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STAFF REPORT

Company: Community Government of Wekweètì	
Location: Snare Lake Narrows	Application: W2011F0006
Date Prepared: January 4, 2012	Meeting Date: January 9, 2012
Subject: Type A Land Use Permit Application for the Wekweètì Bridge Project	

Purpose/Report Summary

The purpose of this report is to present to the Board a land use permit application for the Community Government of Wekweètì, for the Wekweètì bridge project located at Snare Lake Narrows.

Background

The Land Use Permit application was received on December 5, 2011 and was deemed complete on December 15, 2011; this application was sent out to the distribution list for review and the deadline for comments was December 28, 2011.

The Community Government of Wekweètì holds Water Licence W2011L8-0001 for the construction of a bridge across Snare Lake Narrows, NT, which WLWB staff believe is located within community lands. One of the activities associated with the Wekweètì Bridge Project also requires a Land Use Permit, namely, the use of a power-driven earth drilling machine (MVLUR 4.b.i. and 5.b.i.); therefore, the Community Government has also applied for a Land Use Permit to support the Wekweètì Bridge Project.

During the Water Licence application process, comments were provided to the WLWB by DFO, EC, AANDC Water Resources, and the Wek'èezhii Renewable Resources Board. For this Land Use Permit application process, Board staff respectfully requested that reviewers focus their comments on the use of the drill, which was not discussed during the review of Water Licence W2011L8-0001, and avoid repetition of comments that were submitted for the Water Licence review.

Staff from GNWT-Department of Transportation assisted Wekweètì throughout the application process for the Water Licence that was issued on September 20, 2011 and subsequently this land use permit application.

Discussion

The attached Review Comment Table contains the comments and recommendations received from DFO, EC and AANDC. In accordance with the LWB's Guidelines for Developing a Waste Management Plan, the AANDC Inspectors have requested a Waste Management Plan be submitted. During the review of the

corresponding Water Licence application for this project, it was determined, based on reviewer comments and the information contained in the application itself, that a Waste Management Plan wasn't necessary for this community project as the activities would take place within community boundaries and utilize existing waste management facilities. Similarly, the Land Use Permit application was deemed complete without an accompanying Waste Management Plan.

Board staff note the use of a drill is the only trigger for a land use permit and is the only aspect of the project that was not reviewed and approved under Water Licence W2011L8-0001. The Waste Management Guidelines were developed to allow staff to exercise discretion in circumstances such as these, where the waste management is extremely minimal and straightforward. Board staff will work with the CGB to ensure an updated Operations and Maintenance Plan is submitted in accordance with Part I, Item 1, of Wekweèti's Water Licence.

Preliminary Screening

A preliminary screening was completed by Board staff because staff considers the use of a drill to be a modification of the development that was screened for Water Licence W2011L8-0001. However, the preliminary screening document is identical to the screening for W2011L8-0001: Board staff do not expect the use of a drill, which is the reason for this Land Use Permit application, to result in any new impacts or mitigation measures.

Security

The applicant for this land use permit is the Community Government of Wekweeti and the proposed activities are within the community boundary, therefore, Board staff do not recommend a security deposit.

Recommendation

Board staff recommends that:

1. The Board approves the attached Preliminary Screening with its Reasons for Decision.
2. The Board approves the Land Use Permit W2011F0006 for a period of five (5) years.
3. The Board approves the attached Reasons for Decision for the Land Use Permit.
4. The Board requires the Community Government of Wekweèti to submit an updated Operations and Maintenance Plan for approval.

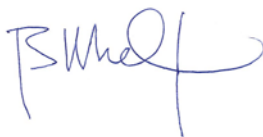
Attachments

- Land Use Permit Application and Supporting Documents
- Review Comment Table
- Letter from Reviewers
- Preliminary Screening with Reasons for Decision
- Draft Land Use Permit Terms and Conditions
- Draft Issuance Letter

Respectfully submitted,



Roberta Judas
Regulatory Technician



Brett Wheler
Regulatory Specialist



Ryan Fequet
Regulatory Specialist

Review Comment Table

W2011F0006 - Wekweeti Bridge - Land Use Permit Application (WLWB)

