

Review Comment Table

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| Board: | WLWB |
| Review Item: | GNWT-INF - Tlichó All-Season Road (TASR) - Type A Water Licence Application re Water Use (W2020L8-0001) |
| File(s): | W2020L8-0001 |
| Proponent: | GNWT - INF (Infrastructure) |
| Document(s): | Application (550 KB) Updated Engagement Record (528 KB) Work Plan (203 KB) |
| Item For Review Distributed On: | June 16 at 16:04 Distribution List June 16 at 16:08 Distribution List June 16 at 16:31 Distribution List June 16 at 16:38 Distribution List June 16 at 16:40 Distribution List June 16 at 16:47 Distribution List June 16 at 16:52 Distribution List June 16 at 16:56 Distribution List June 16 at 17:03 Distribution List June 16 at 17:07 Distribution List June 17 at 08:28 Distribution List |
| Reviewer Comments Due By: | July 7, 2020 |
| Proponent Responses Due By: | July 14, 2020 |
| Item Description: | <p>The Government of the Northwest Territories Department of Infrastructure (the Applicant or GNWT-INF) submitted a complete application for a Type A water licence (licence). The purpose of this Application is to increase the daily water use limit for the Tlichó All-Season Road (TASR), currently authorized through the Type B W2016L8-0001 Water Licence, from 299 cubic metres per day to 900 cubic metres per day. In accordance with Schedule H of the Waters Regulations, the use of 300 or more cubic metres per day triggers a Type A Water Licence. In its application, the GNWT-INF describes its intent to use the increased water withdrawal to support construction activities for the TASR such as: road compaction, dust suppression, winter road construction, and camp use by July 1, 2020.</p> <p>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</p> |

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.**

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 Wildlife Act.

A draft work plan for this Application has been developed by Board staff. **Board staff are requesting that comments on the draft work plan be submitted by email to the staff identified below by Tuesday, June 23, 2020.**

****UPDATE ON JUNE 24, 2020**** No comments were received from parties on the draft work plan by June 23, 2020. A final copy of the Work Plan has been uploaded to this review and the public registry.

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. 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. Notices of intent to file a claim for water compensation must also be submitted by the review comment deadline. If reviewers seek clarification on the submission, they are encouraged to correspond directly with the Applicant prior to submitting comments and recommendations.

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:

Jessica Pacunayen 867-765-4591
Meghan Schnurr 867-765-4590

Comment Summary

| GNWT - INF (Infrastructure) (Proponent) | | | | |
|---|--------------|---|--------------------|----------------------|
| ID | Topic | Reviewer Comment/Recommendation | Proponent Response | Board Staff Response |
| 1 | General File | Comment (doc) Cover Letter - TASR Type A Water Licence Proponent Responses. Recommendation | | |

Environment and Climate Change Canada: Eva Walker

| ID | Topic | Reviewer Comment/Recommendation | Proponent Response | Board Staff Response |
|----|---|--|---|----------------------|
| 1 | General File | Comment (doc) ECCC Cover Letter Recommendation | | |
| 2 | Management Plans - Tlichó All Season Road Type A Water Licence Application Package (May 22, 2020) | Comment Per the application cover page: "Management plans to support this application are found on the Wek'eezhi Land and Water Board's Public Registry for the Tlichó All Season Road. These are: Spill Contingency Plan, Waste Management Plan, Fish and Fish Habitat Protection Plan, Water Monitoring Plan, Wildlife Management and Monitoring Plan, Erosion and Sediment Control Plan and Archaeological Chance Find Protocol. The existing mitigation methods detailed in these plans will be followed to ensure environmental impacts remain minimal." Recommendation ECCC recommends that management/ monitoring plans be updated as appropriate in order to reflect the increased water extractions and any associated changes to project details (e.g., sewage/greywater estimates), mitigations, management, monitoring and contingencies. | July 15: Where warranted, management and monitoring plans that are linked to an increase in water takings will be updated accordingly. | |
| 3 | Groundwater extraction - Tlichó All Season Road Type A Water Licence Application Package (May 22, 2020) | Comment Section 10 (Predicted Environmental Impacts of the Undertaking and Proposed Mitigations) states: "Proposed groundwater extractions are well removed from any permanent watercourses or wetland features and will be at a depth and rate of extraction that will preclude the potential for well interference on any significant environmental feature". ECCC notes that | July 15: The feasibility of installing a groundwater well has been re-evaluated and determined not to be a viable option at this time. Therefore, no groundwater extractions are planned under this Type A Water License Application. We are assuming that this decision will not require a revision to the application, will not require any additional stakeholder | |

