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February 27, 2020

File: W2020X0001

Mr. Mark Cliffe-Phillips
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre
Box 938, 5102-50th Avenue,
Yellowknife, NT X1A 2N7

Sent by Email

Dear Mr. Cliffe-Phillips,

Re: Notice of Preliminary Screening Determination – Application for Land Use Permit – Groundwater Monitoring Wells Installation – Frank Channel, Behchokq, NT

The Wek'èezhì Land and Water Board (Board) met on February 27, 2020 and considered the Application from the Government of the Northwest Territories Environment and Natural Resources (GNWT-ENR) for Land Use Permit (Permit) [W2020X0001] for the Groundwater Monitoring Wells Installation (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board conducted a preliminary screening based on the public record for the proceeding. Based on the evidence provided, the Board is satisfied the screening has been completed according to section 125 of the MVRMA and has decided **not to refer** the project to environmental assessment. The Board's reasons for decision, as required by section 121 of the MVRMA, are attached.

If the Board does not receive notice of referral to environmental assessment, it can proceed with issuance of Permit W2020X0001 on Monday, March 9, 2020.

Our Board and staff look forward to continued communications throughout the pause period. If you have any questions or concerns regarding this letter, please contact Ryan Fequet at (867) 765-4589 or email refequet@wlwb.ca.

Yours sincerely,

A handwritten signature in blue ink that reads "Joe Mackenzie".

Joe Mackenzie,
Chair, Wek'èezhì Land and Water Board

Copied to: Wek'èezhì West Distribution List
Mischelle Remigio, GNWT-ENR

Attached: Preliminary Screening Reasons for Decision



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Reasons for Decision

Reference/File Number:	W2020X0001 (Type "A" Land Use Permit)
Applicant:	Government of the Northwest Territories Environment and Natural Resources
Subject:	Land Use Permit Application – Groundwater Monitoring Wells Installation

Decision from the Wek'èezhìi Land and Water Board

Meeting of February 27, 2020

1.0 Decision

The Wek'èezhìi Land and Water Board (WLWB or the Board) met on February 27, 2020 and considered a Land Use Permit Application from the Government of the Northwest Territories Environment and Natural Resources (GNWT-ENR). The Board determined the following: Based on the evidence provided, the Board is satisfied the screening has been completed according to subsection 124(1) of the *Mackenzie Valley Resource Management Act* (MVRMA) and has decided that, in its opinion, there is no reasonable likelihood that the proposed development is likely to have a significant adverse impact on air, water or renewable resources or might be a cause of public concern as set out in paragraph 125(2)(a) of the MVRMA.

The Board has therefore decided the following:

1. Not to refer the Project to Environmental Assessment;
2. If the Board does not receive a notice of referral to environmental assessment by March 8, 2020, the Board will issue Type A Land Use Permit W2020X0001 on Monday, March 9, 2020, for a period of five years;
3. To approve Version 1.0 of GNWT-ENR's Engagement Plan;
4. To approve Version 1.0 of GNWT-ENR's Spill Contingency Plan and directs GNWT-ENR to submit the Annual Monitoring Reports to the WLWB; and
5. To approve Version 1.0 of GNWT-ENR's Waste Management Plan.

2.0 Background

The WLWB received a Land Use Permit Application from the GNWT-ENR on January 15, 2020.¹ The purpose of the Application is to install four (4) groundwater monitoring wells at the Frank Channel Helibase site located near Frank Channel, Behchokò, NT.²

The GNWT-ENR completed an Environmental Site Assessment at the Frank Channel Helibase in 2002 and in 2008. The Environmental Site Assessment indicated that exceedances of hydrocarbons, lead, total chromium, cadmium, and iron were noted in the soil and groundwater. The GNWT-ENR stated that the installation of groundwater monitoring wells is required to support a groundwater monitoring program. The GNWT-ENR stated that the Project is to replace the existing monitoring wells on site and that the project will involve the following: borehole drilling and/or creation of excavation for test pits, and the design and installation of monitoring wells.

