



May 29, 2020

Bijaya Adhikari
Science and Regulatory Coordinator
Inuvialuit Water Board
P.O. Box 2531
125 Mackenzie Road
Suite 302, Professional Building
Inuvik, NT X0E 0T0

**Re: Imperial Oil Resources
Water Licence Renewal Application – N7L1-1836
Remediation of BAR-C Tununuk Point
Request for Review and Comments**

Dear Mr. Adhikari,

The Department of Environment and Natural Resources (ENR), Government of the Northwest Territories has reviewed the renewal application at reference based on its mandated responsibilities under the *Environmental Protection Act*, the *Forest Management Act*, the *Forest Protection Act*, the *Species at Risk (NWT) Act*, the *Waters Act* and the *Wildlife Act* and provides the following comment for the consideration of the Board.

Topic 1: Industrial and Solid, Liquid or Sewage Waste Disposal

Comment(s):

It is stated in the Water Licence renewal application (dated March 25, 2020) that all types of waste will be brought back to Inuvik for disposal.

If the Proponents Waste Management Plan or methods of waste disposal indicate that project waste, or industrial waste, will be transported to community infrastructure for disposal, the Proponent should not assume they may deposit industrial wastes, generated outside of community boundaries, in Northwest Territories community Solid and Liquid Waste Disposal Facilities.

Recommendation(s):

- 1) Should the Proponent intend to deposit waste in an NWT community Solid and

Liquid Waste Disposal Facility, ENR requests that the Proponent demonstrate in a Waste Management Plan, and to the Board, that the receiving communities' Solid and Liquid Waste Disposal Facility holds a Water Licence that authorizes the disposal of any industrial waste streams originating from outside municipal boundaries. The Proponent should also demonstrate to the Board that the community has been consulted, and has consented in writing, regarding the use of its infrastructure for disposal of the waste streams, including hazardous waste, and quantities in question, and that the disposal of such wastes will not contravene the Waters Act or the *Environmental Protection Act* and related Regulations and Guidelines.

- 2) A proper final disposal location will need to be located with written approval from the Town of Inuvik for disposal of any/all hazardous wastes.
- 3) ENR recommends the proponent provide the types and estimates of the waste that will be generated.

Topic 2: Hazardous Waste Management

Comment(s):

All Proponents that generate hazardous wastes must be registered as a generator of hazardous waste in the NWT.

The Guideline for the General Management of Hazardous Waste in the NWT defines hazardous waste and outlines the roles and responsibilities of generators, carriers, and receivers of hazardous waste in the NWT. The ENR, Environment Division (ED) registers generators, carriers, receivers, and tracks the disposal of hazardous waste generated in the NWT to registered receiving facilities on hazardous waste movement documents (manifest). The definition of hazardous waste includes all waste materials that are 'dangerous goods' according to the Transportation of Dangerous Goods Regulations, and any additional waste of special concern that the ED has determined hazardous until proven otherwise, including but not limited to:

- a) incinerator waste and/or residuals (including bottom ash and fly ash);
- b) any liquid or solid wastes contaminated with refined petroleum products;
- c) bilge wastes;
- d) vehicle or vessel servicing wastes
- e) drilling wastes;
- f) produced fluids (Glycol / Hydrocarbon / Inorganic Mixtures);
- g) tailings; and
- h) any hydrocarbon, lead, mercury or other forms of contaminated soils.

The Guideline for the General Management of Hazardous Waste in the NWT and the Transportation of Dangerous Good Regulations may be found at the following sites:

http://www.enr.gov.nt.ca/sites/enr/files/guidelines/general_management.pdf

<http://www.tc.gc.ca/eng/tdg/clear-menu-497.htm>

Recommendation(s):

- 1) If the Proponent is using or generating hazardous waste, they must register as a generator of hazardous waste in the NWT and track the disposal of hazardous waste from the site activities to registered receivers on hazardous waste movement documents provided by ENR. Please contact the Environment Division, ENR to register or for more information contact Mr. Lee Ross, Hazardous Waste Management Specialist, Environmental Protection and Waste Management Division by email (Lee.Ross@gov.nt.ca) or by phone (867) 767-9236 extension 53187.

Topic 3: Fuel Storage and Spill Contingency Planning and Reporting

Comment(s):

The proponent has concluded that '*potential environmental impacts are limited to fuel/fluid releases from equipment...*'. ENR notes that the amount of fuel/fluid and equipment on site has not been provided. ENR also acknowledges the proponents email response to the IWB request for additional information to provide an updated Spill Contingency Plan to the IWB by May 11, 2020. ENR looks forward to reviewing this Spill Contingency Plan.

