

Review Comment Table

Board:	WLWB
Review Item:	GNWT-ENR - Geotechnical Investigation - Type A Land Use Permit Application (W2019S0001)
File(s):	W2019S0001
Proponent:	GNWT - ENR
Document(s):	Land Use Permit Application (1.2 MB) Lots 5 and 6 Maps (0.5 MB) Spill Contingency Plan (8 MB) Draft Land Use Permit (1MB)
Item For Review Distributed On:	May 21 at 17:18 Distribution List
Reviewer Comments Due By:	June 11, 2019
Proponent Responses Due By:	June 18, 2019
Item Description:	<p>The Government of the Northwest Territories – Environment and Natural Resources (GNWT-ENR) has submitted a complete application for a Type A land use permit (Permit). The purpose of this Application is to conduct a geotechnical investigation on lease Lots 5 and 6 (Block 16 and Plan #1803) within the community boundaries of Behchoko, in advance of placing two modular buildings.</p> <p>Reviewers are invited to submit comments and recommendations using the Online Review System (ORS) by the review comment deadline specified below. If reviewers seek clarification on the submission, they are encouraged to correspond directly with the Applicant prior to submitting comments and recommendations.</p> <p>Please provide comments and recommendations on the documents linked below. Reviewers may also wish to consider providing an overarching recommendation regarding whether they are in support of the submission, to provide context for comments and recommendations and to assist the Board with its decision.</p> <p>Please note that the draft Permit has been developed using the MVLWB’s current Standard Land Use Permit Conditions Template. 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 reviewers.</p>

Contact Information:	<p>Under the <i>Preliminary Screening Requirement Regulations</i> of the <i>Mackenzie Valley Resource Management Act</i> (MVRMA), the Board must conduct a preliminary screening for an application for a proposed development that requires a land use permit, unless it is exempt from preliminary screening in accordance with the <i>Exemption List Regulations</i>. Reviewers are encouraged to provide comments and recommendations (e.g., on impacts and mitigation measures) to assist with the completion of the preliminary screening.</p> <p>Please be advised that comments made by reviewers 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 <i>Wildlife Act</i>.</p> <p>All documents that have been uploaded to this review are also available on our public Registry. If you have any questions or comments about the ORS or this review, please contact Board staff identified below.</p>
Contact Information:	<p>Anneli Jokela 867-765-4588 Roberta Judas 867-713-2500</p>

Comment Summary

GNWT - ENR: Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	Comment (doc) ENR Letter - No Comments or Recommendations at this time. Recommendation		
GNWT - Lands - North Slave Region: Cheryl Larocque				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	GNWT - ENR - LUPA W2019S0001	Comment (doc) Please see formal letter attached. Recommendation Please see formal letter attached.	June 18: Thank you for your letter! Glenn Bourke	
GNWT - Lands - North Slave Region: Clint Ambrose				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Spill Contingency Plan - Inspector Contact	Comment The Spill Contingency Plan has been reviewed and since the GNWT - Department	June 18: Thank you for your comment. The Spill Contingency Plan will be updated to	

		<p>of Lands will be the lead for any spills from this land use operation, the plan must be updated to reflect this.</p> <p>Recommendation The Spill Contingency Plan must be updated to reflect the correct authority for a spill if one were to occur. Please include GNWT - Department of Lands Inspector. Phone: (867) 767-9188 Cell: (867) 446-0769 in the Plan.</p>	<p>include: GNWT - Department of Lands Inspector. Phone (867) 767-9188 Cell: (867) 446-0769 in the Plan. Glenn Bourke</p>	
2	Spill Contingency Plan - Immediately Reportable Volumes	<p>Comment (doc) The Spill Contingency Plan is missing the immediately reportable spill volumes.</p> <p>Recommendation The attached document must be included in the Spill Contingency Plan.</p>	<p>June 18: Thank you for your feedback. The Spill Contingency Plan will include the document "Immediately Reportable Volumes" Glenn Bourke</p>	
3	Draft Land Use Permit - 26(1)(a) Location and Area - Condition #3	<p>Comment Other conditions in the permit will mitigate potential concerns from drilling within close proximity of a watercourse.</p> <p>Recommendation This condition must be removed from the land use permit.</p>	<p>June 18: Thank you for your response. This condition will be removed from the land use permit. Glenn Bourke</p>	
4	Draft Land Use Permit - 26(1)(b) Time - Condition #5	<p>Comment Condition #5 requires modification to read the same as the Standard List and include the correct phone number for the Inspector.</p> <p>Recommendation Please remove "initial" from this condition and the Inspector's phone number is (867) 767-9188.</p>	<p>June 18: Thank you for your response. The word "initial" will be removed and the inspector's phone number will be added. Glenn Bourke</p>	
5	Draft Land Use Permit - 26(1)(d) Time - Condition #9	<p>Comment This condition is typical of a quarry operation for test pitting and does not apply to geotechnical investigations.</p> <p>Recommendation This condition must be removed from the land use permit.</p>	<p>June 18: Thank you for your response. This condition will be removed from the land use permit. Glenn Bourke</p>	
6	Draft Land Use Permit - 26(1)(f) Control or Prevention of Ponding Water, Flooding,	<p>Comment Condition #12 & #13 aren't applicable to this land use operation since no earth works are being proposed.</p>	<p>June 18: Thank you for your response. Conditions 12 and 13 will be removed from the land use permit. Glenn Bourke</p>	