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| | | <p>this reference to groundwater extraction appears to be an error, given that the water withdrawal sources listed in Section 7.0 (Quantity of Water Involved) includes only surface water.</p> <p>Recommendation ECCC recommends that the proponent review the groundwater extraction statement in Section 10 (Predicted Environmental Impacts of the Undertaking and Proposed Mitigations), and revise/clarify this section as appropriate. If there will indeed be groundwater withdrawal, then ECCC recommends that the proponent further explain and justify their stated conclusion about the implications to environment features (including to water quality and biota)</p> | <p>engagement, and will not delay the application process.</p> | |
| 4 | <p>Sewage and graywater - Waste Management Plan (January 2019)</p> | <p>Comment The Waste Management Plan includes descriptions of handling and disposal methods for camp sewage and greywater (Table 2 Segregated Waste Stream for Construction of Tlicho ASR), and provides additional details on sewage and greywater in Sections 6.2.2 (Sewage) and 6.2.3 (Greywater), respectively. However, it is unclear how the proposed increased water extraction and use would affect sewage/greywater volumes and management aspects.</p> <p>Recommendation ECCC requests that the proponent discuss how the increased water extraction/use would affect sewage/greywater volumes, handling/disposal methods, storage/treatment capacity, monitoring, and contingency plans.</p> | <p>July 15: There is no change anticipated to sewage/greywater volumes, handling/disposal methods, or storage/treatment capacity and subsequently no change to monitoring or contingency plans resulting from increased water use.</p> | |

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| 5 | Sewage Management - Waste Management Plan (January 2019) | <p>Comment Per Section 6.2.2 Sewage: ".Sewage from camps will be transported to municipal lagoons, such as Behchoko` or Whati if capacity in their systems is available. Other options may include the use of onsite lagoons or site specific treatment systems, such as leaching field, pending approval from an Inspector. .NSI will ensure that heated, insulated and bermed effluent watertight storage tanks are installed within the temporary construction camps located within a borrow source. Up to three camps will be installed over the course of the Project. .. Each camp will have a sufficient number of tanks to store sewage generated -for up to 5 days in the event of adverse weather conditions. The tanks will be situated in low traffic areas or be provided with collision protection. The tanks must be located at least 30 m away from water bodies."</p> <p>Recommendation ECCC recommends that: "Sewage be treated at existing facilities, if possible; and Sewage storage tanks be located such that any spills would not enter surface waters."</p> | <p>July 15: There is no change anticipated to sewage/greywater volumes, handling/disposal methods, or storage/treatment capacity and subsequently no change to monitoring or contingency plans resulting from increased water use.</p> | |
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Fisheries and Oceans Canada: Olivia Sroka

| ID | Topic | Reviewer Comment/Recommendation | Proponent Response | Board Staff Response |
|----|--|---|--|----------------------|
| 1 | General File | <p>Comment (doc) DFO Cover Letter</p> <p>Recommendation</p> | | |
| 2 | Type A Water Licence Application - Section 7: Quantity of Water Involved | <p>Comment Noting that GWNT-INF has stated to "follow the established withdrawal limits from existing regulatory protocols such as the 2010 Protocol for</p> | <p>July 15: Bathymetric surveys and hydraulic assessments are being completed as each of the approved, potential water sources are assessed for feasibility. Currently,</p> | |

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| | | <p>Winter Water Withdrawal in the Northwest Territories and Nunavut. Additionally, all current mitigation measures/constraints currently in place for the project will be maintained such as the use of fish screens and daily water volume tracking", DFO approval of proposed increased water withdrawal limits is contingent on receiving data regarding available water capacity and reviewing the comparison of total proposed water used to available capacity.</p> <p>Recommendation DFO recommends GNWT-INF provide bathymetric and hydraulic assessments once completed to allow for further review.</p> | <p>information collected is provided to GNWT-ENR and DFO as per License conditions prior to any water withdrawal. It is acknowledged that 10% of the lake volume would represent the maximum amount of water taken.</p> | |
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Tlcho Lands Protection Department: Violet Camsell-Blondin

| ID | Topic | Reviewer Comment/Recommendation | Proponent Response | Board Staff Response |
|----|--|--|--------------------|----------------------|
| 1 | Type A Water License Application in re Water Use | <p>Comment Tlcho Government has no comments.</p> <p>Recommendation Tlcho Government has no comments.</p> | | |

