least two consecutive years.

Progressive Reclamation - Closure and Reclamation activities conducted during the operating phase of the project.

Safety Data Sheet - a technical document, typically written by the manufacturer or supplier of a chemical, that provides information about the hazards associated with the product, advice about safe handling and storage, and emergency response procedures.

Secondary Containment - containment that prevents liquids that leak from Fuel Storage Tanks or containers from reaching outside the containment area and includes double-walled Tanks, piping, liners, and impermeable barriers.

Sewage - all toilet wastes and Greywater.

Spill Contingency Plan - a document, developed in accordance with Aboriginal Affairs and Northern Development Canada’s *Guidelines for Spill Contingency Planning* that describes the set of procedures to be implemented to minimize the effects of a spill.

Toxic Material - any substance that enters or may enter the environment in a quantity or concentration or under conditions such that it:

- a) Has or may have an immediate or long-term harmful effect on the environment or its biological diversity;
- b) Constitutes or may constitute a danger to the environment on which life depends; or
- c) Constitutes or may constitute a danger in Canada to human life or health.

Waste - any garbage, debris, chemical, or Toxic Material to be used, stored, disposed of, or handled on land, and also as defined in section 51 of the Act.

Waste Management Plan - a document, developed in accordance with the Board's Guidelines for Developing a Waste Management Plan, that describes the methods of Waste management from Waste generation to final disposal.

Watercourse - a natural body of flowing or standing water or an area occupied by water during part of the year, and includes streams, springs, swamps and gulches but does not include groundwater.

Part C: Conditions Applying to All Activities (headings correspond to subsection 26(1) of the Mackenzie Valley Land Use Regulations)

Condition	Category
26(1)(a) Location and Area	
1. The Permittee shall only conduct this land-use operation on lands designated in the application.	LOCATION OF ACTIVITIES
2. The Permittee shall locate all lines, trails, and right-of-ways to be constructed parallel to any Watercourse a minimum of 100 metres from the Ordinary High-Water Mark, except at crossings.	PARALLEL WATERCOURSE SETBACK
3. The Permittee shall confine the width of the right-of-way to a maximum of 10 metres.	WIDTH RIGHT-OF-WAY
26(1)(b) Time	
4. At least 48 hours prior to the initial commencement of the land-use operation, the Permittee's Field Supervisor shall notify the Board and contact an Inspector at (867) 669-2442	INITIAL NOTIFICATION – CONTACT INSPECTOR
5. At least 48 hours prior to commencement of the land-use operation, the Permittee shall provide the following information, in writing, to the Board and an Inspector: <ul style="list-style-type: none"> a) the name(s) of the person(s) in charge of the field operation; b) alternates; and c) all methods for contacting the above person(s). 	IDENTIFY AGENT
6. At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of: <ul style="list-style-type: none"> a) the plan for removal or storage of equipment and materials; b) when final cleanup and reclamation of the land used will be completed; and c) when the Final Plan will be submitted. 	REPORTS BEFORE FINAL REMOVAL
26(1)(c) Type and Size of Equipment	
7. The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application.	USE APPROVED EQUIPMENT
8. The Permittee shall maintain fire-fighting equipment at the site.	FIRE-FIGHTING EQUIPMENT
26(1)(d) Methods and Techniques	
9. The Permittee shall Dogleg lines, trails and right-of-ways that approach Watercourses or public roads.	DOGLEG APPROACHES

26(1)(e) Type, Location, Capacity, and Operation of All Facilities

10. The Permittee shall ensure that the land use area is kept clean at all times. **CLEAN WORK AREA**

26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land

11. A minimum of 90 days prior to commencement of activities, the Permittee shall submit to the Board, for approval, an **Erosion and Sedimentation Management Plan**. The Plan shall include, but not be limited to, the following: **SUBMIT EROSION AND SEDIMENTATION MANAGEMENT PLAN**
- a) Information regarding erosion, sedimentation, and permafrost degradation potential and management;
 - b) Information regarding monitoring that will be undertaken with respect to the effectiveness and maintenance of erosion and sediment management practices;
 - c) Information linking the results of monitoring to corrective actions; and
 - d) Information regarding contingency planning.
12. The Permittee shall comply with the **Erosion and Sedimentation Management Plan**, once approved, and shall annually review the Plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the Plan shall be submitted to the Board for approval. **EROSION AND SEDIMENTATION MANAGEMENT PLAN – COMPLY, REVIEW, AND REVISIONS**
13. The land-use operation shall not cause obstruction to any natural drainage. **NATURAL DRAINAGE**
14. The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses. **PROGRESSIVE EROSION CONTROL**
15. The Permittee shall apply appropriate mitigation at the first sign of erosion. **REPAIR EROSION**
16. The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector. **STREAM BANKS**
17. The Permittee shall minimize approach grades on all Watercourse crossings. **MINIMIZE APPROACH**
18. The Permittee shall use temporary bridges or dry fording when crossing streams. **DRY FORDING**
19. In areas within 100m of the OHWM of any Watercourse, the Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging. **SUSPEND OVERLAND TRAVEL**
20. The Permittee shall slope the sides of Waste material piles, excavations, and embankments — except in solid rock — to a minimum ratio of 2:1 vertical, unless otherwise authorized in writing by an Inspector. **EXCAVATION AND EMBANKMENTS**
21. The Permittee shall not excavate land within 100 metres of the Ordinary High Water Mark of any Watercourse, except as described in the Application unless otherwise authorized in writing by an Inspector. **EXCAVATION SETBACK**

26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material

- | | | |
|-----|--|---|
| 22. | The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan. | WASTE CHEMICAL
DISPOSAL |
| 23. | The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility. | WASTE
PETROLEUM
DISPOSAL |
| 24. | The Permittee shall provide written notification to the Board and Inspector a minimum of 10 days prior to the initial deposit of Waste, demonstrating that the licenced disposal facility has agreed to accept the Waste and has the capacity to receive the volumes of Waste requested. | NOTIFICATION OF
SOLID WASTE
DISPOSAL |

26(1)(h) Wildlife and Fish Habitat

- | | | |
|-----|---|-----------------------|
| 25. | The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation. | HABITAT DAMAGE |
|-----|---|-----------------------|

26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage

- | | | |
|-----|--|--------------------------------------|
| 26. | The Permittee shall dispose of all Waste as described in the Waste Management 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. Revisions to the plan shall be submitted to the Board for approval. | WASTE
MANAGEMENT
PLAN |
| 27. | The Permittee shall keep all garbage and debris in a secure container until disposal. | GARBAGE
CONTAINER |
| 28. | The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan. | SEWAGE DISPOSAL
- PLAN |

26(1)(j) Protection of Historical, Archaeological, and Burial Sites

- | | | |
|-----|--|--|
| 29. | The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground. | ARCHAEOLOGICAL
BUFFER |
| 30. | The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. | SITE DISTURBANCE |
| 31. | The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered:
<ul style="list-style-type: none">a) immediately suspend operations on the site; andb) notify the Board at (867) 766-7470 or an Inspector at (867) 669-2442 and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255. | SITE DISCOVERY
AND
NOTIFICATION |

26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value

Intentionally left blank.

26(1)(l) Security Deposit

- | | | |
|-----|--|---|
| 32. | All costs to remediate the area under this Permit are the responsibility of the Permittee. | RESPONSIBILITY FOR REMEDIATION COSTS |
|-----|--|---|

26(1)(m) Fuel Storage

- | | | |
|-----|--|--|
| 33. | The Permittee shall:
a) examine all Fuel Storage Containers and Tank for leaks; and
b) repair all leaks immediately. | REPAIR LEAKS |
| 34. | The Permittee shall place Fuel Storage Containers and or Tanks a minimum of 100 metres from the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. | FUEL STORAGE SETBACK |
| 35. | The Permittee shall ensure that all fuel caches have adequate Secondary Containment. | FUEL CACHE SECONDARY CONTAINMENT |
| 36. | The Permittee shall set up all refueling points with Secondary Containment. | SECONDARY CONTAINMENT – REFUELING |
| 37. | The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses. | FUEL CONTAINMENT |
| 38. | The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name. | MARK CONTAINERS AND TANKS |
| 39. | The Permittee shall mark all stationary fuel caches and fuel storage facilities with flags, posts, or similar devices so that they are at all times plainly visible to local vehicle travel. | MARK FUEL LOCATION |
| 40. | The Permittee shall have a maximum of 4350 litres of fuel stored on the land use site at any time, unless otherwise approved by the Board. | MAXIMUM FUEL ON SITE |
| 41. | Within ten days of the establishment of any fuel cache, the Permittee shall report the location and quantity of the cache in writing to the Board and an Inspector. | REPORT FUEL LOCATION |
| 42. | The Permittee shall seal all outlets of Fuel Storage Containers and store the containers on their sides with the outlets located at 3 and 9 o'clock, except for containers currently in use. | SEAL OUTLET |

43.	The Permittee shall comply with 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. Revisions to the plan shall be submitted to the Board for approval.	SPILL CONTINGENCY PLAN
44.	Prior to commencement of the land-use operation the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills.	SPILL RESPONSE
45.	The Permittee shall clean up all leaks, spills, and contaminated material immediately	CLEAN UP SPILLS
46.	During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall: <ul style="list-style-type: none"> a) implement the approved Spill Contingency Plan; b) report it-immediately using the NU-NT Spill Report Form by one of the following methods: <ul style="list-style-type: none"> • Telephone: (867) 920-8130 • Fax: (867) 873-6924 • E-mail: spills@gov.nt.ca • <u>Online: Spill Reporting and Tracking Database</u> c) within 24 hours, notify the Board and an Inspector; and d) within 30 days of initially reporting the incident, submit a detailed report to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur. 	REPORT SPILLS

26(1)(n) Methods and Techniques for Debris and Brush Disposal

47.	The Permittee shall progressively dispose of all brush and trees; all disposal shall be completed prior to the end of this land use operation	BRUSH DISPOSAL/ TIME
48.	The Permittee shall not clear areas larger than identified in the complete application.	MINIMIZE AREA CLEARED

26(1)(o) Restoration of the Lands

49.	The Permittee shall comply with the Closure and Reclamation Plan , once approved, and shall annually review the Plan and make any necessary revisions, or as directed by the Board. Revisions to the Plan shall be submitted to the Board for approval.	CLOSURE AND RECLAMATION PLAN
50.	The Permittee shall dispose of all overburden as approved by the Board, or as otherwise authorized in writing by an Inspector.	DISPOSAL OF OVERBURDEN
51.	Prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used.	FINAL CLEANUP AND RESTORATION
52.	Prior to the end of the land-use operation, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation.	NATURAL VEGETATION

53.	The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so.	PROGRESSIVE RECLAMATION
54.	Prior to the end of the land-use operation, the Permittee shall restore any trails impacted by the land-use operation by removing fallen trees and any other obstructions from the trails.	TRAILS RESTORATION
 26(1)(p) Display of Permits and Permit Numbers		
55.	The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation.	COPY OF PERMIT
 26(1)(q) Biological and Physical Protection of the Land		
56.	The Permittee shall not move any equipment when one or more caribou are within 500 metres.	CARIBOU DISTURBANCE
57.	If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them.	MIGRATORY BIRD NEST DISTURBANCE
58.	If any plan is not approved by the Board, the Permittee shall revise the plan according to the Board's direction and re-submit it to the Board for approval.	RESUBMIT PLAN
59.	The Permittee shall comply with the Engagement Plan , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.	ENGAGEMENT PLAN
60.	All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.	SUMMARY OF CHANGES

Attachments

Attachment A – Concordance Table of Items Requiring Submission

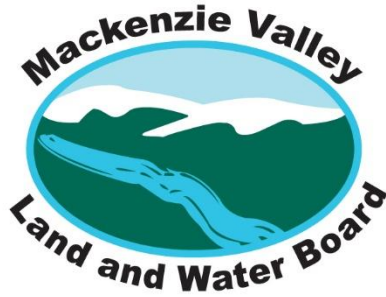
The table below summarizes the items the Permittee is required to submit as per the Permit conditions. In the event of a discrepancy between this table and the Permit conditions, the Permit conditions shall prevail.

Condition Location	Item	Date
11	SUBMIT EROSION AND SEDIMENTATION MANAGEMENT PLAN	<p>A minimum of 90 days prior to commencement of activities, the Permittee shall submit to the Board, for approval, an Erosion and Sedimentation Management Plan. The Plan shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> e) Information regarding erosion, sedimentation, and permafrost degradation potential and management; f) Information regarding monitoring that will be undertaken with respect to the effectiveness and maintenance of erosion and sediment management practices; g) Information linking the results of monitoring to corrective actions; and h) Information regarding contingency planning. <p>The Permittee shall comply with the Erosion and Sedimentation Management Plan, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.</p>
26	WASTE MANAGEMENT PLAN	The Permittee shall dispose of all Waste as described in the Waste Management Plan , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.
43	SPILL CONTINGENCY PLAN	The Permittee shall comply with the Spill Contingency Plan , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.
49	CLOSURE AND RECLAMATION PLAN	The Permittee shall comply with the Closure and Reclamation Plan , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.

Attachment B – Revision History Table

The table below summarizes revisions made to the Permit since its effective date (as set out on the Cover Page).

Date	Location of Change	Description of Change
-	-	-



7th Floor - 4922 48th Street
PO Box 2130, Yellowknife NT X1A 2P6

Tel: 867-669-0506 Fax: 867-873-6610
www.mvlwb.com

Reasons for Decision

Issued pursuant to paragraphs 22(2)(a) and 40(2)(c) of the Mackenzie Valley Land Use Regulations (MVLUR).

