

Review Comment Table

Board:	SLWB
Review Item:	Geotechnical Investigation at 12 Mile Creek Bridge (S20S-002)
File(s):	S20S-002
Proponent:	GNWT - INF (Infrastructure)
Document(s):	Application (1.5 MB) Spill Contingency Plan (1.65 MB) Waste Management Plan (951 KB) Draft Permit Conditions (400 KB)
Item For Review Distributed On:	Jan 24 at 15:09 Distribution List
Reviewer Comments Due By:	Feb 5, 2020
Proponent Responses Due By:	Feb 7, 2020
Item Description:	<p>Government of the Northwest Territories – Department of Infrastructure (GNWT-INF) has submitted a complete application for a type A land use permit (permit). The purpose of this Application is to conduct a geotechnical investigation at 12 Mile Creek Bridge, located approximately 14 km east of Tulita, NT. The GNWT-INF is planning to replace the water crossing and this geotechnical investigation is needed to characterize subsurface conditions to inform the design and construction of the replacement bridge. The project will use a track or truck mounted auger or core drill to advance a minimum of four boreholes outside of the ordinary high water mark of 12 Mile Creek. Upon completion of each borehole, the contractor will backfill the borehole immediately with drill cuttings. Water use will be minimal, no vegetation removal is anticipated as the work will take place within the alignment of the Mackenzie Valley Winter Road, and no camp is required. The Project is expected to be completed upon approval of the permit in March of 2020. The requested term is for two years. The Engagement for this application will be completed following the approved Engagement Plan for the Great Bear River Bridge Geotechnical Investigation Project (S19S-001) since the affected parties and the timelines for the two Projects directly overlap.</p> <p>Using the Online Review System (ORS), reviewers are invited to submit comments and recommendations on the documents linked below by the review comment deadline specified.</p>

Reviewers may also wish to consider providing an overarching recommendation regarding whether the Board should approve the submission, to provide context for the comments and recommendations and assist the Board with its decision. If reviewers seek clarification on the submission, they are encouraged to correspond directly with the Applicant prior to submitting comments and recommendations.

Under the Preliminary Screening Requirement Regulations, the Board must conduct a preliminary screening for a proposed development, unless it is exempt from preliminary screening in accordance with the Exemption List Regulations. Reviewers are encouraged to provide comments and recommendations (e.g., on impacts and mitigation measures) to assist with the Board's preliminary screening determination.

Under the Sahtu Land Use Plan (SLUP), the Board must confirm the Application conforms with the SLUP. Reviewers are encouraged to provide comments and recommendations on conformity with the SLUP.

Please note that the draft Permit has been developed using the MVLWB's current Standard Land Use Permit Conditions Template. Non-standard conditions are shown in green. The purpose of this draft Permit is to allow reviewers to comment on possible conditions. These draft materials are not intended to limit in any way the scope of reviewers' comments. The Board is not bound by the contents of the draft Permit and will make its decision at the close of the proceeding on the basis of all the evidence and arguments filed by all parties.

Please be advised that comments made by reviewer

.s regarding impacts of this project to wildlife and wildlife habitat in this preliminary screening will inform the GNWT Minister of Environment and Natural Resources' determination regarding whether a Wildlife Management and Monitoring Plan will be required for this project as per Section 95 of the *Wildlife Act*.

**General
Reviewer
Information:**

All documents that have been uploaded to this review are also available on our public Registry. If you have any questions or comments about the ORS or this review, please contact Board staff identified below.

**Contact
Information:**

Aswathy Varghese 8675982413
Bonnie Bergsma

Comment Summary

Fisheries and Oceans Canada: Triage Group Fisheries Protection Program				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Geotechnical Investigation at 12 Mile Creek Bridge (S20S-002) (SLWB)	<p>Comment Your proposal has been reviewed to determine whether it is likely to result in the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the Fisheries Act; and, effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the Species at Risk Act.</p> <p>Recommendation Provided that the plans are implemented in the manner, and during the timeframe, described, the Fish and Fish Habitat Protection Program (the Program) is of the view that your proposal will not require an authorization under the Fisheries Act or the Species at Risk Act. Should your plans change or if you have omitted some information in your proposal, further review by the Program may be required. It remains your responsibility to remain in compliance with</p>	Feb 5: This is fine.	Concerns about fish habitat addressed.

		the Fisheries Act, avoid prohibited effects on listed aquatic species at risk, any part of their critical habitat or the residences of their individuals, and prevent the introduction of non-indigenous species. It is also your Duty to Notify DFO if you have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat.		
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Fort Norman Renewable Resources Council: Tulita Renewable Resources Council