	Erosion, Slides, Subsidence of Land - Condition #12 & #13	Recommendation Both condition #12 & #13 must be removed from the land use permit.		
7	Draft Land Use Permit - 26(1)(f) Control or Prevention of Ponding Water, Flooding, Erosion, Slides, Subsidence of Land - Condition #15 & #18	Comment Condition #15 to #18 aren't applicable to this land use operation since winter roads haven't been proposed, nor has earthworks. Recommendation Condition #15 to #18 must be removed from the permit.	June 18: Thank you for your response. Conditions 15 - 18 will be removed from the permit. Glenn Bourke	
8	Draft Land Use Permit - 26(1)(g) Use, Storage, Handling and Ultimate Disposal of Any Chemical or Toxic Material - Condition #20	Comment Due to the small scale of this land use operation and no waste being generated by geotechnical operations this condition does not apply to the proposed operations. Recommendation Condition #20 must be removed from the permit.	June 18: Thank you for your response. Condition #20 will be removed from the permit. Glenn Bourke	
9	Draft Land Use Permit - 26(1)(g) Use, Storage, Handling and Ultimate Disposal of Any Chemical or Toxic Material	Comment A required condition was missed and must be included in the land use permit. Recommendation Please include the following condition: The Permittee shall maintain a record of all spills. For all reportable spills, in accordance with the GNWT Spill Contingency Planning and Reporting Regulations, the Permittee shall: a) immediately report each spill to the 24-hour Spill Report Line (867) 920-8130; b) report each spill to an Inspector within 24 hours; and c) submit, to the Board and an Inspector, a detailed report on each spill within 30 days. (Report Spills)	June 18: Thank you for your response. The condition, as specified, will be included. Glenn Bourke	
10	Draft Land Use Permit - 26(1)(g) Use, Storage, Handling and Ultimate Disposal of	Comment A required condition was not included in the draft land use permit. Recommendation Please include the following condition in the land use permit. When drilling within 100 metres of the	June 18: Thank you for your response. The condition, as stated, will be included in the land use permit. Glenn Bourke	

	Any Chemical or Toxic Material	Ordinary High Water Mark of any Watercourse, and when drilling on ice, the Permittee shall contain all drill water and Drilling Waste in a closed circuit system for reuse, off-site disposal, or deposit into a land-based Sump or natural depression. (Drilling near water or on ice)		
11	Draft Land Use Permit - 26(1)(j) Protection of Historical, Archaeological and Burial Sites - Conditions #23, #26 and #27	Comment Since this land use operation will be conducted within the Hamlet Boundaries on a surveyed lot, Condition #23, #26 and #27 do not apply. Recommendation These conditions must be removed from the land use permit.	June 18: Thank you for your response. These conditions, as stated, will be removed from the land use permit. Glenn Bourke	
12	Draft Land Use Permit - 26(1)(k) Objects and Places of Recreational, Scenic and Ecological Value - Condition #28	Comment Condition #28 does not apply to this land use operation. Recommendation This condition must be removed from the permit.	June 18: Thank you for your response. Condition #28 will be removed from the permit. Glenn Bourke	
13	Draft Land Use Permit - 26(1)(m) Fuel Storage - Conditions #30, #31, #33 and #35	Comment There is no proposal in the application to store fuel and the only trigger for a land use permit within the boundaries of a local government is 80,000 L. The only operation being regulated by the permit is the use of a drill. Recommendation Condition #30, #31, #33, and #35 must be removed from the permit.	June 18: Thank you for your response. Conditions 30, 31, 33 and 35 will be removed from the permit. Glenn Bourke	
14	Draft Land Use Permit - 26(1)(m) Fuel Storage - Conditions #40	Comment This condition isn't from the standard list of conditions and the standard condition has been included under 26(1)(G) of the land use permit. Recommendation This condition must be removed from the land use permit.	June 18: Thank you for your response. Condition #40 will be removed from the land use permit. Glenn Bourke	
15	Draft Land Use Permit - 26(1)(n) Methods and Techniques for	Comment Mulching of brush with an excavator equipped with a mulch head is an acceptable practice as well as hand clearing	June 18: Thank you for your response. Condition #43 will be removed from the land use permit. Glenn Bourke	