Land Use Permit Application	
File Number	MV2024X0036
Company	Crown-Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation Division
Project	Pine Point Railbed Remediation Project
Location	Pine Point, NT
Activity	Miscellaneous
Date of Decision	March 7, 2025

Table of Contents

1.0 List of Defined Terms and Acronyms 3

2.0 Summary of Application 4

3.0 Main Issues Raised During the Regulatory Proceeding 5

4.0 Regulatory Process 9

5.0 Legislative Requirements Related to Permit Issuance 10

5.1 Consultation, Engagement, and Public Notice 10

5.2 Eligibility for Land Use Permit 11

5.3 Land Use Plan Conformity..... 12

5.4 Land Use Fees 12

5.5 Time Limit..... 12

5.6 Environmental Review (Part 5 of the MVRMA) 12

5.6.1 Preliminary Screening 12

6.0 Decision – Land Use Permit MV2024X0036 12

6.1 Term of Permit 13

6.2 Part A: Scope of Permit 13

6.3 Part B: Definitions 14

6.4 Part C: Conditions Applying to All Activities 14

26(1)(a) Location and Area 14

26(1)(b) Time 14

26(1)(c) Type and Size of Equipment..... 14

26(1)(d) Methods and Techniques 15

26(1)(e) Type, Location, Operation of All Facilities 15

26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence
of Land..... 15

26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material 16

26(1)(h) Wildlife and Fish Habitat..... 16

26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage 17

26(1)(j) Protection of Historical, Archaeological, and Burial Sites..... 18

26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value..... 18

26(1)(l) Security Deposit 18

26(1)(m) Fuel Storage 18

26(1)(n) Methods and Techniques for Debris and Brush Disposal 19

26(1)(o) Restoration of the Lands..... 19

26(1)(p) Display of Permits and Permit Numbers 20

26(1)(q) Biological and Physical Protection of the Land 20

6.5 Attachment A: Concordance Table of Submissions 20

6.6 Attachment B: Revision History Table 21

7.0 Conclusion 21

On March 7, 2025, the Mackenzie Valley Land and Water Board (MVLWB or Board) met and considered the Application made by Crown-Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation Division (CIRNAC-CARD) (Applicant) to the Board on November 26, 2024, for Land Use Permit (Permit) MV2024X0036 for the Pine Point Railbed Remediation Project (the Project) in Pine Point, NT. After reviewing the Application and the evidence gathered during the regulatory proceeding, the Board has made the following decisions:

- 1) To issue Land Use Permit MV2024X0036 for a term of five years;
- 2) To approve Version 1.0 of the Engagement Plan,
- 3) To require revisions to Version 1.0 of the Waste Management Plan, which the Applicant must submit as Version 1.1 of the Plan within 90 days of the effective date of the Permit for a conformity confirmation by Board staff;
- 4) To require revisions to Version 1.0 of the Spill Contingency Plan, which the Applicant must submit as Version 1.1 of the Plan within 90 days of the effective date of the Permit for a conformity confirmation by Board staff;
- 5) To not approve Version 1.0 of the Closure and Reclamation Plan, which the Applicant must submit as Version 2.0 of the Plan within 90 days of the effective date of the Permit for Board approval; and
- 6) To not approve Version 1.0 of the Erosion and Sediment Control Plan as required by Land Use Permit MV2024X0036, which the Applicant must submit as Version 2.0 of the Plan 90 days prior to the commencement of work, for Board approval.

These Reasons for Decision set out the Board’s regulatory process for the Application and rationale for decisions regarding the Permit. A summary of the Application and the main issues identified during the proceeding is provided in sections [2.0](#) and [3.0](#) below, followed by an outline of the regulatory process for the Application in [section 4.0](#). [Section 5.0](#) describes how the applicable legislative requirements have been met. The Board’s decisions and supporting rationale regarding the Permit are set out in [section 6.0](#).

1.0 List of Defined Terms and Acronyms

Applicant/Permittee	Crown-Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation Division
Application	The complete application package submitted by the Applicant for Land Use Permit MV2024X0036.
CIRNAC	Crown-Indigenous Relations and Northern Affairs Canada
COC	Contaminant of Concern
CRP	Closure and Reclamation Plan
DFO	Fisheries and Oceans Canada
Distribution List	The list of individuals and organizations to whom materials from this regulatory proceeding were circulated. ¹

¹ To access the Distribution List, see the LWBs’ Online Review System for [CIRNAC-CARD – Pine Point Railbed Remediation Project – Jan24 25](#).

EA/EIR	Environmental Assessment/Environmental Impact Review
ECCC	Environment and Climate Change Canada
ESA	Environmental Site Assessment
GLWB or Board	Gwich'in Land and Water Board
GNWT	Government of the Northwest Territories
GNWT-ECC	Government of the Northwest Territories – Environment and Climate Change
GNWT-ECE-PWNHC	Government of the Northwest Territories – Education, Culture and Employment – Prince of Wales Northern Heritage Centre
HHERA	Human Health and Ecological Risk Assessment
IR	Information request
Inspector	An Inspector designated under subsection 84(1) of the Mackenzie Valley Resource Management Act
LWBs	Land and Water Boards of the Mackenzie Valley
MVEIRB	Mackenzie Valley Environmental Impact Review Board
MVLUR	Mackenzie Valley Land Use Regulations
MVLWB or Board	Mackenzie Valley Land and Water Board
MVRMA	Mackenzie Valley Resource Management Act
Minister	Minister of Northern Affairs
ORS	Online Review System (https://new.onlinereviewssystem.ca/reviews)
OHWM	Ordinary High-Water Mark
Party	As per the LWB Rules of Procedure , an applicant, a person, or an organization participating in this regulatory process.
Permit	Land Use Permit MV2024X0036
Project	Pine Point Railbed Remediation Project, the undertaking as described in Part A of the Permit.
Review Board	Mackenzie Valley Environmental Impact Review Board
SAR	Species at Risk
SARA	Species at Risk Act
SCP	Spill Contingency Plan
Standard Permit Conditions	LWB Standard Land Use Permit Conditions Template
WMP	Waste Management Plan

2.0 Summary of Application

On November 26, 2024, the Applicant submitted an application for a new Permit MV2024X0036 (the Application).² The Application is to conduct remediation of the Pine Point Railbed near Pine Point, NT. Activities on site will include:

- Excavation and disposal of contaminated railbed fill, soil, and debris in an appropriate off-site facility
- Removal and disposal of contaminated buried and above ground creosote timbers (some located within watercourses) in an appropriate off-site facility

² See MVLWB Online Registry for [CIRNAC-CARD – Pine Point Railbed – Application Form – Nov26_24](#).

- Proposed volumes of material to be managed, treated, or disposed of:
 - Approx. 808 m³ of lead-impacted railbed or soil material
 - 6.7 m³ of debris requiring remediation and management (above ground creosote timber posts, buried timber posts, old CN rail signs)
- Restoration of excavated remediation areas using aggregate backfill from existing local sources.
- Laydowns for equipment, handling, transfer, and storage of materials to be located alongside the railbed or access routes adjacent to railbed greater than 100 m from watercourses.

These activities are located within the Akaitcho Region.

In making its decision and preparing these Reasons for Decision, the Board has reviewed and considered:

- 1) The Permit Application as submitted by the Applicant for the Project;
- 2) The evidence and submissions received by the Board from the Applicant in relation to the Permit; and
- 3) The comments and recommendations, evidence, and submissions received by the Board from Parties during this regulatory proceeding.

3.0 Main Issues Raised During the Regulatory Proceeding

These Reasons for Decision focus primarily on the following key issues raised during this regulatory proceeding:

Species at Risk (SAR) and Bird Habitat

Environment and Climate Change Canada (ECCC-1, 2, 3, 4, 5, 6,7)³ provided comments regarding CIRNAC-CARD's responsibilities with respect to federal legislation, namely the Species at Risk Act (SARA). ECCC recommended that measures are taken to avoid or lessen the adverse effects of the project on protected species habitat and monitor these impacts through regular reports to regulators. It was also recommended that project activities are avoided during the general nesting period of May to August and ensure that activities are carried out in a manner that prevents harm to migratory birds, their nests, and eggs. CIRNAC-CARD agreed with the recommendations, and the Board reiterated that permit conditions of HABITAT DAMAGE and MIGRATORY BIRD NEST DISTURBANCE have been included. The Board also requires CIRNAC-CARD address the comments from ECCC in a resubmitted CRP.

HHERA, Closure Criteria, and additional activities listed in Closure and Reclamation Plan

GNWT-ECC as well as MVLWB Board staff provided comments during the review period about CIRNAC-CARD's references to the HHERA in the Closure and Reclamation Plan (ECCC 1, 2, 3, 4, 5, 6, 7 MVLWB-1, 6, 7,8, 9, 10, 11, 12, 13, 27, 28, 29, 30, 31, 32, 33, CIRNAC 7)⁴. Board staff specifically asked about closure criteria for soil quality and groundwater quality, and the overall closure objectives. It was noted that closure objectives and criteria associated with groundwater were not discussed in the CRP. It was not clear how contaminants of concern were determined to be in the vicinity of the railbed, and groundwater

³ See MVLWB Online Registry for CIRNAC – CARD – Pine Point Railbed - [Application – Review Summary Table –Mar10 24.](#)

⁴ See MVLWB Online Registry for CIRNAC – CARD – Pine Point Railbed - [Application – Review Summary Table –Mar10 24.](#)

quality criteria exceeded. CIRNAC-CARD provided the following rationale for not including groundwater in the CRP: Groundwater was eliminated in the pathway screening in the HHERA because it is not used as a drinking water source at the site. This resulted in no closure criteria or objectives being developed for groundwater.

GNWT-ECC along with the MVLWB asked for CIRNAC-CARD to provide the HHERA for further information, to which CIRNAC-CARD agreed. GNWT-ECC also asked for the Phase III ESA to be provided for further detail about site characteristics. However, the HHERA was provided only at the end of the review period as evidence on the ORS. For procedural fairness, the Board is requiring CIRNAC-CARD resubmit the CRP to address the comments made during the review period. The submitted HHERA and Phase III ESA are to be provided as supporting documentation and will be distributed alongside the revised CRP during a future public review of the CRP.

Justification for not requiring an accompanying Water Licence

CIRNAC Yellowknife and MVLWB Board staff both provided comments (MVLWB-2, 3, 4, 5; CIRNAC-1)⁵ regarding activities listed in the CRP that may trigger a Water Licence, namely the potential construction of temporary bridges and culverts. CIRNAC-CARD indicated in their responses that while some small temporary bridges/culverts may be required to be installed over temporary water filled ditches to facilitate project activities, these ditches are all less than 5 m wide, therefore not triggering the need for a type B Water Licence.

Based on the information provided through the comments, recommendations, and the responses, at this time it is the Board's opinion that a Water Licence is not required for the completion of the project as described in the accepted documents to date. However, the Board notes that if elements of the Project change, a Water Licence may be required to be submitted.⁶

Groundwater Impacts from Project Activities

MVLWB Board staff provided questions to CIRNAC-CARD regarding groundwater impacts of the Project. Namely, if groundwater parameters have been deemed a contaminant of concern (COC), if any activities will be conducted to address COC's in groundwater on site, and if groundwater monitoring is planned (MVLWB-7, 8, 9, 10)⁷. CIRNAC-CARD confirmed that no activities are planned to address COC's in groundwater as it was screened out in the HHERA (as mentioned previously) and is not expected to impact the remedial work. Groundwater is expected to be present at shallow depths less than 3 m in areas of the project site given the low-lying marsh areas surrounding the railbed. However, due to the railbed being located at an elevation higher than the natural grade, groundwater was not encountered during test pitting that targeted the railbed material. The Board is satisfied with the information provided by CIRNAC-CARD's responses groundwater impacts of the project, and at this time, is of the opinion that significant groundwater impacts will not occur from this Project.

⁵ See MVLWB Online Registry for CIRNAC – CARD – Pine Point Railbed - [Application – Review Summary Table –Mar10 24.](#)

⁶ See MVWLB [Waters Regulations](#)

⁷ See MVLWB Online Registry for CIRNAC – CARD – Pine Point Railbed - [Application – Review Summary Table –Mar10 24.](#)

Activities taking place near watercourses and riverbanks

MVLWB Board staff requested clarification from CIRNAC-CARD if any material was proposed to be removed or placed onto watercourse banks, as well as the methodology for the extraction and storage of creosote timbers from the watercourses (MVLWB- 12, 13, 14, 15, 16)⁸. CIRNAC-CARD responded by clarifying the following:

- No material will be removed or placed onto stream banks;
- Only three or four timber posts are located in the water, and only the portion of timber that extends above the water surface will be removed. This will be completed manually; and
- The timbers will be cut into pieces that will be stored in flexible intermediate bulk containers for transport to a suitable disposal facility.

The Board requires CIRNAC-CARD to update the Waste Management Plan and Erosion and Sedimentation Management Plan with information provided in the Proponent Response column during the review period. Formal notification of acceptance of waste will be required by the Board a minimum of 10 days prior to the initial deposit of Waste, as required by condition NOTIFICATION OF SOLID WASTE DISPOSAL, in the Permit.

Volume of material being removed and replaced on site

MVLWB Board staff and CIRNAC Inspectors provided comments regarding inconsistencies between proposed removal of fill and proposed backfill volumes indicated on application material, as well as the source of backfilled material (MVLWB-1; CIRNAC-5, 7)⁹. It was recommended that CIRNAC-CARD clarify the expected volume of contaminated material to be removed and backfilled as part of the project. The Board requires CIRNAC-CARD to update all Application documents with a consistent volume of legacy waste/contaminated material, and clean fill volume, to avoid confusion.

More information recommended regarding mitigation measures for sedimentation in watercourses

MVLWB Board staff and CIRNAC Inspectors provided comments and recommendations regarding CIRNAC-CARD's Erosion and Sedimentation Management Plan (MVLWB-18, 19; CIRNAC-3, 4)¹⁰. Topics focused on the storage of sediment buildup, additional mitigation and monitoring of turbidity in water, as well as considering dust control. CIRNAC-CARD confirmed that once a contractor is selected, the Contractor will be required to provide a detailed Erosion and Sedimentation Management Plan that will include additional details such as turbidity measurements. The Permittee also pointed to their initial Erosion and Sedimentation Management Plan submitted with the application, which included mitigation measures to prevent sediment from entering watercourses. To address the concern about the storage of accumulated sediment, CIRNAC-CARD responded by stating that accumulated sediment would be disposed of in the same manner as contaminated soil (i.e., off-site at a suitable disposal facility).

⁸ See MVLWB Online Registry for CIRNAC – CARD – Pine Point Railbed - [Application – Review Summary Table –Mar10 24.](#)

⁹ See MVLWB Online Registry for CIRNAC – CARD – Pine Point Railbed - [Application – Review Summary Table –Mar10 24.](#)

¹⁰ See MVLWB Online Registry for CIRNAC – CARD – Pine Point Railbed - [Application – Review Summary Table –Mar10 24.](#)

As set out in the SUBMIT EROSION AND SEDIMENTATION MANAGEMENT PLAN Condition, the Board requires CIRNAC-CARD to submit a revised Erosion and Sedimentation Management Plan that addresses the comments made during the public review period. It is also noted that CIRNAC-CARD submitted an updated application form to the Online Review System during the review period listing specific equipment to mitigate dust. However, this information will need to be incorporated into the revised Erosion and Sedimentation Management Plan to ensure procedural fairness.

Fuel volume discrepancies

MVLWB Board staff and CIRNAC Inspectors provided comments regarding fuel volume discrepancies throughout the application (MVLWB-26; CIRNAC-6)¹¹. The Project Description indicates that a maximum of 4350 litres of fuel (diesel and gasoline) will be stored onsite, but other documents included with the application indicate that no fuel storage will be required on-site. It was recommended that CIRNAC-CARD clarify if fuel storage is planned. CIRNAC-CARD responded with the following information:

“The Project Description states the following:

On-Site fuel storage will be limited to the onboard fuel tanks of the equipment. Refueling will be conducted at roadside, via tidy tank or tanker truck or at designed commercial fuel stations. No on-Site fuel storage will be required for remediation activities.

