

Review Comment Table

Board:	WLWB
Review Item:	GNWT-INF - Whati Access Road Rehabilitation Project - Type B Water Licence and Type A Land Use Permit Applications (W2021L8-0002/W2021E0007)
File(s):	W2021E0007 W2021L8-0002
Proponent:	GNWT - INF (Infrastructure)
Document(s):	Permit and Licence Applications (1860 KB) Support email from CGW (826 KB) Maps (1875 KB) Engagement Record (26448 KB) Engagement Plan (313 KB) Spill Contingency Plan (727 KB) Waste Management Plan (3508 KB) Closure and Reclamation Plan (1337 KB) Hydrotechnical Study (24454 KB) Crossing Channel Description (550 KB) DRAFT Permit (349 KB) Draft Licence (448 KB)
Item For Review Distributed On:	June 21 at 12:43 Distribution List
Reviewer Comments Due By:	July 12, 2021
Proponent Responses Due By:	July 14, 2021
Item Description:	<p>The Government of the Northwest Territories Department of Infrastructure (GNWT-INF or the Applicant) submitted a complete application for a type A land use permit (permit) and a type B water licence (licence). The purpose of this submission is to upgrade the Whati Access road (13 kilometres of road), including the replacement of two culverts with a bridge. GNWT-INF plans to start August 2, 2021 to conduct a geotechnical study and conduct the upgrades in 2022. They have requested a five (5) year term for their permit and licence.</p> <p>GNWT-INF provided the following supporting materials:</p> <ul style="list-style-type: none"> • Support email from the Senior Administrative Officer (SAO) of Whati;

- Spill Contingency Plan V1.0;
- Waste Management Plan V1.0;
- Engagement Plan V1.0;
- Engagement Summary and Log;
- A map;
- A Hydrotechnical Study Report prepared by Dillon Consulting;
- Additional details on the crossing channel; and
- A Closure and Reclamation Plan V1.0.

Preliminary Screening (Part 5 of the MVRMA): 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.

Draft Permit and Licence: A draft Permit and Licence has been developed by Board staff, using the MVLWB's current Standard Land Use Permit and Water Licence Conditions Template, to allow reviewers to comment on possible conditions. Non-standard conditions are shown in green. 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 Licence and will make its decision at the close of the proceeding on the basis of all the evidence and arguments filed by all parties.

Wildlife and Wildlife Habitat: 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.

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.

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.

Contact Information:

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Comment Summary

Fisheries and Oceans Canada: Triage Group Fisheries Protection Program			
ID	Topic	Reviewer Comment/Recommendation	Proponent Response
1	GNWT-INF - Whati Access Road Rehabilitation Project - Type B Water Licence and Type A Land Use Permit Applications (W2021L8-0002/W2021E0007) (WLWB), including the replacement of two 3m diameter CSP culverts with a 14m span bridge.	<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 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 Please review the DFO Interim Codes of Practice for End-of-Pipe Fish Screens (https://www.dfo-mpo.gc.ca/pnw-ppe/codes/screen-ecran-eng.html) for the most current end-of-pipe fish screen guidelines, as well as the Interim Codes of Practice for Temporary Cofferdams and Diversion Channels (https://www.dfo-mpo.gc.ca/pnw-ppe/codes/cofferdams-batardeaux-eng.html). Also, please review the Zone 1 Northwest Territories Restricted Activity Timing Windows for the Protection of Fish and Fish Habitat (https://www.dfo-mpo.gc.ca/pnw-ppe/timing-periodes/nwt-eng.html) to ensure any in-water works comply with the timing restrictions for the species present in the subject watercourse. Provided that your plans are implemented in the manner described, the the Fish and Fish Habitat Protection Program (the Program) is of the view that your proposal will not</p>	<p>July 14: GNWT-INF will review and implement the Interim Codes of Practice for End-of-Pipe Fish Screens, the Codes of Practice for Temporary Cofferdams and Diversion Channels, and the Zone 1 Northwest Territories Restricted Activity Timing Windows for the Protection of Fish and Fish Habitat. GNWT-INF will also notify DFO should there be any causes or is about to cause the death of fish by means other than fishing and/or the harmful alteration, disruption, or destruction of fish habitat.</p>