The Application and draft Permit were distributed for public review on January 17, 2020, inviting Parties to provide comments and recommendations using the Online Review System (ORS).³ This Application is subject to preliminary screening, as required under subsection 124(1) of the *Mackenzie Valley Resource Management Act* (MVRMA). Parties were encouraged to provide comments and recommendations (e.g., on impacts and mitigations measures) to assist with the completion of the preliminary screening. Parties' comments were due February 7, 2020. The Government of the Northwest Territories Environment and Natural Resources – Environmental Assessment and Monitoring (GNWT-ENR – EAM), the GNWT-Lands (Lands Inspector), and the GNWT-Prince of Wales Northern Heritage Centre (PWNHC), provided comments and recommendations; WLWB staff also asked questions. The Wek'èezhìi Renewable Resources Board (WRRB) indicated they had no comments or recommendations at the time; a letter from the GNWT- Lands was also received indicating that the GNWT-Lands Administration had no concerns, as the location of the application was on Tłıchò Community Government of Behchokò land. The GNWT-ENR submitted responses to reviewers' comments by the response deadline of February 14, 2020. Parties' recommendations and the Proponents' responses are available on the WLWB Online Registry.⁴

Since no concerns regarding timelines were raised during the public review and no requests to extend the reviewer comment deadline were received, the Board is satisfied that a reasonable period of notice was given to affected communities and First Nations, as required by subsection 63(2) of the MVRMA. The Board is also satisfied that the Tłıchò Government has been consulted in accordance with section 63 of the MVRMA

3.0 Reasons for Decision

3.1 Eligibility

As per section 18 of the Mackenzie Valley Land Use Regulations (MVLUR), eligibility must be determined before the Board can issue a permit. The proposed activities are to take place at Frank Channel within

¹ See WLWB (www.wlwb.ca) Online Registry for [GNWT-ENR - Frank Channel - Land Use Permit Application - Jan 15 20](#)

² See WLWB Online Registry for [GNWT-ENR - Frank Channel - Land Use Permit Application - Maps - Jan 15 20](#)

³ See WLWB Online Registry for [GNWT-ENR - Frank Channel - Draft Land Use Permit - Jan 16 20](#)

⁴ See WLWB Online Registry for [GNWT-ENR - Frank Channel - Review Summary and Attachments - Feb 14 20](#)

the Tłı̨chǫ Community Boundaries of Behchokò. As part of its Application, the GNWT-ENR submitted a copy of a signed letter from the Senior Administrative Officer of Behchokò (CGB) for Lot 4, Block 8, Plan 3918 that was approved by the Chief and Council of Behchokò for GNWT-ENR was included as part of the Application.⁵ The Board thus confirms that eligibility under Paragraph 18(b) of the MVLUR have been satisfied.

3.2 Preliminary Screening

The Board completed a preliminary screening of the Application in accordance with subsection 124(1) of the MVRMA.

3.1.1 Discussion of Potential Impacts and Proposed Mitigations

The Board conducted its own analysis of potential impacts and proposed mitigations that is summarized below (see Table 1).

Table 1: Summary of Potential Impacts of the proposed Application and proposed Mitigations

Potential Impact	Activity	Proposed Mitigations <i>Description of measures the Applicant intends to apply to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>
Noise disturbance	Drilling noise	<ul style="list-style-type: none"> • Concerns: <ul style="list-style-type: none"> ○ <u>Identified by GNWT-ENR:</u> Section 19 of the Application states that temporary noise-related impacts may occur during the drilling activities and may have the potential to cause hearing damage to those working in the immediate vicinity of the drill rig, as well as become disruptive of ecological receptors during the drilling. Potential increase in noise levels may also cause disturbance to the residents in the area. ○ <u>Identified during the public review:</u> No concerns were raised by Parties during the public review. During the public review Board staff noted that the drilling activity would increase the noise level around Frank Channel and asked if and how GNWT-ENR would be informing the residents of Frank Channel about the drilling schedule (WLWB staff comment 3). • Mitigations: <ul style="list-style-type: none"> ○ In Section 19, GNWT-ENR stated that hearing protection will be required for anyone working around the drill rig. ○ In its Engagement Plan, GNWT-ENR included that it would inform Parties of the field work schedule once the Permit was issued. ○ During the public review, GNWT-ENR responded that prior to the installation of the monitoring wells, GNWT-ENR will provide the residents with information on the drilling schedule and the work plan.

