

Reviewer Comments and Proponent Responses

Project: Hay River Terminal ESA Drilling
Board: Mackenzie Valley Land and Water Board
Proponent: Parsons Inc

File Number: MV2024X0019
Review Comments Due: July 11, 2024
Proponent Responses Due: July 18, 2024

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
Fisheries and Oceans Canada (DFO) - Ms. Anna-Maija LaFlamme					
1		DFO has reviewed the Hay River Terminal ESA Drilling: New Type A Land Use Permit Application, file number: MV2024X0019, in accordance with our mandate and have no comments at this time.	DFO has no recommendations at this time.		Noted.
Katlochee First Nation (KFN) - Carrie Breneman					
1	Communication	KFN has reviewed the Hay River Terminal ESA Drilling Submission. The purpose of this Application is to conduct geotechnical and geoenvironmental drilling, including the installation of groundwater monitoring wells in support of an Environmental Site Assessment at Imperial Oil's Hay River Terminal.	KFN would like to ensure that Parsons Ltd communicates the results of the groundwater monitoring program at Imperial Oil's Hay River Terminal.		The Board notes that Parsons has not responded to any comments.
GNWT-ECC - Environmental Regulatory Analyst					
1	GNWT-ECC no comment	The Department of Environment and Climate Change, Government of the Northwest Territories has no comments or recommendations for consideration of the Mackenzie Valley Land and Water Board, regarding Parsons Inc.'s application for a Type A land use permit to conduct geotechnical and geoenvironmental drilling, and the installation of groundwater monitoring wells. Should you have any questions or concerns, please do not hesitate to contact gnwt_ea@gov.nt.ca .	n/a		Noted.

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GNWT-Lands - Hay River Region - Jayda Robillard					
1,2	MV2024X0019 Parson Inc - Hay River Terminal ESA	The Inspector has reviewed the Land Use Permit Application and supporting documents.	The Inspector recommends the Land Use Permit be issued as applied for with the following changes to the draft LUP Conditions.		Noted.
3,4	26(1)(b) Time	Condition 3 - Initial Notification Contact Inspector. Please change the Inspector's phone numbers to (867) 875-2800 or (867) 875-2818.	CHANGE Inspector's phone number for Condition 3 Initial Notification Contact Inspector.		The Board has included the Inspectors phone numbers.
5,6	26(1)(b) Time	Condition 17 - Site Discovery and Notification. Please change the Inspector's phone numbers to (867) 875-2800 or (867) 875-2818.	CHANGE Inspector's phone number for Condition 17 Site Discovery and Notification.		The Board has included the Inspectors phone numbers.
7,8	26(1)(l) Security Deposit	The Inspector has completed the Security Estimate Calculator. The Security Estimate is attached.	The Inspector recommends a Security of \$2071.88 based on the information provided in the application.		The Board has completed their own estimate with the evidence submitted. A security has been set in the amount of \$2,454.38.
9,10	26(1)(m) Fuel Storage	Condition 25 - Maximum Fuel on Site. The Inspector notes that the volume of fuel contained in the equipment fuel tanks should not be considered as part of the stored volume of fuel associated with this land use operation. The application states that the equipment (including the tracked drill) will be fueled at a gas station. Typically during an active drilling program, the drill will not leave the site mid-operation to fuel up. A tidy tank may be used to fuel up the drill rig as required. In consideration of this, the Inspector has used a volume of 500L of fuel stored in a tidy tank in the security estimate for this project.	The Inspector is seeking clarification from the Proponent on whether a tidy tank may be used to refuel equipment during the land use operation.		The Board notes that Parson has not responded to any comments. The Board has completed their own estimate, this includes a volume of 500L of fuel stored on site in a tidy tank. A security has been set in the amount of \$2,454.38. Parsons is to refuel the drill on site and ensure they are using the appropriate spill mitigation measures.
Environment and Climate Change Canada (ECCC) - Jennifer Sabourin					
1	Topic: Project activities within migratory bird habitat and	The Migratory Birds Regulations (MBR) prohibit the disturbance or destruction of migratory birds and their nests or eggs.	ECCC recommends the proponent carry out all phases of the project in a manner that reduces risk to migratory birds and to avoid harming, killing or disturbing		The Board notes that Parsons has not responded to any comments.