		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 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.	
GNWT - Lands - North Slave Region: Cheryl Larocque			
ID	Topic	Reviewer Comment/Recommendation	Proponent Response
1	GNWT - DOI - W2021E0007 - LUPA COMMENTS - LETTER	Comment (doc) See attached letter Recommendation See attached letter	July 14: GNWT-INF thanks the Department of Lands for their letter of support.
GNWT - Lands - North Slave Region: Clint Ambrose			
ID	Topic	Reviewer Comment/Recommendation	Proponent Response
1	Part A: Scope of Permit	Comment The proposed land use operations are occurring within the boundaries of a local government and therefore the only regulated activities, as per Section 4(b) and Section 5(b) of the <i>Mackenzie Valley Land Use Regulations</i> are the following; 1) use of motorized earth-drilling machinery, 2) the use of a campsite outside a Territorial Park, and 3) the establishment of a petroleum fuel storage facility with a capacity equal to or exceeding 80,000 L. Recommendation Please remove the following activities from the scope of the draft permit; 1(d) Use of a stationary mortorized machine, 1(f) Upgrade access road, and 1(g) Replace culverts on the road with a bridge.	July 14: Directed at WLWB.
2	26(1)(a) Location and Area - Condition #2 -	Comment It appears that Board staff are seeking input on the setback distance for Condition #2 of the draft land	July 14: Lands' response to WLWB.

	Private Property Setback	use permit. Recommendation The typical setback distance is 300 m.	
3	26(1)(a) Location and Area - Condition #4 - Parallel Roads	Comment This condition in the draft land use permit is not applicable to the proposed land use operations. Recommendation Please remove Condition #4 from the approved land use permit.	July 14: Directed at WLWB.
4	26(1)(a) Location and Area - Condition #5 - Width Right-Of-Way	Comment This condition of the draft permit is not applicable to the proposed land use operations since the activities being regulated are the use of a drill for geotechnical investigations (along an existing road), establishment of a camp and the establishment of a fuel storage facility. Recommendation Please remove Condition #5 of the draft land use permit.	July 14: Directed at WLWB.
5	26(1)(a) Location and Area - Drill Locations	Comment Prior to the commencement of drilling, target areas must be provided to an Inspector. Recommendation Please include the following condition in the approved land use permit; Prior to the commencement of drilling, the Permittee shall submit the target areas and final drill hole locations on a 1:50,000-scale map with coordinates and map datum to the Board and an Inspector. (Drill Locations)	July 14: Directed at WLWB and noted by GNWT-INF.
6	26(1)(a) Location and Area - Sump Setback	Comment Drill cuttings will require proper disposal in a sump or natural depression. Recommendation Please include the following condition in the approved land use permit; The Permittee shall not locate any Sump within 100 metres of the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. (Sump Setback)	July 14: Directed at WLWB and noted by GNWT-INF.
7	26(1)(a) Location and Area - Condition #6 (Inspect Locations)	Comment Due to the scale of the proposed land use operations, Condition #6 of the draft land use permit is not required. Recommendation Please remove Condition #6 from the approved land use permit.	July 14: Directed at WLWB.

8	26(1)(b) Time - Condition #7 (Initial Notification - Contact Inspector)	<p>Comment The Inspector for this land use operation is based out of the North Slave Regional Office of the Department of Lands.</p> <p>Recommendation Please use Option 1 and the correct phone number is (867) 767-9188.</p>	July 14: Lands' response to WLWB.
9	26(1)(d) Methods and Techniques - Condition #11 (Detours and Crossings)	<p>Comment This land use operation does not regulate the use of heavy equipment (i.e.: dozers, excavators, etc.) nor has it been included in the land use permit application. Condition #11 of the draft land use permit is not applicable to the proposed land use operations.</p> <p>Recommendation Please remove Condition #11 from the approved land use permit.</p>	July 14: Directed at WLWB.
10	26(1)(f) Control or Prevention of Ponding Water, Flooding, Erosion, Slides and Subsidence of Land - Condition #19 to Condition #25	<p>Comment Conditions #19 to #25 are not applicable to land use operations proposed in the accepted application.</p> <p>Recommendation Please remove Condition #19 through #25 from the approved land use permit.</p>	July 14: Directed at WLWB.
11	26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material - Drilling Near Water or on Ice	<p>Comment Since the land use permit will be regulating the use of a drill in close proximity to a watercourse, mitigative measures are required.</p> <p>Recommendation Please include the following condition in the approved land use permit; When drilling within 100 metres of the 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)</p>	July 14: Directed at WLWB and noted by GNWT-INF.
12	26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material - Drilling Waste Containment	<p>Comment A condition to mitigate potential environmental concerns from drill waste must be included.</p> <p>Recommendation Please include the following condition in the approved land use permit;</p>	July 14: Directed at WLWB and noted by GNWT-INF.