The application indicates the following:

Diesel - 50 L to 600 L (equipment tanks) - range provided to account for different sized equipment expected to be utilized

Gasoline - ~125 L or less (equipment tanks)

Fuel transfer, if required on-Site, will be conducted >100 m from watercourses, at roadside or via tanker or tidy tank. Alternatively, equipment requiring fuel will also be filled at a designated petroleum distribution facility during mobilization. No fuel storage will occur at remediation sites aside from that contained within vehicles or equipment.”

Based on the response, the Board has decided to keep the permit condition MAXIMUM FUEL ON SITE in the Permit, as equipment with fuel tanks will be on site, and to ensure a Permit condition is included that addresses this equipment being onsite with fuel inside equipment tanks during non-work periods (i.e. after work hours).

External Access Routes

MVLWB Board staff provided comments and recommendations about potential access routes to various areas of the project site (MVLWB – 24, 25)¹². It was noted that access to Sandy Creek may require permissions from the GNWT Department of Infrastructure for a Highway Access Permit. CIRNAC-CARD was not able to confirm if a Highway Access Permit will be required from GNWT, and stated that this will be finalized once a contractor is selected. MVLWB Board staff also provided a recommendation to CIRNAC-

¹¹ See MVLWB Online Registry for CIRNAC – CARD – Pine Point Railbed - [Application – Review Summary Table –Mar10 24.](#)

¹² See MVLWB Online Registry for CIRNAC – CARD – Pine Point Railbed - [Application – Review Summary Table –Mar10 24.](#)

CARD regarding an alternative access route from the east side of the project site, but did note that additional permitting would be required. CIRNAC-CARD acknowledged this recommendation. The Board requires CIRNAC-CARD to provide proof of a Highway Access Permit from GNWT if one is required for access to the Sandy Creek any location, prior to commencing work at Sandy Creek. In addition, CIRNAC-CARD is to notify the Board if any further Highway Access Permits are issued by GNWT to access areas along the project site.

Issues that were resolved by Parties to the Board's satisfaction during the proceeding are not addressed in detail in these Reasons.

4.0 Regulatory Process

On November 26, 2024, the Applicant submitted the Application, which was deemed incomplete on December 6, 2025.¹³ On January 10, 2025, and January 24, 2025, additional information was received,¹⁴ and the Application was subsequently deemed complete and circulated to the Distribution List for public review on the Online Review System (ORS).¹⁵

As part of the public review, Board staff requested comments and recommendations to assist with the Board's preliminary screening determination. To assist the Board in making its decision on the Permit, Board staff also circulated a draft Permit for review with the Application to allow all Parties the opportunity to comment on the specific wording of the draft conditions.

By February 14, 2025, the Board received comments and recommendations regarding the Application and the draft Permit from the following Parties: ECCC, DFO, GNWT-ECC, GNWT-ECE-PWNHC, and CIRNAC Yellowknife. Board staff also submitted comments and questions for the purposes of clarification. On February 21, 2025, the Applicant responded to the Parties' comments.¹⁶

DFO did not any comments or recommendations.

On March 7, 2025, the Board met and made its preliminary screening determination for the Project.¹⁷ On March 7, 2025, the Board met to make decisions regarding the Application. These decisions and related reasons are described in sections [5.0](#) and [6.0](#) below.

¹³ See MVLWB Online Registry for [CIRNAC-CARD – Pine Point Railbed – New Permit Application – Incomplete – Dec6 24](#).

¹⁴ See MVLWB Online Registry for [CIRNAC-CARD – Pine Point Railbed – Revised Application Form – Jan10 25.pdf](#).

¹⁵ See MVLWB Online Review System for [Pine Point Railbed Remediation Project – Jan24 25](#).

¹⁶ See MVLWB Online Registry for CIRNAC – CARD – Pine Point Railbed - [Application – Review Summary Table – Mar10 24](#).

¹⁷ See MVLWB Online Registry for CIRNAC – CARD – Pine Point Railbed – [Preliminary Screening Determination and RFD – Mar11 25](#).

5.0 Legislative Requirements Related to Permit Issuance

The Project is subject to the [MVRMA](#) and the [MVLUR](#). As per the [MVLUR](#), the proposed use of land for the Project requires a permit. The required permit for this Project is within the Board's jurisdiction as per subsections 59(1) and 102(1) of the [MVRMA](#).

In conducting its regulatory process for the Application (as described in sections [3.0](#) and [4.0](#) above), the Board has ensured that section 62 of the [MVRMA](#) and all applicable legislative requirements have been satisfied as outlined in the subsections below. The Board has considered the people and users of the land and water in the Mackenzie Valley, and any Traditional Knowledge and scientific information that was made available to the Board during the regulatory proceeding, as per section 60.1 of the [MVRMA](#). The consideration of information provided to the Board is discussed in detail below and in section [6.0](#).

5.1 **Consultation, Engagement, and Public Notice**

As per paragraph 60.1(a) of the [MVRMA](#), in exercising its authority, the Board must consider the importance of conservation to the well-being and way of life of Indigenous peoples of Canada, specifically those to whom section 35 of the *Constitution Act, 1982*, applies and who use an area of the Mackenzie Valley. Accordingly, the Board works with applicants, affected parties (including Indigenous governments and organizations), and other parties (such as other boards and regulators) to ensure that potential impacts of proposed projects, including impacts on rights under section 35, are understood and carefully considered before decisions are made with respect to the issuance of permits and licences.

The Board's requirements for engagement are set out in the LWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#).¹⁸ The Policy and Guidelines were developed to ensure that the Board's obligations for achieving meaningful consultation (as set out by land claims and applicable legislation) with all affected parties, including Indigenous groups in the Mackenzie Valley, are met and engagement and consultation results clearly articulated. Engagement commenced for this project in 2017, and ended in January 2025. There are plans for ongoing engagement with affected parties throughout the project lifecycle. In accordance with the Policy and Guidelines, the Applicant's engagement efforts and proposed procedures are detailed in the Engagement Record and Plan (Version 1.0), respectively,¹⁹ submitted with the Application. The Board has approved the Applicant's Engagement Plan (Version 1.0), and the Board's reasons for this decision are described below in [section 6.3](#). Following issuance, the Applicant must continue engagement efforts as outlined in the Engagement Plan, once approved, and as required in the Permit.

The Application was posted to the Board's Public Registry and distributed through the ORS. As the Project is located in the Akaitcho Region, the appropriate organizations, governments, First Nations, and

¹⁸ See MVLWB Policies and Guidelines webpage to access the LWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#).

¹⁹ See MVLWB Online Registry for [CIRNAC-CARD – Pine Point Railbed – Updated Engagement Plan and Log – Jan24 25](#).

Indigenous organizations were included in the Distribution List.²⁰ The Distribution List was used throughout this proceeding to circulate submissions, information, and updates relevant to the proceeding; the List was updated if needed, and (if requested) individuals with specific interests in the Project were added. More information about the proceeding for the Application is provided above in [section 4.0](#).

In accordance with sections 63 and 64 of the [MVRMA](#), the Board is satisfied that notice of and access to copies of the Application were provided, and that a reasonable amount of time was given to communities, First Nations, and the public to participate in this proceeding and make submissions to the Board.

In accordance with the [Northwest Territory Métis Nation Interim Measures Agreement](#),²¹ the Northwest Territory Métis Nation was notified of the Application through the ORS distribution. The Board did not receive any evidence from the Northwest Territory Métis Nation during the proceeding.

In accordance with the Minister of Indian Affairs and Northern Development's 2004 [Policy Direction to the MVLWB regarding the Akaitcho Territory Dene First Nations](#), the Akaitcho Dene First Nation was notified of the Application through the ORS distribution. The Board did not receive any evidence from the Akaitcho Dene First Nation member nations during the proceeding.

In accordance with the Minister of Indian Affairs and Northern Development's 2003 [Policy Direction to the MVLWB Regarding Consultations with the Manitoba Denesuline](#),²² the Ghotelnene K'odtjneh Dene (formerly Manitoba Denesuline) were notified of the Application through the ORS distribution. The Board did not receive any evidence from the Ghotelnene K'odtjneh Dene during the proceeding.

In accordance with the Minister of Indian Affairs and Northern Development's 2003 [Policy Direction to the MVLWB Regarding Consultations with the Saskatchewan Athabasca Denesuline](#),²³ the Saskatchewan Denesuline were notified of the Application through the ORS distribution. The Board did not receive any evidence from the Saskatchewan Denesuline during the proceeding.

5.2 Eligibility for Land Use Permit

As per section 18 of the MVLUR, eligibility must be determined before the Board can issue a permit. The Applicant is the landowner and retains the right to access territorial public lands and waters to fulfil its management obligations on legacy contamination sites. Eligibility under is established under paragraph 18(b) of the [MVLUR](#). No issues were raised regarding eligibility during this proceeding. Based on the

²⁰ To access the Distribution List, see the LWBs' Online Review System for [CIRNAC-CARD – Pine Point Railbed Remediation Project – Jan24_25](#).

²¹ See MVLWB Land Claims, IMAs, and Land Use Plans webpage to access the [Northwest Territory Métis Nation Interim Measures Agreement](#).

²² See MVLWB Land Claims, IMAs, and Land Use Plans webpage to access the [Policy Direction to the MVLWB Regarding Consultations with the Manitoba Denesuline](#).

²³ See MVLWB Land Claims, IMAs, and Land Use Plans webpage to access the [Policy Direction to the MVLWB Regarding Consultations with the Saskatchewan Athabasca Denesuline](#).

supporting information provided, the Board concludes that the eligibility requirements under section 18 of the MVLUR have been satisfied.

5.3 Land Use Plan Conformity

As per section 61 of the [MVRMA](#), where an approved Land Use Plan applies, the Board must confirm conformity with the Land Use Plan before issuing a permit or licence.

No approved Land Use Plans apply in the Project area.

5.4 Land Use Fees

The Project is located wholly inside of a federal area; however, as per section 20 of the [MVLUR](#), territorial and federal governments are exempt from paying permit application and land-use fees, so land-use fees do not apply.

5.5 Time Limit

As per section 22 of the [MVLUR](#), the Board is required to make its decision on a permit within 42 days of receiving a complete application.

5.6 Environmental Review (Part 5 of the MVRMA)

5.6.1 Preliminary Screening

On March 7, 2025, the Board met, and it is the Board's opinion that the proposed Project will not have a significant adverse impact on the environment or be a cause of public concern, as set out in paragraph 125(1)(a) of the [MVRMA](#).²⁴

In accordance with section 125 of the [MVRMA](#), the Board notified the Review Board of its preliminary screening determination,²⁵ and in the ten days following the Board's preliminary screening determination notification to the Review Board, the Board did not receive notice of referral to environmental assessment (EA). Subsequently, the Board proceeded with issuing the Permit.

The Board is satisfied that the requirements of Part 5 of the [MVRMA](#) have been met for the Project.

6.0 Decision – Land Use Permit MV2024X0036

Having due regard to the facts, circumstances, and the merits of the submissions made to it, and to the purpose, scope, and intent of the [MVRMA](#), the Board has determined that Permit MV2024X0036 should

²⁴ See MVLWB Online Registry for CIRANC – CARD – Pine Point Railbed – [Preliminary Screening Determination and RFD – Mar11-25](#).

²⁵ See MVLWB Online Registry for CIRNAC – CARD – Pine Point Railbed – [Notice of Preliminary Screening Determination – Mar11 25](#).

be issued, subject to the scope, definitions, conditions, and term contained therein. The Board's determinations and reasons for this decision are set out below.

The Permit has been developed to address the Board's statutory responsibilities, to protect the receiving environment, and to address issues within the Board's jurisdiction that were identified and investigated during this regulatory proceeding.

In developing the Permit, the Board considered the LWB [Standard Land Use Permit Conditions Template](#) (Standard Permit Conditions) and included a number of these standard conditions that are relevant to the Project. As noted in [section 4.0](#), Board staff circulated a draft Permit for review to allow Parties to provide specific input to the Board on possible conditions, and the Board considered these review comments and recommendations in making its determination on the Permit conditions.

The Standard Permit Conditions have been established by the LWBs based on information from LWB policies and guidelines, other applicable guidelines and best practices, meetings with Inspectors, input from LWB staff, and feedback from a public review. Each standard condition has been evaluated against the following characteristics of an ideal condition:

- Clearly part of LWBs' authority;
- Has a clear purpose and rationale;
- Is practical and enforceable;
- Matches the scale of the project; and
- Does not conflict with existing legislation (i.e., is not less stringent).

The Standard Permit Conditions include general rationale for each standard condition, and as such, the language of any standard condition included in the Permit is only discussed in detail in the following sections of these Reasons for Decision when it specifically relates to concerns or recommendations raised during the regulatory proceeding. The Board's reasons for developing and including project-specific conditions, including discussion of any concerns and recommendations raised regarding these conditions, are detailed in the relevant sections below.

6.1 Term of Permit

The Applicant has applied for a term of 5 years for the Permit. Subsection 26(5) of the [MVLUR](#) allows for a Permit term of not more than five years. After reviewing the submissions made during this regulatory proceeding, the Board has determined an appropriate term for the Permit is five years.

6.2 Part A: Scope of Permit

The scope of the Permit ensures the Permittee is entitled to conduct activities which have been applied for and which have been subject to Part 5 of the [MVRMA](#). In setting out the scope of the Permit, the Board endeavoured to provide enough detail to identify and describe the authorized activities, without being unduly restrictive or prescriptive, and to allow for project flexibility, as contemplated in the Application, throughout the life of the Permit.

Based on the activities described in the Permit Application and on the scope outlined in the [Standard Permit Conditions](#), Board staff included a draft scope in the draft Permit that was circulated for public review. The Board did not receive any comments or recommendations regarding the draft scope during the proceeding, so the Board accepted it as the scope of the Permit.

6.3 Part B: Definitions

The Board defined certain terms in the Permit to ensure a common understanding of the conditions, to avoid future differences in interpretation of the Permit, to reflect Project-specific evidence, and to support consistency across licences and permits issued by the LWBs. For the most part, the Board selected applicable definitions relevant to the Project from the [Standard Permit Conditions](#).

A Project specific definition of HHERA was included, as this formed a significant portion of the discussion.

6.4 Part C: Conditions Applying to All Activities

The LWB [Waste and Wastewater Management Policy](#) applies to the Permit, and the objectives of the Policy are protection of water quality in the receiving environment, waste prevention/minimization, and minimization of the amount of waste disposed to the receiving environment.²⁶ The Permit does not authorize any deposit of waste to water; however, in accordance with the Policy and these objectives, the Permit includes many conditions that are, directly or indirectly, intended to meet the objectives of the Policy. The Board is satisfied that the conditions set out in the Permit are consistent with the Policy and compliance with these conditions will ensure that waste will be minimized, managed, and disposed of in a manner that will be protective of the receiving environment. These conditions and detailed rationale are described in the sections below.

