

Reviewer Comments and Proponent Responses

Project: Norman Wells Goose to Bear Island File Number: S24A-005
 Board: Sahtu Land and Water Board Review Comments Due: August 20, 2024
 Proponent: Imperial Oil Resources N.W.T. Proponent Responses Due: August 30, 2024
NOTE: September 25, 2024 Update: The Sahtú Secretariat Inc. (SSI) is referring the Norman Wells Goose to Bear Island Flowline Replacement Project to Environmental Assessment (EA), as outlined in the September 24, 2024 letter to the Mackenzie Valley Review Board. The SLWB

Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
GNWT - Environment and Climate Change - Environmental Regulatory Analyst	1	GNWT-ECC Cover Letter	<p>The Department of Environment and Climate Change, Government of the Northwest Territories has reviewed the application at reference based on its mandated responsibilities under the <i>Waters Act</i> and has provided comments and recommendations for consideration of the Sahtu Land and Water Board.</p> <p>For any technical questions, please contact Bill Pain, Environmental Management Scientist with the Regulatory and Permitting Division at Bill_Pain@gov.nt.ca.</p> <p>Should you have any general questions or concerns, please do not hesitate to contact gnwt_ea@gov.nt.ca.</p>	N/A	N/A
GNWT - Environment and Climate Change - Environmental Regulatory Analyst	2	Security	<p>Imperial Oil Resources N.W.T. Limited (Imperial) has submitted an application for a type B water licence and a type A land use permit to install flowlines using Horizontal Directional Drilling (HDD) between Goose and Bear Islands, located in the Mackenzie River at Norman Wells, NT. Imperial has requested that security not be held for this water licence (S24L1-002) as part of the application, stating it will be included in the main site's security associated with Water License S13L1-007. GNWT-ECC supports this request as the overall security for S13L1-007 will be reviewed as part of the upcoming license renewal, including for this site (Goose to Bear Island Flowline Replacement). However, it should be noted that due to the need for a water licence and land use permit, a RECLAIM estimate should be used to calculate the required security rather than the land use calculator tool.</p>	GNWT-ECC supports Imperial's request that security for this activity be held under the main site's water licence (S13L1-007). Due to the limited scope of work and amount currently held under S13L1-007, GNWT-ECC does not see the need for additional security to be posted at this time. However, security for the overall project should be reviewed as part of the licence renewal, which is expected later this year.	Recommendation noted.
Environment and Climate Change Canada (ECCC) - Mr. Russell Wykes	1	Project Activities (Clearing) Within Migratory Bird Habitat During Nesting Season <u>Reference:</u> Environmental Protection Plan Environmental Indicators Table	<p>The Proponent indicates that vegetation clearing or brushing may be required during the general nesting period as part of project activities and has committed to avoiding disturbing or destroying active nests. The best method to avoid disturbing and destroying active nests is to not conduct harmful activities during the breeding season, which is recorded in the Environmental Protection Plan as May 7 to August 10.</p> <p>The Project is located in Nesting Zone B8. In this area, migratory birds may be found nesting from early May until late August. It is important to note that nesting periods may vary from year to year due to climatic conditions and some species may nest outside the dates provided if conditions are favourable.</p> <p>If there are occupied migratory bird nests where work is planned, activities that could disturb or destroy nests should be avoided, adapted, rescheduled or relocated.</p> <p>Determining the presence of nesting migratory birds may help reduce risks, but active nest searches are not recommended as the ability to detect nests is very low while the risk of disturbing and/or damaging active nests is high.</p> <p>As detailed in ECCC's Guidelines to Avoid Harm to Migratory Birds, nest surveys to determine nest occupancy may only be appropriate when all these conditions are met:</p> <ul style="list-style-type: none"> •Conducted by skilled and experienced observers; •Using appropriate methodology; •Only a few nesting spots or a small community of migratory birds is expected; and •The activities will take place in simple habitats. <p>Proponents are reminded that migratory bird species may nest on the ground, in ground cavities, in grasses, shrubs, cliffs, trees, tree cavities and other sites and that nest sites are often cryptic or camouflaged, making them difficult to locate.