

Review Comment Table

Board:	MVLWB
Review Item:	Mount Gaudet Access Road - Land Use Permit and Water Licence Applications (MV2020E0011 & MV2020L8-0009) - Process Paused due to Pending Info. from Proponent
File(s):	MV2020E0011 MV2020L8-0009
Proponent:	GNWT - INF (Infrastructure)
Document(s):	MV2020E0011 MV2020L0009 - GNWT-INF - MGAR -PDR -Oct 19 20 (6673 KB) MV2020E0011 MV2020L8-0009 - GNWT - INF -Traditional Knowledge - Oct 1 20 (5085 KB) MV2020E0011 - GNWT - INF - Land Use Permit Application - Oct 1 20 (479 KB) MV2020E0011 MV2020L8-0009 - GNWT - INF - MGAR Licence and Permit Application - Cover Letter - Oct 1 20 (325 KB) MV2020E0011 MV2020L8-0009 - GNWT - INF - Spill Contingency Plan - Oct 19 20new (6350 KB) MV2020E0011 MV2020L8-0009 - GNWT-INF - MGAR Project - Incomplete Application Letter - Oct 9 20 (235 KB) MV2020E0011 MV2020L8-0009 - GNWT -MGAR - Response to Incomplete Application Letter - Oct 15 20 (86 KB) MV2020E0011 MV2020L8-0009 - GNWT - INF - Engagement Plan and Record - Oct 1 20 (MV1159 KB) MV2020E0011 MV2020L8-0009 - GNWT - INF - Environmental Overview - Oct 1 20 (1865 KB) MV2020L8-0009 - GNWT - INF - Water Licence Application - Oct 1 20 (555 KB) MV2020E0011 MV2020L8-0009 - GNWT - INF - PKFN Letter of Support - Oct 1 20 (229 KB) MV2020E0011 MV2020L8-0009 - GNWT - INF - Quarry Permit Application and Additional Information - Oct 19 20 (12001 KB) MV2020E0011 - GNWT-INF- MGAR - Land Use Permit (Draft) (209 KB) MV2020L8-0009 - GNWT-INF -MGAR - Draft Water Licence (209 KB) MV2020E0011 MV2020L8-0009 - GNWT - INF - Waste Management Plan - Oct 19 20new (2353 KB)
Item For Review Distributed On:	Oct 23 at 17:17 Distribution List
Reviewer Comments Due By:	Nov 6, 2020
Proponent Responses Due By:	Nov 13, 2020
Item Description:	<p>(In the Interim, the review period for this file has been extended indefinitely pending submission of information from GNWT-INF.)</p> <p>The Government of the Northwest Territories – Department of Infrastructure (the Applicant) has submitted a complete application for a type A land use permit (permit) and a type B water licence (licence). The purpose of the Applications is the widening and conversion of a public winter road to an all-season road, and operation of quarry.</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</p>

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. 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.

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 note that confirmation of the Applicant's quarry permit is pending. The Board will not make a decision on the land use permit Application until the Applicant's eligibility has been confirmed.

A draft licence has been developed by Board staff 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 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.

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.

Contact Information:

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Comment Summary

GNWT - INF (Infrastructure) (Proponent)				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	<p>Comment (doc) GNWT-INF Extension Request for submission of response(s) to Parties comments.</p> <p>Recommendation</p>		
Fisheries and Oceans Canada: Triage Group Fisheries Protection Program				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	<p>Mount Gaudet Access Road - Type A Land Use Permit (MV2020E0011) & Type B Water Licence (MV2020L8-0009). 1) Potential relocation of Hodgson Creek Bridge approx. 1 km upstream of current location, or raising the bridge at its existing location to address problems of excess water and ice backup. 2) Ins</p>	<p>Comment DFO-FFHPP has reviewed the Proponent's application pursuant to its mandate to determine whether the project is likely to result in the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction (HADD) 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. The Project as described, may result in HADD or prohibited effects on listed aquatic species at risk, however more information is required. DFO recommends the applicant submit a Request for Review to DFO.</p> <p>Recommendation Please submit a Request for Review to DFO. 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</p>		

		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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GNWT - Lands - Dehcho Region: Danielle Rogers

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Mount Gaudet Access Road Project Description Report 4.2.2.2 Timber Cutting Licence	Comment States that a Timber Cutting Licence will be required to clear the ROW during construction. Recommendation A LUP allows you to clear land. Unless you plan on selling the timber that is cut you do not need a Timber Cutting Licence to clear the ROW.		
2	Mount Gaudet Access Road Project Description Report 5.4 Hodgson Creek Bridge	Comment States that a Permafrost and Erosion Plan will be submitted after receiving the Land Use Permit but prior to starting construction. Recommendation Inspectors recommend that the plan be submitted at least 60 days before construction begins.		
3	Mount Gaudet Access Road Project Description Report 7 Waste Management and Disposal	Comment States merchantable timber will be stacked along the side of the winter road or clearing, or will be handled as otherwise specified by the conditions of the LUP. Recommendation Clarify if you mean salvageable instead of merchantable. Inspectors request that the timber is placed in one designated area that is easily accessible for community members to get to.		
4	Spill Contingency Plan	Comment Draft Submission. Contractor will update once awarded contract. Recommendation Inspectors recommend that the plan be submitted at least 30 days before construction begins.		