The subheadings below correspond to the headings in the conditions section of the Permit, as outlined in subsection 26(1) of the [MVLUR](#).

26(1)(a) Location and Area

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

26(1)(b) Time

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

26(1)(c) Type and Size of Equipment

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

²⁶ See MVLWB Policies and Guidelines webpage to access the LWB [Waste and Wastewater Management Policy](#).

26(1)(d) Methods and Techniques

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

26(1)(e) Type, Location, Operation of All Facilities

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land

CIRNAC Yellowknife (comment ID: 9) recommended removal of condition PERMAFROST PROTECTION in the Permit as the Applicant has not proposed any structures that would trigger the need for this condition.

The Board agreed and removed this condition from the Permit.

CIRNAC Yellowknife (comment ID: 10) recommended the following additional wording be added to condition 18 (EQUIPMENT: WATERCOURSE BUFFER): *or otherwise authorized in writing by an inspector*. This recommendation was made as the scope of proposed work will necessarily require clearing of vegetation and use of heavy equipment project activities within 100 m of the ordinary high-water mark (OHWM) in some locations. The Board did not accept this recommendation, because on further review, the Board determined that this Condition is not appropriate for the Project and has removed it from the Permit. The Board's reasoning is described below.

Unlike for other Conditions in the Permit that specify that the Inspector can authorize exceptions, the MVLUR do not provide for the Inspector to authorize exceptions to the requirements set out in this Condition. The Board notes, however, that imposing this Condition without the possibility of allowing the Inspector to authorize exceptions may unnecessarily restrict the Permittee's ability to conduct the activities that are authorized in the Permit. In the Application, the Permittee identified the areas where clearing and use of heavy equipment would be necessary within 100 m of the OHWM, described the potential impacts of these activities, and proposed mitigation measures for these impacts.

The intent of this Condition is to prevent increased erosion and sedimentation from these activities in areas where it could result in a potential deposit of waste to water. In the preliminary screening, the Board considered this particular impact in conjunction with the proposed mitigations and other Permit conditions in section 26(1)(f) that are intended to mitigate erosion and sedimentation. The Board is satisfied that these impacts will be adequately and appropriately mitigated through the identified mitigation measures and Conditions without including this Condition. Accordingly, the Board has removed this Condition from the Permit.

The Board has, however, added a project-specific Condition entitled SUSPEND OVERLAND TRAVEL to the Permit to reflect one of the Permittee's proposed mitigation measures for erosion and sedimentation related to the use of heavy equipment within 100m of the OHWM. This Condition is based on the Standard Permit Condition of the same name and requires that overland travel of equipment be suspended at the

first sign of rutting, but it has been modified to be specific to areas within 100 m of the OHWM. Although this Condition was not included in the draft Permit, the Board notes that it reflects a commitment the Permittee has already made, and therefore, it does not impose any additional restrictions that the Permittee is unprepared for.

CIRNAC-CARD submitted an Erosion and Sedimentation Management Plan (Version 1)²⁷ with the Application and, during the public review, committed to submitting a revised Erosion and Sediment Plan (comment ID 19). CIRNAC-CARD explained that a full Plan was not included in the Application package because these details will be refined by a subcontractor, who will be hired after the conclusion of this proceeding.

As such, the Board has not approved the Erosion and Sedimentation Plan, Version 1, as submitted with the Application and has included the SUBMIT EROSION AND SEDIMENTATION MANAGEMENT PLAN Condition, which requires the submission of a revised Plan to the Board for approval 90 days prior to commencement of activities. This non-standard condition was adopted from the LWB [Standard Water Licence Conditions Template](#), and modified to reflect the scale and nature of the Project. The revised Plan must address the public review comments listed below and incorporate information about the dust control equipment listed in the revised Application submitted during the proceeding.²⁸

Erosion and Sedimentation Management Plan
MVLWB: 1, 6 11, 12, 13, 14, 16, 18, 19
CIRNAC: 3, 4, 7

Once submitted, the revised Plan will undergo the Board’s standard public review process before being considered by the Board. The Permittee may not commence the activities described in the Plan until the Plan has been approved. Implementation of the Plan, once approved, is required under the EROSION AND SEDIMENTATION MANAGEMENT PLAN – COMPLY, REVIEW, AND REVISIONS Condition. Any proposed changes to erosion or sediment control must be submitted to the Board for approval in a revised Plan.

26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

26(1)(h) Wildlife and Fish Habitat

The [MVLUR](#) includes provisions related to the protection of wildlife habitat; however, requirements for Wildlife Management and Monitoring Plans (WMMPs) are under the jurisdiction of the GNWT through the *Wildlife Act*. Accordingly, all applicants are directed to contact the GNWT-ECC to determine whether a WMMP, which details mitigations to reduce or eliminate impacts to applicable wildlife and wildlife

²⁷ See MVLWB Online Registry for [CIRNAC-CARD – Pine Point Railbed – Erosion and Sediment Control Plan – Nov26 24](#)

²⁸ See the LWBs’ Online Review System for [CIRNAC-CARD – Pine Point Railbed Remediation Project – Jan24 25](#).

habitat, is required for the project and should be submitted to the Board with a permit and/or licence application.

The Permittee did not include a WMMP in the Application.

The Board included Condition 25 (HABITAT DAMAGE) in the Permit, which requires the Permittee to prevent damage to wildlife and fish habitat. This is a condition from the Board’s Standard Permit Conditions and is intended to ensure the Permittee conducts their land-use operation in such a way as to minimize disturbance to wildlife habitat.

26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

WASTE MANAGEMENT PLAN – SUBMIT REVISED PLAN

All applicants must submit detailed waste management information, identifying all types of waste that will be produced by the project (including quantity and quality) and describing the disposal methods that are proposed for each type of waste. For most applicants, this will be in the form of a Waste Management Plan, developed in accordance with the LWB [Guidelines for Developing a Waste Management Plan](#),²⁹ and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board. The Guidelines can be applied to a wide range of projects and are intended to ensure that all waste management activities are carried out in a way that is consistent with best practices and applicable guidelines to minimize waste released from a project.

As required, the Permittee included a Waste Management Plan in the Application.³⁰ The Board considered this Plan as part of the Application Package, and its decision on the Plan is set out below.

During the review of the Application and associated Management Plans, recommendations were made by reviewers to update the Waste Management Plan.

The Board requires that the Permittee revise the Waste Management Plan and submit Version 1.1, within 90 days of the effective date of the Permit, to reflect updates as agreed to during this regulatory proceeding, to reflect the Project activities, to meet the Guidelines, and to include the following:

Waste Management Plan
MVLWB: 1, 11, 12, 15, 20, 21, 23
CIRNAC: 5, 7

²⁹ See MVLWB Policies and Guidelines webpage to access the LWB [Guidelines for Developing a Waste Management Plan](#).

³⁰ See MVLWB Online Registry for [CIRNAC-CARD – Pine Point Railbed – Updated Waste Management Plan – Jan10 25](#).

The Plan will be considered approved when the Permittee receives written confirmation of conformity from Board staff. A public review will typically not be required to confirm conformity; however, if the revised Plan includes additional information beyond what has been requested above, a public review may be required before it can be considered by the Board. To ensure that no waste is produced before appropriate waste management practices are in place, the Permittee may not commence Project activities until conformity is confirmed.

26(1)(j) Protection of Historical, Archaeological, and Burial Sites

GNWT-ECE-PWNHC (comment ID: 1), recommended removal of conditions ARCHEOLOGICAL OVERVIEW, and AIA-HIGH POTENTIAL as CIRNAC-CARD has fulfilled their engagement responsibilities with respect to pre-development and remediation archeological mitigation. It was recommended, however, that CIRNAC-CARD contact PWNHC to obtain a copy of the most recent Archeological Chance Find Protocol document. The Board requests CIRNAC-CARD contact PWNHC as mentioned above and also agreed with GNWT-ECE-PWNHC and has removed the above conditions from the Permit.

26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value

This section was intentionally left blank, because the Board did not require conditions in this section to satisfy its mandate and did not receive any recommendations related to this section during the review of the draft Permit.

26(1)(l) Security Deposit

The Board did not include security requirements in the Permit because, as per section 94 of the [MVRMA](#), the federal government is not required to post security for permits. Condition 30 (RESPONSIBILITY FOR REMEDIATION COSTS) establishes the Permittee's responsibility for all costs to remediate the Permit area, so the Board is satisfied that the Permittee will be accountable for carrying out closure and reclamation even though a security deposit is not required.

26(1)(m) Fuel Storage

CIRNAC Yellowknife (comment ID: 6), recommended CIRNAC-CARD clarify their fuel requirements onsite, as the application form and project description had conflicting information regarding fuel storage. CIRNAC-CARD clarified that no fuel will be stored onsite aside from equipment used for the remedial works. Based on the response, the Board has decided to keep the condition MAXIMUM FUEL ON SITE in the Permit.

SPILL CONTINGENCY PLAN – SUBMIT REVISED PLAN

All applicants must describe spill contingency planning. For most applicants, this will be in the form of a Spill Contingency Plan, developed in accordance with the INAC [Guidelines for Spill Contingency Planning](#),³¹ and licences and permits will include standard conditions regarding compliance with the Plan, as approved

³¹ See MVLWB External Policies and Guidelines webpage to access the INAC [Guidelines for Spill Contingency Planning](#).

by the Board. The Plan is intended to ensure that an action plan for responses to spills and unauthorized discharges has been established to effectively control and clean up spills and unauthorized discharges, with the goal of preventing or limiting damage to the receiving environment.

As required, the Permittee included a Spill Contingency Plan in the Application.³² The Board considered the Plan as part of the Application Package, and its decision on the Plan is set out below.

The Board requires that the Permittee revise the Plan and submit Version 1.1, within 90 days of the effective date of the Permit, to reflect updates as agreed to during this regulatory proceeding, to reflect the Project activities, to meet the INAC Guidelines, and to include the following:

Spill Contingency Plan
MVLWB:1, 11, 12
ECCC: 6
CIRNAC: 2, 7

The Plan will be considered approved when the Permittee receives written confirmation of conformity from Board staff. A public review will typically not be required to confirm conformity; however, if the revised Plan includes additional information beyond what has been requested above, a public review may be required before it can be considered by the Board. To ensure that no spills occur before appropriate spill response procedures and equipment are in place, the Permittee may not commence Project activities until conformity is confirmed.

26(1)(n) Methods and Techniques for Debris and Brush Disposal

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

26(1)(o) Restoration of the Lands

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

CLOSURE AND RECLAMATION PLAN

As required, the Permittee included a CRP in the Application.³³ The Board considered this Plan as part of the Application Package, and its decision on the Plan is set out below.

The Board has not approved the CRP, Version 1, as submitted with the Application. As per Condition 57 (RESUBMIT PLAN in the 26(1)(q) Biological and Physical Protection of the Land section of the Permit), the Permittee must revise the Plan and submit Version 2.0 within 90 days of the effective date of the Permit, to reflect updates as agreed to during this regulatory proceeding, to reflect the Project activities, to meet the Closure Guidelines, and to include the following:

³² See MVLWB Online Registry for [CIRNAC-CARD – Pine Point Railbed – Spill Contingency Plan – Nov26 24](#).

³³ See MVLWB Online Registry for [CIRNAC-CARD – Pine Point Railbed – Closure and Reclamation Plan – Nov26 24](#).

Closure and Reclamation Plan
MVLWB:1, 6, 7, 8, 9,10, 11, 12, 13, 27, 28, 29, 30, 31, 32, 33
ECCC: 1, 2, 3, 4, 5, 6, 7
CIRNAC: 7

Once submitted, the revised Plan will undergo the Board’s standard public review process before being considered by the Board. The Permittee may not commence the activities described in the Plan until the Plan has been approved.

26(1)(p) Display of Permits and Permit Numbers

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

26(1)(q) Biological and Physical Protection of the Land

Board staff suggested condition 54 (CARIBOU DISTURBANCE) be revised to remove the text *or commence any drilling*, as the land use operations do not include drilling, however the activities have the potential to impact wildlife. CIRNAC Yellowknife (comment ID: 1) supported the recommendation by Board staff. The Board decided to keep the revision in the Permit condition.

ENGAGEMENT PLAN

The Board assesses engagement adequacy through the LWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#), and an Engagement Plan is a standard requirement for land use permits issued by the Board. This Plan is intended to ensure adequate and effective engagement with potentially affected parties has occurred prior to the submission of the Application (in the form of the Engagement Record) and is planned for throughout the life of the Project.

In accordance with the Policy and Guidelines, the Applicant included an Engagement Record and Plan in the Application,³⁴ and these documents were distributed for public review with the Application. The Board considered the Plan as part of the Application Package.

The Board has approved the Engagement Plan, Version 1 because it meets the requirements of the Policy and Guidelines and is appropriate for the Project activities.

6.5 Attachment A: Concordance Table of Submissions

Attachment A to the Permit contains a table that summarizes the submissions required by the Permit conditions.

³⁴ See MVLWB Online Registry for [CIRNAC-CARD – Pine Point Railbed – Updated Engagement Plan and Log – Jan24 25](#).

6.6 Attachment B: Revision History Table

Attachment B to the Permit contains a table which identifies updates and tracks changes made to the Permit. This table is currently blank because this is a new permit, but it will be updated throughout the life of the Permit.

7.0 Conclusion

Subject to the scope, definitions, conditions, and term set out in the Permit, and for the reasons expressed herein, the MVLWB is of the opinion that the activities and land use associated with the Project can be completed by Crown-Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation Division (CIRNAC – CARD), while providing for the conservation, development, and utilization of waters in a manner that will provide the optimum benefit for all Canadians and in particular for the residents of the Mackenzie Valley.

Land Use Permit MV2024X0036 contains provisions that the Board deems necessary to ensure and monitor compliance with the MVRMA and the Regulations made thereunder, and to provide appropriate safeguards in respect of Crown-Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation Division (CIRNAC – CARD)'s use of the land as authorized by the Permit.