WLWB: Jessica Pacunayen

| ID | Topic | Reviewer Comment/Recommendation | Proponent Response | Board Staff Response |
|----|------------------|--|---|----------------------|
| 1 | Scope of Licence | <p>Comment The Application describes the increase in proposed water use associated with the TASR Project but does not include all activities included in the scope of Water Licence W2016L8-0001. It is unclear whether the GNWT-INF is proposing that Water Licence W2020L8-0001 replace W2016L8-0001 (i.e., authorize all current activities and additional water use).</p> <p>Recommendation Clarify whether the GNWT-INF is proposing for Water Licence W2020L8-0001 to replace W2016L8-0001</p> | <p>July 15: GNWT-INF defers to the WLWB as to whether the Water Licence W2020L8-0001 will replace W2016L8-0001 as this is a process question. It is expected that all expectations/conditions of the Type B Water Licence will be maintained as well as any additional conditions associated with the Type A Water Licence if approved. Considering the significant need for extra water for the project, and if given a choice, GNWT-INF would hope that the most expeditious option is chosen by WLWB.</p> | |

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| | | (i.e., authorize all current activities and additional water use). | | |
| 2 | Proposed Time Schedule | <p>Comment In the Application, it states the proposed start date is July 1, 2020 and the completion date is August 30, 2022. The current type B Licence is authorized to expire on May 29, 2026.</p> <p>Recommendation Please confirm the proposed expiry date of the Licence.</p> | <p>July 15: The proposed expiry date of the permit is August 20, 2022.</p> | |
| 3 | Capacity of Water Source | <p>Comment The Application proposes a maximum of 900m³/day of water be withdrawn from the water sources outlined in Section 7, which are authorized under Licence W2016L8-0001. Licence W2016L8-0001 requires the Fish and Fish Habitat Protection Plan include "the maximum volume of Water intended for withdrawal (i.e. annual and under-ice limits) from each Water Source, to ensure no impacts to fish and fish habitat." The approved Fish and Fish Habitat Protection Plan includes daily estimated water withdrawal volumes by water source based on the 299m³/day withdrawal limit, and bathymetry data for two lakes. Section 7 of the Application describes that the capacity of most water sources will be determined at a later time (e.g., once bathymetry has been completed).</p> <p>Recommendation Can GNWT-INF provide an update on when additional information (e.g., bathymetry, the available capacity of each proposed water source, proposed source-specific withdrawal limits) will be provided and how this would be provided</p> | <p>July 15: Bathymetric surveys and hydraulic assessments are being completed as each of the approved, potential water sources are assessed for feasibility. Currently, information collected is provided to GNWT-ENR and DFO as per License conditions prior to water withdrawal. Where warranted, management and monitoring plans that are linked to an increase in water takings will be updated accordingly.</p> | |

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| | | (e.g., update to the Fish and Fish Habitat Protection Plan). | | |
| 4 | Groundwater Extractions | <p>Comment Section 10 speaks to 'groundwater extractions', however, the scope in the current Licence does not include any groundwater wells. Board staff note that the groundwater well (with a proposed maximum extraction of 33 m³/day) is proposed in the Type B Amendment currently under consideration by the Board was not included in the list in Section 7 of this Type A Application. It is unclear if GNWT-INF is proposing to use additional groundwater well(s) and/or if the proposed water usage for the groundwater well proposed as part of the Type B Application has changed.</p> <p>Recommendation (1) Please describe what groundwater extractions GNWT-INF is referring to in the Application and clarify if GNWT-INF is referring to more than one groundwater well; and (2) Please describe the proposed water use (i.e., amounts, rates, etc.) for any groundwater extraction locations identified.</p> | <p>July 15: The feasibility of installing a groundwater well has been re-evaluated and determined not to be a viable option at this time. Therefore, no groundwater extractions are planned under this Type A Water License Application. We are assuming that this decision will not require a revision to the application, will not require any additional stakeholder engagement, and will not delay the application process.</p> | |
| 5 | Supporting Plans and References | <p>Comment The supporting reports and plans referenced in section 10 of the Application are from 2016 and/or when the application for the TASR was submitted in January 2019. It is unclear whether the GNWT-INF intended for the currently approved plans to be referenced and whether any updates to the plans would be proposed to reflect an increase in water use.</p> <p>Recommendation Can GNWT-INF confirm</p> | <p>July 15: It is fully expected that the Management Plans and protocols currently approved under Licence W2016L8-0001 will apply to License W2020L8-0001 as the only change would be an increase in available water for the same purposes.</p> | |