	Debris and Brush Disposal - Condition #43	for trees and brush. Recommendation This condition must be removed from the land use permt.		
16	Draft Land Use Permit - 26(1)(n) Methods and Techniques for Debris and Brush Disposal - Condition #44	Comment This condition is not applicable to the land use operation. Recommendation This condition must be removed from the land use permit.	June 18: Thank you for your reponse. Condition #44 will be removed from the land use permit. Glenn Bourke	
17	Draft Land Use Permit - 26(1)(o) Restoration of the Lands - Conditions #45 & #46	Comment No earth works are proposed in the accepted application. Recommendation These two conditions are not applicable to operations and therefore must be removed from the permit.	June 18: Thank you for your response. Conditons #45 and 46 will will removed from the land use permit. Glenn Bourke	
18	Draft Land Use Permit - 26(1)(p) Display of Permits and Permit Numbers - Condition #49	Comment No camp is proposed for this land use operation. Recommendation Condition #49 must be removed from the permit and Condition #50 is satisfactory.	June 18: Thank you for your response. Condition #49 will be removed from the land use permit. Glenn Bourke	
19	Draft Land Use Permit - 26(1)(q) Biological and Physical Protection of the Land - Condition #51	Comment This condition is not applicable for the proposed activities. Recommendation Please remove this condition from the permit.	June 18: Thank you for your response. Condition #51 will be removed from the land use permit. Glenn Bourke	

Wek' eezhii Renewable Resources Board: Randi Jennings

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	GNWT - ENR - LUPA W2019S0001	Comment (doc) The WRRB has no concerns with the geotechnical investigation as outlined in the Land Use Permit application. Recommendation Please see attached letter.	June 18: Thank you for your letter! Glenn Bourke	

WLWB: Anneli Jokela

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Disposal of shrubs	Comment Section 7 of the Land Use Application indicates that shrubs and sparse	June 18: Thank you for your response. The “disposed of in an environmentally friendly	

		<p>trees will be cleared and disposed of in an environmentally friendly way.</p> <p>Recommendation (1) Please explain what is meant by "disposed of in an environmentally friendly way". (2) Clarify if these will be brought to a landfill. If so, please indicate which one and whether the GNWT-ENR has authorization to dispose of materials at this location.</p>	<p>way" means that the shrubs will be brought to the local land fill site in Behchoko, NT.</p>	
2	Plan for two modular buildings on leased lot	<p>Comment The Land Use Application explains that the GNWT-ENR has signed a lease for Lots 5 and 6 within the Community of Behchoko and that the plan is to place two modular buildings on these Lots. The GNWT-ENR is applying for the Land Use Permit in order to conduct a Geotechnical Investigation in advance of placing these buildings. As part of the Application, the GNWT-ENR provided a copy of the lease and a Development Permit issued by the Community Government of Behchoko; however, the Permit does not include details of what activities are being authorized by the Development Permit</p> <p>Recommendation Please confirm which activities, if any, have been authorized for these Lots by the Community Government of Behchoko through the lease and/or the Development Permit.</p>	<p>June 18: Thank you for your response. The activities approved by the Community of Behchoko include clearing of the land, the geotechnical investigation and placing 2 modular buildings on the lots. Glenn Bourke</p>	
3	Potential Impacts to Ground Water	<p>Comment The proposed activity involves geotechnical drilling. It is unclear whether there is the possibility that drilling will contact any groundwater.</p> <p>Recommendation Please clarify whether there are any potential risks to groundwater from the proposed activity. If so, please explain what mitigations will take place.</p>	<p>June 19: Thank you for your response. The risks to groundwater from the proposed activity is not expected to negatively affect groundwater resources in terms of either flow or quality. Glenn Bourke</p>	