SIGNATURE



**Tanya MacIntosh Chair
Mackenzie Valley and Water Board**

March 24, 2025

Date

Reviewer Comments and Proponent Responses

Project: Pine Point Railbed Remediation Project
 Board: Mackenzie Valley Land and Water Board
 Proponent: CIRNAC-CARD (Yellowknife)

File Number: MV2024X0036
 Review Comments Due: February 14, 2025
 Proponent Responses Due: February 21, 2025

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
MVLWB - Ryan Pierce					
1	Cover Letter	There are inconsistencies between the proposed fill removal amount on the Cover Letter and updated Project Description. The cover Letter states that approximately 616.3m cubed of railbed fill material will be removed, and backfilled with clean fill material. However, the updated Project Description states approximately 808 cubic metres of lead - impacted fill or soil material is scheduled for removal.	Confirm the volume of fill being removed and replaced, and update the application documents with this information to avoid confusion.	<p>The estimated volumes have been updated in all application documents so that they are consistent with the most up-to-date estimated volume.</p> <p>The areas of impact have been estimated numerous times since the project inception, with the most recent being January 2025. This final reassessment occurred following the initial submission of the LUP application. It was determined that the excavations would not extend beyond the flat portion of the Railbed (onto any slopes which would preclude recreational use), into heavily vegetated areas (where clearing of trees would be required), or in close proximity to water bodies (to avoid erosion and sedimentation). The complexity of excavation shapes were also reduced (favoring straight lines and 90-degree corners, where practicable) and to reflect the probable connectivity between areas with exceedances within close</p>	<p>Adequate Response.</p> <p>The Board requires CIRNAC-CARD update all Application documents with a consistent volume of legacy waste/contaminated material, and clean fill volume, to avoid confusion. (<i>See Reasons for Decision – Waste Management Plan, Spill Contingency Plan, Closure and Reclamation Plan, Erosion and Sedimentation Management Plan</i>)</p>

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
				proximity to one another. Extrapolation between samples, particularly between samples exceeding the SSTL of 475 mg/kg without sample results less than the SSTL in-between them, has resulted in nearby areas of impact to become adjoining, thus affecting the volumes. The finalized volumes have now been provided in the LUP application.	
2	Water Licence	PDF page 10 of the Closure and Reclamation Plan notes the circumstances under which a water licence might be required.	Does CIRNAC-CARD anticipate any of these activities?	CIRNAC-CARD does not anticipate conducting any of the activities listed under potential triggers for a Type B Water Licence according to the Closure and Reclamation Plan. Discussions with the CIRNAC-RLM Inspectors have taken place and thus far there has been no indication of the requirement for a water license.	Adequate response. Please note, the Board and Inspector should be notified of any future change in project scope. <i>(See Reasons for Decision – Justification for not Requiring an Accompanying Water Licence)</i>
3	Water Licence	As above.	Will CIRNAC-CARD be requiring any authorizations from the Department of Fisheries and Oceans?	CIRNAC-CARD does not anticipate the requirement for a DFO authorization. DFO's "Measures to Protect Fish and Fish Habitat" will be implemented.	Adequate response. Please note, the Board and Inspector should be notified of any future change in project scope.. <i>(See Reasons for Decision – Justification for not Requiring an Accompanying Water Licence)</i>
4	Water Licence	As above.	What works may require these authorizations?	CIRNAC-CARD does not anticipate any works that will require DFO authorization. DFO's "Measures to Protect Fish and Fish Habitat" will be implemented.	Adequate response. Please note, the Board and Inspector should be notified of any future change in project scope... <i>(See Reasons for Decision – Justification for not Requiring an Accompanying Water Licence)</i>

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
5	Water Licence	As above.	Can CIRNAC-CARD clarify why these works do not require a water licence?	As per the Project Description, there is no proposed work on stream banks and/or in water, however work is planned within 100m of the OHWM. Discussions with the CIRNAC-RLM Inspectors have already taken place to indicate that approvals will be required for this work however it does not trigger the need for a water licence.	Adequate response. Please note, the Board and Inspector should be notified of any future change in project scope. <i>(See Reasons for Decision – Justification for not Requiring an Accompanying Water Licence)</i>
6	General Note	Studies Completed to Date "dates"	The studies completed to date "dates" are inconsistent between the various documents. Please update the documents to ensure that the dates are correct and consistent.	CIRNAC-CARD would like to clarify that although dates may appear inconsistent, the underlying reports and studies have been accurately referenced. The differences in the lists are due to the inclusion of supplementary reports that are relevant to the context of the document.	Noted. The Board requires the application documents be updated to make note of the discrepancy between study dates and include the response in the proponent response column as clarification, and to update Management Plan(s) to include the context as to why the dates are inconsistent.
7	Ground water Impacts	The CRP states that cadmium and zinc impacts from the Rail Bed were found in shallow groundwater. The CRP does not state how COCs were determined, and/or how COC were determined to be associated with the Rail Bed, and/or what groundwater quality criteria they "exceeded".	Have the ESAs and HHERA established closure objectives and criteria associated with groundwater? Please describe applicable guidelines, and methods and rationale.	Groundwater was eliminated in the pathway screening in the HHERA because groundwater is not used as a drinking water source at the site. Thereby no closure objectives and criteria were developed for groundwater. Groundwater is anticipated to be at shallow depths (<3 m) in portions of the Site found at natural grade, given the low-lying marshes observed surrounding the Railbed. However, the Railbed itself is built up higher than the natural elevation, and therefore groundwater was not	Noted. The Board requires CIRNAC-CARD add the information provided in the Proponent Response column to the revised Closure and Reclamation Plan, and provide the HHERA as supporting evidence, for public review and consideration for Board approval <i>(See Reasons for Decision – Groundwater Impacts from Project Activities, and Closure and Reclamation Plan)</i> .

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
				encountered during test pitting programs targeting the Railbed material itself. Groundwater infiltration in test pits advanced directly adjacent to the Railbed itself at natural grade was observed at depths ranging from 0.05 to 0.4 mbgs. Remediation work will not be occurring in areas off of the Railbed, and thus groundwater is not anticipated to be encountered during the remedial project. Therefore, addressing groundwater is not part of the scope of work for this project.	
8	Ground water Impacts	As above.	How has a groundwater parameter been deemed a COC? What guidelines have groundwater quality been compared to?	See above.	Adequate response. (See Reasons for Decision – <i>Groundwater Impacts from Project Activities, and Closure and Reclamation Plan</i>)
9	Ground water Impacts	As above.	Will any specific activities be conducted to address COCs in groundwater on site?	No activities are to be conducted to address COCs in groundwater on-site as part of this proposed remedial program. See above.	Noted. The Board requires CIRNAC-CARD add the information provided in the Proponent Response column to the revised Closure and Reclamation Plan, and provide the HHERA as supporting evidence, for public review and consideration for Board approval. (See Reasons for Decision – <i>Groundwater Impacts from Project Activities, and Closure and Reclamation Plan</i>)
10	Ground water Impacts	As above.	Does the Project conduct regular groundwater monitoring? If so, when is groundwater monitoring planned until? What parameters	No groundwater samples have been collected at the site to date (only seepage water samples). Additional investigation into	Noted. Adequate response.

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
			are monitored? Are they compared to guidelines?	groundwater is not currently planned. Groundwater is not expected to impact the proposed remedial activities.	
11	Applicat ion	Work Schedule	There are inconsistencies in the scheduling of when work will be completed, please provide an updated work schedule.	Once the Remediation Contract is awarded, the Contractor will establish a firm work schedule. Until that time, CIRNAC-CARD can provide an estimated timeframe that considers the fish and migratory bird windows.	Noted. The Board requires CIRNAC-CARD update the project schedule in relevant application documents with the estimated timeframe. <i>(See Reasons for Decision – Waste Management Plan, Spill Contingency Plan, Closure and Reclamation Plan, and Erosion and Sedimentation Management Plan)</i>
12	Project Descript ion	Stream Banks - Clarification Required	What volume of material will be removed from the stream banks?	No material will be removed from the stream banks. It was determined that the excavation extents will not extend in close proximity to water bodies (to avoid erosion and sedimentation and areas where it is impractical to conduct camping activities, ie. sloped ground).	Adequate response. The Board requires the Waste Management Plan, Erosion and Sedimentation Management Plan, Spill Contingency Plan, and Closure and Reclamation Plan be updated with the information provided in the Proponent Response column. <i>(See Reasons for Decision – Activities taking place near watercourses and riverbanks, Waste Management Plan, Spill Contingency Plan, Closure and Reclamation Plan, and Erosion and Sedimentation Management Plan).</i>
13	Project Descript ion	Stream Banks - Clarification Required	Will there be fill placed onto the stream banks?	No material will be removed from the stream banks and therefore no fill will need to be placed onto the stream banks.	Adequate response. The Board requires the Waste Management Plan, Erosion and Sedimentation Management Plan, Spill Contingency Plan, and Closure and Reclamation Plan be updated with the information provided in the Proponent Response column.

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
					<i>(See Reasons for Decision – Activities taking place near watercourses and riverbanks, Waste Management Plan, Spill Contingency Plan, Closure and Reclamation Plan, and Erosion and Sedimentation Management Plan).</i>
14	Project Description	Stream Works	How will the timbers be removed from the creeks/streams?	Only the portion of the timber that extends above the water surface will be removed, and this will be done manually. The exact method of cutting of the timbers and removal will be determined by the contractor after the contract is awarded.	Noted. The Board requires that the resubmitted Erosion and Sedimentation Management Plan (ESMP) include the information in the Proponent Response column. Additionally, in the ESMP, a detailed methodology describing how the timbers will be removed in the watercourses is required. <i>(See Reasons for Decision – Erosion and Sedimentation Management Plan).</i>
15	Project Description	Stream Works	How will the timbers be stored?	The timbers will be cut into smaller pieces, and stored in Flexible Intermediate Bulk Containers for transport to a suitable disposal facility.	Adequate response. The Board requires the Waste Management Plan be updated with the information in the Proponent Response Column. The Board also requires formal notification of acceptance of waste a minimum of 10 days prior to the initial deposit of Waste, as required by condition NOTIFICATION OF SOLID WASTE DISPOSAL, in the Permit. <i>(See Activities taking place near watercourses and riverbanks, Reasons for Decision – Waste Management Plan)</i>
16	Project Description	Stream Works	What are the implications or risks to hand sawing timbers down that are located within the stream/creek?	There are only a few posts (estimated to be 3 or 4), so it is expected that a minimal amount	Noted. The Board requires that the resubmitted Erosion and Sedimentation Management Plan

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
				of sediment disruption may occur while a person stands in the water to cut down the posts and remove them. This disruption will likely be limited to one person, for one or two hours. All debris will be cleaned up and disposed of off-site.	(ESMP) include the information in the Proponent Response column. Additionally, in the ESMP, a detailed methodology describing how the timbers will be removed in the watercourses is required. <i>(See Reasons for Decision – Erosion and Sedimentation Management Plan).</i>
17	Project Description	The PD states that ...the site meets remedial objectives, that the backfilling grading of the site is appropriate, and that residual hazards to human or ecological health have been minimized...	Which objectives?	Closure objectives for the Site can be found in the Closure and Remediation Plan under Section 2.2	Noted.
18	Erosion and Sediment Control Plan	Sediment Traps	Where will the buildup of sediment be placed?	Any accumulated sediment will be disposed of in the same manner as the contaminated soil at a suitable disposal facility.	Noted. The Board requires that the resubmitted Erosion and Sedimentation Management Plan (ESMP) include the information in the Proponent Response Column. <i>(See Reasons for Decision – More information recommended regarding mitigation measures for sedimentation in watercourses, and Erosion and Sedimentation Management Plan).</i>
19	Erosion and Sediment Control Plan	Sediment in water	There is no discussion on the mitigation of additional sediment in water, please elaborate.	It was determined that the excavation extents will not extend in close proximity to water bodies (to avoid erosion and sedimentation). The Erosion and Sediment Control Plan also outlines the other mitigation measures that may be used during the project to prevent erosion and sediment entering the water bodies. It is a	Noted. The Board requires that the resubmitted Erosion and Sedimentation Management Plan (ESMP) include the information in the Proponent Response Column. <i>(See Reasons for Decision – More information recommended regarding mitigation measures for sedimentation in watercourses, and Erosion and</i>

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
				contractural requirement for the contractor to provide a detailed Erosion and Sediment Control Plan upon contract award. This plan will include additional details (e.g. required turbidity measurements, and specific erosion control methods for each remediation area) for specific mitigation activities in any particular work area.	<i>Sedimentation Management Plan</i>).
20	Waste Management Plan	Secondary Containment	Will the lay down areas have secondary containment?	Yes. The contaminated soil will be loaded directly into Flexible Intermediate Bulk Containers, and when these containers are to be stored in the laydown areas, they will be stored on poly liners.	Adequate response. The Board requires CIRNAC-CARD update the Waste Management Plan with the information in the Proponent Response Column. <i>(See Reasons for Decision – Waste management Plan)</i>
21	Waste Management Plan	Acceptance of Waste	Has permission from facility within the NWT been granted for the acceptance of the waste generated at site. Please provide additional information.	All waste generated, both soil material and debris, will be transported out of the Territory. Two facilities (one in BC, one in Alberta) have been contacted and have indicated that they can accept hazardous waste contaminated with lead in the concentration ranges encountered at the site. Formal acceptance has not yet been received, and it will be the responsibility of the contractor upon contract award to select the disposal facility and gain all permissions and acceptance.	Noted. Adequate response. The Board requires CIRNAC-CARD update the Waste Management Plan with the information in the Proponent Response column.
22	Waste Management Plan	Contaminated Soil - lead contaminated railbed fill or soil will be excavated into flexible	As above.	See above.	Noted.

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
	ment Plan	intermediate bulk containers for transport to a licensed disposal facility using a semi-tractor with a flat deck.			
23	Waste Management Plan	Timbers	Where will the timbers be transported to? How will they be stored? Is there any risk of contamination?	The timbers will be cut into smaller pieces, and stored in Flexible Intermediate Bulk Containers for transport to avoid any risks of contamination during transport. The timbers will be disposed of a suitable waste disposal facility out of the Territory, as selected by the contractor upon contract award.	Adequate response. The Board requires the Waste Management Plan be updated with the information in the Proponent Response Column. <i>(See Reasons for Decision – Waste management Plan)</i>
24	External Authorizations	Highway Permit	Access to Sandy Creek - has the applicant been in communication with the GNWT- Department of Infrastructure for a Highway Access Permit considering the clearing of new access and avoid additional delays, board staff recommend that the area also be included in the application.	CIRNAC-CARD acknowledges that permissions may be required from the GNWT Department of Infrastructure. However, at this stage, we are unable to confirm whether any authorizations will be necessary until the Contractor is selected and the project plans are finalized.	Noted. The Board requires CIRNAC-CARD provide the Board with proof of a Highway Access Permit from GNWT prior to work commencing at the Sandy Creek location. In addition, the Board requires CIRNAC-CARD notify the Board if any further Highway Access Permits are issued by GNWT to access areas along the project site.
25	External Authorizations	Site access	A new clearing could be beneficial in order to access the east side quickly and efficiently but would require additional permitting as it is beyond the extent of the Pine Point Railbed property. If the applicant wishes to use the access	Noted	Adequate response. Please note, that additional permitting is required to adjust the scope of the permit. It is recommended that CIRNAC-CARD engage early with the Board prior to submitting a permit amendment application.
26	Fuel Requirements	A range of fuel requirements was provided.	Please provide further information on the amount of fuel required for the project.	A range of fuel tanks was provided to account for the variety of different equipment that is likely to be used in the project. The exact equipment to	Adequate response.