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Traditional Knowledge	<p>Comment The community of Tulita would like to do a Traditional Knowledge Study for this Project.</p> <p>Recommendation TRRC is recommending having a Traditional Knowledge Study done for this Project.</p>	<p>Feb 5: This is a short-term, small project (4 drillholes) on an existing and active road alignment. A TK study should not be a requirement for such a project. If there are specific concerns that the TRRC have with this project, then we are willing to have a discussion.</p>	<p>Response acceptable. TK study should be completed for the construction phase of the Project.</p>
2	Bear Den Study	<p>Comment Tulita RRC is concerned about the potential for the Project activities to disturb hibernating bears.</p> <p>Recommendation Tulita RRC recommend that a Bear Den Study be completed prior to the start of the Project.</p>	<p>Feb 5: This is a short-term, small project (4 drill holes) on an existing and active road alignment. A bear den study should not be a requirement of such a project.</p>	<p>Response acceptable. Bear Den survey should be completed for the construction phase of the Project. Recommend wildlife monitors be hired to ensure no disturbance to</p>

				hibernating bears
3	Environmental Monitors	<p>Comment Tulita RRC is concerned about the protection and safety of wildlife in the vicinity of the Project.</p> <p>Recommendation Tulita RRC recommend that Environmental Monitor(s) from Tulita be hired for the duration of the Project to ensure no harm to wildlife including disturbance of bear dens and beaver lodges.</p>	<p>Feb 5: Given the time of year and the location of the project, there is no reasonable potential for this project to disturb bears, bear dens, beavers or beaver lodges.</p>	<p>Recommend wildlife monitors be hired to ensure no disturbance to wildlife in the vicinity of the Project.</p>

GNWT - ENR - EAM (Environmental Assessment and Monitoring): Central Email GNWT

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
2	General File	<p>Comment (doc) ENR Letter with Comments and Recommendations</p> <p>Recommendation</p>		
1	Topic 1: Wildlife: NWT Listed and Pre-listed Species at Risk	<p>Comment Sections 76 and 77 of the Species at Risk (NWT) Act require the Minister of Environment and Natural Resources to make a submission to the body responsible for assessing the potential impacts of a proposed development, or for considering a Land Use Permit or Water Licence application, respecting the potential impacts of the proposed development, Permit or Licence application on a NWT-listed or pre-listed species or its habitat. NWT-listed species are those that are on the NWT List of Species at Risk. Pre-listed species are those that have been assessed by the NWT Species at Risk Committee</p>	<p>Feb 6: This is fine.</p>	<p>ENR recommendations added to the preliminary screening report.</p>

	<p>(SARC) but have not yet been added to the NWT List of Species at Risk. The Proponent should be aware that NWT-listed or pre-listed species at risk and their habitat may also be subject to protection under existing sections of the NWT Wildlife Act. As a best practice, ENR encourages the Proponent to consider potential impacts, mitigation measures and monitoring requirements for species at risk listed under the federal Species at Risk Act, as well as those designated as at risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) that may occur in the project area, and the prohibitions that may apply to these species under federal legislation. The project area overlaps with the ranges of the following NWT-listed and/or pre-listed species: . Grizzly Bear - Listed as Threatened . Boreal Caribou - Listed as Threatened . Barren-ground Caribou - Listed as Threatened</p> <p>Recommendation 1) Although the project overlaps with the range(s) of the species listed above, ENR is of the opinion that the nature, scope, scale and timing of the proposed project are such that the likelihood of impacts to NWT-listed or pre-listed species listed above can be minimized or avoided with the application of any</p>		
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		wildlife mitigation and monitoring measures outlined in the Proponent's Land Use Permit application and supporting documents.		
GNWT - Lands - Sahtu Region: Jonathan Gillingham				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Waste Management Plan	Comment The PDR states an updated version of the WMP will be completed once the contract is awarded. Recommendation The Department of Lands suggests the proponent update the Department of Lands with the final WMP as well.	Feb 5: This is fine.	Agreed – the updated WMP will be forwarded to the Dept of Lands – Sahtu.
2	Waste Management Plan	Comment The current draft plan suggests all waste and grey/black water will be sent to Tulita's Waste Disposal Facility and Sewage Disposal Facility respectively. Recommendation The Department of Lands would like to see written confirmation from the Hamlet of Tulita stating their approval for waste and grey/black water disposal within their Disposal Facilities	Feb 5: Confirmation will be sought but is not currently available to be provided. The SLWB can make providing that confirmation a condition of the LUP prior to any work advancing.	Agreed. SLWB will request written confirmation that waste can be deposited at Tulita facilities.
3	Equipment List	Comment The Equipment List is very vague, it states once a contractor is chosen they will update the list and submit it to the board Recommendation The Department of Lands suggests the proponent update the Department of Lands with the final equipment list as well.	Feb 5: It will be updated.	Agreed. The Board will add submission of an updated equipment list to the issuance as a requirement prior to Project commencement