⁵ See WLWB Online Registry for [GNWT-ENR - Frank Channel - Land Use Permit Application - Eligibility Confirmation - Jan 15 20](#)

		<ul style="list-style-type: none"> • Board Analysis and Determination: <ul style="list-style-type: none"> ○ Based on the mitigations described above and the lack of concern raised by Parties, the Board does not believe that the development is likely to have a significant adverse impact on air, water or renewable resources or might be a cause of public concern.
Changes to soil stability	Removal of potential contaminated material and soil during drilling of boreholes.	<ul style="list-style-type: none"> • Concerns: <ul style="list-style-type: none"> ○ <u>Identified by GNWT-ENR:</u> Section 19 of the Application states that disturbance of land through removal of soil from the ground during drilling of boreholes may affect soil stability and quality. ○ <u>Identified during the public review:</u> No comments were received during the public review related to this potential impact. • Mitigations: <ul style="list-style-type: none"> ○ GNWT-ENR included the following mitigation: after the boreholes have been drilled, a groundwater monitoring well will be placed and backfilled around the outside of the PVC pipe with a mixture of silica, sand, and bentonite clay. The backfilling will ensure the stabilization of the hole and prevent potential collapse. • Board Analysis and Determination: <ul style="list-style-type: none"> ○ Based on the mitigations described above, the Board does not believe that the development is likely to have a significant adverse impact on air, water or renewable resources or be a cause for public concern.
Contamination of soil and water from spills of fuels, petroleum products	Use of motorized equipment; transfer and use of petroleum products	<ul style="list-style-type: none"> • Concerns: <ul style="list-style-type: none"> ○ <u>Identified by GNWT-ENR:</u> Section 19 of the Application stated that potential release of fuel into the environment through use of heavy equipment for drilling may occur. ○ <u>Identified during the public review:</u> No comments were received during the public review related to this potential impact. • Mitigations: <ul style="list-style-type: none"> ○ GNWT-ENR included the following mitigation: A Spill Contingency Plan was developed as a means to address/mitigate potential impact from spills. ○ The Board also notes that standard conditions (i.e., Conditions #85, #87, #88, #96, and #97 from the Standard List) related to fuel storage setback, secondary containment-refueling, fuel containment, spill response, and drip trays, and spill contingency conditions can be included in the Permit to help mitigate potential impacts. • Board Analysis and Determination: <ul style="list-style-type: none"> ○ Based on the mitigation described above, the Board believes the standard conditions will mitigate any potential impacts and the development is not likely to have a significant adverse impact on air, water or renewable resources or might be a cause of public

