



**Environment Environnement  
Canada Canada**

Environmental Protection Branch  
5204 - 50<sup>th</sup> Avenue  
Suite 301  
Yellowknife, NT X1A 1E2

November 10<sup>th</sup>, 2004

Our file:

Mackenzie Valley Environmental Impact Review Board  
P.O. Box 938  
5102-50<sup>th</sup> Ave.  
Yellowknife, NT X1A 2N7

Fax: (867) 873-8185

Attention: Mary Tapsell, Manager Environmental Impact Assessments

**Re: N1L4-0053 Water Licence Amendment Application Town of Hay River  
Biotreatment Pad, Hay River Landfill  
Environmental Assessment Request by K'atlodeeche First Nation**

On behalf of Environment Canada, I have reviewed the above noted letter received from the Mackenzie Valley Environmental Impact Review Board (MVEIRB) on October 28<sup>th</sup>, 2004. It is understood that concerns have been raised by the K'atlodeeche First Nation during the screening proceedings on several issues including a lack of consultation, close proximity of the site to Hay River with concerns for water contamination, and a potential for fumes to escape from the site.

Subsequently, MVEIRB is soliciting comments from various parties involved with the water licencing proceedings on the following three questions:

1. In your opinion, does the MVEIRB have the authority to conduct an environmental assessment on its own motion (MVRMA s 126(3)), given that the MVLWB has already submitted the Water Licence to the Minister for signature?
2. In your opinion, did the Town of Hay River, its contactor HAZCO, or other agencies adequately address the technical issues in their submissions to the preliminary screening proceedings?
3. In your opinion, is an environmental assessment necessary or warranted? If so, please provide a detailed description of your concerns and list the issues an environmental assessment would need to examine.

**Comments and Recommendations:**

Response to Question 1: This is a question that Environment Canada will not provide a comment on as it is felt that a legal advisor would be best to provide an answer to this question.

Response to Question #2: In general, the proponent adequately addressed the technical issues in their response letter to Environment Canada dated June 14<sup>th</sup>, 2004. However, it is still unclear as to the rationale for providing a geomembrane liner for the leachate storage pond and not for the storage and treatment cells.

Amended Type "A" Water Licence

In addition, it is difficult to determine whether or not the MVLWB has adequately addressed Environment Canada's concerns in the Amended Type "A" Water Licence given that the licence is currently waiting signature from the Minister of DIAND and is therefore not available to the public for review at this time.

Response to Question 3: It is in the opinion of Environment Canada that the issues surrounding this question have been adequately covered in the screening process under the MVRMA with the exception of not knowing what conditions have been placed in the amended Water Licence leaving Environment Canada with uncertainties as to how our concerns have been managed.

If you have any questions or concerns, I can be contacted at (867) 669-4724 or via e-mail at [lisa.lowman@ec.gc.ca](mailto:lisa.lowman@ec.gc.ca) with regard to the foregoing.

Yours Truly,

Lisa Lowman,  
Environmental Assessment/Contaminated Site Specialist

cc: Steve Harbicht, Head of A&M, EPB of Environment Canada  
Mike Fournier, EA Coordinator, A&M, EPB of Environment Canada