



Sahtu Land and Water Board

Staff Report

Division: Land and Water Program	Report No.: 4
Date Prepared: May 11, 2018	File No.: S17X-004 & S17L8-003
Meeting Date: May 28, 2018	
Subject: Engagement Plan (Version 2.0) for the Norman Wells Airport Property Landfarm submitted by Transport Canada, Prairie and Northern Region - Environmental Services, Contaminated Sites for Board approval.	

1. Purpose/Report Summary

The purpose of this Report is to present to the Sahtu Land and Water Board for consideration:

- Engagement Plan – Version 2.0;
- Summary of stakeholder review comments and Proponent responses.

2. Background

- October 18, 2017** – Transport Canada, Prairie and Northern Region – Environmental Services, Contaminated Sites (TC) submitted an Engagement Letter outlining their proposal to install new groundwater monitoring wells at the Norman Wells Airport, Land Treatment Unit and application for a Land Use Permit;
- November 8, 2017** – TC submitted their Engagement Record and Plan Version 1.0;
- December 5, 2017** – Type A Land Use Permit S17X-004 was issued to TC for installation (drilling) of three (3) groundwater monitoring wells around an existing Hydrocarbon Soil Contaminated Soil Treatment Facility (Landfarm) within municipal boundaries at the Norman Wells Airport. Type B Water Licence S17L8-003 was also issued and associated with the operation, maintenance, closure and reclamation of the Landfarm;
- April 12, 2018** - the Sahtu Land & Water Board (SLWB or Board) received a revised Engagement Plan (Version 2.0) and an updated consultation letter with groundwater well installation location map;
- April 13, 2018** - Review packages were sent out electronically to members of the Tulita District Distribution List using the Online Review System with a request for comments by **May 8, 2018**;
- May 8, 2018** – Reviewer comments received and deadline;
- May 15, 2018** - Proponent response deadline and received; and
- May 28, 2018** - Presentation to the Board for decision.

3. Discussion

3.1 Project Overview

As previously described in [Staff Report 1](#) (Application Review), in 2003 Transport Canada commissioned construction of a Land Treatment Unit (Hydrocarbon Contaminated Soil Treatment Facility or Landfarm) as part of a remediation project associated with divestment of the Norman Wells Airport property to the Government of the Northwest Territories. The supporting documentation submitted with the November 14, 2017 water licence application provided information related to the construction and maintenance of the Landfarm with limited details on the progress of treatment of the hydrocarbon contaminated soil. The Landfarm will be undergoing decommissioning once the soil quality meets the applicable criteria. Treated soils will be deposited at the site and re-graded.

Transport Canada has submitted Version 2.0 of its **Engagement Plan** for the Norman Wells Airport Hydrocarbon Contaminated Soil Treatment Facility (Landfarm) Project in accordance with Board Direction in the December 5, 2017 Issuance Letter for Licence S17L8-003 and Permit S17X-004:

The Board requires immediate submission of an Engagement Plan and Record; which considers the “life of project” and meets the basic requirements of the Board’s Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits (2014) for approval by February 5, 2018.

An extension of the submission deadline of February 5, 2018 to April 16, 2018 had been granted by Board staff on March 12, 2018. This submission requires Board approval.

3.2 Process Requirements

TC submitted a revised [Engagement Plan \(Version 2.0\)](#) in accordance with Part B (General Conditions), Condition 12 of License [S17L8-003](#) which states:

The Licensee shall act in accordance with the Engagement Plan submitted to Board on November 8, 2017, once approved.

Of the 31 organizations to which the plan was distributed, seventeen (17) are represented within the Sahtu Settlement Area. Review comments were received from:

- GNWT – Department of Environment and Natural Resources (ENR); and
- Sahtu Renewable Resources Board (SRRB).

4.0 Comments

Board staff have completed a conformity check of the Engagement Plan and Record (Version 2.0) against the Board’s *Engagement and Consultation Policy* (the Policy) and the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits* (the Guidelines). As a result of this conformity check (Table 1), Board staff have recommended that the Plan meets the criteria of the policy.