GNWT - Lands - North Slave Region: Charlene Coe

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
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1	MV2020E0011	Comment (doc) Sse letter and attachment Recommendation Support issuance of permit		
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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	Comment (Submitted after Due Date) Conditions #53 to #57 listed in draft Land Use Permit are sufficient. Recommendation As an AIA study is only required in areas of high potential where disturbance is planned (as described in condition #57), the AIA condition (#58) is not required.		

MVLWB: Sean Joseph

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Management Plans	Comment Board staff note, as mentioned by the Applicant, that the Management Plans submitted for the Project would need to be updated once a contractor is selected and/or prior to commencement of the Project. Recommendation Board staff recommend that revised/updated versions of the following Management Plans address the following items in addition to the items the Applicant intends to address: Waste Management Plan Section 1.2 should include a definite "effective date" for the Plan based on the Project’s schedule/timelines; Section 2.2 appears to contain a “Reference-source link error” that should be corrected; Section 4, Table 4-1, should include columns for the		

		<p>projected quantities of various waste types that will be generated by the Project and the specific waste management company responsible for/retained to manage such waste;</p> <ul style="list-style-type: none">Appendix A should depict the locations/potential locations of waste storage/management facilities associated with the Project; andAppendix B - Community Waste Disposal Approval Letters and/or the pending Acceptance Agreement between GNWT and the Village of Fort Simpson should contain definite details related to the waste types and quantities that the Village of Fort Simpson has actually committed to accepting <p>Spill Contingency Plan</p> <ul style="list-style-type: none">A definite "effective date", based on the Project's schedule/timelines, should be included in the Plan;Table 2-1 should be updated to include details on the volume and location of all hazardous waste temporarily stored on site and noted by the Applicant;Section 7.1.3 should include details on the total number of spill kits and other spill response equipment that will be stationed at the Project site;Appendix A - Project Maps &ndash; should include details pertaining to the location(s) of spill kits and any spill response equipment; andDetails pertinent to procedure(s) for onsite fuel transfer should be included. <p>Quarry Management Plan</p> <ul style="list-style-type: none">Include concrete measures/procedures for managing blasting residue and controlling erosion. <p>&nbsp;</p>		
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2	Engagement	<p>Comment Board staff notes that there are several private land parcels situated within the vicinity of the Project’s footprint.</p> <p>Recommendation Board staff recommend that confirmation be provided on whether the owner(s) of the private land parcels situated within the vicinity of the MGAR Project, as shown in Figure 2-1 (Pages 1 of 6 and 5 of 6) - MGAR Project Overview, has/have been engaged to the fullest extent required;</p>		
3	Eligibility Requirement	<p>Comment Board staff note that when the application was submitted and Public Review initiated for the Project, confirmation of eligibility requirement for a Land Use Permit, as per section 18 of the <i>Mackenzie Valley Land Use Regulations</i> (MVLUR), was and continue to remain pending. </p> <p>Recommendation Board staff recommends that the Applicant provide confirmation that the relevant eligibility requirement is met as the Board’s mandate does not allow it to issue a Land Use Permit until such confirmation is received.</p>		
4	Infrastructure within Vicinity of Project’ Footprint	<p>Comment Section 5.3.4 and 5.3.5 of the Project Development Report (PDR) state that segments of the Project might pass within the vicinity of the Mackenzie Valley Fibre Line route and/or Enbridge Pipeline route to a lesser/slight extent.</p> <p>Recommendation Board staff recommend that a detailed set of procedures or guidelines be</p>		

		developed to ensure that the Project's activities do not interfere with/disturb these infrastructure or other critical infrastructure.		
5	Studies and Reports	<p>Comment Board staff notes that the Applicant has completed or is in the process of completing a number of studies/reports that are not necessarily required to support the Application package that is before the Board; nonetheless, staff believe that details/information contained in many of these studies will assist in providing a more holistic overview of the Project.</p> <p>Recommendation Board staff recommends that copies of the following studies be provided to the Board for information once completed and/or available: Wildlife Management and Monitoring Plan; Permafrost and Erosion Plan (PEP); Hydrological/Hyrotechnical studies; Geotechnical Assessment for Segments 1, 2a, 3a, and 4a; and Geotechnical Assessment-Segments 2b, 3b, 4b (where does not overlap with 4a) and Mount Gaudet Quarry &nbsp;</p>		

Pehdzeh Ki First Nation (Wrigley): Daniel Steiner

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	<p>Comment (doc) (Submitted after Due Date) PKFN's submission regarding Land Use Permit Application MV2020E0011 & Water Licence Application MV2020L8-0009 - GNWT Infrastructure - Mt. Gaudet Access Road</p> <p>Recommendation</p>		