		The Permittee shall not allow any Drilling Waste to spread to the surrounding lands or Watercourses.(Drilling Waste Containment)	
13	26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material - Condition #28 of the Draft Land Use Permit	Comment Board staff have requested comment on 2 options for this operating condition. Recommendation Option #1 is the only possible option for the proposed land use operations.	July 14: Directed at WLWB.
14	26(1)(j) Protection of Historical, Archaeological, and Burial Sites - Condition #36	Comment Board staff have requested the phone number for this condition. Recommendation The correct phone number for the Inspector is (867) 767-9188.	July 14: Lands' response to WLWB.
15	26(1)(o) Restoration of the Lands - Condition #50, #51 and #55	Comment Condition #50, #51 and #55 of the draft land use permit are not applicable to the proposed land use operations. Recommendation Please remove Condition #50 (Disposal of Overburden), Condition #51 (Save and Place Organic Soil) and Condition #55 (Trails Restoration) from the approved land use permit.	July 14: Directed at WLWB.
16	Spill Contingency Plan - Inspector Contact	Comment The contact information for the Department of Lands Inspector is incorrect in the Spill Contingency Plan. Recommendation Please update the Plan with the correct phone number, (867) 767-9188.	July 14: The recommended change has been made in the Spill Contingency Plan.
Wek' eezhii Renewable Resources Board: Randi Jennings			
ID	Topic	Reviewer Comment/Recommendation	Proponent Response
1	GNWT-INF - Whati Access Road Rehabilitation Project - Type B Water Licence and Type A Land Use Permit Applications	Comment The WRRB have no comments at this time. Recommendation The WRRB have no recommendations at this time.	July 14: GNWT-INF thanks the WRRB for their comment and support.

	(W2021L8-0002/W2021E0007)		
WLWB: Roberta Judas			
ID	Topic	Reviewer Comment/Recommendation	Proponent Response
1	Alternative Waste Management	<p>Comment The Waste Management Plan states that non-hazardous, non-mineral wastes will be temporarily stored on site and transported to the Whatì Sewage Lagoon. GNWT-INF intends to seek written authorization prior to transporting any Waste. It is not clear what types (solid and/or sewage) and how much Waste will be disposed of, nor is there an indication of any contingencies if Waste cannot be disposed of in the Community.</p> <p>Recommendation (1) Please provide an estimation of Waste types and volumes to be disposed of at Community of Whatì's Waste Disposal Facilities (i.e., solid waste and sewage waste). (2) Please describe alternative disposal methods/locations if GNWT-INF is unable to dispose of Waste at the Community.</p>	<p>July 14: Given that GNWT-INF is unable to determine the exact number of workers for the camp at this time, it is difficult to determine the volume of waste to be generated. That said, for a 50 to 100-person capacity camp, GNWT-INF anticipates to generate approximately 315 - 630 m³ of greywater per month at the camp. GNWT-INF is unable to estimate the volume for solid wastes at this time. If GNWT-INF is not able to dispose waste at the Whatì community lagoon, the waste will be transported to either Behchoko or Yellowknife waste facilities following proper authorization. GNWT-INF has no intention of using an incinerator to dispose of waste on site.</p>
2	Design and Construction Plan	<p>Comment Included in the draft Licence are two conditions (Part E, Condition 6 and 8) that require the submission of a Design and Construction Plan. Part E, Condition 6 requires the Plan to be submitted for Board approval a minimum of 90 days prior to commencement of Construction of any Engineered Structure. Part E, Condition 8 requires the Plan to be submitted 30 days prior to commencement of construction of a non-engineered structure and is not for Board approval. At the time, it was not known if the bridge is considered to be an engineered structure and so both standard conditions were included.</p> <p>Recommendation Please clarify whether the bridge to be built is an engineered structure and whether GNWT-INF anticipates any issues with meeting the requirements of Part E, Condition 6 and Schedule 2, Condition 1. If issues are identified, please describe.</p>	<p>July 14: Yes, the bridge is an engineered structure.</p>