Proponent:	Community Government of Wekweeti
File(s):	W2011F0006
Document(s):	Land Use Permit Application (1805KB) W2011L8-0001 Water Licence Application and Spill Contingency Plan - Jan 10_11 (3717) W2011L8-0001 Water Licence Application - Additional Engineered Drawings - May 6_11 (1355) W2011L8-0001 Water Licence Issuance and Board Decision Package - Sep 20_11 (677)
Reviewer Comments Due By:	Dec 28, 2011
General Review Information:	<p>The Community Government of Wekweèti holds Water Licence W2011L8-0001 for the construction of a bridge across Snare Lake Narrows, NT, which WLWB staff believe is located within community lands. One of the activities associated with the Wekweèti Bridge Project also requires a Land Use Permit, namely, use of a power-driven earth drilling machine (MVLUR 4.b.i. and 5.b.i.); therefore, the Community Government has also applied for a Land Use Permit to support the Wekweèti Bridge Project. During the Water Licence application process, comments were provided to the WLWB by DFO, EC, AANDC Water Resources, and the Wek'eezhii Renewable Resources Board. For this Land Use Permit application process, Board staff respectfully request that reviewers focus their comments/recommendations on the use of the drill, which was not discussed during the review of Water Licence W2011L8-0001, and avoid repetition of comments that were submitted for the Water Licence review.</p> <p>WLWB staff are of the opinion that a Preliminary Screening is required for use of a the drill, which was not screened during the Water Licence application. Please contact Roberta Judas or Brett Wheler if you have any questions.</p>
Distribution List:	Dec 15 at 16:51 .

Comment Summary

Environment Canada: EA Environment Canada				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
2	General File	Comment: cover letter		
1	General comments	<p>Comment: The proponent is applying for a Land Use Permit in order to allow the drilling of pilot holes prior to driving piles at the bridge project location. This activity was not submitted with the Water Licence Application.</p> <p>Recommendation: EC has no issues with the drilling of the pilot holes at the project location. Water Licence Permit conditions and comments and recommendations submitted on behalf of EC would still apply to the Land Use Permit.</p>		Jan 4: No Board staff response necessary.
Fisheries and Oceans Canada: Rick Walbourne				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	In-water works	<p>Comment: During the review of Water Licence W2011L8-0001, GNWT-DOT (on behalf of the Tlicho Community of Wekweeti) stated that all works would be conducted when the channel is frozen to the bottom and "should flowing water be encountered during the pile driving process, the contractor will be required to cease operations and consult with DFO prior to proceeding with construction" (DOT to DFO, August 23rd, 2011)</p> <p>Recommendation: As drilling will be required to</p>	Dec 19: DOT (reponding on behalf of Tlicho Community of Wekweeti as Technical advisor). - All of the original commitments remain the same. The need for pilot holes does not change the method of construction. As such, drilling that would	Dec 19: Proponent response is acceptable.

		create pilot holes prior to pile driving, DFO assumes that the same frozen conditions would be present. All previous commitments and recommendations related to pile driving below the HWM should also apply to drilling of pilot holes.	encounter "flowing water" would ultimately be treated the same as pile driving encountering flowing water. If flowing water is encountered, the operation ceases and DFO and the WLWB will be notified prior to advancing any further piles.	
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GNWT - Environment and Natural Resources: Patrick Clancy

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General Comment	Comment: (Submitted after Due Date) NO Comment Recommendation: No Recommendation		

INAC - South Mackenzie District Office: Charlene Coe

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	Comment: Covering letter, general comments		

INAC - South Mackenzie District Office: Nahum Lee

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
2	General Comment	Comment: Spill Contingency Plan does not include MSDS sheets for fuels and lubricants. Recommendation: MSDS sheets must be	Jan 4: The Spill Contingency Plan will be updated following issuance to include MSDS sheets for fuels	Jan 4: Proponent response is acceptable.

		appended to the Spill Contingency Plan.	and lubricants.	
3	General Comment	<p>Comment: No waste management plan has been submitted with the application.</p> <p>Recommendation: Applicant must submit a waste management plan.</p>		<p>Jan 3: During the review of the corresponding Water Licence application for this project, it was determined, based on reviewer comments and the information contained in the application itself, that a Waste Management Plan wasn't necessary for this community project as the activities would take place within community boundaries and utilize existing waste management facilities. Similarly, the Land Use Permit application was deemed complete without an accompanying Waste Management Plan. Board staff note the use of a drill is the only trigger for a land use permit and is the only aspect of the project that was not reviewed and approved under Water Licence W2011L8-0001.</p>

