

Roberta Judas

From: McPherson, Morag [Morag.McPherson@dfo-mpo.gc.ca]
Sent: Tuesday, February 24, 2009 9:12 PM
To: Mark Cliffe-Phillips; Roberta Judas
Cc: Ron Breadmore; Lange, Marc; Fillatre, Gerald
Subject: RE: W2009X0002- Request for Review Comments- INAC-CARD North Inca Advanced Exploration Site Remediation
Attachments: LoA_ North Inca Remediation LUP - YK-09-0016.pdf

Hello Mark,

As requested, please find attached the Department of Fisheries and Oceans' specialist advice regarding:

Land Use Permit Application W2009X0002 - North Inca Advanced Exploration Site Remediation, Indin Lake, NT

Please feel free to contact me if you have any questions or concerns.

Thank you,
Morag

Morag McPherson

Habitat Biologist
Fisheries & Oceans Canada - Western Arctic Area
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From: Mark Cliffe-Phillips [mailto:mark_cp@wlvb.ca]
Sent: Wednesday, February 04, 2009 4:43 PM
To: 'Anne@mvlwb.com'; Boyd Warner; Charlene Coe; Charlie Football; Charlie J. Nitsiza; Colleen_Ingram@gov.nt.ca; Duane Fleming; eddie erasmus; Environmental Regulatory Analyst; Glen MacKay; Henry Gon; josephines@wcb.nt.ca; Karin Clark; Kris Johnson; Leon Lafferty; Mark Davy; Martin Haefele; McDonald, Kim; McPherson, Morag; Nicole Spencer; Perry, Lisa (Env Can); Rhonda Batchelor; Rob Marshall; Sheryl Grieve; tom_andrews@gov.nt.ca; Vern Christensen
Cc: 'Zabey Nevitt'; 'Roberta Judas'; 'Ron Breadmore'; Katherine Silcock; 'Clint Ambrose'
Subject: W2009X0002- Request for Review Comments- INAC-CARD North Inca Advanced Exploration Site Remediation
Importance: High

Hello,

Please find attached via the link below a letter requesting review comments on **INAC-Contaminants and Remediation Directorate's** land use permit **W2009X0002**. The application is for site remediation at the **North Inca Advanced Exploration Site** on Indin Lake, NT. Links to the application and supporting documents can be found here as well.

Please note that review comments are requested by **February 25, 2009**. If additional time is required to submit comments, please provide a written request for our consideration prior to the requested deadline.

The documents can be downloaded from the "Items for Review" page on our online registry, which can be accessed by clicking the hyperlink below. Once at the website, **right click on "PDF Link"** in the **INAC-Contaminants and Remediation Directorate** section and choose "**save target as**" to access the documents. *Please note that due to the size of the files, we have separated the application into three separate files for easier download.

- 1) W2009X0002- Type "A" Land Use Permit Application and Supporting Documents (inc. review request letter)
- 2) Remedial Action Plan
- 3) Community Consultation Documents

<http://www.mvlwb.ca/WLWB/Lists/Items%20Out%20For%20Review/Current.aspx>

We are hoping this method of notification and document transfer will make the review process more efficient. If there are any problems accessing the document or if you would prefer to receive the document through a different delivery method, please get back to me as soon as possible.

Please forward all review comments by email to mark_cp@wlb.ca or by fax at (867) 713-2502.

Regards,

Mark Cliffe-Phillips
Regulatory Specialist
Wek'eezhii Land and Water Board
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Fish Habitat Management
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Gestion de l'Habitat du Poisson
Suite 101 5204, 50e Avenue
Yellowknife (Territoires du Nord-Ouest)
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Your file *Votre référence*
W2009X0002

Our file *Notre référence*
YK-09-0016

February 24, 2009

Mark Cliffe-Phillips
Wek'eezhii Land and Water Board
PO Box 32
Wekweeti, NT X0E 1W0

By Email

Dear Mr. Cliffe-Phillips:

RE: Land Use Permit Application W2009X0002, North Inca Advanced Exploration Site Remediation

The Department of Fisheries and Oceans, Fish Habitat Management – Western Arctic Area (DFO) has reviewed the above mentioned Land Use Permit application submitted by Indian and Northern Affairs, Contaminants and Remediation Directorate (INAC-CARD). Under Sections 124 and 125 of the *Mackenzie Valley Resource Management Act* (MVRMA), DFO is participating in a preliminary screening by providing specialist information and/or advice. This advice may be used to assist the Wek'eezhii Land and Water Board with their responsibilities under the MVRMA.

The proposal has been reviewed to determine whether it is likely to result in impacts to fish and fish habitat which are prohibited by the habitat protection provisions of the *Fisheries Act*. Our review consisted of:

- Land Use Permit Application W2009X0002 and supporting documents, including the North Inac Remedial Action Plan distributed by the Wek'eezhii Land and Water Board.