Also, the Proponent should also follow best practices for fuel storage and spill containment during project activities which may include the following recommendations.

Recommendation(s):

- 1) ENR requests additional information on the volume of fuel/fluid and equipment on site, be provided.
- 2) The Spill Contingency Plan discussed above should be forwarded to ENR for review and subsequent Board approval.
- 2) To assist in spill contingency planning, information is provided in EPA *Spill Contingency Planning and Reporting Regulations* found here:

<https://www.justice.gov.nt.ca/en/files/legislation/environmental-protection/environmental-protection.r2.pdf>

If clarification or further information is needed please contact the Environment Division, ENR directly to aid in the development of the Plan

- 4) In accordance with the *Spill Contingency Planning and Reporting Regulations Section 10*, all spills in accordance with Schedule B must be reported immediately to the 24-hour Spill Report Line (867) 920-8130.
- 5) With respect to the *Environmental Protection Act Section 5 (1b)* all spills, regardless of amount, must be cleaned up, and contaminated materials disposed of at an approved facility, or in an approved manner. Additionally, as indicated in *Section 5(1c)* all reasonable efforts must be made to notify any parties affected or potentially affected by the spill.
- 6) Unless stated otherwise in the Water Licence, fuel storage areas should be greater than 100m distance from the ordinary high water mark of a water body and not located in a drainage channel.
- 7) All fuel or storage vessels containing hazardous substances left for extended periods of time (including overnight in vehicles), should be stationed in an area that contains sufficient secondary containment (i.e. Drip pans, lined bermed areas, double walled enviro-tanks etc.).
- 8) It is recommended spill kits be provided. Personnel should be trained to ensure that in the event of a spill it is contained and remediated appropriately to industry-accepted best practices and regulatory approval. In case refuelling takes place near water, in water spill planning should be considered to prevent inadvertent releases.
- 9) ENR recommends, for the operator's convenience and increased environmental protection, that all heavy equipment and refuelling vehicles carry portable spill kits that include items such as absorbent pads, containment booms, and spill pool catchment receptacles. Readily available and fully stocked spill kits can effectively mitigate potential spills.

Topic 4: Wildlife: NWT Listed and Pre-listed Species at Risk

Comment(s):

Sections 76 and 77 of the *Species at Risk (NWT) Act* require the Minister of Environment and Natural Resources to make a submission to the body responsible for assessing the potential impacts of a proposed development, or for considering a Land Use Permit or Water Licence application, respecting the potential impacts of the proposed development, Permit or Licence application on a NWT-listed or pre-listed species or its habitat. NWT-listed species are those that are on the NWT List

of Species at Risk. Pre-listed species are those that have been assessed by the NWT Species at Risk Committee (SARC) but have not yet been added to the NWT List of Species at Risk.

The Proponent should be aware that NWT-listed or pre-listed species at risk and their habitat may also be subject to protection under existing sections of the NWT *Wildlife Act*.

As a best practice, ENR encourages the Proponent to consider potential impacts, mitigation measures and monitoring requirements for species at risk listed under the federal *Species at Risk Act*, as well as those designated as at risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) that may occur in the project area, and the prohibitions that may apply to these species under federal legislation.

The project area overlaps with the ranges of the following NWT-listed and/or pre-listed species:

- [Barren-ground Caribou](#) - Threatened in the NWT
- [Grizzly Bear](#) - Special Concern in NWT
- [Polar Bear](#) - Special Concern in NWT

Recommendation(s):

- 1) Although the project overlaps with the range(s) of the species listed above, ENR is of the opinion that the nature, scope, scale and/or timing of the proposed project are such that the likelihood of impacts to NWT-listed or pre-listed species listed above can be avoided or minimized if ENR's wildlife recommendations in this letter are implemented as necessary, including the application of any wildlife mitigation and monitoring measures imposed by the ILA, and the application of any wildlife mitigation and monitoring measures outlined in the Proponent's authorization, application and supporting documents.

Topic 5: Wildlife Disturbance and Harassment

Comment(s):

Unless authorized by a Licence or Permit, paragraphs 52(a) and (b) of the *Wildlife Act* prohibit engaging in an activity that is likely to result in significant disturbance to big game or other prescribed wildlife, or to unnecessarily chase, fatigue, disturb, torment or otherwise harass game or other prescribed wildlife.