</p>	<p>ECCC recommends the Proponent adjust the project timelines for clearing to be later than August 10; the general nesting period extends from early May until late August for this region.</p> <p>The Proponent must consider options such as avoiding, adapting, rescheduling or relocating activities. If a nest containing a migratory bird or egg is discovered/disturbed, the Proponent must:</p> <p>a) Halt all disruptive activities in the nesting area until nesting is complete and the young have fledged; and</p> <p>b) Establish a protective buffer zone around the nests. The buffer zone must be determined by a setback distance appropriate for the species, the intensity of the disturbance, and the surrounding habitat until the young have naturally and permanently left the vicinity of the nest. Proponents are encouraged to follow the guidance on ECCC's Guidelines to Avoid Harm to Migratory Birds.</p> <p>For further questions or technical information, please contact ECCC (cwsnorth-scfjord@ec.gc.ca).</p>	<p>The recommendation is noted. The existing schedule has planned brushing activities occurring in April in order to avoid the start of nesting season. If changes to the schedule become necessary, Imperial will follow the ECCC's guidelines to avoid harm to migratory birds.</p>

Environment and Climate Change Canada (ECCC) - Mr. Russell Wykes	2	<p>Project activities in Bank Swallow habitat within its range</p> <p>Reference: Environmental Protection Plan Environmental Indicators Table</p>	<p>The Project falls within the breeding range of the Bank Swallow and may affect important habitat features for the species.</p> <p>The Bank Swallow, listed as Threatened under 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 construction sites on 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.</p> <p>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>ECCC recommends the Proponent: a)Take precautions to avoid disturbance to nesting Bank Swallows; b)Ensure staff and contractors are made aware of potential presence and conservation status of the Bank Swallow; 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 d)Take particular care in selecting erosion prevention and control measures and implement those measures prior to the nesting season. Proponents are encouraged to consult the attached Brochure "Bank Swallow (Riparia riparia) in sandpits and quarries" and contact ECCC (cwsnorth-scfnd@ec.gc.ca) for further advice.</p>	<p>The recommendation is noted and welcomed. Imperial will undertake the measures to minimize potential effects on Banks Swallows.</p>
Environment and Climate Change Canada (ECCC) - Mr. Russell Wykes	3	<p>Storage of Attractants</p> <p>Reference: Environmental Protection Plan Environmental Indicators Table</p>	<p>The Proponent indicates that petroleum-based chemicals (e.g. fuels, oils) may be kept on site.</p> <p>Petroleum-based chemicals (e.g. greases, gasoline, glycol-based antifreeze) can attract predators of migratory birds such as foxes, ravens, gulls and bears. Although these animals may initially be attracted to the novel food sources, they often will also eat eggs and young birds in the area. These predators can have significant negative effects on the local bird populations.</p>	<p>ECCC recommends the Proponent make food, domestic wastes and petroleum-based chemicals (e.g. greases, gasoline, glycol-based antifreeze) inaccessible to wildlife at all times.</p>	<p>Imperial will follow the same practices used across the operation to minimize accessibility of attractants to wildlife.</p>
Environment and Climate Change Canada (ECCC) - Mr. Russell Wykes	4	<p>ECCC Contact Information</p> <p>Reference: Environmental Protection Plan Environmental Indicators Table</p>	<p>The Proponent has provided an Environmental Protection plan but has not identified ECCC as a contact for instances involving migratory birds.</p> <p>ECCC has management responsibilities for migratory birds under the <i>Migratory Birds Convention Act</i> (MBCA). ECCC should be contacted in instances involving:</p> <ul style="list-style-type: none"> •Interactions and incidents involving the potential disturbance of individuals or nests and any mortality events of these species; •Wildlife monitoring reports and annual reports that pertain to these species; and •Updates to wildlife management and monitoring plans, or their equivalents, in relation to these species. 	<p>ECCC recommends the Proponent notify ECCC's Canadian Wildlife Service (cwsnorth-scfnd@ec.gc.ca) for instances involving:</p> <p>a)Interactions and incidents involving the potential disturbance of individuals or nests and any mortality events of migratory birds; b)Wildlife monitoring reports and annual reports that pertain to these species; and c)Updates to wildlife management and monitoring plans, or their equivalents, in relation to these species.</p>	<p>Imperial will add the CWS to the notification list.</p>