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
				be used will be determined by the contractor upon contract award, and this will dictate the exact size of equipment fuel tanks that will be present on site.	
27	Closure and Reclamation Plan	Twin Creek - Temporary Bridge or Culvert	Please provide clarification on the following: 1) What is the size of the bridge/culvert 2) Would this bridge/culvert trigger the need for a Water Licence, 3) Are there any other external authorizations needed for this to proceed	The size of the bridge/culvert required to establish access to this location will be determined by the contractor upon contract award and depends on the selected equipment, and conditions at the site. This bridge/culvert, if required, would be to cross a ditch that sometimes contains water, and the water body is not expected to be larger than 5m across, therefore, it is not expected that this would trigger the need for a Water Licence, or any additional external authorizations.	Noted. Adequate response. The Board requires CIRNAC-CARD update the Closure and Reclamation Plan with the information in the Proponent Response Column. <i>(See Reasons for Decision – Closure and Reclamation Plan)</i>
28	Closure and Reclamation Plan	Buffalo River - Potential laydown	It is noted that this area would require additional permissions. Has the permission been sought and who would permission need to come from?	CIRNAC-CARD has connected with the GNWT Department of Infrastructure regarding potential permissions required for laydown areas on territorial land.	Noted. The Board requires CIRNAC-CARD update the Closure and Reclamation Plan with the information in the Proponent Response Column. In addition, the Board requires CIRNAC-CARD notify the Board when permission is granted from the GNWT for potential laydown areas on territorial land. <i>(See Reasons for Decision – Closure and Reclamation Plan)</i>
29	Closure and Reclamation Plan	Sampling Requirements	It is noted that 475ppm is the proposed soil quality criteria:	It was determined that the excavations would not extend beyond the flat portion of the Railbed (ie. onto any slopes	Adequate response. The Board requires CIRNAC-CARD update the Closure and Reclamation Plan with the information in the

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
	tion Plan		<p>1) Please elaborate on how excavation and sampling will be complete to ensure that the contaminated material has been removed,</p> <p>2) Would additional drilling need to be completed for delineation of the area.</p>	<p>which would preclude recreational/camping use), into heavily vegetated areas (where clearing of trees would be required), or in close proximity to water bodies (to avoid erosion and sedimentation).</p> <p>The remediation objectives are as follows:</p> <ul style="list-style-type: none"> - Achieve physical stability for all areas of disturbed ground. - Ensure disturbed ground is stable and will not impact the water, soil, or air quality in the long term. - Minimize long term monitoring/maintenance and site management. - Make the site safe for current and expected land use and with surrounding lands and water bodies. - Effectively reduce federal financial liability associated with the site using cost effective solutions. - Reduce environmental liabilities by protecting ecological receptors including aquatic life, terrestrial species and vegetation. - Ensure remediation remains effective throughout a range of predicted climate change impacts. - Maximize local and indigenous benefits and return the site to a condition which supports current 	<p>Proponent Response Column. <i>(See Reasons for Decision – Closure and Reclamation Plan)</i></p>

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
				<p>and future Traditional Land use where possible. - Minimize environmental impacts during remediation.</p> <p>The excavation will be carried out to remove the soil identified within the initial proposed remediation areas. Once the proposed extents have been reached, field screening using XRF, and confirmatory sampling (with samples being submitted to an accredited laboratory) of the excavations walls and bases will be completed. Where the site conditions allow, additional material will be excavated until the boundaries outlined above have been reached, at which point the excavation will stop and backfilling will commence. Additional delineation is not expected to be required at this time. The remediation objective is focused on areas to be used most frequently by the local community, not the entirety of the Railbed.</p>	
30	Closure and Reclamation Plan	Upgrading access routes	<p>Please provide the additional information:</p> <p>1) Have the correct pieces of equipment been identified in the application to facilitate this,</p> <p>2) What is the total number of culverts/temporary bridges needed,</p> <p>3) Will the culverts/temporary bridges require the need for a Water Licence,</p>	<p>The exact equipment to be used, the number and size of temporary culverts/bridges, and additional information on the construction and operation and maintenance of access routes will be determined by, and provided by the contractor upon contract award.</p>	<p>Adequate response. The Board requires CIRNAC-CARD update the Closure and Reclamation Plan with the information in the Proponent Response Column. <i>(See Reasons for Decision – Closure and Reclamation Plan)</i></p>

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
			4) Please provide additional information on the construction/operation and maintenance of the access routes.		
31	Impacted Soils	Section 3.3.1 describes sampling of soils for site assessments and to support the HHERA, and indicates some exceedances above guidelines, but does not specify what guidelines were used for comparison? Section 5 indicates that the SSTL for lead of 475 mg/L as the only closure criteria for impacted soils, but does not provide rationale.	What soil quality guidelines were soil samples compared to?	<p>The soil quality guidelines that the background soil samples were compared to in the supplemental soil sampling program described in the CRP were the CCME Canadian Soil Quality Guidelines (CCME 1999, and subsequent updates).</p> <p>The soil samples collected to identify and delineate the extent of lead contamination were compared to the SSTL for lead that was determined in the HHERA.</p>	Adequate response. The Board requires CIRNAC-CARD update the Closure and Reclamation Plan with the information in the Proponent Response Column, and provide the HHERA as supporting evidence, for public review and consideration for Board approval. <i>(See Reasons for Decision – Closure and Reclamation Plan)</i>
32	Impacted Soils	As above.	What closure criteria were established for soil quality through the HHERA? Please provide applicable guidelines, and methods and rationale.	The HHRA evaluated the risk from exposure from lead to people who use the Site for transport and to access hunting and camping areas in the areas surrounding the Site. Discussions with the community indicated that the current activities on the Railbed itself are limited to people passing through on ATV. Therefore, the HHRA also considered that family members could ATV along the Pine Point Railbed. In the future it was discussed that people may camp around the major water crossings where they could catch fish, therefore a future camping scenario was also assessed	Adequate response. The Board requires CIRNAC-CARD update the Closure and Reclamation Plan with the information in the Proponent Response Column, and provide the HHERA as supporting evidence, for public review and consideration for Board approval. <i>(See Reasons for Decision – Closure and Reclamation Plan)</i>

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
				<p>whereby a family unit that could camp in the areas near the major water crossings. These potential camping areas were near Sandy Creek, Birch Creek, Twin Creek and Buffalo River. There is limited guidance available on how to evaluate human health risks to lead as low levels of lead result in decreases in IQ in toddlers and children. Therefore, potential risks from lead exposure at the Site was assessed using two Limits of Exposure (LOEs). The first LOE calculated exposure doses from all potential exposure pathways present at the Site for all receptors. The second LOE evaluated modelled blood lead levels from soil exposures at the Site. Blood lead levels are the method for examination of lead exposure and health effects and a level of 2 µg/dL may be associated with a one IQ point decrease (WHO 2010) and was selected as a target level. The results of the LOEs indicated that the soil ingestion pathway represents the major exposure and risk. Given that contact with soil represented the major pathway of exposure, bioaccessibility testing was conducted on soils collected from the Railbed in order to incorporate a site-specific oral RAF in the exposure scenarios.</p>	

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
				<p>This reduced the uncertainties associated with assuming 100% of the lead in soil was bioaccessible and ensured that a more accurate exposure estimate for soils encountered on the Railbed. The consumption of traditional foods hunted, fished, and harvested in the area do not add significantly to lead exposure and risk. The ATV Scenario indicated that the current use of the Railbed poses no risk to uses. In a future camping scenario near the major water crossings, toddlers are potentially most at risk from the lead concentrations on the Pine Point Railbed if they spend more than 1 day for 8 weeks of the year directly on the Railbed. Adults and Teens who spend more time on the Railbed over an 8-week period when the soil is not covered with snow and carry out traditional land uses are not at risk.
In order, to ensure that the blood lead levels do not exceed 2 µg/dL in toddlers and children, site specific target levels (SSTLs) for exposure to lead in soil at the Site were determined. A SSTL of 475 mg/kg for lead in soils is recommended to be protective of all receptors based on exposure 3.5 days a week over an 8 week period.
</p>	
33	Human Health	The CRP contains several references to criteria established	Can CIRNAC-CARD submit the HHERA to supplement proposed objectives, criteria and	Specific questions on the wa have been addressed in	It is acknowledged that the HHERA has been submitted to the

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
	and Ecological Risk Assessment	in the HHERA, and simply states the determined closure criteria in the CRP, without the methodology or rationale used for determining the criteria. For parties and the Board to understand and consider closure criteria for approval, it is critical to understand what guidelines project components (soil, sediment, groundwater, surface water) and how parameters have been ruled in/out for requiring remediation in order to meet closure objectives and criteria.	closure options included in the CRP? If not, why?	responses above. To supplement our responses and as background information for the reviewers we will provide the HHERA.	Online Review System (ORS) on the final day of the public review. The Board requires CIRNAC-CARD submit the Phase III ESA to the Board as recommended by GNWT-ECC (comment ID: GNWT-ECC 2). In a future public review, The Board requires CIRNAC-CARD revise and resubmit the CRP, alongside the HHERA Phase III ESA, for Board approval. This is to ensure procedural fairness whereby reviewers have an adequate amount of time to review material. The HHERA and Phase III ESA are supporting material for a revised CRP; only the CRP will be considered for Board approval. <i>(See Reasons for Decision - HHERA, Closure Criteria, and additional activities listed in Closure and Reclamation Plan, and Closure and Reclamation Plan)</i>
Environment and Climate Change Canada (ECCC) - Mitchell Johnsen					
1	Topic: Species at Risk (SAR), General ; SAR measures missing Referen ces: Closure and	All of the Species at Risk that are likely to be present in the Project area have been identified, however, specific adverse effects of the Project on Species at Risk have not been identified. The Project may have adverse effects on listed species including impacts due to noise, dust or other sensory disturbances, wildlife injury or mortality, exposure to toxic or hazardous substances and wildlife attraction.	ECCC recommends that the Proponent: a) Identify adverse effects of the Project on the listed species likely to be affected and their Critical Habitat; b) Take measures to avoid or lessen those adverse effects and monitor them to inform adaptive management; c) Implement mitigation and monitoring measures that are consistent with applicable	Noted	Adequate response. The Board requires CIRNAC-CARD to adhere to Permit conditions HABITAT DAMAGE and MIGRATORY BIRD NEST DISTURBANCE. In addition, the Board requires CIRNAC-CARD submit a revised CRP addressing the reviewer's comments. <i>(See Reasons for Decision – Species at Risk (SAR) and Bird Habitat, and Closure and Reclamation Plan)</i>

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
	Reclamation Plan; Species at Risk Table; Revised Application Form	<p>SARA prohibits against the killing, harming, harassing, capturing, taking, possessing, collecting, buying, selling or trading of individuals of Threatened, Endangered and Extirpated species listed in Schedule 1 of the Act. The Act also contain a prohibition against the damage and destruction of their residences (e.g., nest or den). These prohibitions apply to:</p> <ul style="list-style-type: none"> - All Threatened, Endangered and Extirpated species listed on Schedule 1 of SARA when found on federal lands in a province, or lands under the authority of the Minister of Environment or the Parks Canada Agency in a territory; - All Threatened, Endangered and Extirpated migratory birds listed in Scheduled 1 of SARA and protected by the Migratory Birds Convention Act, 1994, anywhere they occur, including private lands, provincial lands and lands within a territory; and - All Threatened, Endangered and Extirpated aquatic species listed in Schedule 1 of SARA, anywhere they occur, including private lands, provincial lands and lands within a territory. <p>SARA also prohibits destroying any part of Critical Habitat. Critical Habitat is identified in species</p>	<p>listed species Recovery Strategies and Action Plans or Management Plans.</p> <p>Where the Proponent may encounter a listed species, the primary mitigation measure should be avoidance. ECCC recommends that the Proponent:</p> <p>Submit monitoring reports to the appropriate regulators and organizations with management responsibility for that species. Monitoring should include recording the timing and location of observed listed species, their behavior when encountered, and actions taken by the Proponent to avoid disturbance to the species, its habitat, and/or its residence.</p> <p>As species are assessed and listed on a regular basis, ECCC also recommends that the Proponent:</p> <p>a) Consult the Species at Risk registry (https://www.registrelep-sararegistry.gc.ca/default.asp?lang=En&n=24F7211B-1) to obtain the most current information for their operations.</p> <p>b) Consult the Government of the Northwest Territories to identify appropriate mitigation and/or monitoring measures to avoid and lessen project effects to species under their management responsibility. For more information on Species at Risk in the Northwest Territories, please refer to the booklet 'Species at Risk in the Northwest Territories 2024 edition' (https://www.nwtspeciesatrisk.ca/en/media/6299/download?inline)</p>		

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
		<p>recovery strategies and/or action plans. The Act requires that critical habitat on federal lands, or for aquatic species anywhere, be legally protected by stewardship agreements under SARA, by other legal means under SARA, by other federal legislation or by the SARA prohibition within six months after it is identified.</p> <p>Furthermore, prohibitions may be in force on land other than federal land pursuant to other order or regulations under SARA. It is possible that additional prohibitions may come into force through Orders in Council for individuals, residences, and critical habitat on non-federal lands and/or through a Ministerial Order for Critical Habitat on federal lands. It is also possible that, over the course of the assessment or after the assessment, additional species could be listed under SARA; permits may be required for project activities that affect these additional species. Proponents are advised to monitor for such developments on the SARA Registry: https://www.canada.ca/en/environment-climate-</p>	<p>tspeciesatrisk.ca/en/media/6299/download?inline</p>		

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
		<p>change/services/species-risk-public-registry.html.</p> <p>Further information on permits under SARA is available here: Permits, agreements and exceptions for Species at Risk Act - Canada.ca (https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/permits-agreements-exceptions.html)</p>			
2	<p>Topic: Project activities within migratory bird habitat; Project activities during nesting season</p> <p>References: Updated Project Description</p>	<p>The Migratory Birds Regulations (MBR) prohibit the disturbance or destruction of migratory birds and their nests or eggs. The nests of all migratory birds are protected when they contain a live bird or viable egg. The nests of 18 species, listed in Schedule 1 of MBR 2022, whose nests are reused by migratory birds, are protected year-round, unless they have been shown to be abandoned. Additional protections may apply to SARA listed migratory bird species.</p> <p>The Project is located in Nesting Zone B7, which extends from early</p>	<p>ECCC recommends that the Proponent avoid project activities during the general nesting period which spans from early May to late August. ECCC recommends that the Proponent carry out all phases of the Project in a manner that reduces risk to migratory birds and to avoid harming, killing or disturbing migratory birds or destroying, disturbing or taking their nests and eggs. In this regard, the Proponent should take into account ECCC's Guidelines to Avoid Harm to Migratory Birds (https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html) and visit Fact Sheet Nest Protection Under the Migratory Birds Regulations, 2022</p>	Noted	<p>Adequate response. The Board requires CIRNAC-CARD to adhere to Permit conditions HABITAT DAMAGE and MIGRATORY BIRD NEST DISTURBANCE. In addition, the Board requires CIRNAC-CARD submit a revised CRP addressing the reviewer's comments. (<i>See Reasons for Decision – Species at Risk (SAR) and Bird Habitat, and Closure and Reclamation Plan</i>)</p>