Schedule A – Part 1 of the *Wildlife General Regulations*, sets out the species prescribed as big game, and Schedule B sets out prescribed wildlife for the purpose of paragraphs 52(a) and (b) of the *Wildlife Act*.

Disturbance to wildlife from sources such as noise, light, vibrations, and human presence can result in energetic stress, avoidance of key habitat, loss of reproductive fitness, injury or mortality of wildlife. Activities that may cause sensory disturbance to wildlife include vehicle traffic, stationary machinery, noise from blasting, excavation, crushing, seismic testing, vegetation clearing, and lighting or flaring.

Recommendation(s):

- 1) The Proponent should be aware that no wildlife should be disturbed, chased, or harassed by human beings on foot, in a motorized vehicle, or by aircraft. Unless authorized by a Licence or Permit, paragraphs 52(a) and (b) of the *Wildlife Act* prohibit engaging in an activity that is likely to result in significant disturbance to big game or other prescribed wildlife, or to unnecessarily chase, fatigue, disturb, torment or otherwise harass game or other prescribed wildlife. However, subject to section 55 of the *Wildlife Act* a person may chase wildlife away from a camp or work site if doing so is necessary to prevent injury or death to a person or damage to property.
- 2) Wildlife shall be given the right of way at all times.
- 3) Suspend activities temporarily if one or more individuals of a big game species are spotted within five hundred (500) meters of the work site.

Topic 6: Wildlife Sightings and Encounters

Comment(s):

Proponents are encouraged to record wildlife sightings and to submit these records to ENR's WMIS. Wildlife sightings data provides useful information for assessing changes in species distribution and the timing and location of different life history events such as migration, denning, nesting, calving, etc.

Recommendation(s):

- 1) Submit information about wildlife sightings (species, date, time, location, number of individuals, sex, behaviour, etc.) to WMIS at WMISTeam@gov.nt.ca. Inuvik Region, ENR is especially interested in observations of caribou, muskox and any bear sightings. For further information on the WMIS consult:

- 2) Contact the Inuvik regional ENR office at 867-678-6650, to report wildlife sightings, and to obtain blank wildlife sightings forms.
- 3) It is recommended the proponent and personnel observe the advice in the attached *General Bear Encounter Guidelines*.

Topic 7: Wildlife Attractants and Waste Management

Comment(s):

Subject to sub-section 66(1) of the *Wildlife Act* no person shall store food, waste, or other substances in a manner that may attract big game or other prescribed wildlife and put people, domestic animals, or wildlife in danger.

Subject to sub-section 65(1) of the *Wildlife Act*, it is illegal to intentionally feed big game, furbearers or other prescribed wildlife. Schedule A – Part 2 of the *Wildlife General Regulations* sets out the species prescribed as fur-bearers.

Recommendation(s):

- 1) The Proponent should utilize food and garbage handling and storage procedures that will minimize the attraction of wildlife.
- 2) The Proponent should store all food, waste, washed recyclables and debris that may attract wildlife within sealed animal proof containers until final disposal.
- 3) The Proponent should ensure that sealed animal proof containers are cleaned once emptied to minimize the attraction of wildlife.
- 4) The Proponent should remove all waste petroleum products including used oil filters, rags, scrap metal, discarded machinery, parts, drums, barrels, or plastics to an approved waste disposal facility.

Topic 8: Reporting Wildlife Defence/Property Kills and Wildlife Incidents

Comment(s):

Subject to paragraph 57(a) of the *Wildlife Act*, any big game or other prescribed wildlife that is killed to prevent injury or death to a person or damage to property must be reported to ENR as soon as is practicable. Section 7 of the *Wildlife General Regulations* describes what information must be included in the report.

Subject to section 58 of the *Wildlife Act* and sub-section 8(1) of the *Wildlife General Regulations*, any person who accidentally kills or seriously wounds big game or other prescribed wildlife with a motorized vehicle on a highway must report the event to an officer within 24 hours after the incident.