Environment and Climate Change Canada (ECCC) - Mr. Russell Wykes	5	<p>Important Bird Area</p> <p>Reference: Environmental Protection Plan Environmental Indicators Table</p>	<p>Although the project area is within the Norman Wells Operation (NWO) site, the project site and the Mackenzie River overlap with Important Bird Area (IBA) NT081.</p> <p>In this area, waterfowl stop over on the Middle Mackenzie River islands during spring migration, including Snow Goose, Greater White-fronted Goose, Canada Goose, Tundra Swans, and many duck species.</p> <p>Work near this site includes drilling; this may have impacts due to noise, dust or other sensory disturbances, and exposure to toxic or hazardous substances.</p> <p>The Proponent should take a conservative approach and avoid disturbance in these areas between the start of May and end of August. It is important to note that breeding periods may vary from year to year due to climatic conditions and some species may nest outside the general nesting season from early May to late August provided if conditions are favorable.</p>	<p>In these locations, disturbance activities such as drilling/excavating should be avoided between the start of May and the end of August. Proponents are encouraged to follow the guidance on ECCC's Guidelines to avoid harm to migratory birds.</p>	<p>The work areas are scheduled to be brushed in April 2025, prior to the nesting season. Imperial notes that service rigs and other industrial activity occur across the site throughout the year. The current schedule for the HDD installation has been established to minimize the amount of time required for the installation and during and period of the year that maximizes worker safety.</p>
CIRNAC (Yellowknife) - Megan Larose	1	<p>Environmental Interactions Table - Pre-disturbance Assessment</p>	<p>In the Environmental Interactions Table, one of the mitigations identified for soil and soil productivity, vegetation, and wildlife and wildlife habitat is to conduct pre-disturbance assessments to identify environmental features in and adjacent to the disturbance footprint prior to commencement of construction. The proposed project schedule suggests that equipment will arrive to site in February, brushing is anticipated to begin in April, pipeline stringing and welding in May, and drilling activities are expected to occur June through August. It is not clear when the pre-disturbance assessments would occur for the components listed, or if perhaps they have already taken place.</p>	<p>Identify when the pre-disturbance assessments would occur for soil and soil productivity, vegetation, and wildlife and wildlife habitat in relation to the proposed project schedule if disturbance will begin in April 2025.</p>	<p>Surveys are anticipated to take place in the fall of 2024.</p>

CIRNAC (Yellowknife) - Megan Larose	2	Environmental Protection Plan - Turbidity Monitoring	Section 5.5 of the Environmental Protection Plan includes reference to the development of a turbidity monitoring plan prior to construction. The Inadvertent Fluid Release Contingency Plan (Appendix B2 of the Environmental Protection Plan) also refers to the turbidity monitoring plan. Limited details are provided regarding the contents of the plan. Reference is made to communication/notification requirements if there are changes in turbidity levels or if there is an exceedance of specified turbidity levels; however, no indication is given as to what those levels may be or what actions may be required once an exceedance is observed.	It is recommended that the turbidity monitoring plan be provided to the SLWB for review and approval prior to proceeding with construction.	Within the CER application process for the replacement activities, Imperial has committed to developing a turbidity monitoring plan in partnership with interested communities. Once completed, Imperial can provide that turbidity monitoring plan to the SLWB prior to construction. Imperial would like to highlight that the use of HDD for the replacement activities should have no effect on turbidity during execution unless there was an overland spill or loss of circulation during drilling (clay based drilling mud). Should such an unplanned release occur, the background turbidity levels of the river must be taken into consideration with comparisons to samples collected upstream when attempting to detect any changes downstream. Background turbidity levels will fluctuate with the season.