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
	ion; Revised Applicat ion Form	<p>May to late August for this region. As per the Updated Project Description, the Project will begin no earlier than May 2025 and is anticipated to take 24 working days.</p> <p>Migratory birds, their nests and their eggs can be inadvertently harmed, killed, disturbed or destroyed because of many activities including, but not limited to, clearing of trees and other vegetation, draining or flooding land, sensory disturbances from blasting and high noise activities, or using fishing gear.</p> <p>Harming of individual birds, nests or eggs can have long-term consequences for migratory bird populations in Canada, especially through the cumulative effects of many different incidences.</p>	<p>(https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/fact-sheet-nest-protection-under-mbr-2022.html) and Frequently Asked Question, Migratory Birds Regulations, 2022 (https://www.canada.ca/en/environment-climate-change/services/migratory-bird-permits/faq-migratory-birds-regulations-2022.html) for more information on the amended Migratory Bird Regulations and updates to nest protections.</p>		
3	Topic: Project activitie s in Bank Swallow habitat within its range Referen ces: Closure and	<p>The Project falls within the breeding range of the Bank Swallow and may affect important habitat features for the species. Project activities include stockpiling of overburden or waste materials and work within important natural habitat features such as riverbanks.</p> <p>The Bank Swallow, listed as Threatened under SARA, is a colonial species that nests in burrow dug into near vertical</p>	<p>ECCC recommends that the Proponent: a) Take precautions to avoid disturbance to nesting Bank Swallows and damage of their residences; b) Ensure staff and contractors are made aware of potential presence and conservation status of the Bank Swallow; c) Prevent Bank Swallows from nesting in areas where operations will be carried out during the breeding season by contouring piles to have slopes of less than 70 degrees prior to their arrival in the spring and by creating suitable nesting habitat in inactive areas with vertical faces of at least 70 degrees; and d) Take particular care in selecting erosion</p>	Noted	<p>Adequate response. The Board requires CIRNAC-CARD adhere to Permit conditions HABITAT DAMAGE and MIGRATORY BIRD NEST DISTURBANCE. In addition, the Board requires CIRNAC-CARD submit a revised CRP addressing the reviewer's comments. (See <i>Reasons for Decision – Species at Risk (SAR) and Bird Habitat, and Closure and Reclamation Plan</i>)</p>

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
	<p>Reclamation Plan; Revised Application Form; Species at Risk Table</p>	<p>faces (slopes of at least 70 degrees) that are typically more than two meters high. They nest in aggregate pits, construction and/or mine sites on stockpiles of quarry materials, overburden, and exposed sand and soil banks.</p> <p>As a migratory bird species, which is listed as Threatened, the killing, harming, or harassing of Bank Swallows, as well as damage and destruction of their residences is prohibited under SARA.</p> <p>Consideration of Project effects to Bank Swallows and their residences have not been provided. Without this information, ECCC is unable to fully assess whether Project activities could lead to the inadvertent harm of Bank Swallows and/or their residences.</p> <p>The risk of harm to the species and its residence can be exacerbated by a general lack of awareness to the presence of the species within the Project site, their behavior, and residence characteristics.</p> <p>Improper or inconsistent sloping of piles, excavation, construction activities and application of erosion control measures in these areas during the nesting period can inadvertently kill or disturb</p>	<p>prevention and control measures and implement those measures prior to the nesting season. The Proponent is encouraged to consult the attached pamphlet and contact ECCC (cwsnorth-scfnorth@ec.gc.ca) for further advice.</p>		

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
		<p>Bank Swallows, destroy their residence or Critical Habitat, and may also affect other migratory bird species.</p> <p>As the Bank Swallow exhibits high nest fidelity, they are likely to return and reuse nesting sites and burrows in future years. Early implementation of appropriate mitigations and sloping practices will assist in preventing initial nesting behavior on work sites and reduce the long-term risk of harm to this species and their residences.</p> <p>The residence description for the Bank Swallow is available on the SARA registry here: https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/residence-descriptions/bank-swallow.html</p>			
4	Topic: Activities impacting Barn Swallow and Cliff Swallow	The Project falls within the breeding range of the Barn Swallow and Cliff Swallow, and may affect important habitat features for these species. The Barn Swallow is listed as Threatened under SARA and nests in close proximity to open habitats	ECCC recommends that the Proponent: a) Take precautions to avoid disturbance activities (i.e., prolonged noise/light disturbance, building vibrations, decommissioning, demolition) on existing infrastructure where migratory birds may be found nesting during the nesting period; If activities must take place during the nesting	Noted	Adequate response. The Board requires CIRNAC-CARD adhere to Permit conditions HABITAT DAMAGE and MIGRATORY BIRD NEST DISTURBANCE. In addition, the Board requires CIRNAC-CARD submit a revised CRP addressing the reviewer's comments. (See

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
	<p>habitat within their range</p> <p>Referen ces: Closure and Reclama tion Plan; Revised Applicat ion Form; Species at Risk Table</p>	<p>such as farmlands, wetlands, roads and/or large forest clearings.</p> <p>Barn and Cliff Swallows may be found nesting on vertical surfaces, beneath overhands on buildings, bridges, culverts, trailers and other man-made infrastructure. Activities such as construction, demolition, or removal of structures pose a risk to nesting birds, their nests and eggs.</p> <p>The risk of harm to the species and its residence can be exacerbated by a general lack of awareness to the presence of the species within the Project site, their behavior, and residence characteristics.</p> <p>As a migratory bird species, which is listed as Threatened, the killing, harming, or harassing of Barn Swallows, as well as the damage and destruction of their residences in prohibited under SARA.</p> <p>Adequate consideration of Project effects to Barn Swallows and their residences has not been provided. Without this information, ECCC is unable to fully assess whether Project activities could lead to the inadvertent harm of Barn Swallows and/or their residences. It is also unclear if there is a</p>	<p>period, the Proponent should: a) Temporarily install netting and/or other appropriate deterrence systems prior to the arrival of birds in the spring to prevent nesting on man-made infrastructure; b) Conduct nest surveys on occupied infrastructure using appropriate methodology and observer experience; and c) Ensure staff and contractors are made aware of the potential presence and conservation status of the Barn Swallow. Proponents are encouraged to contact ECCC (cwsnorth-scfnorth@ec.gc.ca) for further advice.</p>		<p><i>Reasons for Decision – Species at Risk (SAR) and Bird Habitat, and Closure and Reclamation Plan)</i></p>

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
		<p>general awareness of this species, its regulatory protections, and appropriate mitigations.</p> <p>The Barn Swallow exhibits high nest site fidelity and dependence on existing infrastructure for nesting. They are likely to return and reuse nesting sites and burrows in future years. Early implementation of appropriate mitigations will assist in preventing initial nesting behavior on infrastructure and reduce the long-term risk of harm to these species and their residences.</p> <p>The residence description for the Barn Swallow is available on the SARA registry here: https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/residence-descriptions/barn-swallow.html</p>			
5	Topic: Proximity to and potential impact on Whooping	<p>Whooping Crane has been identified as a Species at Risk in the Project area and there was noted "a remote possibility of a stray non-breeding individual using the study area for summer living and feeding" (Species at Risk Table, p. 2). The Whooping Crane</p>	<p>ECCC recommends that: a) All staff are made aware of response procedures regarding encounters with migratory bird species (such as those that conform to ECCC's Guidelines to Avoid Harm to Migratory Birds [<a 574="" 713="" 743="" 877"="" href="https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-</p> </td> <td data-bbox=">Noted</p>	<p>Adequate response. The Board requires CIRNAC-CARD adhere to Permit conditions HABITAT DAMAGE and MIGRATORY BIRD NEST DISTURBANCE. In addition, the Board requires CIRNAC-CARD submit a revised CRP addressing the reviewer's comments. (See</p>	

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
	Crane Referen ces: Species at Risk Table, Whoopi ng Crane Habitat Mappin g Final Report. Olson+ Olson Plannin g and Design Consult ants. June 12, 2003.	is listed as Endangered under the federal Species at Risk Act, which requires species consideration with regards to impacts on the species and its habitat (Whooping Crane - Species at Risk Registry - https://species-registry.az.ec.gc.ca/index-en.html#/species/34-33). There is an approximate wild population of only 540 individuals in Canada. The Whooping Crane Recovery Strategy, 2007 (https://species-registry.canada.ca/index-en.html#/documents/Oa7CKEiYc0ouJIUziHdSW) identifies critical habitat within Wood Buffalo National Park (WBNP). The range of the whooping crane has expanded and a process for identification of critical habitat outside WBNP is underway but not complete at this time. Olson and Olson (2003) notes a high probability of nesting habitat near the Buffalo River and other sites along the railbed Right-of-Way (east of that area). Although the Olson and Olson study area did not extend west of the Buffalo River outside of WBNP, it is diligent to presume that other potential habitat (nesting or otherwise) is nearby Project activity locations.	birds.html]); b) All staff are made aware of the potential presence of Whooping Crane in the area and how to identify the species in comparison to the more common Sandhill Crane and other species which are commonly mistaken for Whooping Crane (including Tundra Swan and American White Pelican); c) All staff are made aware of Whooping Crane's conservation status and what avoidance and reporting procedures are in place for observations or interactions. Any observations of Whooping Crane by staff on site should be recorded and noted by environmental staff and reported to ECCC (cwsnorth-scfnord@ec.gc.ca).		<i>Reasons for Decision – Species at Risk (SAR) and Bird Habitat, and Closure and Reclamation Plan)</i>
6	Topic: Contami nation of water	Fuel and/or other hazardous materials (lead or other mineral contaminated-soils) may be stored, handled or transported	ECCC recommends that the Proponent ensure their staff are made aware of plans and commitments related to storing, handling and transporting of petroleum products and other	Noted	Adequate response. The Board requires CIRNAC-CARD adhere to Permit conditions HABITAT DAMAGE, MIGRATORY BIRD NEST

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
	<p>bodies References: Closure and Reclamation Plan; Revised Application Form; Spill Contingency Plan</p>	<p>near a water body that may be used by birds.</p> <p>When oil sticks to a bird's feathers it causes the feathers to mat and separate, impairing the bird's buoyancy, waterproofing, and insulation. A bird's instinct is to preen its feather to remove the oil, which may result in further harm of its internal organs through the ingestion of fuel, oil, grease, or other substances.</p> <p>Section 5.1 of the Migratory Birds Convention Act prohibits persons from depositing substances harmful to migratory birds in waters or areas frequented by migratory birds or in a place from which the substance may enter such waters or such an area.</p>	<p>hazardous substances (such as contaminated soils) and take all necessary precautions to prevent spills.</p>		<p>DISTURBANCE, and SPILL CONTINGENCY PLAN. In addition, the Board requires CIRNAC-CARD submit a revised CRP, and SCP addressing the reviewer's comments. <i>(See Reasons for Decision – Species at Risk (SAR) and Bird Habitat, Spill Contingency Plan, and Closure and Reclamation Plan)</i></p>
7	<p>Topic: ECCC contact information References: Closure and Reclamation Plan; Revised Application Form; Spill</p>	<p>ECCC has not been identified as a contact for instances involving migratory birds.</p> <p>ECCC has management responsibilities for migratory birds under the Migratory Birds Convention Act (MBCA) and should be contacted in instances involving interactions and incidents involving the potential disturbance of individuals or nests and any mortality events of these species.</p>	<p>ECCC recommends that the Proponent include ECCC's Canadian Wildlife Service as a contact and notify ECCC's Canadian Wildlife Service (cwsnorth-scfnord@ec.gc.ca) for instances involving interactions and incidents involving the potential disturbance of individuals or nests and any mortality events of these species.</p>	Noted	<p>Adequate response. The Board requires CIRNAC-CARD adhere to Permit conditions HABITAT DAMAGE and MIGRATORY BIRD NEST DISTURBANCE. In addition, the Board requires CIRNAC-CARD submit a revised CRP addressing the reviewer's comments. <i>(See Reasons for Decision – Species at Risk (SAR) and Bird Habitat, and Closure and Reclamation Plan)</i></p>

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
	Contingency Plan				
CIRNAC (Yellowknife) - Megan Larose					
1	Water use	The project description indicates there will not be a need for direct water use or the need to develop watercourse crossings to conduct the remediation activities. However, Section 2.5 of the Closure and Reclamation Plan indicates that there is potential for construction of a small structure/bridge and outlines some activities that may require a type B water licence. It is uncertain if these activities are required or not.	Please confirm the anticipated water use for the project and whether or not proposed project activities would trigger the need for a water licence.	No water use is intended for the project, and it is not anticipated that any structures will be required in or over a permanent watercourse. Some small, temporary bridges/culverts may be required to be installed over the temporary water filled ditches along the Railbed in order to access areas slated for soil excavation, however: these ditches are all less than 5m wide, and therefore a Water Licence Type B is not expected to be required.	Adequate response. Please note, the Board and Inspector should be notified of any future change in project scope. <i>(See Reasons for Decision – Justification for not Requiring an Accompanying Water Licence)</i>
2	Spill Contingency Plan - CIRNAC Inspector contact information	Section 1.6 of the spill contingency plan does not include the correct cell number for the CIRNAC Inspector. The Inspector's contact information is as follows: Office: 867 669 2442 Cell: 867 445 1543.	Update the contact information for the CIRNAC Inspector in the next revision of the Spill Contingency Plan.	In the next revision of the Spill Contingency Plan, CIRNAC-CARD will ensure that the contact information for the CIRNAC-RLM Inspector is updated.	Noted. The Board requires CIRNAC-CARD include the correct CIRNAC Inspector's contact information, as provided in the Reviewer Comment column, in the revised Spill Contingency Plan. <i>(See Reasons for Decision – Spill Contingency Plan)</i>
3	Erosion and Sediment Control Plan - Section	Section 6.9 of the erosion and sediment control plan indicates that water will be sprayed onto travel surfaces for dust control during dry periods. The potential need for specific dust control equipment does not appear to	CIRNAC-CARD to confirm that the potential need for dust control equipment has been considered for the project.	Added equipment specific to dust control (i.e. a water truck) to Section 12 of the Land Use Permit Application. The need for dust control equipment has been considered for this project.	Noted. The Board requires CIRNAC-CARD include information regarding dust control equipment, such as a Water Truck as a mitigation measure, as well as the source of the water, in the resubmitted