Recommendation(s):

- 1) Report all sightings of bears in and around the project location to your local ENR office. Any defence of life and property kills must be reported to the appropriate ENR office immediately. Please contact the following Regional Office as required:
 - Inuvik Region Wildlife Emergency Line at (867) 678-0289
- 2) Ensure all field personnel have completed a bear safety training course to decrease the risk of attracting bears to work sites and threats to human safety, learn how to respond to bear encounters, and decrease the risk of wildlife mortality resulting from kills in defence of life and property.
- 3) Consult the “Safety in Grizzly Bear and Black Bear Country” brochure, available at:
http://www.enr.gov.nt.ca/sites/enr/files/resources/safety_in_grizzly_and_black_bear_country_english.pdf
- 4) Report to an ENR officer as soon as is practicable any wildlife that is killed to prevent injury or death to a person or damage to property.
- 5) Report to an ENR officer any big game or other prescribed wildlife that is killed or seriously wounded by a motorized vehicle on a highway within 24 hours after the incident.
- 6) Reports must include at minimum the name of the person who killed or injured the wildlife, an explanation of the incident, the time, date and location of the incident, the species or quantity involved, and any other information requested by the wildlife officer.
- 7) Contact the regional ENR office to obtain blank wildlife incident forms.

Topic 9: Cumulative Effects Tracking

Comment(s):

Keeping track of the disturbance footprint of development activities is an important component of tracking and informing the management of cumulative effects on wildlife and wildlife habitat.

Recommendation(s):

- 1) The Proponent should submit the final bounding coordinates or geospatial data for the proposed project footprint and for the completed project footprint to the Land and Water Board for placement on the public registry. The Mackenzie Valley Land and Water Board's "*Standards for Geographic Information Systems (GIS) Submissions*" should be followed when submitting spatial data.

Topic 10: Wildlife Abodes

Comment(s):

Subject to sub-section 51(2) of the *Wildlife Act*, it is illegal to break into, destroy, or damage a den, beaver dam or lodge, muskrat push-up or hibernaculum unless you have an Aboriginal or treaty right or a Permit to do so.

Protection of dens, beaver lodges, muskrat push-ups, and hibernacula is essential to ensuring reproductive success and survival of both adults and young.

Recommendation(s):

- 1) The Proponent should conduct pre-activity surveys within 800m of the project footprint to identify active bear dens if project activities will occur between September 30 and March 30. Surveys should be conducted in the fall to detect freshly dug dens.
- 2) If an active bear den is detected, or suspected, the Proponent should implement and maintain an 800 m exclusion zone until the bear emerges in spring.
- 3) If a bear den and exclusion zone would result in the halt of part or the entire program, the Proponent should contact ENR to discuss alternative mitigation options. The location of active bear dens should be kept confidential between the developer and ENR until after emergence in the spring.
- 4) It is recommended that, if encountered, beaver lodges, muskrat push-ups, and hibernacula are not disturbed or damaged.

Topic 11: Landfills

Comment(s):

Large, deep cracks have been noted within the landfill areas during two Water Licence inspections, dated September 13, 2018 and October 10, 2019, respectively.

Recommendation(s):

- 1) ENR recommends that the proponent undergo reassessment of the landfill areas and recap the landfills to avoid further progression of cracking within the project area.

Topic 12: Soil and Ground Water Samples**Comment(s):**

No soil and ground water samples were observed to be taken from the ground water stations during inspections over the past two (2) years.

Recommendation(s):

- 1) ENR recommends the proponent take samples annually and provide copies of the results to the Water License inspector.

Topic 13: Re- Fueling Equipment**Comment(s):**

It has been noted in the inspection report dated March 13, 2017 (inspection dated March 08, 2017) that refueling of heavy equipment occurred within 30 metres of the high water mark.

Corrections were made by the proponent shortly after.

Recommendation(s):

- 1) ENR would like to remind the proponent that in accordance to section 7(c) of the 2017 amended Water Licence (N7L1-1836) all methods of refueling shall be done above the 30 meter high water mark.

Topic 14: Studies Undertaken to Date**Comment(s):**

In Section 12, Imperial has listed a number of studies undertaken to date. ENR notes that it would be helpful if Imperial include hyperlinks to these studies so they can be more easily accessed by the reviewer.

Recommendation(s):

- 1) ENR recommends that Imperial include hyperlinks to its studies undertaken to date, in future submissions.

Comments and recommendations were provided by ENR technical experts in the Environmental Protection and Waste Management Division, the Wildlife Division and the Inuvik Region and were coordinated and collated by the Environmental Assessment and Monitoring Section (EAM), Environmental Stewardship and Climate Change Division.

Should you have any questions or concerns, please do not hesitate to contact Patrick Clancy, Environmental Regulatory Analyst at (867) 767-9233 Ext: 53096 or email patrick.clancy@gov.nt.ca.

Sincerely,



Patrick Clancy
Environmental Regulatory Analyst
Environmental Assessment and Monitoring Section
Environmental Stewardship and Climate Change Division
Department of Environment and Natural Resources
Government of the Northwest Territories

Att: Bear Encounter Guidelines