<p>Contamination of soil and Ground Water Quality</p>	<p>Monitoring contaminated soil and ground water</p>	<p style="text-align: center;">concern.</p> <ul style="list-style-type: none"> • Concerns: <ul style="list-style-type: none"> ○ <u>Identified by GNWT-ENR:</u> Section 1.8 [Site Location and Description] paragraph 2 of the Spill Contingency Plan states that an Environmental Site Assessment was conducted in 2002 and 2008. The Assessment conducted indicated that exceedances of hydrocarbons, lead, total chromium, cadmium, and iron, were noted in the soil and groundwater in the area. Section 6 (a) stated that the project is to monitor groundwater quality to increase the understanding of the environmental conditions on site. ○ The applicant stated in section 19 of the application that removing potentially contaminated material during drilling contained in the drill cuttings could cause further contamination of the surrounding area and could potentially impact flora and fauna. ○ <u>Identified During the public review:</u> No concerns were raised by Parties during the public review. During the public review Board staff asked GNWT-ENR to explain the results of the monitoring plan and/if how GNWT-ENR will be reporting these results. • Mitigations: <ul style="list-style-type: none"> ○ GNWT-ENR stated in section 1.8 paragraph 3 of the Spill Contingency Plan that a monitoring program will be required onsite to monitor the environmental conditions. ○ GNWT-ENR included the following mitigation, that soil cuttings will be contained on site during the drilling process to prevent any migration of contaminants. Once drilling has been completed, the soil cuttings will be disposed of off-site at a licensed facility. KBL Environmental LTD's letter is attached to the Waste Management Plan and they are the facility that will be accepting waste (e.g., Leachable and non-leachable soils impacted with hydrocarbons and/or metals). • Board Analysis and Determination: <ul style="list-style-type: none"> ○ Based on the mitigation mentioned above the Board does not believe that the development is likely to have a significant adverse impact on air, water or renewable resources or might be a cause of public concern.
<p>Surface Water Infiltration Changes</p>	<p>Drilling Near Water</p>	<ul style="list-style-type: none"> • Concerns: <ul style="list-style-type: none"> ○ There is a potential for drill cuttings and sludges, returned water from drilling activity, to enter the water bodies in the area. The containment of returned water in natural depressions, the burial of drill cuttings/sludges in sumps located away from the High-Water Mark and following fuel handling and spill protocols should mitigate these concerns. • Mitigations: <ul style="list-style-type: none"> ○ The Board also notes that standard conditions (i.e.,

		<p>Condition #43 and #58 from the Standard List) related to Flowing Artesian Well and Drilling Near Water or on Ice can be included in the Permit to help mitigate potential impacts.</p> <ul style="list-style-type: none"> • Board Analysis and Determination: <ul style="list-style-type: none"> ○ Based on the mitigation mentioned above the Board does not believe that that the development is likely to have a significant adverse impact on air, water or renewable resources or might be a cause of public concern.
Wildlife Habitat / Ecosystem	Impacts to NWT-Listed or Pre-Listed Species as Risk	<ul style="list-style-type: none"> • Concerns: <ul style="list-style-type: none"> ○ <u>Identified During the Public Review:</u> During the public review the GNWT-EAM recommended that “although the project overlaps with the range(s) of the species listed (i.e., Grizzly Bear, Boreal Caribou, Barren-ground Caribou, Wood Bison, and Little Brown Myotis (bat)), EAM is of the opinion that the nature, scope, scale, and timing of the proposed project are such that the likelihood of impacts to NWT-listed or pre-listed species listed above are considered to be minimal (GNWT-EAM comment 1). • Mitigations: <ul style="list-style-type: none"> ○ During the public review, GNWT-ENR responded that ENR will ensure that impacts to the species listed will be minimal during the installation of the groundwater monitoring wells. As the impact to the listed is considered to be minimal, ENR will still work to ensure that there is little to no disturbance to the threatened and special concern species. One mitigation strategy is to schedule the drilling and groundwater installation at a time that does not negatively impact the threatened species identified. ○ The Board notes that standard conditions (i.e., Condition #70 from the Standard List) related to Habitat Damage can be included in the Permit to help mitigate potential impacts. • Board Analysis and Determination: <ul style="list-style-type: none"> ○ Based on the mitigation mentioned above the Board does not believe that the development is likely to have a significant adverse impact on air, water or renewable resources or might be a cause of public concern.
Change to or Loss of Archaeological Resources	Impacts to Archaeological Sites	<ul style="list-style-type: none"> • Concerns: <ul style="list-style-type: none"> ○ <u>Identified During the Public Review:</u> During the public review the PWNHC commented that Archaeological Site KePI-1 is in close proximity to the proposed project area. Intact deposits may be present in the vicinity of proposed well sites MV19-01, MW19-02, and MW19-03 and construction activities may impact archaeological deposits. An Archaeological Impact Assessment (AIA) should be conducted prior to well installation activities. • Mitigations:

		<ul style="list-style-type: none"> ○ During the public review, GNWT-ENR responded that ENR will follow the AIA condition and will engage with the PWNHC well before the installation of the groundwater monitoring wells to discuss proper well locations to ensure that the archaeological deposits are not disturbed. GNWT-ENR also stated that they will follow and address any concerns prior to the commencement of the well installation program. ○ Drilling activity and heavy equipment use in the area associated with this Project have the potential to impact archaeological resources. The Board notes that standard conditions (i.e., Conditions #75 and #80 from the standard list) related to Archaeological Buffer and AIA can be included in the Permit to help mitigate potential impacts. • Board Analysis and Determination: <ul style="list-style-type: none"> ○ Based on the mitigation mentioned above the Board does not believe that the development is likely to have a significant adverse impact on air, water or renewable resources or might be a cause of public concern.
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Based on the information provided in the application and the public review, it is the Board’s view that the proposed development is not likely to have a significant adverse impact on air, water or renewable resources or might be a cause of public concern and therefore, has decided not to refer the Project to Environmental Assessment.

➤ **Decision #1: The Board has decided not to refer the Project to Environmental Assessment.**

3.3 Land Use Permit

A Draft Permit was included in the Item for Review. The Draft Permit was developed using the MVLWB (2019) *Standard Land Use Permit Conditions Template Version 2.1* (Standard List). During the public review, the GNWT-Lands Inspector and Prince of Wales Northern Heritage Centre submitted recommendations regarding the Draft Permit.

3.3.1 Permit Scope

The following scope was included in the Draft Permit that underwent public review:

- a) Use of earth-drilling machinery in the community specified in the application; and
- b) Establishment of a petroleum fuel storage facility.

The GNWT-Lands Inspector recommended removing Part (b) from the scope “Establishment of a petroleum fuel storage facility” from the Land Use Permit as the land use operation is occurring within the boundaries of a local government and the trigger in this case is the establishment of a fuel storage facility with a capacity equal to or exceeding 80,000 liters; the Applicant has only proposed 650 liters of fuel in the Application (GNWT-Lands Inspector comment 1). The GNWT-ENR responded that they agreed with the Inspectors recommendation. GNWT-ENR has clarified that the amount of fuel on site that is associated with the proposed activities does not hit the threshold that would require a petroleum fuel

storage facility, therefore, the Board agrees with the Inspector's recommendation that Part (b) of the scope can be removed.

3.3.2 Permit Conditions

During the public review, the GNWT-Lands Inspector recommended the deletion of two standard conditions from the Permit: 'Reports before seasonal removal' and 'Seasonal Shutdown' (i.e., Conditions #7 and #9 in the Draft Permit; GNWT-Lands Inspector comments 2 and 3). In both cases, the Inspector provided the rationale that Condition #8 in the Draft Permit (i.e., 'Report before final removal') is satisfactory for the proposed land use operation. GNWT-ENR responded that they acknowledged the Inspector's recommendation. The Board acknowledges the recommendation made by the Inspector and the Proponents' response and are of the opinion that the deletion of the two conditions are appropriate and have incorporated these changes into the Permit.

The GNWT-Lands Inspector recommended deleting the 'Notification of Solid Waste Disposal' standard condition from the Permit (i.e., Condition #26 in the Draft Permit) because a letter from the City of Yellowknife and KBL Environmental Ltd., Indicating acceptance of the waste generated for this Project, was included as part of the Application Package (GNWT-Lands Inspector comment 4). GNWT-ENR responded that they agreed with the Inspector's recommendation. The Board acknowledges that written confirmation was received regarding the Applicants waste disposal. Therefore, the Board agrees with the inspector's recommendation that this condition be removed and have updated the Permit accordingly.

The GNWT-Lands Inspector recommended deleting three standard Archaeological conditions from the Permit because they were not applicable, as the proposed land use operation will be conducted within the Community Boundaries and a developed area (GNWT-Lands Inspector comment 5). These three conditions are the Archaeology Buffer condition (i.e., Condition #30 in the Draft Permit), Archaeology Overview condition (i.e., Condition #33 in the Draft Permit), and the AIA – High Potential condition (i.e., Condition #34 in the Draft Permit). The GNWT-Prince of Wales Northern Heritage Centre recommended that in lieu of the Archaeological Overview and AIA-High Potential conditions mentioned above, the PWNHC recommended that the Permit include the AIA condition (i.e., Condition #80 from the Standard List), as the proposed project area is located in close proximity to known archaeological sites and the activities may impact archaeological deposits (GNWT-PWNHC comment 1). GNWT-ENR responded that they acknowledge the Inspector's recommendation. The Board acknowledges the Inspectors recommendation to remove the Archaeological Overview and the AIA-High Potential conditions (i.e., Conditions #33 and #34 in the Draft Permit) and note that the PWNHC didn't express any concerns with the removal of these two conditions. Therefore, the Board believes the removal of these two conditions is appropriate and have updated the Permit accordingly.