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	<p>during nesting season</p> <p>Reference: - Application Form and Information; 8. Project Description; 16. Proposed Project Schedule and Term</p>	<p>The proponent has described activities occurring during September of 2024, but notes that this will be their first round of drilling activity and has applied for a five year land-use permit. Timelines for project activities beyond September 2024 were not provided. These future project activities may occur during the nesting season for migratory birds which extends from early May to late August for this region.</p> <p>Migratory birds, their nests and their eggs can be inadvertently harmed, killed, disturbed or destroyed because of many activities including, but not limited to, clearing of trees and other vegetation, draining or flooding land, or using fishing gear. Harming of individual birds, nests or eggs, can have long-term consequences for migratory bird populations in Canada, especially through the cumulative effects of many different incidences.</p>	<p>migratory birds or destroying, disturbing or taking their nests and eggs. Proponents should not conduct potentially destructive or disruptive activities at key locations or during key periods to avoid negative impacts to migratory birds. In this regard, the Proponent should take into account ECCC's Guidelines to Avoid Harm to Migratory Bird and visit Fact Sheet: Nest Protection Under the Migratory Birds Regulations, 2022 and Frequently Asked Questions, Migratory Birds Regulations, 2022 for more information on the amended Migratory Bird Regulations and updates to nest protections. See the provided links below.</p> <p>https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html</p> <p>https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/fact-sheet-nest-protection-under-mbr-2022.html</p> <p>https://www.canada.ca/en/environment-climate-change/services/migratory-bird-permits/faq-migratory-birds-regulations-2022.html</p>		
2	<p>Topic: Project activities in Bank Swallow habitat within its range</p> <p>Reference:</p>	<p>The Project falls within the breeding range of the Bank Swallow and may affect important habitat features for the species. The Bank Swallow, listed as Threatened under the Species at Risk Act (SARA), is a colonial species that nests in burrows dug into near vertical faces of exposed sand or soil. They also nest in aggregate pits, construction and/or mine sites on</p>	<p>ECCC recommends the proponent:</p> <p>a) Take precautions to avoid disturbance to nesting Bank Swallows;</p> <p>b) Ensure staff and contractors are made aware of potential presence and conservation status of the Bank Swallow;</p>		<p>The Board notes that Parsons has not responded to any comments.</p>

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	<p>-Application Form and Information; 4. Location of Activities</p>	<p>stockpiles of quarry materials, overburden, and exposed soil banks. The Bank Swallow exhibits high nest site fidelity and will reuse nesting sites and burrows. The residence description for the Bank Swallow is available on the SARA registry here: https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/residence-descriptions/bank-swallow.html. Excavation, construction activities and application of erosion control measures in these areas during the nesting period can inadvertently kill or disturb Bank Swallows, destroy their residence or critical habitat, and may also affect other migratory bird species.</p>	<p>c) Prevent Bank Swallows from nesting in areas where operations will be carried out during the breeding season by contouring piles to have slopes of less than 70 degrees prior to their arrival in the spring and by creating suitable nesting habitat in inactive areas with vertical faces of at least 70 degrees; and</p> <p>d) Take particular care in selecting erosion prevention and control measures and implement those measures prior to the nesting season.</p> <p>Proponents are encouraged to consult the attached pamphlet and contact ECCC (cwsnorth-scfjord@ec.gc.ca) for further advice.</p>		
3	<p>Topic: Project activities in Barn Swallow habitat within its range</p> <p>Reference: -Application Form and Information; 4. Location of Activities</p>	<p>The Project falls within the breeding range of the Barn Swallow and may affect important habitat features for the species. The Barn Swallow, listed as Threatened under SARA, nests on vertical surfaces beneath overhangs on buildings, bridges, culverts and other structures. They nest in close proximity to open habitats such as farmlands, wetlands, roads and/or large forest clearings. The Barn Swallow exhibits high nest site fidelity and dependence on existing structures for nesting. The residence description for the Barn Swallow is available on the SARA registry here:</p> <p>https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/residence-descriptions/barn-swallow.html.</p>	<p>ECCC recommends the proponent:</p> <p>a) Take precautions to avoid disturbance to nesting Barn Swallows; and</p> <p>b) Ensure staff and contractors are made aware of potential presence and conservation status of the Barn Swallow.</p> <p>Proponents are encouraged to contact ECCC (cwsnorth-scfjord@ec.gc.ca) for further advice.</p>		<p>The Board notes that Parsons has not responded to any comments.</p>