4	Waste Management Plan	<p>Comment Department of Lands, Sahtu Region is not in the Distribution List</p> <p>Recommendation Add the Department of Lands, Sahtu Region to the Distribution List</p>	Feb 5: It will be updated.	Agreed – Board will direct INF to update WMP distribution list.
5	Spill Contingency Plan	<p>Comment Department of Lands, Sahtu Region is not in the Distribution List</p> <p>Recommendation Add the Department of Lands, Sahtu Region to the Distribution List</p>	Feb 5: It will be updated.	Agreed – Board will direct INF to update SCP distribution list.
6	Spill Contingency Plan	<p>Comment The Lands Inspector number is the general number for the Lands Office</p> <p>Recommendation Change or add the lines of the Manager of Resource Management and Resource Management Officer II. It is preferred either the MRM or RMO II be contacted directly for any spill related matters. Trevor Bremner (MRM) - 867-587-7206 Jonathan Gillingham (RMO II) - 867-587-7205.</p>	Feb 5: It will be updated.	Agreed – Board will direct INF to update SCP contact information for the Inspectors.
7	Fuel Transfer	<p>Comment The PDR say the Fuel Transfer methods will be determined by the Contractor chosen.</p> <p>Recommendation Once the Contract is awarded, please submit this information to the Department of Lands, Sahtu Region</p>	Feb 5: The information will be provided.	Agreed. The Board will add submission of the final protocol for fuel transfer to the issuance as a requirement prior to Project commencement.
8	Estimated Amount of Fuel	<p>Comment The PDR states how the amount of fuel will be >100L</p> <p>Recommendation Please add a more reasonable estimate of the amount of fuel to conduct</p>	Feb 5: The information will be provided.	Agreed. The Board will add submission of the final fuel amounts to the issuance as a

		this project.		requirement prior to Project commencement.
9	Permafrost	<p>Comment The Department of Lands, Sahtu Region feels as if there is not enough sufficient information on how the proponent will deal with potential permafrost degradation.</p> <p>Recommendation The Department of Lands, Sahtu Region would like to see a little more well-thought-out Action Plan to deal with potential permafrost degradation. This Action Plan should clearly state course of action(s) which will be taken if this were to occur. This Action Plans length should be reflective on the scope and size of the project (ex. 1-3 pages).</p>	<p>Feb 5: The primary permafrost protection measure that will be used is the timing of the project. As it will be done in the winter in below-freezing weather, exposing the permafrost in the ground to the air for a short time will not result in permafrost degradation. Similarly, the frozen drill cuttings that come up will soon be placed back into the hole and still be in frozen condition. The material that is placed back into the hole will be tamped down. Sand will be used as necessary to slightly mound the ground surface at the top of the hole so that if there is later settling in the summer then a surface divot will be less likely to develop. After the sand is in place, snow will be placed over the drill hole. On the roadway, the snow will only be placed to the same elevation as the rest of the road surface so there is no divot or bump above the hole. For drill holes that are not in the roadway, snow will be placed over the hole to a height that is consistent with the surrounding area.</p>	<p>A brief (1-3 pages) contingency plan should be prepared that outlines all additional measures to be taken in the event of unforeseen circumstances.</p>
10	Sediment and Erosion	<p>Comment The Department of Lands, Sahtu Region feels</p>	<p>Feb 5: It is reasonable to be aware and informed on</p>	<p>A brief (1-3 pages)</p>

		<p>as if there is not enough sufficient information on how the proponent will deal with the potential of any sediment and erosion issues.</p> <p>Recommendation The Department of Lands, Sahtu Region would like to see a little more well-thought-out Action Plan to deal with potential sedimentation and erosion. This Action Plan should clearly state course of action(s) which will be taken if this were to occur. This Action Plans length should be reflective on the scope and size of the project (ie, 1-3 pages).</p>	<p>sediment and erosion issues. It is for that reason that INF prepared the attached document: Erosion and Sediment Control Manual. It is intended that this document can be applied to all INF projects. In the unlikely event that this project causes any sediment and erosion issues, INF staff and the contractor will use the manual to respond appropriately at that time to the specific circumstances.</p>	<p>contingency plan should be prepared that outlines all additional measures to be taken in the event of unforeseen circumstances.</p>
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GNWT - PWNHC (Prince of Wales Northern Heritage Centre (w/in ECE)): Naomi Smethurst