The Board acknowledges the recommendation made by the Inspector and the recommendation made by the PWNHC and agree with the PWNHC that existing and unknown archaeological sites must be protected. GNWT-ENR agreed with the PWNHC recommendation to include the AIA condition and stated that they will follow the AIA condition and ENR will be engaging with the PWNHC before the installation of the groundwater monitoring wells to discuss proper well locations and to ensure that the archaeological deposits are not disturbed. The GNWT-ENR also stated that ENR will address any

concerns prior to commencement of the well installation program (GNWT-ENR response to PWNHC comment 1). Therefore, the Board incorporated condition #80 from the Standard List: *Prior to any new land disturbance, the Permittee shall conduct an Archaeological Impact Assessment of the sites where disturbance is planned and shall submit a summary report to the Board and the Prince of Wales Northern Heritage Centre.* Because the area of operation was already disturbed, the first sentence of Condition #80 was adjusted from 'Prior to any new land disturbance' to 'Prior to any new land use activities' to ensure clarity that an AIA will be required prior to any further activity.

The PWNHC also stated in an email that an Archaeological site (i.e., KePI-1) is located within 50 m of the development, therefore the Board believes that the Archaeological Buffer condition (i.e., Condition #30 in the Draft Permit) should require a buffer of 50 m (i.e., 'The Permit shall not operate any vehicle or equipment within 50 metres of site KePI-1').

The GNWT-Lands Inspector recommended deleting three standard conditions from the Permit (i.e., Conditions #37, #40, and #41, which are related to fuel storage on site) because these conditions are not applicable to the proposed land use operation, as the Applicant hasn't proposed the establishment of a petroleum fuel storage facility and indicated that fuel storage will be less than 80,000 L (GNWT-Lands Inspector comments 6, 7, and 8). GNWT-ENR responded that they acknowledged the Inspector's recommendation.

The Board acknowledges the recommendations made by the Inspector and as the Applicant has indicated that a portable fuel tank will be used on the back of the support truck to refuel equipment on site, the Board believes the Fuel Storage Setback condition is still helpful in mitigating potential impacts related to this portable fuel tank. Because the Fuel Storage Setback condition (i.e., Condition #85 from the Standard List) is for the placement of a fuel storage container and/or tanks and not for portable fuel storage and/or tanks, the first sentence of Condition #37 in the Draft Permit was adjusted from 'The Permittee shall place Fuel Storage Containers and/or Tanks a minimum of' to 'The Permittee shall ensure the Fuel Storage Containers and/or Tanks are located a minimum of' to ensure this condition is applicable to portable fuel containers and/or tanks. Because there is no security associated with this Application, the Board agrees with the Inspector that the Maximum Fuel on Site condition is not applicable and have updated the Permit accordingly. The Board also notes that kegs, barrels, and cylinders are not being proposed to store fuel, thus the Board agrees with the Inspector that the Seal Outlet condition is not applicable and have updated the Permit accordingly.

During the public review, the GNWT-EAM submitted a comment related to species at risk and potential impacts to wildlife habitat. The GNWT-EAM stated in their recommendation that "although the project overlaps with the range(s) of the species listed (i.e., Grizzly Bear, Boreal Caribou, Barren-ground Caribou, Wood Bison, and Little Brown Myotis (bat)), EAM is of the opinion that the nature, scope, scale, and timing of the proposed project are such that the likelihood of impacts to NWT-listed or pre-listed species listed above are considered to be minimal (GNWT-EAM comment 1). The Board also notes that the Permit includes a standard condition (i.e., Condition #27 in the Draft Permit – 'Habitat Damage') which mitigates potential impacts to wildlife habitat, which is within the Board's jurisdiction.