Table 1: Conformity Table, Assessment of Engagement Plan (The Policy, Appendix B)

Engagement Criteria	Board Assessment
Who was engaged?	Appropriate affected Aboriginal organizations/governments and other affected parties have been contacted;

	There have been reasonable responses and engagement from the affected parties.
Timing of engagement	Engagement was initiated through the issuance of a letter of notification on October 18, 2017. An updated letter of notification with a brief summary of planned sampling and maintenance activities at the LTU was provided to all affected parties by e-mail/mail as applicable on March 14, 2018. This follow-up notification also briefly discussed and included a map of the installation of the three new monitoring wells that occurred in January 2018 and a summary of the proposed decommissioning work for 2018 at the site.
Achieved results	All relevant documents have been shared with affected communities; The Engagement Plan reflects Board's policy; All responses from affected Aboriginal groups have been noted and included in the record; Applicant has a dispute resolution protocol/process; Applicant has responded to community concerns and noted actions taken to address concerns raised.

In addition to the Policy assessment tool, the Engagement Guidelines outlines six (6) components that an Engagement Plan must satisfy in order to be considered complete. Board staff has conducted a conformity check to ensure the Plan satisfies these requirements (Table 2).

Table 2: Conformity Table, Engagement Guidelines Requirements

Engagement Plan Must Have's:	How TC's Engagement Plan satisfies these requirements:
1. Describe the goals and methods of engagement;	<p>This Plan presents the proposed engagement process that will allow Public Services and Procurement Canada (PSPC) to identify and resolve any concerns that may arise as a result of the planned work.</p> <p>Methods of engagement are described and include:</p> <ul style="list-style-type: none"> • issuance of a letter of notification; • Acknowledgement of Engagement Letter invites affected parties to identify any questions or concerns they may have regarding the undertaking; • teleconference call with representatives from PSPC and BluMetric, where project specifics can be discussed and also provided in writing upon request; • At any time the affected parties may provide feedback in writing (mail, email or fax) or in

	direct calls with the project contacts
2. Outline a frequency of engagement that allows for relevant and timely information sharing;	TC's Engagement Plan describes three triggers that would require engagement to take place throughout the life of the project.
3. Establish a process that allows the affected party to raise concerns on issues;	The purpose for each engagement trigger is described.
4. Allow opportunities for, when appropriate, community meetings to take place to be inclusive of perspectives from all sectors of the community, including women, youth, and Elders;	N/A
5. Ensure the proponent has procedures in place to understand and respond to issues as they arise; and	TC has a feedback and evaluation process to ensure all concerns are addressed and inform decision making.
6. Provide the opportunity for relationships to be built proactively, not just when issues occur	Any questions or concerns that may arise during the implementation of the undertaking can be directed to the project contact at Transport Canada or BluMetric through mail, email or fax or in direct calls.

5. Other Agency Comments

The application was distributed to members of the Tulita District Distribution List; which includes 31 review organizations, requesting a reply by March 6, 2018. Two (2) organizations responded and recommendations provided by the Reviewers are attached and include:

- Government of Northwest Territories – Environment and Natural Resources (ENR):
 - The Department of Environment and Natural Resources (ENR), Government of the Northwest Territories has reviewed the plan 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.
- Sahtu Renewable Resources Board (SRRB):
 - No comments or recommendations at this time.

There were no comments or recommendations from reviewers for the proponent to respond to.

6. Conclusion

The revised Engagement Plan (Version 2.0) submitted by BluMetric Environmental on behalf on Transport Canada satisfies the requirements of the Board's *Engagement and Consultation Policy* (the Policy) and the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits* (the Guidelines).

There were no significant reviewer comments recommending further revisions to the Plan.

7. Recommendation

Board staff recommend that the Board proceed with the regulatory process and approve the Engagement Plan, Version 2.0.

8. Attachments

- 8.1 Review Comment Table
- 8.2 Draft Approval Letter

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bonnie Bergsma", with a long horizontal flourish extending to the right.

Bonnie Bergsma
Regulatory Specialist