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Protection of Historical, Archaeological, and Burial Sites	<p>Comment The proposed project activities will result in minimal ground disturbance within the existing winter RoW. The general project area has also been subject to a previous AIA Study under NWT Archaeological Permit 2015-002. As such, AOA and AIA-High Potential Conditions are not necessary.</p> <p>Recommendation Retain standard Archaeological Conditions #28, 29, and 30, as listed on the Draft Permit Conditions.</p>	<p>Feb 5: This is fine.</p>	
2	Protection of Historical, Archaeological, and Burial Sites	<p>Comment The findings and recommendations from an AOA are included in the Land Use Permit Application. The PWNHC had not</p>	<p>Feb 5: The AOA is being provided to PWNHC.</p>	<p>The Board will request submission of PWNHC approval prior to</p>

	<p>received, reviewed, or approved the AOA documentation.</p> <p>Recommendation</p> <p>Archaeological studies, such as AOAs and AIAs are not considered finalized until an approval letter has been issued by the PWNHC, and the recommendations from such reports should not be included in Land Use Permit application packages until they are finalized.</p>		<p>project commencement.</p>
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February 5, 2020

Bonnie Bergsma
Regulatory Specialist
Sahtu Land and Water Board
Box 1, Fort Good Hope
Northwest Territories
X0E 0H0

Dear Ms. Bergsma,

**Re: INF GNWT
Land Use Permit Application – S20S-002
Geotechnical Investigation at 12 Mile Creek Bridge
Request for Review and Comments**

The Department of Environment and Natural Resources (ENR), Government of the Northwest Territories has reviewed the application at reference based on its mandated responsibilities under the *Environmental Protection Act*, the *Forest Management Act*, the *Forest Protection Act*, the *Species at Risk (NWT) Act*, the *Waters Act* and the *Wildlife Act* and provides the following comments and recommendations for the consideration of the Board.

Topic 1: Wildlife: NWT Listed and Pre-listed Species at Risk

Comment(s):

Sections 76 and 77 of the Species at Risk (NWT) Act require the Minister of Environment and Natural Resources to make a submission to the body responsible for assessing the potential impacts of a proposed development, or for considering a Land Use Permit or Water Licence application, respecting the potential impacts of the proposed development, Permit or Licence application on a NWT-listed or pre-listed species or its habitat. NWT-listed species are those that are on the NWT List of Species at Risk. Pre-listed species are those that have been assessed by the NWT Species at Risk Committee (SARC) but have not yet been added to the NWT List of Species at Risk.

The Proponent should be aware that NWT-listed or pre-listed species at risk and their habitat may also be subject to protection under existing sections of the NWT *Wildlife Act*.

As a best practice, ENR encourages the Proponent to consider potential impacts, mitigation measures and monitoring requirements for species at risk listed under the federal *Species at Risk Act*, as well as those designated as at risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) that may occur in the project area, and the prohibitions that may apply to these species under federal legislation.

The project area overlaps with the ranges of the following NWT-listed and/or pre-listed species:

- [Grizzly Bear](#) – Listed as Threatened
- [Boreal Caribou](#) - Listed as Threatened
- [Barren-ground Caribou](#) – Listed as Threatened

Recommendation(s):

- 1) Although the project overlaps with the range(s) of the species listed above, ENR is of the opinion that the nature, scope, scale and timing of the proposed project are such that the likelihood of impacts to NWT-listed or pre-listed species listed above can be minimized or avoided with the application of any wildlife mitigation and monitoring measures outlined in the Proponent’s Land Use Permit application and supporting documents.

Comments and recommendations were provided by ENR technical experts in the Environmental Protection and Waste Management Division, the Wildlife Management Division and the Sahtu Region and were coordinated and collated by the Environmental Assessment and Monitoring Section(EAM), Environmental Stewardship and Climate Change Division.

Should you have any questions or concerns, please do not hesitate to contact Patrick Clancy, Environmental Regulatory Analyst at (867) 767-9233 Ext: 53096 or email patrick.clancy@gov.nt.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Clancy', written in a cursive style.

Patrick Clancy
Environmental Regulatory Analyst
Environmental Assessment and Monitoring Section
Environmental Stewardship and Climate Change Division
Department of Environment and Natural Resources
Government of the Northwest Territories