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4	<p>Topic: Contamination of water bodies</p> <p>Reference: - Application Form and Information; 13. Fuel - Spill Contingency Plan</p>	<p>Fuel, oil, contaminated soils and/or other hazardous materials may be stored, handled or transported near a water body that may be used by birds. The proponent plans to conduct work outside of the typical nesting period for migratory birds in the area (early May to late August), however, migrant bird species may be present in the area beyond the nesting period.</p> <p>ECCC advises the proponent that section 5.1 of the Migratory Birds Convention Act prohibits persons from depositing substances harmful to migratory birds in waters or areas frequented by migratory birds or in a place from which the substance may enter such waters or such an area.</p>	<p>ECCC recommends the proponent ensure their employees and contractors are made aware of plans and commitments related to storing, handling and transporting of petroleum products and other hazardous substances and take all necessary precautions to prevent spills.</p>		<p>The Board notes that Parsons has not responded to any comments.</p>
5	<p>Topic: Oil Spills and other pollution incidents</p> <p>Reference: - Spill Contingency Plan</p>	<p>There is a potential for large release of pollutants into freshwater lakes and rivers where birds may congregate. The proponent plans to conduct work outside of the typical nesting period (early May to late August) for migratory birds in the area, however, migrant bird species may be present in the area beyond the nesting period.</p> <p>Migratory birds are particularly vulnerable to pollution incidents (e.g. oil spills, etc.) in their feeding areas. Proponents should determine what steps would be taken to mitigate the impacts of pollution incidents on migratory birds and their important habitats.</p> <p>Having this information outlined and available not only benefits wildlife, but also gives clear direction to staff and contractors on what to do during a pollution incident if wildlife is nearby.</p>	<p>ECCC recommends the proponent incorporate into existing emergency response plans:</p> <ul style="list-style-type: none"> a) Steps to protect wildlife (including migratory birds) in the event of a pollution incident and keep wildlife out of contaminated areas; b) Equipment and resources available for incident response; and c) Measures to take if wildlife does come in contact with the released pollutants. 		<p>The Board notes that Parsons has not responded to any comments.</p>

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6	<p>Topic: ECCC Contact Information</p> <p>Reference: - Application Form and Information; 17. Potential Environmental Impacts of the Project and Proposed Mitigations; Terrestrial Wildlife Habitat</p>	<p>Under the Land Use Permit application's section on Terrestrial Wildlife Habitat, subsection Human-wildlife conflicts, the proponent has not identified ECCC as a contact for instances involving migratory birds.</p> <p>ECCC has management responsibilities for migratory birds under the Migratory Birds Convention Act (MBCA). ECCC should be contacted in instances involving interactions and incidents involving the potential disturbance of individuals or nests and any mortality events of these species.</p>	<p>ECCC recommends the proponent notify ECCC's Canadian Wildlife Service (cwsnorth-scfjord@ec.gc.ca) for instances involving interactions and incidents involving the potential disturbance of individuals or nests and any mortality events of these species.</p>		<p>The Board notes that Parsons has not responded to any comments.</p> <p>Parsons is required to contact ECCC Canadian Wildlife Service if there are any instances/incidents involving interactions and/or disturbances involving migratory birds.</p>
7	Cover Letter	Cover Letter	N/A		Noted.