				<p>The Waste Management Guidelines were developed to allow staff to exercise discretion in circumstances such as these, where the waste management is extremely minimal and straightforward. Board staff will work with the CGB to ensure an updated Operations and Maintenance Plan is submitted in accordance with Part I, Item 1, of Wekweètì's Water Licence.</p>
3	General Comment	<p>Comment: Inspector Recommended Conditions. Conditions Highlighted in Yellow are directly from Water Licence W2011L8-001.</p> <p>Recommendation: Include recommended conditions in permit once issued.</p>		<p>Jan 4: Conditions suggested by Inspector will be considered in drafting of the permit.</p>



#16 Yellowknife Airport
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December 28, 2011

W2011F0006

Wek'eezhii Land and Water Board
P.O. Box 32
WEKWEETI, NT XOE 1W0

ATTENTION: Brett Wheler

Dear Mr. Wheler;

**Re: LUPA W2011F0006 – Community Government of Wekweeti
Construction of winter road access to support bridge construction
Snare Lake Narrows**

Aboriginal Affairs and Northern Development Canada (AANDC) reviewed Land Use Permit Application W2011F0006, submitted by the Community of Wekweeti.

Comments and recommended operating conditions were posted on the WLWB's on-line review comment table by our Inspector, Nahum Lee on December 22, 2011.

Comments received from Land Administration indicate no concerns as project is located on Tlicho lands.

Thank you for the opportunity to comment on this application. Should you have any questions or concerns regarding our comments or require further information, please contact Nahum Lee at (867) 669-2757 or myself at 867-669-2794.

Yours truly,

Clint Ambrose
Acting District Manager
South Mackenzie District

Enclosures

cc: RMO – Yellowknife Sub-district

CA/cc



Environmental Assessment North (NT & NU)
Environmental Protection Operations (EPO)
Prairie and Northern Region
5019 52nd Street, 4th Floor
P.O. Box 2310
Yellowknife, NT X1A 2P7

22nd December 2011

Our File:4709 012 002

Wek'eezhii Land and Water Board
Box 32
Wekweeti, NT X0E 1W0

Attention: Brett Wheler

brett@wllwb.ca

Re: W2011F0006 – Community Government of Wekweeti – Land Use Permit Application – Wekweeti Bridge Project.

Environment Canada's contribution to your request for specialist advice is provided pursuant to **Section 36(3)** of the *Fisheries Act*, the *Canadian Environmental Protection Act* (CEPA), the *Migratory Birds Convention Act* (MBCA), and the *Species at Risk Act* (SARA).

Environment Canada has reviewed the Land Use Permit Application submitted by the Community Government of Wekweeti and has no issues with the use of a drill to establish pilot holes prior to driving piles at the project site. Permit conditions and mitigative measures proposed by the proponent and comments submitted on behalf of EC for the Water Licence would still apply to the Land Use Permit.

EPO should be notified of changes in the proposed or permitted activities associated with this application.

If you have any further questions or comments, please do not hesitate to contact me at (867) 669-4744 or ron.bujold@ec.gc.ca.

Yours truly,

Ron Bujold
Environmental Assessment Officer

cc: Carey Ogilvie (Head, EA-North, EPO)



January 4, 2012

Ryan Fequet
Regulatory Specialist
Wek'eezhii Land and Water Board
#1-4905 48th Street
Yellowknife, NT
X1A 3S3

Dear Mr. Fequet:

**Re: Community Government of Wekweeti
Land Use Permit Application - W2011F0006
Wekweeti Bridge Project
Request for Review and Comment**

The Department of Environment and Natural Resources has reviewed the above application based on its mandated responsibilities under the *Environmental Protection Act*, the *Forest Management Act*, the *Forest Protection Act* and the *Wildlife Act* and has no comments or recommendations at this time.

If you have any questions or concerns, please do not hesitate to contact Patrick Clancy, Environmental Regulatory Analyst at 920-6118 or email at patrick.clancy@gov.nt.ca.

Sincerely,

Patrick Clancy
Environmental Regulatory Analyst
Environmental Assessment and Monitoring
Land and Water Division
Department of Environment and Natural Resources
GNWT