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
	6.9 Dust control	have been considered in section 12 of the land use permit application.			Erosion and Sedimentation Management Plan. <i>(See Reasons for Decision – Erosion and Sedimentation Management Plan)</i>
4	Erosion and Sediment Control Plan - Section 4 water management plan	Section 4 of the erosion and sediment control plan identifies mitigation that will be implemented to limit the potential for increased sediment in water. A couple of references are made to periodic or regular turbidity measurements of surface and groundwater; however, no details are provided as to what is meant by periodic measurements, what turbidity measurements would trigger action, and what would be done if turbidity measurements reach those levels.	Recommend additional details be provided in the water management plan regarding how often and where turbidity will be monitored and what actions will be completed in the event identified thresholds are exceeded.	No material will be removed from the stream banks and erosion/sediment impacts are expected to be minimal or negligible throughout the project work. It was determined that the excavation extents will not extend in close proximity to water bodies (to avoid erosion and sedimentation). It is a contractual requirement for the contractor to provide a detailed Erosion and Sediment Control Plan upon contract award. This plan will include additional details (e.g. required turbidity measurements, and specific erosion control methods) should a response action to sediment/erosion be required.	Adequate response. The Board requires CIRNAC-CARD include the information from the Proponent Response Column in the resubmitted Erosion and Sedimentation Management Plan. <i>(See Reasons for Decision – Erosion and Sedimentation Management Plan)</i>
5	Backfill material storage	The project indicates that backfill will be required to fill in the excavations and that the backfill material will be sourced from existing and approved quarries in the vicinity of the project. CIRNAC-CARD does not provide information about the plans to obtain the fill material, how and where it will be stored prior to final placement in the excavations.	Please provide additional information related to the plans for managing backfill requirements such as handling, storage, and placement.	Specific details regarding sourcing, handling, storage and placement of backfill will be determined after the selection of the Project Contractor. Backfill will be sourced from an existing local quarry, and will likely be transported to each site via truck. The backfill will subsequently be transported to the remediation areas using the identified access routes and a	Adequate response. The Board requires CIRNAC-CARD update the Waste Management Plan with the information from the Proponent Response Column. <i>(See Reasons for Decision – Waste Management Plan)</i>

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
				<p>contractor-selected method (ATV and trailer, bulk bags, loader bucket, or another acceptable method).</p> <p>Temporary stockpiling of backfill material may be required while the excavations are backfilled and compacted. If this is required, suitable lay-down areas will be selected by the contractor and erosion/sediment control measures will be followed as described in the Erosion and Sediment Control Plan.</p> <p>Stockpiled material will not be in close proximity to the water bodies.</p>	
6	Fuel Volumes	<p>The application and project description indicates that up to 4,350 l of diesel and gasoline will be stored onsite but other documents indicate that no on-site fuel storage is planned. Clarity is required as to whether or not CIRNAC-CARD plan to establish fuel storage as part of the project activities as this will assist in determining the appropriate conditions within the land use permit under Section 26(1)(m) for fuel storage.</p>	<p>It is recommended that CIRNAC-CARD clarify their fuel requirements to inform the applicable permit conditions required for project activities.</p>	<p>The Project Description states the following: On-Site fuel storage will be limited to the onboard fuel tanks of the equipment. Refueling will be conducted at roadside, via tidy tank or tanker truck or at designed commercial fuel stations. No on-Site fuel storage will be required for remediation activities.</p> <p>The application indicates the following: Diesel - 50 L to 600 L (equipment tanks) - range provided to account for different sized equipment expected to be utilized Gasoline - ~125 L or less (equipment tanks)</p>	<p>Noted. Adequate response. The Board has kept the permit condition MAXIMUM FUEL ON SITE in the Permit as there may be downtimes when project activities are not taking place (i.e. overnight, weekends, holidays, etc.) and fuel will be “stored” in vehicle and equipment tanks left onsite.</p>

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
				<p>Fuel transfer, if required on-Site, will be conducted >100 m from watercourses, at roadside or via tanker or tidy tank. Alternatively, equipment requiring fuel will also be filled at a designated petroleum distribution facility during mobilization. No fuel storage will occur at remediation sites aside from that contained within vehicles or equipment.</p>	
7	Volume of contaminated material	<p>The volume of legacy waste/contaminated material to be removed as part of the project is inconsistent across the documents. The cover letter indicates that 616.3 cubic metres of railbed fill will be removed. The project description document indicates that 807.6 cubic metres of lead impacted railbed fill (table 1) and 6.7 cubic metres of debris (table 2) will be removed. The waste management plan (table 2) indicates 807.6 m3 of lead-impacted railbed fill material and 4.7 m3 of creosote timbers and 2 m3 of debris. The spill contingency plan estimates 1,432 m3 of lead-impacted railbed fill. The Closure and Reclamation Plan (Section 4.4) indicates that 616.3 m3 of soil material and 23.8 m3 of debris will be removed.</p>	<p>It is recommended that CIRANC-CARD clarify the expected volume of contaminated material that will be removed as part of the project.</p>	<p>The estimated volumes have been updated in all application documents so that they are consistent with the most up-to-date estimated volume. The areas of impact have been estimated numerous times, the most recent being in January 2025. It was determined that the excavations would not extend beyond the flat portion of the Railbed (onto any slopes which would preclude recreational use), into heavily vegetated areas (where clearing of trees would be required), or in close proximity to water bodies (to avoid erosion and sedimentation). The complexity of excavation shapes was also reduced (favoring straight lines and 90-degree corners, where practicable) and to reflect the probable connectivity between areas with exceedances within close proximity to one another.</p>	<p>Adequate Response. The Board requires CIRNAC-CARD update all Application documents with a consistent volume of legacy waste/contaminated material to avoid confusion. <i>(See Reasons for Decision – Waste Management Plan, Spill Contingency Plan, Closure and Reclamation Plan, Erosion and Sedimentation Management Plan)</i></p>

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
				Extrapolation between samples, particularly between samples exceeding the SSTL of 475 mg/kg without sample results less than the SSTL in-between them, has resulted in nearby areas of impact to become adjoining.	
8	Draft Land Use Permit Conditions - Condition #4 and Condition #30	Land use activities on federal land require notification of the federal Resource Management Officer (Inspector). The federal inspector can be reached at 867 669-2442.	It is recommended that contact information for the federal inspector be included in condition #4 and Condition #30 for activities that will be carried out on federal land.	Noted	Noted. CIRNAC Inspector contact information has been added to the relevant sections of the Permit.
9	Draft Land Use Permit Conditions - Condition #11	Based on the description of project activities, CIRNAC-Resource and Land Management (RLM) understand that no structures are proposed that would trigger the need for condition #11; however, will support the Board's decision as to whether this condition is required or not.		CIRNAC-CARD agrees	Agreed. The Board has removed Condition PERMAFROST PROTECTION from the Permit.
10	Draft Land Use Permit Conditions - Condition #19 and	Board staff have requested input regarding Condition 19 and 20 with respect to removal of vegetation and excavation within 100 metres of the ordinary high water mark. It is understood that the scope of the proposed work will require that activity occur within 100 metres of the ordinary	CIRNAC-RLM suggest the following wording be included in condition #19 and #20: ..., except as described in the application, or otherwise authorized in writing by an inspector.	CIRNAC-CARD agrees	The Board has decided to not accept this recommendation, because on further review, it has been determined that this Condition is not appropriate for the Project. The Board has removed this condition from the

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
	Condition #20	<p>high water mark. CIRNAC-RLM suggest the following wording be included in condition #19 and #20: ..., except as described in the application, or otherwise authorized in writing by an inspector.</p>			<p>Permit. The Board’s reasoning is described below.</p> <p>Unlike for other Conditions in the Permit that specify that the Inspector can authorize exceptions, the MVLUR do not provide for the Inspector to authorize exceptions to the requirements set out in this Condition. The Board notes, however, that imposing this Condition without the possibility of allowing the Inspector to authorize exceptions may unnecessarily restrict the Permittee's ability to conduct the activities that are authorized in the Permit. In the Application, the Permittee identified the areas where clearing and use of heavy equipment would be necessary within 100 m of the OHWM, described the potential impacts of these activities, and proposed mitigation measures for these impacts.</p> <p>The intent of this Condition is to prevent increased erosion and sedimentation from these activities in areas where it could result in a potential deposit of</p>

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
					<p>waste to water. In the preliminary screening, the Board considered this particular impact in conjunction with the proposed mitigations and other Permit conditions in section 26(1)(f) that are intended to mitigate erosion and sedimentation. The Board is satisfied that these impacts will be adequately and appropriately mitigated through the identified mitigation measures and Conditions without including this Condition. Accordingly, the Board has removed this Condition from the Permit.</p> <p>The Board, however, has added a project-specific Condition titled SUSPEND OVERLAND TRAVEL to the Permit to reflect one of the Permittee's proposed mitigation measures for erosion and sedimentation related to the use of heavy equipment within 100m of the OHWM. This Condition is based on the Standard Permit Condition of the same name and requires that overland travel of equipment be suspended at the first sign of rutting, but it has been modified to be specific to areas within 100 m of the</p>

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
					OHWM. Although this Condition was not included in the draft Permit, the Board notes that the condition reflects a commitment the Permittee has already made, and therefore, it does not impose any additional restrictions that CIRNAC-CARD is unprepared for.
11	Draft Land Use Permit Conditions - Condition #54	Board staff have requested input regarding the need for CIRNAC-CARD to initiate active revegetation of disturbed areas. Section 17 of the land use permit application includes reference to the application of native seed mix if required related to potential impacts related to destabilization/erosion. However, the potential for revegetation of disturbed areas is not clearly described in other documents.	CIRNAC-RLM suggest that CIRANC-CARD clarify plans for revegetation of disturbed areas within the railbed alignment as well as along access routes to further inform the need for condition #54.	The main remedial objective is to maximize local and Indigenous benefits and return the site to a condition which supports current and future Traditional Land and recreational uses where possible. The primary uses identified in these areas was camping and hunting related activities. The intention is to only excavate soil in flat areas of the Railbed that remain unforested due to historical activities. The Railbed is composed of aggregate fill, not native soil, and after excavation the areas will be backfilled with similar aggregate fill. There is minimal vegetation present on the Railbed in the proposed remediation areas (i.e. grasses and small shrubs) and the intention is to maintain these areas as camping/recreational areas (flat and clear of large vegetation). The excavations will not extend into naturalized areas off of the Railbed, and therefore	Adequate response. The Board has removed Permit condition ACTIVE REVEGETATION. However, the Board has decided to keep condition NATURAL REVEGETATION, as this condition will address site specific remediation efforts for revegetation.

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
				any vegetation removal is expected to be very minimal and revegetation is not expected to be required.	
12	Draft Land Use Permit Conditions - Condition #58	Board staff have requested input regarding proposed revisions to condition #58. Given that the CIRNAC-CARD does not propose any drilling, CIRNAC-RLM is supportive of the revisions proposed by Board staff.	CIRNAC-RLM suggest that Condition #58 of the land use permit include the revisions proposed by Board staff.	CIRNAC-CARD agrees and does not intend to conduct any drilling.	Noted. The Board agrees.
Fisheries and Oceans Canada (DFO) - Ms. Natalie Grishaber					
1	Fish and Fish Habitat	DFO reviewed the document in accordance with our mandate and has no comments at this time.	DFO has no comments or recommendations at this time.	Thank you for your review	Noted.
GNWT-ECE - PWNHC (Prince of Wales Northern Heritage Centre) - Danielle Desmarais					
1	Protection of Historical, Archaeological, and Burial Sites	Although there is still a low potential for unrecorded archaeological sites, features and/or artifacts to be encountered during the remediation activities and locations listed in this permit, the proponents have been engaged with their archaeological responsibilities, and completed all pre-development/remediation archaeological mitigation, required for this project. Therefore, unless there are changes to the activities or activity locations identified in this application, the proponent does not need the draft conditions 31 (Archaeological Overview) and 32 (AIA-High Potential) as these have	Remove draft conditions 31 (Archaeological Overview) and 32 (AIA-High Potential), but contact the PWNHC at archaeology@gov.nt.ca to get the most recent copy of our Archaeological Chance Find Protocol document.	Thank you for your review	Noted. The Board has removed Conditions ARCHEOLOGICAL OVERVIEW, and AIA-HIGH POTENTIAL from the Permit. In addition, CIRNAC-CARD should contact PWNHC to obtain the most recent copy of the Archeological Chance Find Protocol document.

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
		already been completed specifically for this project.			
GNWT-ECC (Environment and Climate Change) - Environmental Regulatory Analyst					
1	GNWT - ECC Mandate	<p>The Department of Environment and Climate Change (ECC), Government of the Northwest Territories has reviewed the application at reference based on its mandated responsibilities under the Environmental Protection Act.</p> <p>ECC has provided comments and recommendations on the Online Review System for the consideration of the Mackenzie Valley Land and Water Board.</p>	Please contact GNWT_EA@gov.nt.ca with any general questions or concerns.	Thank you for your review	N/A
2	Human Health and Ecological Risk Assessment	ECC would like to echo Comment 33 by the MVLWB with regards to the background information in the HHERA and any relevant ESA's.	ECC would like to request CIRNAC-CARD submit the HHERA and the Phase III ESA referenced in the application to fully evaluate whether the RAP satisfactorily addresses all the risks as well as the site-specific target mentioned above.	Specific questions on the HHERA have been addressed in responses above. To supplement our responses and as background information for the reviewers we will provide the HHERA.	It is acknowledged that the HHERA has been submitted to the Online Review System (ORS) on the final day of the public review. The Board requires CIRNAC-CARD submit the Phase III ESA to the Board as recommended by GNWT-ECC (comment ID: GNWT-ECC 2). In a future public review, the Board requires CIRNAC-CARD to revise and resubmit the CRP, alongside the HHERA Phase III ESA, for Board approval. This is to ensure procedural fairness whereby reviewers have an adequate amount of time to review material. The HHERA and Phase III ESA are supporting material for a revised CRP; only the CRP will be considered for Board approval. <i>(See Reasons for</i>

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
					<i>Decision - HHERA, Closure Criteria, and additional activities listed in Closure and Reclamation Plan, and Closure and Reclamation Plan)</i>

Annex A:
Directive Table for Management Plans
MV2024X0036 – CIRNAC – CARD – Pine Point Railbed

Waste Management Plan
MVLWB: 1, 11, 12, 13, 15, 20, 21, 23
CIRNAC: 5, 7

Spill Contingency Plan
MVLWB:1, 6, 11, 12, 13
ECCC: 6
CIRNAC: 2, 7

Closure and Reclamation Plan
MVLWB:1, 6, 7,8, 9,10, 11, 12, 13, 27, 28, 29, 30, 31, 32, 33
ECCC: 1, 2, 3, 4, 5, 6, 7
CIRNAC: 7

Erosion and Sedimentation Management Plan
MVLWB: 1, 6, 11, 12, 13, 14, 16, 18, 19
CIRNAC: 3, 4, 7