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| | | whether the management plans and protocols currently approved under Licence W2016L8-0001 are intended to apply to Licence W2020L8-0001? | | |
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Environmental Protection Operations Directorate
Prairie & Northern Region
5019 52nd Street, 4th Floor
P.O. Box 2310
Yellowknife, NT X1A 2P7

ECCC File: 5300 000 048/005
WLWB File: W2020L8-0001



July 7, 2020

via online review system

Jessica Pacunayen
Regulatory Specialist
Wek'èezhìi Land and Water Board
1-4905 48th Street
Yellowknife, NT X1A 3S3

Dear Jessica Pacunayen:

RE: W2020L8-0001 – Government of the Northwest Territories –Department of Infrastructure – Tlicho All-Season Road (TASR) – Type A Water Licence Application

Environment and Climate Change Canada (ECCC) has reviewed the information submitted to the Wek'èezhìi Land and Water Board (WLWB) by GNWT-INF (the proponent) regarding the above-mentioned Type A Water Licence Application. ECCC's has uploaded our comments to the WLWB's online review system.

ECCC's bases our specialist advice on our mandate pursuant to the *Canadian Environmental Protection Act* and the pollution prevention provisions of the *Fisheries Act*.

If you need more information, please contact Eva Walker at (867) 669-4474 or Eva.Walker@Canada.ca.

Sincerely,

[Original signed by]

Eva Walker
A/Senior Environmental Assessment Coordinator

Attachment(s): ECCC Comments Excel Sheet

cc: John Olyslager, Acting Head, Environmental Assessment North (NT and NU)





Fisheries and Oceans
Canada

Pêches et Océans
Canada

Suite 301, 5204 50th Avenue
Yellowknife, NT
X1A 1E2

July 7, 2020

Your files Votre référence
W2020L8-0001

Our file Notre référence
16-HCAA-00272

Wek'eezhii Land and Water Board
Attn: Jessica Pacunayen & Meghan Schnurr
4905 48th St.
Yellowknife, NT X1A 3S3

Subject: GWNT-INF - Tlicho All Season Road – Type A Water Licence Application re Water Use

The Fish and Fish Habitat Protection Program of Fisheries and Oceans Canada (DFO-FFHPP) would like to thank the Wek'eezhii Land and Water Board (WLWB) for the opportunity to provide comments on GWNT-INF's (the Proponent) Tlicho All Season Road – Type A Water Licence Application re Water Use.

As outlined in your request, reviewers are invited to submit comments and recommendations to the WLWB by July 7, 2020.

DFO-FFHPP has reviewed the Tlicho All Season Road – Type A Water Licence Application in regards to its mandate, i.e. the management, protection and conservation of fish and their habitats. Please see DFO-FFHPP's attached comments, which will be submitted to the WLWB Online Review System.

If you or any other parties have any questions, please contact Olivia Sroka at 867-445-3782, or by email at Olivia.Sroka@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

Alexandra Sorckoff
A/Senior Biologist
Fish and Fish Habitat Protection Program

Copy: Olivia Sroka, DFO



Via Email

JUL 14 2020

Mr. Joseph Mackenzie
Chair
Wek'èezhì Land and Water Board
1-4905 48 STREET
YELLOWKNIFE NT X1A 3S3

Dear Mr. Mackenzie:

Tłı̄chọ All Season Road Type A Water Licence - Submission of Proponent Responses

The Government of the Northwest Territories' Department of Infrastructure (GNWT-INF) submitted an application on May 22, 2020, for a Type A Water Licence for the Tłı̄chọ All Season Road. The Tłı̄chọ All Season Road is being constructed under Land Use Permit W2016E0004 and Type B Water Licence W2016L8-0001. As part of the Wek'èezhì Land and Water Boards Preliminary Screening the Type A Water Licence application was distributed for reviewer comment on June 16, 2020. INF is pleased to provide responses to the comments received by reviewers on July 7, 2020.

Should you have any questions or concerns please contact me at (867) 767-9086 ext. 31117 or by email at Ziaur_Rahman@gov.nt.ca at your earliest convenience.

Sincerely,

Ziaur Rahman
Manager, Surface Design and
Construction
Department of Infrastructure

Attachment