CIRNAC (Yellowknife) - Megan Larose	3	Environmental Protection Plan - Clean-up and Restoration - Post-construction Environmental Monitoring	Section 5.7 of the Environmental Protection Plan describe post-construction environmental monitoring activities for the proposed project. Item 121 indicates that site visits will occur in the spring and late summer to document erosion, subsidence or soil slumping, ponding water, vegetation conditions, and debris or waste materials. Item 122 indicates that deficiencies are to be documented and corrective action plans developed and implemented to address noted deficiencies. No detail is provided regarding what metrics are to be monitored specific to these components, what criteria will be used to determine that clean-up and restoration have been adequately completed, or how long post construction monitoring will take place. It is acknowledged that this project will become part of the broader Norman Wells operation interim closure and reclamation plan; however, additional details regarding plans for post-construction monitoring of the disturbance areas resulting from the line 490 replacement assist in tracking progress made specific to this project and in advance of the broader plans for closure of the Norman Wells operation.	Provide a more detailed post-construction environmental monitoring plan specific to the line 490 replacement that defines what successful clean-up and restoration looks like, how it will be monitored and potential options in the event deficiencies are noted.	The work areas are along a section of an existing and what will continue to be an operating flowline right-of-way. They are a component of the continued NWO. Similar to the Geotech land use permit (S245-003), at end of drilling the areas will be clean of debris and reclamation will be incorporated as part of the active NWO because these locations are along an active right of way. Across the NWO, Imperial develops corrective action plans based on the circumstances present at a particular location.
CIRNAC (Yellowknife) - Megan Larose	4	Equipment List	The land use permit application provides a list of equipment that will be required for the line 490 replacement. The introductory text for the Environmental Interactions Table also includes a list of construction equipment. There are a few differences noted between the two lists, for example a crane, lowboy trailers and welding trucks are not specifically referenced in Section 12 of the land use permit application. It is not clear if these types of equipment would be required or not.	Confirm that section 12 of the land use permit application contains all equipment anticipated to be required for the project.	Imperial will continue to review this list as engineering and project planning work continues and as contractors are selected to ensure it is accurate and updated.
CIRNAC (Yellowknife) - Megan Larose	5	Environmental Protection Plan - Hydrostatic Testing	Section 5.6 Item 114 of the environmental protection plan indicates that hydrostatic test water will be sampled in accordance with Canadian Council of Ministers of the Environment (CCME) Canadian Water Quality Guidelines and either discharged over land if guidelines are met or disposed of. No additional information is provided regarding what disposal options may be considered. The land use permit application indicates that water used for hydrostatic testing will be either stored and reused and/or produced through the existing flowline system and managed back at the Central Processing Facility. The application also states that there are no planned discharges to water or overland. Confirm consistency in commitments made in the application documents and the environmental protection plan.	Imperial to confirm the plans for hydrostatic test water storage and disposal, and if necessary, revise the environmental protection plan.	Hydrostatic test water will be stored in tanks or trucks and be disposed of in the NWO injection well. The EPP will be updated to address the inconsistency.
Fisheries and Oceans Canada (DFO) - Nicholas Wasilik	1	Norman Wells Goose to Bear Island Flowline Replacement	Fisheries and Oceans Canada has reviewed the submission and has no comments at this time.	Fisheries and Oceans Canada has no recommendations at this time.	Thank-you for the review.

Yamoga Land Corporation - Edwin Erutse	1	Line 490 Replacement Project	Please see attached submissions.	Please see attached submissions.	A letter in reponse to the July 17, 2024 K'ahsho Got'ine Committee letter was submitted by Imperial on July 30, 2024 to the SLWB via email.
Yamoga Land Corporation - Edwin Erutse	2		Please find comments from the K'ahsho Got'ine Committee attached.		A letter in reply to the K'ahsho Got'ine Committee's August 20, 2024 letter has been submitted as a pdf file with this reply.
Yamoga Land Corporation - Edwin Erutse	3		The K'ahsho Got'ine Committee attaches the following letter to provide comment on the Board's draft Land Use Plan and Water Licence.		