3.3.3 Permit Issuance

After reviewing the Application, as well as all reviewer comments and proponent responses submitted during the public review, the Board will issue the Type A Land Use Permit for a period of five years.

- ***Decision #2: If the Board does not receive a notice of referral to environmental assessment by March 8, 2020, the Board will issue Land Use Permit W2020X0001 on Monday, March 9, 2020, for a period of five years.***

3.4 Management Plans

As part of its Application, the GNWT-ENR submitted Versions 1.0 of its:

- Engagement Plan;
- Spill Contingency Plan; and
- Waste Management Plan.

3.4.1 Engagement Plan

GNWT-ENR submitted Version 1.0 of its Engagement Plan.⁶ There were no concerns or recommendations from Parties with regards to Version 1.0 of the Engagement Plan. The Engagement Plan was reviewed for completeness and the Plan is in accordance with the MVLWB (2019) *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*.

- ***Decision #3: The Board approves Version 1.0 of GNWT-ENR's Engagement Plan.***

3.4.2 Spill Contingency Plan

GNWT-ENR submitted Version 1.0 of its Spill Contingency Plan.⁷ The Spill Contingency Plan was reviewed for completeness and the Plan is in accordance with INAC's (2007) *Guidelines for Spill Contingency Planning*.

During the public review, WLWB staff noted that the type and volumes of fuel listed in the Spill Contingency Plan do not match the type and volumes provided in the Application (WLWB staff comment 1). WLWB staff asked GNWT-ENR to confirm the types and total volumes of fuel that will be on site at any time. The GNWT-ENR responded that the volumes and types of fuel listed in Table 2 of the Spill Contingency Plan corresponds to the current storage of fuel onsite that will be used for the fire and forestry management operations and that this fuel is stored for the fire and forestry management only (GNWT-ENR response to WLWB comment 1). The GNWT-ENR stated that the fuel listed in the Land Use Permit Application corresponds to the type and volume that will be used for this groundwater monitoring wells installation project. The Board acknowledges the GNWT-ENR's response and had no further concerns.

⁶ See WLWB Online Registry for [GNWT-ENR - Frank Channel - Engagement Plan - Version 1.0 - Jan 15 20](#)

⁷ See WLWB Online Registry for [GNWT-ENR - Frank Channel - Spill Contingency Plan - Version 1.0 - Jan 15 20](#)

WLWB staff asked the GNWT-ENR to explain how the results will be used and/if how GNWT-ENR will be reporting these results (WLWB staff comment 2). The GNWT-ENR responded that a 5-year monitoring program is planned for this site and that the installation of the new groundwater monitoring wells is required to support the groundwater monitoring program. The GNWT-ENR stated that they will be preparing Annual Monitoring Reports, however it was unclear whether these reports will be provided outside the GNWT, the Board believes that the reports should be provided to the WLWB so that it will be made accessible to the public.

- ***Decision #4: The Board approves Version 1.0 of GNWT-ENR's Spill Contingency Plan and directs GNWT-ENR to submit the Annual Monitoring Reports to the WLWB.***

3.4.3 Waste Management Plan

GNWT-ENR submitted Version 1.0 of its Waste Management Plan.⁸ There were no concerns or recommendations from Parties with regards to Version 1.0 of the Waste Management Plan. The Waste Management Plan was reviewed for completeness and the Plan is in accordance with MVLWB (2011) *Guidelines for Developing a Waste Management Plan*.

- ***Decision #5: The Board approves Version 1.0 of GNWT-ENR's Waste Management Plan.***

Signed the 27th Day of February, 2020, on behalf of the Wek'èezhìi Land and Water Board



Witness



Joe Mackenzie
Chair, Wek'èezhìi Land and Water Board

⁸ See WLWB Online Registry for [GNWT-ENR - Frank Channel - Waste Management Plan - Version 1.0 - Jan 15 20](#)