4	Potential for Noise	<p>Comment The proposed activity involves geotechnical drilling using an "Air Tac Drill or similar". It is unclear what level and type of noise may result from the drilling activities.</p> <p>Recommendation Please describe the potential impacts, if any, related to noise (e.g., volume and duration) and explain what mitigations will take place if required.</p>	<p>June 19: Thank you for your response. The noise impacts of the air tac drill may be louder than the normal volume that the human ear is used to. The GNWT will notify residents at least 7 days in advance of the operations that will be taking place. Drilling will not take place during regular sleep hours (8:00 pm - 7:00 am). Glenn Bourke</p>	
5	Potential for Noise	<p>Comment The proposed activity involves geotechnical drilling using an "Air Tac Drill or similar". It is unclear what level and type of noise may result from the drilling activities.</p> <p>Recommendation Please describe the potential impacts, if any, related to noise (e.g., volume and duration) and explain what mitigations will take place if required.</p>	<p>June 19: Thank you for your response. The noise impacts of an air trac drill may be louder than the normal human ear is used to. The GNWT will notify residents at least 7 days in advance of the operations that will be taking place. Drilling will not take place during regular sleep hours (8:00 pm - 7:00 am). Glenn Bourke</p>	
6	Drilling distance from the Ordinary High-Water Mark	<p>Comment The maps provided by the GNWT-ENR show that the leased Lots are situated close to water.</p> <p>Recommendation Please clarify the minimum distance from the Ordinary High-Water Mark that drilling would take place. If less than 100 m, please describe the mitigations that will take place to prevent/minimize impacts.</p>	<p>June 19: Thank you for your response. The minimum distance from the Ordinary High-Water Mark is not known at this time. If it will be less than 100 metres away, the water will be reused and collected by a man made ditch or a land based sump. Glenn Bourke</p>	

Distribution List

GNWT-ENR - Geotechnical Investigation - Type A Land Use Permit Application (W2019S0001)

File(s): W2019S0001

Proponent: GNWT - ENR

Reviewer Comments Due By: June 11, 2019

Proponent Comments Due By: June 18, 2019

Document(s)

Land Use Permit Application

Lots 5 and 6 Maps

Spill Contingency Plan

Draft Land Use Permit

Contact Information

Sent To		
Organization	User	Email
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Community Government of Whati	SAO, Whati	sao@whati.ca
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Fisheries and Oceans Canada	Fisheries Protection Program, Triage Group	fisheriesprotection@dfo-mpo.gc.ca
Forward Mining	Mauchan, Jason	info@forwardmining.ca
GLWB	Macdonald, AlecSandra	AMacDonald@glwb.com
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INAC - NWT Inspectors	Morton, Tim	tim.morton@canada.ca
Mackenzie Valley Environmental Impact Review Board	Cliffe-Phillips, Mark	mcliffephillips@reviewboard.ca
Mackenzie Valley Environmental Impact Review Board	MVEIRB, Generic	preliminaryscreening@reviewboard.ca
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WLWB	Elsasser, Sarah	selsasser@wlwb.ca
WLWB	Water Board, Wekeezhii Land and	wlwb06@gmail.com
Wood	Nokleby, Katrina	katrina.nokleby@woodplc.com



June 11, 2019

Joseph Mackenzie
Chair
Mackenzie Valley Land and Water Board
7th Floor – 4910 50th Avenue
P.O. Box 2130
Yellowknife, NT
X1A 2P6

Dear Mr. Mackenzie,

**Re: Department of Environment and Natural Resources - GNWT
Land Use Permit Application – W2019S0001
Geotechnical Drilling Investigation
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 has no comments or recommendations for the consideration of the Board at this time.

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

Sincerely,

Patrick Clancy
Environmental Regulatory Analyst
Environmental Assessment and Monitoring Section
Conservation, Assessment and Monitoring Division
Department of Environment and Natural Resources
Government of the Northwest Territories



June 5, 2019

Anneli Jokela
Wek'eezhii Land and Water Board (WLWB)
PO Box 32
WEKWEETI, NT X0E 1W0

Dear Ms. Jokela:

LUPA: W2019S0001 – GNWT - ENR

Type of Operation: Geotechnical Investigation

Location: Lease Lots 5 & 6, Blk 16, Plan 1803, Behchokò

The Government of the Northwest Territories (GNWT) reviewed Land Use Permit Application WQ2019S0001 and recommends that the permit be granted.