July 11th, 2024

Andrea Cleland
Regulatory Specialist
Mackenzie Valley Land and Water Board
4922 - 48th Street
Yellowknife NT, X1A 2P6

Dear Andrea Cleland,

RE: Hay River Terminal ESA Drilling New Type A Land Use Permit Application

The Department of Environment and Climate Change, Government of the Northwest Territories has no comments or recommendations for consideration of the Mackenzie Valley Land and Water Board, regarding Parsons Inc. complete application for a Type A land use permit to conduct geotechnical and geoenvironmental drilling, and the installation of groundwater monitoring wells.

Should you have any questions or concerns, please do not hesitate to contact gnwt_ea@gov.nt.ca.

Sincerely,

Shakita Jensen
Environmental Regulatory Analyst
Environment Impact Assessment
Department of Environment and Climate Change

Land Use Permit Security Worksheet

Application Number: MV2024X0019 - Parsons Inc - Hay River Imperial Oil

Input
Amount Multiplier

Camp (C1)			
Temporary Structures		DRAFT	
Input number of tent frames or weatherhaven (3.5m x 4.2m)	0	\$200.00	\$0.00
Input number of trailers (3.5m x 15.2m)	0	\$300.00	\$0.00
Input total square metres of other temporary structures (i.e. core shacks)	0	\$2.50	\$0.00
Fixed Structures			
Input total square metres of fixed structures	0	\$25.00	\$0.00
Solid Waste		COPY	
For non-burnable material, input # of person days per season	0	\$1.00	\$0.00
For burnable material, input # of person days per season	0	\$0.50	\$0.00
Total C1			\$0.00

Regulated / Hazardous Materials (R1)			
Based upon on site volume			
Explosives; up to 500 kg (~pallet) dry explosives input 1, if none, input 0	0	\$500.00	\$0.00
Additional Explosives; input total kg >500	0	\$0.50	\$0.00
Drilling Muds (oil based); enter number of 63 m ³ (or equivalent) containers	0	\$1,000.00	\$0.00
Used Oil, Lubes and Antifreeze: enter number of pieces of heavy equipment	2	\$500.00	\$1,000.00
Other;			

Total R1			\$1,000.00

Hydrocarbon Storage and Transfer (H1)			
Based upon on site volume			
Gasoline and Diesel			
Enter total volume of gasoline&diesel <25,000 L	500	\$0.50	\$250.00
Enter total volume of gasoline&fuel > 25,000 L		\$0.25	\$0.00
Total Gasoline and Diesel			\$250.00
When fuel is within bermed site or has other safety feature, enter 1, otherwise enter 0	0	25%	\$0.00
Aviation Fuel			
Enter total volume of aviation fuel < 25,000 L	0	\$0.50	\$0.00
Enter total volume of aviation fuel > 25,000 L	0	\$0.25	\$0.00
Total Aviation Fuel			\$0.00
When fuel is within bermed site or has other safety feature, enter 1, otherwise enter 0	0	25%	\$0.00
Total H1			\$250.00

Land Disturbance (L1)			
Disturbed Surface Area			
<i>(Developed surface area that may require restoration through the use of scarification, reseeding, fertilizing or other similar techniques)</i>			
Enter number of hectares disturbed	0	\$1,000.00	\$0.00
Other Land Disturbances			
Creek Crossings; enter number of creek crossings	0	\$500.00	\$0.00
Off-Road Activities; if any activities are likely, enter 1	0	\$500.00	\$0.00
Sump Factor; enter total area occupied by sumps in m ²	0	\$10.00	\$0.00
Well Factor; enter number of wells.	0	\$25,000.00	\$0.00
Total L1			\$0.00