It is our understanding from the information provided that the proposal remedial works consists of:

- Sealing surface opening and filling of surface trench;
- Excavation of contaminated soils and shoreline waste rock and transport to Colomac for treatment and appropriate disposal;
- Re-grading of waste rock pile along the shoreline;
- Demolition of infrastructure and treatment of debris as required;
- Collection and consolidation of all waste and debris for removal to Colomac landfill;
- Establishment of a small temporary field camp;
- Construction of a small spur road (approx 500m) off of the Colomac winter road to access the North Inca site (contingency and mitigation plans formed under that contract); and,
- Potential clearing and utilization of existing roads on site.

If it is determined that temporary roads are to be developed for remedial works on site, plans for any potential watercourse crossings should be forwarded to DFO for review pursuant to the *Fisheries Act*.



If it is determined that a temporary dock is required for the movement of people and supplies to site during the summer, please refer to the DFO Operational Statement for Dock and Boathouse Construction at: <http://www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/provinces-territoires-territoires/nt/os-eo08-eng.htm>. This Operational Statement provides specific advice on dock construction, including floating platforms. If conditions and measures described in the Operational Statement can not be complied with, the proponent should contact DFO with the details of the project, at which time DFO will review the proposal.

Based on the information contained in the application, DFO has concluded it has enough information to determine that Authorization under subsection 35(2) of the *Fisheries Act* for the above project, as described, will not be required. However, because the project is to occur near fish-bearing waters, the proposed work has the potential to result in the harmful alteration, disruption or destruction of fish habitat if appropriate mitigation is not applied.

In addition to the measures set out in the project proposal, the following mitigation measures, if incorporated into the project, are intended to prevent any potentially harmful impacts to fish and fish habitat:

1. In general as a best management practice for shoreline stabilization, a final slope of 2:1 (horizontal:vertical) should be considered as a minimum. Whenever possible, bioengineering techniques should be incorporated to restore some riparian function (e.g., shading, bank stability, insect fall, leaf litter).
2. Shoreline excavation work should be carried out during low water or frozen conditions and should be avoided during wet, rainy or windy conditions.
3. Restricted activity timing windows for in-water or shoreline work have been identified in the Northwest Territories to protect fish when they are most vulnerable to disturbance or sediment. For your reference, the DFO Operational Statement for Northwest Territories In-water Construction Timing Windows for the Protection of Fish and Fish Habitat can be found at: <http://www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/provinces-territoires-territoires/nt/os-eo21-eng.htm>.
4. Access to the shoreline excavation area by machinery should be limited to the top of the bank to minimize bank erosion.
5. Sediment and erosion control measures should be implemented prior to work and maintained during the work phase and until all disturbed areas are completely stabilized in order to prevent entry of sediment into the water. Control measures must be applied as required in order to achieve this at the work site.
6. Excavated material should be suitably contained or stabilized to prevent them from being a potential source of sediment for any water body.
7. Equipment operating near any water body should be free of external fluid leaks, grease, oil and mud. All activities including maintenance procedures and refuelling should be controlled to prevent the entry of petroleum products, debris, slash, rubble or other deleterious substances into any water body.



8. The Freshwater Intake End-of-Pipe Fish Screen Guideline (DFO 1995) is applied to all water intakes. To prevent the entrainment of fish, the mesh size should not exceed 2.54 mm. The intake should not disturb the substrate and the screen should be cleaned regularly. For your reference, these guidelines can be found at <http://www.dfo-mpo.gc.ca/Library/223669.pdf> and should be forwarded to the proponent.
9. All wastes, sewage containments, sumps and fuel caches should be located a minimum of 100m back from the normal high water mark of any water body, including ephemeral drainages if possible, and be sufficiently bermed or otherwise contained to ensure that these substances do not enter any water body during or after project associated activities.

DFO supports the implementation of the Contingency Plan and Emergency Spill Response Manual, as well as the Monitoring Plan as outlined in the Land Use Permit application, and can provide additional specialist information and/or advice regarding those plans as they develop.

Provided that the additional mitigation measures described above are incorporated into the proposed plans, DFO has concluded that the proposal is not likely to result in impacts to fish and fish habitat. Please be advised that any impacts to fish and fish habitat and/or the deposition of deleterious substances into fish bearing waters occurring as a result of a change in plans or failing to implement the necessary mitigation measures may result in contravention of the *Fisheries Act*.

If you have any questions, please contact me at (867) 669-4944 or by email at Morag.McPherson@dfo-mpo.gc.ca.

Sincerely,

Morag McPherson
Habitat Biologist
Fish Habitat Management
Department of Fisheries and Oceans - Western Arctic Area

Cc: Ron Breadmore, Project Manager, INAC-CARD.
Marc Lange, DFO
Gerald Fillatre, DFO