On May 31, 2019, our Inspector Clint Ambrose, provided his comments and recommendations for your consideration, via the LWB Online Review System.

Comments received from Lands Administration indicate no concerns as the area is wholly on Tìchq titled land.

Comments received from the Mining Recorder's Office indicate there are no active claims or leases within the proposed area

Thank you for the opportunity to comment on this application. Should you have any questions or concerns regarding our comments, please contact our Inspector, Clint Ambrose, at (867) 767-9188.

Sincerely,

Scott Stewart
Regional Superintendent
North Slave Region

c. North Slave Region (Yellowknife), Department of Lands, GNWT

Land Administration (Yellowknife), Department of Lands, GNWT

Mining Recorder's Office (Yellowknife), Department of Industry, Tourism & Investment, GNWT

cml

Appendix A
Schedule 1 – Reportable Quantities for NT-NU Spills

Substance	Reportable Quantity	TDG Class
Explosives	Any amount	1.0
Compressed gas (toxic/corrosive)		2.3/2.4
Infectious substances		6.2
Sewage and wastewater (unless otherwise authorized)		6.2
Radioactive materials		7.0
Unknown substance		None
Compressed gas (Flammable)	Any amount of gas from containers with a capacity greater than 100 L	2.1
Compressed gas (Non-corrosive, non-flammable)		2.2
Flammable liquid	≥ 100 L	3.1/3.2/3.3
Flammable solid	≥ 25 kg	4.1
Substances liable to spontaneous combustion		4.2
Water reactant substances		4.3
Oxidizing substances	≥ 50 L or 50 kg	5.1
Organic peroxides	≥ 1 L or 1 kg	5.2
Environmentally hazardous substances intended for disposal		9.0
Toxic substances	≥ 5 L or 5 kg	6.1
Corrosive substances		8.0
Miscellaneous products, substances or organisms		9.0
PCB mixtures of 5 or more parts per million	≥ 0.5 L or 0.5 kg	9.0
Other contaminants, e.g. crude oil, drilling fluid, produced water, waste or spent chemicals, used or waste oil, vehicle fluids, wastewater, etc.	≥ 100 L or 100 kg	None
Sour natural gas (i.e., contains H ₂ S)	Uncontrolled release or sustained flow of 10 minutes or more	None
Sweet natural gas		
Flammable liquid	≥ 20 L	3.1/3.2/3.3
Vehicle fluids	When released on a frozen water body that is being used as a working surface	None
Reported releases or potential releases of any size that: 1. Are near or in an open water body; 2. Are near or in a designated sensitive environment or habitat; 3. Pose an imminent threat to human health or safety; or 4. Pose an imminent threat to a listed species at risk or its critical habitat	Any amount	None

Note: L = litre; kg = kilogram; PCB = Polychlorinated Biphenyls; ppm = parts per million



June 10, 2019

Roberta Judas
Regulatory Technician
Wek'èezhì Land and Water Board
#1-4905 48th Street
Yellowknife, NT, X1A 3S3

Re: GNWT-ENR-Geotechnical Investigation – Type A Land Use Permit Application (W2019S0001)

Dear Ms. Judas;

The following comments are submitted to the Wek'èezhì Land and Water Board (WLWB) on behalf of the Wek'èezhì Renewable Resources Board (WRRB) to be considered during the review phase of the GNWT-ENR Land Use Permit Application, WLWB file number W2019S0001. The WRRB has a mandate for wildlife, plant and forest management in Wek'èezhì and adheres to the principles and practices of conservation in fulfilling its duties.

The WRRB understands that the GNWT-ENR will be conducting a geotechnical investigation of two lots (lot 5 and 6) located in Behchokò where they will be placing two modular buildings for their use. For this to occur, a geotechnical investigation must be completed on the property prior to the building placement. The WRRB has no concerns with the geotechnical investigation as outlined in the Land Use Permit application.

If you have any questions regarding these comments, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink that reads "Jody Pellissey" with a stylized flourish at the end.

Jody Pellissey
Executive Director

cc. Roberta Judas, Regulatory Technician
Wek'èezhì Land and Water Board

Violet Camsell-Blondin, Manager
Culture and Lands Protection, Tłıchq Government