Land Use Permit Security Worksheet (continued)

Application Number:	Input Amount	Multiplier
Equipment (E1)		
Based upon type of equipment		
Enter number of pieces of heavy equipment (i.e. dozer, forklift, large gensets)	1	\$1,000.00 \$1,000.00
Enter number of drills	1	\$1,000.00 \$1,000.00
Enter number of light vehicles (trucks, atvs, snowmobiles, boats)	0	\$250.00 \$0.00
Enter number of small generators or pumps	0	\$100.00 \$0.00
Enter number of empty fuel storage tanks	0	\$500.00 \$0.00
Total E1		\$2,000.00

Security Calculation		
Preliminary Calculation		
Enter amount from C1		\$0.00
Enter amount from R1	DRAFT COPY	\$1,000.00
Enter amount from H1		\$250.00
Enter amount from L1		\$0.00
Enter amount from E1		\$2,000.00
Preliminary Calculation, total of above		A
Multipliers		
Site Access Multiplier. If the project has all weather road access enter 1, if ice road access enter 1.5, if air access enter 2	B	1
Performance Multiplier. If applicant has succssfully completed the terms of a LUP enter 0.85, otherwise enter 1	C	0.85
Environmental Risk Factor. If location has high environmental value or unusual environmental risk enter 2. If location is previously disturbed enter 0.75. Otherwise enter 1.	D	0.75
Calculated Security		
Multiply preliminary calculation (A) by performance multipliers (B, C and D)	E	\$2,071.88
Existing Securities		
List existing associated permits and amount of overlapping security		
Permit: _____		
Permit: _____		
Permit: _____		
Permit: _____		
Overlapping Securities, total of above	F	\$0.00
Final Security Determination		
Subtract overlapping securities (F) from calculated security (E)		\$2,071.88

Comments
Max 500 litres of fuel stored in tidy tank will be on site; calculated into security.
Note: LUP Application only referenced fuel tank capacity of equipment. Fuel tank capacity of equipment is not calculated in security worksheet. No mention of tidy tank being used to fill Mobile B54x Tracked Drill during active drill program. Applicant to confirm tidy tank fuel storage.

Environmental Protection Operations Directorate
Prairie & Northern Region
5019 52nd Street, 4th Floor
P.O. Box 2310
Yellowknife, NT X1A 2P7

ECCC File: 5100 000 0036/010
MVLWB File: MV2024X0019



July 11, 2024

via online review system

AlecSandra Macdonald
Regulatory Specialist
Mackenzie Valley Land and Water Board
7th Floor, 4922 48th Street
P.O. Box 2130
Yellowknife, NT X1A 2P6

Dear AlecSandra Macdonald:

RE: MV2024X0019 – Imperial Oil Limited – Hay River Terminal ESA Drilling – New Type A Land Use Permit Application

Environment and Climate Change Canada (ECCC) has reviewed the information submitted to the Mackenzie Valley Land and Water Board (MVLWB) regarding the above mentioned Type A Land Use Permit Application.

ECCC provides expert information and knowledge to project assessments on subjects within the department's mandate, including climate change, air quality, water quality, biodiversity, environmental preparedness and emergencies. This work includes reviewing proponent characterization of environmental effects and proposed mitigation measures. We provide advice to decision-makers regarding a proponent's characterization of environmental effects, the efficacy of their proposed mitigation activities, and may suggest additional mitigation measures. Any comments received from ECCC in this context does not relieve the proponent of its obligations to respect all applicable federal legislation.

If you need more information, please contact Jennifer Sabourin at Jennifer.Sabourin@ec.gc.ca.

Sincerely,

Jennifer Sabourin
Acting Senior Environmental Assessment Officer

cc: Melissa Pinto, Acting Head, Environmental Assessment North (NT and NU)