3	Geotechnical Study	<p>Comment Board staff understand that a Geotechnical Study is expected to take place this summer; however, no details on the purpose and associated activities of this study were provided in the Application.</p> <p>Recommendation (1) Provide the following details of the geotechnical study: the purpose of the study, what activities are involved, and how it will be used to support road improvements (e.g., bridge design, etc.). (2) Describe the potential impacts and associated impacts of the geotechnical study.</p>	<p>July 14: The geotechnical study is to characterize the properties of soil substrate that will be supporting the bridge. Drilling waste may spread over the immediate surroundings. This will be mitigated by using Drilling Waste Containment.</p>
4	Draft Land Use Permit - Width Right-of-Way	<p>Comment The Draft Permit includes a standard condition [Width Right-of-Way]. While, Board staff understand that the Whatì Access road is an existing road, it is unclear whether any potential widening of the road will be required during the upgrade.</p> <p>Recommendation Please clarify if the project will require any potential widening of the existing road. If yes: (1) what is the expected width of any widening?; and (2) describe the potential impacts and mitigations associated with any road widening.</p>	<p>July 14: At this point, GNWT-INF does not have any intention of widening the existing road beyond the 60 m Right-of-Way.</p>
5	Clean Infill Material	<p>Comment Part E, Condition 3 of the Draft Licence states that "The Licensee shall only use material that is clean and free of contaminants and is from a source that has been authorized in writing by an Inspector". The Spill Contingency Plan submitted with the Applications states that "the water licence will consist of watercourse crossing sites and infill requirements for culvert replacement along the Whatì Community Access Road".</p> <p>Recommendation Please confirm whether the material to be used for infill will be from a source that is clean and free from contaminants prior to use.</p>	<p>July 14: GNWT-INF intends to use infill source (s) free of contaminants.</p>
6	Working In-Water / Heavy Equipment in Water	<p>Comment The Permit Application and the Spill Contingency Plan list the description and types of each equipment to be used during the Project activities. This list includes a Northech drill rig with auger and coring capability, a tracked dozer, a tracked hydraulic excavator,</p>	<p>July 14: GNWT-INF does not anticipate using heavy equipment for in-water works.</p>

		<p>tractor, and motor graders as part of the Heavy Equipment to be used while installing culverts and working near embankments. It is unclear if any of this equipment will be used for in-water activities.</p> <p>Recommendation Please indicate whether GNWT-INF plans to use any of the Heavy Equipment listed in the Application to work in water? If Heavy Equipment is planned for use in water, please describe the potential impacts along with the measures to be used to mitigate potential impacts.</p>	
7	Working In-Water / Guidance	<p>Comment The Mitigation table included in the Application stated that "Sediment control measures will be put in place to prevent sediment release into the creek"; however, the Application did not provide details or information on how GNWT-INF will ensure adequate measures for erosion and sediment control will be in place.</p> <p>Recommendation Describe the erosion and sediment control measures that will be put in place by GNWT-INF. How will the GNWT-INF prevent erosion and sediments from entering a waterbody (e.g., will GNWT-INF be following a guidance manual for this Project, and if so, please describe)? If sediments do enter into a waterbody, what measures will the GNWT-INF use to mitigate potential impacts?</p>	<p>July 14: GNWT-INF will work diligently to avoid releasing sediments into the creek. However, if there is any likelihood of sediment release, silt fences will be installed at different intervals to trap and prevent sediment from entering the creek. In addition to silt fences, riprap will be laid to break the velocity of sediment-laden water to slow down the movement of the sediment and enhance easy trapping by the fences.</p>
8	Water Use - Impacts and Mitigations	<p>Comment GNWT-INF stated in its Application that "appropriate dust suppression measures will be taken during road upgrades".</p> <p>Recommendation Please include the volume of water that will be used. Please include the impacts and mitigations of this operation as water used to suppress the dust will include run-off off the road.</p>	<p>July 14: At this time, GNWT-INF is unable to determine the volume of water for dust suppression given that water requirement will depend on how much dust is generated at the time, which will in turn depend on how dry the season is. If the season is relatively wet, less or no water will be required. However, GNWT-INF will make sure dust suppression activities do not result in run-offs.</p>

Distribution List

GNWT-INF - Whati Access Road Rehabilitation Project - Type B Water Licence and Type A Land Use Permit Applications (W2021L8-0002/W2021E0007)

File(s): W2021E0007 W2021L8-0002

Proponent: GNWT - INF (Infrastructure)

Reviewer Comments Due By: July 12, 2021

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Document(s)

Permit and Licence Applications

Support email from CGW

Maps

Engagement Record

Engagement Plan

Spill Contingency Plan

Waste Management Plan

Closure and Reclamation Plan

Hydrotechnical Study

Crossing Channel Description

DRAFT Permit

Draft Licence

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Yellowknives Dene First Nation	Gillis, Sarah	saraht@ykdene.com



July 8, 2021

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

Dear Ms. Pacunayen:

LUPA : W2021E0007 – GNWT - Department of Infrastructure
Type of Operation: Public Road Construction
Location: Whati Access Road

The Department of Lands, North Slave Regional Office reviewed Land Use Permit Application W2021E0007 and support the issuance of the permit.

On June 23, 2021, our Inspector Clint Ambrose, provided his comments and recommendations for your consideration, via the LWB Online Review System.

Comments received from the Mining Recorder's Office indicate no concerns.

Land Administration has no concerns.

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